



Due diligence in agricultural supply chains:
**Counteracting exploitation of migrant workers
in Italian tomato production**





Photo: Unil AS (member of IEH)

Tomato harvesting in Puglia



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Introduction

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I-1 Glossary

Irregular labour: work performed that is not in compliance with regulations on taxation and social contributions. Irregular work relationships are thus formally non-existent on the records of enterprises, institutions and administrative sources. For the purposes of this report, we distinguish between two main types of irregular labour: grey and exploitative:

- a) **Grey labour:** work performed semi-regularly, i.e. by regularly employed employees for whom less workdays/ hours are declared, and/or receiving lesser payments than stipulated in the work contract.
- b) **Exploitative labour:** work performed without an employment contract, avoiding social security registration and/or legal protection, and not covered by collective bargaining agreements where these are in place.¹

Undeclared work: any paid activity of a legal nature carried out without disclosure to public authorities. Undeclared work comprises failure to pay/partial payment of social security contributions and taxation. It also includes partial reporting of work carried out, and not requiring one's employees to perform their duties in accordance with national legislation.²

Migrant worker: "a person who is to be engaged, is engaged or has been engaged in remunerated activity in a State of which he or she is not a national."³

Regular migrants: foreign nationals whose migration status complies with the requirements of domestic immigration legislation and rules, i.e. non-nationals who, under Italian law, are entitled to stay in the country. It is used as short for "migrants with a regular migration status" and as a synonym for "documented migrants."⁴

Irregular migrants: foreign nationals whose migration status does not comply with the requirements of domestic immigration legislation and rules, i.e. non-nationals who, under Italian law, are not entitled to stay in the country. It is used as short for "migrants with an irregular migration status" and as a synonym for "undocumented migrants". The term "irregular" refers only to a person's entry or stay and does not express a quality of the individual.⁵

Decent work: work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration, and that provides an income allowing workers to support themselves and their families. These fundamental rights include respect for the physical and mental integrity of the worker in the exercise of his/her employment.⁶

Supply chain: Sequence of activities or parties that provides product or services to an organization.⁷

I-2 Methods

The information in this report comes from many sources. Through this project, the Ethical Trading Initiative Norway (IEH) has established contact with a wide range of Italian stakeholders including agricultural trade unions, organisations of producers, NGOs, research institutions and the OECD national contact point. Information is collected during fact-finding trips to Italy, communication with various stakeholders, review of research and relevant reports, as well as sharing of pre-existing knowledge and experience among retailers involved in the project.

Different sources may provide information that differs substantially, especially in relation to the extent of labour exploitation. This is a challenge, and in such cases we have quoted from more than one source. Although we have been unable to verify the correctness of quoted information, we have endeavoured to exercise good judgement and provide a balanced representation of the issues at hand.

I-3 Report scope and structure

This report is written primarily for food retailers that are faced with the challenge of trying to secure decent working conditions in their supply chains in Italy. However, it also aims to be useful for supply chain actors and local stakeholders that wish to eradicate the exploitation of migrant workers. The report may also interest media and members of the general public that are interested in following the progress of this multi-stakeholder project (see section I-4).

The primary focus of this report is tomato products from the South of Italy. However, illegal hiring of migrant labour, especially through middlemen (caporali), is an issue that extends across different agricultural crops, both in Italy and globally. Moreover, legislation, collective bargaining agreements and worker organisation through trade unions apply to the agricultural sector in its entirety. Consequently, many of the observations and recommendations in this report apply to the sector at large.

This report is organised into two main parts:

"Part II - Italian Tomato Product Industry" aims to provide an overview of the Italian agricultural sector, and main issues, mechanisms and the extent of migrant labour exploitation. This section is organised in five chapters, namely migration

flow, supply chain structure, labour law, extent of exploitation, and trade unions and sector organisations. The findings of this part inform due diligence recommendations and project actions (Part III).

"Part III – Supply chain due diligence recommendations" guides retailers on how to work towards eliminating or reducing negative impacts linked to the tomato products they buy. Retailers' due diligence efforts are primarily focused on their own supply chains. Their efforts may be hampered by ingrained sectorial problems that require different types of action. Thus, the following chapter is dedicated to monitoring the status and effectiveness of initiatives that seek to improve the conditions for migrant workers at national, sectorial and local levels. Part III also integrates information on collective actions that are part of the IEH project.

This IEH project is ongoing, and the report gives the findings and the status on many of the project actions thus far.

I-4 Introduction to the IEH project



– The situation has become worse. Due to unrest in North Africa during the last few years, the number of migrants has increased considerably. Farmers exploit the fact that so many wish to work in the fields, and salaries are squeezed even further, says the catholic priest Arcangelo Maira, who has worked with migrants for many years.

From Aftenposten (Norwegian newspaper)
May 22nd 2014



Før: Luselønn og fornedrelse Nå: Situasjonen er enda verre

Italienske tomater som havner på norske bord, plukkes av arbeidere som utnyttes på det groveste. Da norske matkjeder skulle undersøke



Per Kristian Aale

Aftenposten, Norwegian newspaper, May 22, 2014. Translation: Before: Petty wages and humiliation. Now: The situation is even worse. Italian tomatoes consumed in Norway are harvested by workers who are seriously exploited.

I-4.1 Trade flows of tomato products from Italy

Italy is currently the third largest producer of processed tomato products, and accounts for 50% of the European Union's overall production. There are four main tomato products:⁸ 1) Peeled whole tomatoes (most exported)⁹, 2) Pulp (diced or crushed) 3) Sauce and 4) Concentrate/paste

With an export of EUR 1.5 billion in 2014, the tomato industry

is regarded as the crown jewel of Italian agriculture. Only 40% of processed tomato products are marketed domestically, the rest being sold worldwide – most prominently to Germany, Great Britain, France, USA, Japan, and Russia.¹⁰ In 2014, the trade flows of processed tomatoes to the UK, Norway and Denmark, the countries involved in this project were as follows:

Product code: Product label	UK imports from Italy			Norway's imports from Italy			Denmark's imports from Italy		
	Value in 2014, USD thousand	Share of UK tomato product imports	Share of Italy's tomato product exports	Value in 2014, USD thousand	Share of Norwegian tomato product imports	Share of Italy's tomato product exports	Value in 2014, USD thousand	Share of Denmark's tomato product imports	Share of Italy's tomato product exports
Code 2002: Tomatoes prepared or preserved	309 624	60,2%	15,6%	11 844	48,5%	0,6%	24 982	71,7%	1,3%

Source: International Trade Center, trade statistics for 2014

Processed tomato products are one of the biggest categories of agricultural products exported from Italy to these countries.¹¹

I-4.2 Media focus on the conditions for migrants workers

In autumn 2013 the largest Norwegian newspaper, Aftenposten, launched a campaign focussing on the exploitation of migrant workers hired for harvesting tomatoes and other crops in southern Italy. Exploitation was shown to be linked to the illegal recruitment system of caporalato, whereby labour providers, known as 'caporali', organise teams of workers willing to work long hours in strenuous conditions for

salaries below minimum wage. Caporalato is shown to be a phenomenon characterised by a lack of contractual protection, exploitative working hours, illegal rates of compensation, harsh treatment, and bonded labour. These issues have also been highlighted by the media in several countries including France, Italy and Britain.

I-4.3 Initiation of a multi stakeholder project

Following this widespread media scrutiny, Norwegian food retailers have initiated a project under the umbrella of the Ethical Trading Initiative Norway (IEH). This became a multi-stakeholder project, with participation from diverse range of IEH members including Norwegian trade unions and employer organisations.

The project attempts to tackle the issues of labour exploitation in the supply chain of processed tomato products sourced from Italy. In addition to focusing on retailers' supply chains,

the project seeks to help catalyse local measures that reduce the exploitation of migrant workers in the agricultural sector.

The project is carried out in collaboration with IEH's sister organisations in the UK (ETI) and in Denmark (DIEH). It is funded by IEH, Norwegian and UK retailers, and the Norwegian Labour Organisation (LO). To achieve its objectives, the project team is working with a range of stakeholders, including Italian trade unions, producers associations, NGOs, OECD contact point, and research institutions.



Photo: Unil AS (IEH member)

Tomato harvesting in Puglia



Italian Tomato Product Industry

Contents part II



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- II-2 Supply chain for Italian tomato products
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“Abdou”, 26 years old from Senegal:

‘To stay in here you need a work contract. You can buy it for €800-€1000. In a team of workers only 3 or 4 have work contracts.’

‘There is always a caporale. It is impossible to have direct contact with employers. The caporale takes your papers to draft the employment contract. But when you ask about it, they are elusive and say that they will give it to you after the work is done.’

‘Caporali keep half of our pay. We earn €3 per crate, but it should be €6... When fields are not cultivated extensively, your daily salary does not reach €30. Yesterday I worked with a friend, and we only earned €19 each.’

Source: worker interviews in Puglia by IEH, September 2014

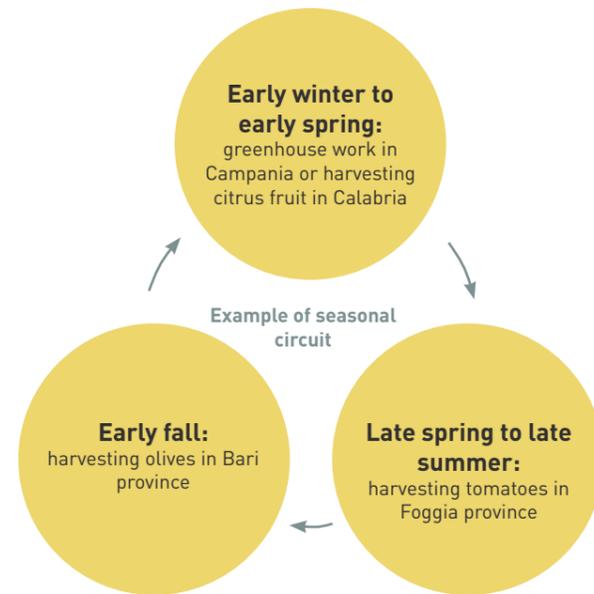
II-1 Migration and seasonal work

Approximately 350 000 migrants travel to Italy every year. In some cases, the poor living and working conditions of rural jobs are an extension of the ordeal migrants endure in leaving their home countries.¹² The first step towards gaining regular employment is to obtain a work visa, for which only employers can apply. Since the financial burden of this process is often placed on migrants, the work visa application is lengthy, expensive, and sometimes used by employers as blackmail to perpetuate exploitative employment.¹³

Holding a valid residence permit does not guarantee labour rights protection. Many regular migrant labourers work without a contract, or under conditions that breach their contractual agreements. In areas with intense agricultural activity, migration fluxes of seasonal labour far exceed the threshold allowed by governmental quotas.¹⁴ For this reason, many migrant workers gain rural employment through informal networks, headed by caporali, which they join through various migration patterns. In the province of Foggia, for example, the vast majority of migrant agricultural workers are North African, sub-Saharan African, and Eastern Europeans between 20 and 40 years of age.¹⁵ Non-EU workers follow three main migration patterns:

1. Seasonal circuit of employment¹⁶

Rural workers seek employment in different regions following the seasonality of produce. The seasonal circuit of employment can become a vicious cycle of illegal work in which many irregular migrants are trapped for years.



2. Rural to factory employment¹⁷

After obtaining a residence permit, many rural labourers leave southern regions to gain employment in factories in the north of Italy or emigrate to other European countries in search of work.

3. Factory back to rural employment¹⁸

Workers who have lost their jobs in northern regions return to southern fields. In addition, a number of workers who are employed in northern regions spend their holidays working in southern fields to increase their income. Seasonal work is also common among students who pay for their studies by working during the summer break.

