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**From Field to Shelf: Migrant Labour Exploitation Behind
'Made in Italy' Agrifood Products**

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*A tutte le lavoratrici e lavoratori,
A chi si sporca le unghie con il fango,
A chi deve sopportare soli cocenti e piogge battenti,
A chi si spacca la schiena sui campi dall'alba al tramonto,
A chi semina e nutre il mondo ma raccoglie ingiustizie,
A chi non viene riconosciuta la fatica,
A chi resiste e a chi lotta,
A chi è invisibile e a chi non ha voce.*

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INTRODUCTION

Over the last forty years, industrial advancements have reformed and shaped modes of production, but agriculture remains one of those sectors where cheap manual labour is demanded and “expected”. This is particularly true in countries, like Italy, where agricultural labour is temporary, thus requiring a workforce that migrates according to the demands of each harvest season. Because of such inherent features pertaining to the nature of agricultural work, very often the workers are subjected to exploitative conditions, especially when they are immigrants. The recent murder of Satnam Singh, an Indian farm labourer irregularly employed on an Italian farm under exploitative conditions, put the spotlight on the structural exploitation of farmworkers and on how the excellence of Italian food relies on foreign labour—a reality consistently overlooked by those who champion the “Italian identity” and authenticity of the “Made in Italy” brand. In the meantime, between migrant agricultural labourers’ uprisings and general strikes, the institutional response is always the same: about the need to stop *caporalato*, or illegal gangmastering, and labour exploitation in agriculture. Contrary to these (void) promises that Italians have been hearing since the murder of day labourer Jerry Essan Masslo in 1989, the exploitation of agricultural workers not only persists but continues to grow. Among the causes, one significant issue stems from systematic deficiencies in immigration and labour laws, which have facilitated such exploitative system to thrive, further exacerbated by the infiltration of organized crime in the agrifood supply chain.

Another key factor, even though constantly overlooked, is the relentless pursuit for profits put in place by large-scale retail (GDO), which often takes precedence over safe and fair working and living conditions of agricultural labourers. The systematic demand for agrifood products at derisory prices from GDO forces suppliers to maintain competitiveness by reducing labour costs at the expense of farmworkers. As a matter of fact, many agricultural entrepreneurs have turned to vulnerable migrant manpower to remedy to the disfunctions caused by the market, justifying the exploitation as a “necessary evil”. In the meantime, agricultural workers, as the weakest link of the chain, are neglected and abused of their rights: a standard working day ranges from 10 to 12 hours in hazardous environments without proper safety protections for a wage that is far below what they should be due. Beyond the

fields, the situation does not get better. Migrant workers, especially in the South, live marginalized and in extreme social exclusion, often in makeshift ghettos without access to basic housing and sanitation standards. In this scenario, their isolation is structurally built to further deepen their dependence on the *caporale* for transportation, employment and even basic necessities, which perpetuates a cycle of ever-ending exploitation.

“The fight against *caporalato* is not won through denunciations alone—while essential, they are not enough to eradicate the phenomenon. The real battle happens every day by creating opportunities, offering alternatives, listening to people’s aspirations and desires, and providing them with regular employment, legal documents, and a dignified life”¹. With these words, Papa Latyr Faye, known by the community of ‘Casa Sankara’ in Foggia’s province by the name of Herve, captures the essence of the present thesis. This research aims to prompt and challenge the widespread tolerance and indifference for agricultural labour exploitation by encouraging critical reflections and uncovering the structural dynamics that enable this system to flourish, with the ultimate hope that one day such analysis will be no longer necessary.

¹ Interview conducted by journalist Cannito for *Melting Pot* (online journal) under the reportage *Conoscere la Grande Distribuzione Organizzata e il caporalato per non dimenticare Soumalya Sacko* in June 2018. Available at <https://www.meltingpot.org/2018/06/conoscere-la-grande-distribuzione-organizzata-e-il-caporalato-per-non-dimenticare-soumalya-sacko/>.

CHAPTER I

LABOUR EXPLOITATION AND *CAPORALATO* IN ITALY: AN OVERVIEW OF THE ITALIAN AGRICULTURAL SECTOR

1.1 Historical trends of Italian agriculture

Exploitation of labour is a defining feature of the Italian agricultural sector, rooted in historical injustices and perpetuated by current economic and policy factors. Traditional characteristics that define agricultural labour are poor working conditions, unstable employment, and power dynamics favouring gross exploitation of workers. The intensity of these conditions sparked various revolts and protests, as workers resisted the exploitation by landlords and demanded fundamental rights (Militello et al. 1978). For example, in Sicily, following the end of World War II, there were violent conflicts between agricultural workers, mainly known in the Italian context as *braccianti*, and powerful landowners who in turn made alliances with local crime groups to keep dominance on arable lands. The farmers organized themselves in the agrarian movement, united in the effort to occupy these lands and demand the ejection of the mafia to reclaim back their plots, thus free from any external coercion. Historian and sociologist Santino defined it as one of the most important grassroots movements to challenge Mafia domination². As the movement gained in strength, landowners formed coalitions with the Mafia to contain the growing threat posed by the organized demands of the peasant class. These alliances led to brutal acts of repression, and yet the movement did not falter. It was not until 1950 that an agrarian reform was implemented, and the first ownership rights were finally granted to the farmers. While the reform was a major blow to the power of large landowners and organized crime, it failed to bring about a radical change in the agricultural structure of Sicily. The hoped-for progress toward a modern and more equitable agricultural system, one that would eliminate abusive

² Santino, U., 2010, *Storia del movimento antimafia. Dalla lotta di classe all'impegno civile*, Roma: Editori Riuniti.

intermediaries, never materialized, and many of the underlying issues continued to persist up to today³.

Taking a more modern perspective, the process of industrialization which swept through Italy in the last century fostered significant changes. The economy turned towards industrial and tertiary sectors, as agricultural production underwent rapid mechanization. Over the last six decades, this has led to a large depletion of the workforce involved in agricultural activities, and changed the face of labour altogether (Malanima and Zamagni 2010). More particularly, Italy introduced comprehensive agrarian reforms that broke the stranglehold of large aristocratic estates, especially in the South, and distributed the land into small plots to empower rural peasants. While it did lead to some improvements for peasant livelihoods, the outcomes were mixed, and many of the original inequalities lingered, often subtly reinforcing the status quo and limiting the scope of progress. The reality was that the plots were too small to be competitive, and promises for building infrastructures for efficient farming, such as irrigation systems, were not followed. Besides, in the years after the war, agriculture underwent major changes in technology. Mechanization—tractors and other machinery—dramatically increased agricultural productivity but at the cost of human labour⁴. The economic boom of the 1950s and 60s, which took place mainly in Northern Italy, accelerated the rural-to-urban, South-to-North migration: many cities such as Milan and Turin became centres of industrial production and thus attracted large numbers of workers from the economically underdeveloped South. The improved road infrastructure made migration easier and facilitated the mass movement of labour to northern cities, leaving the agricultural sector with a labour vacuum after the exodus from rural areas. Family-run farms had significant problems sustaining their production levels as younger family members looked for better opportunities in urban centres of the North, and with increased industrialization making agriculture less lucrative, large-scale farming enterprises started to dominate, relying increasingly on flexible, low-

³ Montalbano, G., 2012, *La repressione del movimento contadino in Sicilia (1944-1950)*, *Diacronie* [Online], n° 12, 4. Available at <http://journals.openedition.org/diacronie/2556>.

⁴ EuropeNow, 2020, *The Agrarian Reform in Italy: Historical Analysis and Impact on Access to Land and Social Class Composition*. Special feature on Rurality in Europe [Online]. Available at <https://www.europenowjournal.org/2020/11/09/historical-analysis-of-the-agrarian-reform-in-italy-impact-on-access-to-land-and-social-class-composition/>.

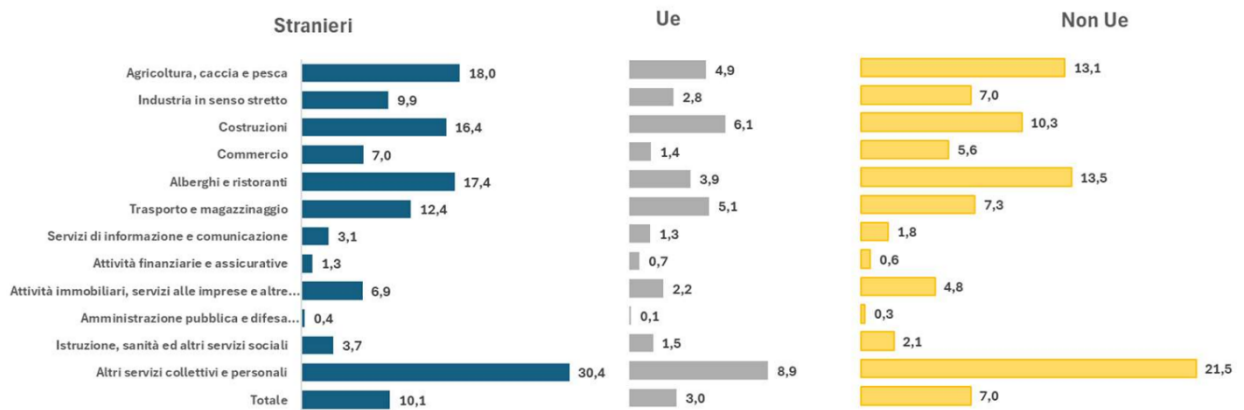
cost labour from abroad. Thus, migrant workers began filling these gaps, above all in seasonal harvests like fruits and vegetables, where the need for manual labour remained essential⁵. This has left the Italian agricultural sector increasingly dependent on migrant labour, thus setting a trend that continues to shape the agrifood to this day. Nowadays, migrants fill positions in precarious, badly paid agricultural jobs that locals no longer wish to carry out, especially in seasonal harvesting cycles (Guidi and Berti 2023).

It is this specific labour force that became essential for sustaining the capitalist machinery that emerged and established itself in Italy following World War II. This system does not have at its basis an old agrarian form of labour, where the farmers were harshly treated and strictly bound to exploitative practices. Rather, it reflects a more developed and complex stage of globalization, where the pursuit of profit and capital gains is intrinsically linked with current migration and labour laws, and with the necessity to minimize production costs. This dynamic is further complicated by the presence of large-scale distribution (often abbreviated to “GDO”) that exerts a downward pressure on the prices of agrifood products. However, this often comes at the cost of the rights of the socially marginalized and underrepresented groups within the system (Omizzolo 2020). People from this demographic tend to be easier to hire due to their heightened vulnerability, which in turn leads them to accept all kinds of working conditions or jobs even when the compensation is inadequate. Between 350,000 to 400,000 migrants (FAI-CISL 2022) are working in Italy’s agricultural sector, which is the second-largest economic activity characterized by a notably high presence of foreign workers (Figure 1). It’s no coincidence then that one of the highest shares of irregular workers in relation to the total number of migrant workers is found in agriculture (OHCHR 2020). This has been particularly true for the southern part of Italy, where intensive and highly seasonal agricultural practices prevail. In these areas, the demand for a great and flexible workforce reaches a peak during fruits and vegetables harvesting seasons, mostly in regions with monoculture. Those labour

⁵ Martiin, C., Pan-Montojo, P., Brassley, P., 2017, *Agriculture in Capitalist Europe, 1945-1960: From Food Shortages to Food Surpluses*, EuropeNow [Online]. Available at <https://www.europenowjournal.org/2017/05/02/agriculture-in-capitalist-europe-1945-1960-from-food-shortages-to-food-surpluses/>.

features regulated by seasonality, informality of arrangements, and “just-in-time” mobility encourage conditions that enable exploitation (Corrado et al. 2018). In addition, the vulnerability of migrants is further used to the employers’ advantage as in the case of leveraging on their need to have a labour contract, as this typically is essential in maintaining a legal residence in Italy for economic migrants. To gain a clearer understanding of these complex dynamics, it is helpful to briefly outline the Italian system for admitting non-EU migrant workers, as this topic will be addressed in a separate, dedicated chapter in this study.

Figure 1: Percentage incidence of foreign workers on the total employed workforce by economic activity sector. Year 2023. Source: INPS. XIV Annual Report on Foreigners in Italian labour market, p. 38.



The admittance process relies on a nominal type of hiring mechanism, with yearly quotas set by the *Decreto Flussi*, or flows decree, that specify the number of non-EU individuals that can legally enter into the Italian territory. However, this system is slow, complex, and impractical⁶, often discouraging employers from hiring workers they have not personally met. As a result, many migrants already in Italy find themselves in irregular situations due to the lack of effective admission mechanisms. The current mismatch between limited quotas and ongoing inflows forces many migrants into irregular status⁷, meanwhile, those who have entered legally still face considerable challenges as they are often subjugated to

⁶ Santoro, E., 2010, *La regolamentazione dell’immigrazione come questione sociale: dalla cittadinanza inclusiva al neoschiavismo*, in E. Santoro (Ed.), *Diritto come questione sociale*, Torino: Giappichelli, pp. 129-180.

⁷ Caputo, A., 2010, *Immigrazione e politiche del diritto in Italia*, in I. Peretti (Ed.), *Schengenland. Immigrazione: politiche e culture in Europa*, Roma: Ediesse, pp. 225-241.

employment contracts under exploitative conditions (Palumbo and Sciarba 2018). Since their residency visa for work purposes is dependent on having an employment contract, they are exposed to the risk of blackmail and abuse, as they are often compelled to accept any working opportunity, even if it is exploitative and degrading⁸. Fundamentally, migrant livelihoods rest on temporary contracts that, in turn, tie them to abusive conditions which are now deemed as distinctive of the Italian agricultural sector (Guidi and Berti 2023). In an attempt to contrast this vicious system of self-managed and informal mobility, the government has released periodic government amnesties over the years (as in 1990, 1995, 1995, 1998, 2009 and 2012) which have regularized the status of these individuals (Corrado et al. 2018). However, as the study conducted by Open Society Foundations points out⁹, the global economic crisis of 2008 hit migrants particularly hard, forcing thousands to return to agricultural work when other job opportunities became scarce. They have progressively been expelled “from manufacturing activities and the service economies of urban areas [...] forcing either a demotion to agriculture, relocations elsewhere or a return to their countries of origin”¹⁰. This turn-around resulted in the rise of the number of both already established and newly arrived migrants now employed in agriculture, thus further increasing the dependency on migrant labour within the agricultural sector that has only deepened overtime.

The COVID-19 pandemic brought renewed attention to the critical yet exploitative conditions in which many of them work. If institutional rhetoric was praising the essential contributions that farmers made for having kept up with the supply of food during the pandemic's peak, then grim was the reality that met many among the hundred thousand exploited individuals of both Italian and migrant status. As highlighted by Omizzolo (2020) for MEDU (*Medici per i Diritti Umani*, or Doctors

⁸ Amnesty International, 2012, *Exploited Labour. Migrant Workers in Italy's Agricultural Sector*, London: Amnesty International Ltd.

⁹ Corrado et al., 2018, *Is Italian agriculture a 'pull-off' factor for irregular migration - and if so, why?* Open Society Foundations [Online]. Available at <https://www.opensocietyfoundations.org/publications/italian-agriculture-pull-factor-irregular-migration-and-if-so-why>.

¹⁰ Caruso, F., and Corrado, A. 2015, *Migrazioni e lavoro agricolo: un confronto tra Italia e Spagna in tempi di crisi*, in Colucci, M. and Gallo, S. (Eds.), *L'arte di spostarsi. Rapporto 2015 sulle migrazioni interne in Italia*, Roma: Donzelli, p. 5.

for Human Rights)¹¹, these day labourers find themselves trapped within an agro-industrial supply chain that is characterized by “a predatory capitalism, frequently interlaced with organized crime, unscrupulous brokers, and prominent retail corporations”. Statistical data collected during the COVID-19 pandemic revealed a disturbing increase in agricultural workers’ exploitation, with estimates indicating an increase ranging from 10% to 20%, compared to what was reported by the Osservatorio Rizzotto¹² before the lockdown. In the period preceding the pandemic, between 2018 and 2019, the rate of irregular employment in the agricultural sector was registered at 39%. In the first years of the pandemic, though, rough estimates put this percentage at 48%, meaning nearly half of the workforce involved in the agricultural sector was in non-regular type of employment.

Although official data may give some measure of understanding the migrant labour exploitation phenomenon, mere numbers are insufficient to capture the full reality of the problem, mainly due to widespread irregularities and “grey areas” in such informal-oriented sector. For starters, the Italian labour market, and particularly the agricultural field, has historically relied on informality as a tactic to reduce wages and protections afforded to workers, which in turn has allowed for the proliferation of illegal, undeclared and exploited labour (Omizzolo 2020). To aggravate the situation, “fictitious work” practices—where employers misreport their labourers’ work activities to receive social security benefits—are also common. In this context, official and available data consistently reveals a significant presence of migrant workers in the agricultural sector (ILO 2023). According to ISTAT (2020) (the Italian National Institute of Statistics), agriculture is the sector with the highest rate of irregularity of employment, reaching a value of 24.4% in 2018, which is almost double compared to the economy as a whole (Guidi and Berti 2023). In this specific context, violations of minimum wage requirements, inhumane working

¹¹ MEDU, 2020, *La pandemia di Rosarno: emergenza sanitaria e sfruttamento endemico*. VII Rapporto sulle condizioni di vita e di lavoro dei braccianti stranieri nella Piana di Gioia Tauro.

¹² Osservatorio Rizzotto is a foundation that aims at investigating the intersection between the agri-food supply chain and organized crime, with a particular focus on the phenomenon of *caporalato* (illicit gangmastering) and the infiltration of Mafias in the management of the agricultural labour market.

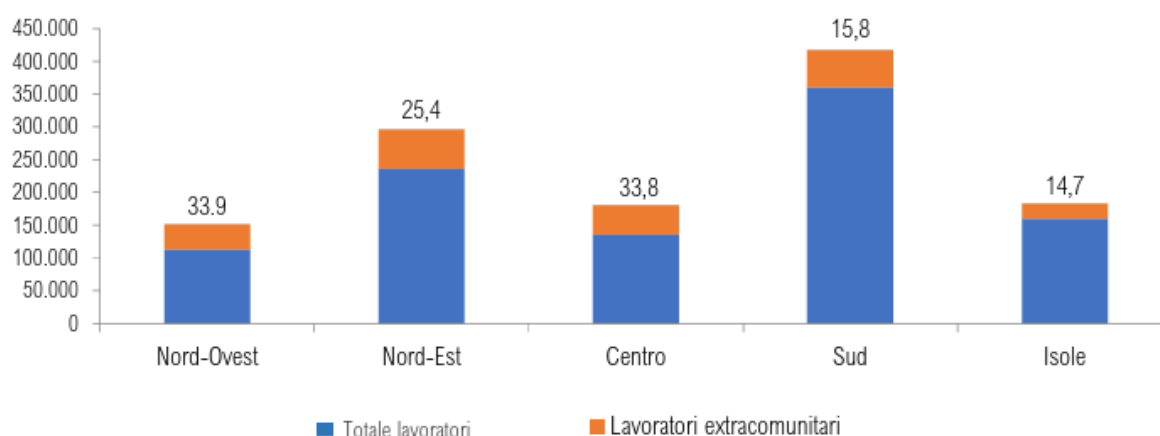
conditions and violence are a regular occurrence¹³. However, despite gaps in the data, it remains of fundamental importance to (attempt to) assess and gain a better understanding of the unregistered and undocumented segment of immigrant labour in agriculture. According to the Osservatorio Placido Rizzotto (2023), there are approximately 230,000 irregular workers on the Italian fields, and they represent a quarter of all employed individuals and more than 34% of those in the agricultural sector. More specifically, agricultural workers collectively contribute around 820 million hours of actual labour each year, with nearly two-fifths—over 300 million hours—believed to be irregular. In southern Italy, more than two-thirds of irregular agricultural hours—which amount to more than 220 million—are worked, and are concentrated in regions such as Puglia, Sicily, Campania, Calabria, and Lazio, where irregularity rates are above 40%. This phenomenon is also present in many areas of central and northern Italy, where irregular employment rates swing between 20% and 30%. Particularly, the case studies analyzed by the Osservatorio estimate that the number of irregular workers is at approximately 5,000 employees for Friuli; 19,655 workers in the Veneto region, which is really close to the 22,050 irregulars in Calabria, while at the top there's Sicily with approximately 61,791 units.

Another dataset now provided by the National Institute of Social Security (INPS) may better contextualize the distribution of workers in the agricultural sector, even though it is relegated to regular and legal employment phenomenon. Still, it can prove useful by exposing the larger and general migration trends within the Italian agricultural occupation. The availability of migrant workers with identifiable characteristics has indeed contributed to various forms of labour market segmentation, influenced by factors such as nationality, legal and social status, and gender (Corrado et al. 2018). For example, in 2022, 22.4% of the total agricultural workers registered in Italy were extra-UE migrants. A regional breakdown demonstrates that even though northern Italy has a more significant percentage of migrant workers in terms of its agricultural workforce, the absolute number of

¹³ Testore, G., 2022, *Italy: Combating the exploitation of migrant workers in agriculture*. European website of integration [Online]. Available at https://migrant-integration.ec.europa.eu/news/italy-combating-exploitation-migrant-workers-agriculture_en.

migrants is far larger in the southern regions¹⁴ (Figure 2). This is due to the historical and economic factors that have influenced the development of the northern and southern labour systems; as already mentioned, in the North, strong entrepreneurial networks and more secure work relations have helped bring about greater stability and better labour organization. In the South, dependence on informal labour systems driven by high seasonality, a lack of institutional support, and deeply ingrained socio-economic disparities have helped increase the risk of labour exploitation (Corrado et al. 2018).

Figure 2: Territorial distribution of dependent agricultural workers and percentage of non-EU workers compared to the total geographical breakdown. Year 2022. Source: INPS. XIII Annual Report on Foreigners in Italian labour market, p. 80.



Still, much of the workforce registered by these mechanisms, even though regularly employed, does not enjoy the basic protections ensuring fair and safe working conditions. They often are subjected to substantially lower compensation compared to their Italian colleagues, which in itself evidences a big inequality in treatment and pay. To exemplify this statement, it is useful to look at the ethnographic composition of the day labourers: sub-Saharan and central Africans are usually recruited from poor urban neighbourhoods or refugee centres to harvest tomatoes, oranges, and olives, and are paid 3.5 euros or less per piecework (i.e., paid per quantity of produce) (Jinkang 2020). Moroccan, Tunisian, and Algerian workers work for six or seven days a week in harsh conditions, without any days off (Caritas 2018); Indian, Pakistani, and Bangladeshi workers who harvest kiwis have a

¹⁴ Ministero del lavoro e delle politiche sociali, 2023, *Gli stranieri nel mercato del lavoro in Italia*. XIII Rapporto annuale, p. 80.

workday that is up to 10 hours long (Avallone 2017); Albanians and Indians usually work in cereal farming (Caritas 2018) and are subjected to conditions comparable to modern-day slavery. Concerning the numbers, the leading extra-EU nationals recorded in the institutional data are, in order: Morocco, India, Albania and Senegal¹⁵. Sub-Saharan Africa is generally underrepresented in the statistics, and refugees are not represented in the highest ranks. As some local scholars have suggested, it is highly likely that the African components would become more significant if undeclared involvement in agricultural labor could be accurately identified.

It is now worthwhile to look at the EU demographic of farm workers, with Romanians standing out as the first group to be employed in the Italian agrifood sector. As EU citizens, they represent less of a legal risk to hire than do non-EU workers because employers do not risk criminal proceedings for allegedly facilitating irregular migration (Palumbo and Sciarba 2018). To provide a comprehensive understanding of the phenomenon, it is important to mention that migration from Eastern Europe is one of the most feminized and is composed mainly of women migrating alone¹⁶. From this point of view, another layer of exploitation revolves around gender dynamics, and this is particularly evident in Sicily's Ragusa province, where the harsh conditions faced by women workers have been documented. Field interviews conducted by Palumbo and Sciarba in 2018 stand out as one of the few studies providing data on migrant women working in rural areas, which highlights in turn the broader lack of comprehensive information on this issue.

In Ragusa, approximately 12,000 migrants are employed in the agricultural sector, particularly in the areas surrounding the city. This area has been reshaped by the building of thousands of greenhouses, which demand year-round farming. This shift has, in turn, driven a growing reliance on a readily available, low-paid migrant workforce. As all irregular work, it is impossible to solely rely on the official data,

¹⁵ *Ivi*, p. 81.

¹⁶ Vianello, F., 2009, *Migrando sole. Legami transnazionali tra Ucraina e Italia*, Milan: Franco Angeli.

but the press¹⁷ has repeatedly denounced the slavery-like conditions to which the workers are subjected, primarily Romanians and sub-Saharan Africans, who have to endure long hours (10–12 hours per day), exposure to harmful pesticides, and extreme temperatures, all for meagre wages of 15–25 euros per day. Romanians form a significant part of this workforce since 2007—the year in which Romania joined the EU—and women have started working in the area as labourers in the greenhouses, “performing a job which has always been attributed to men” and under the same exploitive and hard conditions experienced by Romanian male workers¹⁸. Most importantly, the field research demonstrated that these women face additional abuse, as it includes a sexual type of exploitation, too. They often work on isolated farms and live in run-down shelters with limited access to basic resources like water or electricity; and isolation, segregation and dependency on the employer are all factors that increase the likelihood of being sexually exploited¹⁹. The plight of Romanian women has been linked to broader structural issues about which it is been claimed that the entire system seems to recreate conditions for the “acceptance” of being sexually abused by employers to be simply allowed to work²⁰. Reports from hospitals in Vittoria highlight the alarming frequency of abortions among Romanian women, and while not all cases are certainly linked to sexual abuse, the high number of abortions denote that there is a situation that needs addressing.

The exploitation extends beyond labour conditions, as evidenced by cases in areas like Campobello di Mazara, in the province of Trapani, and Foggia. In these areas, ghettos and informal settlements have become sites of dual exploitation for women, who are often coerced into prostitution to serve seasonal agricultural workers and landowners. The IOM, the International Organization for Migration, recognized

¹⁷ See <https://www.meltingpot.org/2014/04/le-donne-delle-serre/> or <https://www.ingenere.it/articoli/sfruttate-nei-campi-le-migranti-agricoltura>.

¹⁸ Palumbo, L., 2016, *Trafficking and Labour Exploitation in Domestic Work and the Agricultural Sector in Italy*, p. 19, Research project report, Florence: European University Institute.

