

SEASONAL AND MIGRANT WORKERS IN AGRI-FOOD VALUE CHAINS

Policy briefing



Introduction

SafeHabitus is a Horizon Europe-funded research project that seeks to enhance the working conditions of farmers and farm workers by improving farm safety and farmer health. In addition to undertaking research, project activities involve the organisation of a series of policy discussions. The second policy discussion was organised on 10 April 2024 in the form of a SafeHabitus Policy Seminar. It brought together EU policymakers, policy stakeholders and researchers to support the development of this policy brief which contains recommendations for improving the working conditions of migrant workers. Policymakers, practitioners, and researchers shared their knowledge and experience during the seminar, developing a shared understanding of the challenges and identifying potential actions and solutions for improving migrant workers' conditions. Research, data and practical first-hand experiences were presented during the seminar and provided an evidence base upon which to discuss a number of key issues. The following aspects were covered: decent wage and income, the gender gap in wages, pension and benefits, housing and living conditions, intermediation services, higher exposure to OSH issues – and long-term health effects, working hours, leave, healthcare access and long-term burden on healthcare systems and general decent work and rights challenges.

Migrant workers in agriculture

There is limited data available on migrant workers in EU agriculture, their socio-demographic characteristics, including their country of origin and conditions of employment, and the comparability of such data is challenging.

In 2020, an estimated 8.7 million people were employed in EU agriculture, but the total agricultural labour force was significantly higher, at 17 million people, due to widespread informal assistance, primarily in the form of family workers, on farms (Eurostat, 2023c). Among this workforce, approximately 2.4 million were seasonal agricultural workers, including 2 million EU citizens and 420,000 non-EU citizens (EESC, 2023).

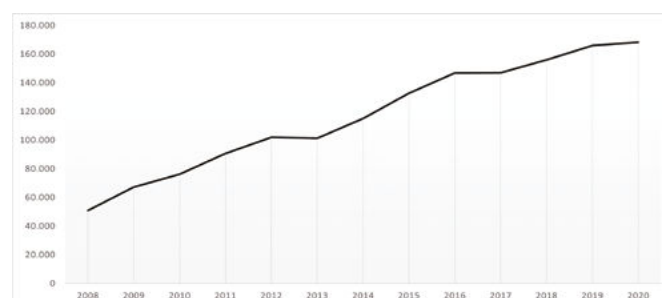
While seasonal agricultural workers are employed across the EU, particularly high numbers work in Italy, Spain, Germany, France, Bulgaria, the Netherlands, Poland, Greece, Hungary, and Portugal (EESC, 2023). Italy, Spain, Germany, and France employ the largest number of migrant workers in agriculture, most of them in seasonal roles. These countries, particularly Spain and Italy, account for 45% of total fresh vegetable production in the EU (Eurostat, Table 1) indicating where there is a need for a large amount of seasonal manual labour. However, due to inconsistent official reporting, cross-country comparisons remain difficult. In some smaller EU countries, migrant workers also constitute a significant share of the agricultural workforce. This number of such workers is influenced by national/local factors such as labour availability, crop types, level of technology to support planting and harvesting.

Table 1. Top 5 EU producers of fresh vegetables (including melons and strawberries) (Source: Eurostat [apro_cpnh1] (2023))

2022	Harvested production (Unit: 1000 tones)	% over total
Spain	14.194,43	24
Italy	12.449,49	21
France	6.003,23	10
Poland	5.521,10	9
Netherlands	4.869,13	8
TOTAL EU-27	60.114,91	100

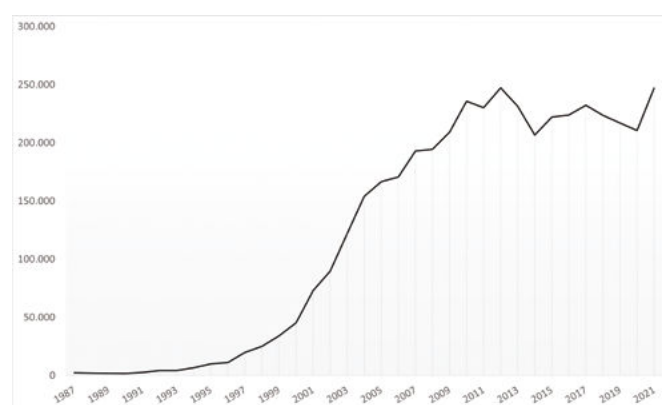
Case example Italy: Total number of foreign employees in agriculture, forestry and fisheries between 2011 and 2020

Source: Dataset Occupati, ISTAT (2022)



Case example Spain: Number of active workers of foreign origin in the agricultural sector from 1989 to 2021 (annual average)