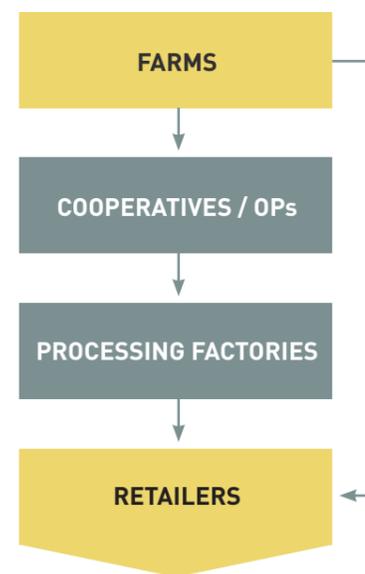
According to official statistics from ISTAT for 2014, 116 000 agricultural workers were foreign citizens, corresponding to 16%. However, estimates that also incorporate irregularly employed workers tend to be much higher. The Italian Association for Legal Studies on Immigration (ASGI) suggests that a realistic figure is nearly 500 000, comprising both regular and irregular migrants.¹⁹

II-2 Supply chain for Italian tomato products

II-2.1 Structure of supply chain of tomato products

European retailers buy their tomato products from their suppliers, predominantly processing companies that transform the fresh tomatoes into products such as peeled tomatoes, tomato puree and tomato sauce. The processing companies buy the tomatoes from organisations of agricultural producers (OPs) that in turn have the tomatoes delivered from cooperatives of farms. They may also buy directly from farms if they are of bigger size (see diagram below).

The price of tomatoes is negotiated by industry organisations (see II-5) once per season, but may be adjusted later to account for yield and quality. According to Anicav, the average contract price for round tomatoes in 2015 was EUR 95 per ton in the South and EUR 92 per ton in the North. For oblong shaped tomatoes, the average was EUR 105 per ton (only grown in the South).²⁰ A lowering of the price for southern tomatoes during the harvesting season has triggered a petition by a group of local entrepreneurs who warn against farms going bankrupt and increased worker exploitation.²¹



II-2.2 Processing Level

The tomato processing companies are mainly located in two hubs, one in and around Emilia Romagna (north of Rome) and the other in Campania (South of Rome).

These companies source from two agricultural hubs: one in the North and one in the South. The southern hub is concentrated in the three regions of Puglia, Basilicata and Molise. Farms producing for the processing industry are either large size farms or smaller farms organised under cooperatives.

II-2.3 Agricultural Level

Producers Organisations²² (OPs)

Farms and cooperatives associate through organisations of producers (OPs), of which there are roughly 300 in Italy.²³ These OPs typically operate at regional level, and have a central role in planning their members' production both in terms of quantity and quality. They assist farmers' operations, including their efforts to reduce costs, logistical initiatives and agricultural practices. In terms of sales, they centralize supply from farmers, market produce, and finally sell and bill on behalf of farmers. Thus, processing companies place orders with the OPs when they buy tomatoes.

Cooperatives

With over 5 000 cooperatives employing 93 000 workers and accounting for 99% of national production of agricultural produce, cooperatives dominate the Italian agricultural market. Agricultural cooperatives are associations that cultivate, process, store, and sell their members' produce on democratic principles of mutuality and solidarity. Cooperatives allow their members to get a better economy of scale, optimise processes, and obtain higher profits than they would if they operated individually.

Farms

The majority of farms producing tomatoes are small. Over the last twenty years, EU funding has spurred the creation of small and medium-sized farms, often by people who were not previously involved in farming.²⁴ Average farm size measured in hectares of cultivated land indicates that there is a tendency for northern farms to be bigger, and southern farms to be smaller. As such, particularly northern farms tend to be suitable for mechanical harvesting.

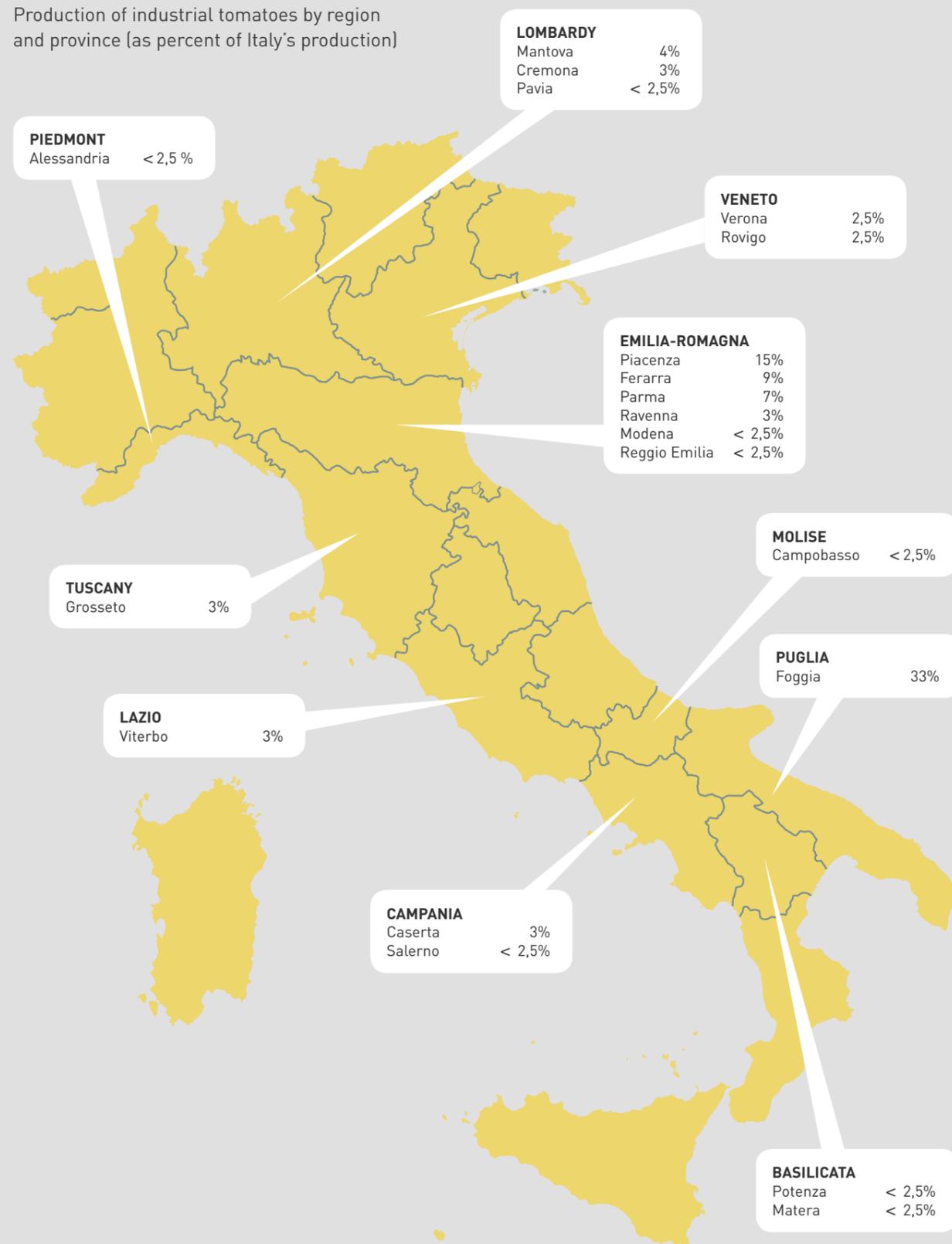
Part of Italy	Region	Average farm size (hectares of cultivated land)
North	Lombardy	18,4
	Emilia Romagna	14,6
	Piedmont	15,1
	Veneto	6,8
Middle	Tuscany	10,4
	Lazio	6,5
South	Basilicata	10,0
	Molise	7,5
	Puglia	4,7
	Campania	4,0

Source: ISTAT (2014),

<http://www.istat.it/en/files/2014/03/Atlante-dellagricoltura-italiana.-6%C2%B0-Censimento-generale-dellagricoltura.pdf>

The main areas of tomato cultivation, Puglia and Emilia Romagna, produce the biggest proportion of industrial tomatoes in Europe and together account for about 70% of Italy's production. Industrial tomatoes are mainly cultivated in the regions shown below²⁵:

Production of industrial tomatoes by region and province (as percent of Italy's production)



Source: Pomodoro da Industria, report by Ismea-ACI-Italia Ortofrutta-Unaproa, December 3rd 2014

II-3 Requirements by law and collective bargaining agreements

II-3.1 The national legal framework against labour exploitation

In terms of workers' rights, national labour law is found to be at least in accordance with the provisions of the ETI base code, which itself is based on applicable ILO conventions.

Provisions against the exploitation of migrant labour are incorporated into the Italian criminal code through Art. 600 and 603 bis.

Introduced in 2011, 603 bis pertains to illegal intermediation and labour exploitation (caporalato). This law criminalises activities related to recruiting workers or organizing exploitative work through violence, threats, or intimidation, taking advantage of the vulnerability or state of need of workers. Work is deemed exploitative if one of the following conditions occur systematically:

- 1) Wages are paid at rates substantially lower than prescribed by national collective agreements, or disproportionate vis-à-vis the amount and quality of the work performed.
- 2) Labour legislation concerning weekly rest, vacation time, or leave is violated.
- 3) Rules on safety and hygiene in the workplace are violated
- 4) Workers are subject to degrading working conditions, methods of surveillance, or housing.

While farm owners or other parties commissioning recruitment services from caporali are not liable under 603 bis, they may be prosecuted for complicity under Art 110, of the criminal code.

II-3.2 The effectiveness of labour law and worker protection

According to Amnesty International, labour inspections are too few, and their effectiveness in detecting migrant labour exploitation, particularly of workers with irregular migration status, is questionable.²⁶ Employers seem to have advanced warning on inspections, and are able to send away irregular workers before they take place. Furthermore, Amnesty International highlights the problematic dual role of labour inspectors, whom are given the difficult tasks of monitoring working conditions to protect workers but also to police against irregular migration by reporting irregularities to immigration authorities. Irregular migrants face a huge fine and run the risk of repatriation.

According to a number of organisations,²⁷ the current legal framework does not protect workers adequately. A main shortcoming is that workers are not eligible for labour

protection until the crime of illegal intermediation and labour exploitation is confirmed. Migrant workers wishing to file a lawsuit have to bear complex and lengthy criminal proceedings before obtaining protection (protection includes being granted a residency permit and/or economic compensation). The challenge is that workers' livelihood often depend on the same people against whom the lawsuit is filed, which makes pursuing justice extremely difficult. An illustration of this is that in 2013, only eight temporary residency permits were issued to victims of exploitation in Italy, only two of which were in southern Italy.²⁸

Moreover, the current legal framework does not incorporate the administrative sanctions recommended by the EU, and this weakens its effectiveness. The "Rosarno Law" is the Legislative Decree (109/2012) that transposed the EU Directive 52/2009/CE on exploitation of agricultural labourers. It fails to incorporate exclusion from public subsidies and EU funding, exclusion from participation in public contracts, closure of the work establishments or withdrawal of necessary licenses, and obligation to pay outstanding wages and benefits to migrant workers.²⁹

II-3.3 Collective bargaining agreements

Italian employment law refers to collective bargaining agreements (CBAs) for industry specific provisions such as minimum wage and social insurance contributions. A number of other aspects, including non-discrimination, maximum normal working week and minimum rest days per week, are regulated by the labour law itself. The sectorial trade unions and employer organisations negotiate these CBAs. For selected provisions governing the agricultural sector, please see the table below.

National level CBAs cover approximately 95 % of worker categories in Italy. Usually workers are covered by CBA provisions even if they are not themselves unionised. Workers are covered by virtue of their employer's affiliation to industry organisations that are signatories to the CBA.³⁰ All large agricultural organisations in Italy, namely Confagricoltura, La Confederazione Nazionale Coldiretti and La Confederazione Italiana Agricoltori are signatories to CBAs both at national and provincial levels.

Even when employers are not members of such organisations, the expectation to comply with CBA provisions is still very strong. For example, in the case of an underpaid worker, courts may interpret the legal requirements of salary fairness to be the minimum wage stipulated in applicable CBAs. Another illustration of indirect CBA application is Puglia's regional law 28/2006, which states that only firms operating in full compliance with National Collective Labour Contract (CCNL) and Provincial Labour Contract (CPL) may receive

state subsidies, grants, incentives or public contracts.³¹

There are two main kinds of CBAs in the agricultural sector, namely the National Collective Labour Contract (CCNL) and the Provincial Labour Contract (CPL). Moreover, CBA may also exist at regional level. The CCNL for agricultural workers and nurserymen is renegotiated every four years (current validity 2014-2017³²) and provides the main framework for agricultural employment. It mandates that several provisions (like working hours and wages) must be settled by CPLs to take into account issues specific to each province.

Additionally, collective bargaining carried out by elected union representatives within the company may also be in place.³³

II-3.2 Requirements by law and collective bargaining agreements

Generally, Italian labour law complies with the minimum level provisions of the ETI base code. Some of the main legal requirements that should be observed, which are based on Italian labour law and CBAs, are summarised in the table below.