¹⁹ *Cfr.* of the case reported in 2015, which lead to the arrest of an agricultural employer: <https://www.ragusanews.com/2015/06/10/economia/il-corriere-della-sera-fa-un-reportage-sulleschiave-delle-serre/54252>.

²⁰ Sciarba, A., 2013, *Effetto serra. Le donne rumene nelle campagne del ragusano*, L'altro diritto. Centro di documentazione su carcere, devianza e marginalità. Available at: <http://www.Altrodiritto.unifi.it/ricerche/migranti/ragusa.htm>.

these women as “victims of trafficking”²¹, and concerns specifically Nigerian women, who did not come to Italy to work on the farms, but followed their partners employed in the area. Yet, they become trapped in a system where the boundaries between agricultural labour and sexual exploitation are blurred²². In the ghettos, “girls are sold to seasonal workers, but are available for free to *caporali* and landowners”²³.

At the heart of these abusive conditions there is the strong presence of organized crime. Criminal organizations have deeply infiltrated the agricultural sector in Italy, and in the southern regions specifically. The “Agro-Mafia System” (Eurispes 2014) consists of activities that create illicit revenues or facilitate the laundering of black money, through the production, processing, and transporting of vegetables and fruits from the farmland to the major wholesalers. In this system, the agricultural sector serves as a vehicle for hiding the origins of illegal money that come from drug trafficking, racketeering, and usury—criminal activities that organized crime uses to maintain control over these areas (Corrado et al. 2018). The Mafia infiltration is seeped into the whole chain: from selecting the labourers to the delivery of fruits and vegetables on the tables of the consumers. Some judicial investigations have found that Fondi, in the Lazio region, and Vittoria and Gela in Sicily attract the attention of agromafia to the point that they control not only the flow and type of products, but also their pricing and marketing strategies (Corrado et al. 2018). Such massive penetration of organized crime in the agricultural sector underlines deep relationships between illicit activities and widespread corruption, opening the avenue to further detailed investigation as to how such corruption is linked with farmworkers’ exploitation.

²¹ IOM, 2017, *La tratta di esseri umani attraverso la rotta del mediterraneo centrale: dati, storia e informazioni raccolte dall’organizzazione internazionale per le migrazioni*, p. 18. Available at: http://www.italy.iom.int/%20sites/default/files/newsdocuments/RAPPORTO_OIM_Vittime_di_tratta_0.pdf.

²² In 2017, Palumbo and Sciarba directly witnessed Nigerian girls that waited for “clients” in the informal settlements in Campobello di Mazara, Sicily.

²³ Sagnet, Y., and Palmisano, L. 2015, *Donne, caporalato e sfruttamento nei campi del ‘Ghetto Italia’*, Left [Online]. Available at: <https://left.it/2015/11/29/donne-caporalato-e-sfruttamento-nei-campi-del-ghetto-italia/>.

1.2 Organized crime and corruption: the agromafia monopoly

The Italian agrifood sector has become the privileged market for carrying out profitable illegal activities, which not only harms the whole agricultural production system but also bolsters and strengthens the influence of the agromafia network and its web of economic and relational interests. Magistrate, jurist, and anti-mafia prosecutor Caselli refers to this concept as “liquid Mafia” through which he highlights the pervasive infiltration of criminal enterprises into ex-legitimate profitable sectors. In this context, “liquid” reflects the Mafia’s ability to seep and permeate whatever sector deemed lucrative enough to make profits. From this perspective, the agrifood sector has become a privileged field for Mafia operations due to its historical and cultural ties; historically rooted in agriculture and pastoralism, today’s Mafia is no longer characterized by traditional symbols like the *coppola* and *lupara*²⁴, but it has evolved to the point of operating and collaborating with white-collars —accountants, graduates, and overall, highly qualified individuals. From their perspective, the agrifood sector stands out as a profitable market offering significant opportunities for intervention and profit, particularly when combined with the systematic exploitation of labour coupled with fraudulent activities. As previously mentioned, the relationship between criminal organizations and the land is a very old tale in Italian history, it is just Mafia involvement in the agricultural matters that is evolving with high adaptability and resilience²⁵.

The agricultural sector has been receiving by the organized crime more and more attention in the last decades as it offers fertile ground for building large-scale businesses (Eurispes 2014). The 2018 total turnover of agromafie, as stated in the sixth edition of the Report on Agri-Food Crimes by Eurispes, has risen to 24.5 billion euros, marking a 12.4% increase over the previous year²⁶. As demonstrated by the numbers, criminal organizations are highly interested in this industry, and

²⁴ The *lupara*, a double-barreled shotgun that symbolizes the violence and intimidation used by Sicilian organized crime, especially in rural areas, and the *coppola*, a flat cap connected to the cultural identity and authority of mafia members, are both traditional symbols of the Mafia.

²⁵ Core points of the interview given by Caselli at Manifestazione Caffèina in Viterbo, on 5th July 2014 for *Fondazione Osservatorio sulla criminalità nell'Agricoltura e sul Sistema Agroalimentare*.

²⁶ Fara, S., 2019, *Eurispes: risultati del sesto rapporto Agromafie*, Eurispes [Online]. Available at <https://eurispes.eu/news/eurispes-risultati-6-rapporto-agromafie/>.

this is for mainly two reasons. As remarked by Caselli, the primary feature to consider is the fact that agriculture directly meets the basic needs of millions of people making it indispensable, especially in times of crisis as demonstrated during the COVID-19 pandemic, where agricultural workers “tirelessly work[ed] in precarious conditions for a sector that has probably never been as indispensable expect during war times” (Scaturro 2021). Secondly, the agrobusiness is particularly attractive for Mafia involvement because of the worldwide popularity of the “Made in Italy” brand. Italy is the highest-ranking European country for its Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) food products: *Parmigiano Reggiano*, *Aceto Balsamico di Modena*, *Cipolla rossa di Tropea*, *Prosecco* are just some examples of the 295 PDO food products and 523 PGI wines certified²⁷. Italian farms are well-known for producing agrifood products that are celebrated all over the world, but beneath this reputation lies a darker reality: Italy’s much-loved “agricultural excellencies” have frequently been built on the exploitation and suffering of the rural and farming communities, often driven by criminal interests by organized crime networks (Scaturro 2021). Indeed, the ever-increasing global recognition of the “Made in Italy” brand, coupled with the sector’s indispensability, is drawing more and more investment opportunities from the entrepreneurial Mafia, driven by the high profits associated to it.

Mafia’s influence in rural areas allows them to take control of large parts of the land, which they can use as a base for expanding their business ventures. Criminal groups are increasingly attempting to get more control of the agroindustry by expanding beyond “conventional” illegal activities. From field to shelf, they are influencing every link in the supply chain. Farmland acquisition, product brokerage, storage and transportation management, even mall investments, are being carried out by these groups. Through influence and power, they can set transaction charges, impose purchase prices on farmers, use their own transportation and portorage businesses and exploit immigrant workers through degrading and humiliating practices. Retail industry is not exempt from such penetration, and it is first-hand involved in the creation of mafia-led oligopolies or monopolies. Consumers are thus

²⁷ Full list at <https://www.authentico-ita.org/classifica-prodotti-dop-igp/>.

directly impacted, and competition is being undermined by the increasing number of criminal groups operating in the agribusiness sector (Eurispes 2014), which, in turn, compromises the integrity of the “Made in Italy” label. From this perspective, a significant weakness can be found in the shortcomings of the product labelling legislation. The loopholes in these laws, which define specifications such as ingredient lists, the identification of manufacturers, and expiration dates on packaged foods, are used by criminal organizations to market products with false claims of being “Made in Italy”. Furthermore, the criminal know-how at their disposal facilitates the relocation of production activities abroad, leveraging their international connections; while it cannot be conclusively stated that every case of offshoring is linked to organized crime, the prevailing legislative ambiguities create the perfect fertile ground, especially when products falsely bearing the “Made in Italy” label are involved (Eurispes 2014).

By capitalizing on these deficiencies, they not only deceive consumers but manipulate market dynamics. The complex web of criminal activities has been closely interwoven into the food supply chain, infiltrating critical stages such as production, transportation, distribution, and retail. As noted earlier, criminal organizations systematically exploit the paths that food takes to reach final consumers. Their activity undermines fair competition, stifles lawful trade, and interferes with the operation of legitimate businesses, thus putting at risk the integrity of the agrifood sector²⁸. Sure enough, the illicit involvement of agromafie results in an unjustified increase in prices, sometimes up to 294% in long supply chains (presence of 3 or 4 intermediaries), or up to 77% in the short supply chain (direct purchase from the producer to the final consumer). However, the role of organized crime within the agrifood industry not only causes abnormal price markups for consumers but also exerts downward pressure on the payments received by agricultural producers—often below their production costs to the point that they can’t sustain their activities in the long-term (Eurispes 2014).

²⁸ VI Report on agrifood crimes, 2018, edited by Coldiretti, Eurispes and Osservatorio sulla criminalità agroalimentare [Online]. Available at <https://integrazioneimmigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/938/Agromafie-e-sfruttamento-lavorativo>

One shocking example of the criminal involvement in the sector is the Mafia's control over the Fondi fruit and vegetable market, in the province of Latina, which is one of Italy's largest. Here, *Camorra* groups like Casalesi and Maliardo, and Sicilian Mafia clans Santapaola and Ercolano formed alliances, or a so-called "Mafia cartel" to assert dominance over transportation routes. This has enabled them to make illicit profits in the Centre and Southern part of Italy and through some routes even in the North²⁹. Differently from other sectors, it is indeed very common to find agromafie working together while equally distributing the illegally obtained gains. This "Mafia federalism" operates also through other mechanisms, such as the creation of shell companies and the use of fake checks to buy produce. This would allow to make higher profits when selling the merch at dirt-cheap prices in their own markets from non-paid goods on the one hand, while putting out of business honest farmers on the other. It can be concluded that, now, these organizations operate through a "multi-level governance", increasingly focused on collaborating to expand their business interests rather than competing against each other, in the way that they bring together different criminal networks and establish shared systems of interests and profits.

While criminal infiltration in the agrifood supply chain offers valuable insights for research, this chapter is primarily aimed at providing a comprehensive overview of the exploitation of the hundred thousand of migrant workers involved in the Italian agrifood system. The economic aspects of such exploitative system, including the financial structures and value chains dynamics that sustain it, will be addressed in detail in Chapter 2. At this point, however, the focus will shift back to the individuals that pay the highest cost of the "Made in Italy", namely the migrants, whose back-breaking labour sustain the system under the most exploitative conditions through well-defined *caporalato* practices.

²⁹ Full article at https://documenti.camera.it/_dati/leg16/lavori/stenografici/sed320/bt13.htm.

1.3 Informal recruitment and the role of *caporalato* in Italian agriculture

Europe's rural areas have seen significant changes in labour organization and industrial patterns during the last three decades³⁰. The so-called "California model"³¹ has become common in many regions, and it is based on exploitation of a vulnerable workforce to meet the fluctuating demand for fruits and vegetables from large retailers in a context of economic growth and deregulation of international businesses. It is a complex and constantly changing phenomenon, deeply rooted in modern capitalism; the model is indeed tied to falling profit margins, increased global competition, immigration policies, and labour market regulations. Its underlying functioning mechanism remains simple, though, as it reflects the necessity to produce goods cheaply in a low-wage environment (Omizzolo 2020). The foods produced in this system represent one of the clearest expressions of global capitalism, whereby global supply chains are manipulated by national and international elites to make profits. This machinery generates revenues by taking advantage of vulnerable workers, mostly immigrants, as well as local workers, including retirees and women, regardless of their country of origin (Omizzolo 2020). Day labourers who work the fields bear the most pervasive consequences of such system, thus resulting in conditions that resemble to modern-day slavery. Concerning the Italian landscape, the various procedural and regulatory tools that have changed the welfare system, the Italian labour market, and the laws governing immigration have failed at ending this vicious mechanism (Omizzolo 2020). The main issue is the approach of Italian legislature: an emergency mindset has been adopted to tackle the matter. Ultimately, these legislative measures could not effectively manage immigration or establish a steady or regulated flow of migrants to match actual labour demands. The current legal framework has thus become inefficient and burdensome, which has contributed to a significant number of immigrants living in irregular conditions and facing severe labour exploitation. Moreover, the absence of accessible and legally sound pathways for safe immigration has hindered the proper management of migrant labour, which has had

³⁰ Corrado, A., de Castro C., and Perrotta D., (eds), 2017, *Migration and agriculture: Mobility and change in the Mediterranean area*, New York.

³¹ J-P. Berlan, 2002, *La longue histoire du modèle californien*, in *Forum Civique Européen, Le gout amer des nos fruit et legumes. L'exploitation des migrants dans l'agriculture intensive en Europe*.

a direct consequence on the rise of undeclared work in vital sectors such as construction, logistics and of course, agriculture. Additionally, the situation has benefited criminal and Mafia organizations that profit from these weaknesses in the system (Omizzolo 2020).

Systematic human rights violations that occur on the Italian fields have been highlighted by several actors, among which Amnesty International Italia, CGIL (the Italian Trade Union Confederation for Work) and many more, including various governmental bodies. These abuses have been entailing a state of subordination, where workers are completely dependent on their employers. Such condition is remarked by extreme exploitation, with day labourers being subjected to the use and threat of violence, forced marginalization and social exclusion, debt bondage, threat of denunciations to the authorities, power imbalances created on the poor knowledge of both the Italian language and the functioning of the administrative machinery, leaving the workers vulnerable to manipulation of all kinds, including income fraud³². Abuse of their rights is further driven by the agrifood industry's demand for a hyper-flexible and low-cost labour force, particularly of foreign origin, either seasonally (as in harvesting) or annually or permanently (as in sericulture, floriculture, dairy and livestock farming) in order to sustain the stagnant wages of the sector while maximizing agribusiness profits³³.

In this context, *caporali*³⁴, a sort of illicit social brokers, manage the labour market with various degrees of oppression and exploitation (Salvia 2019) while offering their services both to the agricultural entrepreneurs and the workers the most vulnerable. This exploitative system is otherwise known as *caporalato*, or illicit gangmastering, and it may be best described as an illegal form of an intermediation mechanism capable to guarantee in a very efficient way a just-in-time availability share of low-skilled manual work (Corrado et al. 2018). In this system, *caporali* act as service providers that in exchange of money deliver any kind of service; for the

³² For the full list of ILO-elaborated indicators on labour exploitation, see [file:///C:/Users/Utente/Downloads/wcms_105035%20\(1\).pdf](file:///C:/Users/Utente/Downloads/wcms_105035%20(1).pdf)

³³ Canelli R., and Realfonzo R., 2018, *Quota salari e regime di accumulazione in Italia*, in *Economia e Politica*.

³⁴ In English, it translates to “corporal”, a military officer who commands a section or squad of soldiers.

agricultural entrepreneurs, *caporali*, usually foreigners of the same nationality as the workers that they hire (Osti 2017), supply an available immigrant workforce to exploit, while for the migrants, the brokers facilitate their stay through renewals of residence permits, securing housing declarations, issuances of car licenses, renewals of identity cards and so on (Perrotta 2015). As the study conducted by Fanizza and Omizzolo points out³⁵, usually the *caporale* is part of an organized network that includes local individuals like accountants, civil servants, law enforcement agents, trade unionists, political figures, notaries or lawyers, that benefit the employer by providing immigrant labour in exchange for large sums of money.

The association between *caporalato* and Mafia criminal organisations is now common to make, and the Italian sectoral trade union FLAI-CGIL directly tackles the issue by publishing every two years the report “*Agromafie e Caporalato*” in which it describes the many ways through which the agromafia manages such system. However, this sort of illegal temp agency for the agricultural sector covers numerous illicit exploitative mechanisms that are not always linked to organized crime; it may be too superficial to unilaterally correlate Mafia with *caporalato* since many are the cases in which *caporali* just act as a link between agricultural entrepreneurs and labourers, without any Mafia affiliation whatsoever (Dines 2023).

Caporalato practices are commonly used for seasonal fruit and vegetable harvests, including tomatoes, oranges, strawberries, and wine grapes. In 2015, FLAI-CGIL inspected 8,862 agricultural firms throughout 80 districts, identifying 6,153 unauthorized labourers and 713 occurrences of *caporalato* (Corrado et al. 2018). Through these practices, workers are de-subjectivized of their human value and objectified in terms of their productive output through means of violence, threats and deceptions. The employer exercises near total control over day-labourers, which helps to redefine the working relationship into one resembling that of master and slave. This unsettling reality is exposed in the article “*Chiamami Padrone*” which sheds light on the exploitation of agricultural workers, particularly the Sikh

³⁵ Fanizza F., and Omizzolo M., 2019, *Caporalato, an authentic agromafia*, Mimesis International.

community, in the Agro-pontino region of Italy³⁶. The reportage is particularly useful in illustrating how systemic abuses perpetuate this dehumanizing power imbalance, reducing workers to a state of complete subjugation under harsh and exploitative conditions. Omizzolo wrote in the article that “exploitation [...] is based on the marginalization and isolation of the individual,” which prevents them from escaping social alienation. This is an effect of the “political project that includes racism and marginalization in order to control and exploit these people as much as possible,” with the goal of keeping the Italian agricultural sector competitive. The workers thus end up working 12-13 hours per day, and the only temporary way out seems to resort to substances like opium or amphetamines to cope with the pain and the weariness, which, in turn, aggravate their alienation to the point of being rejected by their own communities. He further explains that the drugs are distributed by the same *caporali* that use their connections with criminal organizations to their advantage, with the trafficking of drugs that becomes another tool to boost their profits.

As already highlighted by Omizzolo, this regime is not but a product of labour policies that try to tackle in an inefficient way the current job insecurity and the overall economic crisis. It is no coincidence then, that the *profugo*, a general term now used to refer to those who leave their country due to wars, persecutions, or natural disasters, is now framed as a disruptive figure threatening the status quo, valued primarily for their economic output in the agricultural field, in our case. Nevertheless, their precarious status is deliberately maintained by reinforcing their vulnerability and their dependence on the employer, which in turns facilitates exploitation. This is the so-called phenomenon of *profughizzazione* of the agricultural sector (Omizzolo 2020, Caruso 2022, Dines and Rigo 2015).

³⁶ Palmeri, L., and Rossini, R., 2021, *Chiamami padrone: un reportage sullo sfruttamento lavorativo nel settore agricolo pontino*, Melting Pot Europa [Online]. Available at <https://www.meltingpot.org/2021/09/chiamami-padrone-un-reportage-sullo-sfruttamento-lavorativo-nel-settore-agricolo-pontino/>.

1.4 Exploitation “Made in Italy”: the refugeeization, or *profughizzazione*, of the agricultural sector

It is clear that nowadays Italian agriculture is characterized by three distinct features: high reliance on foreign workforce, the precarity of the contracts linked to the seasonality of the work, and a still significant share of undeclared work (Guidi and Berti 2023). These characteristics are common among European Union countries according to earlier studies (Palumbo and Corrado 2020, Kalantaryan et al., 2021) and, in particular, in Mediterranean countries (Caruso 2016, Avallone 2017, Corrado and Caruso 2022). Societal changes, including a declining and aging population and increasing urbanization, along with low wages and the limited appeal of agricultural work, have made the sector heavily reliant on migrant labour (Guidi and Berti 2023). This recent migration trend has been portrayed by a specific word: “refugeeization” (Dines and Rigo 2015) or as “*profughizzazione*” in the Italian context (Omizzolo 2020, Caruso 2022) and its origin can be found in law No. 142/2015, according to which asylum seekers can begin to work after 60 days from the submission of an international protection application³⁷. From this standpoint, Omizzolo outlines in his study³⁸ that “*profughizzazione*” refers to those *profughi* that have applied for protection status, regardless of whether their application is accepted or denied. In the case of a positive response, Italy recognizes two forms of protection: refugee status, and the subsidiary form. In the first case, the refugee status, as established by Article 1 of the 1951 Geneva Convention and as incorporated in the Italian legal system through law n.722/1954, is given to anyone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having

³⁷ Legislative Decree 18 August 2015, n.142: Implementation of Directive 2013/33/EU containing rules relating to the reception of applicants for international protection, as well as Directive 2013/32/EU, containing common procedures for the purposes of recognition and revocation of status of international protection. Available at <https://www.refworld.org/legal/legislation/natlegbod/2016/it/97549#:~:text=agosto%202015%2C%20n142%3A%20Attuazione%20della%20direttiva%202013%2F33%2FUE%20recante%20norme,dello%20status%20di%20protezione%20internazionale>.

³⁸ Omizzolo, M., 2020, *Sfruttamento lavorativo e caporalato in Italia: la profughizzazione del lavoro in agricoltura e il caso dei braccianti indiani nell'Agropontino*, Costituzionalismo.it

a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it”³⁹. Alternatively, the *protezione sussidiaria* is granted to “foreign nationals who do not qualify as refugees but in respect of whom there are reasonable grounds for believing that, if returned to the country of origin, or, in the case of a stateless person, if returned to the country in which he or she had previously been habitually resident, he or she would face a real risk of suffering serious harm”⁴⁰.

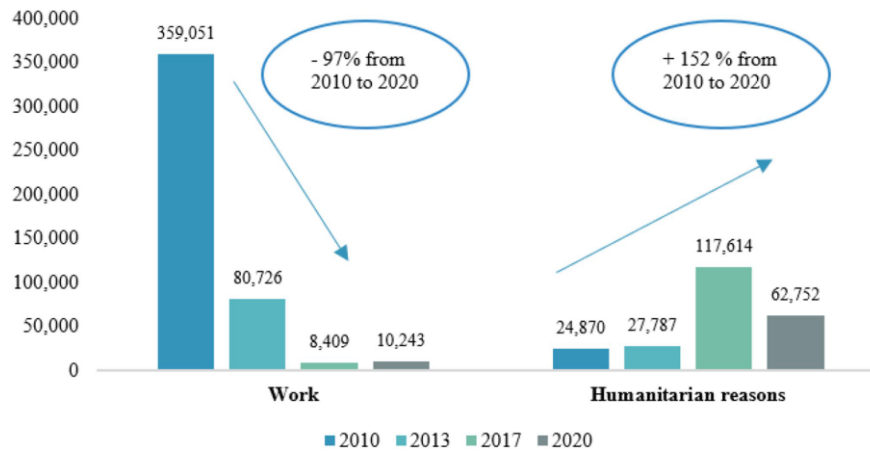
In a broader but more practical sense, such political and legal framework has far-reaching socio-economic consequences. Specifically, it has allowed Italy to benefit from the presence of migrants to fill low-skilled labour roles under conditions of fragility and precariousness, while limiting safe and legal entry pathways for work reasons for non-EU nationals. This is proven by the statistical trends of the work permits issued. As highlighted in the research study by professors Guidi and Berti⁴¹, the picture becomes clearer when one juxtaposes the work permit and humanitarian issuance trends in Italy: between 2010 and 2020, the former have seen a decrease of 97%, whereas humanitarian permits, in the same period, have shown an increase of 152% (Figure 3). This striking contrast underscores how the system increasingly channels migrants into precarious legal statuses, as this mechanism indirectly obliges economic migrants to pass through asylum procedures in order to be able to work.

Figure 3 - Permits for work and humanitarian reasons, 2010–2020 (thousands). Source: Guidi and Berti’s elaboration on Eurostat (2023).

³⁹ UNHCR, *The 1951 Refugee Convention*. Available at <https://www.unhcr.org/about-unhcr/overview/1951-refugee-convention#:~:text=Article%20of%20the%201951,such%20fear%2C%20is%20unwilling%20to.>

⁴⁰ [https://www.interno.gov.it/temi/immigrazione-e-asilo/protezione-internazionale.](https://www.interno.gov.it/temi/immigrazione-e-asilo/protezione-internazionale)

⁴¹ Guidi, C. F. and Berti, F., 2023, *Labor exploitation in the Italian agricultural sector: the case of vulnerable migrants in Tuscany*, vol 8, Frontiers Sociology.



“The measures taken by the government are wrong and ineffective and are not at all related to the number of arrivals, which is entirely predictable and manageable, but to the lack of will to find correct and effective solutions, choosing instead an emergency approach—a decision that fuels the rhetoric of the invasion”⁴². As this statement by Amnesty International Italia points out, instead of addressing the actual challenge posed by the so called “migratory crisis” in a transparent and organized way, the government’s response pushes thousands of refugees into social marginalization and exploitative work environments as a result of the structural flaws and contradictions present in national systems of asylum and reception. Migrants end up living in a state of constant insecurity, working under conditions that are akin to slavery, unable to report their own abuse due to the lack of knowledge of the Italian administrative system while being exploited in a multitude of industries, with the agrifood sector being a particularly prominent example of such exploitation (Omizzolo 2020). Ultimately, it has become an undeniable fact that *profughi* now make up a crucial segment of the agricultural labour force. Tragic stories related to their plight are frequently reported in the media. Among the most recent cases should be mentioned that of Satnam Singh, a 31-year-old undocumented Indian *bracciante* who died, or more precisely, was killed, in the province of Latina, in the Agro-pontino area. On 19th June 2024, while working on an Italian farm where both he and his wife endured shifts of 12 hours-a-day, Singh died after a machinery severed his arm and fractured his legs. The employers, or

⁴² Report by Amnesty International Italia, 11 August 2023 available at <https://www.amnesty.it/fermare-subito-la-deriva-del-sistema-nazionale-di-accoglienza/>.

“masters”, did not seek immediate medical assistance. Instead, Singh, along with his severed arm, was abandoned in front of his house and left on his own. Emergency services were called too late, by which time the likelihood of saving him had diminished significantly. According to the autopsy, Singh succumbed to haemorrhage but could have survived had he received timely medical intervention. His employment conditions, typical of *caporalato*, involved having to work long hours without a legal contract nor legal protections, not to mention inexistant safety measures. Even though the farm had been under investigation for at least five years due to allegations of exploitation of foreign labourers, it could carry out undaunted its activities and could have continued to, if not for Singh’s death. This reality underscores the failure of immigration policy measures, ultimately leading to a reinforcement of workers’ invisibility, and highlight the intersection of unsafe labour practices, weak oversight mechanisms, inefficient legal framework and the overall inherent vulnerabilities faced by migrant workers in Italy⁴³.