Source: Spanish Working population survey, INE (2022)



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Migrant workers access EU agricultural jobs through three main channels:

- **Autonomous intra-EU migration:** Many Western European countries rely on migrant workers from EU member states, particularly Romania, Bulgaria, and, to a lesser extent, Poland. Since these workers are EU citizens, they do not require prior organisation by employers or destination states (Molinero-Gerbeau, López-Sala, and Serban, 2021).
- **National temporary migration schemes:** Some countries issue temporary work permits to non-EU workers through state-led or employer-led programmes. Examples include Moroccan female workers in Spain (Reigada, 2022) and Thai posted workers in Sweden and Finland (Axelsson and Hedberg, 2018). Similar schemes exist in France, Germany, the Netherlands, and Poland (Siegmann, Quaedvlieg, and Williams, 2022; Fiałkowska and Matuszczyk, 2021).
- **Irregular migration:** Workers from third countries who enter the EU without legal status also play a significant role in agricultural labour markets. In Italy, between one-quarter and one-third of agricultural workers are estimated to be in irregular employment (Anderlini, 2022; Palumbo, 2022). Many of these workers originate from North Africa and Sub-Saharan Africa.

Key conclusions from the Policy Seminar

Migrant and seasonal workers in agriculture may be vulnerable to poor working conditions due to several factors. Given the relatively small margins associated with food production, incomes are generally low; the temporary or seasonal nature of the work means that there may be relatively little job security; and, occupational health and safety challenges are common. Language barriers and limited access to social protections can exacerbate the challenges faced by workers. Gaps in enforcement of labour laws and the complex nature of migration and employment regulations can leave workers unprotected. Having said this, it is important to stress that being a migrant worker does not automatically mean that the person is exploited or vulnerable. A number of contributors at the event highlighted the economic benefits that workers derive compared to similar employment in their home/origin countries.

There was general agreement that the main challenge for improving working conditions of migrant workers in the sector is the lack of a coherent and consistent policy framework. Currently, the framework within which migrant workers in agriculture are regulated is complex and consists of measures developed and implemented by a range of national and EU institutions including those responsible for employment, agriculture, home affairs and justice. In many instances, legislation or regulations have been developed independent of each other or with little consideration of how they interact at the level of the worker, employer or sector.

Further undermining the development of robust policies that support improvements in working conditions is the general absence of reliable data regarding the number of workers within the sector, their experiences and the identification of critical issues. The temporary or seasonal nature of employment, combined with the rural or remote location of farms means it is difficult to conduct surveys or censuses of employment or research.

There was broad agreement amongst participants in the seminar that there is a need to ensure that policy and regulations are applied consistently across the EU and within the sector. It is particularly

important to ensure that those employers who are complying with the rules and regulations are not faced with competition from employers, either in their own country or another member state, who gain an unfair advantage through non-compliance. This speaks to the need for the consistent enforcement of employment, social, and migration legislation. It also highlights the importance of EU level structures, particularly the sectoral social dialogue, that provide a platform for employers and trade unions to engage with EU policy makers and identify areas for policy action or improvement.

Key policy recommendations

1. Improving awareness of social security supports

Outreach campaigns were highlighted on several occasions as essential in informing migrant workers about their rights in the EU. The European Labour Authority (ELA), trade unions and NGOs all engage in such campaigns, which play a key role in reaching often isolated communities of migrants. This would also provide an opportunity to integrate the activities of the European Platform on Undeclared Work more systematically into the agricultural sector. If run on a regular basis, EU agricultural employers would be able to count on advice on good practices for managing the rights of seasonal workers.

Recommendation:

- Extend the scope and frequency of the “Rights4AllSeasons”¹ campaign to be a bi-annual campaign with a specific focus on agriculture on a similar level and scale to the successful EU-OSHA healthy workplaces campaigns.
- Ensure seasonal workers have access to social security, including pensions, healthcare, and unemployment benefits across EU Member States.
- Integrate the activities of the European Platform on Undeclared Work² more systematically into the agricultural sector.
- Provide funding for language courses, workplace translation services, and cultural mediation programmes to support migrant workers’ integration and access to information.

Responsible body: European Social Fund Plus (ESF+), European Commission (DG EMPL), European Commission and European Labour Authority (ELA), National Authorities.

2. Strengthen occupational health and safety governance frameworks in agriculture

There was general recognition of the importance of ensuring the agricultural sector maintains and enhances its attractiveness relative to other sectors. Reinforcing a previous agreement, the European social partners in agriculture were in agreement on the need for Member States to ratify ILO Convention C184 on safety and health in agriculture. This convention would either reinforce or support any existing legal provisions for all agricultural workers (including migrant workers) and, if adopted by all Member States, would de facto serve as an informal European Directive on OSH and working conditions in agriculture. A similar approach has been successfully taken up by the EU Council of Ministers and EU Social Partners in the fisheries sector.

