

# ESSENTIAL BUT INVISIBLE AND EXPLOITED

A LITERATURE  
REVIEW OF  
MIGRANT WORKERS'  
EXPERIENCES  
IN EUROPEAN  
AGRICULTURE

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# EXECUTIVE SUMMARY

The EU's agricultural sector depends on migrant labour from more recently acceded member states, non-EU European countries, and non-European countries. A study of literature covering Finland, France, Germany, Greece, Italy, the Netherlands, Poland, Spain and Sweden shows the broad range of problems faced by millions of migrant workers who keep Europe fed. The work is hard, days often long – and employers and intermediaries can be exploitative.

Migrants can either be hired after they arrive or in their country of origin. For the latter, in order to pay lower wages and/or maintain deliberate demographic selection criteria (based on gender, origin, migration status, etc.), some employers work through intermediaries to hire 'posted workers'. Not only do these migrants often pay to be hired, but they may also find their pay reduced further to cover private health insurance when they begin working, because they are not covered by social insurance in the country they work in.

In terms of spontaneous arrivals of migrants, although a large proportion of labour is from the newest EU members, such as Romania and Bulgaria, there is a large range of nationalities represented, among which there is also a significant part of irregular migrants who do not come from the EU, i.e., those without valid paperwork to be in the country. For the latter, a work contract, even with unfair/unethical/exploitative conditions, is one of the only ways to regularize their status in Europe and obtain authorized residence in most European countries. This gives some employers greater leverage over them, and thus more opportunity to exploit them. Additionally, those holding short-term seasonal work permits face substantial challenges due to the conditions and terms of their permits and recruitment processes. Similarly, undocumented migrants find themselves in an even more precarious position, heavily dependent on their employers due to limited opportunities to regularize their status and access decent work.

Wages for staff are low, in some cases below the local minimum wage. A common tactic for underpaying migrants is to deduct the cost of basic needs such as accommodation, food and mandatory protective equipment from wages, often at inflated prices. Migrants also face delayed payments, the denial of payment, or unpaid overtime. However, workers are unlikely to complain due to fear of reprisals, ranging from being further denied work or pay, to dismissal. For those undertaking piecework, the incentive to self-exploit has serious health consequences.

**PIECEWORK** is a system of payment based on the amount of work performed or units of production completed, rather than a fixed or hourly wage. Under this system, workers receive a specific amount of money for each piece produced, task completed or project finished.

Housing arrangements vary. For those living on-site, provisions tend to be very basic: migrants often lodge inside cramped containers. Those who do not live on site often live in makeshift shantytowns nearby, without access to electricity, running water or other basic infrastructure. Those without an official address, cannot register with a clinic, and thus cannot access healthcare services. The remoteness of farms can make access to shops and other services difficult, and transport can be prohibitively expensive.

Without appropriate translation of safety instructions and, in many cases, the provision of legally required safety equipment, migrants are put at risk. For example, 20 workers were poisoned by phytosanitary products in Italy; and a Nicaraguan worker in Murcia, Spain, died after working 11 hours in 44°C heat without being provided water.

In some cases, employers use violence against their staff, including forcing them to remain silent about workplace abuses, confiscation of personal documents and sexual assault. In some cases, migrants' frustrations with their exploitation have led to acts of resistance. However, in most cases, employers have tended to simply replace their workforces for subsequent seasons, as a form of 'union busting' in the face of such resistance.

Although the COVID-19 pandemic caused the plight of migrant agricultural workers to enter the news in some countries, their 'essential worker' status did not result in any actual improvement in their treatment.

## RECOMMENDATIONS

Migrant workers in the agricultural sector face multiple challenges in their daily lives, especially in Europe, where the situation is both severe and structural. Critical aspects include labour and wage insecurities, limited access to essential services, and insufficient protection against occupational hazards. These issues are exacerbated by the instability of their legal status and systemic discrimination, making their integration and well-being in host countries more difficult. Additionally, migrant women workers face additional challenges related to their sexual and reproductive health that can significantly impact their personal and work lives.

To address these difficulties, it is crucial to implement significant changes through effective policies and commitments both in the short and long term. Organizations like Oxfam have been actively involved in combating these inequities and human rights abuses. Based on years of experience and collaboration with various entities, we propose a comprehensive approach that includes:

- ▶ **Strengthening the scope and effectiveness of the social conditionality of the Common Agricultural Policy (CAP):** improving the application of policies that ensure compliance with higher labour and social standards across all agricultural programs and payments. This includes special attention to the protecting workers in sectors particularly prone to exploitation.
- ▶ **Focus on Human Rights:** Emphasizing the need to integrate human rights principles and ethical practices into the agri-food value chains, ensuring that agricultural policies are not only effective but also respect the fundamental rights of workers, with special consideration towards the needs of women and other vulnerable groups.

- ▶ **Representation and Advocacy for Workers:** Promoting greater inclusion and representation of migrant workers and other vulnerable groups in union structures and political decisions, to ensure that the measures implemented reflect and address their specific needs and challenges.
- ▶ **Improvement of Living and Working Conditions:** Proposing the allocation of specific resources to improve the housing and transportation conditions of migrant agricultural workers, in addition to strengthening training in occupational safety and health adapted to the cultural and linguistic diversity of the workforce.

These actions aim to create a fairer and safer working environment for migrant agricultural workers in Europe, focusing on policies that not only improve labour conditions but also promote a comprehensive respect for human rights.

These policy recommendations are detailed in the final part of this report.



View of an agricultural farm from the sky. Photo: Pablo Tosco/Oxfam Intermon.

# 1 INTRODUCTION

Structural changes since the 1980s have transformed the European agricultural sector.<sup>1</sup> The protectionism of the European Commission's Common Agricultural Policy (CAP) and its subsidies created a division of labour in which the bulk of agri-food production in the bloc fell onto the Mediterranean countries, while promoting the industrialization that gave rise to ultra-productive and globalized enclaves.<sup>2</sup> One of the most significant changes has been from traditional agriculture to mass production driven by larger companies and cooperatives, and from family/peasant labour to wage labour as the predominant sources of agri-food products for European markets.

Although family farming is still predominant in some enclaves in some countries, industrial agriculture has become the main supplier of agri-food products to the European market. Such production is characterised by employing thousands of workers to handle tasks from harvesting to packaging to produce tons of fresh fruit and vegetables ready for export across the continent. However, these industrial transformations occurred when the rural exodus, following the neoliberal leap in the European economies, was already unstoppable. With younger rural demographics leaving for the cities, immigration was the way to find workforces large enough to cover the sector's needs while rural areas characterised by emigration and an ageing population.<sup>3</sup>

Compared to other sectors, agriculture guaranteed easy access to a job, allowing migrants to support themselves in their destination countries. Today, migrant workers have become a structural element of the agri-food chain, one of the driving forces of a critical sector for European policies.<sup>4</sup>

However, in addition to a job already commonly identified as one of the most dangerous,<sup>5</sup> there is the fact that, on too many occasions, it is carried out by migrants in deplorable social and working conditions.<sup>6</sup> In addition to practices such as paying meagre wages for long working hours and the proliferation of piecework, there is also evidence of exploitation of migrant workers in ways that systematically violate labour and human rights legislation.<sup>7</sup> The proliferation of shantytowns in agricultural enclaves around the world has highlighted the undignified conditions common to the sector.<sup>8</sup>

To outline this complex problem and propose solutions, this report – derived from work implemented by Oxfam Intermón and the University Institute for Studies on Migration (IUEM) of Comillas University in the EU SafeHabitat project<sup>9</sup> – is based on a review of academic and non-academic literature from the past five years. It assesses research on working, living, health and transport conditions for migrants working in the agri-food sector in Europe, and cross-cutting gender issues.



## 1.1 REPORT STRUCTURE

The report is structured as follows:

- ▶ **Chapter 2** analyses the working conditions of migrant workers in the European agriculture sector;
- ▶ **Chapter 3** examines their residence and transport;
- ▶ **Chapter 4** contains a detailed review of both accidents and long-term occupational safety and health issues, as well as the healthcare available to migrant workers in the contexts analysed;
- ▶ **Chapter 5** explores the impacts of the COVID-19 pandemic on migrants' lives; and
- ▶ **Chapter 6** concludes the report with a series of policy recommendations aimed at addressing the problems raised.



A Polish migrant farmworker on a blueberry farm. Photo: Pablo Tosco/Oxfam Intermon.

# 2 WORKING CONDITIONS

## 2.1 RECRUITMENT

Work in the fields of Europe is physically demanding,<sup>10</sup> involves carrying heavy objects and continuous repetitive movements for long hours in very hot or cold temperatures.<sup>11</sup> At first glance, one might think this affects migrants and natives alike. However, because of the harshness of the work and low salaries, people living in their country of birth (who have other options) are progressively abandoning the agri-industrial sector.<sup>12</sup> For example, in Greece, Albanian, Romanian and Asian migrants perform the most dangerous, unskilled and low-paid roles.<sup>13</sup> Similar patterns have been found in Poland.<sup>14</sup> **Table 1** (p.10) provides EU estimates calculated in 2023 for the number of seasonal workers in the agricultural sector by member state from other EU countries and non-EU countries.

### MIGRANT WORKER

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which they are not nationals.

### POSTED WORKER

A “posted worker” is an employee who is sent by his employer 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.

### SEASONAL WORKER

A third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State. This term is specifically referring to a third-country national, although it is known that other types of seasonal workers exist, e.g. for nationals within the same country, as well as intra-EU seasonal workers.