ETI Code element / labour law	Regulations applying to agricultural workers	Specified by
Freedom of association	Foreign workers with a valid residence permit can unionise.	Law
Forced and compulsory labour	Employer's obligation to inform employees of contractual conditions and employment relationship	Law
Wages	Entitled to living wage for worker and his family Minimum wage (lowest category) = EUR 850 /month or approx. EUR 5/hour plus "third element" (vacation money etc") of 30,44% for temporary contract holders Overtime to be remunerated by 10% (in practice 30%) Transport allowance: In Puglia workers are entitled to EUR 7 per day to cover transport costs	Law / CBA
Working hours	Standard: 39 hours per week or 6,5 hours per day Max. overtime: 3 hours per day / 18 hours per week Minimum 1 rest day per week	Law / CBA
Regular employment	Fixed term contracts are allowed for seasonal work	Law
Child labour	Minimum age is 15	Law
Illegal intermediation	Illegal intermediation not allowed	Law

II-4 Analysis of the risk of violations of labour standards

This chapter looks at the harvesting methods affecting the extent to which labour exploitation may be a problem in the supply chain of retailers. A detailed description of mechanisms and issues affecting exploited migrant workers follows.

II-4.1 Impact of harvesting methods

Harvesting machines require little manual labour, and as such reduce the risk of labour exploitation considerably. Manual harvesting on the other hand is labour-intensive and provides more of an opportunity for exploitation.

Fresh-market/greenhouse tomatoes and industrial tomato production have different supply chains. Due to quality requirements, fresh-market tomatoes are harvested manually,

but the risk of poor labour conditions is mitigated since piecework is not the prevalent payment method.³⁴ Labour exploitation pertains particularly to manual harvesting of industrial tomatoes, which can be harvested with less supervision and control, and must happen quickly due to perishability.

According to the various sources consulted, in northern Italy nearly all industrial tomatoes are harvested mechanically (95%-100%)³⁵ In the South of Italy, according to ANICAV, 80% of the industrial tomatoes are harvested mechanically. In a study carried out by Domenico Perrotta at the University of Bergamo, respondents from different OPs estimated that between 40% and 80% of southern tomatoes are mechanically harvested.³⁶ Similarly, Yvan Sagnet of FLAI-CGIL Puglia

estimated that 40% of all tomatoes in the South are harvested mechanically.³⁷ ANICAV emphasizes that the number of harvesters in southern Italy has increased in recent years, to a capacity that theoretically matches the total size of the fields to be harvested during the season.³⁸ This is based on an analysis by Polo Distrettuale del Pomodoro da Industria del Centro-Sud Italia (industry umbrella organisation).

The choice of harvesting methods depends on a number of factors. Manual harvesting is usually linked to:

- Heavy rain in the days prior to harvesting
- Types of tomatoes where production is regulated by specific quality marks (e.g. San Marzano DOP)
- Cherry tomatoes
- Soil type not suited for mechanical harvesting (e.g. because it contains too much gravel)
- Small farm size for which renting harvesting machinery is not cost-efficient.
- Steep terrain where it is difficult to operate harvesting machines.

The costs involved in mechanical processes may be prohibitive for smaller farms. Large landowners, in contrast, often associate to buy a harvesting machine, which costs in excess of EUR 200 000 and can harvest two hectares a day, roughly double the amount harvested by a team of 60 labourers. Although smaller farms may rent a mechanical harvester, it is not cost-efficient when the fields are very small. The large farms of the North are generally suitable for mechanical harvesting.

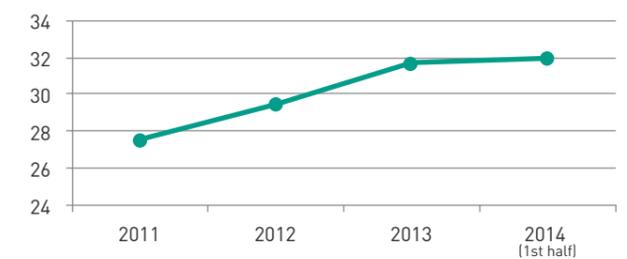
II-4.2 Migrant labour and irregular work

According to the research institute Eurispes and UILA, the role played by foreign labourers hired seasonally is crucial to enable Italian agriculture to compete on global markets. A high proportion of the foreign workforce is employed irregularly and is subject to varying levels of labour exploitation. Whilst the real number of irregular migrants

working in Italian agriculture is unknown, in 2014 the research institute Osservatorio Placido Rizzotto estimated that roughly 400 000 workers, of which 80% are foreign, are susceptible to being employed through illegal intermediation. The institute estimated that about 100 000 of these workers experience severe exploitation and are forced to live in housing that is unsanitary and derelict.³⁹

As shown below, in 2014 irregular work was estimated by Eurispes to affect 32% of all agricultural workers. Being such a prevalent issue, illegality affects native and foreign workers alike. However, due to their migration status, non-EU foreign workers are found to be particularly vulnerable and disproportionately affected.⁴⁰

Irregular work in agriculture (%)



Source: Eurispes/UILA (2014), <http://www.eurispes.eu/content/eurispes-sottoterra-indagine-lavoro-sommerso-agricoltura-eurispes-uila>

Irregular work has risen between 2011 and 2014 and is predicted to continue rising by Eurispes / UILA.⁴¹

II-4.3 Geographical spread of work irregularities

A recent report from Doctor for Human Rights (MEDU) provides valuable information on labour exploitation issues, and their geographical variations. MEDU, which provides

medical assistance to migrants, interviewed 788 migrant workers seasonally employed in five different southern Italian regions. Their research unveiled the following data:

Issues*	Calabria: Gioia Tauro Plain	Campania: Sele Plain	Basilicata: Vulture and Alto Bradano	Puglia: Capitanata (Foggia)	Lazio: Agro Pontino
Irregular migrant status	20 %	28 %	6 %	No data given	2 %
Lacking work contract	83 %	36 %	24 %	More than 50%	14 %
Average daily salary (EUR)	25-30	32	36 for preparation / 4,3 per 300 kg harvested crate	25-30 (3-3,5 per 300 kg crate)	32-36
Use of illegal recruitment (caporalato)	64 %	25 %	70 %	Systematic recruitment by caporalato	7 %
Temporary dwelling (ghettos, abandoned buildings)	79 %	8 %	98 %	Approx. 6000 people in total	0 %
Main crop	Citrus fruits	Green house crops / livestock	Tomatoes	Tomatoes	Livestock

* Some numbers may be higher than stated as some workers would not answer specific questions, for instance with respect to recruitment by caporali.

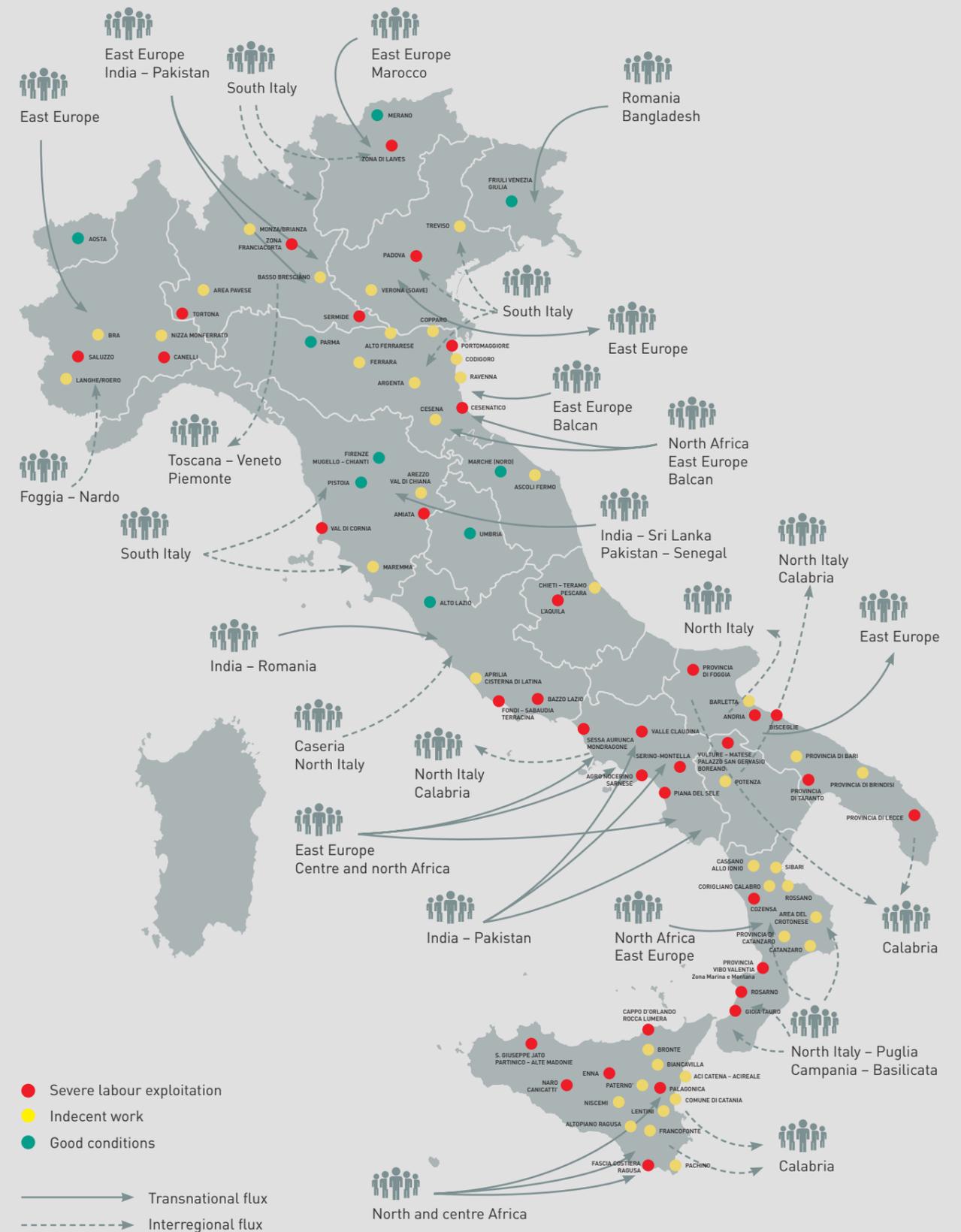
The caporale who provides work typically deducts a fee from the migrant worker's daily salary. In Puglia, where workers earn 25-30 Euros for a 12 hour workday, the fee deducted by caporali is 5 EUR per day. In addition, workers are often paid for fewer days than those actually worked, and work is often not declared to the local authorities. In Italy, one must work for more than 51 days a year to be able to receive social benefits. In Foggia, on average only 39 working days per person were declared to the authorities in 2013.⁴²

The Osservatorio Placido Rizzotto has carried out an extensive study in mapping exploitation of migrant workers in the Italian agricultural sector. While their report emphasizes that conditions vary by region and province, and even within specific provinces, they conclude that the risk of migrant labour

exploitation is highest in areas employing seasonal labour for more than five consecutive months. For an overview of agricultural districts most at risk, please see Appendix 1.⁴³

A graphic overview of the "epicentres" that the Osservatorio Placido Rizzotto characterize as severely exploitative and indecent is provided in the map below, which depicts the situation in autumn (tomatoes are harvested between August and September). Their research is based on a large number of interviews with local organisations, trade union representatives and local officials across regions and provinces. Although the issues of labour exploitation are found to be most widespread in the southern and middle part of Italy, the Osservatorio reports that such issues have started to appear in the North to an increasing extent.