Recommendation:

- Member States to ratify ILO Convention C184 on work in agriculture.

Responsible body: National Authorities.

1 <https://www.ela.europa.eu/en/campaigns/rights-all-seasons>

2 <https://www.ela.europa.eu/en/tackling-undeclared-work#:~:text=The%20European%20platform%20tackling%20undeclared,depth%20analysis%20on%20relevant%20issues>

3. Strengthen labour inspections and enforcement

The ILO recommends that there is a minimum of one Labour Inspector to 10,000 workers. ILO Conventions C81 on Labour Inspection and C129 on Labour Inspection in Agriculture (the latter ratified by 20 EU Member States) would provide a strong legal basis for coordinated action, particularly working with the EU Senior Labour Inspectors Committee (SLIC) of DG EMPL.

Recommendations:

- Increase funding and staffing for national labour inspectorates to conduct inspections in agricultural workplaces in line with international standards and cover workers in a comparable way to other high-risk sectors such as construction.
- Introduce EU-wide minimum inspection guidelines in agriculture in order to ensure a level playing field across the EU.
- SLIC to organise a sector-specific inspection campaign for agriculture (similar to the one carried out in the 1990s and a comparable one in construction in 2003) and to provide specific focus on agriculture as a high-risk sector within wider holistic campaigns (such as was the case for the SLIC accidents campaign 2023/4 in Ireland).

Responsible body: EU SLIC Committee of DG EMPL, European Labour Authority (ELA) in cooperation with national labour inspectorates.

4. Support the implementation of the CAP Social Conditionality Regulation

Many NGOs, Trade Unions and even DG AGRI have been evaluating possible areas to which to extend social conditionality in order to ensure comprehensive coverage for the key social challenges faced by migrant workers in agriculture and to cover all of the sectors employing a large number of seasonal workers, such as to the horticulture sector. However, in view of the broad recognition that the Social Conditionality regulation presents a series of challenges to national authorities, specifically the need for greater co-ordination between employment and occupational health and safety regulators and paying agencies, there is a need to allow time for this approach to be implemented and evaluated.

Recommendations:

- Establish incentives and support services to farmers to build the capacity of farmers to improve adherence to minimum labour standards and social protection of farmworkers (e.g. OSH training for advisors in CAP).
- Provide specific incentives in the CAP National Action Plans to support OSH and social measures for those key sectors, such as horticulture, not covered by social conditionality and employing a large number of seasonal workers, following the example of the Spanish CAP sectoral plan for horticulture.
- The European sectoral social dialogue for Agriculture to continue discussions on the implementation of CAP social conditionality, as the sectoral dialogue is an important tool for improving working conditions in all areas along the agri-food value chain, as it strengthens collaboration between employers and employees at EU level and promotes a culture of partnership and mutual understanding.

Responsible body: European Commission (DG AGRI), in coordination with national CAP-paying agencies, DG EMPL (Sectoral social dialogue committee).

5. Develop fair recruitment practices for seasonal and migrant workers in agriculture

In addition to calling for improvements in the EU Temporary Agency Directive to protect temporary workers, the Trade Unions also called for an EU Directive on Labour Intermediaries and Fair Working Conditions across subcontracting chains in order to regulate labour intermediaries and reduce abusive subcontracting practices. Article 12 of the EU posted workers Directive contains a clause for imposing liability between intermediaries and the agri-food employer, which could already apply to posted workers in the agricultural sector.

Recommendations:

- Develop an EU framework to coordinate the recruitment, protection, and return of seasonal agricultural workers, ensuring fair mobility and consistent labour rights enforcement across Member States.
- Provide a list of concrete measures (in the form of a report) to address the challenges identified in the above EU framework.
- Strengthen data-sharing mechanisms between Member States to track and prevent undeclared work.
- Develop targeted programmes to transition workers from informal to formal employment.

Responsible body: European Commission (DG HOME & DG EMPL in collaboration with Member States) and the EU Sectoral Social Dialogue in Agriculture, with support of the European Labour Authority (ELA), specifically the European Platform tackling Undeclared Work (EU-UDW).

6. Improve access to decent housing

Recommendations:

- Establish EU-wide guidelines on housing standards for seasonal workers,³ ensuring access to sanitation, heating/cooling, and adequate space.
- Provide financial support to farmers for compliance through EU social and regional funds.