Until recently, labour exploitation of this nature was often regarded as a system predominantly associated with Southern Italy, with *caporalato* considered as a legacy of its past (Perrotta 2015, Caruso 2016, Omizzolo 2019). The rest of Italy is not immune to these types of human rights violations, though, as recent studies, media investigations, and court cases have shown. Despite their existence, these activities are frequently more covert, which makes them more challenging to identify and bring to justice (Oliveri 2016). The recent landmark conviction in Saluzzo, in the Cuneo province, where five individuals were sentenced in the first ever process for the *caporalato* offense (criminalized by Law 199/2016) in Northern Italy, exemplifies this reality, exposing the deep penetration of labour exploitation even in the North. Particularly of this case, workers were paid under euros 5.50 per hour and subjected to exhausting schedules, including day shifts in organic farming and night shifts in poultry butchering. Judge Di Maio, in 2022, had spoken in her first instance ruling about a “constant debasement of workers’ dignity” to describe the system set up by the *caporale* and the employers. A “widespread tolerance of forms of under-labour [in which] the work context is, in

⁴³ Full article at <https://www.internazionale.it/notizie/annalisa-camilli/2024/06/24/satnam-singh-morte-bracciante>

fact, deregulated due to conspicuous areas of grey labour” with respect to which the labourers “more or less consciously” renounced to their contributions, rest, security, and decent housing conditions “in order to guarantee themselves in the immediate term some income”⁴⁴. The exploitation system identified in Saluzzo was classified as “grey *caporalato*”, a term denoting a subtler form of labour exploitation since, instead of overt violence, it relies on practices such as paying workers under the table, imposing non-existing trial periods, arbitrarily deducting wages, demanding unjustified reimbursements tied to the issuance of tax certification forms, and so on. The Saluzzo verdict is considered historic (CGIL 2022), as it formally and overtly challenged the common perception that *caporalato* is geographically confined to Southern Italy. On this account, reports from the FLAI-CGIL union highlight that Northern Italy now accounts for a growing proportion of *caporalato* cases, with a 26% increase over the past decade⁴⁵.

The exploitation of labour in Italy’s agricultural sector originates from a complex interplay of interconnected factors. This chapter has presented how historical trends of migrant labour participation, the influence of organized crime, and the prevalence of informal recruitment methods all come together to create an environment that pushes farmers to recruit migrant labour irregularly, taking advantage of their vulnerability. The following chapters will investigate other factors that reinforce and perpetuate this system, including dynamics of agrifood value chains along with migration policies of both Italy and the European Union. These elements collectively foster systematic labour exploitation of migrants, notably those in particularly precarious statuses with limited options for finding alternative employment. This chapter has presented a wide-based examination of the broader context surrounding migrant labour exploitation. The next chapter will, on the other hand, turn to the particular economic structures and market dynamics that sharpen these inequalities and underline in what ways those systems further reinforce the exploitation of migrant labour in Italian agriculture.

⁴⁴ Full article at https://www.cuneodice.it/cronaca/saluzzese/confermata-in-appello-la-primasentenza-contro-il-caporalato-saluzzese_93521.html

⁴⁵ Osservatorio Placido Rizzotto, *Geografia del caporalato* available at <https://www.youtube.com/watch?v=gwodok0vyyc>.

CHAPTER II

***CAPORALATO* CAPITALISM: A SUPPLY CHAIN OUT OF CONTROL**

With the aim to offer a critical overview of the main economic dynamics that reinforce the marginalization and exploitation of the migrant labour force in the Italian agrifood sector, it is crucial to examine the reasons why rural areas represent a pull-off factor for attracting irregular migration. Delving into the functional relationship between rural areas and migration inevitably requires shifting the focus on the transformative processes that the agrifood sector has gone under in the past decades, which have reshaped altogether the nature of its labour demands. While it is mandatory to bring to light the labour exploitation phenomenon affecting Italian agriculture, as showed in Chapter 1, this cannot be accomplished without placing the analysis within the broader economic structure that is responsible for perpetuating that same poverty and precariousness that characterize agricultural migrant labour. Such broader focus serves to expose the systemic dynamics at play, and how unrestrained competition, power imbalances, and unfair trading practices perpetuate and strengthen *caporalato* and exploitation (Paone 2021).

2.1 The role of migrant labour and GDO in shaping market dynamics

The specificity of agriculture as an economic activity, fundamentally reliant on physical geography – topography, soils, location and, above all, climate, creates the demand for a highly flexible and just-in-time available manpower that accommodates the demands of the farmland. Agricultural workers cannot but adapt to such “whims”, ultimately resulting in labour conditions highly characterized by precarious employment, high replacement rates, low wages and exploitative or unsafe working environment (King et al. 2021). This is mainly due to the fact that, firstly, in the general context of ongoing rural depopulation and demographic shifts affecting the Italian countryside, in recent decades these areas have been representing a favourable environment for newcomers, most notably non-EU migrants, due to the relative easier access to economic possibilities and basic

sources of income that agricultural jobs offer. Secondly, rural areas attract significant numbers of foreign workers because of the varying degrees of informality and non-visibility they provide. This makes the agricultural sector particularly suitable for those individuals in possession of different legal statuses, from the ones that are awaiting decisions on their applications for international protection to those whose applications have been denied and cannot work legally in the country. However, their precarious statuses make them highly susceptible to blackmail and other forms of coercion and abuse, among which severe labour exploitation, that exacerbate from their state of vulnerability (Palumbo et al. 2022). According to Guidi (2023)⁴⁶, the factors that contribute most to such vulnerability, besides legal precariousness, are lack of proficiency in the Italian language, scarcity of information, the burden of the migratory debt, the waiting time for their asylum decisions in Italy and the pressing need to send money to the families left back home, along with widespread fear and sense of disorientation. Together, these factors drive these individuals to accept any working opportunities, even if exploitative, often with the hope to kickstart their own path towards economic independence.

At the same time, it is necessary to draw attention to the implementation of industrialization principles to the food production sector, and its packaging, processing and marketing spheres of the contemporary era (King et al. 2021). The advanced mechanization of farming processes and the progressive integration within long and verticalized supply chains, characterized by asymmetric contracting power among the participating actors, have contributed to strangle the agrifood sector, especially for the supplier side of the market. This process has concomitantly driven up production costs and pushed downward market prices, with the consequent reduced profitability for farmers, which has resulted in the economic collapse of many small farms in favour of larger agribusinesses (Palumbo et al. 2022). The industrial production model of the “maximum achievable profit” started to affect rural areas when these regions became integrated the new

⁴⁶ Guidi, C.F., 2023, *Taking advantage of vulnerability: migrant workers in the Tuscan countryside*, Science Blog [Online]. Available at <https://www.eurac.edu/en/blogs/mobile-people-and-diverse-societies/taking-advantage-of-vulnerability-migrant-workers-in-the-tuscan-countryside>.

globalized flows of goods, information, people, and capital, which led to their gradual inclusion within the networks of globalization⁴⁷. However, this mechanism, in order to be able to generate profits, can only be sustained through specific working conditions imposed on agricultural labourers. Particularly, the workers, representing the most vulnerable link in the chain, are systematically exploited to mitigate the effects of the increasing competition of the sector, and serve as the key variable for the functioning of the large-scale distribution machine (Fanizza 2020). It follows that relying on a cheap and exploitable labour force has been crucial not only for sustaining the longevity of agrifood enterprises, but a natural consequence of the capitalist production model that created a structural demand for mobile, low-cost and therefore mostly migrant labour⁴⁸.

A study by CREA (Council for Agricultural Research and Analysis of Agricultural Economics), may prove useful to understand the extent to which Italian agriculture has been relying on migrant labour over the years. Starting from a baseline of 100 units representing the total number of Italians working in agriculture in 1989, in 2017 the proportion of Italians employed on rural fields dropped to 32, unlike the number of foreigners, which increased from 100 to 1,500 over the same time range⁴⁹. This new geography, made up by new modalities of labour and mobility that came along with the “globalization of the rural areas” (Rye and Slettebak 2020), has been transforming the demography and social fabric of these regions, particularly in the more developed areas of Europe and North America. The current shift lies at the core of the “agriculture-migration nexus” theory, as conceptualized by King, Lulle and Melossi (2021)⁵⁰. The concept refers to an intertwined relationship between migration and agricultural systems, and the several ways in which agrifood production and migrant labour mobility shape one another. Most notably, it frames how the racialisation of labour in agriculture, with cheap labour

⁴⁷ Cfr. Colloca C. and Corrado A., 2013, *La globalizzazione delle campagne*, Franco Angeli: Milan.

⁴⁸ Cross, H., 2019, *How exploitation of migrants sustains capitalism's power over all workers*, truthout [Online]. Available at <https://truthout.org/articles/how-exploitation-of-migrants-sustains-capitalisms-power-over-all-workers/?eType=EmailBlastContent&eId=77eb805f-119f-4887-b0f3-0e978fd87d6b&#>.

⁴⁹ Ricciardi, G. et al., *XXXIX Conferenza italiana di Scienze regionali*, I migranti: una sfida anche per la politica agricola comune.

⁵⁰ King, R., Lulle, A. and Melossi, E., 2021. *New perspectives on the agriculture–migration nexus*. *Journal of Rural Studies* 85, pp. 52–58.

being key to the pursuit of profit, has become an essential element in the establishment and success of big retail companies. Even though GDO was born in the early 20th century in the United States, it is only in the 1990s that it registered such high numbers in terms of total revenue that retailers in all over the world started to climb the rankings of the largest private companies, like for Tesco in the United Kingdom or Metro in Germany, and placed at the top of the list (Viviano et al. 2012). In the Italian context, GDO was born from the initiatives of small and medium-sized retailers in reaction to the penetration of French and German groups that entered the food distribution market, as a way to maintain their competitive edge. Today, about 70-75% of all agrifood purchases are made within the GDO system, and based on this evidence, for producers (farmers and food manufacturers alike), this channel has emerged as the most prominent venue for selling their products, and more often than not, the only one to remain competitive on the market⁵¹.

“In the last twenty years, large-scale distribution has replaced small retail shops. This is an unstoppable evolution, yet one increasingly marked by intense competition among the various operators”, confirms Castaldo, a marketing and GDO expert⁵². As a matter of fact, as the power of retailers and wholesalers grows, smaller producers find themselves squeezed out in the agrifood supply chain. The expansion of GDO has indeed reconstructed the sector, leading to the erosion of the contracting power, as well as a steady decline in profit margins, for the smaller players of the value chain who cannot but abide by the rules that are set by more powerful actors, like downstream stakeholders (e.g. processors and retailers further along the supply chain). The growing market concentration of the sector, characterized by the dominance of a bunch of large retail groups, has significantly increased pressure on suppliers in the ways that it has allowed GDO to wield an oligopolistic control over prices, which have been systematically driven down through specific market strategies adopted by supermarket chains. These strategies, while advantageous to retailers and consumers in the form of lower prices,

⁵¹ Ciconte F., and Liberti S., 2017a, *Supermercati, il grande inganno del sottocosto*, Internazionale [Online]. Available at <https://www.internazionale.it/reportage/fabio-ciconte/2017/02/27/supermercati-inganno-sotto-costo>

⁵² *Ibidem*.

exacerbate financial strain on suppliers, who are inevitably forced to implement cost-cutting measures in order to remain competitive in a landscape where their profit margins are steadily declining. However, this translates into intensive exploitation of the factors of production, e.g. the land and the workforce, and namely migrant workforce (King et al. 2021, Corrado et al. 2018).

“Indeed, the link between agriculture and migrant workers is indissoluble. The tendency is positive, and data demonstrate that farms employing migrant workers have benefited also in terms of productivity” (Caritas and Migrantes, 2012: 260)⁵³. Even though this statement reflects a quite optimistic view in portraying an economically efficient relationship between the employment of migrants in the agrifood sector and the income-earning opportunities for the employers, the “seasonal farm labour market often operates in ways that lead to inefficiencies and a lack of worker protections” (ILO 2016: 11). At the root of the problem lies GDO’s strategy which prioritizes to pay less and less for agricultural products in the name of the “maximum achievable profit”, an approach that creates ripple effects that increase in intensity the further we move upstream in the supply chain. The most evident effects manifest in the form of reduced earning for farmers, exploitation of human labour and unsustainable practices that undermine both economic and social equity within the sector. It is also true that in Italy small retailers did not disappear at the same rate of other countries, despite the growing expansion of large-scale retailing (Corrado et al. 2018). However, a replacement phenomenon is underway and shows no signs of stopping, with supermarket chains that increase their turnover year after year. In 2023, Conad managed to overtake Esselunga in terms of revenue with more than 20 billion euros made, while for discount retailers, Lidl continues to hold top position with Aldi not far behind⁵⁴. With customer-catching slogans like “*Qualità e convenienza*” (Coop), “*Bassi e fissi*” (Conad), “*Più per meno*” (Pam Panorama), supermarkets ensure the sale of food supplies through the implementation of discounting policies and aggressive price undercutting practices

⁵³ Caritas and Migrantes, 2012, *Dossier Statistico Immigrazione*, 22° Report, Roma.

⁵⁴ Frigerio A., Rubinelli L., and Robbe F., 2024, *Il Pagellone della Distribuzione Moderna*, tespi.net [Online]. Available at <https://www.tespi.net/FOOD/PagelloneDM.pdf>.

that shape purchasing behaviours and promote specific consumption patterns (Fanizza 2020). But how does this work in operational terms?

The functioning of GDO is based on a system in which the final price is dictated by purchasing centres, or *centrali di acquisto*, that link directly the producers to the points of sale. These hubs were born mainly in the form of cooperatives and consortia from the need to jointly countermeasure the vast fragmentation of the Italian distribution system and strengthen their bargaining power against the suppliers on one hand (Parise and Vinelli 2011), and on the other to challenge the negotiating power of multinationals (MNEs) that began to penetrate the Italian distribution sector starting from the 1980s-90s. The great threat that was posed by MNEs consisted mainly in the ownership of well-known brands, genuinely appreciated by the consumers, on which they could self-determine their own selling prices⁵⁵. What prompted the creation of these centres is indeed the fact that supply is determined by the MNE that owns the brand, and not by GDO, especially if the demand for that particular brand is high⁵⁶. Thus, these buying centres can be best described as alliances between different chains to purchase agrifoods for the lowest possible price in the negotiation phase with the suppliers, at the expense of the growing power of MNEs in the Italian market⁵⁷. Indeed, among their tasks, they have to logistically manage purchases and establish work relationships with new suppliers, but most importantly they set the final prices via the creation of their own brands, or brands associated with their affiliated distribution chains (Fanizza 2020). In order to maintain and increase their competitive edge, they carry this out by adopting *politiche del sottocosto*, (or below-cost pricing strategies, Camera dei Deputati 2018), and by circumventing the 2017 ban on the recourse to the commercial practice known as “reverse auctions” (Fanizza 2020). This practice, commonly used by discount chains, involves a competitive process where suppliers are pressured to continuously lower their prices to win contracts with GDO, to the point that they have sell *sottocosto*.

⁵⁵ Liberti S., and Ciconte F., 2017a, *op. cit.*

⁵⁶ *Ibidem.*

⁵⁷ *Ibidem.*

According to Fanizza (2020), the approaches used by GDO to secure advantageous deals inevitably results in a pervasive control over the labour market, in particular in terms of wage determination. As a matter of fact, the final price of a product should be established based on the cost of raw materials, supplemented by variables like the climate and cultivation trends, as well as supplementary service costs that include logistics, packaging, transportation, and cooling or refrigeration systems (Fanizza 2020: 92). However, the application of cost-saving practices, like *sottocosto* or reverse auctions implies a distortion of the market put in place by the purchasing centres, particularly with regard to rules determining recruitment and stipend systems (Camera dei Deputati 2019).

The process that leads to the determination of the final selling price cannot omit the role of wholesale markets and fruit & vegetables warehouses, where wholesalers purchase from agricultural producers and then resell to GDO. It is in these hubs that transactions between producers (who sell), wholesalers (who buy from producers), and representatives of the GDO (known as “buyers”, who buy from wholesalers on behalf of large-scale retail) determine the actual course of agricultural patterns. That is why Fanizza maintains that it is plausible to assume that the commercial strategies realized in these hubs, while impacting agribusiness profitability and labour remuneration trends, have the specific goal to spread established patterns of buying behaviours as well as particular consumption habits that guide consumers towards specific eating trends that are profitable for GDO. As a result, GDO is able to “set its own mechanisms that work in its favour” (Fanizza 2020: 93), in the way that it conditions the labour market with the ultimate aim to maximise profits while exploiting the factors of production, i.e. the workers, which is ultimately reflected to the consumers in terms of low prices.

The price displayed on supermarket shelves does not reflect a range of hidden costs that are instead paid by agricultural labourers through unreported, exploited and/or illegal labour practices. “The price is frequently a sign of unlawful activities” (Farolfi 2016: 43) and since the selling price is the direct result of GDO strategic manoeuvres, both with *ribassi* and *sottocosto*, GDO has a direct responsibility in it.

Velardo, former president of Italia Ortofrutta⁵⁸, points out that while agrifood labour discussions mostly revolve around symptoms like *caporalato* and overall human exploitation, they do not target the causes of such ill system.

Insufficient valorisation of fruit and vegetable products [and] low-price policy, benefits none of the actors in the supply chain. On the contrary, it is eroding the value of fruits and vegetables in the eyes of the consumer. Producers, who manage highly perishable goods while bearing all the fixed production costs, are the weakest link in the chain. They struggle to generate income and cover production costs, facts that lead to an unfair distribution of value throughout the supply chain⁵⁹.

As already stated, the ongoing quest for discounts and below-costs have become the main selling point for attracting more and more consumers to this or that supermarket chain. It is indeed thought as the most efficient method for facing the diminished purchasing power of consumers within the ongoing crisis. However, it has contributed to create a long-lasting cycle that pushes consumers to hungrily chase deals after deals instead of being loyal to a particular retailer, which has in turn distorted the inherent value of food into a commodity worth buying if there's a discount attached to it⁶⁰. GDO, through these strategies, has effectively succeeded in making consumers leave the supermarket with more products than they originally intended to purchase. The 2020 report published by Coop confirms this trend and highlights that in 91% of cases, deals represented the primary reason that pushed customers to choose to shop at one supermarket over another⁶¹.

How GDO reinforces *caporalato* and benefits from the penetration of agromafia in agrifood

The GDO-based model feeds on the profit-maximization mantra and can function because of precise labour practices that are put in place on the fields. The “working and living conditions of agricultural labour are the determining factors for the

⁵⁸ *Italia Ortofrutta* is an Italian organization representing companies in the fruit and vegetable sector, supporting their growth, promoting policies aimed at improving market conditions for fresh produce.

⁵⁹ Ciconte, F., and Liberti S., 2018, *Il prezzo occulto del cibo a basso costo*, Internazionale [Online]. Available at <https://www.internazionale.it/reportage/stefano-liberti/2018/11/19/prezzo-occulto-cibo>.

⁶⁰ Ciconte F., and Liberti, S., 2017a, *op. cit.*

⁶¹ Available at <https://italiani.coop/rapporto-coop-2020-versione-definitiva/>.

functioning of GDO mechanisms” (Fanizza 2020: 93) in the way that the labourer is exploited for the supplier to maintain competitiveness against bigger players in the supply chain. As a matter of fact, many agricultural entrepreneurs have turned to vulnerable migrant manpower to remedy to the disfunctions caused by the market, justifying exploitation as a “necessary evil” (Farolfi 2016: 17). From this perspective, *caporalato*, for both the migrant and the farmowner, simply represents an effective and sometimes the only efficient organized activity of intermediation that flourishes during season harvesting in the absence of official and efficient recruitment services. “You need to explain to me how I’m supposed to gather 30-40 labourers in a day who don’t even speak Italian. I call someone I know, and they bring me the workers, whom I hire legally. Is that a ‘*caporale*’? I call him a team leader,” says an agricultural entrepreneur who heavily relies on manual harvesting⁶².

Caporalato is the fuel powering the GDO’s operational machine, and the day labourers are well aware of this reality. *Braccianti* Papa Latyr Faye together with Mbaye Ndiaye, who founded the Ghetto Out – Casa Sankara association⁶³ in San Severo in the Foggia’s province, explain that

[Day-labourers] do not hide the truth. The blame lies solely with the GDO, invisible to us but the true driving force behind the entire system. *Caporalato* makes the system possible, ensuring that nothing changes. The economic and financial power of this system is entirely in the hands of the GDO. If the GDO doesn’t change the way it produces, it will be impossible to fight against *caporalato*⁶⁴.

After all, it is well known that the availability of cheap labour is central to the competitiveness of large-scale retail, and the investigations carried out by the Italian law enforcement division as well as the breaking-news cases reported by news outlets demonstrate that by constantly bringing to light the involvement of

⁶² Interview conducted by Cicone F. and Liberti S. with Roberto Ferrara, president of *La Palma* OP, Lesina (FG) in August 2016, available in the third issue “*Spolpati – La crisi dell’industria del pomodoro tra sfruttamento e insostenibilità*” of the #FilieraSporca campaign.

⁶³ Casa Sankara is a community of migrants, managed by migrants, dedicated to providing shelter, support, and assistance for the social and professional integration of foreigners into Italian society. More information at <https://it-it.facebook.com/casasankaraghetout>.

⁶⁴ Interview conducted by journalist Cannito for the Melting Pot Europa online journal under the reportage “*Conoscere la Grande Distribuzione Organizzata e il caporalato per non dimenticare Soumalya Sacko*” in June 2018. Available at <https://www.meltingpot.org/2018/06/conoscere-la-grande-distribuzione-organizzata-e-il-caporalato-per-non-dimenticare-soumalya-sacko/>.

agromafia (Fanizza 2020). The GDO-agromafia nexus has been well established by Omizzolo (2019), who exposed the illegality of the labour exploitation system, showing how *caporalato* is interconnected with economic and Mafia interests and enabled by the complicity agricultural enterprises. This connection has been further reinforced by Fanizza and Omizzolo (2019), denouncing the ways in which GDO is starting to consider agriculture-based crime organizations as commercial partners to achieve its goals. Among these ways, it is possible to identify:

- exploitation of labour that benefits GDO by keeping production costs as low as possible;
- penetration in the supply chains by agromafia that allows for a steady flow of products that meets the imperative demands of large scale retailers;
- economic dependency of the workers on a system that exploits them because it represents the only way to get a job, especially for those that reside illegally in Italy;
- complicity and silence (*omertà*) by the same GDO chains that voluntarily ignore the problem;
- institutional and legal failures to put a stop to such inhumane system.

Fanizza (2020) highlights that there is a strong connection between migrant labour exploitation, GDO and agromafie. Regardless of the type of agrifood product (tomatoes from Puglia, olives from Tuscany, oranges from Sicily and Calabria, grapes from Veneto, etc), the involvement of *caporali* serves to control the movement and availability of the workers, from their recruitment and transportation from where they live to where they work, to the enforcement of particular living conditions (Bonini and Foschini 2019). The argument that Fanizza (2020) underlines is that *caporali* exert their power not only on the job place, but in the ways that they control the living conditions of immigrants. Isolation and housing segregation are key parts of their exploitation since it allows agromafia to have total control over the migrants, as they are confined to specific locations where they can be easily gathered and transported to work. These “collection points” are basically shantytowns, tent cities or container camps made of makeshift materials, or occupied farmhouses that date back to the *casolari* built under the 1950 Agrarian

Reform, often without electricity or potable water. These slums, located far away from towns and local communities, are cause to further social exclusion, poverty, and a lack of access to basic services for their residents, among which education and healthcare, and are responsible for perpetuating cycles of inequality and marginalization. These areas are isolated from the rest of society, with zero opportunities for the hoped-for economic independence and social mobility, with disastrous consequences for psychological wellness as well. These ghettos can only trap the residents in a system of exploitation that involves indirectly GDO and its cost-cutting strategies. The ways in which migrants are forced to live are economically advantageous for GDO and its necessity to save costs in the race for profit. In summary, as Fanizza puts it, “GDO is an indirect accomplice in the ghettoization and maintenance of exploitative conditions as it fuels the demand for low-cost labour supplied by agromafie”.

2.2 “It’s large-scale retail that is the real *caporale!*”: the case of the peeled tomato in Foggia

According to the article written by Ciconte and Liberti (2021)⁶⁵, the national agricultural production owes to the South the great majority of the fruits and vegetables consumed in the whole of Italy, with many certified products of excellence. However, available data reveals that only 30% of total Italian agrifood exports and a quarter of total agricultural investments come from the South. Indeed, as specified in the report, the wide fragmentation within the agricultural workforce and the absence of a united and collective work front, along with inadequate supply chain management policies, are among the main factors that hinder southern production and its overall development, while actively contributing to systematically waste material resources and human effort. To exacerbate the situation, features like high poverty and unemployment rates, widespread depopulation coupled with an aging population with low generational turnover and

⁶⁵ Fabio Ciconte is an Italian environmentalist, activist, and director of the organization *Terra!*, which focuses on issues of sustainability, environmental justice, and ethical food production. Stefano Liberti is an Italian journalist, writer, and filmmaker known for his investigative works on globalization and its effects on agriculture and food systems. They wrote “E(U)xploitation. Gangmastering: The Southern Question. Italy, Spain and Greece” focus article for *Terra!*.

a pervasive presence of organized crime in agrifood supply chains, are further cause to a weakened agricultural production, especially if compared to the North. These phenomena have been documented by Ciconte and Liberti in Foggia's province⁶⁶, one of the main production centres of Southern Italy, which is cradle to one, if not the most, renowned and globally cherished Italian foods: the peeled tomato.