### 2.1.1 Regular and irregular migrants

Migrants are channelled towards agriculture, especially more physically demanding and less well-paid roles.<sup>15</sup> due to the wage gap between their origin and destination<sup>16</sup> and the comparison between life options in the two contexts.<sup>17</sup> For example, for young Romanian farmworkers, migrating to Western European agricultural enclaves can serve as an entrance to paid work for individuals with no previous work experience and limited alternatives.<sup>18</sup>

According to the European Economic and Social Committee, out of the 9.2 million-strong workforce in the European agriculture sector had as of 2021, 2.4 million, 26%, were foreign seasonal workers (migrants performing farmwork in Europe for up to 9 months per year). If the whole migrant workforce was considered (including those residing and working on a permanent basis), the percentage would be even higher.<sup>19</sup> However, this might be an underestimate due to the prevalence of irregular employment in the sector, which is essential for some migrant workers,<sup>20</sup> as finding employment is more manageable for irregular migrants in the lax legal conditions offered by agriculture in some contexts. Since finding employment is one of the only ways to regularize their status in Europe and obtain authorized residence, agriculture becomes a key entry sector, even in harshly exploitative conditions.<sup>21</sup>

In general, irregular migration status and its criminalization through restrictive migration regulations exacerbate the helplessness of these workers, forcing them to accept the harshest conditions in the absence of an alternative.<sup>22</sup> In Italy, there have been documented cases of employers choosing to deliberately not help their workers regularize their status as a strategy to keep them dependent.<sup>23</sup>

However, irregular migrants are only a fraction of those employed in Europe's agriculture sector in exploitative conditions. Non-EU migrants come with different administrative statuses. For example, seasonal workers' permits play a significant role. The Seasonal Workers Directive 2014/36/EU<sup>49</sup> operates as '*the main EU instrument regulating the legal migration of low-skilled third country nationals*' after decades of EU member states restricting of most other channels of legal entry for low- and mid-skilled migrants.<sup>24</sup> Migrants who enter through this channel do so by renouncing certain rights, such as the right to family reunification, significant social rights<sup>25</sup> and, above all, the right to remain on the territory beyond a short, prescribed period. The logic behind this system is that these rights are the price workers must pay to be allowed access to work in Europe's fields.<sup>26</sup>

Each state has discretion over how it implements the Directive, and generally over how it regulates the migratory movement of seasonal workers. Some national governments, such as Italy's, set quotas on how many migrants from each sector are permitted to

The data presented in this EESC report are estimates and have been included because they are the only approximations available at the European level. However, the authors consider that these data are not completely reliable due to a number of limitations. These include the paucity of detailed statistics provided by EU member states, the exclusion of workers in an irregular administrative situation, and the lack of clarity on whether the terms "seasonal workers" include temporary agency workers, temporary workers or posted workers. In addition, data collection varies significantly between member states, who apply their own definitions and criteria, which is likely to result in data that are not comparable with each other.

**Migrants are channelled towards agriculture, especially more physically demanding and less well-paid roles.**

enter with this status.<sup>27</sup> Agreements are sometimes signed with third countries, so that their nationals can work in European fields for a maximum number of months per year – as Greece did with Albania and Egypt,<sup>28</sup> and Poland did with Ukraine and other non-EU countries in Eastern Europe<sup>29</sup> before the conflict with Russia began in 2022.

In Sweden any third-country national can obtain a work permit for up to two years on the condition that they have a job offer from a Swedish employer.<sup>30</sup> In some countries, seasonal workers do not have the right to change employers. Even where they do, factors such as the short duration of their stay, their precarious administrative status and their exclusion from local society can make it very difficult for them to do so. In practice, this usually results in total dependence on their employer and very little bargaining power. This makes seasonal workers particularly vulnerable to exploitation.<sup>31</sup>

In all countries, a significant part of agricultural labour needs are met by workers from Eastern EU countries, such as Romania or Bulgaria, and non-EU migrants holding residence permits.<sup>32</sup> However, holding such permits does not guarantee less exploitation.<sup>33</sup> In the Italian province of Ragusa, for example, Romanian workers have been reported to work up to 12 hours for lower wages than irregular African counterparts.<sup>34</sup> Also in Italy, the decline in the percentage of irregular workers in agriculture has not been followed by a measurable improvement in living and working conditions.<sup>35</sup>

Although full accession to the EU has expanded the opportunities available for some workers from Eastern European countries to access agricultural work in more economically developed EU countries,<sup>36</sup> the risk factors for exploitation can affect all migrants equally. These include the language barrier<sup>37</sup> and a lack of knowledge of local labour legislation, with the resulting lack of understanding of the contracts they sign.<sup>38</sup>

These channels, however, have proved insufficient to meet the sector's needs.<sup>39</sup> Refugees and asylum seekers also work in Italy's fields,<sup>40</sup> and '*often experience extremely precarious working and living conditions*'.<sup>41</sup> There are also migrants on student visas working seasonally in agriculture in Germany and Sweden.<sup>42</sup> In Greece, since 2016, agricultural employers in seasonal farming areas have been granted special permission to regularly hire irregular migrants, refugees and asylum seekers for periods of up to six months.<sup>43</sup>

When these 'spontaneous' labour-related migratory movements are insufficient to cover the sector's needs, mechanisms are implemented to import labour to agricultural enclaves, such as using posted workers or recruiting workers in their country of origin.

### 2.1.2 Hiring migrants in their country of origin

Posted workers are migrants officially employed in one EU Member State who are sent to work on farms in another Member State under a specific EU legal framework. The contracts are registered in the origin country, allowing contributions to its social security systems. Labour costs are typically lower under this arrangement, and the agricultural employer only has a contract with the temporary work agency, not directly with the workers themselves. (see **Section 2.4.4**).<sup>44</sup>

This type of agreements sometimes makes it possible for the employer in the destination country to avoid the wage levels, social protection and other rights

recognized in the country the worker is actually working in.<sup>45</sup> A prominent case is the wild berry sector in Sweden (and, to a lesser extent, Finland), which is built on the availability of posted workers from Thailand.<sup>46</sup> Farms in the Netherlands operate a similar system with posted workers from Central and Eastern Europe.<sup>47</sup>

Under the recruitment-at-origin model, migrant farmworkers are also hired directly in their home countries. However, the employment relationship is directly with the employers in the destination country. This transnational recruitment is carried out through an institutional framework usually based on bilateral agreements between the two states.<sup>48</sup> The aim is to access cheap and flexible labour during the harvest season without having to manage the presence of migrants in the territory for the rest of the year – which is why this model is adapted to the needs of seasonal production enclaves.<sup>49</sup> It is widely applied in the USA and Canada. In Europe, this model is mostly limited to Spain and, in recent years, almost entirely to the Huelva enclave.

The reason for the latter is that employers have noted how women with caring responsibilities are most likely to return to Morocco when told to. The children under their care are dependent on the made working on the Spanish farms, so they are considered less likely to put this at risk.<sup>51</sup>

It is an institutional framework of disciplinary intent: it seeks to create a workforce with no bargaining power according to the ideal of an obedient and submissive working woman.<sup>52</sup> In exchange, during their stay in Huelva, these women have guaranteed minimum wages and, to some extent, job security, which other groups of migrants lack.<sup>53</sup> However, there are also many documented cases of violation of contractual terms by Spanish employers.<sup>54</sup> Numerous organizations, including Spain's largest trade union, Comisiones Obreras,<sup>55</sup> have denounced the discriminatory nature of the Huelva recruitment-at-origin programme's selection criteria.<sup>56</sup>

Using gender and/or national origin 'criteria' based on cultural/racial/ethnic bias and preconceptions to select migrant farmworkers seems to be relatively common in Europe.<sup>57</sup> For example, sub-Saharan workers are valued more in Sicily and Basilicata based on stereotypes that they are '*strong and fast*';<sup>58</sup> in Sweden, people from Thailand are preferred to pick wild berries for their supposed '*entrepreneurial spirit*',<sup>59</sup> or for being '*industrious, reliable, ignorant, and good workers*' or even '*short and slender*'.<sup>60</sup> Regarding gender, in Lleida, Spain, men do most of the picking work in the fields, and women do most of the packing in the plants based on the gendered preconception that the former are supposedly stronger and the latter more careful.<sup>61</sup>

The programme in Huelva brings 15.000-20,000 labourers each year, making a substantial percentage of the enclave's total workforce. It recruits almost exclusively workers who are:

- women;
- Moroccan;
- from rural areas;
- married, divorced, or widowed;
- young; and, above all,
- with dependent children at home.<sup>50</sup>

**Table 1: Summary table of available EU estimates of seasonal workers in the agricultural sector, 2021**

	EU (residents and non-residents)	POSTED	NON-EU	TOTAL
Austria	3,000–5,000	565	10,000	13,565–15,565
Belgium	15,000–20,000	234	0	15,234–20,234
Bulgaria	200,000	8	120	200,128
Croatia	14,190	25	430	14,645
Cyprus	(–)	0	211	>211
Czechia	10,000	200	2,276	12,476
Denmark	(–)	226	(–)	>226
Estonia	(–)	5	3,121	>3,126
Finland	(–)	138	19,342	>19,480
France	259,000	545	11,138	270,683
Germany	272,000	2,718	(–)	>274,718
Greece	(–)	3	37,500	>37,503
Hungary	12,000	37	24,000	36,037
Ireland	1,500	5	(–)	>1,505
Italy	690,996	249	169,888	861,133
Latvia	3,259	6	271	3,536
Lithuania	856	4	144	1,004
Luxembourg	(–)	22	0	>22
Malta	25	4	10	29
Netherlands	32,571–125,000	2,174	0	34,745–127,174
Poland	5,200	108	110,000	115,308
Portugal	29,949	7	401	30,357
Romania	(–)	16	(–)	>16
Slovenia	800–1,000	13	638	1,451–1,651
Slovakia	5,000–8,000	47	175	5,222–8,222
Spain	310,145–429,000	226	20,710	331,081–449,936
Sweden	4,100	62	11,900	16,062
<b>TOTAL</b>	<b>&gt;1,869,591–2,091,075</b>	<b>7,647</b>	<b>&gt;422,275</b>	<b>&gt;2,299,513–2,520,997</b>

(–) not quantifiable

Source: European Economic and Social Committee, 2023, Table 5, p. 19. Source includes information on the original source of each statistic. <https://www.eesc.europa.eu/en/our-work/publications-other-work/publications/collecting-data-situation-social-protection-seasonal-workers-agriculture-and-food-sectors-eu-member-states-after-covid#downloads>

## 2.2 WAGES

The agricultural work that migrants take on is always at the lower end of local wage scales.<sup>62</sup> Some experts have argued that structural factors such as *'the precarious and vulnerable citizenship status of migrant workers'* or *'the formation of a stratified or ethnically segmented "reserve army"'* might have facilitated this.<sup>63</sup> Cases are documented in the Netherlands, Italy, Greece, Sweden, Spain, Germany, France and Poland in which wages were paid below the legal minimum wage.<sup>64</sup> In Germany, the minimum wage did not apply to migrant seasonal farmworkers until 2018.<sup>65</sup> Problems with compliance since then have led to the establishment of a special unit of the German Customs Authority in charge of enforcement. However, this unit is under-resourced and underperforming.<sup>66</sup>

As a striking example, there was a case documented in hops fields in Bavaria, Germany, during the peak of the pandemic, where employers paid German workers 11-13€ per hour for the same tasks for which Eastern European seasonal workers were paid at most 10€, often less.<sup>67</sup> Similarly, in the Netherlands, migrant agricultural workers are paid approximately 10€ per hour, half of what non-migrant employees earn.<sup>68</sup>



Harvesting asparagus is hard physical labour. Photo: Patrique Degen/Initiative Faire Landarbeit.