Responsible body: European Commission (DG EMPL, DG REGIO & DG AGRI) in collaboration with national authorities.

7. Promote market certification and labelling to support fair working conditions in the EU

The findings of the recent EU-OSHA (2024) study on using ethical trade schemes to improve occupational safety and health (OSH) in the EU agri-food sector should be assessed for their applicability to broader labour standards. However, concerns about enforcement gaps and excessive administrative and reporting burdens on farmers should be considered.

Recommendations:

- Evaluate the potential of ethical trade and supply chain labelling schemes (e.g., Global GAP, ETI, SA8000) to enhance working conditions in EU agriculture, particularly for migrant workers.
- To further explore this, we recommend that SafeHabitat examine this issue in detail during its planned Policy Seminar on "Implementation of CSR Market Enabling Conditions" in 2025/6.

Responsible body: European Commission (DG EMPL & DG AGRI), EU-OSHA, SafeHabitat.

³ French employers FNSEA have already established a National guide for its members.



Next steps and the way forward

The seminar heard from a wide range of experts, social partners and civil society members on this often-sensitive topic, particularly between employers and trade unions/NGOs.

The authors of this Policy Brief are of the opinion that many policy options exist for improving the working conditions of migrant and seasonal workers in the sector and that this Brief contains a number of practical policy suggestions.

However, in order for there to be progress on any of the above

policy proposals, there would be a need for the process to be led by a **strong and balanced sectoral social dialogue**⁴ between employers and workers in the agriculture sector. Taking into account the present policy environment in the agriculture sector, the question remains however if there is enough political will between the parties concerned to move forward and act upon these proposals to improve the working conditions of migrant and seasonal workers in agriculture. We urge all parties concerned to continue working together to meet the challenge of improving working conditions for all, enhance the attractiveness and competitiveness of the sector, and strengthen food security in Europe.

4 <https://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1824>

“The working conditions of seasonal workers are a serious challenge for European agriculture. The EESC NAT Section commissioned a study which supports our concerns with figures clearly indicating that we need to act and build a robust policy framework to protect workers in the field of farming.

However, it is not only a question of protecting workers. We must also look after farmers because farmers place themselves in vulnerable situations. The example of working time is clear. As trade unionists, we have negotiated eight-hour working days with employers who themselves are working much more, 12 to 14 hours. And we all know that after eight hours in the workplace, the risks begin to increase as people begin to pay less attention while at the same time they are working with machines, animals, dangerous substances and other risks.

But the time for talking is now over. We have gathered sufficient knowledge. We now need to move to action and a set of clear recommendations for improving this situation.”

Peter Schmidt,
President of the EESC NAT Section
Group II Workers Member

“The agri-food sector is particularly exposed to poor working conditions and the discrimination of seasonal workers often goes undocumented. Informal work is widespread and informal workers are invisible. These workers are also more exposed to unhealthy and unsafe working conditions. There is also a problem with illegal labour intermediaries. In general, the legislative framework for decent labour contracts exists but the problem is that it is often violated.

Inspections are one of the weak elements in terms of policy implementation at the national level. In Italy, the social partners recently supported the presentation of a case before the ILO Committee of Application of Standards in Geneva, regarding the violation of two ILO Conventions, Conventions 81 and 129 on inspections in the agricultural sector. The Committee of Experts reported on persistent violation of inspections in Italy calling upon the Italian state to take action to comply with its legal obligations in applying these standards.

It is important to redesign inspection systems at the local level, applying new instruments and practices, such as the supervisory mechanism of the ILO. This will also raise awareness on these labour violations at the international level. We need to push our governments to take action with the full involvement of the social partners.”

Cinzia del Rio
President of EESC SOC Section
Group II Workers Member

The full list of references and annexes are available on <https://www.safehabitus.eu/pd-migrant-workers-annex/>



SafeHabitus

**SafeHabitus policy brief:
Seasonal and migrant
workers in agri-food value
chains**

ONLINE ANNEXES



Annex 1: SafeHabitus activities related to migrant workers in European Agriculture

The SafeHabitus Horizon Europe project, **"From fork to farm and workers"**, is carrying out a series of activities in order to understand the dynamics along the agri-food value chain that impact the labour conditions of migrant workers. This research responds in part to recommendations of the 2023 EESC report calling for a study on the value chain of food, and assigning reputational labels for 'fair' employers of migrant workers.