Located in the Apulia region, the Foggia harvest area encompasses about 500,000 hectares of utilized agricultural area (UAA) and is host to a wide range of open-air harvests such as artichokes, asparagus, broccoli, fennel, and cabbage. The production of the peeled tomato, or *pomodoro pelato* in Italian, is the food excellence of the Foggia territory as it is exclusively harvested in Southern Italy (Ciconte and Liberti 2021). The production of *pomodoro pelato* is part of a broader national industrial tomato sector, divided between the Northern and Southern districts, which holds a standard turnover of about 3 billion euros⁶⁷. Additionally, Italy, by the end of 2024, ranked as the third-largest processor of tomatoes globally, following China (which recorded a 31% increase compared to 2023 and a 68% rise since 2022) and the United States (which experienced a 14% decline from the previous season), and accounts for approximately 50% of Europe's total production. Despite the apparently good results, Serafini, president of ANICAV (Italian Association of Vegetable Canning Industries), described the recently concluded annual production as "long and difficult", as it suffered from severe climatic conditions as well as a growing increase in the cost of raw materials that caused a 2,5% decrease compared to 2023⁶⁸. To further exacerbate the situation,

⁶⁶ The information reported in this and subsequent paragraphs about the peeled tomato industry is a compound of mainly two reports, both written by journalists Ciconte and Liberti, respectively in 2016 (*Spolpati: La crisi dell'industria del pomodoro tra sfruttamento e insostenibilità*) and in 2021 (E(U)xploitation. Gangmastering: The Southern Question. Italy, Spain and Greece – The Case of Italy). The main work was done in 2016, for the *Spolpati* report, which represents the third dossier of the #*FilieraSporca* campaign, an initiative born to investigate the causes of labour exploitation in the Italian agricultural sector. In this third instalment, Ciconte and Liberti conducted for four months field investigations in the Foggia productive area, interviewing every actor involved in the peeled tomato supply chain: from day labourers, agricultural entrepreneurs, producer organizations (POs), industrialists to large-scale retail. While the interviewees have shown willingness to respond to the inquiries, this cannot be said for the GDO, which shied away from addressing Ciconte and Liberti's questions. More at www.filierasporca.org

⁶⁷ Data can be found on www.anicav.it

⁶⁸ Sportelli, G.F., 2024, *Anicav*. "Campagna pomodoro da industria 2024 lunga e difficile", *terraevita* [Online]. Available at <https://terraevita.edagricole.it/fare-filiera/anicav-campagna->

despite its global recognition and uniqueness, the peeled tomato is now at risk of disappearing. In the past years, *pomodoro pelato* production has diminished by a 10% ratio per year, and while at first this decline may seem paradoxical given the prominence of the product within the “Made in Italy” brand, behind mere numbers lies an entire system fuelled by specific dynamics that, combined with a highly fragmented and disorganised supply chain, significantly diminishes the sector’s overall competitiveness (Ciconte and Liberti 2021). Producers are forced to reduce cultivated areas because of shrinking profit margins. This crisis is further compounded by industrialists, responsible for transforming the raw material in a canned good, that argue that they frequently have to sell to GDO at prices that do not cover their production costs, thus deepening the financial strain that the peeled tomato supply chain bears (Ciconte and Liberti 2016).

Ethics vs. economics: reverse auctions and the quest for profit by GDO

Firstly, at the logistical level the area struggles with structural hurdles represented by the location of the majority of the tomato processing industries, which can be found in Salerno, in the Campania region, 150 kilometres away from the actual fields. The physical distance between the production site and the processing site is considered as the “original sin” (Ciconte and Liberti 2016: 13) for the disfunctions of the supply chain. Indeed, it does not only prevent the creation of a more virtuous supply chain in terms of sustainability of transportation costs but is also responsible for a more weakened bargaining power that does not consent the suppliers to effectively set fairer terms with the buyers particularly with large-scale distributors. Leveraging their enormous market power, GDO industries tend to resort to the previously mentioned commercial practice of reverse online auctions with double competitive bidding to secure and guarantee to themselves the purchase of produce for the lowest possible price.

pomodoro-industria-2024-lunga-e-difficile/#:~:text=L'Italia%20terzo%20paese%20trasformatore%20al%20mondo&text=L'Italia%2C%20aggiunge%20De%20Angelis,14%25%20sulla%20scorsa%20campagna).

The reverse auction method is a market mechanism of meeting supply and demand which works contrary to a regular one. In conventional auctions, it is the seller that puts up the merch while buyers place increasingly higher bids until the auction closes with the item being sold to the highest bidder. However, in the agricultural sector, this mechanism is reversed in the way that the buyer proposes a price that gradually decreases, instead of increasing. Supermarket chains employ this method on online platforms in which they activate a second stage of negotiations with the suppliers after having identified the baseline price in the first round of bargaining, hence the name of double competitive bidding (Corrado et al. 2018). “The large-scale retail sector does this to sell a can of peeled tomatoes for 70 cents instead of 90. Meanwhile, it destroys an entire economy. This is nothing less than a war among the poor”, comments an agricultural entrepreneur⁶⁹.

The practice of reverse auctions is mainly used by discount supermarkets which, *nomen omen*, leverage low prices as their key competitive advantage. Even though this practice resembles more to a gambling game than an institutionalized transaction (Ciconte and Liberti 2018), it is often employed by discounts chains like in the case of Eurospin Italia, which bought in 2019 a total of 20 million cans of peeled tomatoes for 21.5 cents per piece and 20 million jars of tomato sauce for 31.5 cents per piece. At this point, the use of this strategy may appear beneficial for all the parties involved: consumers can afford to get more food for lower prices, supermarkets attract more consumers, and the suppliers find somebody to sell the merch to. However, “In the end, it doesn’t benefit GDO either, as it has triggered a race *al ribasso* in pricing policies, where everyone ends up losing,” concludes Castaldo⁷⁰. Franzese, CEO of *La Fiammante*, a brand specialized in tomato sauce and peeled tomatoes, is both a witness and a victim of this system, as he told for the *Internazionale* magazine. In the interview⁷¹, he revealed that many agricultural entrepreneurs have to lower their bids far below any acceptable price just to secure a contract with GDO. Even though the limit imposed on the buyers consist of the impossibility to buy produce below production costs, a figure well visible on

⁶⁹ Ciconte, F., and Liberti, S., 2017b, *op. cit*

⁷⁰ Ciconte, F., and Liberti, S., 2017a, *op. cit*.

⁷¹ Ciconte, F., and Liberti, S., 2017b, *op. cit*

the online platform used for the bids, buyers simply request producers to lower it, so as to feign legality over a purchasing method that can be summarized as one of “the most unethical practice of large-scale retail”⁷². It becomes clear that employing this particular commercial approach for acquiring agrifoods sets off severe imbalances and dysfunctions throughout the whole production chain (Ciconte and Liberti 2021).

First of all, the primary burden of these dynamics falls on the agricultural labourers that must be subjected to non-appropriate remuneration and harsh working conditions. Indeed, to meet the unsustainably low prices demanded by large-scale retailers, farmers find themselves forced to shift the burden on the employees. “If we consider only the raw material, the bottle and the cap, the cost for one tomato passata comes to 32 cents. But when you add energy and labour costs, you end up losing money—and quite a lot,” confirms a tomato industry producer⁷³. It appears evident from this statement that in order to carve out minimal profit margins in a market that is increasingly globalized, competitive and made up of aggressive commercial practices, many suppliers accept to operate at a loss, well knowing that they can recover the money lost by cutting the costs on the weakest link of the supply chains, i.e. the workers. A tomato entrepreneur in the Foggia production area stated that

Once, tomatoes ensured excellent profits. Now, they have become mere commodities, paid less and less. When industrial processors participate in these auctions, the only way they can avoid operating at a loss is to pass the burden onto us, the agricultural producers, by paying us as little as possible for the raw materials. Forget about exploitation in the fields on our part—it’s the large-scale retail that’s the real *caporale*!⁷⁴.

The impact of farmers’ weak bargaining power on food commodification

Having recognized the weaker bargaining power in the hands of farmers and the almost-inexistent tendency towards aggregation, Producer Organizations (POs) were born as a European initiative to strengthen suppliers’ stance against that of

⁷² *Ibidem*.

⁷³ Interview conducted by Ciconte F. and Liberti S. with a tomato industry producer that preferred to stay anonymous on the *Internazionale* journal in 2018. Available at <https://www.internazionale.it/reportage/stefano-liberti/2018/07/25/passata-pomodoro-eurospin>.

⁷⁴ *Ibidem*.

large-scale retail. These are associations of farmers that manage the postharvest phase by collecting, storing, processing, and selling the products. However, as documented in the Foggia case, POs intensify the fragmentation of an already scattered supply chain thus remaining unable to empower effectively the suppliers and to overall establish themselves along the supply chain. Established under the appeal of receiving Common Agricultural Policy (CAP) funds, Southern POs represent a source of disruption and inefficiency in the supply chain simply because they do not fulfil the purpose for which they were created (Ciconte and Liberti 2016). Originally conceived as one possible solution to enhance the bargaining power of primary agricultural producers, intended to give advisory and assistance services (Samoggia et al. 2022), POs have largely failed to achieve these objectives.

This is underscored by the fact that in the majority of the cases of the Southern districts POs are managed by former traders instead of actual farmers, who are primarily interested in securing CAP funding money when signing contracts with the industries, passing them off as the realization of innovative operational plans committed to serving farmers' interests (Ciconte and Liberti 2016). This is particularly evident in the fact that a great number of POs is headquartered far away from the actual production areas (in Campania rather than Apulia for the peeled tomato industry, for example) and cannot physically assist the farmers throughout the negotiation process, nor "foster innovation" as originally theorized. Even though POs act exclusively in their own interests, suppliers are forced to rely on them in order to access fruit and vegetables markets and sell their merch. This form of dependency on the POs continues to persist even in the absence of the promised support in securing fairer negotiation terms with GDO, further marginalizing suppliers, who end up having to carry out negotiations on their own.

Additionally, as Ciconte and Liberti highlight (2016: 22-24), POs take on an active role in perpetuating dysfunctions and fragmentations across the supply chain, as they are induced to prioritize their own goals while being relieved of any responsibility, whatsoever. Indeed, all liability for errors in the commercial transaction rest on the shoulders of the farmers, as the contracts signed by POs with the industries are always "on behalf of" farmers, and do not incorporate any mechanism for risk-sharing for the producer organization. Here lies one of the main

differences between Southern and Northern Italy, already mentioned in Chapter 1: in the North there is a much more established experience of cooperativism and associationism instead of a persistent lack of internal cooperation and a weak intra-sector integration of the supply chain, which instead characterizes Southern production (Nomisma-Unaproat 2016). This inefficiency is visible in the number of POs in Southern Italy, which is considerably higher if compared to the Northern industrial districts, where there is a far more successful rate in balancing more sustainable purchasing prices for the farmers, with subsequent better conditions on workers' wages, despite the inferior number of POs (Corrado et al. 2018). The failure of these organizations in improving both market efficiency and farmers' bargaining power (Sorrentino et al. 2018) triggers a chain reaction that results in the strengthening of other links in the supply chain, i.e. large-scale retail, which ultimately leads to the poor valorisation of food products.

Returning to the 2019 case of Eurospin, in an attempt to justify to the public, who came to know about the purchase of millions of bottles and cans of tomato passata and peeled tomatoes for just a few cents each through reverse auctions, the well-known discount supermarket of the *spesa intelligente*⁷⁵ replied to employ this specific commercial practice exclusively for those “commodity products that do not have any characteristics of innovation and distinctiveness” (Ciconte and Liberti 2021: 21), as a way to mitigate the widespread criticism that arose from the general audience. Such statement is representative of the problems that structure the agrifood supply chain, first and foremost the excessive power held by GDO over farmers and industrialists, which leads to the inevitable devaluation of food and the jeopardization of the inherent value of the “Made in Italy” brand (Ciconte and Liberti 2021).

The defining feature of the “Made in Italy” resides in the uniqueness and quality of the goods across all production sectors, and in this case, in the specificity of harvesting a certain type of tomato that can only be grown in Southern Italy in the whole world. From this point of view, the current crisis of the peeled tomato can

⁷⁵ *Spesa intelligente*, or “Smart shopping” in English, is the customer-catching slogan of the Eurospin supermarket.

only be explained in terms of the transformation of the product from food to commodity. The originality of the *pomodoro pelato* was a “added value for the entire supply chain [and now] it has become a weakness.”⁷⁶ Indeed, food has been commodified, meaning that in order to stay competitive on the market, the raw materials used to make the world-famous Italian tomato sauce are being sold at prices significantly below their intrinsic value, and “if it is not possible to enhance the characteristics of a product, such as its territorial roots and distinctive features, it becomes a commodity that can be compared to any other equivalent product of a different origin” (Ciconte and Liberti 2021: 24). This creates a vicious cycle where GDO makes suppliers sell the produce *sottocosto*, who in turn have to sacrifice food quality and rely on *caporali* to recruit low-cost labour and guarantee lower and lower prices while trying not to get their farms shut down. In this one-sided game, the agricultural team is even more disadvantaged because the traded good is quickly perishable, making it more challenging for the suppliers to set their own terms during the bargaining process with GDO. In conclusion, the power imbalance between upstream and downstream actors of the agrifood supply chain mainly manifests in two ways: devaluation of fresh produce and the pressure on producers to lower the selling prices, with all its negative consequences for the workers (Ciconte and Liberti 2021).

Hence, who should we really hold accountable when we express our indignation over the persistence of the *caporalato* system and the exploitation of workers? The actual *caporali*? Farmers who turn to low-cost migrant labour? GDO’s despicable commercial practices? Or us consumers, so easily blinded by low prices that we turn a blind eye to those who are truly paying for our savings? Fortunately (for us), to answer these questions, the answer came from the political world. The power imbalance between producers and retailers has been deemed so unsustainable and unjust to the point that in 2017 an agreement was signed by the Italian Ministry of Agriculture with Federdistribuzione, an organization representing Italian GDO, and Conad, but with the exception of the main discount supermarket groups and Coop Italia, to no longer resort to reverse auctions for purchasing agricultural products

⁷⁶ Interview with Cuomo, chief of the top-ranked tomato processor industry, the Princes Industrie Alimentari (PIA), by Ciconte F. and Liberti S. in September 2016 for the *Spolpati* report.

(Corrado et al. 2018). Another step in this direction was taken by the European Union through Directive 2019/633 on unfair trading practices (UTPs), which imposes the end of unfair commercial transactions such as online auctions with double competitive bidding and selling at prices that are clearly below production costs (Ciconte and Liberti 2021). However, the key points of the large-scale retail system, namely the buying groups, are able to bypass the ban on reverse auctions by creating their own private labels (Fanizza 2020), which underscores how market logic is one that persistently favours the strongest player, GDO, at the expense of the most vulnerable, the workers. Ultimately, the transposition of the EU Directive into the Italian legal framework with Law 198/2021 represented a significant step forward in ensuring fairer trade practices, as it definitely banned any resort to the use of online auctions to buy agrifoods products.

Grey labour and fake labourers plague southern production

On a more encouraging note, because of a sharp rise in mechanization in the peeled tomato harvest area, the demand for seasonal workers has dropped significantly. Tomatoes are handpicked only during rainy days, when the machines cannot work on the fields. However, this leaves thousands of people spending the majority of their time in informal settlements, or ghettos, in the hope to be called even for singles days by the *caporale*. About 5,000 foreign labourers live, at least during summertime, in the main slums of the Foggia province: Torretta Antonacci (former Rignano Garganico), Borgo Libertà, Borgo Mezzanone and Borgo Cicerone, along with the numerous towns built under the 1950 Agrarian Reform, which now lay mostly abandoned if not for occasional migrants that occupy them during harvest seasons. Still, the reality behind the ghettos is that not each of its residents wants to work on the fields. Data shows that to manually harvest tomatoes about 800 people a day are required. This means that these settlements have lost their original scope as collective points of recruitment but have been transformed in towns that host entire communities of migrants, with varying legal and illegal statuses, a situation which ties directly to the phenomenon of “fake labourers” and the creation of non-existent intermediary companies (Ciconte and Liberti 2021).

The main activity of these landless cooperatives is to fake-register individuals, both migrants and Italians, as agricultural workers, even though they have no interest in getting the actual job. By submitting false tax declarations to INPS, the fake labourers can request all kinds of welfare benefits, among which unemployment aid. This system can only be supported by the other part of its spectrum, namely actual labourers that have their worked days registered under the names of the fake ones. Basically, the days worked become the “traded good” between real and fake workers, with the consent of the employer. To enjoy the effect of this deregulated system there are both the workers, that prefer to be paid informally by the piece depending on the number of bins/boxes they can fill with fresh produce, even though their salary is still calculated on a daily basis; and the employers, that charge a fee for allowing these “transactions”, ending up having more tomatoes picked per day without risking to have workers that “just sit there doing nothing, since they get paid for the day anyway”⁷⁷. Employers calculate labourers’ wage depending on the number of days worked on the basis of the informally agreed salary or the actual amount collected per piece, and especially for big farms, this is accomplished through the use of tables that facilitate the conversion of the actual hours worked or the bins/boxes filled into working days. The “catch” in this system is that it allows labourers to be paid by the total amount of days worked, to which one must add the rest to be paid in cash off the books and the agricultural unemployment aids. Moreover, legislation allows employers to declare working days retroactively, resulting in many cases where employers declare fewer working days than those actually performed by workers, hence the name of “grey” labour (Caruso and Corrado 2021:17, Ciconte and Liberti 2021). As previously stated, working days are interchanged between real and fake workers, but in such a way as not to never exceed 180 days from a minimum of 51 days, since by law agricultural workers are eligible for unemployment benefits provided that they have worked between this exact time range⁷⁸.

⁷⁷ Ciconte and Liberti, 2016, *op. cit.*

⁷⁸ ANSAP, 2020, *Disoccupazione Agricola*. Available at https://www.ansap.it/servizi/1032/disoccupazione_agricola#:~:text=per%20tutte%20le%20giornate%20di,un%20massimo%20di%20180%20giorni.

Access to unemployment is what leads to a mutual agreement between workers and employers resorting to this practice. As a matter of fact, if payment is calculated on a standard working day with a legal permanent contract, workers would not enjoy this kind of social aid, especially migrants; for employers, the system allows them to minimize the amount paid informally knowing that the labourer can rely on unemployment benefits (Ciconte and Liberti 2021). From 2015 to 2017 alone, INPS identified 92,780 fake workers that falsely claimed to having worked, causing hundreds of millions of losses to the State Treasury. Ironically, by acting against this phenomenon, the State is twice damaged because undeclared work results in no actual taxes or contributions paid to the State, and simultaneously it takes on the duty to pay unemployment aids to those that have not actually worked (Ciconte and Liberti 2021).

2.3 Exposing distorted practices and power imbalances in GDO operations

From suppliers to victims: farmers' struggles against GDO's coercive practices in the agrifood value chain

Dear Director, the person writing to you today is a modest operator trying to survive the current state of affairs. I was once a buyer for GDO that was estranged from a system of which I was first an accomplice and then, in some way, a victim. From my current position, I can serenely ask you: how logical is it to think of keep disguising a system that actually thrives on more or less hidden bribes, which bases its profits on year-end discounts, promotional contributions, and countless other levies that would put even Machiavelli to shame? Today, working with GDO is costly. Adapting to these conditions is a choice. But what does one receive in return? Nothing.⁷⁹

In 2016, Asnaghi, former GDO buyer, wrote this letter to *Corriere Ortofrutticolo*, a well-celebrated magazine within the agricultural sector. The outcome was quite scandalous, as the letter attracted significant attention in the public debate. Indeed, the interview he conceded⁸⁰ stands still today as one of the few examples of direct

⁷⁹ Translated transcription from Italian of the letter wrote by Asnaghi, former GDO buyer. It can be found at the beginning of the documentary *Le Catene della Distribuzione* (2016) that won the prestigious Morrione Prize in 2016 for the video investigation category. The video investigates the ultimate cause of the *caporalato* phenomenon, relating it to the manipulation of the current production system performed by GDO and its insatiable hunger for profit. The documentary was made by Filippi L., Franco M., and Panariello M. Available at <https://youtu.be/iDHtCFTx6F0>.

⁸⁰ *Ibidem*.

testimonials from GDO insiders, as challenging the organized retail sector entails significant potential risks⁸¹. Asnaghi was indeed a buyer for large-scale retail, meaning that he was a former agent operating on behalf of large-scale retail responsible for selecting and purchasing agri-foods for supermarket chains. In his words, “My role as a buyer [was] to safeguard the interests of the supermarket chain and, in some way, compel the producer to undersell [his merch] compared to its actual cost [...] in a purely coercive context”⁸². One of the main mechanisms used by GDO to reach this aim is through the imposition of specific discounting policies. In this regard, the *Autorità garante della concorrenza e del mercato* (AGCM), the Italian body in charge of guaranteeing fair competition in the market, carried out an investigation on the commercial relationship between suppliers and GDO on the basis of reports about alleged “coercive” and “anti-competitive” behaviour put in place by retail chains during the negotiation phase with the suppliers⁸³. The inquiry brought to light that one of the major causes to the market distortion phenomenon is the unilateral imposition of discounts that were not even requested in the first place, and from which the supplier does not receive any benefit⁸⁴. More specifically, the investigation uncovered that the impact of discounts (both financial and logistical) and contributions (meaning central services and supplier access fees, assortment management and maintenance, new product insertion, preferential display, promotional-advertising and openings/rebranding) amounts to 24.2% of the total revenue made by individual suppliers towards the retail chain. To put it in simpler terms, it means that if the supplier sells their product for 10, it is as if they were selling it for 7.5, significantly sacrificing their profit margin⁸⁵.

Agricultural entrepreneur Peron is a victim of this coerced system. In 2015, Peron filed a complaint against Coop Italia, to which his fruit enterprise, Celox s.r.l. was a supplier. He denounced the imposition of extracontractual discounts which amounted over 600,000 euros from 2008 to 2014. “In this field, creativity is the only limit” is the commentary made by Asnaghi apropos the variety of tools used

⁸¹ Ciconte and Liberti, 2017a, *op. cit.*

⁸² Filippi L., Franco M., and Panariello M., *op. cit.*

⁸³ Ciconte and Liberti, 2017a, *op. cit.*

⁸⁴ *Ibidem.*

⁸⁵ *Ibidem.*

to force the supplier sell *sottocosto*. Fortunately, another limit came directly from AGCM which supported Peron's claim and issued a fine of 49,000 euros to Coop Italia with the charge of "abuse of dominant position". Throughout the many years of strong partnership between Celox and Coop, no foundation of trust was really established, as demonstrated by Celox being immediately estranged from the Coop production circuit without a valid justification, aside from the pretext of a reorganization of the sector⁸⁶. As a consequence for having denounced publicly the supermarket's abuse of power, Celox's warehouses stood abandoned, and its employees let go. Peron is not the only agricultural entrepreneur to complain about the excessive power held by GDO but is one of the few to have spoken out for a simple reason: producers choose not to openly report allegations of this kind. The risk of being kicked out of the GDO system is too high, and producers, even if at their breaking point, cannot but abide by GDO's distorted rules as nowadays more than 70% of fresh and packaged food products are sold on supermarket shelves, while traditional retail sales have declined from 41% to 18% in just a few years⁸⁷. An anonymous supplier confirmed to the *Internazionale* magazine that, "Often, there is no choice because the alternative is delisting"⁸⁸, meaning that the products of that particular supplier are taken down from the GDO channels, with the consequent economic collapse of the producer.

"What must a supplier do to survive? How much must they bend? What must they accept? What must they give up as a person?"⁸⁹ The questions asked by Peron are even more valid in today's times, as consumers have now become "nomadic customers"⁹⁰ that change supermarket depending on which chain offers the most discounted price. So, behind the discount, to what amounts the actual profit margin of farmers vis-à-vis other actors involved in the agrifood value chain? The recent study conducted by Turchetti e Ferraresi (2024) attempted to answer this question. Even though the research was aimed at evaluating both the profitability and the positioning of Tuscan agriculture in agrifood value chains specifically, the key

⁸⁶ Filippi L., Franco M., and Panariello M., *op. cit.*

⁸⁷ IRI Top Trade 2016.

⁸⁸ Ciconte and Liberti, 2017, *op. cit.*

⁸⁹ Filippi L., Franco M., and Panariello M., ...*op. cit.*

⁹⁰ Ciconte F., 2024, *Il prezzo corretto è quello scontato*, Librimprobabili [Online]. Available at <https://librimprobabili.com/2024/02/23/il-prezzo-corretto-e-quello-in-sconto/>.

findings align with the conclusions presented thus far. Indeed, Tuscan farmers are not exonerated from the very concrete risk of being squeezed out between the growing inflation of inputs, namely raw materials, energy, labour costs, machinery and alike, and the impossibility to increase their profits⁹¹. Through the system of input-output table of IRPET, the regional institute for economic planning of the Tuscany region, the researchers found out that a key issue lies in the way value added to agricultural products is distributed along the food supply chain. The disparity in value distribution of agrifood products is particularly evident when whole foods pass through the post-production phase and become food times for retailing and wholesalers, as farmers' margin for profit lowers to only 5% from an average of 30% when selling directly to households, meaning that farmers earn about 30 cents for every euro consumers spend on direct purchases of their products. When agricultural products are processed by the food industry, the share that returns to farmers decreases significantly to about 5 cents per euro. This gap is influenced by trade margins (about 54 cents) and the structure of the agrifood chain⁹². The current imbalance favouring the food processing industry at the expense of Tuscan agriculture is a consequence of the high concentration of commercial intermediaries within the market and the low tendency towards aggregation, which increases the risk of passing the side effects of this asymmetric relationship both on farms, reducing their profit margins, and on the consumers, by making them pay higher prices⁹³. So, it is not a question of farm inefficiency when rising the issue of increasing consumers prices, but rather the result of the presence of a multitude of actors who benefit from greater economies of scale and stronger bargaining power. The actors (mainly wholesalers, retailers, transport and logistics companies, food processors and other operators involved in commercial services) further fragment and extend the agrifood value chain, significantly eroding farmers' share of revenue while concentrating in their hands most of the profits⁹⁴ (Figure 4).

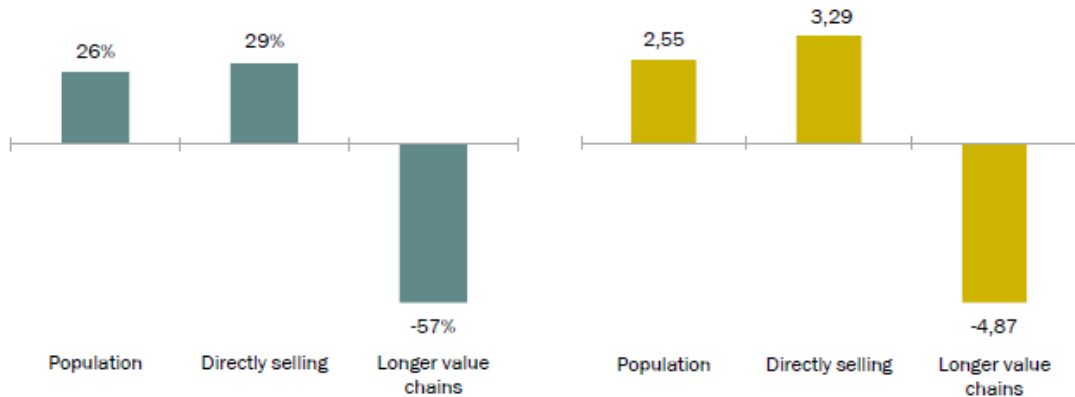
⁹¹ *Ivi*, p. 3.

⁹² *Ivi*, p. 12.

⁹³ *Ibidem*.

⁹⁴ *Ibidem*.