Risk of labour exploitation in Italian agriculture in autumn



Source: FLAI CGIL, Osservatorio Placido Rizzotto (2014) Agromafie e Caporalato, Secondo Rapporto, Ediesse

II-4.4 Specific issues related to exploitation

Caporalato and illegal recruitment

A caporale is a gang-master who illegally recruits workers on behalf of third parties. Caporali operate year-round, but are most active during the tomato harvest, which is labour-intensive and physically straining when carried out manually. Migrant workers may experience that the caporali have a say in most aspects of their life, from getting a residency permit – to be purchased for EUR 5000-7000⁴⁴ – to gaining work, for which a high fee is also charged. Even with wages well below legal minimum thresholds, finding work through a caporale is often the worker's only means of survival. Charging fees for transportation, food, phone top-ups, accommodation, money transfers, and number of crates filled, caporali are reported to pocket 40% to 50% of a worker's daily pay.⁴⁵

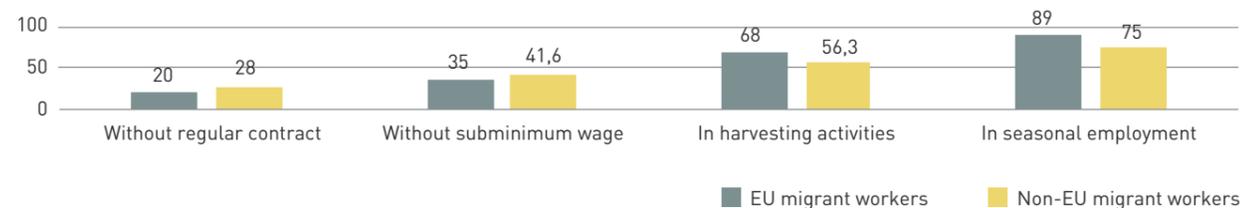
Caporalato is found to be pervasive in areas of seasonal cultivations, and have been described as the tip of the iceberg of human trafficking rings for labour exploitation.⁴⁶ In addition, it appears that temporary employment agencies issue irregular part-time contracts that do not comply with CBA stipulations, which exacerbates the problem. In contrast

to caporalato, however, employment agencies do not tend to recruit in the area where the work is to be performed, but pair the cheapest available labour to the commissioning farm or factory to guarantee low employment costs.⁴⁷

Work contracts

In recent years, there has been a growing influx of migrants and asylum seekers fleeing turmoil in Africa and the Middle East. Even if this has exacerbated the degree of irregular work, the number of paperless foreign workers in the fields seems to have decreased.⁴⁸ However, higher compliance in terms of permits and work contracts has not coincided with decreasing labour exploitation. This is mainly due to weak enforcement of labour law. Regions with high levels of contractual coverage are still affected by issues of unpaid social contributions, false self-employment, caporalato, sexual exploitation, sub-minimum wage levels, unsanitary living conditions, and organized crime. These issues are systematized through semi-legal or illegal informal working relationships. The graph below shows contractual regularity and wage levels for foreign workers in agriculture:

Labour statistics for migrant workers in Italian agriculture (%)



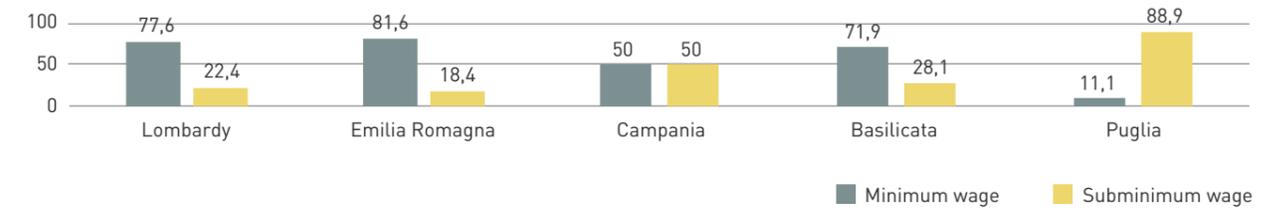
Source: http://www.inea.it:8080/annuario/edizione_2013

Underpayment

According to MEDU, the real wages of tomato pickers are on average 40% lower than the minimum wage guaranteed by the CBAs.⁴⁹ The average hourly salary of irregular tomato pickers is EUR 3 over a workday of 10 – 12 hours, whereas legally employed farm workers have an average hourly salary of EUR 8.2.⁵⁰ In Puglia, foreign agricultural workers are paid on average 37.5% less than the legal minimum wage,⁵¹ and as

many as 89% were paid below the minimum wage level. In recent years, a new phenomenon of employment blackmail has emerged. To keep their jobs, workers declare receipt of full paychecks, which they must then partially reimburse to caporali or employing firms.⁵² The graph below shows the proportion of non-EU workers in industrial tomato producing regions paid below the minimum wage in 2013.

Wage levels of non-EU migrant workers in agriculture 2013 (%)



Source: http://www.inea.it:8080/annuario/edizione_2013

Unpaid social contributions and false self-employment (grey labour)

Across all five regions in which MEDU operates, they found that levels of social contribution paid are markedly inferior to the number of days actually worked.⁵³ In Puglia, national statistics indicate that only an average of 61% of workdays are declared.⁵⁴ An analysis done by UILA shows that much fewer days are declared for foreign workers than for Italian workers.⁵⁵ Social contributions may also be altogether unpaid, or even hijacked by someone else under the pretence of fake self-employment (farm-owners and their kin register as workers, paying and claiming social contributions for work that is effectively carried out by irregular labourers). According to the NGO Caritas, this issue is more prevalent in family-owned farms in the south, where it also appears to be institutionally endorsed by accountants and business consultants.⁵⁶ This phenomenon is not limited to smaller enterprises. A pseudo-agricultural entrepreneur was exposed for unlawful agricultural allowances and social contributions worth EUR 1,8 million last year in Cosenza, Calabria. This money was claimed and paid for 40 000 days worked by 517 fake labourers, whom he 'employed' under fictional contracts.⁵⁷

Dire living conditions

In areas most affected by issues of labour exploitation, living conditions can be dire, and many foreign seasonal labourers live in abandoned buildings or slums.⁵⁸ Deprived of basic services, these dwellings are unsanitary, hazardous, and hamper integration into the local community. Workers live in such conditions for a number of reasons. Firstly, the pervasiveness

of illegal recruitment activities forces workers to stay close to fields, where they may be suddenly called to work by the caporale. Secondly, many simply cannot afford anything else, or prioritise saving and remitting over rent. With time, more 'established' workers move into apartments that they rent with relatives or compatriots, but this is difficult for those trapped in a seasonal circuit of employment. Across Puglia there are an estimated 13,000 ghetto-dwellers during harvesting time, a figure that halves during the winter months.⁵⁹

Organised crime

Agriculture is the Italian economic sector that is most scarred by organized crime, affecting supply chains from soil to store shelves. Through land hoarding, fraud, illegal hiring, labour exploitation, illegal transport, stock, and sale of products, mafia may intercept and colonise every step of value creation.⁶⁰ A 2014 report from the research institute Osservatorio Placido Rizzotto gives details of the risk levels of caporalato and mafia infiltration for each region, province, and agricultural production sector in Italy.⁶¹

Some of the main findings are:

- More than 25% of all assets confiscated from mafia organisations are land, farms, and businesses connected to the agri-food sector.
- 355 caporali arrested or exposed.
- 80 epicentres of labour exploitation through caporali, of which 55 epicentres have conditions of severe labour exploitation and indecent working conditions.



Photo: Doctors for Human Rights (MEDU)

Migrant worker in the tomato fields of Calabria

II-5 Agricultural sector trade unions and professional organisations

II-5.1 Sectorial trade unions

Trade unions in Italy are strong and actively fight irregular labour in the agricultural sector. There are three main trade unions representing agricultural and food processing workers:



- 1) UILA – Unione Italiana dei Lavoratori Agroalimentari (Italian Union for Agrofood Workers) which belongs to the umbrella of UIL – L'Unione Italiana Del Lavoro (Italian Labour Union). UIL is traditionally an independent union with no political affiliation.



- 2) FLAI – Federazione Italiana Agro Industria (Italian Federation of Agronomic Industry) which belongs to the umbrella of CGL – La Confederazione Generale del Lavoro (General Labour Confederation). CGL is traditionally affiliated with the left.



- 3) FAI – Federazione Agroalimentare (Agronomic Federation) which belongs to the umbrella of CISL – La Confederazione Italiana Sindacato Lavoratori (Italian Confederation of Union Workers). CISL is traditionally inspired by Catholic values and principles.

Despite recent political reforms towards a more liberalised job market, the regulatory framework is supportive of union activities. Unions cooperate on national matters, particularly regarding conditions negotiated through collective bargaining agreements, but also on efforts to combat exploitation of agricultural workers. However, given their political background, they have different strategic policies and approaches, and dissimilar penetration rates across sectors.

Migrant workers need a residence permit to be able to join a union.

II-5.2 Processing level organisation

Manufacturers that produce processed tomato products are organised under two main organisations, representing manufacturers in the north, and the centre and south respectively:



1. AIIPA (Italian Association of Industrial Food Products) with headquarters in Milan, represents over 300 northern manufacturers.⁶²



2. ANICAV (National Association of Vegetable Canned Products) with headquarters in Naples covers around 100 manufacturers in the centre and south of Italy and represents 2/3 of all the tomato processing companies in Italy.⁶³

In addition to representing the interests of their members, these organisations have an important role in negotiating national collective bargaining agreements.

II-5.3 Agricultural level organisations

Agricultural companies in Italy are represented by three large agricultural organisations:



1. Confagricoltura (General confederation of Italian Agriculture) has larger farms with hired workers as members, in addition to self-employed farmers. It represents agricultural enterprises of more than 600 000 employees in total.



2. Coldiretti (National Confederation of farmers) is the largest agricultural organisation in Italy (and also in Europe) and has 1.5 million farmers as members.



3. La Confederazione Italiana Agricoltori represents a total of 900 000 farmers and agricultural entrepreneurs.

These organisations are all signatories to collective bargaining agreements both at national and provincial levels.



Photo: Unil AS (member of EHI)

Mechanical harvesting in Puglia



Photo: Ethical Trading Initiative Norway (ETH)

Harvesting and transport of tomatoes in Puglia



Reccomendations for supply chain due diligence

Contents Part III



- III-1 Recommendations for Due Diligence of Supply Chain
- III-2 Monitoring initiatives to improve conditions in the industry
- III-3 Conclusions



Italian processing factory (chosen to be anonymous):

‘Several of our customers never ask questions related to ethical trading or the conditions for the workers.’

‘Currently, we are operating with a loss. Because of the low price we get for our products, we have been forced to push our agricultural suppliers on price. We do not know what effect this has had on the workers at the farms.’

‘Actions are needed on many levels including within the industry in Italy, by the Italian government, and by our customers.’

III-1 Recommendations for Due Diligence of Supply Chain

Supply chain due diligence is described in accordance with UN Guiding Principles on Business and Human Rights⁶⁴. These principles state that a business has a particular responsibility to respect human rights and shall put into place measures that ensure that its activities and relationships do not have negative impacts on people’s rights. Due diligence is then a method, or process, through which a business can assure stakeholders that it is not infringing upon the rights of others, which in this case include workers in the supply chain of Italian tomato products.

There are three basic functions of due diligence:
 (i) identifying actual or potential human rights impacts
 (ii) preventing and mitigating those impacts
 (iii) accounting for impacts and responding to them
 In addition, a business needs to have proper governance in place to enable and ensure the effectiveness of the due diligence process.

The recommendations below are addressed to European retailers. However, many of the recommendations are equally applicable to Italian processing companies.

III-1.1 Ensure proper governance

Retailers need to ensure that they have a policy in place that states their commitment to securing decent working conditions in their supply chain. Members of the ethical trading initiatives do this by adopting a code of conduct for labour standards, which they communicate to their suppliers. To be effective, top management commitment is essential, not least in order to ensure the allocation of sufficient resources. Roles and responsibilities for implementing the policy must be clearly defined.

Retailers also need to have management systems in place for effective supply chain due diligence. While larger companies usually need specific personnel for these efforts, it is possible for small and medium-sized companies to integrate due diligence processes into core business and decision-making activities. The level of cooperation and trust between buyer and supplier may significantly affect the effectiveness of identifying and remedying poor conditions for workers. A critical success factor is therefore retailer's buying practices, which should incentivise these efforts.

III-1.2 Assess impacts linked to tomato products

Assessing negative impacts on workers in the supply chain should take a stepwise approach. Retailers should start by identifying and assessing the practices of their direct suppliers, the processing companies, and then progress to assessing working conditions at agricultural (sub-supplier) level.

Assess direct suppliers (Processing companies)

Most Italian processing companies respect the right to good working standards within their firms. However, local trade unions have identified a small number that do not respect workers' rights, or even actively undermine them. This was confirmed during due diligence on behalf of a Norwegian retailer, revealing that its supplier had a history of undermining workers' right to organise, thus prompting action to remedy the situation.