To date, a review of the existing literature on migrant workers' conditions in agriculture has been carried out. As part of this, a webinar was held in Q4 2023 that brought together select researchers to present results from their work in this area. The literature review focuses on documenting the challenges faced by migrant workers relating to working and, associated with this, living conditions. A report was published by Oxfam in the 2nd quarter of 2024 (Ruiz, C., Castillo-Rojas-Marcos, J. and Molinero-Gerbeau, Y. 2024). Also, an academic article analysing the current EU OSH framework in agriculture and its applicability to migrant workers was published in the journal *Eurochoices*, titled "Neither Healthy nor Safe: Insufficient Regulation of Occupational Health and Safety for Migrant Farmworkers in Europe" (Castillo Rojas-Marcos, J. and Molinero-Gerbeau, Y. 2024).

Led by Comillas University, a database analysing different dimensions of Social Security protections of agricultural workers in the EU and the transferability of rights between origin and destination countries was constructed and finished in Q2 2024. During Q1 2024 Comillas and Oxfam have led qualitative fieldwork in Spain and started to plan fieldworks in Morocco and Romania to identify the experiences of migrant workers in certain agricultural enclaves and assess the nature and impact of farm health and safety issues linked to their work and mobility. The results from this research will inform consumers and key actors within selected value chains.

This work will support the development of Corporate Social Responsibility (CSR) measures aimed at enhancing working conditions by improving occupational health and safety of workers. An evaluation of CSR practices in supermarkets, led by Oxfam, will be conducted in three phases: document review, semi-structured interviews with key actors, and qualitative data analysis to better understand their impact on agricultural workers and promote more ethical markets.

Additionally, a strategy will be implemented to enhance multi-stakeholder organizations in the agri-food sector, analyzing best practices and applying improvements based on successful experiences like the "Better Strawberry Group" in Morocco.

Starting in Q1 2025, Comillas is carrying out a survey aimed at identifying consumers' awareness of working conditions behind agricultural products.

Annex 2: case examples presented during the seminar on managing migrant issues in farming

During the seminar, we heard about a number of practical experiences from business associations, employers and trade unions and NGOs which demonstrated how the challenging working conditions of migrant workers are being dealt with in the sector.

The Ethical Trading Initiative: Sara Petersson, Programme Manager Grievance mechanisms in Agriculture (Italy and Spain)

In 1998, pioneering companies, NGOs and trade unions established ETI to promote respect for human rights in global supply chains. Today, ETI has 120+ members globally, of which 90 are companies. In January 2023, ETI launched a two-year project to improve access to grievance mechanisms for vulnerable workers in selected agricultural supply chains of ETI members. This includes a two-pronged approach:

1. Piloting a process to establish effective operational grievance mechanisms at grower level in Spain and Italy. This approach focuses on facilitating workplace dialogue between workers and employers.
2. Establishing and supporting a network of civil society organisations (Digniwork) in selected countries of origin and transit for migrant workers (Côte d'Ivoire, Tunisia and Morocco) to share and disseminate accurate information on labour rights and the risk of labour exploitation in agricultural supply chains in Southern Europe.

The project is being run in Puglia and Sicily in Italy, Almeria, Murcia and Huelva in Spain, Morocco, Tunisia, and the Ivory Coast in West Africa. The present project is set to run from January 2023 to March 2025 and is funded by the UK Government's Modern Slavery Innovation Fund – Phase III.

Counselling services for migrants: Kateryna Danilova, counsellor on labour rights at the European Migrant Workers Union – Germany

European Migrant Workers Union is an NGO which aims to influence politics and society in the interests of mobile workers. EMWU helps migrant workers to organise through labour unions. Working with both domestic and foreign cooperation partners, they support mobile employees in the collective and individual enforcement of collective bargaining and legal claims. They support with outreach education and information activities to help migrants demand their rights. In addition, they provide conflict-oriented advisory support and organise campaigns.

They also support migrant workers when they change their place of work and country of deployment, for example, by providing them with contacts from the relevant representative trade unions in the host country. They put them in touch with specialist lawyers and government agencies if mobile workers want to defend themselves against exploitative employment relationships and poor living conditions.

It provides information on entitlements to medical care in the country of deployment and on applicable occupational health and safety regulations.

At present, EMWU has two specific projects; one on “fair mobility”, targeted at workers coming for European Union on their intra-EU mobility and the other on “fair integration” aiming to provide labour law consultation to migrant workers in their mother tongue.

Trade unions: Jean-René Bilongo, Head of the FLAI CGIL migration and inclusion policies department – Italy

The FLAI CGIL trade union in Italy has set up an in-house research foundation (Placido Rizzotto Observatory) with a series of university researchers and activists who provide a picture of what is happening in the field. Their research group includes a former UN special rapporteur, top-ranking law enforcement officers, lawyers and magistrates. They publish a detailed report every two years on the illegal practices, now in its seventh edition. The report, called “Agromafie e caporalato” is well known in Italy and becoming better known in Europe.