Figure 4: Profitability and profits of agricultural firms depending on their position on the value chain. Gross operating profits (GOP) and sales (left) and GOP per worker (thousand euro; right). Turchetti and Ferraresi's elaboration on ISTAT, IRPET, PGC, Tax Archives.



Thus, agricultural entrepreneurs, and generally small business owners, are becoming increasingly vulnerable, as they are being pressured by a market that is evidently failing at self-regulation. Mininni, General Secretary of the Italian federation representing workers in the agrifood sector (FLAI) acknowledged this reality by bluntly stating that there is a “consistent pattern”⁹⁵ that connects large-scale retailing’s profits, producers’ forced *sottocosto*, and apparent convenience for consumers: one that leads to human exploitation. The next section goes in depth in analysing the consequences endured by suppliers and labourers, triggered by both the lack of transparency in large-scale distribution and its dominant role in the value chain, using the Sicilian orange supply chain as a case study.

Squeezed margins, squeezed workers: how non-transparent supply chains foster slave labour

“The humanitarian crises originating from the harvesting of fruits and vegetables are caused by a non-transparent supply chain with insufficient oversight mechanisms.” The second instalment of the *#FilieraSporca* campaign, *La raccolta*

⁹⁵ Filippi L., Franco M., and Panariello M., 2016, *op. cit.*

dei rifugiati”⁹⁶, opens with this statement. But what does it mean, exactly a ‘non-transparent’ supply chain? The supermarket chain Esselunga may have the answer. After being addressed with specific inquiries posed by Farolfi about its suppliers and their alleged recourse to *caporalato* practices involving asylum seekers of the reception center in Mineo for harvesting the cherished Sicilian oranges, Esselunga refused to provide the requested information. Only after repeated solicitations, did the supermarket condescend to provide an unsatisfactory answer, stating merely that its suppliers, whose names it refused to disclose, are required to sign a code of ethics. This was the entirety of supermarket’s explanation, and while it hints about its implied *nulla osta* on potential irregularities occurring in the fields, this example highlights the opacity of the production system.

Generally, supermarkets readiness to turn a blind eye and the almost deliberate lack of transparency is quite common in FF&V (fresh fruits and vegetables) value chains and can be exemplified in the analysis of the Sicilian orange supply chain, which is currently experiencing a grave crisis that shows no signs of stopping, as demonstrated by the high volumes of oranges imported from Egypt, Morocco, Spain, and Brazil for orange juice. Major “Made in Italy” excellencies, namely the *Tarocco*, *Moro* and *Sanguinello* varieties of the *Arancia Rossa di Sicilia* IGP risk to disappear in the future. As a matter of fact, climate change and plant diseases are jeopardizing the entire production, from the quality itself to the very existence of orange orchards. More than 1,500 hectares were already lost in 2021 and about 40,000 more in the last 20 years; considering that Sicily is the leading region in terms of areas dedicated to orange harvesting, accounting for about two-thirds out of the national production and 4% of the national agricultural GDP (ISMEA, the Institute of Services for the Agricultural and Food Market), the current crisis is putting the entire citrus supply chain at risk, gravely impacting local production. Oranges are becoming smaller and smaller due to severe water scarcity and are consequently sold at lower prices, resulting in a revenue loss of over 50% for

⁹⁶ Edited in 2016 by journalist Sara Farolfi in collaboration with daSud, Terra!, terrelibere.org and Open Society Foundation, Rome.

farmers⁹⁷. In 2016, farmers had to sell one kilogram of fresh produce at the historical low of 16-20 cents and about 5-7 cents for those oranges destined to be processed into orange juice (Farolfi 2016: 19). Inevitably, to meet GDO demands, there's been an increasing reliance on imports that, coupled with cost-cutting strategies that disproportionately impact labourers, underscore the humanitarian and productive crisis within the prestigious Sicilian orange sector.

Up until 2019, in the Catania plain, orange harvesting was made by asylum seekers residing in the CARA (Reception Center for Asylum Seekers) in Mineo, about 50 kilometres away from Catania. The center was inaugurated in 2011 by the centre-right government under former Interior Minister Maroni of the Lega party and closed in July 2019. It stands, still today, as one of the most flawed models of reception ever implemented in Italy and in Europe⁹⁸. Each of the 4,500 migrants that were confined in one of the largest Italian refugee camps had one choice to make: fall victim to *caporali* or face starvation. Amadou, a young man from Senegal, former resident of the camp, revealed that during the two years he spent in the center while waiting for his asylum decision, although entitled to a 3 euros daily allowance, migrants were given packs of cigarettes instead, which eventually became a form of currency for trade when sold to the operators of the center, who valued them at 6 euros each. On top of that, Amadou exposed the camp operators' abuse by stating that they also resorted to cut costs by providing low-quality, meagre and monotonous food, which contributed to the general health deterioration of the residents⁹⁹. Besides malnourishment, episodes of sexual exploitation were directly witnessed by Amadou, who reported that women were coerced into sex work both inside and outside the camp, with the compliance of the police and the

⁹⁷ Confederazione Generale dell'Agricoltura Italiana, 2025, *La filiera degli agrumi messa in crisi dalla siccità in Sicilia*. Available at <https://www.confagricoltura.it/ita/area-stampa/dal-territorio/la-filiera-degli-agrumi-messa-in-crisi-dalla-siccit%C3%A0-in-sicilia-al-tg3-il-presidente-di-confagricoltura-catania-arcoria-e-il-nostro-associato-castiglione#:~:text=La%20crisi%20idrica%20che%20sta,del%20fatturato%20per%20gli%20agricoltori>.

⁹⁸ Melting Pot Europa, 2019, *Sicilia – Catania, Residence Mineo*. Available at <https://www.meltingpot.org/tag/sicilia-catania-residence-mineo/>.

⁹⁹ Tory-Murphy L., 2018, *Living on Mafia Leftovers: Life in Italy's Biggest Refugee Camp*, The New Humanitarian [Online]. Available at <https://deeply.thenewhumanitarian.org/refugees/articles/2018/02/19/living-on-mafia-leftovers-life-in-italys-biggest-refugee-camp>. Amadou is a fictitious name that author of the article used to protect his identity.

administration that voluntarily turned a blind eye on the situation despite knowing what was happening¹⁰⁰.

On average, the administration took one to two years to respond to asylum applications, with an additional one to two years for appeals in case of rejection to be made in Siracusa, where the “closest” commission was located. Despite the existence of EU Directives granting temporary permits after a maximum of six months from asylum seekers’ application —allowing them to obtain proper documentation and work legally in the territory— these were not issued. Consequently, the migrants become easy prey to *caporali*, who offered the only way to make a living (Farolfi 2016). Humiliated and belittled, they were left without any, or inadequate, social-legal counselling about their rights. *Caporalato* did not even exist in the area before the establishment of the so-called “Orange Residence” but was the product of short-sighted and extremely flawed policies that did nothing but generate abuses, human rights violations and human exploitation. The ongoing series of these scandals lead to judicial proceedings and parliamentary inquiries commissions that started well before the definitive closure of the center, but which never failed to stop its government funding¹⁰¹. The CARA received approximately a financial support of 125 million euros each year, and drawn by the appeal of exploiting public funds, the Mafia made no exception in infiltrating the migrant reception system located in Mineo. Police investigation known as *Mafia Capitale* uncovered the involvement of Salvatore Buzzi, one of the alleged bosses, who was caught on wiretap boasting, “Do you have any idea how much I make off of migrants? They’re more profitable than drugs.”¹⁰² The trials revealed the existence of a vicious cycle that generated from the arrivals of thousands of migrants from Libya, later used to create a profitable business for reception centers. Indeed, the management contracts of these centers were given through bribes to particular

¹⁰⁰ *Ibidem*.

¹⁰¹ Di Meo S., 2019, *CARA di Mineo: dopo otto anni, chiude il ghetto voluto dalla Lega*, Melting Pot Europa [Online]. Available at <https://www.meltingpot.org/2019/07/cara-di-mineo-dopo-otto-anni-chiude-il-ghetto-voluto-dalla-lega/>.

¹⁰² Tory-Murphy, L., *op. cit.*

cooperatives that employed selected individuals, who in turn would have provided political support¹⁰³.

Mineo is located in the plain of the production of *Arance rosse di Sicilia*, and for the years in which the CARA hosted migrants, particularly starting from 2015, these represented the main workforce for handpicking the prestigious *Tarocco* oranges. Local agricultural entrepreneurs have clearly benefitted from having such high numbers of desperate job-seeking people on their doorstep, and isolated from any urban centers¹⁰⁴, but through it all, the major accomplice to the perpetration of this system was the non-transparency of the same supply chain that profited from the limbo in which refugees were thrown into, torn between endless waiting and being unable to work if not under illegal and exploitative working conditions (Farolfi 2016). Is there a cause-effect relationship directly linking refugee exploitation in agriculture to the food displayed on supermarket shelves? Since the ultimate responsibility to answer this question lies within GDO, the *#FilieraSporca* campaign sent a questionnaire addressing the issue to major supermarket chains and food industries operating in Italy. Particularly, questions regarding the name of their suppliers, what is for them a “fair price” for 1 kilogram of fresh oranges, which company measures were employed to verify that the labourers worked in an ethical environment, to name a few. However, as shown in the infographic (Figure 5), only one chain, Coop, provided the most comprehensive response, while the vast majority offered vague answers or failed to respond altogether.

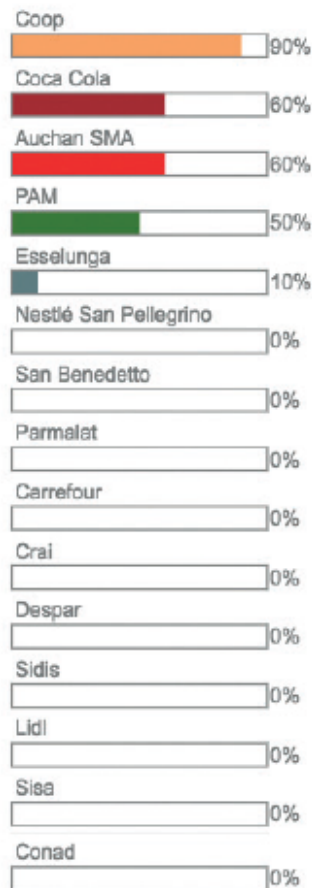
A Guinean resident in the CARA upon being interviewed by *#FilieraSporca* campaigners confirmed what Amadou already stated, “[Here] we have no money; they only give us cigarettes, but I don’t smoke, so I’m going out to look for work.” Another refugee, from Gambia, added that the “[Us refugees] work from 8 a.m. to 4 p.m., [agricultural entrepreneurs] give us something to drink and eat during the day, and at the end of the day, we get paid 10, at most 15 euros.”. When questioned about the situation, a CGIL operator said that “Refugees work in slave-like

¹⁰³ Gatti C., 2014, *A Mineo l’apogeo del circolo vizioso di Mafia Capitale*, Il Sole 24 Ore [Online]. Available at <https://www.ilsole24ore.com/art/a-mineo-l-apogeo-circolo-vizioso-mafia-capitale-articolo-28-dicembre-2014-AEVA1TMB>.

¹⁰⁴ Tory-Murphy, L., *op. cit.*

conditions and producers complain about the excessively low price of the product, but in this way, the entire local economy is harmed, with a form of dumping that drives working conditions further downward and, in turn, contributes to lowering prices even more” (Farolfi 2016: 40).

Figure 5: availability and thoroughness of the answers provided by ten chains interviewed. Elaboration by Farolfi for *La raccolta dei rifugiati*, page 15.



Notes:

- Coop gave full information about its suppliers and their names, as well as their pricing policies.
- Coca-Cola and Auchan gave a complete list about their suppliers but general answers to other questions.
- Pam Panorama limited only to answer that “It is our responsibility to select only certified producers who conduct regular checks on the sourcing of raw materials”.
- Esselunga was very vague and generic in its answers and failed to provide full list of its suppliers.
- Conad, upon being asked to answer to the questionnaire, explained “not to be very interested in this type of operation”. Only after the publication of the *#FiliaraSporca* report, Conad conceded to provide generic information, ranging from not having detected any anomalies with its suppliers to the willingness to improve transparency with the collaboration of the State and other stakeholders.
- All the other actors did not return the many calls and emails that the researchers sent.

In conclusion, from the fieldwork conducted by *#FiliaraSporca* activists, it emerges that the Sicilian orange supply chain is highly fragmented, with the involvement of a plurality of different actors that further complicate it. Key findings of the research show that:

- There is not in place a system that can guarantee a precise traceability of the true origin of the oranges. For example, cooperative *Falco* is one of the many facilities that is responsible for the distribution of oranges to the industries through the *Rossa di Sicilia* PO, which stipulates contracts with

supermarket chains. Ialuna, president of the cooperative, when questioned on whether there could be oranges harvested by the refugees from CARA among those delivered to the PO, he said that “Let’s say it could be a reality, I cannot exclude it.” (p. 41)

- Unclear responsibilities for the involved companies. Transformation industries for the production of orange juice like Ortogel, Agrumi Gel and Fratelli Branca that receive the oranges from Coop Falco (and sell to Coca-Cola, Pepsi and San Pellegrino among others) merely claim to adhere to strict ethical codes and cannot, even if they want to, guarantee that the conferred oranges are not products of exploitation. The lack of transparency of this tangled value chain can be summarized by Ortogel’s statement on the matter, “Ortogel does not have the personnel, the financial capacity nor the authority to do so”¹⁰⁵, or Conad’s responsibility-evading declaration, “The path to transparency is certainly one to pursue, but we must consider that achieving results requires more than just the checks carried out by large-scale retail chains. It is essential that all parties involved — starting with the State — do their part”¹⁰⁶.
- Poor working conditions enabled by the weak transparency of the supply chain and the high fragmentation of the sector. The presence of very-small scale and scattered producers at the very beginning of the supply chain makes it very difficult to maintain full traceability, especially with the involvement of a disproportionate high number of POs who act as “modern feudal lords” (Farolfi 2016: 62), as already seen in the Foggia case, only interested to seize as much land as possible and access public funds.
- Lack of accountability for GDO. As shown in the above picture, only Coop showed the most detailed response, including their ethical conduct standards and monitoring efforts. The lack of responsiveness from some companies could imply they are either unwilling or unprepared to address these concerns, which raises doubts about their corporate social responsibility

¹⁰⁵ Farolfi, *op.cit.*, pp. 42-43.

¹⁰⁶ *Ivi*, p. 59.











(CSR) and commitment to improving labour conditions in their supply chains.

As highlighted by the research study conducted by Turchetti and Ferraresi (2024), the structural inequities of the agrifood value chain increase as the sector becomes further concentrated and fragmented with more and more actors, at the expense of suppliers' markups. This state of affairs finds its reality check in the Catania plain, where in 2016 the oranges about to be processed into orange juice were valued 3-5 cents per kilogram, one of the lowest prices that orange producers ever faced. "The oranges remain [on the trees]; it's not even worth picking them," they explained (Farolfi 2016: 28). The interviewed producers added that about half of their harvests go directly to processing industries, where the chance of high profit margins is very limited, and the other half to general markets in Northern Italy. However, even in cases where oranges are sold at 2.50 euros per kilogram in the North, for the same amount producers are still paid 0.50 cents (Farolfi 2016: 28). This raises a genuine question; how much does it really cost producing one kilogram of oranges? And what is the real "fair price"?

The research carried out by *#FiliereSporca* attempted to break down the price for the 2016 harvest season. However, the findings are not exhaustive due to fluctuating costs influenced by technologies and industry differences, besides having wide variations in expenses across producers, buyers, and retailers. Truthfully, the almost failed attempt at price breakdown highlights a severe lack of transparency in the supply chain, where the only certain thing is that the first cost-saving practices always involve exploitation of labourers' work. This is demonstrated by the fact that one kilogram of fresh oranges is paid to producers at a mere 13-15 cents, with only 8-9 cents going to workers. For undocumented labourers, this drops to 3-4 cents, and seasonal workers in places like Rosarno, in Calabria, earn as little as 2 cents. Meanwhile, the same oranges are sold in supermarkets for an average price of €1.10-1.40 per kilogram, while GDO generally pays about 70-80 cents depending on the quality, the size and the period, meaning that with 35-50% of the final price represents GDO's markup (Figure 6).

Ultimately, what should be the price that reflects a fair equilibrium for all the actors involved and that protects the producers and the workers even if the product does not respect qualitative standards? This was one of the issues raised in the questionnaire, to which Pam replied that a fair price is about €0.25-0.30 per kilogram, while Coop simply provided its pricing policy for 1 kilogram of Naval oranges harvested in Calabria: during the 2015/2016 season, the production cost was €0.18/kg and farmers were paid €0.25/kg on average. Coop paid the farmers €0.76/kg for packaged and delivered oranges, which ended up being sold (excluding promotion) for €1.17/kg, with a net margin of 3%.

Figure 6: Adaptation of Farolfi’s schematization for *La raccolta dei rifugiati* on price breakdown for 1 kg of fresh produce in 2016, page 37.

 PRODUCER VARIABLE COSTS Fertilization, processing, irrigation, and pruning.	€ 0.13-15				
 FIXED COSTS Depreciation, various charges, land income	€ 0.10				
 HARVESTING AND PACKAGING OF WHICH:	€ 0.10-11				
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; border-bottom: 1px solid black;">COST OF REGULAR LABOUR</td> <td style="text-align: center; border-bottom: 1px solid black;">COST OF IRREGULAR LABOUR</td> </tr> <tr> <td style="text-align: center;">€ 0,08-9</td> <td style="text-align: center;">€ 0,05</td> </tr> </table>	COST OF REGULAR LABOUR	COST OF IRREGULAR LABOUR	€ 0,08-9	€ 0,05	
COST OF REGULAR LABOUR	COST OF IRREGULAR LABOUR				
€ 0,08-9	€ 0,05				
 TRANSFORMATION/PROCESSING	€ 0.25-30				
 WASTE	€ 0.05				
 PRODUCTION COSTS	€ 0.63-71				
 FARMER MARGIN	€ 0.05-10				
 GDO COSTS	€ 0.70-80				
 + 35-50% for industrial costs and GDO profit margin					
 FINAL PRICE	€ 1.10-40				

In conclusion, “The small producer sells the oranges either to an organisation of producers or to a buyer who sells to a big supermarket. When we go in a

supermarket, we don't know anything about the oranges, where they come from, which harvest, who picked them"¹⁰⁷, says Ciconte. Still, the possibility for improvement endures, as several possible solutions can be implemented for enhancing overall transparency, which not only benefit consumers in making a more informed purchase and suppliers in gaining stronger bargaining power to confront GDO but also help address the root cause of exploitation and limit the likelihood of this phenomenon occurring to the greatest extent possible. However, achieving this goal requires more than inconsistent efforts coming from just a handful of actors in the market. As already mentioned by some supermarket chains, the role of politics remains fundamental, both at the national and European level. Policymakers have the responsibility to provide an effective legal and institutional framework to eradicate the causes to labour exploitation and transform the phenomenon as "anti-economic" as possible, while promoting and funding sustainable practices across the supply chain. Political action, supported by strong governance and supranational cooperation, is essential in attempting to improve the overall transparency of the agrifood supply chain, as labour exploitation thrives where there is a non-traceable productive system. This sets the stage for the next chapters, which explores the policy frameworks and good practices already in place. By analyzing both successes and limitations, the subsequent discussion will highlight how strategic interventions can help build a fairer and more ethical sector.

¹⁰⁷ Wasley A., Ferrara C., 2016, *How Italy's oranges are linked to a modern-day story of exploitation*, The Guardian [Online]. Available at <https://www.theguardian.com/sustainable-business/2016/feb/18/italy-oranges-slavery-coca-cola-exploitation>.

CHAPTER III

A GAME OF POLITICS: MIGRANTS AS PAWNS OF POLICYMAKING AND POLITICAL AGENDAS

In the last decades, NGOs (non-governmental organizations), labour inspectorates as well as many other authorities have reported a higher presence of third-country nationals (hereafter TCNs) in the numerous networks of the EU labour market (Cremers 2024). This is especially true for TCN seasonal workers, who constitute the main category of migrant workers that continues to increase¹⁰⁸, except for the pandemic period (Cremers 2024). A third-country national is any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code)¹⁰⁹. Thus, a third-country national labour migrant is a citizen that resides and works in an EU Member State (hereafter MS) that does not have the nationality of one of the Member States (Cremers 2024). In the European context, two phenomena have been shaping labour migration discussions: the fact that European population is aging, which requires migrants to fill the positions that cannot be covered by EU citizens, and high unemployment rates within MS (Sommarribas and Nienaber 2021). However, the need to attract TCN workers clashes with EU labour mobility regulations that discipline entry mechanisms for non-EU citizens, and in particular, with the fact that labour-related entry pathways are better regulated for “desirable” migrants, meaning highly qualified individuals (Goldner Lang 2018).

Given that labour mobility is one of the ways to safely set foot on EU soil¹¹⁰, it derives that TCNs’ access to rights depends on their legal status. Regarding labour

¹⁰⁸ The number of permits issued to temporary foreign workers increased in 2022 with 24% year-on-year. Labour migration was in 2022 at a 15-year record level in the OECD-countries (OECD International Migration Outlook 2023).

¹⁰⁹ https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/third-country-national_en.

¹¹⁰ Besides work, other legal migration channels for TCNs are study, family reunification or resettlement. To know more, visit https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-resettlement-and-integration_en#:~:text=Most%20migrants%20entering%20the%20EU,EU%20countries%20entere d%20the%20EU.

migration, the EU has classified migrant workers as follows: highly qualified workers (Blue Card Holders), salaried workers, independent workers, ICT (intercorporate transferees), researchers, posted workers and seasonal workers¹¹¹. From this point of view, TCN temporary labourers' vulnerability swings depending on their legal residence status, as it is tied to the type of work permit held, and to the MS national legislation, as migrants' access to the labour market is governed by the Member State internal framework. However, since residence and work permits depend on the employer in the country of entrance that "sponsors" through a contract the TCN, hence the "sponsorship" name, this mechanism deepens their exposure to exploitative conditions and their inability to report possible abuses due to fear of immigration enforcement operations (Cremers 2024). As the following paragraphs will demonstrate, national police authorities tend to confuse implementation of migrants' protections with immigration control inspections, thus creating distrust and discouraging victims of exploitation to seek official judicial remedies, with the result that many remain trapped in precarious conditions, fearful that reporting abuses equals to being imprisoned or deported.

Having made this premise, the present chapter examines the complex interplay between asylum, migration and labour policies from the perspective of non-EU migrants, both at the European and Italian level, with a special focus on the (problematic) enforcement of TCNs' rights and the structural weaknesses that hinder their access to legal safeguards and protections.

¹¹¹ The Directives that regulate the various statuses for TCN labour migrants are: the EU Blue Card Directive (Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment), the Single Permit Directive (Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State), the ICT Directive (Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer), the Directive on Students and Researchers (Directive 2016/801/EU on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing), and the Directive on Seasonal Workers (Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers).

3.1 The agrifood-migration nexus under political review: the European level

The COVID-19 pandemic revealed the essential role played by migrant workers within agrifood systems in most of EU countries and elsewhere (Corrado et al. 2024). The high diversity in terms of legal statuses and nationalities that compose the foreign labour force in the agricultural sector challenges the common perception that only undocumented migrants are victims of labour exploitation, while also beneficiaries of international protection, as particularly evident in the case of Italy, are involved in cases of abusive working conditions (Palumbo 2022). Another common perception is that this phenomenon involves only Southern Europe, in particular Italy, Spain and Greece¹¹², when instead these practices do not know geographical borders, as they are also implemented for food production in Northern EU countries (Palumbo 2022). This is mainly due to the fact that institutional attention and public debate tends to focus on the most blatant cases of exploitation, as for Southern Europe with illegal gangmastering systems that recruit unskilled manpower on behalf of agricultural employers in exchange for an economic return (Ciconte and Liberti 2021). However, there exists less news-breaking forms of exploitation happening in rural areas, like “grey work” facilitated by landless cooperatives that act as intermediaries, and which receive conspicuous payments while disguising actual wages (Merlo 2020), as examined in Chapter 2. These issues are often overlooked, and more often than not they are taken outside the broader picture. These dynamics interplay and result from other factors, and in particular the structural factors that pave the way for the exploitation of agricultural workers, like in the case of deficient migration, asylum and labour policies both in the EU and Italian legislation (Palumbo 2022).

At the European level, the onset of the pandemic put the spotlight on these mechanisms, and on the inefficiencies of the current administrative framework regulating labour laws, which proved to be detrimental to the protection of migrant workers’ rights for the past decades, including during the pandemic (Corrado et al. 2024). Following the general interdiction of movement both within and beyond Europe to limit the spread of COVID-19, severe labour shortages emerged,

¹¹² Cfr. Ciconte, F., and Liberti, S., 2021, *E(U)xploitation. Gangmastering: The Southern Question. Italy, Spain and Greece.*

especially in the agricultural sector, which disclosed the essential but extremely vulnerable role of migrant workers in the current agrifood regime (Corrado and Caruso 2022). The fact that these deficiencies were highlighted by the Covid crisis represent just the tip of the iceberg, and more generally raised questions on the actual state of the protection of the rights of migrant farmworkers as regulated by the relative policies, and whether these have a role in contrasting or contributing to migrants' exploitation in the agrifood system.

Unlike in Northern European countries, in the South there existed a long-standing tradition of family-run small agribusiness. However, this tradition began to gradually disappear starting from the 1980s, when the dynamics of post-Fordist development and neo-liberal globalization infiltrated in rural areas and began to affect them (Palumbo 2022). The process of liberalization was facilitated by EU policies, like in the case of EC Regulation 1/2003, which targeted market liberalization objectives and promoted competition, allowing the expansion on a continental scale of the largest European supermarket chains (Corrado et al. 2018). This led to concentration of power by GDO within the food production chain, which accentuated the economic relevance of Italy and Spain in the sector as they became responsible for about 40% of all fresh products in the EU¹¹³. Despite the difference, both Northern and Southern Europe are increasingly relying on migrantized agricultural labour force¹¹⁴, which is the direct result of market concentration, capitalization and mechanization of the agrifood production model, which feeds on a vulnerable workforce in order to cope with increasingly higher pressures coming from large-scale retail groups (Palumbo 2022). However, as Palumbo (2022) uncovered, these are concrete consequences brought on by the contradictions in national and European regulations pertaining to labour and social migrants' rights.

¹¹³ Molinero-Gerbeau, Y., 2020, *La creciente dependencia de mano de obra migrante para tareas agrícolas en el centro global. Una perspectiva comparada*. Estudios Geográficos 81(288), pp. 1–27, quoted in Palumbo, L., 2022.