Sometimes, wages are even stratified by nationality between migrants.<sup>69</sup> Deliberate gender differentiation in wages is also documented:

- In Huelva, almost half of women report receiving lower wages than men;<sup>70</sup> while
- In Italy, women can earn up to 30% less than men.<sup>71</sup>

Migrants also face delayed payments, the denial of payment,<sup>72</sup> or unpaid overtime.<sup>73</sup> Such cases are reported across Europe, notably for Central and Eastern European migrants in the Netherlands, where workers often suffer such abuses, but do not protest due to the risk of being fired if they do.<sup>74</sup>

Another frequent tactic for underpaying migrants mentioned in the literature is to deduct the cost of basic needs such as accommodation, food provided during work and/or mandatory protective equipment from wages, often at inflated prices and usually without warning.<sup>75</sup> One case was told of a Romanian migrant in Germany who was charged for health coverage that turned out not to exist and when he had an accident at work, the company wanted him to pay the costs out of pocket.<sup>76</sup>

Charging migrant farmworkers in Germany up to €300 per month for a bed in a shared room seems to be common practice.<sup>77</sup> Refugees and asylum seekers in Italy are often paid less than other workers under the pretext that, as they reside in reception centres, they do not need to pay for accommodation.<sup>78</sup>

A different version of this consists of selling work contracts to irregular migrants for hundreds or thousands of euros, or even to give them in exchange for free work in the farms. As the migrants need contracts to regularize their status, they often have no choice but to accept such agreements.<sup>79</sup>

**Deliberate gender differentiation in wages is also documented:**

- In Huelva, almost half of women report receiving lower wages than men; while
- In Italy, women can earn up to 30% less than men.

**Migrants also face delayed payments, the denial of payment, or unpaid overtime.**

## 2.3 PRECARIOUS AND UNSTABLE WORK

Especially for those working with seasonal crops, migrant farmworkers suffer from instability and unpredictability alternating between times of excessive work and no work (and thus no pay) in the same season.<sup>80</sup> Generally, when there is overwork, employers tend to rely on irregular migrants to supplement the workforce. In Huelva, (mostly) sub-Saharan irregular migrants are used as a 'reserve army' available for moments of temporary need for extra labour.<sup>81</sup> Thus, their work is extremely precarious.<sup>82</sup>

The precariousness and insecurity of jobs, the brevity of contracts and the ease with which they can be lost is a common feature of seasonal work in European agriculture.<sup>83</sup> In Germany, for example, migrant seasonal workers can be dismissed with one day's notice.<sup>84</sup> Migrants are at risk of losing their jobs due to bad weather or falling ill.<sup>85</sup> Cases have also been documented in which employers force migrants to perform tasks that are not theirs, such as cleaning the company's offices, without a pay increase.<sup>86</sup>

Many migrants are working informally in agriculture across Europe. According to calculations from the International Labour Organization, informal employment in the EU



agriculture could affect as many as 61.2% of workers.<sup>87</sup> For example, the Italian Ministry of Labour estimated that, in 2018, between 24.4% and 34.4% regularised migrants were working without a formal contract.<sup>88</sup> In Germany, a large proportion of migrant farmworkers are hired verbally, and those who sign contracts may not understand the content nor receive a copy.<sup>89</sup>

Sometimes, formal contracts define fewer hours than the real amount worked, with the rest being paid informally,<sup>90</sup> or fewer days being declared by employers to the government.<sup>91</sup> These are different versions of 'grey work', i.e., work that meets the minimum requirements of regularity (existence of a contract, regularized residence, etc.) but keeps the bulk of the work done underground.<sup>92</sup> According to the literature, such grey work is especially prevalent in Italy. It is present in Germany too: for example, seasonal work contracts covering less than 70 days are exempt from social security contributions from employees, and employers sometimes abuse this exception by using it for migrant farmworkers who are working for more than 70 days.<sup>93</sup>

**For example, the Italian Ministry of Labour estimated that, in 2018, between 24.4% and 34.4% regularised migrants were working without a formal contract.**

Very long working days have also been documented:<sup>94</sup> up to 10,<sup>95</sup> 12,<sup>96</sup> 14<sup>97</sup> or even over 15-hour days.<sup>98</sup> Thai wild berry pickers in Sweden work 12–19 hours for six days a week,



A migrant seasonal farmworker's work boots. Photo: Pablo Tosco/Oxfam Intermon.

the most extreme case identified in the reviewed literature.<sup>99</sup> In cases where there is a contract regulating the length of the working day, cases of overtime work have been reported,<sup>100</sup> as well as situations in which migrant workers have had their rest days or breaks denied.<sup>101</sup> However, this is not to say that these situations are the norm. In Trento, Italy, the average working day is 6–7 hours, with peaks of 8–9 at busy times.<sup>102</sup>

Child labour is also an issue in some countries. For example, some Ukrainian adults go to Poland on seasonal work permits, and bring children aged 12–14 so they can work in the fields too. These children come on 90-day tourist visas, but Polish employers use them as undeclared workers.<sup>103</sup>

Ukrainian farmworkers in Poland seem to seek to work outside agriculture, in sectors such as construction, domestic work and the hotel and catering industry.<sup>104</sup> Albanian farmworkers in Greece, too, tend to seek promotion within the agro-industry or in other sectors, given the harsh conditions and limited pay for farm labourers.<sup>105</sup> This is, of course, much easier for regularized migrants who do not have to live on the margins of society.<sup>106</sup>

## 2.4 STRUCTURAL DETERMINANTS OF WORKING CONDITIONS

### 2.4.1 Piecework vs hourly pay

Working and wage conditions vary according to the remuneration system: piecework (i.e., payment by weight) implies less guarantee of a minimum income.<sup>107</sup> However, some migrants prefer this system precisely because it enables them, through self-exploitation, to maximize the economic return from their work in the fields.<sup>108</sup> This logic derives, in any case, from disciplining the migrant workforce by encouraging competition that causes workers to impose harsh working conditions on themselves.<sup>109</sup>

Several reports have documented how, in Spain, some employers impose minimum levels for piecework that, if not reached, lead to dismissal.<sup>110</sup> Similarly, it has been reported that, in Germany, sometimes failure to meet unrealistic harvest quotas results in deprivation of work and wages.<sup>111</sup>

### 2.4.2 Value chains

The structuring of the value chain also influences working conditions. When retailers impose just-in-time systems for fresh produce, there are unforeseen peaks of work that are filled by hiring extra workers for very short periods under precarious conditions,<sup>112</sup> and/or by increasing the exploitation of those already employed.<sup>113</sup> Supermarkets identify how their actions, specifically last-minute orders, have a negative impact on the human rights of workers, including necessitating workers to put in longer and possibly excessive hours with little warning, escalating time pressures,

and heightening the likelihood of injuries along with other occupational health and safety (OHS) concerns.<sup>114</sup>

### 2.4.3 National circuits

Another aspect of the sector's labour instability concerns the difficulty in finding a stable place to live, even for migrants permanently residing in Europe. While some migrants manage to work and live in one place permanently, a significant proportion need to spend the year moving between different seasonal enclaves. For example, migrants will move to pick vegetables in southern Italy in summer, grapes in the north in autumn, and oranges back in the south in winter.<sup>115</sup>

Similar circuits exist in Spain, with thousands of (mostly irregular) migrants moving from one seasonal enclave to another throughout the year: from Lleida to Logroño, Valencia, Jaén and Huelva.<sup>116</sup> Even in a permanent production enclave such as Almería, up to 35% of migrant farmworkers work on 3–6 month contracts; only 35–40% of them are employed on an indefinite basis.<sup>117</sup> Similar intermittent labour dynamics have been reported in Murcia, another permanent production enclave in Spain.<sup>118</sup>

### 2.4.4 Intermediaries

Subcontracting and intermediation systems can generate exploitative dynamics, such as those created by legal recruitment agencies<sup>119</sup> operating throughout Europe, or by semi-legal landless cooperatives and informal mafia-like systems, such as the *caporalato in Italy*.<sup>120</sup> The latter are informal intermediaries who act as recruiters on behalf of local producers and arbitrarily decide who can join their teams. They exploit the vulnerable socioeconomic status of workers and profit illegally by deducting directly from their daily wages. They recruit newly arrived migrants who are desperate to find work to accept extremely low wages for very long working hours, with documented cases of wages of 37€ for 10-hour days – 3.7€ an hour.<sup>121</sup>

Since 2016, law n.199/2016 prohibited the *caporalato intermediation system in Italy and set out prosecution for farmers who use it. Between 2020 and 2022 there was even a government plan to tackle this system. However no significant impact has been noted and the practice remains widespread*.<sup>122</sup>

Practices comparable to that of the *caporali* are carried out by legal intermediary companies in Italy<sup>123</sup> and other countries.<sup>124</sup> In the Netherlands, for example, employers recruit through employment agencies because, among other things, this allows them to bypass collective bargaining agreements in the sector and pay lower wages, including using zero-hour contracts.<sup>125</sup> When workers have been employed for so long that they should legally start receiving more seniority pay, some agencies, especially unregistered ones, dismiss them and the employer hires them again through another agency.<sup>126</sup> These agencies take a cut of wages, including by deducting the cost of services (e.g. accommodation, transport, etc.) from their wages.

In the Thailand–Sweden labour circuit for the wild berry industry, the work agencies take such a large portion of workers' incomes that many workers return to Thailand heavily indebted. The Swedish authorities have been trying to alleviate this lack of protection for deployed Thai workers by:

- requiring employers to demonstrate sufficient solvency to pay wages;
- legally allowing them a minimum wage by decreeing that migrant workers are covered by a Swedish trade union and a pre-existing collective agreement in another sector;<sup>127</sup> and
- recognizing migrant workers' right to financial compensation for various eventualities that could leave them without a sufficient income.<sup>128</sup>

However, transnational brokering makes the situation difficult to monitor, and both Swedish and Thai companies find loopholes to continue exploiting workers.<sup>129</sup>

There are documented cases, such as among Bulgarian farmworkers in France,<sup>130</sup> where migrant farmworkers take on intermediary positions between employers and their coworkers. This role of foreperson (often, but not always, of the same nationality) is common in many parts of Europe.<sup>131</sup> Long-term workers who have become employers' confidants often play a crucial role in controlling and exploiting the migrant workforce.<sup>132</sup>

# 3 LIVING CONDITIONS

## 3.1 HOUSING

Economic deprivation limits Europe's migrant farmworkers' accommodation options. This leads to a huge number of migrant workers living in overcrowded housing that lacks basic services. Some are also made homeless.<sup>133</sup> Some specific groups experience particular conditions, such as migrant farmworkers with refugee status in Italy who sleep in reception centres.<sup>134</sup>

Again, in Italy, the *caporali* (see **Section 2.4.4**) sometimes provide accommodation for their workers as additional leverage to extract income and increase their



A migrant farmworker looking through the only light entry point of his shack. Photo: Pablo Tosco/Oxfam Intermon.

control.<sup>135</sup> Similar practices have been identified by legal intermediary companies in other countries, for example by German employment agencies recruiting Romanian farmworkers.<sup>136</sup>

In Loudun, France, various facilities, from holiday campsites to rural houses, have been converted into accommodation for Bulgarian farmworkers.<sup>137</sup> The regional government of Andalusia, Spain has built public shelters for seasonal olive pickers in Jaen.<sup>138</sup> There are other interventions documented in the literature by public institutions to try and guarantee access to housing.<sup>139</sup>

However, among this enormous diversity of situations, the two most common are: employer-provided in-farm accommodation and self-built slums.