At processing level, due diligence should focus on:

- Check worker and trade union rights: The IEH project has developed a supplier questionnaire with help from Italian trade unions (see Appendix 2). Retailers are advised to use this questionnaire. It enquires about the existence of worker representatives, application of National Collective Bargaining Agreement (CPL), implementation of second level bargaining agreement provisions (between the company and the workers), and the number of permanent versus temporary workers within the supplying company. IEH may on behalf of individual retailers that participate in the project, request if local trade unions may verify the answers to the questionnaire.

A well-functioning social dialogue mechanism, such as through the presence of local union representatives. A collective bargaining agreement can usually be considered as evidence of a well-functioning social dialogue mechanism and constitutes good practice for ensuring decent working conditions. Suppliers may also be checked for social certification such as SA8000, registration on Sedex or similar system, and participation on various ethical trade schemes.

- Buying methods and supplier engagement: It is important to establish how suppliers buy tomatoes. This is part of the critical supply-chain mapping process. Understanding whether suppliers are able to specify which farms the tomatoes come from or whether they buy truckloads of tomatoes from unspecified farms will help understand supply chain dynamics, and identify challenges in assessing the real impact on workers' rights. This will also help in identifying good practice that can be replicated in other parts of the supply chain, for example suppliers who carefully manage which farms the tomatoes come from, and support these farms throughout the season. The main objective is to ensure traceability down to farm level, and create the possibility to audit working conditions on these farms. Retailers should look at what procedures suppliers have for following up farms. These procedures should seek to ensure legal hiring, respect for contracts and legal wages for workers as well as ensuring adequate quality of the tomatoes.

- Location of Supplier: Retailers should consider the location of suppliers. If a supplier is located in northern Italy, the risk is likely to be lower as the harvesting of tomatoes in the North is predominantly mechanical. However, retailers must be aware that tomatoes harvested in the South may also be shipped to the North. It is therefore necessary to map where the tomato farms in the supplier's supply chain are located and correlate this with risk information.

- Disclosure of sub suppliers: Retailers should ask suppliers for a list of the agricultural companies (OPs / cooperatives and farms) they source from, along with their location. This information is a prerequisite for assessing the working conditions of migrant workers at the farms. If possible, this information should be supplemented by harvesting methods (manual or mechanical) in order to make informed decisions about the risk of labour abuse.

Assess agricultural producers

The most serious issues related to migrant labour exploitation occur at farm level. Retailers are recommended to follow the following steps:

- Screen the list of sub suppliers against available risk information: Screening allows retailers to identify the number of farms located in regions and provinces associated with higher risks of migrant labour exploitation. These farms

can be assessed more closely through social audits or other means, and efforts to improve working conditions can thus be prioritised. IEH carries out such a screening for retailers that participate in the project.

Farmer	Region	Province	Place	Good conditions ***	Indecent conditions **	Serious exploitation *	Risk	Epicenters of indecent work and serious exploitation
Supplier 1	Puglia	Foggia	FOGGIA		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 2	Puglia	Foggia	FOGGIA		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 3	Puglia	Foggia	S.GIOVANNI ROTONDO		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 4	Puglia	Foggia	S.GIOVANNI ROTONDO		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 5	Basilicata	Matera	IRSINA		1		Medium	Piani di Metaponto
Supplier 6	Basilicata	Matera	MATERA		1		Medium	Piani di Metaponto
Supplier 7	Basilicata	Potenza	LAVELLO			1	High	Vulture - Melfese
Supplier 8	Basilicata	Potenza	LAVELLO			1	High	Vulture - Melfese
Supplier 9	Lazio	Viterbo	TARQUINIA	1			Low	
Supplier 10	Lazio	Viterbo	TARQUINIA	1			Low	
Supplier 11	Lazio	Viterbo	TARQUINIA	1			Low	
Supplier 12	Puglia	Foggia	S.SEVERO		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 13	Puglia	Foggia	S.SEVERO		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 14	Puglia	Foggia	S.SEVERO		1	1	High	Lago di Lesina, Provincia di Foggia, Rignano Garriganico, Cerignola
Supplier 15	Campania	Caserta	CASAL DI PRINCIPE	1	1	1	High	Sparanise, Sessa Arunca, Mondragone, Villa, Literno, Litterale Domito, Parete, Alto ...

Example of supplier screening by IEH

- Prioritise farms with manual harvesting: Retailers should initially focus on farms that use (or are likely to use) manual harvesting, which by virtue of being more labour-intensive is prone to illegal hiring through caporali. These farms should be prioritised for auditing of working conditions.
- Social Auditing of farms: Working conditions of farm workers should be in line with Italian law and collective bargaining agreements, corresponding also with the ETI base code.⁶⁵ Equally, conditions should be in line with The

Dhaka Principles for Migration with Dignity concerning responsible recruitment and employment of migrant workers.⁶⁶ The latter is based on two core principles, namely: 1) all workers are treated equally and without discrimination (regardless of migration status), and 2) all workers enjoy the protection of employment law.

Based on the above provisions and knowledge of local conditions in southern Italian agriculture, a farm audit should seek to verify the following information.

Topic / ETI code element	Check points based on common issues
Harvesting method	<ul style="list-style-type: none"> • Is the harvesting mechanical or manual?
Labour intermediation	<ul style="list-style-type: none"> • Is labour intermediation by caporalato? • Is the farm able to align the quantity of product supplied with quantity of product produced?
Regular employment	<ul style="list-style-type: none"> • Do workers have a contract in a language they can understand? • Are contracts provided systematically to all workers, and signed by both parties?
Wages and benefits	<ul style="list-style-type: none"> • What is the pay system: by crate, hourly or daily wage? • Is the minimum wage met within a normal working week? • Do workers have contracts that specify wages and benefits? • Do workers receive a pay slip detailing payments and benefits received and deductions made? • Do workers receive full payment, or is part of it deducted by caporalato? • Are workers paid for all days worked / number of crates filled? • Are all working days declared to the authorities?
Work hours	<ul style="list-style-type: none"> • Are normal work hours respected? • Do workers have at least one rest day per week?
Health and safety	<ul style="list-style-type: none"> • Do workers get adequate rest, especially on hot days? • Do workers have access to sanitary facilities and potable water? • Are workers given adequate training on health and safety? • Are workers issued with personal protective equipment when in contact with pesticides and other chemicals or hazardous materials?

Audits should be carried out by competent local organisations with thorough knowledge of legal requirements and common issues.

III-1.3 Prevent and mitigate negative impacts in the tomato product supply chain

Assessments should result in knowledge of which issues need to be tackled vis-a-vis the exploitation of migrant workers in the supply chain. Corrective actions will be needed, and retailers must generally act to prevent and mitigate negative impacts linked to the tomato products that they buy.

Actions directed at direct suppliers (processing companies)

As a retailer is often dependent on good cooperation and leverage with its supplier, effective improvement of conditions hinges upon several actions:

- Consolidation of suppliers: If the supply base of Italian tomato products is too large to enable effective due diligence down to the farm level, considering that a single processing company may source from several hundred farms, a retailer needs to consider consolidating the number of suppliers it has. In doing so, retailers should favour suppliers that have traceability down to farm level, a management systems in place to follow up farms, trade union representation, and collective bargaining agreements within the company (as described above). Several of the retail members of IEH and ETI have already consolidated their Italian supply chains, or are in the process of doing so.
- Long-term business relations: If trust between a buyer and its supplier is not sufficient, a long-term business relationship may need to be built. A supplier cannot be expected to be open about conditions and labour issues on farms unless there is a high level of trust. In addition, a good relationship is important in motivating the supplier to engage actively to improve working conditions at the farms, be it through auditing, capacity building or other methods.
- Purchasing practices: If migrant workers are found to be working under poor conditions on farms, retailers should seek to establish if their current purchasing terms contribute negatively to this. The retailer should seek feedback from its suppliers about the effects of its purchasing terms and procedures. A meaningful discussion requires a high level of trust.
- Cooperation between companies that have common suppliers: In order to increase leverage, cooperation with other retailers should be considered, particularly in view of limited resources. Such cooperation is cost-efficient and helps Italian suppliers to avoid multiple follow-ups from several customers. Such cooperation has already been established between several ETI and IEH member retailers, which share information on mapping sub-suppliers and auditing of farms.

Actions directed at agricultural producers

To be able to work with sub-suppliers to improve working conditions at farm level, retailers must cooperate with direct suppliers (the processing companies). Different types of actions may be needed, for example:

- Develop and implement action plans: Based on audit findings and other assessments, a plan to prevent worker exploitation needs to be devised and implemented. Processing companies should actively follow up on the status of improvement actions within their supply chain. At the same time, it is advisable to have a competent local organisation independently verify progress, and give advice on how issues can be solved. While it may be easier to correct issues pertaining to specific farms, certain systemic issues, like pay below minimum level, require a broader cooperation at industry level.
- Develop awareness, capacity and commitment: Retailers should consider building awareness and capacity amongst agricultural suppliers as this is instrumental to enabling positive change at farm level. For several years, one of ETI's retailers has held annual workshops together with its Italian supplier and Caritas for OPs, cooperatives and farms in its supply chain. These workshops provide an arena to discuss and agree upon solutions to common issues.

Retailers should aim to have OPs and cooperatives commit to and implement good practice. These organisations can require that the farms find labour through pre-booking lists of workers (see section III-2.3), thus avoiding illegal hiring. Similarly, they should require that farms declare all working days for hired workers. To be effective, they need to have a system in place to check for compliance with these requirements.

Norwegian retailers, wishing to increase awareness and commitment of individual farmers in their supply chain, have distributed a self-declaration form (see Appendix 3) via their direct suppliers. This self-declaration specifies legal requirements. The farmers must confirm that they understand and commit to following these requirements. To increase its effectiveness, this self-declaration should be combined with other follow-up and monitoring activities.

- Selection and development of farms: Retailers should consider working closely with suppliers on a program for selecting and developing farms from which tomatoes are sourced. Coop Italy has actively worked on this over several years. They have favoured farms that have a good reputation, capacity for mechanical harvesting, and can demonstrate that quantities produced correspond to the number of hired workers.

- Ongoing monitoring mechanisms: Retailers should seek to put in place ongoing monitoring mechanisms to detect violations of labour standards. The Norwegian company Bama, which imports fresh produce including tomatoes from Italy, has established a cooperation with Italian trade unions. Bama has shared their supplier lists with local trade unions, which have agreed to be “eyes and ears” on their behalf, and to report back on findings of labour rights violations.

NGO	Based in	Focus / Specialism
Caritas: Progetto Presidio	Operates in several municipalities in Puglia	Social operators offering assistance with immediate needs, legal assistance, health care, residence permits and work.
MEDU (Doctors for Human Rights)	Operates across Italian territory	Support right to health for vulnerable people and survey human rights violations of such groups.
TECHNICAL ADVISORS	Based in	Specialism
Antonio Forte	Operates in several municipalities in Puglia	Social and environmental audits/certifications/training
CSQA Certificazioni	Operates nation-wide and internationally	Sustainability certifications and inspections in the food sector
Learning Doing Going (LDG)	Naples	Health and safety, environment, hygiene, quality control, and labour standards certifications
DNV Business Assurance Italia	Operates nation-wide and internationally	Social and environmental audits/certifications/training
EY Sustainability Italia	Operates nationwide and internationally	Climate change, sustainability and social impact services
MR Energy	Bologna	Sustainable energy and climate change related services

III-1.4 Account for the impact and the responses to them

Retailers should track and communicate progress of their due diligence efforts. Incorporating regular monitoring and communication of status towards agreed improvement measures gives confidence in a company's commitment to improving standards in its supply chain. Auditing and cooperation with competent local organisations is important in this respect. Retailers can get information from various Italian stakeholders or the IEH project to learn how the agricultural sector as a whole develops in relation to labour issues.

Retailers should identify key stakeholders, both externally and internally, to create a communication plan. Communication should describe the main issues, remediation measures in place, and the extent to which these measures are successful. Open communication contributes to increased trust from stakeholders and is an enabler for cooperation. In addition,

Cooperation with with local stakeholders

Retailers are advised to contact local stakeholders and experts, both to learn about the local situation and to get assistance in auditing and improving conditions in their supply chains. The table below is a list of organisations that provided IEH with references and details of their experience.

proactive communication may be helpful should the company later be subject to an aggressive media campaign.