¹¹⁴ *Ibidem*.

Managing migration and asylum policies: a real “new” European Pact?

In 2023, many EU countries have increased deterrence measures against incoming migrants. The new European Pact on Migration and Asylum (henceforth “the New Pact”), approved by the EU Council in December 2023 and by the European Parliament in April 2024 implemented this trend, further tightening restrictions on extra-EU immigration¹¹⁵. The current institutional framework seems to lean towards an interpretation of immigration as a security threat, a narrative reinforced by the rise of right-wing parties elected to power within EU Member States, which was reflected on the advancement of Eurosceptic and anti-immigration forces of the radical right in the recent EU Parliament elections. In a period of economic and political unrest, migration has become a central focal point for these parties, serving to capitalize on public fears and steer voters towards the political force that is more likely to provide security. Thus, these forces have been succeeding in shifting the discourse to restrictive policy agendas, further marginalizing the long-term economic contributions that migrants bring to the development of European economies¹¹⁶.

In parallel, the EU is experiencing challenges related to unemployment rates and labour shortages in the agricultural sector, as employment has been steadily declining over the last 15 years¹¹⁷. However, this issue is often overlooked because it contradicts the prevailing narrative on the necessity to reinforce barriers against incoming migrants coming from the Global South. Since the Maastricht Treaty of 1992, through a long series of attempts, which concretized in the form of policy initiatives and action plans, the EU was forced to strike a balance between MS’ sovereign powers to regulate their border crossings and upholding to its identity as a political union that respects human rights and fulfils its humanitarian obligations (Häkli et al. 2024). The latest of these attempts took the form of the New Pact after four years of negotiations, whose main innovative aspect was the reform of the

¹¹⁵ IDOS, *Dossier Statistico Immigrazione*, 2024.

¹¹⁶ Human Rights Monitoring Institute, 2024, *How fear of immigrants has led to the rise of the far right in Europe*. Available at <https://hrmi.lt/en/how-fear-of-immigrants-has-led-to-the-rise-of-the-far-right-in-europe/>.

¹¹⁷ European Economic and Social Committee, 2024, *Harvesting hope: The realities of seasonal and migrant workers in agri-food value chain*. Available at <https://www.eesc.europa.eu/en/news-media/news/harvesting-hope-realities-seasonal-and-migrant-workers-agri-food-value-chain>.

Common European Asylum System (CEAS). This took the form of the so-called “collective solidarity mechanism” on a (fairer) redistribution of asylum seekers among MS, thus revisiting the highly contested Dublin Regulation rule on assigning exclusive responsibility over asylum procedures on the Member State in which migrants first submit their asylum application. However, this solidarity can also be fulfilled by paying a financial contribution of €22,000 per person in lieu of hosting migrants, which shows that the new approach may have severe humanitarian consequences, as from such apparently simple decisions one can determine who is granted the right to live and who is not (IDOS 2024)¹¹⁸. Controversies on the effectiveness of the solidarity mechanism reflect broader divisions regarding the New Pact, as some scholars view the new EU’s migration approach as more “human and humane”¹¹⁹, while others, especially civil society organizations (CSO), have pointed to a stark gap between the rhetoric behind these statements and the actual objectives set out by the pact (Häkli et al. 2024), coupled with overall concerns about detrimental effects on migrants’ rights (Conte and Yavcan 2024). It is no coincidence that the New Pact was adopted with a mixed vote, underscoring the deep political divide on migration issues across the EU political spectrum (Conte and Yavcan 2024).

Stephanie Pope, Oxfam EU migration expert, commented that “This plan is just another reshuffle of old ideas that do not work. It merely distracts from what actually needs to be done - fixing the EU’s broken asylum system. It is a waste of time.”¹²⁰ This statement reflects the widespread scepticism surrounding the recent asylum reform, which extends beyond the contrasting opinions regarding the effectiveness of the solidarity mechanism. Indeed, another key concern is the introduction of accelerated border procedures for asylum applications —limiting the process to a maximum of 12 weeks— especially coming from NGOs, human rights organizations and researchers¹²¹, that improper fast-track procedures might

¹¹⁸ More precisely, IDOS used the term “necropolitics” to describe these dynamics. Dossier Statistico Immigrazione 2024, Summary Sheet, p. 2.

¹¹⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609>.

¹²⁰ Oxfam International, 2022, *Latest EU migration action plan is a waste of time*. Available at <https://www.oxfam.org/en/press-releases/latest-eu-migration-action-plan-waste-time>.

¹²¹ *Cfr.* <https://picum.org/blog/81-civil-society-organisations-call-on-meps-to-vote-down-harmful-eu-migration-pact/>.

result in an increased number of rejections without the needed comprehensive assessment for each individual case (Conte and Yavcan 2024). Their concerns stem primarily from the high probability that these shortened processing times could lead to superficial evaluations if they are not thoroughly conducted, thus limiting asylum seekers' rights to present their claims. This, in turn, raises the risk of wrongful deportations or rejections, potentially violating international protection obligations.

Additionally, the language used in the official documents contributes to shape, in a certain way, the public image of migrants. For instance, migrant mobility is described as “irregular movement” (European Commission, 2020, p. 36), and often there is no direct reference to migrants as individuals but to their “movement” (Häkli et al. 2024). This de-personification reduces migrants to a phenomenon to be controlled and regulated, rather than people with rights and agency (Häkli et al. 2024). Thus, migrants are often represented as a passive mass through mere statistic and numbers, or as active individuals only when their actions have negative consequences for the EU (Conte and Yavcan 2024), which demonstrates what earlier research has already established: migrants are depicted in the media and in the political discourse through rhetorical devices that contribute to their dehumanization and sense of “otherness”. Such narratives play a role in shaping public perception by distinguishing a familiar “us” in opposition to an estranged “them” and leveraging this tactic to draw a clear distinction between those who are deserving of protection and those who are not deemed worthy to seek a better life (Lee and Nerghes 2018). As a result, this representation of migration provides the pretext that justifies EU’s reactions to the actions of migrants through increasingly restrictive asylum and migration policies, which shift the focus from humanitarianism to securitization, (Conte and Yavcan 2024), thus reinforcing a policy approach that, since 2015, has prioritized border control over human rights safeguards¹²².

The similarities between the 2015 European Agenda on Migration are evident, particularly in the greater importance given to matters like control and externalization of borders (Corrado et al. 2018), even though some improvements

¹²² Refugee Law Initiative, 2020, *The EU New Pact on Migration silent on systematic exploitation of labour migrants in Europe: Still no emphasis on ending “the human misery” within its borders*, School of Advanced Study- University of London.

were made from the 2015 Agenda. Firstly, the EU Commission for the New Pact acknowledged that “workers from third countries are filling key shortages in a number of occupations across Member States, including in occupations that were key to the COVID-19 response”¹²³, differently from the 2015 approach which did not provide adequate legal and safe entry pathways, except for highly-skilled TCNs, thus voluntarily omitting the fact that low-skilled jobs represent the primary employment sector for the majority of migrants at the European level (Palumbo and Sciarba 2018). The European Commission did indeed acknowledge the fundamental contribution made by migrant workers during the Covid pandemic. It is estimated that 46% of non-European migrants were employed in sectors, like the agricultural one, which classified as “essential” during the implementation of quarantine measures. Such high numbers did not go unnoticed, as the pandemic uncovered the indispensable nature of low-skilled labour within the EU’s production system¹²⁴. However, the New Pact failed to address the underlying factors behind the vulnerable conditions of these “essential” workers. Rather, the focus shifted towards border control, neglecting to draw attention on what is currently happening within MS’s rural fields and what causes actual exploitation of the migrants.

In a large part, the Pact’s primary objective is combatting irregular migration, and not ensuring migrants’ protections, by normalizing a situation of almost-impossibility to access international protection benefits in the EU, with detrimental consequences not only for asylum seekers, but for the integrity of the rule-of-law order and fundamental rights in the whole of Europe (Moreno-Lax 2024). On this matter, the UN Special Rapporteur on the human rights of migrants has commented that the “trend to legitimise pushback[s] through the introduction of legislation [is] a means to whitewash unlawful practices”¹²⁵. According to Moreno-Lax (2024), after the introduction of what had to be considered “exceptional” measures to

¹²³ *Ibidem*.

¹²⁴ *Ibidem*.

¹²⁵ United Nations Special Rapporteur on the human rights of migrants, *Report of Human rights violations at international borders: trends, prevention and accountability*, A/HRC/50/31(2022), para. 27.

manage the 2015 “refugee crisis”, such as relocation mechanisms¹²⁶ and hotspots facilities, the “exceptionalisation” of migrants’ rights and legal safeguards has become the standard form of governance that has nothing to do with the rule of law. The crisis, with all its consequences on perceived security threats, cultural clashes, political instability and social unrest, has justified the legalization of certain mechanisms that contravene minimal rule of law standards, including due process and effective judicial protection for non-EU citizens. The issue is that the New Pact streamlines and normalizes these “exceptional” measures, which have consequently standardized the infiltration of migration control activities into the CEAS. This goes opposite to the original scope of the Common European Asylum System, i.e. refugee protection, which has now taken the task to counter clandestine entry and consider refugee claimants as irregulars in disguise. Indeed, the juxtaposition between asylum seekers and irregulars is what has enabled the involution of the CEAS, which has been reinforced in the New Pact. As Moreno-Lax (2024) remarks, the Pact tends to equate asylum seekers with irregular migrants, treating them as a single category of “unauthorized entrants” (p. 18), irrespective of Article 31 of the 1951 Refugee Convention, which in turn prevents the penalisation of irregular entries since it recognizes that under certain conditions refugees may be obliged to choose the irregular pathway to enter a country. It all ties back to the imperative of “fighting irregular immigration” as contemplated by the 2015 Agenda and reinforced in the New Pact, allowing MS to reject asylum requests without even examining the merits of their claims (p. 23).

Despite the efforts put into building a European framework to manage migration and asylum, fragmentation remains a systematic issue that risks hindering greater harmonization and achieve better protection for mobile workers. The Commission’s aim with the New Pact was to balance a burden on frontline host countries, particularly Italy and Greece, while addressing opposition from countries like Hungary, Czech Republic and Slovakia. From the start, these countries have shown their disagreements to the Relocation scheme, as they voted against the 2016

¹²⁶ In order to relieve Italy and Greece of the burden of processing high volumes of asylum applications, two Relocation Decisions were adopted as emergency measures in September 2015 (Council Decision (EU) 2015/1601) and September 2016 (Council Decision (EU) 2016/1754).

relocation solutions, resulting in the overall failure of the system. Additionally, Austria and Poland resisted the plan, either by refusing to participate or by bringing a legal challenge against the scheme (Lax-Moreno 2024: 11). In any case, the New Pact has favoured those MS that have been advocating for a more “hermetic” closure of borders, regulating it through various mechanisms among which:

- Strengthening of FRONTEX, the European Border and Coast Guard Agency.
- Introduction of massive screening processes geared towards TCNs’ expulsion; they aim to quickly identify individuals “unlikely to receive protection” rather than ensuring effective access to asylum (Lax-Moreno 2024: 19). The Pact also excludes persons seeking international protection from the exceptions of the Schengen Borders Code, which allows the admission on humanitarian grounds of TCN that have entered irregularly on an EU territory (Lax-Moreno 2024: 18). The screenings, which do not require authorities to inform migrants on their right to seek asylum and where legal assistance is limited and inadequate (Lax-Moreno 2024: 19), are conducted in designated facilities, creating a *de facto* detention situation without judicial oversight or other safeguards. This concentration of individuals in closed spaces, similar to detention conditions, is a practice that has been criticized by the European Court of Human Rights, yet the New Pact seems to be normalizing it (Lax-Moreno 2024: 20).
- Collaboration with countries like Libya or Turkey to stop at the source the possibility of these individuals to arrive on EU soil (IDOS 2024).

Indeed, it is possible to affirm that the New Pact revolves around stricter border management, rather than improvement of migrants’ rights, and fails in achieving what the Commission said on the day of its presentation, e.g. a “fresh start” on which to build upon a “common policy”¹²⁷. Acknowledging that access to the EU is becoming increasingly limited for asylum seekers and other migrants because of policies that prioritize borders over people, many are forced to resort to irregular

¹²⁷ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/story-von-der-leyen-commission/managing-migration-responsibly_en.

and dangerous routes (Lax-Moreno 2024). In this context, the inadequacies of asylum procedures and reception systems in countries such as Italy leave migrants vulnerable to exploitation and abuse (Corrado et al 2018).

The Common Agricultural Policy: the 2023-2027 reform

To provide a comprehensive picture of European policies that impact on the living and working conditions of migrant farmworkers, there is the need to delve into the Common Agricultural Policy, also known as CAP. Established in 1962 to prompt agricultural productivism in the context of industrial modernization that swept over Europe, this approach led to “a series of unfortunate events”, among which overproduction, excess food supply, environmental negative impacts, which coupled with growing awareness about health and quality among the consumers, triggered subsequent CAP reforms that targeted pricing policies (1992 MacSharry reform) or environmental and rural development projects (Agenda 2000), to name a few (Corrado et al. 2018). Since the signing of specific agreements with WTO (World Trade Organization), CAP was directed towards a stronger market orientation, favouring food processors, big farms and export-oriented food retailers, with contentious impacts on developing countries (Fritz 2011, Blanco 2018). In Italy, the CAP was particularly beneficial to northern regions, larger farms and the food processing industry (Sotte 2017), but in the South, the necessity for the demanded reorganization of production implied the employment of a just-in-time workforce able to migrate from farm to farm according to the demands of the short harvest period (Stefanelli 2022). Under this perspective, the arrival of migrants came as a “solution” to the sectorial, social and territorial inequalities stemming from unequal CAP distribution. While favouring larger and more advanced agricultural enterprises, this came at the expense of family farming (Corrado et al. 2018). Following the depopulation and emigration of these areas, the coming of migrants has given a new life to regions that otherwise would have stood abandoned (Corrado and Caruso, 2015).

While addressing the current CAP reform (2023-2027), it is useful to mention the introduction of the provision of “social conditionality”, a mechanism aimed at both

reinforcing labour protections in agricultural enterprises and harmonizing EU objectives with those embedded in the 2030 Agenda for Sustainable Development. Some of the key aspects of social conditionality provide obligations for MS to include in their strategic plans administrative penalties for the beneficiaries of CAP (farmers and alike) who do not comply with the applicable working and employment conditions (De Michiel 2023). This represents a great advancement and is viewed as a victory for many national trade unions, which have long advocated for the introduction of conditionality on CAP subsidies. In particular, CAP payments are linked to the respect of certain EU labour standards, as beneficiaries are incentivised to improve working conditions on farms¹²⁸. Moreover, the CAP 2023-2027 reinforces the bargaining power of suppliers, and encourages farmers to work together to contrast the overwhelming power of big retailers in the market¹²⁹.

The new reform also envisages some protection measures as identified in Annex IV to Regulation No. 2021/2115 and include “Transparent and predictable working conditions” (Directive No. 2019/1152/EU), “Measures to promote the improvement of the safety and health of workers at work” (Directive No. 89/391/EEC) and “Minimum safety and health requirements for the use of work equipment by workers at work” (Directive No. 2009/104/EC) (De Michiel 2023). However, how De Michiel remarks (2023), even though it is too soon to assess the impact of the new PAC reform, some criticalities cannot be overlooked: mainly, there is no reference to the regularization of fair working hours, which is instead mentioned in the Italian Criminal Code (Article 603-bis) and recognized as essential to counter labour exploitation and ensure fair working treatments. Additionally, the 2023-2027 reform does not address at any point the legislation concerning seasonal and temporary work, as well as immigration.

¹²⁸ Taken directly from the official site of CAP 2023-2027. Available at https://agriculture.ec.europa.eu/common-agricultural-policy/cap-overview/cap-2023-27_en.

¹²⁹ *Ibidem*.

The enforcement of workers' rights and labour standards for TCNs: the Employer Sanctions Directive and the Seasonal Workers Directive

At the European level, efforts to regulate extra-EU labour are embedded in two key directives. The 2009 Employers Sanction Directive and the 2014 Seasonal Workers Directive specifically deal with TCNs and seek to establish rights and rules that can be derived from a labour relationship, regardless of the worker's legal status (Cremers 2024). These directives are particularly relevant to the agricultural sector, given its dependency on a seasonal and irregular migrant workforce. Thus, these measures play a crucial role in shaping the national legal framework that governs employment conditions and protections against labour exploitation for agricultural migrant labourers.

The Employer Sanctions Directive (Directive 2009/52/EC) prohibits the employment of TCNs in irregular situations and sets minimum standards for sanctions and other measures against employers who violate this provision. This Directive is particularly important as it is the only legislation piece in EU law that contains a (rather generic) definition of labour exploitation¹³⁰ with considerations of gender related discrimination and recognition of labour exploitation as a violation of human dignity (Palumbo 2022). The EU, having recognized that a major pull-factor for irregular migration is the possibility to obtain work even without the required legal status¹³¹, obliges its Member States to ban the employment of TCN irregular migrants under their domestic legislation and to impose on the employer a range of financial, administrative and, in some cases, criminal sanctions¹³². At the same time, the Directive also obliges MS to establish safe channels that allow irregular workers to safely report their employers that hired them illegally (Article 13), even if they have returned to their country of origin, either directly or through third parties like trade unions or civil society

¹³⁰ It defines “particularly exploitative working conditions” as “working conditions, including those resulting from gender based or other discrimination, where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers’ health and safety, and which offends against human dignity” (Art. 2 [i]).

¹³¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Employers’ Sanctions Directive), Article 1.

¹³² Ibidem, Art. 3.1.

organizations. Although the Directive aims to combat labour exploitation, it mainly adopts a repressive approach, instead of enhancing migrants' labour rights¹³³. On a more positive note, an advancement was made in the provision (Article 13) that establishes the granting of residence permits for victims of labour exploitation, although it does not constitute an obligation and is dependent on the victims' collaboration with the authorities in each MS (Palumbo 2024). Another critique made at the Sanction Directive is that it is "silent on the application of labour law rules other than pay to irregular migrants" (Peers 2016: 418), meaning that irregularly residing third country nationals' access to equal social and labour rights solely depends on the MS legislation (Verschuere 2018). But above all, "undocumented workers are not in a position to denounce exploitative employers, and the exploitative practices are allowed to continue...It remains commonplace to deport undocumented workers instead of or before examining the violation of their labour rights" (PICUM 2015: 11). As a matter of fact, PICUM (Platform for International Cooperation on Undocumented Migrants) published a report (2021) where it is highlighted that the Employers Directive does not draw a clear distinction between labour inspections and immigration control operations, as it stands almost impossible for irregular migrants to report to the authorities their employers since the risk to be detained and deported without previous screening or being informed of their rights remains too high (Palumbo 2024). On this new light, the 2009 Directive does not offer a safe escape from exploitation practices for undocumented migrants on a systematic basis, even though in some cases it succeeded, as in the case of Italy, in leading employers to hire regular migrants, from EU nationals to third-country refugees, who are also subjected to severe exploitation practices (Palumbo 2024).

Labour migration represents a complex issue for the EU. While Article 79 of the Treaty on the Functioning of the European Union grants the Union authority to regulate migration from non-EU countries, it simultaneously provides its Member States with wide discretionary powers in determining the number of migrant workers allowed to enter their territories (Passalacqua 2022). Indeed, especially

¹³³ Amnesty International, 2014, *Exploited labour two years on: The 'Rosarno law' fails to protect migrants exploited in the agricultural sector in Italy*.

since the 1990s, MS have progressively striven to control irregular migration, while at the same time making even greater efforts to reduce legal migration entry pathways for TCNs, targeting in particular those that fall under the “low-skilled work” category, with the consequent exceptions of highly qualified workers, regulated by the EU blue card (Corrado et al. 2018, Palumbo 2022). At the EU level, policymaking has both followed and reinforced this trend, as proven by the focus on facilitating highly skilled workers while largely neglecting the regularization of extra-EU individuals. The Seasonal Workers Directive 2014/36/EU “on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers” is *de facto* the only EU-based legal instrument regulating the legal admittance of low-skilled third-country nationals on EU soil (Palumbo 2022). Adopted to meet employers’ demand for flexible and cheap labour and enhancing protection for TCN workers (Passalacqua 2022), did the Directive really achieve this twofold goal?

If at first the Directive was looked at with great optimism, especially for its aim in granting seasonal workers decent working and living conditions by providing fair and transparent rules for admission and by giving them equal treatment rights (Article 23), over the years and especially during the Covid period it revealed all its limitations (Passalacqua 2022). On the topic of admission requirements, the Directive establishes that to benefit from its effects, interested migrants must apply when still residing outside the EU and meet specific requirements, including: a job contract or a binding job offer, sufficient resources during their stay, evidence of adequate accommodation and of having applied for sickness insurance¹³⁴. Additionally, the Directive establishes the limit on the duration of a seasonal worker permit, allowing MS to determine a period between five and nine months, after which the migrant must leave the country unless they secure a different type of residence permit¹³⁵. Still, one of the most important provisions is provided by Article 23, on equal treatment of seasonal workers with EU nationals in core areas including employment conditions, the right to strike, back payments, social security, education, and tax benefits. However, MS are still allowed to restrict equal

¹³⁴ Arts 5 and 6 of the Directive.

¹³⁵ Art 14 of the Directive.

treatment (Corrado et al. 2018), on the basis of a tense negotiation process between the Commission and national and EU parliaments, which resulted in Member States gaining significant flexibility, like in the case of permitting the exclusion of TCN workers from unemployment and family benefits, which is what the Italian legal framework provides¹³⁶ (Passalacqua 2022). From this perspective, the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) criticized the Directive because it “partially overlooks the current situation” where “there is a strong presence of third-country seasonal workers with irregular migration status already employed under very precarious conditions” and “considers the non-extension of the scope of the directive to third-country nationals already residing in EU Member States as a lack of commitment and ambition by the EU Institutions”.¹³⁷ If the analysis presented thus far is of any indication, EFFAT’s concerns were well-founded.

It is useful to keep in mind that the Seasonal Directive was introduced with the precise scope to promote temporary and circular migration¹³⁸. The measure was implanted to ensure the return of seasonal workers to their countries of origin after terminating their work in an EU country in order to prevent long-term immigration. More precisely, this would happen after a maximum of nine months, as the seasonal permit is valid for this time period¹³⁹, after which the seasonal workers may be called again for the next harvesting season the following year. However, it does not include any provisions concerning access to long-term resident status after consecutive years of seasonal work (Guild 2014)¹⁴⁰. Although representing an improvement for seasonal workers’ rights, one of the main issues remains that the Directive is “employer-driven, subject to the Member State’s right to impose limits

¹³⁶ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L166/1.

¹³⁷ See *EFFAT Position on the Seasonal Workers Directive* available at <https://old.fffat.org/sites/default/files/news/11060/effatposition-on-seasonal-workers-directive-final-adopted-15-04-14-en.pdf>.

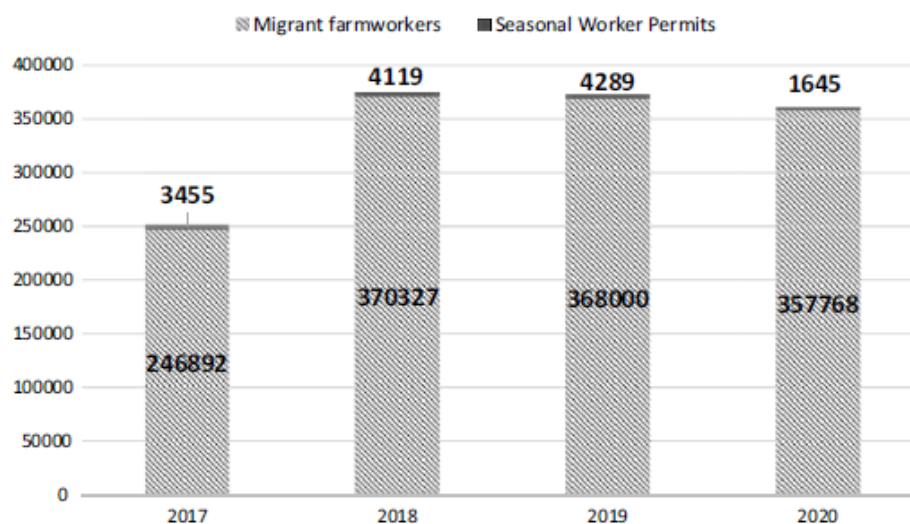
¹³⁸ European Commission, 2010, *Summary of the Impact Assessment Accompanying the Proposal for a Directive on the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Seasonal Employment*, SEC(2010) 887 5.

¹³⁹ Art 14 of the Seasonal Workers Directive.

¹⁴⁰ Quoted in Corrado et al., 2018, *op. cit.*, p. 10.

on the numbers of migrants admitted”¹⁴¹, which translates to a far more concrete possibility to deepen farmworkers’ dependency on the employer while significantly reducing migrants’ freedom of choice and their possibility to improve working conditions (Palumbo and Sciarba 2018). As a matter of fact, it has been stated¹⁴² that one of the most blatant deficiencies of the Directive is indeed the “numerous loopholes created for Member States that do not intend to grant more elaborated rights or guarantees to [third-country migrant seasonal workers]”. As Palumbo and Sciarba (2018) remark¹⁴³, such system indirectly perpetuates cycles of vulnerability and exploitation, as employers can take advantage of migrants’ precarious legal and economic status to satisfy their needs for prompt and flexible seasonal labour. As a matter of fact, even though the Directive’s objective is to counter labour exploitation and curb irregular immigration, it also seeks to address the demand for seasonal work in the EU. However, a simple analysis of seasonal worker permits issued by Italy since the transposition of the Directive in 2016¹⁴⁴ demonstrates that the numbers are extremely low (Passalacqua 2022) (Figure 7).

Figure 7: Number of seasonal worker permits issued every year (in dark grey) vs the total number of migrant farmworkers (in light grey). Source: Passalacqua’s elaboration from ISTAT archives, p. 694.



¹⁴¹ Fudge & Herzfeld Olsson, 2014, p. 451, quoted in Palumbo, L. and Sciarba, A., 2018, *op. cit.*, p. 50.

¹⁴² Rijken, C., 2015, *Legal Approaches to Combating the Exploitation of Third-Country National Seasonal Workers*, *The International Journal of Comparative Labour Law and Industrial Relations*, Vol. 31, No. 4, p. 449. Quoted in Palumbo and Sciarba, 2018, *op. cit.*, p. 50

¹⁴³ Palumbo, L., and Sciarba, A., 2018, *op. cit.*, p. 50.