### 3.1.1 In-farm accommodation

The possibility of accessing affordable in-farm housing has been identified as one of the attractions of European agriculture for migrant farmworkers.<sup>140</sup> It makes it easier to maximize the money earned, which for many is a priority. Often the space provided consists of a container of a few square metres, equipped with bunk beds for a handful of individuals, with a kitchen and bathroom shared by several containers.<sup>141</sup> This model is documented in all nine countries analysed.<sup>142</sup>



In-farm accommodation: many farms lock their gates to control who enters and leaves.  
Photo: Pablo Tosco/Oxfam Intermon.

However, it is not without its drawbacks and criticisms. Among other issues, overcrowding and the *'limited provision of basic infrastructure' beyond a roof and a bed have been highlighted.*<sup>143</sup> For example, one source spoke of Ukrainian farmworkers in Poland who lacked heating equipment in their container and had to bring in an iron stove to deal with the cold.<sup>144</sup>

In France, although there are regulations that oblige minimum quality standards in such types of accommodation, many employers outsource their management to real estate agencies, circumventing such regulations and thus providing much cheaper (and often substandard) housing.<sup>145</sup> Many cases are documented in Germany where, far from the idea of affordable accommodation, workers were charged several hundred euros each for a bed in overcrowded facilities.<sup>146</sup>

The isolation these situations produce has also been pointed out. It is difficult for workers to get to know the local language and society, establish ties beyond co-workers and employers, and access services.<sup>147</sup> This allows greater control and dependence on the employer and reduces workers' bargaining power.

In general, an important factor that facilitates exploitation in the agriculture sector is the difficulty for the authorities to control or monitor employer–labour relations in a sector where the activity is dispersed across countless isolated farms over huge tracts of land far from urban centres.<sup>148</sup> This is exacerbated when migrant farmworkers live and spend all their time on the same farms, thus becoming invisible to their host societies, and are dependent on their employers as their only source of food, water and shelter.<sup>149</sup>

In other cases, despite similar conditions of isolation, some employers provide neither food nor transport to towns for shopping. This is the case for many of Huelva's women workers recruited from Morocco, who spend hours of their rest time walking kilometres to and from towns just to buy food and basic products.<sup>150</sup>

Other studies have found that women workers in Huelva also suffer abusive control by the accommodation supervisors, including the possibility of sexual blackmail,<sup>151</sup> lack of privacy and inadequate accommodation space.<sup>152</sup>

**In France, although there are regulations that oblige minimum quality standards in such types of accommodation, many employers outsource their management to real estate agencies, circumventing such regulations and thus providing much cheaper (and often substandard) housing.**

### 3.1.2 Makeshift slums

The other housing model that generates concern in the literature reviewed is makeshift slums. These are agglomerations of self-built substandard housing made from whatever materials workers can get hold of (e.g., plastic, pallets, cardboard, car wheel rims, etc.) located on the outskirts of towns with agricultural production, and/or in the vicinity of the farms where they work.<sup>153</sup> This problem seems most prevalent in the Mediterranean countries of Spain, Italy and Greece.<sup>154</sup> In the last two, other settlements have been documented based on tents instead of shacks.<sup>155</sup> In Sweden, Spain, Italy and Greece, migrant farmworkers have been reported to take up residence in overcrowded, old, abandoned buildings in rural areas.<sup>156</sup>

In these different types of makeshift substandard housing, every aspect of daily life becomes precarious, as exemplified by the repeated fires in shantytowns in Huelva, Spain, in which migrants lose all their possessions.<sup>157</sup> The vulnerability is deepened by the fact that local authorities often react to such fires by not allowing migrants to rebuild their burned shacks, forcing them to start new settlements in different locations.<sup>158</sup> State-sponsored demolitions have also been reported in Italy.<sup>159</sup>

But, in exchange, this model of housing also allows migrants to save as much money as possible from their time working in the fields,<sup>160</sup> and retain more personal and collective autonomy than those living in the workplace.<sup>161</sup> Nonetheless, migrants residing in slums and camps still live socially and geographically segregated from local societies.<sup>162</sup> They also lack necessities such as drinking water, electricity, toilets, showers, waste collection, etc.<sup>163</sup> This situation of material deprivation for a vital workforce for European societies can reach points such as the one in Bari, Italy, in which migrant farmworkers slept in cattle stables and drank the unsanitary water meant for the animals.<sup>164</sup>

As in that example, there is a risk of the spread of disease.<sup>165</sup> Additional problems faced specifically by women include the risk of arson in retaliation for not agreeing to sexual demands, which endangers their safety, physical integrity and psycho-emotional well-being.<sup>166</sup>



A migrant farmworker returning to his shack after a day in the fields. Photo: Pablo Tosco/Oxfam Intermon.



Cases have been documented in both Spain and Italy in which municipal authorities have denied migrants living in such spaces the possibility to register as residents, even if residence laws explicitly grant them the right.<sup>167</sup> This is a serious impediment to regularizing their status. Several sources make an important point: living in unsanitary, over-crowded shantytowns or camps is not always due to poverty. Many cases have been found, in places such as Huelva or Lleida (both in Spain), of African workers being denied housing based on racial grounds.<sup>168</sup>

In addition, the progressive institutionalization of tent camps in Italy through the intervention of NGOs and public institutions has seen the introduction of paternalistic control over workers' lives, similar to those observed in in-farm accommodations.<sup>169</sup> In recent years, Italian public institutions appear to have adopted a strategy of installing refugee camp-like facilities for foreign farmworkers during harvesting season near fields.<sup>170</sup> Such a strategy takes part of a broader tendency of the Italian State toward defining and managing migrant agricultural workers' access to basic rights as a humanitarian problem, rather than a labour issue.<sup>171</sup>

## 3.2 TRANSPORTATION

Transportation, although relevant to migrant farmworkers' lives, receives little attention in the reviewed literature. Discussion is limited in the non-academic literature and marginal in the academic one. Four main transportation issues could be identified in the non-academic texts:

- Remoteness of farms;
- Cost of transport;
- Inadequate vehicles for workers on farms; and
- Inadequate public transport.

### 3.2.1 Remoteness of farms

The most discussed problem is the remoteness of the places where migrant farmworkers work and live. In Spain, the remote location of accommodation and shantytowns makes it difficult to access essential goods, as well as daily, medical, legal and social services.<sup>172</sup> Thus, migrants are dependent on third parties – usually their employers or intermediaries – for transport because most do not own vehicles. Women rarely have access even to alternative means of transport such as bicycles, increasing their dependency and vulnerability.<sup>173</sup> They sometimes resort to hitchhiking or informal taxis in moments of need.<sup>174</sup>

In France, where farms are usually located in rural areas far from urban centres, workers who do not live on the farm (see **Section 3.1.1**) encounter significant problems in their daily commute.<sup>175</sup> There are documented cases in Italy of workers enduring long daily commutes that are not considered part of their working hours.<sup>176</sup> Some migrant labourers in Murcia, Spain, use the services of *furgoneteros*, *informal drivers who charge significant money for a ride to farms in crowded vans*.<sup>177</sup> Informal taxi drivers are reported to also play a role in Italy.<sup>178</sup> In Poland, Ukrainian labourers sometimes find Ukrainian minibus drivers through migrant networks to assist with travelling to work or into towns.<sup>179</sup>

The academic literature mentions that long commutes lead to migrant labourers in Italy or Poland facing difficulties in finding time to arrange shopping trips.<sup>180</sup>

The non-academic texts analysed mention that the cost of transport is a financial stress factor for migrant farmworkers, even for those living on farms. In Murcia, Spain, and Italy transport costs are often deducted from workers' wages.<sup>181</sup> In the latter, the cost is approximately €5 per day.<sup>182</sup> In Sweden, the standard practice of employers covering workers' transport costs has on occasion been compromised when collective agreements that improve migrants' working conditions have been achieved, as a strategy of compensation and/or retaliation by employers.<sup>183</sup>

Additionally, international travel arranged by intermediaries can be expensive. For example, research about Thai wild berry pickers in Sweden has revealed the extent to which transportation from Thailand to Sweden can be too expensive for them. Some Thai agencies charge each worker over €2000 for transport to Sweden, pushing them into debt.<sup>184</sup> Similar dynamics for ethnic Roma Bulgarian farm labourers travelling to Sweden seem to be in place.<sup>185</sup>

### 3.2.2 Inadequate vehicles

Inadequate or dangerous vehicles are used to transport migrant labourers to their workplaces in a number of locations.<sup>186</sup> For example, a transport-related accident was



Migrant farmworkers carrying bags of great weight and size due to the lack of access to transportation.  
Photo: Pablo Tosco/Oxfam Intermon.

reported in Murcia, Spain, in which five Moroccan labourers died.<sup>187</sup> The situation in Italy is aggravated by the intervention of the *caporali* (see **Section 2.4.4**), who informally and often dangerously manage transport arrangements, using overloaded vehicles, which has resulted in fatal accidents.<sup>188</sup>

Thai berry pickers in Sweden commute in and out of the forests in minivans driven by informal intermediaries, often in groups of seven or eight exceeding the intended capacity of such vehicles.<sup>189</sup>

In Germany, transport for migrant workers during the COVID-19 pandemic (see **Chapter 5**) did not comply with hygiene measures and social distancing, putting workers' health at risk.<sup>190</sup> Academic texts similarly point to the incidence of deadly accidents and to the role of the *caporali in managing transportation in the Italian case*<sup>191</sup>, or to the German employers' disregard for COVID-19 precautions in vehicles.<sup>192</sup>

### 3.2.3 Inadequate public transport

Finally, the non-existence or inadequacy of public transport is another problem. In Spain<sup>193</sup> and Greece,<sup>194</sup> reports point to a lack of public transport routes that adequately connect settlements or farms with nearby cities or towns. This severely limits their accessibility and reinforces the invisibility and exclusion of these communities. Local governments in Spain are criticized in particular for failing to provide accessible public transport routes to workers' settlements.<sup>195</sup> This topic was absent from the reviewed academic literature.