III-2 Monitoring initiatives to improve conditions in the industry

An important part of the IEH project is to follow the development of initiatives in Italy aimed at improving the conditions for migrant workers in agriculture and ensuring decent working conditions within the tomato product supply chain. It is thus necessary to establish to what degree these initiatives are effective and may remedy the existing challenges. Also, the IEH project seeks to catalyse initiatives that work toward to this end. The status of some main initiatives is given below.

III-2.1 Legal initiatives at the national and international level

Network of quality agricultural labour

The “Network of the of quality agricultural labour” was initiated on September 1st, 2015. Based at the Institute of Social Security and Welfare (INPS),⁶⁷ it is established, as part of a regulatory bundle named the Compolibero Decree⁶⁸, following a joint proposal by UILA, FLAI and FAI (Italian trade unions in the agricultural sector) in 2014⁶⁹. The purpose is to counteract illegal employment in the sector. Membership in the network acts as a quality stamp and is open to agricultural enterprises that have proven to have lawful labour practices. Companies must fulfil the following criteria to be members⁷⁰:

- Lack of: criminal records, ongoing criminal proceedings and recent administrative sanctions for violations of labour and social legislation and/or income or value-added tax.
- Compliance with social security contributions and insurance premium payments.

The network seeks to award and provide incentives for agricultural enterprises operating ethically, and sets out to monitor labour relations in Italian agriculture.

A critical aspect of the unions’ proposal has not been incorporated into the network, namely being a platform for mediating labour supply and demand through pre-booking lists of employment, thus counteracting illegal hiring through caporale. Since this aspect is lacking, the ethical trading initiatives in Norway and Denmark (IEH and DIEH) – along with retailers, trade unions and employer organisations that are members – sent an open letter to the Italian government to ask for the implementation of this aspect. It has yet to happen, but regulatory measures related to the issue are still being proposed and debated. Public attention for these issues has increased as several migrant workers died from heatstroke in Italian fields during the summer of 2015.

EU Seasonal Workers Directive

In 2014, the EU adopted a directive on seasonal workers from non EU countries.⁷¹ The directive determines the conditions of entry and stay of “third-country” nationals for the purpose of employment as seasonal workers, and determines their rights. The directive specifies that seasonal workers shall enjoy equal rights with nationals with regards to terms of employment and social security, that the host state shall request evidence of accommodation of adequate standard, and that seasonal workers have the right to extend their stay once they fulfil entry conditions. Italy approved the directive in July 2015, giving the Italian government mandate to apply its provisions. As it is early days, evaluation of how this directive impacts migrant workers will need to be done at a later stage.

III-2.2 Tomato processing Industry Agreements

In 2013 the producer associations ANICAV, AIIPA and the Italian trade unions in the agricultural sector, UILA-UIL, FLAI-CGIL and FAI- CISL established the Tavolo di Comparto Merceologico (Conserviero Pomodoro), a bilateral commodity committee on processed tomatoes aimed at advancing the sector on a number of fronts.⁷² The underlying protocol focused particularly on improving the competitiveness of the industry and dealt with challenges of labour abuse. In autumn 2013, a delegation from the IEH project visited Italy to follow up on this protocol and discuss ways to reduce exploitation of agricultural workers.⁷³

The producer associations and the trade unions have continued these efforts and in 2014 signed a second protocol “For the promotion of social and territorial responsibility in the tomato product supply chain.” This protocol sets out to adopt initiatives aimed at:⁷⁴

- Addressing legal issues relating to social dumping (by irregular employment)
- Starting a dialogue with the Ministry of Labour and Social Welfare to draw up an action plan to counteract irregular labour and indecent work
- Forming local technical roundtables involving the prefectures in agricultural areas most at risk
- Promoting the application of national contracts and labour law through the entire supply chain in order to protect workers’ rights.

IEH observes that specific actions have taken place in some of these areas. A technical round table is active in Puglia, and there has been dialogue between the Ministry of Labour and trade unions on these issues. IEH will use this protocol as a basis for further follow-up.

III-2.3 Local initiatives in the Puglia region

During recent years, Puglia made substantial efforts to integrate foreign nationals. In 2009, Regional law, n. 32 04-12-2009, introduced a triennial plan to protect the rights of migrants and guarantee non-discrimination.⁷⁵ The plan, which consists of projects on healthcare, education, training, living condition, reception, integration and protection, has rolled out between 2012 and 2015. In 2014, the regional government also launched an ad hoc Task Force to improve the working and living conditions of migrant labourers. This additional effort sought to tackle interconnected challenges facing migrant workers, and introduce a system of recognition through the formal certification of businesses operating ethically. These efforts are coordinated by Puglia’s regional authorities with the involvement of prefectures, local institutions, civil society, trade unions, and employers’ and workers’ associations. The following sections provide a brief overview of some of these efforts:



Regional ethical certification Equapulia

The voluntary ethical certification scheme Equapulia was introduced in 2014 and is granted to farms and processing companies that provide safe, decent, legal, and fairly remunerated employment to all workers. It is managed by the Puglia’s regional Immigration Department.⁷⁶ To certify, farms must recruit labourers through prebooking lists, and provide their workforce with contracts for no less than six months or 156 days over two years. The regional government grants certified companies EUR 500 for each worker they recruit this way.⁷⁷ Despite many supporters, Equapulia has attracted no concrete affiliation including from the signatories to its Memorandum of Understanding.⁷⁸ According to the regional council, the reason why Equapulia has failed include prevalence of organized crime, ineffective controls against farmers who recruit through caporali, land degradation, and civic apathy.⁷⁹ ANICAV finds the primary reasons for the failure to be that key actors such as themselves have not been involved in the process, lack of proper promotion, and a need to tackle these issues on a national level rather than through local initiatives.

Pre-booking lists

Since 2011, ghetto inhabitants and other vulnerable workers have been encouraged to register into pre-booking lists of employment. These lists enable companies to hire transparently and earn financial rewards based on the number of workers recruited. Four years later, only 2 000 workers have registered and only 500-600 found work this way.⁸⁰ There appears to be little endorsement of this scheme. According to trade unions, OPs instruct larger companies not to use pre-booking lists, and employment centres do not welcome applications from workers that participate in this scheme.⁸¹

Alberghi diffusi

In 2009, the Puglia regional government started a reception scheme called ‘alberghi diffusi’ (scattered hotels) in Foggia, Cerignola and San Severo in the Foggia province. The scheme provides foreign workers holding a valid employment contract with temporary housing, typically hotel rooms, for up to 6 months. In scattered hotels, workers have access to basic services including health care, literacy courses, legal advice, basic training courses, and socialization activities. However, bed spaces are limited, and accessibility is an issue because these centres are often far removed from the fields. Furthermore, it is difficult for irregular migrants to live in places other than ghettos, where they find work through the caporalato.

Capo Free-Ghetto Off

Capo Free-Ghetto off is a pilot scheme that aims to offer decent housing and work conditions to migrant workers. To achieve this, the regional government aims to replace the Rignano ghetto with permanent housing for year-round dwellers, and temporary housing for seasonal workers. In 2014 construction of the housing camps was delayed and, upon completion, many ghetto inhabitants chose not to relocate. These housing camps do not solve the housing issues faced by migrant labourers, and local authorities are looking at the ecovillage Casa Sankara in San Severo as a source of inspiration.

Casa Sankara

In 2014, the municipality of San Severo inaugurated the first agricultural enterprise/ecovillage run by migrants. Casa Sankara, which is located 3 km from the Rignano ghetto, consists of three prefabricated buildings and twenty hectares of arable land assigned by the regional government.⁸² It houses thirty-six African migrants, who run the enterprise and cultivate the crops. Tomatoes are processed in Bari and sold through Altromercato, an ethical consortium that has its own ethical certification ‘Solidale italiano Altromercato’. Casa Sankara has space for up to 116 houses in wood and straw, which can be built by its very residents. Local authorities regard Casa Sankara as a solution to empower migrant workers against labour exploitation.⁸³

Voluntary sector initiatives

The voluntary sector is highly involved in counteracting irregular labour exploitation. For example, for over forty years the Scalabriniani missionaries have offered summer literacy courses, informational orientation, entertainment activities, and legal advice in collaboration with a camp-based organization called ‘Io ci sto’ and several volunteers. The regional government has financed their work to focus on targeting access to non-drinking water, building a bicycle repair store, improving waste collection, and providing relief after a fire emergency. Some other initiatives are Bari’s Aldo Moro University’s “Work For You” that helps migrants with life planning and language training,⁸⁴ and Diritti a Sud, a cooperative that produces a tomato pulp called ExploitZero (SfruttaZera) guaranteeing no labour exploitation.⁸⁵ These initiatives take care of some tasks that are not covered by local authorities.

III-3 Summary and Conclusions

This report is part of an IEH multi-stakeholder project which addresses labour exploitation in the supply chain of processed tomato products from Italy. In addition to focussing on retailers' supply chains, this project seeks to help catalyse local measures that reduce the exploitation of migrant workers in the agricultural sector. The project is carried out in collaboration with IEH's sister organisations in the UK (ETI) and in Denmark (DIEH). In order to achieve its objectives, the project team also works closely with a wide range of Italian stakeholders, including Italian trade unions, producers associations, NGOs, OECD contact point, and research institutions. This report describes the widespread exploitation of migrant workers in the agriculture sector, particularly in the south of Italy, and gives recommendations to European retailers on how to conduct human rights due diligence in their supply chains. It also provides insight into some of the main initiatives in Italy that aim to improve the conditions for migrant workers in the agriculture sector.

The risk of exploitative working conditions is considerably higher when tomatoes are harvested manually, as opposed to mechanically. When the work is low-skilled and labour intensive, it increases the risk of utilizing workers for whom it is difficult to find work legitimately in formal labour markets. In the North of Italy nearly all industrial tomatoes (95 - 100 %) are reported to be harvested mechanically. However, in the South, manual harvesting is estimated to account for 20 to 60 percent of the total harvest, with different sources giving different estimates. The use of irregular labour in Italian agriculture has been rising over the last few years to about a third of the total agricultural workforce. This number is expected to continue to rise.

Some of the poorest conditions are connected to the system of "caporalato". Through illegal recruitment, workers who live in unsanitary ghettos, receive a meagre wage of 25-30 Euros per day for excessively long working days (well below the minimum wage). There are widespread violations related to work contracts, either in terms of migrant workers not receiving a contract, or in terms of contracts being systematically breached, such as by withholding part of the pay or not paying on time. Corrupt business practice is commonplace, with farm owners declaring fewer working days to the authorities than those actually worked. This affects the workers' right to social benefits.

A key recommendation is that European retailers conduct human rights due diligence in their tomato product supply chains in line with the UN Guiding Principles on Business and Human Rights. This requires that European retailers

perform, at a minimum, the following tasks.

Firstly, retailers should map their supply chain, and perform a due diligence assessment of their direct suppliers, the processing companies making the tomato products. This assessment should include the location of the supplier and subsequent likelihood of manual harvesting, measures in place to respect trade union and workers' rights, and the extent to which the supplier can provide product traceability to farm level. Retailers should then assess conditions at farms and cooperatives. Retailers are advised to prioritise assessment of farms that use manual harvesting, and assess conditions on the farms through competent organisations with local knowledge. An audit can be used to check for non-compliance and common human rights breaches. An audit can also assess the extent to which wage payments and hours worked correspond to the amount of produce harvested, thus indicating the possible use of illegal recruitment and under-reporting to the authorities.

Once sufficient data has been collected, an analysis of risk exposure will allow retailers to implement remedial, preventative or mitigatory measures. In simple terms, this means implementing measures to a) make improvements where a breach is observed, b) to prevent potential breaches occurring, or c) to reduce the likelihood of a breach occurring and the impact of such a breach.

Any finding from audits and other assessments should be addressed through action plans. It is important to strengthen the awareness of the farmers and aim to get cooperatives and associations of producers (OPs) to take ownership for improving working conditions. Retailers should collaborate with their suppliers (and preferably other retailers) on establishing capacity building programs for selected farms. The effectiveness and impact of such programs can be monitored with help of local trade unions or NGOs and should be communicated to all interested stakeholders.

Finally, if labour exploitation is revealed at the farm level, a retailer should assess how current purchasing terms affect this. For example, negotiating excessively low prices for produce is likely to cascade down the supply chain and may well be a direct cause of worker exploitation at farm level. This project has, in cooperation with local stakeholders and retailers, developed several tools for assessment and awareness-raising to assist in the due diligence efforts, as described in this report.