¹⁴⁴ D. Lgs. 203/2016 – Implementation of Directive 2014/36/EU on the conditions of entry and residence of third country nationals for employment as seasonal workers.

As showed in the picture, the great disparity between the total number of migrant farmworkers, both European and TCNs already present in Italy, and the number of permits issued according to the Directive's measures, confirms that the EU instrument is not effective in preventing labour exploitation nor supplying in a regularized framework employers' needs for flexible and cheap labour, as the great majority of the actual workers cannot benefit from the Directive¹⁴⁵. However, even though limited, the EU migrant mobility framework is not the only one solely to blame for these deficiencies.

EU policy instruments to tackle undeclared work in agriculture

Within the EU context, along with directives pertaining to legal frameworks, there exists a variety of policy instruments for combating irregularities in the agricultural sector that are particularly relevant for the Italian context. Even though thus far nobody has yet ventured to provide an impact analysis of their effectiveness at the practical level, it is still possible to divide these instruments as follows (Macri and Orsini 2024)¹⁴⁶:

- **Deterring instruments.** These refer to the role of labour inspectorates and sanctions for facilitating the enforcement of better working conditions. The logic behind these instruments is making irregular work more detectable, as in the case of signing job contracts before the start of the job, as it happens in many countries including Italy. Another technique is the “naming and shaming”, typical of English and Irish contexts where companies that violate labour standards are exposed within the community (Macri and Orsini 2024). However, one of the main problems of these mechanisms is that it remains a challenge verifying the legal status of the migrants,

¹⁴⁵ As Passalacqua remarks in *European Law Open* (2022), 1, p. 695, according to the official statistics provided by IDOS (2020), at page 282 and IDOS, (2021), at page 280, about 60% of the totality of agricultural workers are TCNs, meaning that undocumented workers do not figure in official data.

¹⁴⁶ The following grouping was made possible thanks to the literature review carried out by Williams and Horodnic for the European Commission in 2018 entitled “European Platform Undeclared Work: Tackling Undeclared Work in the Agricultural Sector”. Available at <http://ec.europa.eu/social/easi>.

especially given the lack of proper documentation at the workplace or the linguistic barriers that hinder the communication (Cremers 2024).

- Compliance-facilitating instruments. A typical example is the UK's Gangmaster Licensing Act of 2004 which imposes on gangmasters a license to supply seasonal labour to agricultural entrepreneurs in need, thus ensuring compliance with specific regulations and labour standards. As noted by Findlay and McCollum¹⁴⁷, many migrant workers initially placed on farms through gangmasters later secured direct employment contracts with the same farms for subsequent seasons (Macri and Orsini 2024).
- Other facilitating instruments. Vouchers typically fall under this category. In Italy they have a net value of 7.5 euros, and the employer purchases and uses them to pay for a day's casual work, including contributions (Farolfi 2016). Indeed, they were originally created to be used for occasional work in the agricultural sector, but they have spread to other people, such as students and retired people (Macri and Orsini 2024). However, as remarked in the already mentioned *#FiliereSporca: la raccolta dei rifugiati* report (2016), the voucher comes in useful when the employer still wants to hire labourers without a formal contract, since its purchase is enough to prevent labour inspectors from questioning the labourer found to be employed irregularly. In Sicily it was very common, as it provided exploiters with a convenient legal loophole (Farolfi 2016: 13). Indeed, after severe opposition by the trade unions and negative public opinion, the voucher system was finally eliminated in 2016 (Macri and Orsini 2024).
- Compliance incentives. This is the case of the Quality Agricultural Work Network (hereafter QAWN), in Italy established by law 116/2014, or known as *legge Campolibero*, in the context of some measures aiming to boost Italian agriculture, employment, and generational turnover. There are three requirements to respect for the farm to be included in the Network and

¹⁴⁷ Findlay, A., and McCollum, D., 2013, *Recruitment and employment regimes: Migrant labour channels in the UK's rural agribusiness sector, from accession to recession*. J. Rural. Stud. 30, 10–19.

receive a quality certification: the agricultural business must not have had any criminal convictions in the past three years related to labour issues; it must be compliant with fiscal obligations; and it must not have received fines during labour inspections¹⁴⁸. On a positive note, often large retailers request to farmbusinesses to be part of the network, even though the real beneficiary is GDO, which can boast relationships with high-quality businesses, while for the actual farms the situation remains unclear¹⁴⁹. In fact, Macrì and Orsini (2024) have conducted some interviews with the farmers apropos the effectiveness of the QAWN, and the general results confirmed that they do not see the Network as having a significant impact on encouraging positive changes in employers' behaviour.

3.2 From Jerry Essan Masslo to Satnam Singh: a never-ending cycle of labour exploitation for Italy?

Migrant labour has become a structural necessity in Italian agriculture, particularly starting from the 1980s, as the decline of a significant share of family labour in what was traditionally a “family-run” sector demanded a growing demand for hired workers, especially migrants. The low attractiveness of agriculture explains this shift, as the sector is typically characterized by precarity, low remuneration, harsh working conditions, and temporary work, to name a few (Macrì and Orsini 2024). But Italy would soon be — reluctantly — forced to face the phenomenon, when the murder of Jerry Essan Masslo, a South African political refugee employed in the fields of Villa Literno in the Campania region, made headlines all over the country at the end of 1980s (Corrado, de Carlos and Perrotta 2017).

I thought I would find in Italy a space to live, a breath of civilization, a welcome that would allow me to live in peace and nurture the dream of a future without barriers or prejudice. Instead, I am disappointed. Having black skin in this country is a limitation to peaceful coexistence. Racism exists here too—it manifests in arrogance, abuse, and daily violence against those who ask for nothing but solidarity and respect. We from the Third World are contributing to the development of your country, but it seems that this carries

¹⁴⁸ Filippi L., Franco M., and Panariello M., 2016, *op. cit.*

¹⁴⁹ *Ibidem.*

no weight. Sooner or later, one of us will be killed, and only then will people realize that we exist.¹⁵⁰

This interview took place only a few days before Jerry Masslo was brutally killed on the night between August 24 and 25 in 1989. Four very Italian men on that night attempted to rob African farmworkers from their meagre pay while they were sleeping in an abandoned *masseria* in Villa Literno, in Caserta's province. They shot Jerry and injured two other people¹⁵¹.

Jerry arrived in Italy on 21 March 1988 after escaping South Africa, where at the time the apartheid, the racial segregation regime, dominated on the territory. After he finally landed in Rome, he applied for international protection, but at the time it was reserved only to those migrants coming from the USSR. Despite being supported by Amnesty International Italia and the United Nations High Commissioner for Refugees (UNHCR), he was ultimately denied the refugee status. He chose to remain in Italy without a legal residence permit to gain some money, both to send it to his wife and saving for his eventual departure to Canada. While staying in the *Tenda di Abramo* reception centre in Rome, he learned about job opportunities as a farmworker in Caserta's province. Aware that the job was physically demanding, underpaid and exploitative, he still prioritized the need to earn a living over any doubts. He reached Villa Literno, when during the summer period there are intensive tomato harvesting sessions, and for several months he worked under the *caporalato* system. There, *caporali* continue to transport the migrants that usually gather in what locals call *Piazza degli Schiavi* to the tomato fields, where *braccianti* work for 12-14 hours a day for a few euros per box¹⁵². Among them, more than thirty years ago, there was Jerry, one of the many workers that handpicked Italy's renowned tomatoes.

¹⁵⁰ Translation of the interview held with TG2 where Jerry Masslo denounced the slave-like conditions imposed to migrant farmworkers in the Italian rural fields. See more at https://vivi.libera.it/storie-228-jerry_essan_masslo.

¹⁵¹ Peirola, S., 2020, *Jerry Masslo: un raccoglitore di pomodori sudafricano che ha cambiato l'Italia*, Melting Pot [Online]. Available at <https://www.meltingpot.org/2020/08/jerry-masslo-un-raccoglitore-di-pomodori-sudafricano-che-ha-cambiato-litalia/>.

¹⁵² To know more, see <https://www.flai.it/dai-territori/napoli-e-caserta-16-ore-di-lavoro-al-giorno-pagate-2-euro/>.

The institutional response to his murder had a widespread echo, dominating public discourse and prompting reactions at every level: from the UN, the Pope, the President of the Republic to the rest of political and social communities across Italy, they all spoke out, demanding that it was finally time to tackle the issue of labour exploitation once and for all. On CGIL's request, for Jerry Essan Masslo a state funeral was held on 28 August and was attended by the Deputy Prime Minister along with more than 200,000 people in Rome¹⁵³. Following this event, on September 20, 1989, Villa Literno became the setting for the very first strike organized by immigrants against *caporalato* controlled by the *Camorra*, the criminal organization of Mafia origin from Campania¹⁵⁴. By then, the chain of events had already been set in motion. On October 7, 1989, the capital hosted the very first major national protest against racism and *caporalato*, which sent shockwaves directly to the political core of the nation, as it was quickly followed by the promulgation of *Legge Martelli* on February 28, 1990, which was the first law regarding asylum approved in Italy since the signature of the Refugee Convention in 1951¹⁵⁵.

But, all things considered, has it really changed anything in the last 36 years in the Italian panorama? The recent murder of Satnam Singh on June 19, 2024, can give the answer.

Migrant *resistenza* and mobilization

Since Jerry Essan Masslo, the number of migrant agricultural labourers has steadily grown, but their poor living and working conditions have usually only come to light in similarly dramatic circumstances. In the autumn of 2006, global attention was drawn to the shocking murder of Polish workers who were among the hundreds of eastern Europeans exploited after being trafficked for employment in the tomato

¹⁵³ Libera, *La storia di Jerry Essan Masslo*. Available at https://vivi.libera.it/storie-228-jerry_essan_masslo.

¹⁵⁴ *Ibidem*.

¹⁵⁵ Osman, S.O., 2024, *L'impianto normativo italiano in materia di asilo*, Centro di Ateneo dei Diritti Umani [Online]. Available at <https://unipd-centrodirittiumani.it/it/temi/limpianto-normativo-italiano-in-materia-di-asilo#:~:text=La%20legge%20Martelli%2C%20lontana%20dal,assistenza%20per%20i%20richiedenti%20asilo>.

harvest in the Foggia province (Corrado, de Castro and Perrotta 2017). In 2008, in Castel Volturno in the Campania region, six African farmworkers were killed by the *Camorra* while sitting in a pub. After the massacre, the migrant community reacted violently with vandalism of street furniture, among roadblocks and cars damages. However, in this case there was no support from the local population (Osti 2017). In 2010, orange harvesters in Rosarno published a statement entitled *Mandarins don't fall from the sky* in the aftermath of the protests, after being evicted from the Calabrian town in the plain of Gioia Tauro due to the massive deployment of police forces. The shots fired from an air rifle against two African field workers sparked one of the most violent protests against racial discrimination and exploitation in the Italian agricultural sector (Cicone and Liberti 2021). In August 2011, around 400 Tunisian and West African watermelon and tomato harvesters went on a two-week strike against slavery-like conditions to which they were subjected in Nardò, a small town near Lecce in southern Puglia (Corrado, de Castro and Perrotta 2017). It triggered a national response to combat *caporalato*, as the at-the-time Berlusconi government approved Decree No. 138, which in its Article 12 introduced the crime of “illegal recruitment and exploitation of labour”, which would later on become the starting point of the institutional fight against *caporalato* (Sacchetto and Perrotta 2021). In February 2017, the Italian police began operations to evict the Gran Ghetto of Rignano, a self-managed shantytown in the Capitanata plain in Foggia's province, which offered shelter to migrants during tomato harvesting season. The eviction, motivated by reasons of security, public health and organized crime infiltration, triggered a widespread protest involving at least 200 workers, who opposed the eviction as the Ghetto had already become a source of livelihood, socialization and mutual aid, despite the precarious and unhealthy housing conditions. Still, public authorities rushed their operations as a fire broke out in Ghetto, causing the death of two Malian workers (Dines 2018).

The list of gruesome events taking place in Italian rural fields is unfortunately extensive, even though migrant collective mobilization does not always follow suit. This is primarily because it is particularly challenging in the agricultural sector to organize these kinds of actions, mainly due to the pervasive presence of *caporali*, and the fragmented, temporary nature of agricultural work (Osti 2017).

Nonetheless, when mobilization does occur, as in the aforementioned examples, it represents an opportunity for migrants to make their voices heard in the political scene (Osti 2017), and to exit from the marginalized and invisible space they were pushed to. As argued by Osti (2006) full integration is dependent on being actively involved in the political life of the country. Given this premise, how does the Italian political landscape address and protect mobile agricultural workers? The following section will explore in detail the policies and related challenges faced by migrant workers within the context of Italy's legal framework.

Italian migration and asylum policies: a shift towards greater restriction

The Italian migration model is based on an entry system for TCN workers into Italian territory as defined by Law No. 40/1998 and the Consolidated Act on Immigration, or *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, (Legislative Decree 286/1998) which relies on system of nominal hiring from abroad through the sponsorship mechanism, meaning that its underlying logic is employer-driven as in order to be admitted into Italian territory on work grounds, there must be a request from a resident employer (Palumbo and Sciarba 2018, Corrado et al. 2018). The number of workers that can be admitted depends on a yearly governmental decree (*Decreto Flussi*) which regulates the entry into the national territory for reasons of both salaried employment (including seasonal work) and self-employment. For certain professional profiles, TCNs are allowed to entry outside of the quotas, but only within the maximum quotas established annually by specific decrees regulating the inflow of migrant workers¹⁵⁶. The regulation of migration flows to Italy is legally entrusted to two distinct acts: a three-year planning document, which establishes the general criteria for defining entry flows into the national territory, and an annual decree (*d.P.C.m.*), which determines the maximum quotas of foreign nationals allowed to enter the country for salaried employment—including seasonal

¹⁵⁶ Ministero del Lavoro e delle Politiche Sociali, *Gli ingressi dall'estero per motivi di lavoro*. Available at <https://integrazioneimmigranti.gov.it/it-it/Altre-info/e/4/o/6/id/7/Gli-ingressi-dallestero-per-motivi-di-lavoro>.

work—and self-employment¹⁵⁷. The entry of non-EU workers into Italy for seasonal employment is only permitted within the annual quotas established by the specific decree regulating the inflow of seasonal workers, exclusively pertaining to two sectors: the agricultural and tourism-hospitality ones¹⁵⁸. At the bureaucratic level, this procedure requires lots of effort, as its implementation is quite long and complicated, proving that the system is excessively complex and inadequate (Palumbo and Scirba 2018). Another issue arises from the fact that TCNs can enter Italy for employment reasons only if sponsored by a resident employer (as it happens in the majority of other MS). However, the majority of the employers mostly prefer to meet the workers before hiring them, which leads to many agricultural employers to turn to irregulars already present in Italy who are seeking to regularise their status (Palumbo and Scirba 2018).

Regularizations are implemented through two methods: through governmental programs, known as *sanatorie*, or through “ex post regularizations” outside the quota system, which once again confirm the unsuitability of the current management of migration inflows (Palumbo and Scirba 2018, Corrado et al. 2018, Amnesty International 2012). Undoubtedly, these regularization operations have been important in the past, but they demonstrate the shortcomings of the Italian immigration framework. In particular, the use of these regulatory mechanisms has decreased substantially, as the last (selective) amnesty was in 2012 (Corrado et al. 2018). Salvi, former Attorney General of the Court of Cassation, recently expressed the same disappointment regarding the current immigration management. In an interview¹⁵⁹, he confirmed that

Flow decrees have never functioned as a virtuous mechanism for matching labour supply and demand. Moreover, these decrees have not been issued for a long time, except in the form of a stale repetition of small quotas, lacking any basis in an actual analysis of demand and therefore devoid of any real substance... The quota system, introduced in the Consolidated Immigration Act of 1998 (Legislative Decree No. 286 of July 25, 1998 – known as the Turco-Napolitano law) and later restricted by Law No. 189 of July 30, 2002 (Bossi-Fini), has proven to be entirely inadequate... As a result, the flow

¹⁵⁷ *Ibidem*.

¹⁵⁸ *Ibidem*.

¹⁵⁹ Interview conducted by Omizzolo to Salvi, published on May 7, 2020, on the *Leurisipes* magazine. Also available in Omizzolo, 2020, *op. cit.*, p. 13.

decree lacks knowledge-based and programmatic support, is a mere repetition of the previous one, and is issued late, thus having no real effects.

In the ten-year period, ranging from 2011 to 2021, the quotas have progressively decreased (Figure 8) and the system quickly turned into an instrument for regularizing immigrant workers already present in the country (Corrado et al 2024). On the matter, it is useful to read the words of a USB¹⁶⁰ representative on his thoughts of the efficiency of the quota system for the agrifood sector:

The nexus between migration governance and agrifood sector in Italy is twofold: from one side the workers' quotas to be employed in the sector and on the other side the presence of a large number of irregular migrants present in Italy and already employed in the agrifood sector. So, I would say that the migration policy partially governs and influences the Italian agrifood labour market because a large amount of the labour force is irregular or employed in irregular employment conditions. (...) As for today the migration policies are unable to respond to the needs of the agrifood sector and at the same time the sector is finding 'reality shaped' solutions to the labour shortage without the capacity to influence the national migration policy.¹⁶¹

This means that the present-day system for regulating economic migration does not match the actual demand for foreign labour. The Italian job market, historically prone to informality, is not efficiently managed through the current approach, which ultimately facilitates the spread of illegal, unregulated, and exploitative labour (Omizzolo 2020).

Figure 8: annual quotas (total and seasonal labour, in thousands round-off upwards), 2001–2022. Source: Corrado et al., 2024, p. 10, using data from the Italian Ministry of Interior.

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total	89	80	80	80	100	550	252	230	80	184	60	53	48	33	31	31	31	31	31	31	70	76
Seasonal labour	39	60	69	50	45	80	80	80	80	80	60	35	30	15	13	13	17	18	18	18	42	44

As Figure 8 shows, starting from 2021, the flow decrees have been planning to admit a number significantly higher of TCN workers, and consequently seasonal workers. This is mainly due to the efforts of employers' organizations, as they became more involved in the management of the entry mechanism. For seasonal work, quotas are only reserved to the agricultural and hospitality sectors, and in

¹⁶⁰ *Unione Sindacale di Base* was born in 2010 from the project of various trade unionists to provide an alternative to the mainstream trade unions like Cgil, Cisl, Uil and Ugl. More at <https://pubblicoimpiego.usb.it/leggi-notizia/cosa-e-la-usb.html>.

¹⁶¹ Corrado et al., 2024, *op.cit.*, p. 11.

2020 and 2021, despite a demand for 200,000 workers, the quotas given on the basis of the applications submitted by employers' organizations were respectively 6000 out of a total of 18,000 units, and 14,000 out of a total of 42,000 units (Corrado et al. 2024). As Omizzolo remarks (2020), the mismatch between work demand and supply, as concretized in the quota system, *de facto* encourages irregular immigration and exploitation rather than proper reception and work integration, to the point of making the condition of irregularity a necessary step towards status regularization¹⁶². To worsen the situation, the fact that the logic behind issuing residence permits for work reasons is employer-centred, tethers migrants' legal status to employers' needs (Palumbo 2022). In this scenario, migrants' vulnerability is further reinforced by limited access to rights and protections, as these systems do not contemplate for instance the right to family reunification and partial social rights¹⁶³. This restrictive approach is based on the common perception that limitation to certain rights acts as a sort of "trade-off" for low-skilled migrants that have the opportunity to work in wealthier nations (Palumbo 2022), even though on a systematic basis "the actual working condition of migrants in the [agrifood] sector is so degrading that often there are no significant differences with [their] country of origin"¹⁶⁴, which, unfortunately, seems to be confirmed by the analysis reported so far.

As argued by Palumbo and Scieurba (2018), the various degrees of migrant vulnerability, depending on features like nationality, gender or legal status among the others, trigger different forms of exploitation. Those most at risk to be severely exploited are undocumented migrants—individuals living in Italy without a legal residence permit trapped in a general state of irregularity. Despite the existence of several measures that are aimed at providing safe pathways to report abusive conditions, they have proved to be ineffective to help undocumented TCNs, as they

¹⁶² Caputo, A., 2010, *Immigrazione e politiche del diritto in Italia*, in I. Peretti (Ed.), *Schengenland. Immigrazione: politiche e culture in Europa*, Ediesse, Rome, pp. 225-241. Quoted in Palumbo and Scieurba, 2018, *op. cit.*, p. 24.

¹⁶³ Rijken, C., and De Lange, T., 2018, *Towards a Decent Labour Market for Low Waged Migrant Workers*. Amsterdam University Press, Amsterdam. Quoted in Palumbo, 2022, *op. cit.*, p. 11.

¹⁶⁴ Words of a representative of FLAI CGIL, Corrado et al., 2024, *op. cit.*, p. 11.

remain reticent to complain or to seek assistance from the authorities, given the thin line between protection and policing measures (Cremers 2024).

For regular migrants, among whom beneficiaries of international protection, a different set of factors favours a condition of uncertainty and precariousness, thus increasing their exposure to exploitation (Corrado et al. 2018). As already mentioned, the first law in the field of asylum management was *Legge Martelli* (Law 39/1990) which abolished the requirement of geographic limitation. This provision goes back to when Italy signed the 1951 Geneva Convention, commonly known as the Refugee Convention, at the condition that the refugee status could be acquired only by those coming from the European continent¹⁶⁵. Subsequently, *Legge Turco-Napolitano* restructured immigration and asylum regulations by introducing the quota system. The law was later on incorporated into the Consolidated Act through Legislative Decree 286/1998 and introduced major distinction between immigrants and refugees. For the latter, it introduced: residence permitted for temporary protection (Art. 18) and the establishment of humanitarian protection, allowing the issuance of residence permits on humanitarian grounds and prohibiting expulsion or deportation (Art. 5). In addition, it provided the legal foundation for the creation of reception centers for foreigners in temporary situations of indigence (Art. 38), as well as the creation of CPTA (*Centri di Permanenza Temporanea e Assistenza*, or temporary stay and assistance centres) in cases of need to verify identity, nationality, travel documents, or to assist the migrant if necessary¹⁶⁶.

Starting from the 1990s, the migration question has been politicized on a systematic level, leading to a gradual introduction of restrictive policymaking in terms of migration management to tackle the increasingly higher number of migrant workers within the national labour market (Colucci 2018). This is the case of Law 189/2002, also known as *Legge Bossi-Fini*, which was inspired by a perception of immigration as a security threat. Indeed, it introduced measures that justify more rigorously the detention of asylum seekers in specific centers, which in turn standardized a

¹⁶⁵ Osman, *op. cit.*

¹⁶⁶ *Ibidem.*

practice at first conceptualized as an extraordinary measure (Corrado et al 2024). More precisely, it introduced Identification Centers (CID, *Centri di Identificazione*) for the detention of migrants and asylum seekers (Article 5). Most importantly, it amended the Immigration Consolidated Act by establishing entrance admittance for low-skilled TCN workers within the limits of the quota system, and only if they have a residence contract (*contratto di soggiorno*), meaning a contract of dependent employment signed by an employer (a firm or a family) and the immigrant worker¹⁶⁷. The contract must provide for accommodation and the payment of travel expenses for the workers to return to their country of origin¹⁶⁸. As lawyers have remarked¹⁶⁹, the Bossi-Fini law has succeeded in making more precarious the legal status of migrants, especially migrant workers, because it effectively tied residence permit, work and accommodation. As a result, migrant workers live in precarious conditions since they are given employment contracts on the basis of their residence permits¹⁷⁰. Finally, the Bossi-Fini law created the SPRAR – *Sistema di Protezione Richiedenti Asilo e Rifugiati* (Art 32), or protection system for asylum seekers and refugees, mainly run by local municipalities to support migrants’ social and labour inclusion. As already affirmed, the law made the status of beneficiaries of international protection “hyper-precarious” (Zou 2015), many of whom are employed in key sectors of the national labour market, such as agriculture (Omizzolo 2020).

After the Bossi-Fini law, important provisions were taken in the context of the execution of EU Directives which transposed the international protection instrument both in the form of refugee status and subsidiary protection¹⁷¹. In

¹⁶⁷ Paparella, D., and Rinolfi, V., 2002, *New legislation regulates immigration*, Eurofond [Online]. Available at <https://www.eurofound.europa.eu/en/resources/article/2002/new-legislation-regulates-immigration>.

¹⁶⁸ *Ibidem*.

¹⁶⁹ Lawyer Zorzella in *L’infrastruttura giuridica e politica dell’irregolarità: l’Italia*. (2024), Melting Pot [Online]. Available at <https://www.meltingpot.org/2024/08/linfrastruttura-giuridica-e-politica-dellirregolarita-litalia/>.

¹⁷⁰ Ruggieri, D., 2024, *L’infrastruttura giuridica e politica dell’irregolarità: l’Italia*. Melting Pot [Online]. Available at <https://www.meltingpot.org/2024/08/linfrastruttura-giuridica-e-politica-dellirregolarita-litalia/>.

¹⁷¹ Following the migrant’s application for international protection, the beneficiary can be recognized the refugee status or subsidiary protection. On one hand, the refugee status is bestowed upon those that are fleeing the risk of persecution or serious harm, including human rights violations,

particular, the European Directive 2003/9, on “Minimum standards for the reception of asylum seekers in Member States,” was transposed in 2005¹⁷², while in 2007 Italy transposed the Qualification Directive, which establishes common EU parameters to decide which type of international protection status to apply (the refugee one or subsidiary protection) when analysing the asylum seeker’s application. After that, it was the turn of Council Directive 2005/85/EC, transposed in the Italian legal framework in 2008 on the “Minimum standards on procedures in Member States for granting and withdrawing refugee status”, and Directive 2011/95/EU, which harmonized the status of international protection¹⁷³.

The path taken by the Bossi-Fini law was followed in the subsequent years. The logic underlying legislative production in terms of management of labour migration is one that does not aim at regularizing migration flows. Instead, it is intended to restrict entry channels and limiting the duration of stay on national territory for immigrants, only to later resort to temporary decrees, e.g. measures that various governments have used to address labour shortages within the country. However, these half-solutions did not create a comprehensive system that can improve the lives of those that are affected by it¹⁷⁴. More specifically, between 2007-2011, there has been an increase in the criminalization of undocumented migrants and the implementation of more selective amnesties (Caponio and Cappiali 2018). For example, the Fourth Berlusconi government (2008-2011) introduced stricter measures against irregular migration. What is known as the *Pacchetto Sicurezza* (or Security Package)¹⁷⁵ has reinforced deportation procedures for irregulars and established the highly controversial offence of the ‘entrance and irregular

armed conflict or persecution in the absence of protection in their countries of origin, according to the 1951 Geneva Convention. On the other hand, subsidiary protection is given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm. More at https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/subsidiary-protection_en, <https://help.unhcr.org/faq/how-can-we-help-you/asylum-and-refugee-status/>.