## 3.3 CONFLICT, VIOLENCE AND NON-ECONOMIC PATTERNS OF INEQUALITY

Abusive and violent behaviour towards migrant farmworkers by their employers are documented in a number of sources. For example, in some farms in Italy and Spain, workers who pick the fewest fruit boxes are punished with days without work or pay.<sup>196</sup> Cases have been documented in France,<sup>197</sup> Italy<sup>198</sup> and Spain<sup>199</sup> of workers being forced to remain silent, and receiving threats, verbal violence, humiliation, insults and racist abuse. Cases are also reported in Italy where such intimidating practices are deployed not to pay workers and make them afraid to complain.<sup>200</sup>

In Spain, the Netherlands and Germany, there are documented cases in which intimidation is used through the threat or imposition of arbitrary fines that significantly cut wages.<sup>201</sup> Another recurring practice is the withholding of migrants' identity documents, creating absolute dependency on the employer.<sup>202</sup> Intimidation and forcing staff to remain silent about workplace abuses can be more subtle or indirect. In these cases, migrant farmworkers keep quiet about abuse and unfair situations because they know of others who complained about something and were blacklisted, and then had serious problems finding work in the area.<sup>203</sup>

Cases have been documented in France, Italy and Spain of workers being forced to remain silent, and receiving threats, verbal violence, humiliation, insults and racist abuse. Cases are also reported in Italy where such intimidating practices are deployed not to pay workers and make them afraid to complain.

In Spain, the Netherlands and Germany, there are documented cases in which intimidation is used through the threat or imposition of arbitrary fines that significantly cut wages.

All of these elements contribute to a climate of fear with power imbalances marked by the implicit and explicit threats directed at those who consider making complaints, as described by several reports in Spain or the Netherlands.<sup>204</sup> In Italy, cases of violence and coercion have reached the point where threats of weapons have been made and the murder of a migrant trade unionist has occurred.<sup>205</sup>

### 3.3.1 Racial violence

It was previously discussed how there have been several documented cases in which migrant farmworkers in Spain were denied rental apartments in local towns based on racial prejudices (see **Section 3.1.2**). Such hostility is not limited to housing; for example, migrants in Greece have reported growing racism from local people and the authorities since, at least, the start of the 2007 financial crisis.<sup>206</sup>

This problem is neither limited to Greece nor to recent times. Several studies have documented how in both Spain and Italy there is a long history of racist attitudes, including direct physical violence, against African migrant farmworkers.<sup>207</sup> Such xenophobic hostility and violence can be traced back to the very moment labour migration began to make an appearance in the agricultural enclaves of both countries, with the murder of Jerry Masslo, a South African farmworker in Italy in 1989.<sup>208</sup>



A migrant seasonal farmworker's hands after a day's work in the fields. Photo: Pablo Tosco/Oxfam Intermon.

### 3.3.2 Gender-based violence

Apart from the gender differentiation in payments (see **Section 2.2**), other gender inequalities and/or women-specific problems are mentioned in the reviewed literature. For example, in the Netherlands, some migrant women with children are unable to take leave if their child is sick due to fear of reprisals.<sup>209</sup> In France, migrant women have less autonomy, recognition and lower wages than their male counterparts.

The form of gender inequality most frequently discussed in the literature is sexual violence, harassment and abuse.<sup>210</sup> A paradigmatic case is that of female farmworkers recruited in Morocco to work in Huelva, Spain. Their systematic isolation and defencelessness make it difficult for their cases to come to light. Even so, in 2014 a judge found five employers in Huelva guilty of sexual abuse (among other offences) against a large group of Moroccan seasonal workers.<sup>211</sup>

After that milestone, other similar cases have been uncovered occasionally in the area.<sup>212</sup> The perpetrators are Spanish employers, as well as *manijeros (foremen)*, who are often Moroccans themselves or migrants of other origins.<sup>213</sup> Reports in the German press revealed that, in the towns of Moguer and Palos in Huelva, a large number of Moroccan and Eastern European seasonal workers undergo abortions every year, following rapes in the fields.<sup>214</sup>

Other reports mention Moroccan women in both Huelva and Almería, Spain, being coerced into human trafficking for sexual exploitation, or living with single farmworkers who sexually abuse them in exchange for supposed protection from other men.

Other instances of sexual violence against female migrant workers have been reported in Campania and Sicily in Italy.<sup>215</sup>

### 3.3.3 Resistance

Even in the face of oppression, there have been numerous cases of conflict and resistance by migrants in defence of their rights: demanding decent accommodation, better wages and respect for their human rights.<sup>216</sup> For example, in Huelva, Spain, since the 1990s to the COVID-19 pandemic in the early 2020s, there have been examples of movements self-organized by irregular African workers demanding regularization and basic social rights.<sup>217</sup>

Sometimes, too, the national trade unions of destination countries have given support and/or advice to migrant farmworkers,<sup>218</sup> although it is rare that they manage to establish the necessary links to exercise effective representation.<sup>219</sup> In Huelva where there is a rich but intermittent history of self-organized struggles by African farmworkers, institutionalized union presence is reported to be almost non-existent in the region, leaving workers with limited knowledge of their rights and vulnerable to labour injustices.<sup>220</sup> Comparable situations of either absent or weak union presence for migrant agricultural labour have been noted in Italy, Poland and Greece.<sup>221</sup>

Among the cases of struggle by migrant farmworkers reported in the literature, a strike by Bangladeshi workers in Manolada, Greece, in 2013 in response to the denial of pay stands out for the level of violence used. The company responded by opening fire on the protesters, severely injuring 30 people. The European Court of Human Rights ruled against Greece for allowing forced labour conditions.<sup>222</sup>

That type of reaction by employers is clearly exceptional in the reviewed literature; it appears to be much more frequent that they respond with more subtle strategies. In some cases, workers of a certain national origin organize and achieve improvements, but in the medium term, their employers respond by replacing them with a new, more vulnerable and/or less demanding migrant group.<sup>223</sup> As mentioned in **Section 3.2.2**, when through collective agreement, migrants were able to win better conditions, employers retaliated by charging for transportation. This is reported to have had the knock-on effect of causing migrant farmworkers to develop a more suspicious attitude towards unions.<sup>224</sup>



Seasonal workers on a strawberry farm in Germany. Photo: Patrique Degen/Initiative Faire Landarbeit.

# 4 HEALTH AND SAFETY

The literature on health hazards and accidents affecting migrant workers in agriculture is scarce. Only three articles dedicated to this issue were found: one on pictorials at work in Italy,<sup>225</sup> one on the perception of heat stress at work in Italy,<sup>226</sup> and a review covering several countries that tended not to specify which it is discussing at each point.<sup>227</sup> Nonetheless, occupational safety and health (OSH) were discussed in other studies, including those covering the COVID-19 pandemic (see **Chapter 6 for more**).

## 4.1 OCCUPATIONAL ACCIDENTS

Some studies indicated that migrant workers are more exposed to occupational accidents than workers from the host country.<sup>228</sup> For example, in Italy, the accident rate in a year for farmworkers of migrant origin was 3.3%, compared to 2.8% for Italian workers.<sup>229</sup> The authors of this report highlight migrants' need for greater understanding of workplace illustrations, with only 16% of respondents in some groups understanding images shown to them by the researchers.<sup>230</sup> The International Organization for Standardization and American National Standards Institute recommend standards of 85%.

Probably, the language and the formats used to communicate the necessary safety measures influences this lack of understanding. Indeed, there is speculation that the death of two Ukrainian workers at a farm in Poland in 2019 is directly linked to their lack of knowledge of safety pictorials.<sup>231</sup>

Accidents such as falls, cuts, animal bites and injuries caused by machinery misuse are frequent in countries such as Spain and Italy,<sup>232</sup> but they remain undetected due to migrants' fear of losing their jobs or being reprimanded, which makes it difficult to measure their actual incidence. Minor injuries are considered a normal part of the job, and are thus left untreated or self-medicated, with potential risks to workers' health.<sup>233</sup> In the Netherlands<sup>234</sup> and Spain,<sup>235</sup> the fear of losing one's job means that migrant workers tend not to take medical leave. This fear is particularly strong for irregular workers in Spain<sup>236</sup> and migrants working the circuits of Sweden.<sup>237</sup>

Heat stress is a major risk for agricultural workers in Europe. However, in Italy for example, migrants are only informed of how to behave during heatwaves through written and oral communication that they may not have understood, whereas specific courses are organized for Italian staff.<sup>238</sup> As the authors of this research suggest, it would be advisable to arrange specific training adapted to workers' language and culture since, for example, measures to be adopted for workers who follow Ramadan will be different from others.<sup>239</sup>

The literature points to the same problem in Poland and Germany, where the need for translators combined with the high turnover of workers leads to a lack of interest on the part of companies in providing safety training to their workforce.<sup>240</sup> One German employer did not even provide workers with water.<sup>241</sup> Eleazar Blandón, a Nicaraguan seasonal worker in Murcia, Spain, died after working 11 hours in 44°C heat without being provided with water.<sup>242</sup>

Heat stress is not only related to extreme heat (primarily reported in the literature), but also extreme cold, which is a significant problem faced by migrants working in northern Italy,<sup>243</sup> as well as Germany.<sup>244</sup>

Migrant workers were frequently exposed to harmful phytosanitary products without necessary protective equipment, medical controls<sup>245</sup> or access to a compulsory doctor.<sup>246</sup> Several studies indicate the presence of these problems in Italy, Spain, Greece and Sweden.<sup>247</sup>

The most extreme cases reported in the literature are a group of 20 workers who were poisoned by phytosanitary products in Italy,<sup>248</sup> and a group of Polish workers who suffered severe burns in the Netherlands.<sup>249</sup>

Italian trade unions denounced the general lack of compliance with safety protocols in the country's agricultural companies after receiving numerous complaints, especially from workers in packaging factories, about the lack of masks and gloves for workers.<sup>250</sup> However, in Germany, some employers have been reported to deduct the cost of the equipment from their workers' wages.<sup>251</sup> In addition, quality and sustainability certificates for agricultural producers, like Global Gap among others, have a notable influence, focusing more on the risk of workers contaminating products than on how the production process can affect the staff, leading to some companies prohibiting the use of gloves (exposing workers to frequent damages to their hands) in order to be certified as healthy products.<sup>252</sup>

For EFFAT, the high exposure of migrants to workplace hazards does not only derive from their lack of understanding, but from a deliberate decision by employers to expose migrants to more dangerous situations than their counterparts from host countries.<sup>253</sup>

For instance, in Poland, the law directly excludes harvest helpers from most occupational health and safety regulations, leaving it up to companies to decide the level of protection they want to give their workers. In addition, Poland lacks specific institutions to monitor and ensure OSH in the agricultural sector.<sup>254</sup>

## 4.2 WORKERS' HEALTH

A 2021 study of the existing evidence on the health of migrant farm workers in Italy<sup>255</sup> compared the findings of a 2005 *Médecins Sans Frontières* study and a 2018 study conducted by MEDU. The former found that only 5.6% of workers were in good health. The latter found that 5–8.5% of those interviewed had psychosocial and psychosomatic problems, as well as excessive alcohol consumption. The latter has also been detected in Poland,<sup>256</sup> where data otherwise tends to indicate a healthy migrant workforce.<sup>257</sup> Other research<sup>258</sup> reveals that lack of protective equipment can lead to musculoskeletal problems, heat stress and intoxication due to exposure to phytosanitary products.