There are a number of ongoing initiatives in Italy aimed at improving conditions for agricultural workers. At the national level a "network of quality agricultural labour" is being implemented which is open to companies that are compliant



Rignano Ghetto in Foggia, Puglia

with laws and administrative regulations. Two bilateral tomato processing sector agreements have been signed between the sectorial trade unions and producer associations, with the aim of counteracting labour exploitation in the supply chain. Some actions seemingly result from these protocols such as a regional technical round table in Puglia and dialogue between the Italian Ministry of Labour and the trade unions. These protocols provide a basis for further work with the producer associations to effect positive change.

In Puglia, the main producing region of industrial tomatoes in the South, a number of local initiatives have been put in place. These include a certification scheme called Equapulia, "prebooking lists" whereby farms can hire migrants without using caporalato, housing projects to replace ghettos, and

various voluntary sector initiatives such as legal advice, literacy training and medical assistance. While positive, retailers should be aware that these initiatives have thus far had only a limited effect in reducing labour exploitation.

To conclude, exploitation of migrant workers on the fields of Southern Italy remains on a considerable scale, exacerbated by continued influx of migrants from northern Africa and other areas of the world. This project has established knowledge and a set of tools to enable more effective supply chain due diligence for sourcing companies. In addition, IEH has experienced that this project serves an important role in helping to catalyse and support local initiatives. Sustainable improvements in the Italian agriculture sector, as a whole, depend on the continued efforts of many stakeholders.



Photo: Doctors for Human Rights (MEDU)

Resting workers in the tomato fields in Calabria



Photo: Ethical Trading Initiative Norway (IEN)

Rignano Ghetto in Foggia, Puglia



Appendix 1

Municipalities and agro-food districts at risk of indecent work and serious exploitation of agricultural workers

The risk is based on the criteria that these agro-food districts have over 5 months of seasonal work in a row.

Central and northern regions	
Regions	Agro-food districts at risk
Piemonte	Cuneo (Saluzzo, Bra, Langhe/Roero), Alessandria (Tortona, Castelnuovo Scrivia) Asti (Castigliole, Motta, Canelli), Verbania/Cusi Ossola
Liguria	Genova, La Spezia
Lombardia	Lecco, Mantova (Viadana, Sernude, Guidizzolo), Pavia (Pavese, Oltrepò, Lomellina), Monza/Brianza, Milan (Southern area), Sondrio (Ponte in Valtellina, Morbegno, Valchiavenna), Bergamo (Treviglio/Castel Cerreto).
Bolzano	Bolzano (Laives)
Veneto	Verona (Soave, Bassa veronese), Treviso (Valdobbiene), Vicenza (Basso vicentino), Padova (Bassa Padovana), Rovigo (Lusia), Venezia (Chioggia, Cavazere, Lison), Belluno (entire province).
Emilia Romagna	Modena (Castelfranco E., Bomporto, Formigine, Vignola, Spilamberto), Forlì/Cesena (Cesenatico), Ferrara (Codigoro, Copparo, Argenta, Portomaggiore, Basso/Alto ferrarese), Ravenna
Toscana	Livorno (lower Val di Cecina, Val di Cornia), Firenze (Mugello/Val di Sieve, Chianti, Empolese), Pistoia (neighboring areas), Arezzo (Val Tiberina, Val di Chiana) Grosseto (Maremma/Amiata)
Lazio	Latina (Aprilia, Sabaudia, Terracina, Foceverde, Cisterna, Gaeta, Fondi).
Southern and island regions	
Regions	Agro-food districts at risk
Abruzzo	Chieti (hills and coast), Teramo (entire province), L'Aquila (Fucino, mountain area), Pescara (hills and coast)
Campania	Napoli (Napoli, Giugliano, Nola, Caivano), Caserta (lower Volturno, Area Calena, Sessano/Mondragone, Villa Literno, Francolise/Sparanise, Parete, Castel Volturno), Avellino (Serino/Mondella, Avellino, Montenarano, Atripalta, Solofra), Salerno (Cilento, Piana del Sele, Agro Nocerino-Sarnese), Benevento (Benevento, Valle Caudina, Valle Telesina, Val Fortone)
Basilicata	Potenza (Vulturne-Malfese, Palazzo San Gervaso), Matera (Piana di Metaponto)
Puglia	Foggia (Rignano Garganico), Bari (entire province), Barletta/Andria/Trani (Andria, San Fernando, Barletta/Canosa, Trinitapoli, Bisceglie, Spinazzola, Laconia), Brindisi (entire province), Lecce (Nardò)
Calabria	Catanzaro (Curinga, Guardavalle, Lametia Terme, Sellia, Maida, Sersale), Cosenza (Sibaride, Cassano J., Corigliano, Rossano), Reggio Calabria (Gioia Tauro/Rosarno, Melitese, Monasterale), Crotona (Petilino, Cirotano, Crotona comune, Alto crotonese), Vibo V. (mountain aiera, Pizzo, Tropea, Jonadi, Rombiolo)
Sicilia	Catania (Adrano/Biancavilla, Bronte, Catania, Aci Catena/Acireale, Paternò, Caltagirone, San Cono, Castel Ludica, Ramacca, Palagonia, Scordia), Siragusa (Cassibile, Pachino, Lentini, Avola-Florida, Francofonte, Siragusa, Noto, Buccheri), Ragusa (Vittoria, Santa Croce, Acate, Comiso, Chiaromonte, Altipiani), Trapani (Marsala, Alcamo, Caste Vetrano, Campobello M.), Palermo (Monreale, San Giuseppe J., Partinico, Area collinare, Alte Madonie, Piana di Lascari), Messina (Roccalumera, Santa Teresa, Valle mela, Furnari, Capo d'Orlando, Naso, Ficarra, Caronia, Salina, Malfa).

Source: FLAI CGIL, Osservatorio Placido Rizzotto (2014) *Agromafie e Caporalato, Secondo Rapporto, Ediesse*



Appendix 2

Self Assessment Questionnaire for Suppliers

Self Assessment Questionnaire

Dear supplier

Our company believes in socially responsible business. Promoting decent working conditions in our supply chains is part of our strategy to act in a socially responsible manner. In pursuit of this aim, we therefore wish to cooperate closely with our suppliers.

Based on our code of conduct for suppliers, we wish to ask you a few standard questions that may improve our understanding of your operations. Please note that this is not a test: there are no 'right' or 'wrong' answers. If there are any issues related to labour relations and decent work in your company, we would like to collaborate with you to find practical solutions to improve compliance.

Please reply openly!

Caro fornitore,

La nostra azienda crede nella responsabilità sociale d'impresa. Promuovere condizioni di lavoro dignitose all'interno delle nostre catene di fornitura è al cuore della nostra strategia aziendale. A questo fine, vogliamo instaurare una stretta collaborazione con i nostri fornitori per assicurarci che quest'obiettivo venga prioritizzato e sia raggiunto. Desideriamo dunque porle alcune domande di routine, tramite le quali speriamo di migliorare la nostra comprensione delle vostre operazioni.

Ci teniamo a specificare che queste domande, basate sui criteri del nostro Codice di Condotta, non sono test che è possibile bocciare: risposte 'giuste' o 'sbagliate' non esistono. Nel caso le vostre risposte esponano problemi relativi a rapporti di lavoro, il nostro proposito è quello di collaborare per trovare soluzioni pratiche che vi permettano di conformarvi ai nostri criteri di lavoro dignitoso.

Vi preghiamo dunque di rispondere apertamente!

Questions Questionario

1) Which National Collective bargaining agreement (CCNL) do you apply to the employment relations of your employees (e.g. CCNL operai agricoli or CCNL industria alimentare)?

Su quale Contratto Collettivo Nazionale di Lavoro (CCNL) si basa la relazione di lavoro dei vostri dipendenti (per esempio, CCNL Agricoltura o CCNL Industria Alimentare)?

Click here to enter answer

2) How many of your employees have a permanent contract?

Quanti dipendenti avete con contratto a tempo indeterminato?

Click here to enter answer

3) How many of your employees have a temporary contract?

Quanti dipendenti avete con contratto a tempo determinato?

Click here to enter answer

4) Does your company implement a second level collective bargaining agreement?

La vostra azienda svolge anche una contrattazione di secondo livello?

Click here to enter answer

1

5) If so, please attach a copy with the completed questionnaire

In caso affermativo, si prega di allegare la copia di un vostro contratto.

6) Is there a trade union representation in your company (e.g. RSU or RSA)?¹

La vostra azienda ha una rappresentanza sindacale (es RSU o RSA)?

Click here to enter answer

7) If so, which trade unions are represented in your company?

In caso affermativo, quali sono i sindacati rappresentati nella vostra azienda?

Click here to enter answer

8) With your reply, please attach a list of your agricultural suppliers including:

a) producer associations (O.Ps)

b) cooperatives

c) farms.

You may use the attached template, or use your own format.

Si prega di allegare un elenco dei fornitori agricoli, tra cui:

a) Le associazioni di produttori (O.Ps)

b) Cooperative

c) Fattorie

È possibile utilizzare il modello allegato, o utilizzare il proprio formato.

9) May we have your consent to contact agricultural suppliers that pertain to the products we buy from you (in case we wish do so)?

Ci accordate il permesso di contattare fornitori agricoli che forniscono i prodotti che acquistiamo da voi (a nostra discrezione)?

Click here to enter answer

I certify that the answers given above are correct and to the best of my knowledge, and agree that it may be followed up by means of audits or checks.

Firmando qui di seguito, dichiaro che le risposte date sono veritiere, e che possono venir verificate tramite controlli e revisioni.

Place and date: Luogo e data: *Click here to enter answer*

Name and surname: Nome e cognome: *Click here to enter answer*

¹ RSU = workers' representative elected by workers (in companies with more than 15 employees), RSA = workers' representative nominated by the trade union

2



Appendix 3

Self Declaration for Agricultural Producers



Self Declaration - Sustainable labour practices in the Italian agricultural sector.

The Norwegian retail sector has developed this document following the ongoing focus on the Italian agricultural sector's labour practices, particularly those relating to the employment of migrant workers. The document highlights the most important areas to be respected to ensure sustainable labour practices, and constitutes an appendix to the current Code of Conduct for suppliers.

This document must be distributed to all parties involved in the relevant value chain, and all parties are asked to sign it.

It is all parties' responsibility, irrespective of their role (agent, manufacturer, producer organization (OP), cooperative, or farmer), to ensure, and improve if needed, the social standards in their supply chains to attain adequate and decent labour conditions.

I hereby confirm that I/ we at all times will endeavour to:

1. Ensure that all workers hold valid resident and working permits. I will keep copies of these in my archive.
2. Ensure that all workers receive at least the minimum wage as specified by the national collective contract (CCNL).
3. Keep records of working hours and ensure that the legal limits are respected. A standard working week shall not exceed 44 hours. Workers overtime must be limited to 3 hours per day and 18 hours per week. and must comply with regulations in provincial contracts (CPL). Overtime shall be paid at premium rate as specified by collective contracts.
4. Ensure that all workers have minimum one day off per week, and sufficient breaks throughout the workday. Workers shall have access to drinking water as well as a sheltered place to have their meals.
5. Not use middlemen (caporale) to illegally recruit, pay, or transport workers.
6. Ensure that all workers have signed a contract that states salary and length of employment, and that Italian authorities have been notified of this employment relationship.
7. Abide by all relevant Italian laws.

Version Nov. 4, 2015



Self- Assessment questionnaire:

	Italian citizens	Non- Italian citizens	For Non- Italian citizens, country of origin
Estimated total number of workers in the current season:			
Estimated workers with fixed, or minimum 6 month contract			
Estimated weekly working hours in peak production/ harvesting time			
Estimated hourly salary			

I hereby confirm that I have read and understood the above, and commit to follow the labour practices described.