The report covers many of the labour and criminal violations affecting migrant workers in agriculture, covering labour and social issues, fundamental rights, living conditions, and occupational safety and health issues. There is very strong collaboration with Oxfam, Amnesty International and other NGOs.

Their research group closely monitors court cases and they have an agreement with a consortium of 12 universities monitoring court cases all over Italy.

They also have campaigns in the field, one being called "Still in the Field" (Ancora in campo).

They also invite trade union colleagues from (origin) countries such as Tunisia, which has a large community of migrants, to accompany them in field visits to seasonal workers in specific agricultural districts. Involving trade union leaders from countries of origin has added real value in convincing migrants to participate in FLAI CGIL's activities by increasing trust amongst the migrant worker communities.

Christien Miroir, Horticultural consultant at [Boerenbond](#), the Flemish Belgian employers' organisation

Boerenbond is an employers' organisation which helps Flemish farmers manage labour and contractual issues with seasonal workers in line with Belgian and European law. The organisation assists farmers through all of the legal challenges with employing foreign workers with the aim of facilitating the identification and employment of seasonal and migrant workers in agriculture. It helps in identifying and recruiting workers and fixing salary agreements, as well as assisting farmers in managing many of the administrative aspects. However, many challenges still persist such as the challenges for Belgian farmers of paying social security contributions in Poland or other third countries and the differences in taxation between different Member States.

During the seminar, a representative of GEOPA/FNSEA from France also highlighted the specific [convention](#) between the Agricultural employers Union FNSEA and Morocco and Tunisia on the recruitment of seasonal workers in agriculture. FNSEA has also developed a [guide on accommodation](#) for its members.

Annex 3: Policy discussion during the seminar on improving working conditions for migrant and seasonal workers in agriculture

There were a number of presentations and a dedicated policy discussion between policy-makers and stakeholders on the challenges and the responses needed to improve the working conditions of migrant workers in agriculture. Some highlights of the various inputs are given below:

Margaret Bateson-Missen, Head of Unit for Social Sustainability, DG Agriculture gave an overview of the application and implementation of CAP social conditionality and the various legal provisions which apply to migrants workers in agriculture. Most of the presentation focused on the present scope of CAP social conditionality and how or if it could be extended to include other legal measures or to include presently excluded sectors of the agricultural workforce, such as those working in the horticulture, wine or olive sectors or to include self-employed workers which make up the majority of the EU agricultural workforce. The presentation also gave a brief overview of other relevant legal mechanisms, such as the seasonal workers' Directive and the Posting of Workers and how these provisions could apply to migrant and seasonal workers.

The point was made that CAP social conditionality does not replace existing social and employment law or legal provisions but is merely meant to act as an additional leverage on those farmers who do not comply with their minimum legal obligations.

Gelu Călăcean, Head of Unit for Labour mobility, Public Employment Services and European Labour Authority, DG Employment said that both third country nationals and EU nationals were equally impacted by the precariousness, poor working conditions and cases of abuse in the sector, indicating that any legal framework had its limitations in such circumstances.

He said that agriculture was a recurring sector raised by labour inspectors within the framework of the work of the European Labour Authority and, in particular, in ELA's European platform for undeclared work. He spoke about the recent setting up of the European Labour Migration Platform which allows Member State labour authorities and migration authorities for third-country nationals to discuss migrant workers in the sector and that agriculture was also a recurring theme here too.

He stressed that in addition to labour inspection workers need to be adequately informed about their rights. The rules in a number of countries apply certain eligibility requirements for qualifying, for instance, for unemployment benefits, which make it difficult for seasonal workers to qualify. ELA had been working a lot on informing workers through its campaigns.

Referring to intermediation services in the employment of migrant workers, he referred to a survey which had identified several abuses in terms of working conditions and that the Commission was encouraging labour authorities to focus more on this issue. He referred to the useful example of the Posting of Workers Directive (which, although more relevant for the food processing sector and for intra-EU workers) that includes under Article 12 a clause for imposing liability between intermediaries and the agri-food employer. But even there, he also stressed the challenges of application by Member States. He reported on infringement proceedings against 10 Member States in 2023 on the implementation of the Seasonal workers' directive.

He also mentioned the [new directive on minimum wages](#), which will need to be transposed into national law by the 15th November 2024, which sets a framework for adequate statutory minimum wages which will be particularly important in agriculture, also from a gender perspective. (Subsequently a Member State has questioned the validity of this Directive with a decision pending before the European Court of Justice).