Health problems raised in the literature include heat stroke and back pain,<sup>259</sup> neck pain,<sup>260</sup> headaches, dehydration, scratches, poorly healed wounds, allergies, sunburn and exhaustion.<sup>261</sup> Many of these can be exacerbated by working in greenhouses.<sup>262</sup>

In terms of mental health, anxiety, stress and depression are the main problems reported in the literature. These conditions can cause secondary pathologies such as insomnia.<sup>263</sup>

The literature also highlights how piecework encourages migrants to overwork (see **Section 2.4.1**), exaggerating health problems, and thus ultimately reducing workers' income. This has been observed in Spain,<sup>264</sup> Finland<sup>265</sup> and Germany,<sup>266</sup> revealing how common 'fatigue management' and the risks associated with it are left to workers' own discernment, without providing them with adequate training for it. This does not always have to do with deliberate laziness on the part of companies, but in some cases, as has been reported in France, this can be because employers do not know their responsibilities.<sup>267</sup>

The prevalence of malaria among migrant agricultural workers in Greece due to stagnant water sources in fields and around residential areas has been cited in the literature.

Other specific problems raised in the literature include:

- the prevalence of malaria among migrant agricultural workers in Greece due to stagnant water sources in fields and around residential areas;<sup>268</sup>



A migrant farmworker on crutches. Photo: Pablo Tosco/Oxfam Intermon.

- the health impacts of cheap and poor-quality food on migrant workers in Poland;<sup>269</sup> and
- the consequences of temporary/circular migratory patterns (see **Section 2.4.3**), including exhaustion and difficulty accessing health and other social services.<sup>270</sup>

In addition to the above conditions, sometimes women are also exposed to sexual or psychological violence (see **Section 3.3.2**),<sup>271</sup> as has been identified in Ragusa, Italy.<sup>272</sup> The absence of breaks and the lack of sanitary facilities in some contexts also cause problems for women during menstruation.<sup>273</sup>

### 4.3 LONG-TERM CONSEQUENCES

The harm that migrant workers suffer at work can lead to long-term health problems. For example, sometimes, back pain or injuries can be lifelong.<sup>274</sup> Their working and living conditions can lead to more severe illnesses such as respiratory and skin problems, or even cancer.<sup>275</sup>

As it requires longer-term monitoring of larger numbers of people, this is perhaps one of the least-studied dimensions in the literature. Moreover, in many enclaves, for example, in Spain<sup>276</sup> or Finland,<sup>277</sup> workers are exclusively temporary, which means that health services can deal with contingencies but do not carry out prolonged monitoring of migrants' health.

One of the few articles<sup>278</sup> to have carried out an accurate medical screening of migrant agricultural workers focuses on an informal settlement in Apulia, Italy. It found that:

- 34% suffered from muscular pain and fatigue;
- 26.8% from headaches;
- 10% from coughs;
- 12% from hypertension (i.e., high blood pressure);
- 4% from tachycardia (i.e., high heart rate);
- 4% from hypoxaemia (i.e., low oxygen levels in the blood);
- 2% from diabetes; and
- 1% from HIV.

The authors claimed this was due to the harsh working conditions and migrants' prolonged residence in ghettos.<sup>279</sup>

These migrants tend to have better health than their local colleagues on arrival since they are generally younger.<sup>280</sup> However, their working and living conditions (see **Chapter 2**) reverse this trend over the years. In addition, there are psychological impacts, such as the trauma of living under these conditions<sup>281</sup> and, in some cases, the dangerous migratory routes taken to reach the country of work.<sup>282</sup> In those enclaves where the majority of workers are women, verbal, sexual and disciplinary violence is also a source of long-term psychological harm.<sup>283</sup> Moroccan seasonal women workers in Huelva, Spain, require a health certificate in order to be hired; however, many opt to hide

illnesses or pregnancies for fear of not being considered able to work, despite the significant risks this entails.<sup>284</sup>

## 4.4 ACCESS TO HEALTH SERVICES

As various studies indicate,<sup>285</sup> given the high mobility of this labour force, the long-term social and economic costs of their pathologies fall on the migrants themselves and their families – as well as probably their states of origin, to which a large proportion eventually return.<sup>286</sup>

As a result, migrants' use of health services in the countries in which they work is usually occasional. Access to information is a major problem: often they are unaware of their rights to healthcare as well as practical information, such as where clinics are located.<sup>287</sup>

The lack of a home address for those living in shantytowns or informal rural settlements (see **Section 3.1**)<sup>288</sup> often means that migrants cannot be registered in health systems, and transport to health centres is complicated.<sup>289</sup> To address this problem, sometimes NGOs or religious groups offer physical addresses to migrants – such as the diocese of San Severo in Apulia, Italy – or set up mobile clinics offering free healthcare, as in the case of INTERSOS or Doctors with Africa CUAMM in the ghettos of Apulia since 2015,<sup>290</sup> or the Red Cross in some settlements in Spain.<sup>291</sup>

In Huelva, Spain, migrants denounced some municipalities in the courts, demanding to be registered for healthcare despite living in ghettos.<sup>292</sup> While this right was finally guaranteed, numerous administrative hurdles still complicate its formal application.<sup>293</sup> In Spain and Italy, migrants without registered addresses only have the right to go to an emergency room.<sup>294</sup> Thus, in Italy, 60% of migrant farm workers lack access to public health services.<sup>295</sup>

The main problem for workers living on companies' farms (see **Section 3.1.1**) is asking employers to take them to a doctor, which means making visible illnesses or injuries that many want to hide. Sometimes, employers may refuse to take migrants to the health centre, as is reported for Moroccan women in Huelva who are sometimes forced to stay at home when they are ill.<sup>296</sup>

Language is another barrier to healthcare access reported in Italy, Spain, Greece and Finland, as health services often lack intercultural mediators or translators to enable migrant farm workers to report their ailments accurately.<sup>297</sup> Many migrants also lack the means to make an appointment online, where this is required.<sup>298</sup>

As was stated in previous sections of this report, in Germany temporary workers with contracts of less than 70 days are excluded by law from access to social security and, therefore, cannot use the public health system (during the pandemic this was even expanded to up to 115 days contracts, then reduced to 102 days in 2021, and now it is back to 70 days). This de facto excludes most seasonal migrants.<sup>299</sup> A direct effect of this measure is that some Romanian women working in the German countryside migrated with their medicines, knowing they would not receive medical care if needed.<sup>300</sup> For these workers, going to the doctor comes at a very high cost, as visits are paid for; hospitalization in particular can be unaffordable for a labour force with such low pay and precarious conditions.<sup>301</sup>

In Finland, Sweden, France and the Netherlands, migrant agricultural workers are formally guaranteed access to the national health services. However, those employed as 'posted workers' (see **Section 2.1.2**), such as the Thai wild berry pickers in the Nordic countries or Central and Eastern European migrants in France and the Netherlands, pay social insurance contributions in their countries of origin, and thus not only receive lower salaries, but also lose access to healthcare, because they are not listed as tax-payers in the countries in which they work.<sup>302</sup> To avoid dealing with a workforce without health coverage, some employers enrol their workers in private health services, the cost of which they deduct directly from their wages.<sup>303</sup>



Work gloves hanging on a washing line in migrant farmworker accommodation. Photo: Pablo Tosco/Oxfam Intermon.

# 5 THE IMPACT OF THE COVID-19 PANDEMIC

The declaration of migrant agricultural workers as ‘essential’ to authorize their mobility during the COVID-19 pandemic, including in the EU,<sup>304</sup> at a time when it was heavily restricted for the general population put a spotlight on this group of people who sustain our societies.<sup>305</sup>

This social and political attention led to a proliferation of studies on the implications of the pandemic on migrant workers,<sup>306</sup> both monitoring developments in contexts with an established research tradition, such as Italy and Spain, and in under-researched contexts, such as Germany. As regards the literature centred on the countries of origin of migrants, the one focusing on Romanian workers does not specifically distinguish itself from the general literature already analysed here. The few analysed papers centred on migrants’ countries of origin are focused on Romanian media reactions.<sup>307</sup>

## 5.1 MAINTAINING MIGRANT WORKFORCES

One focus of the research was the measures adopted by states to guarantee the availability of labour, such as:

- chartering planes from migrants’ countries of origin in Germany, Italy and Spain,<sup>308</sup>
- regularizing undocumented workers in Italy;<sup>309</sup>
- extending the permits for migrants whose documents were due to expire during the pandemic;<sup>310</sup> and
- providing subsidies for companies<sup>311</sup> and the labour force.<sup>312</sup>

In Germany, labour legislation was amended, extending the period for which employers do not have to pay social security contributions from 70 to 115 days. This situation lasted for a year, and in April 2021 the social security-free period remained at 102 days, instead of reverting to 70, as it was before COVID. These expansions of the social security exemptions ensured it was cheaper for employers to keep the same labour force for longer. Only recently was it switched back to the original 70-day period. Working days were also extended from 8 hours to 12.<sup>313</sup>

In Sweden, migrant agricultural workers were excluded from government-approved measures, to reduce the cost of their contributions to employers.<sup>314</sup> In Finland, the

minimum wage earned by Thai migrant workers for the harvesting season was reduced from €3000 to €2200 due to the harvesting season being shorter than usual because of the pandemic.<sup>315</sup>

Some countries had to recompose their labour force.<sup>316</sup> As the Moroccan women who would normally work in Huelva could not travel,<sup>317</sup> the Spanish government established bilateral agreements with new countries of origin for migrant workers. Romanian workers prioritized countries closer to their home country, such as Germany, and those offering better pay than the Mediterranean countries they had traditionally worked in.<sup>318</sup>

In Finland, the minimum wage earned by Thai migrant workers for the harvesting season was reduced from €3000 to €2200 due to the harvesting season being shorter than usual because of the pandemic.