Name of Company/Cooperative/Farm: _____ Position: _____

Date: _____ Name _____ Signature: _____

I am / we are (please tick):

Farmer	Manufacturer	OP	
Cooperative	Agent		

Yours sincerely

Name
Position
Company

Version Nov. 4, 2015



End notes

- ¹ Based on definitions used by Eurispes/UILA (2014) #sottoterra - indagine sul lavoro sommerso in agricoltura at p. 12
- ² Based on definitions used by Eurispes/UILA (2014) #sottoterra - indagine sul lavoro sommerso in agricoltura at p. 12
- ³ Amnesty International (2012) Exploited labour: migrant workers in Italy's agricultural sector at p. 5
- ⁴ Amnesty International (2012) Exploited labour: migrant workers in Italy's agricultural sector at p. 5
- ⁵ Amnesty International (2012) Exploited labour: migrant workers in Italy's agricultural sector at p. 5
- ⁶ International Labour Organization (ILO) General comment No. 18 Article 6 of the International Covenant on Economic, Social and Cultural Rights
- ⁷ Global Reporting Initiative. G4 Sustainability Reporting Guidelines at p. 253
- ⁸ In 2014, Italy processed 4.9 million tons of tomatoes out of the 9.8 million processed Europe-wide. Corriere Ortifrutticolo, Pomodoro da industria, firmato l'accordo quadro: 92 € a tonnellata, published on 13/02/2015
- ⁹ Il Sole 24 Ore, Conserve di pomodoro, export in crescita del 3,6% (15/05/2015)
- ¹⁰ ANICAV (2014) Italia a tutto export. However, 90% of fresh tomato is marketed domestically so exports pertain mainly industrial tomato and derivatives.
- ¹¹ International Trade Center, Trade Map
- ¹² Eurostat, long-term immigration database
- ¹³ DanWatch (2014) Behind the canned tomatoes: labour exploitation in the production of canned tomatoes sold in Danish supermarkets at p. 13
- ¹⁴ Thought Decreto Flussì, every year authorities set a nationality-specific number of residence permits for non-EU seasonal workers. In 2015, this quota was set at 15'000, against the 80'000 granted in 2010. DanWatch (2014) Behind the canned tomatoes: labour exploitation in the production of canned tomatoes sold in Danish supermarkets at p. 13
- ¹⁵ Médecins Sans Frontières (2008) A Season in Hell
- ¹⁶ In Perrotta, D. 'Traiettorie migratorie nei territori del pomodoro' in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 126
- ¹⁷ In Perrotta, D. 'Traiettorie migratorie nei territori del pomodoro' in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 126
- ¹⁸ In Perrotta, D. 'Traiettorie migratorie nei territori del pomodoro' in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 126
- ¹⁹ Danwatch 2014, <https://www.danwatch.dk/wp-content/uploads/2014/11/Bagsiden-af-daasetomater.pdf>
- ²⁰ Based on email communication with Anicav.
- ²¹ Change.org: Salviamo gli agricoltori che coltivano il pomodoro italiano, combattiamo lo sfruttamento della mano d'opera
- ²² Based on Regione Veneto, Organizzazioni di Produttori
- ²³ The Ministry of Agricultural, Food and Forestry Policies, List of nationally recognized producers organisations of fruit and vegetable— updated June 30, 2015
- ²⁴ Perrotta, D. 'Traiettorie migratorie nei territori del pomodoro' in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 120
- ²⁵ Pomodoro da Industria 2014, ISMEA-Aci Ortofrutta
- ²⁶ Amnesty International (2012) Exploited labour: migrant workers in Italy's agricultural sector at p. 5
- ²⁷ This includes Association for Judicial Studies on Immigration (ASGI), the Laboratory of Theory and Practice of Rights of Roma Tre University and Amnesty International.
- ²⁸ In TERRA INGIUSTA/Unfair land, Medici Per i Diritti Umani (MEDU), April 2015, p. 19
- ²⁹ Amnesty International (2012) Exploited labour: migrant workers in Italy's agricultural sector at p. 5
- ³⁰ International Labour Organization (ILO), National Labour Law Profile: Italy
- ³¹ Deliberation n.2506/2011 expands this requirement by measuring the labour relations of firms against several 'fairness indexes' (indici di congruità).
- ³² For a detailed overview of changes introduced by newest version, please visit: <http://www.confagricolturatreviso.it/lavoro/rinnovo-del-ccnl-operai-agricoli-e-florovivaisti>
- ³³ Eurofound, Representativeness of social partners: agricultural sector in Italy
- ³⁴ Email correspondence with Prof. Domenico Perrotta, researcher at the University of Bergamo (25/06/2015)
- ³⁵ Correspondence with ANICAV, OECD national contact point that has collected information from INEA and Dominico Perrotta at University of Bergamo
- ³⁶ Email correspondence with Domenico Perrotta, University of Bergamo
- ³⁷ Email correspondence with Yvan Sagnet, FLAI-CGIL Puglia.
- ³⁸ Email correspondence with ANICAV
- ³⁹ FLAI CGIL, Osservatorio Placido Rizzotto (2014) Agromafie e Caporalato, Secondo Rapporto, Ediesse
- ⁴⁰ Eurispes – UILA (2014) 'sottoterra - Indagine sul lavoro sommerso in agricoltura' at p. 13
- ⁴¹ Eurispes – UILA (2014) 'sottoterra - Indagine sul lavoro sommerso in agricoltura' at p. 13
- ⁴² Agricoltura e lavoro migrante in Puglia, p.39-40; Immigrazione Dossier Statistico 2013. Dalle discriminazioni ai diritti, Centro Studi e Ricerche IDOS, 2013.
- ⁴³ FLAI CGIL, Osservatorio Placido Rizzotto (2014) Agromafie e Caporalato, Secondo Rapporto, Ediesse
- ⁴⁴ Fanizza, F. L'immigrazione nelle aree rurali della Puglia: il caso della Capitanata in in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 109
- ⁴⁵ Fanizza, F. L'immigrazione nelle aree rurali della Puglia: il caso della Capitanata in in Colloca, C. and Corrado, A. La globalizzazione delle campagne: migrant e società rurali nel Sud Italia (2012), Franco Angeli Editore at p. 109
- ⁴⁶ Criminal hubs are scattered across the entire Italian territory and operate internationally. 'In Agro Pontino, illegal recruitment acquires the characteristics of a full-fledged trafficking ring which starts with recruitment in the workers' country of origin.' In TERRA INGIUSTA/Unfair land, Medici Per i Diritti Umani (MEDU), April 2015, p. 16. For an historical example, please refer to Operazione Salib of 2005.
- ⁴⁷ CGIL FLAI (2014) Seconda Conferenza Regionale su agricoltura e lavoro migrante in Puglia of 20/10/2014 in Bari at p.66
- ⁴⁸ TERRA INGIUSTA/Unfair land, Medici Per i Diritti Umani (MEDU), April 2015, p. 21
- ⁴⁹ TERRA INGIUSTA/Unfair land, Medici Per i Diritti Umani (MEDU), April 2015, p. 21
- ⁵⁰ DanWatch (2014) Behind the canned tomatoes: labour exploitation in the production of canned tomatoes sold in Danish supermarkets at p. 4
- ⁵¹ MEDU however observes that underpayment does not occur during the short tomato harvest of Vulture Alto Bradano in Basilicata, where the average daily pay is between 57 € and 76 €. Istituto Nazionale di Economia Agraria - INEA (2014) Indagini sull'impiego degli immigrati in agricoltura in Italia at p. 227
- ⁵² CGIL FLAI (2014) Seconda Conferenza Regionale su agricoltura e lavoro migrante in Puglia of 20/10/2014 in Bari at p.66
- ⁵³ Gioia Tauro in Calabria, the Sele Plain in Campania, Vulture and Alto Bradano in Basilicata, Capitanata in Puglia, and Agro Pontino in Lazio, TERRA INGIUSTA/Unfair land, Medici Per i Diritti Umani (MEDU), April 2015, p. 21
- ⁵⁴ Istituto Nazionale di Economia Agraria - INEA (2014) Indagini sull'impiego degli immigrati in agricoltura in Italia at p. 227
- ⁵⁵ La Gazzetta del Mezzogiorno. Article "Nei Campi di Puglia i braccianti tedeschi" on page 5.
- ⁵⁶ Conversation with Caritas representative, Foggia 13/09/2014
- ⁵⁷ Il Corriere della Calabria (04/09/2014) Sibartide, braccianti agricoli fittizi per truffare l'INPS
- ⁵⁸ Slums are called 'ghettos' due to high rates of ethnic segregation: different ethnic groups live in different slums.
- ⁵⁹ AGREE Project (2015), Phase one: desk research at p. 23
- ⁶⁰ Eurospises – UILA (2014) 'sottoterra - Indagine sul lavoro sommerso in agricoltura'
- ⁶¹ FLAI CGIL, Osservatorio Placido Rizzotto (2014) Agromafie e Caporalato, Secondo Rapporto, Ediesse
- ⁶² Associazione Italiana Industrie Prodotti Alimentari, for more information please visit AIIPA.
- ⁶³ Associazione Nazionale Industriali Conserve Alimentari Vegetali, for more information please visit ANICAV
- ⁶⁴ <http://business-humanrights.org/en/un-guiding-principles>
- ⁶⁵ ETI Base Code: <http://www.ethicaltrade.org/eti-base-code>
- ⁶⁶ Dhaka Principles: <http://dhaka-principles.org/>
- ⁶⁷ The Welfare and Social Security Institute (INPS) registers all companies operating in Italy, and provides workers with social security and welfare services (maternity, pension, unemployment, etc.) based on their social contributions. More information available here.
- ⁶⁸ Law decree 91 of 24 June 2014
- ⁶⁹ Riforma del Mercato del Lavoro Agricolo
- ⁷⁰ In line with Article 2135 of the Civil Code.
- ⁷¹ <http://www.statewatch.org/semidoc/assets/files/council/DIR-2014-36.pdf>
- ⁷² Tavolo di Comparto Merceologico (Conserviero Pomodoro) aims to monitor the sector's macroeconomic trends to tackle challenges and optimize competitiveness.
- ⁷³ See <http://etiskhandel.no/Artikler/10666.html?l=en>
- ⁷⁴ 'Protocollo per la promozione della responsabilita' sociale e territoriale nella filiera del conserviero-pomodoro, per le imprese industriali e di trasformazione' signed by ANICAV, AIPA, FAI CISEL, FLAI-CGIL, and UILA-UIL on July 24th 2014.
- ⁷⁵ 'Norme per l'accoglienza, la convivenza civile e l'integrazione degli immigrati in Puglia'
- ⁷⁶ Please note that the Agricultural Department manages yet another certification called Prodotti di Puglia, which is only concerned with quality and traceability rather than ethical labour.
- ⁷⁷ This is a temporary certification, which is to be replaced by the 'Certificazione Etica Regionale' of Deliberation 1425 once it is finalized. Timelines for the enactment of either certification are unclear.
- ⁷⁸ The Memorandum of Understanding for Equapulia was signed by the Foggia prefecture, Puglia region, trade unions (OO. SS - CGIL - CISEL - UIL), employment organisations (CIA - Confagricoltura - COPAGRI) by the Confesercenti Association, different Producers Organizations (OPs) and the processing company Futuragri.
- ⁷⁹ Email correspondence with Puglia Regional Council on 11/06/2015
- ⁸⁰ Email correspondence with Puglia Regional Council on 11/06/2015
- ⁸¹ CGIL FLAI (2014) Seconda Conferenza Regionale su agricoltura e lavoro migrante in Puglia of 20/10/2014 in Bari at p. 73
- ⁸² Casa Sankara and the Art Village were built with the support of FLAI-CGIL Foggia, Cooperativa Albero del Pane, Libera Terra Puglia (Arci), Presidio Francesco Marcone, Caritas Diocesana, San Severo, and social cooperative Pietra di Scarto. Altraeconomia.it, Fuori dal ghetto (02/05/2014)
- ⁸³ L'Immediato (2015) <http://www.immediato.net/2015/06/18/a-foggia-gli-eco-villaggi-di-duany-una-risposta-concreta-anche-al-ghetto-di-rignano/A-Foggia-gli-eco-villaggi-di-Duany-una-risposta-concreta-anche-al-Ghetto-di-Rignano/> (18/06/2015)
- ⁸⁴ Project financed by the European Fund for the Integration of Third Country Nationals (EIF) and promoted by the Puglia Region (Department of Youth and Social Citizenship - Immigration Office) in partnership with the Province Barletta-Andria-Trani (Department of Labor), the University of Bari "Aldo Moro" (Department of Education, Psychology and Communication), the Municipality of Corsi and the Institute of Mediterranean Cultures. For more information, please visit WORK FOR YOU! Other active third sector initiatives in Foggia include Presidio for legal and healthcare assistance, Policoro for work integration training, Caritaclis centre for domestic employment, and the Baobab intercultural centre.
- ⁸⁵ Diritti a Sud, <http://dirittiasud.blogfree.net/>



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