Lisa Jakobs, Senior Labour Mobility Officer at the European Labour Authority (speaking in the introductory session), gave an overview of ELA's activities relevant to seasonal workers in agriculture. ELA's work is mainly limited to intra-EU mobility of EU nationals and third-country nationals who legally migrate between member states, meaning that third country nationals are not directly covered by their activities. Nevertheless, ELA has a series of activities on seasonal workers which includes enforcement activities consisting in coordination of national labour inspection activities and organising joint inspections in the agriculture sector, the activities of the [European Platform for Undeclared work](#), which supports member states in tackling the challenges of under-declared and undeclared work of seasonal workers in the agriculture sector and its [campaign on](#)

[seasonal workers](#) which aims to raise awareness of the rights of seasonal workers and the obligations of employers hiring seasonal workers in the sector.

EFFAT General Secretary Kristjan Bragason raised several issues; the lack of labour inspection in the sector and the need to fix binding targets for labour inspection, the need for Member States to ratify ILO Convention C184, full application of CAP social conditionality with effective, dissuasive and proportionate sanctions, as well as the extension of its scope to all workers. He called for the CAP to fund training for agricultural workers and for the mandate of ELA to be strengthened to tackle the labour abuse challenges covered by the seminar. He covered in some detail the EFFAT proposal for an EU Directive on Labour Intermediaries and Fair Working Conditions across Subcontracting Chains. He also highlighted the importance of awareness campaigns and counselling services for migrants and the need for them to be funded by public funds, not only from trade unions and NGOs.

GEOPA President Joseph Lechner referred to the importance of recent demonstrations by farmers in Europe in raising awareness about the many challenges farmers face. He stressed the need to reform the value chain, highlighting decreasing farmer incomes which have resulted in an unsustainable and unprecedented reduction in the number of farms and job losses in the sector. Farmers are often forced to sell at a loss and cannot afford to pay their workers or themselves a living wage. All this means that working in agriculture is less and less attractive to younger generations. He put forward digital transformation as the only solution for creating a more competitive agriculture in Europe, one that is resilient, sustainable, productive, and especially safer and more secure. Automating the least attractive jobs would create qualified and appealing jobs at a better wage. However, new technologies in the sector require a high amount of investments in research and development which need strong support from the public sector to facilitate and finance this transformation.

He also called for increased support from employment and public authorities to accelerate administrative procedures and reduce red tape, particularly in providing work permits for migrant workers. He also stressed that sanctions are not a solution, calling instead for legislation that will regulate and support what works and provide incentives for solutions and best practices supported by a strong strategic dialogue. He also called for a strong social dialogue to ensure that working conditions are sustainable for employers and employees. He said that legislative proposals covering the sector should be designed with full cooperation and expert contribution from farmers and their representatives.

In reference to activities by employers' organisations in France, he mentioned that their housing guide was being updated and he also referred to progress in setting up an agreement with both Morocco and Tunisia on recruiting agricultural workers to regulate their working conditions and return to their home countries.

Annex 4: Key definitions

A number of definitions are used interchangeably by different sources, i.e. migrant worker, immigrant worker, seasonal worker, to refer to the same or similar concepts/situations in the available literature. In this Policy Brief, we have used “migrant worker” and “seasonal worker” to refer to the worker population covered by this document.

Migrant worker: A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state in which they are not nationals¹.

Seasonal Worker: In general, seasonal work² is a form of temporary employment linked to specific periods of the year and sectors (e.g. fruit pickers in the agricultural sector) or the tourist industry (e.g. cleaners in holiday resorts). Although the situation differs from country to country, seasonal workers are often treated less favourably than permanent workers in terms of legal entitlements (e.g. dismissal protection), benefits that employers offer (e.g. pension entitlements), other employment conditions (e.g. health and safety and training).

According to the Seasonal Workers’ Directive (SWD), a seasonal worker is 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 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. Whilst the SWD defines the term in relation to **workers that are normally residents outside the EU, it is important to stress that most seasonal workers in the EU are inter or intra-EU seasonal workers, i.e. they are citizens of EU Member States.**³

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.⁴

Circular Migration: A repetition of legal migration by the same person between two or more countries.⁵

Irregular Migration: Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the state of origin, transit or destination. Although a universally accepted definition of irregular migration does not exist, the term is generally used to identify persons moving outside regular (legal) migration channels. The fact that they migrate irregularly does not relieve states from the obligation to protect their rights.⁶

Informal Settlements: are residential areas where 1) inhabitants have no security of tenure vis-à-vis the land or dwellings they inhabit, with modalities ranging from squatting to informal rental housing, 2) the neighbourhoods usually lack, or are cut off from, basic services and city infrastructure and 3) the housing may not comply with current planning and building regulations, and is often situated in geographically and environmentally hazardous areas. Slums are the most deprived and excluded form of informal settlements characterised by poverty and large agglomerations of dilapidated housing often located in the most hazardous urban land.⁷