Spain and Italy attempted to retain migrants who were already in their territory.<sup>319</sup> Farmers in those countries also started hiring new groups; in Spain, this included unemployed workers or unaccompanied migrant minors,<sup>320</sup> and in Italy asylum seekers were hired.<sup>321</sup> Finland also adopted these measures.<sup>322</sup>

## 5.2 PUBLIC DISCOURSE

Some research analysed the public discourse of politicians and the media on migrants and the measures implemented by states. One of the most common findings was the utilitarian nature of these discourses, generally aimed at justifying the need to secure the labour force that sustains the agri-food sector.<sup>323</sup> In other cases, the narrative took on a humanitarian nature, taking advantage of the new visibility of the conditions affecting these essential workers. Certain discourses employed the language of essentiality to call for measures aimed at improving the lives of migrant workers.<sup>324</sup>

## 5.3 WORKING CONDITIONS

In general terms, we see that while some pieces of research during that period focused on changes in working and living conditions caused by the pandemic, other publications focused on exposing conditions that the general public was only just learning about, but had been prevalent for decades.<sup>325</sup> Other reports revealed how the pandemic was worsening conditions, as some companies were extending working hours<sup>326</sup> (as in Germany, see **Section 5.1**), intensifying work,<sup>327</sup> changing salaried relationships to piecework,<sup>328</sup> paying lower wages than agreed<sup>329</sup> or even applying coercive measures such as withdrawing workers' passports.<sup>330</sup>

Several investigations revealed employers failing to provide protective masks and enforce social distancing between workers, which led to large outbreaks of COVID-19.<sup>331</sup> There were even reported cases in which sick migrants were forced to continue working,<sup>332</sup> the worst consequence of which were the deaths of a Polish and a Romanian worker on two German farms due to COVID-19.<sup>333</sup>

However, it was not all negative: for example, in Germany, because of the pandemic, controls on companies were increased.<sup>334</sup> In the Netherlands, the government created a specific task force to monitor the working conditions of migrants in the agricultural

sector.<sup>335</sup> Moreover, among other issues, the European Parliament's greater awareness prompted the negotiation and subsequent incorporation of a social conditionality clause in the CAP, which involves withdrawing subsidies from employers that violate workers' rights.<sup>336</sup>

## 5.4 MIGRANT ORGANIZATION

Some migrants took measures themselves to organize, taking advantage of the pandemic focus to improve their situation, creating platforms such as #regularizaci3n (‘regularization now’) in Spain,<sup>337</sup> and organizing protests and strikes.<sup>338</sup> A key point in their struggle for better legal and working conditions related to the fact that they were declared as ‘essential’ or ‘critical’ workers both by their host states and the EU to allow them to avoid quarantine measures, but this did not result in substantial legal or political improvements in their lives.<sup>339</sup>

# 6 RECOMMENDATIONS

This review of the academic and non-academic literature has shown the severity, complexity and structural nature of the exploitation faced by migrant farmworkers across Europe. Their specific needs include wage problems, job instability, lack of access to basic services, and poor protection from work-related hazards. It has also been identified how these problems, combined with precarious administrative statuses and structural racism, reinforce the difficulties experienced by workers in destination countries. Migrant women are even more vulnerable, as they are also exposed to sexual and reproductive risks affecting their family planning or fertility. The urgency and severity of the situation has already been noted at supra-European institutional levels, including UN rapporteurs publicly denouncing the situation in Italy<sup>340</sup> and Spain.<sup>341</sup>



**Professor Philip Alston**, UN Special Rapporteur on extreme poverty and human rights

*In Huelva, I met with workers living in a migrant settlement in conditions that rival the worst I have seen anywhere in the world. They are kilometers away from water, and live without electricity or adequate sanitation. Many have lived there for years and can afford to pay rent, but said no one will accept them as tenants. They are earning as little as 30 euros per day, and have almost no access to any form of government support. One person told me, "When there's work, Spain needs migrants, but no one is interested in our living conditions."*



**Ms Hilal Elver**, Former UN Special Rapporteur on the right to food

*It has been broadly reported in the media that more than thousands of day-labourers live in Southern Italy area during its picking seasons. Farmers employ seasonal workers from Eastern Europe, Africa and Italy under illegal conditions. Unofficial surveys put that number as high as 90 percent in Foggia. Numerous reports indicate that migrant workers endure slavery-like conditions in the olive oil, tomato and grapes industries among others.*

*Discussion with several NGOs and meetings with agriculture workers from different parts of the country have revealed that a number of people still actively engage in agricultural work, including women and migrants. Regardless of sex, age and nationality status, I learned that agriculture workers are exploited and underpaid. This is particularly severe when it comes to migrant workers hired during the harvest season around the country, especially if migrants are undocumented.*

In order to address this situation, it is necessary to tackle the root causes while also providing shorter-term solutions. Oxfam has been working for many years on tackling inequalities and human rights abuses in the agrifood value chains, as well as monitoring and challenging EU migration policies. Based on our experience, previous engagement with allies and partners, and considering the situation described in this report, we suggest the following actions.



## 6.1 THE COMMON AGRICULTURAL POLICY

**Strengthen the implementation of social conditionality in the Common Agricultural Policy (CAP). To ensure effective protection of agricultural workers across the EU, it is essential to adopt a holistic approach that encompasses updating regulations, extending coverage to all CAP payments and strengthening monitoring.**

- a. Amend the social conditionality framework to include compliance with higher labour and social standards than those already linked with the conditionality:
  - Directive 2019/1152 on 'Transparent and predictable working conditions';
  - Directive 89/391/EEC on 'Measures to encourage improvements in the safety and health of workers at work' (regarding workplace safety); and
  - Directive 2009/104/EC on 'Minimum safety and health requirements for the use of work equipment by workers'.

This could include additional specific requirements for the protection of migrant workers, measures against discrimination and harassment in the workplace, and guarantees of decent living conditions.

- b. Extend social conditionality to all CAP payments and programs. This would involve amending regulations so that social conditionality applies not only to direct payments but also to payments through specific sectoral programs, ensuring that this condition is universal and not limited to the direct payments and certain types of interventions within rural development. This expansion would help ensure that all agricultural workers, regardless of their sector, especially in those where most exploitative conditions occur, such as the fruit and vegetable sector, are protected by adequate labour and social standards.
- c. Establish specific guidelines for the application of social conditionality in sectors employing a large number of vulnerable workers, including migrants. These guidelines should include control and sanction mechanisms tailored to the peculiarities of these sectors, such as seasonal work and specific employment practices. Additionally, there could be additional requirements for these sectors, ensuring effective management and proper application of relevant sanctions.
- d. Encourage and facilitate collaboration among EU member states with similar agricultural sectors to develop and apply uniform practices in the implementation of social conditionality.
- e. Establish robust monitoring and evaluation systems to review the effectiveness of social conditionality across all agricultural sectors. This should include sector-specific data collection on compliance with labour and social standards and the impact of social conditionality on improving working conditions.
- f. Actively involve a wide range of stakeholders – including agricultural workers, unions, employer organizations, NGOs, and representatives from the fruit and vegetable sector – in the process of reviewing and adjusting the social

conditionality framework. Direct participation from these groups should ensure that policies are informed by a deep understanding of the needs and challenges of the sector. Additionally, it is essential that the selection criteria for stakeholders be transparent, ensuring fair and equitable representation of all involved sectors.

- g. Since it is the responsibility of member states to define penalties in case of non-compliance, the European Union should require each member state to establish a detailed annual report on penalties applied under the social conditionality framework. These reports would include information on the number of penalties imposed, the nature of the infringements, the most affected geographical areas, the profile of the workers and the corrective measures adopted by farmers. In addition:
- The European Commission should analyse these reports to assess the effectiveness and consistency of penalties applied at the national level. This would identify potential areas for improvement, significant discrepancies in the application of penalties among member states, and allow governments to share best practices.
  - The European Commission could provide specific feedback to each member state, including recommendations to improve the implementation of social conditionality and ensure greater consistency across the EU.
  - The European Commission should publish an annual report summarizing the findings of its assessment, highlighting progress, challenges and recommendations for future actions. This would contribute to transparency and public dialogue on the effectiveness of social conditionality in the CAP.

## 6.2 A HUMAN RIGHTS APPROACH

**To tackle the structural issues and root causes, there is a need for policymakers and stakeholders to adopt a human rights and value-chain approach by integrating the following issues:**

- a. The European Union and its member states must ensure that the UN Guiding Principles on Business and Human Rights, and the ILO's Convention No. 143 on migrant workers, as well as the latter's Decent Work Agenda, represent a key reference framework for European policies on agrifood value chains.
- b. Member States should ensure a speedy and effective transposition of the European Union's Corporate Sustainability Due Diligence Directive into national legislation.
- c. The European Commission must increase efforts to integrate the European Pillar of Social Rights into the Farm to Fork Strategy, with specific measures addressed to improve the living and working conditions of migrant workers.
- d. With growing evidence that women are particularly affected, the European Union must implement a comprehensive gender approach in its agricultural policies, ensuring special protection and care for women workers in agriculture, as well

as providing them the means to easily declare any irregularities they experience. Sanctions should include an aggravating factor for gender-based violence.

- e. The European Union must reform Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on 'the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers' to guarantee that any temporary migration programme in the EU respects the following rights:
- repeated participants should benefit from automatically receiving permanent residence permits after having worked in Europe for three seasons. Additionally, workers who experience labour rights violations should be eligible for a one-year bridging visa to stabilize their situation, granting them full access to the labour market and social rights;
  - workers must be allowed to come with their families;
  - programs must not only allow but also enable workers to change employers, jobs and sectors through a simple, fast, free and predictable procedure. This should be possible at will, without limitations to specific sectors, ensuring workers have the flexibility to move freely in response to their needs and working conditions;
  - employers must pay round-trip costs (not only the return leg); and
  - the decision on when to start and finish work should be decided by both parties, not only employers.
  - To better support migrant and seasonal workers, it is recommended to extend the period they can remain unemployed to six months beyond their permit's expiration, allowing them to seek new employment without the threat of deportation. During this time, workers should be eligible to engage in any job and receive a minimum income subsidy to aid financial stability, especially if they lack sufficient job contributions for standard unemployment benefits.
- f. The European Union must also be made aware that Directive 2014/36/EU only affects third country nationals not residing in the EU. However, the vast majority of migrant farmworkers are either permanent residents or EU citizens, so new legislative tools must be developed to protect the whole foreign agricultural workforce. Importantly, future legislation should extend protections to include undocumented workers within the territory, ensuring comprehensive coverage and support for all individuals working in agriculture, regardless of their documentation status.
- g. The European Commission should present a legislative proposal to amend Directive 2019/633 on Unfair Trading Practices in the Business to Business Food Supply Chain banning purchases below the cost of production for all buyers of agricultural goods within the European Union, whether or not the supplier is based in the European Union.
- h. Promote the development and implementation of a Grievance Mechanism across the EU, aligned with the UN Guiding Principles on Business and Human Rights

(UNGPs) Effectiveness Criteria. This mechanism should be structured to ensure credibility and impact, embodying the characteristics of being legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and founded on engagement and dialogue. Key cross-cutting themes must include incorporating a gender-based perspective, protecting individuals from the risk of retaliation, ensuring meaningful stakeholder engagement, linking grievance mechanisms to human rights due diligence, maintaining transparency and effective communication, and understanding and responding to the remedy ecosystem. This approach will foster a robust framework for addressing grievances related to business practices throughout the European Union, promoting a harmonized standard of human rights observance and corporate accountability.

- i. Establish specific safeguards and redress mechanisms for workers affected by labor violations. This should include creating 'firewalls' to prevent migrant workers who are victims of labor violations from facing immigration enforcement due to inspections. Additional measures should also be implemented to ensure that affected workers have access to residence permits and compensation in cases where violations lead to job loss or other negative consequences. These safeguards are crucial to protect vulnerable workers and ensure that the enforcement of labor laws does not inadvertently harm those it aims to help.