¹ https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/migrant-worker_en

² European Industrial Relations Dictionary, Eurofound, <https://www.eurofound.europa.eu/en/european-industrial-relations-dictionary/seasonal-worker>

³ https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/seasonal-worker_en

⁴ <https://tps://ec.europa.eu/social/main.jsp?catId=471>

⁵ https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/circular-migration_en

⁶ <https://www.iom.int/key-migration-terms>

⁷ <https://habitat3.org/wp-content/uploads/>

Annex 5: Relevant EU policies and projects

Seasonal workers Directive (2014/36/EU)

The Seasonal workers Directive sets the conditions of entry and stay of non-EU nationals for the purpose of employment as seasonal workers. This Directive only applies to those workers residing abroad outside of the EU and coming for maximum periods of 9 months per year. Its coverage is very reduced as, according to EESC estimates, only about 17% of seasonal workers in the EU are third country nationals.

CAP Social Conditionality

CAP payments are linked to the respect of certain EU labour standards and beneficiaries are incentivised to improve working conditions on farms. From 2025, all Member States will have to implement a mechanism to sanction farmers who receive direct CAP payments and do not fulfil working and employment condition requirements or employer obligations per Annex IV of Regulation 2021/2115 of 2 December 2021 (principally based on EU OSH Directives 89/391 and 2009/104 and labour law Directive 2019/1152 on transparent and predictable working conditions). The amount deducted will depend on the national rules in each Member State and on the type of violation. Payments under operational programs (which include sectors such as fruit and vegetable, wine, apiculture, olive oil) are excluded from this mechanism, thus reducing the potential impact that social conditionality may have on those sectors employing seasonal and migrant workers.

EU Strategic Framework on Health and Safety at Work 2021-2027

The European Commission's Strategic Framework on Health and Safety at Work 2021-2027 defines the key priorities and actions for improving workers' health and safety, addressing rapid changes in the economy, demography and work patterns. According to the Strategy, "The pandemic also highlighted that, in some cases, mobile and cross-border workers, including EU and non-EU **seasonal migrant workers**, can be more exposed to unhealthy or unsafe living and working conditions, such as poor or overcrowded accommodation or lack of information of their rights."

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937

The CSDDD requires in-scope companies (i.e. companies of 250+ employees and net EUR 40+ million turnover worldwide, and operating in defined high impact sectors such as agriculture) to conduct due diligence on, and take responsibility for, human rights (incl. labour rights) abuses and environmental harm throughout their global value chains.

Farm to Fork Strategy

The Farm to Fork Strategy is at the heart of the European Green Deal aiming to make food systems fair, healthy and environmentally-friendly. "The COVID-19 pandemic has also made us aware of the importance of critical staff, such as agri-food workers. This is why it will be particularly important to mitigate the socio-economic consequences impacting the food chain and ensure that the key principles enshrined in the **European Pillar of Social Rights** are respected, especially when it comes to precarious, seasonal migrant and undeclared workers. The considerations of workers' social protection, working and housing conditions as well as protection of health and safety will play a major role in building fair, strong and sustainable food systems."

Transition pathway for the agri-food industrial ecosystem – Section 4.3 Social Dimension

When it comes to the social dimension of the agri-food ecosystem, it should be emphasised that the workforce is integral for its proper functioning. The sector is highly dependent on the availability and quality of the workforce. Ensuring quality jobs and good working conditions, in addition to fair wages, remains the key priority. The agri-food workforce is often insufficient and socially vulnerable because of the working conditions: low salaries, difficult working conditions, a migrant workforce and short-term or seasonal contracts.

ILO Policy guidelines for the promotion of decent work in the agri-food sector

These guidelines provide guidance to ILO constituents and other stakeholders engaged in the design and implementation of policies and measures on decent work in the agri-food sector. They set out common principles and the policy framework that serves to guide actions for the achievement of a decent work standard in the agri-food sector.

ILO Convention C184 on safety and health in agriculture

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C184

Joint statement of the European social partners in agriculture for the ratification of ILO Convention C184. Improving occupational safety and health in European agriculture, <https://effat.org/wp-content/uploads/2023/04/Joint-statement-European-social-partners-in-agriculture-for-the-ratification-of-ILO-Convention-184.pdf>

Relevant EU projects

- **DignityFIRM** - Dignity for Migrant workers in Farm to Fork Labour Markets <https://www.dignityfirm.eu/>
- **TEMPER** - Temporary vs. Permanent Migration <http://temperproject.eu/>

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