## 6.3 REPRESENTATION

### **Public administrations and trade unions must advocate in favour of the labour and social rights of migrant farmworkers.**

- a. Increase the frequency and effectiveness of labour inspections across European farms, focusing on enforcing labour standards and human rights. It's critical to allocate sufficient resources for these inspections while establishing clear safeguards to separate labour enforcement from immigration enforcement. This will prevent inspections from resulting in the arrest, detention, or deportation of undocumented workers. Trade unions should oversee these measures to ensure that inspections improve working conditions without jeopardizing worker safety or rights.
- b. Ensure greater and more inclusive representation of foreign farmworkers on the issues affecting them. The ideal way to achieve this would be to integrate a substantial number of migrant labourers in the structures of trade unions in European countries. In the short term, national unions should make sure to fully integrate the specific needs of this workforce in their agenda as priority demands, given the severity of the exploitation and lack of social rights across Europe. It is important to ensure women's representation due to the specific problems and risks that they face.
- c. Establish permanent partnerships with smaller unions, small producers, organizations of migrant farmworkers, and organizations supporting migrants

to better address the unique challenges of migrant farmworkers. Smaller unions and small producers are closely connected to the day-to-day realities of these workers and can quickly implement necessary improvements. Involving organizations of migrant farmworkers and those supporting migrants ensures that a broad range of experiences and needs are considered, facilitating more effective and comprehensive strategies to enhance the wellbeing and working conditions of migrant farmworkers.

## 6.4 ADDRESSING NEEDS

**To effectively address the challenges faced by migrant workers in the agricultural sector, a comprehensive strategy encompassing targeted financial allocations and programmatic initiatives is crucial.**

- a. The European Union and member states should allocate specific funds to address the serious housing issues faced by migrant workers in the fields, with a special focus on those forced to reside in informal settlements, such as shantytowns. Such funds must be directed towards developing permanent and adequate public housing, transcending temporary solutions such as shelters, which do not offer a sustainable long-term response. Such measures should also recognise the distinctive housing needs of women.
- b. The European Union and member states should also allocate specific funds to strengthen the public transport system in areas with a high concentration of migrant workers to allow them to access basic services and reach their workplaces. Employers must also be involved, ensuring that workers can reach their workplaces safely and have full and secure access to basic services.
- c. The European Union and member states must promote programmes encouraging agricultural companies and public administrations to provide OSH training adapted to the different languages and cultures of migrant workers. This should be inclusive and accessible, ensuring all workers understand occupational safety pictorials, practices and regulations. In addition, it is essential to reinforce, through regular inspections, that workers receive – free of charge and on an ongoing basis – the personal protective equipment necessary to perform their tasks safely.
- d. The European Commission should define common guidelines for guaranteeing universal access to public healthcare for all foreign agricultural workers, regardless of their administrative status. Member states must also ensure their health systems are inclusive, so migrant workers can communicate effectively and receive quality care in their home languages, especially in areas with a high migrant population. In addition, patients' cultural and physical particularities, as well as differentiated needs of women and men, must be considered and respected in medical treatment to ensure appropriate care.

# ANNEX: METHODOLOGY

This report is based on an extensive literature review. The process for finding sources differed between academic and non-academic literature.

## ACADEMIC LITERATURE SEARCH

Specialized databases make the systematic review of academic literature possible. The Web of Science and Scopus databases were searched for all possible combinations from a set of words from the semantic fields for *migrant workers and agriculture* (see **Table 1**).

**Table 1: Searched categories in WOS and Scopus**

Terms meaning 'migrant worker'	"migrant labour"; "migrant labour"; "seasonal workers"; "circular migration"; "temporary workers"; migration; foreigners; "foreign workers"; migrants
Terms meaning 'agriculture'	agriculture; "primary sector"; agri-food; agri-food; horticulture; "food production"; agro-industry

Source: Authors' own work

All the results obtained by searching for expressions that also mean 'migrant farm worker', *but which cannot be constructed by combining specific terms from the two previous groups, such as "migrant farm worker"; "migrant farmworker"; "foreign farm worker"; "foreign farmworker" were added.*

These searches have been refined by limiting the results to only those texts that met specific requirements:

- 1. Publication date:** 2018 to 2023.
- 2. Country:** Nine states were selected. Spain, Italy, France, Poland and the Netherlands were chosen because they are the five main producers of fresh fruit and vegetables in the EU, accounting for 72% of total production (see Table 2). To ensure spatial coverage of the continent, two northern European countries were added. Finland and Sweden were selected, as both have temporary migration programmes in their agricultural sector. Germany and Greece were also included, as their agricultural sectors have significant numbers of migrant workers. The main countries of origin – Romania, Thailand, Morocco, and Ukraine – were added to the nine selected destination countries.
- 3. Field:** Ascribed to either a social science discipline,<sup>342</sup> a health science discipline<sup>343</sup> or multidisciplinary.

**Table 2: Top 5 EU producers of fresh vegetables<sup>344</sup> (including melons and strawberries) (harvested production, 1000t), 2022**

COUNTRY	KT	%
Spain	14194	24
Italy	12449	21
France	6003	10
Poland	5521	9
Netherlands	4869	8
<b>TOTAL EU-27</b>	<b>60114</b>	<b>100</b>

Source: Eurostat. (2023). Crop production in national humidity [apro\_cpnh1]. [https://ec.europa.eu/eurostat/databrowser/view/APRO\\_CPNH1\\_\\_custom\\_10929579/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/APRO_CPNH1__custom_10929579/default/table?lang=en). Last accessed 21 March 2024.

All the articles found during the search were reviewed to check their relevance for inclusion in the final sample to be analysed. Not every article found through the criteria discussed migrant farmworkers in Europe and were thus excluded.

Finally, the authors added articles that met all the requirements and were considered relevant based on their previous knowledge of the field, but that did not appear in the searches. Around 15% of the academic sources finally consulted were incorporated through this discretionary procedure.

The result is a database of 140 texts<sup>345</sup> distributed by country as shown in **Table 3**.

**Table 3: Sample of selected articles by country or region\***

Spain	41
Italy	41
Sweden	10
Germany	9
Finland	2
Greece	4
France	3
The Netherlands	2
Poland	4
<b>Europe or sub-regions, without clearly distinguishing countries</b>	<b>24</b>

Source: Authors' own work

\*Articles with an origin perspective were included in this sample according to the destination country or region described (e.g. an analysis of Romanian media on seasonal workers in Europe is included in the category 'Europe').

## NON-ACADEMIC LITERATURE SEARCH

A different process was used to find literature by non-academic actors, such as civil society organizations and state or supra-state public bodies.

Firstly, literature was requested from relevant social organisations in the sector and partners in the SafeHabitus project. Oxfam affiliates submitted several reports related to the nine European countries. Economic and social partners submitted three texts as well as additional background material.

Afterwards, the authors used non-specialist internet search engines to enrich the database with other relevant texts that had yet to be provided by the reference organizations. The database was completed by adding, on a discretionary basis, a few more reports considered relevant according to the authors' prior knowledge.

As a result of this process, a sample of 37 non-academic reports was constructed, with the distribution by country as shown in **Table 4**.

**Table 4: Sample of selected non-academic reports by country or region\***

Spain	9
Italy	6
Sweden	1
Germany	2
Finland	2
Greece	2
France	4
The Netherlands	1
Poland	3
Europe or sub-regions, without clearly distinguishing countries	7

Source: Own elaboration

\*Articles with an origin perspective were included in this sample according to the destination country or region described (e.g. an analysis of Romanian media on seasonal workers in Europe is included in the category 'Europe')



## ANALYSIS

The authors analysed the identified literature by extracting each piece of information related to the thematic objectives of this report:

- working conditions;
- transport;
- residence;
- health and safety at work (including accidents and long-term health problems);
- access to public health systems; and
- the impacts of the COVID-19 pandemic.

Gender issues were addressed as a cross-cutting priority.

The results presented exclusively reflect the contents of the literature and in no way pretend to represent the contexts analysed. Some countries have more mentions than others due to the relative amount of research produced and does not imply that some issues are exclusive to certain states. The authors of this report are responsible for the analysis of the content found, not for the information published in the sources from which the data is drawn.



Strawberry pickers in Spain. Photo: Pablo Tosco/Oxfam Intermon.

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- 339 Sajir et al., 2022.
- 340 Corrado & Palumbo, 2022; Protopapa, 2022.
- 341 Sajir et al., 2022; Garcés-Mascreñas & Güell, 2021; Pedreño Cánovas et al., 2022.
- 342 In a broad sense, this includes sociology, anthropology, political science, cultural studies, law, history, social work, etc.
- 343 Including pharmacy, nursing, public health, health services studies, etc.
- 344 Includes melons and strawberries.
- 345 The sum of the articles reported for each country in **Table 3** does not add up to the total count of 140 because some texts cover multiple countries.



## Oxfam

Oxfam is an international confederation of 21 organizations, working with its partners and allies, reaching out to millions of people around the world. Together, we tackle inequalities to end poverty and injustice, now and in the long term – for an equal future. Please write to any of the agencies for further information or visit [www.oxfam.org](http://www.oxfam.org).

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Oxfam Hong Kong ([www.oxfam.org.hk](http://www.oxfam.org.hk))

Oxfam IBIS (Denmark) ([www.oxfamibis.dk](http://www.oxfamibis.dk))

Oxfam India ([www.oxfamindia.org](http://www.oxfamindia.org))

Oxfam Intermón (Spain) ([www.oxfamintermon.org](http://www.oxfamintermon.org))

Oxfam Ireland ([www.oxfamireland.org](http://www.oxfamireland.org))

Oxfam Italy ([www.oxfamitalia.org](http://www.oxfamitalia.org))

Oxfam Mexico ([www.oxfamMexico.org](http://www.oxfamMexico.org))

Oxfam Novib (Netherlands) ([www.oxfamnovib.nl](http://www.oxfamnovib.nl))

Oxfam Québec ([www.oxfam.qc.ca](http://www.oxfam.qc.ca))

Oxfam South Africa ([www.oxfam.org.za](http://www.oxfam.org.za))

KEDV ([www.kedv.org.tr](http://www.kedv.org.tr))

## SafeHabitus

SafeHabitus is a four year (2023 – 2026) Horizon Europe funded project that aims to improve working conditions for farmers and farm workers by reducing occupational injuries and fatalities and thereby enhancing the social sustainability of EU food systems.

This report summarises existing research related to the role of seasonal, mobile and migrant workers in agriculture and the challenges they face, including workplace hazards and housing and transport issues.

Find out more about the project here: <https://www.safehabitus.eu/> and sign up to our newsletter to keep informed of new reports and future activities: <https://dashboard.mailerlite.com/forms/337217/80737265502914041/share>