¹⁷² Osman, *op. cit.*

¹⁷³ See [https://www.eumonitor.eu/9353000/1/j4nvk6yhcbpeywk_j9vvik7m1c3gyxp/vitgbgiico2g#:~:text=This%20directive%20lays%20down%20minimum,European%20Union%20\(EU\)%20countries.](https://www.eumonitor.eu/9353000/1/j4nvk6yhcbpeywk_j9vvik7m1c3gyxp/vitgbgiico2g#:~:text=This%20directive%20lays%20down%20minimum,European%20Union%20(EU)%20countries.) more at

¹⁷⁴ Ruggieri, 2024, *op. cit.*

¹⁷⁵ Laws no. 125/2008 and 94/2009.

residence' crime, which imposed fines ranging from 5,000 to 10,000 for migrants that have illegally entered on Italian territory, as well as the possibility to be imprisoned up to four years for those who failed to comply with an expulsion order and were later found in an irregular status (Caponio and Cappiali 2018). This measure was later on deemed incompatible by the ECJ (European Court of Justice) with respect to the EU Return Directive (2008/115) which aimed at homologating repatriation measures for irregulars all across Europe¹⁷⁶. Moreover, the security package introduced restrictions on the free circulation of asylum seekers, in contrast with Directive 2003/9/EC on the reception of asylum seekers, where Article 7 grants freedom of movement allowing restrictions only in specific cases¹⁷⁷. In parallel, stricter border controls were announced, and they were implemented through agreements with third countries like Libya and Tunisia, and with the replacement with CIE (*Centri di Identificazione ed Espulsione*, or centres for identification and expulsion) of CPTA, introduced with the Turco-Napolitano Law. In the end, ethnic Roma were the most affected by this package of laws (Ambrosetti and Paparusso 2018).

The humanitarian crisis in 2011, the “Arab Spring” and the war in Libya brought massive flows of immigrants in the country, which significantly affected the intensity of internal controls. First of all, in 2014, due to increasingly higher numbers of incoming refugees, CAS (*Centri di Accoglienza Straordinaria* – extraordinary reception centers) were established to tackle more efficiently the migratory emergency. The tight on asylum mechanisms was reinforced through the Minniti-Orlando Decree (No. 13/2017) which expanded the role of the CIE now renamed CPR (*Centri di Permanenza e Rimpatrio*, or centres of permanence and repatriation) with the aim to speed up repatriation procedures for those considered ineligible for international protection status through the ban on the possibility for asylum seekers to appeal in ordinary courts if their applications were rejected (Caponio and Cappiali 2018).

¹⁷⁶ Osman, *op. cit.*

¹⁷⁷ *Ibidem.*

A mechanism for ensuring the protection of TCNs was, until Legislative Decree 113/2018, the issuance of residence permits for humanitarian reasons, as provided by the Italian framework in the Consolidated Act on Immigration. However, what is commonly known as *Decreto Salvini* abrogated it, and replaced it with the “residence permit for special protection”, initially restricted to cases of persecution or risk of torture. In 2020, its scope was expanded to include protection from inhuman and degrading treatment, as well as a ban on expulsion when there were credible grounds for a violation of private and family life¹⁷⁸. However, in 2023, it was once again restricted, further limiting eligibility and preventing holders from obtaining a work permit¹⁷⁹. Omizzolo (2020) argues that the Salvini Decree has been functioning as a detonator for the refugeeization of agricultural work, since migrants, refugees and asylum seekers are now pushed towards structural marginalization and more exposed to labour exploitation. The measures embedded in the Decree effectively excluded asylum seekers from the list of beneficiaries eligible to access the national asylum system, rebranded now as SAI – *Sistema di Accoglienza e Integrazione*, or reception and integration system, as it was modified to ensure access only to those already in possession of international protection, even though a legislative decree two years later partially restored the previous model, albeit without providing an adequate expansion of the number of available places (AIDA 2024). The Salvini Decree reinforces a labour market organization that thrives on the vulnerability and marginalization of certain workers, while pushing migrants—particularly rejected asylum seekers and those expelled from the reception system—into informal and irregular employment exits. These dynamics favour the transformation of agricultural labour into one that is dependent on migrant precarity and exploitation (Omizzolo 2020). To further amplify the vulnerabilities of migrants, the 2018 Decree has also:

- extended from 90 to 180 days the maximum stay in CPRs,
- allowed the detention of asylum seekers in not-so-emergency hotspots for up to 30 days for identification and up to 180 days in CPRs,
- expanded crimes leading to revocation of refugee/subsidiary protection

¹⁷⁸ Osman, *op. cit.*

¹⁷⁹ Hoque, 2024, *op. cit.*

- made it impossible for asylum seekers to register for residency as they are banned from subscribing to *anagrafe*,
- extended time for granting citizenship¹⁸⁰.

Following the border and travel restrictions imposed in March 2020 due to the Covid-19 pandemic, farmers' organizations launched the labour shortage crisis, as Eastern Europeans, e.g. those that typically benefit the most from the EU Seasonal Directive and "circular migration", were prevented from working on Italian rural fields (Corrado and Caruso 2022). The fieldwork shortage prompted the Italian Minister of Agriculture, Food and Forestry to tackle the issue by opening extraordinary corridors within the EU. As a result, charter flights were organized from Morocco to Italy in order to refill the labour shortage with a "reserve army of irregular or precarious migrant labour" (Corrado and Caruso 2022: 16). Based on testimonies of several trade unions and non-profit organizations¹⁸¹, the pandemic further deteriorated their working and living conditions, as the workers had to face intensive working schedules, while thousands of irregulars remained trapped in the ghettos, where the virus spread more rapidly (Corrado and Caruso 2022). As such, amid the emergency, *Decreto Rilancio* (Legislative Decree 34/2020) was passed to regularize undeclared workers (ranging from Italian citizens to TCNs) employed in sectors deemed as "essential", like agrifood and domestic care (HRW 2020). However, as reported by Human Rights Watch, "flaws in the program's design and implementation resulted in a missed opportunity to address myriad vulnerabilities of undocumented migrants, including widespread exploitation in Italy's agricultural sector"¹⁸². Indeed, the emergency measure was primarily driven by strategic economic interests rather than providing a rights-based approach that could address through a long-term strategy informal and undocumented labour (HRW 2020). Concerning TCNs, it imposed a strict condition of residency, requiring those

¹⁸⁰ Camilli, A., 2018, *Cosa prevede il decreto Salvini su immigrazione e sicurezza*, Internazionale [Online]. Available at <https://www.internazionale.it/bloc-notes/annalisa-camilli/2018/09/24/decreto-salvini-immigrazione-e-sicurezza>.

¹⁸¹ Interviews that Corrado and Caruso conducted with FLAI-CGIL in Ragusa and Foggia, USB and MEDU in the Plain of Gioia Tauro, Jornaleras de Huelva en Lucha.

¹⁸² Human Rights Watch, 2020, *Italy: Flawed Migrant Regularization Program*, HRW news [Online]. Available at <https://www.hrw.org/news/2020/12/18/italy-flawed-migrant-regularization-program>.

aspiring to be regularized to have been present in Italy before March 8, 2020. A second regularization channel allowed TCNs whose residence permit expired after October 31, 2019 (due to the Salvini Decree) to be given a temporary permit if they could prove prior employment in these sectors. Finally, the Decree allowed migrants to apply for a one-year permit to seek employment (Corrado and Caruso 2022). The result was that these measures were mainly short-term solutions, failing to address on a comprehensive level the structural changes needed to reform labour migration and to improve transportation, housing, and the protection of migrant workers' rights (Palumbo 2022). As scholars expected, the regularization mechanisms were a big failure. There were about a total of 220,000 applications, of which 11% were declined, even though the estimated number of undocumented workers in these sectors is about 690,000 (HRW 2020). In particular, about 85% concerned the domestic sector, while only 15% of applications were coming from agricultural workers¹⁸³. Moreover, the process was incredibly long, as of 2022 residence permits were still being issued (Corrado and Caruso 2022). A key failing of the regularization was its limited scope, as it excluded for instance eligibility to asylum seekers, which left many at risk of becoming undocumented during the application process (HRW 2020). This was especially true in the agricultural sector, where workers were tied to their employers through the sponsorship mechanism, making them particularly vulnerable to blackmail coming from *caporali* and employers. Indeed, they threatened to deny the sponsorship if not in exchange for an exorbitant amount of money (fictitious labour contracts were being sold for up to 7,000 euros) thus trapping the workers in a cycle of dependency and exploitation¹⁸⁴.

Another key policy measure that has contributed to the heightened vulnerability of asylum seekers is Law Decree 20/2023 (*Decreto Cutro*)¹⁸⁵. The Decree has reformed the national reception system, now built on two levels. The first reception

¹⁸³ *Ero Straniero* (2022). *Regolarizzazione 2020: dopo due anni, più di centomila ancora in attesa dei documenti*. Osservatorio Nazionale DOMINA on Domestic Work (2021), 3rd Annual Report on Domestic Work. Quoted in Corrado and Caruso, 2022, *op. cit.*

¹⁸⁴ Human Rights Watch conducted field interviews with undocumented migrants all over Italy, as well as with lawyers, aid organization and labour organizers. See more at <https://www.hrw.org/news/2020/12/18/italy-flawed-migrant-regularization-program>.

¹⁸⁵ The Decree gives its name to a shipwreck occurred February 26, 2023, when a wooden boat carrying 180 people departed from Turkey and broke apart just meters from the shore of Steccato di Cutro, Calabria. A total of 94 victims were confirmed, with dozens still missing.

phase provides hotspots, CPA and CAS for initial medical assistance, fingerprinting, and pre-identification, which is carried out in hotspots. Here, they can receive legal information and express their intention to seek international protection. Those migrants that apply for asylum are then transferred to CPA (*Centri di Prima Accoglienza*, or centres for first reception), the former CARAs and CDAs, where they can receive material and health assistance, with linguistic-cultural mediation services. CAS are now structural part of the reception system, but their fundings have been exponentially decreased as they should be used only when other centres reach full capacity, which has now become the norm. Then, the second stage activates, and concerns SAI (formerly SPRAR and SIPRIOMI). The *Sistema di Accoglienza e Integrazione* is accessible only to refugees or holders of international protection, as firstly established by the Salvini Decree. However, a 2023 reform further blurred the distinction between SAI and CAS, as it reaffirmed the predominant role of emergency centers in the reception mechanism, especially given that SAI activation is determined on a voluntary basis at the local level (AIDA 2024). In SAI centres, integrated reception projects offering accommodation, assistance, Italian language courses, and support for employment, housing, and integration into the local community are present.

This brief digression on reception mechanism served to underline the chronic emergency approach to immigration, concretized in the form of widespread use of temporary and extraordinary reception centers, which have in practice become the backbone of the system¹⁸⁶. Such reactive approach has so far prevented the establishment of a comprehensive national intervention aimed at ensuring an effective and sustainable reception process for the growing number of migrants (AIDA 2024). Adding to these challenges, the management of reception facilities has been quite inconsistent over the years¹⁸⁷ as well as being highly criticized for its high costs, inconsistent service standards, and incidents of criminal activity. In fact, the poor quality of reception facilities has driven many migrants to leave Italy in search of better conditions elsewhere (Caponio and Cappiali 2018). Moreover,

¹⁸⁶ Osman, *op. cit.*

¹⁸⁷ Openpolis, 2021, *Che cosa sono i Cas, lo Sprar e gli Hotspot*. Available at <https://www.openpolis.it/parole/che-cosa-sono-i-cas-lo-sprar-e-gli-hotspot/>.

many of these centres are in remote rural areas, further exacerbating migrants' vulnerability. Isolated from urban centres and employment opportunities, they represent a pool of cheap and easily exploitable labour, especially in the agricultural sector (Corrado and D'Agostino 2018). This structural failure of the reception system not only prevents migrants from benefitting from their rights, but fosters, although indirectly, labour exploitation, as seen in Chapter 2 in the case of the former CARA in Mineo, Sicily.

It also should be noted that the current government in office, the Meloni Government, has expanded the list of "safe" countries—which now covers 80% of states, including controversial cases such as Tunisia, Bangladesh, Egypt, and Nigeria. This expansion poses a major threat to the right to a fair and thorough individual assessment. As reported by IDOS (2024), the measure effectively subjects administrative detention to nearly all asylum seekers, resulting in expedited decisions based purely on nationality. In line with this approach, in November 2024 the Government formalized a Memorandum of Understanding with Albania which allows Italy to evaluate international protection applications on the Albanian territory in specific facilities. The Albanian Protocol can be viewed as an extension of the same emergency-driven mindset, because rather than addressing the systemic shortcomings of the Italian reception "system", the government has opted to externalize part of the migratory question, which in turn raises concerns about transparency, legal safeguards, and migrants' fundamental rights. At the time of writing, three months have passed from the Protocol ratification, and while there have been several attempts in deporting sea-rescued individuals to the centres, in practice, the hotspots have proven ineffective and unworkable, as every detention has been subsequently overturned by court rulings citing incompatibility with European regulations¹⁸⁸.

To conclude the excursus, the presence of TCN asylum seekers in Italian agriculture is largely due to the absence of appropriate entry channels, especially related to

¹⁸⁸ To know more about the latest detention attempt, visit <https://www.ilpost.it/2025/02/01/43-migranti-tornano-in-italia-da-albania/>. To know more on the history of Albanian centers and their inherent contradictions go to <https://www.ilpost.it/2025/02/10/centri-albania-migranti-modifiche-protocollo-cpr/>.

work, along with safe pathways to regularization. As a result, the Italian asylum system has effectively become the primary mechanism to obtain a valid legal status for those migrants whose labour is in demand¹⁸⁹, which explains the focus adopted in this section on the Italian reception and asylum mechanisms. However, the picture that emerges now appears very fragmented and inconsistent, characterized by dispersal reception and asylum systems, with different reception places that provide different reception measures, procedures, budgets and regulations. As a result, migrants' stay varies a lot depending on the type of centre they will end up in, to which foreign nationals are sent according to the stage of access to the asylum procedure, or to the way they enter the territory, or to their particular psychophysical conditions (AIDA 2024). As such, one can observe a clear lack of a cohesive migration policy management, which inevitably leads to a large underground economy attracting undocumented immigrants (Ambrosetti and Paparusso 2018).

For asylum seekers, the interplay between lengthy asylum procedures—which can take an average of 13-14 months (Sciurba 2018)—and a lack of adequate hosting and protection mechanisms in the country, coupled with inefficient instruments to provide legal status (regularizations, quotas and flow decrees) (Ambrosetti and Paparusso 2018), produces a condition of uncertainty and precariousness that fosters their exposure to exploitation (Corrado et al. 2018). A factor that has shaped this model of immigration is the fact that Italy has been an emigration country up until the 1970s, while it is only from the 1990s that it has started to receive massive immigration flows (Freeman 1995), especially starting from the new millennium, as demonstrated by the 850,000 TCNs arriving in Italy between 2013 and 2022 (Eurostat 2023). Indeed, the main approach is still dictated through emergency mechanisms that fail to address the systematic nature of the phenomenon, as shown by the latest “Albanian Protocol”. This creates tensions within the Italian labour market, now highly dependent on migrant labour, and within the agrifood sector, as it hinders the legal entry and recruitment of workers, ending up to implicitly

¹⁸⁹ Geddes, A. and Petracchin, A., 2020, *Italian Migration Policy and Politics: Exacerbating Paradoxes*. *Contemporary Italian Politics* 12(2), pp. 227–242. Quoted in Palumbo, 2022, p. 14.

favouring irregular migration and contributing to their systematic exploitation (Corrado et al. 2024).

The implementation of the Seasonal Workers Directive and the Employer Sanctions Directive

The dissatisfaction towards the current management of economic migration is also voiced by employers' organizations and trade unions alike, especially criticizing the inefficiency of the 2014 EU Seasonal Workers Directive and its inadaptability to the Italian labour market. In particular, they contest its scope in promoting circular migration, arguing that industrial and technological advancements have enabled year-round fruit and vegetables production (at least for some harvests), reducing the relevance of traditional seasonal labour cycles. As the representative of FLAI CGIL points out (Corrado et al. 2024), promoting temporary and circular migration flows inadvertently favours exploitation since it serves the interests of intensive agriculture, where maximizing profit margins comes at the expense of workers' rights. This approach not only hinders their long-term social and labour integration in host countries but also makes them less likely to challenge poor working conditions due to the inherently temporary nature of their employment, which exacerbate from their position of vulnerability (Palumbo 2022). True "circular" migrants are in reality EU workers, as they are employed both on a seasonal and permanent basis in the Italian agrifood sector. Being EU citizens, e.g. being able to travel freely within the European labour market, paradoxically facilitates their exploitation, as employers face fewer legal risks when hiring EU citizens since they do not face the risk of being accused of the offence of facilitation of illegal migration. As a result, EU migrant workers, especially from Poland, Romania and Bulgaria, are more frequently drawn into undeclared and informal employment (Palumbo and Scirba 2018), like in the case of Romanian women working in Sicilian greenhouses (see Chapter 1).

As recalled in the previous section, this Directive disciplines admission criteria and legal status management of TCN seasonal workers, but grants MS, as in the case of Italy, the authority to establish the number of migrants to admit (Passalacqua 2022).

Through flow decrees, quotas for seasonal workers are established, but they continue to perpetuate a structural mismatch between supply and demand for foreign labour. This was evident between 2017 and 2020, when the annual medium quota was set at 17,000 to 18,000 seasonal workers, yet only a few thousand permits were ultimately released (Passalacqua 2022: 694). The interplay between the Italian quota system and the EU Directive makes the European provision poorly suited to adapt and regulate the Italian labour market. The EU migrant mobility framework instructs employers to hire TCN migrants only after having established that these individuals met all the legal and economic provisions required. However, this process is neither flexible nor swift, as it requires lots of bureaucratic effort that simply does not harmonize with an industrial sector that is highly dependent on unpredictable conditions such as seasonality of the harvests, climate anomalies, plant diseases, water challenges and fluctuating market demand, to name a few (Passalacqua 2022). This means that out of the hundreds of thousands of migrants working for Italian farms, only a few thousands hold a seasonal working permit. Thus, the current state of affairs leads to ask the question: what kind of legal statuses do the other day labourers possess?

Official statistics do not offer the answer, as information of this kind is very scarce and difficult to get. However, the 14th Report on Foreigners in the Labour Market in Italy, promoted by the Ministry of Labour, reveals that in 2023, the most common job among extra-EU workers was that of the agricultural labourer, with 387,999 hires. This number accounted for 21.9% of all employment contracts activated for foreign workers in 2023¹⁹⁰. As there is no information on official data for the type of permits that farmworkers employed in Italy possess, the only reliable source are the reports by the NGOs working on the ground to support migrants (Passalacqua 2022). For instance, according to Passalacqua's findings¹⁹¹, in 2020 Caritas Saluzzo Migrante¹⁹² hosted 344 migrants, and only very few of them were working

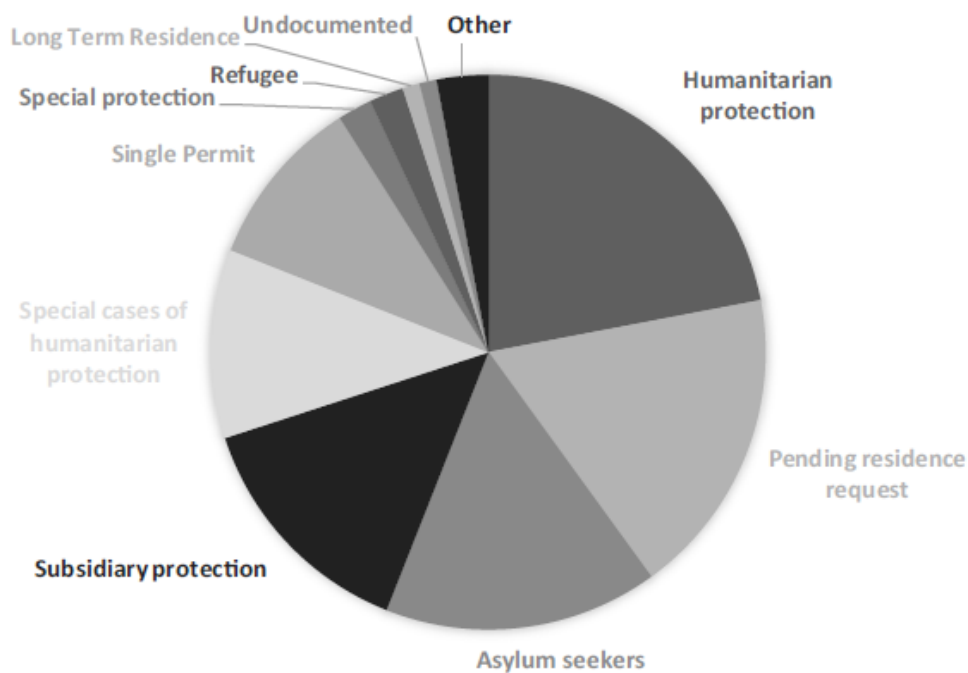
¹⁹⁰ XIV Annual Report, 2024, *Gli stranieri nel mercato del lavoro in Italia*, p. 59.

¹⁹¹ The following data is taken from Passalacqua's 2022 research paper "Has the seasonal workers directive missed its target? Evidence from Italy during the pandemic?", *op. cit.*

¹⁹² *Saluzzo Migrante* is the name given to the complex of services managed by CARITAS and dedicated to the reception of seasonal migrants that arrive in Saluzzo, in the Piedmont region, for fruit harvesting. This reception is structured into various activities, among which: infopoint for

under the legal framework of the Seasonal Directive, while the great majority held a regular residence permit or was in the process to acquire permanent residence in Italy (Figure 9).

Figure 9: typology of residence permits held by migrant farmworkers assisted by Caritas in Saluzzo, 2020.



As already mentioned, this type of data does not come from institutional reports but is provided by NGO fieldwork; consequently, it should not be used to make objective generalizations about the general legal status of migrant farmworkers in Italy, even though it can still provide useful to confirm the Directive’s inability to capture and adapt to the Italian agricultural context. Given its aim “to ensure decent working and living conditions, and equal rights for those workers”¹⁹³, the Directive has minimal impact on TCN agricultural workers. Using Passalacqua’s words, “EU migration law fails to tackle the structural problems of seasonal work in agriculture which have to do with precarious and exploitative working conditions and the

initial orientation to reception and services; medical clinic in agreement with the local health authority; a canteen; a “boutique” for the distribution of clothing and other essential items; a luggage storage; a bicycle workshop for the collection, distribution, and repair of bicycles; a shower service, and a cell phone charging station. More at <https://caritassaluzzo.it/saluzzo-migrante/>.

¹⁹³ See EU Commission website at <https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/work/seasonal-workers-directive>.

power imbalance between employer and employees.”¹⁹⁴ The main reason of such inefficiency is the EU’s fragmented approach to migration law, which is further layered by implementation procedures adopted at the national level, leading to a series of overlapping and conflicting national laws that further complicate the legal framework (Passalacqua and Grossio, 2023). For instance, there is a lack of comprehensive right to equal treatment for TCNs, as their possibility to access benefits and protections that come from the EU framework depend on the specific type of residence permit held, as well as the national laws enacted in the country in which the migrant resides (Passalacqua and Grossio, 2023). As a matter of fact, MS retain great discretionary powers in terms of migration law, which depends on whether the country fully implements EU Directives, whether it makes use of derogations and “may clauses” they contain, and how Member States structure their social security system for migrants (Passalacqua and Grossio, 2023). Thus, even though the presence of TCNs is growing in the European labour market, their position is still vulnerable due to their residence status being tied to their employment, which in turn increases the risk of being exploited as they feel more and more reluctant to complain or seek assistance from the authorities (Cremers 2024).

In Italy, the Employers’ Sanctions Directive was transposed through Legislative Decree no. 109/2012, commonly known as *Legge Rosarno*, as it was transposed after the Rosarno uprising in 2010. The prohibition for employers to employ TCNs whose residence is illegal was already provided for by Italian legislation (Article 22, paragraph 12 of Consolidated Immigration Act prescribes that the employment of foreigners whose residence is illegal is punishable with imprisonment from 6 months to 3 years plus a fine of €5,000 for each worker employed), even though the Rosarno decree introduced some amendments to the existing regulatory framework¹⁹⁵. However, in line with the deficiencies of the European law, the Italian law does not facilitate the filing of denunciations on exploitative labour conditions by irregular migrant workers (PICUM 2015). The inspections are carried

¹⁹⁴ Passalacqua, *op. cit.*, p. 7.

¹⁹⁵ <https://integrazioneimmigranti.gov.it/en-gb/Altre-info/e/4/o/6///id/9/Sanctions-for-the-recruitment-of-illegal-workers>.

out by the Department of Labour, the Inspector of the National Institute for Insurance against Workplace Accidents and the National Institute of Social Security, and they are aimed at uncovering infringements of national labour law rather than other crimes (PICUM 2015). Particularly, since the introduction of the Bossi-Fini Law, which tied residence permits with employment contracts for economic migrants, the right to remain in Italy became contingent upon being regularly employed. As such, police investigations that bring to light cases of exploitative labour conditions subjected to irregular migrants must, by law, denounce the victims, thus effectively violating the EU Directive (PICUM 2015). The Rosarno law effectively prioritizes the enforcement of immigration law over addressing serious labour exploitation (Amnesty International 2014)¹⁹⁶. It provided the issuance of residence permits for humanitarian reasons—before being abolished by the Salvini Decree—for those migrant workers if they were subjected to particularly exploitative working conditions, but only if they reported their abusive employer to the authorities and fully cooperated in the criminal proceedings against the employer (Amnesty 2014). It is clear that the conditions to obtain it were quite restrictive, that coupled with the prioritization of immigration laws over migrants' protections, make the Rosarno law useless in eliminating the hurdles that prevent irregular migrant workers from seeking the justice they are due (Fiorenza 2024).

The criminalization of *caporalato* and labour exploitation: Law 199/2016

Labour exploitation is a widespread disease that affects many sectors¹⁹⁷, with agriculture being particularly targeted. The structural causes to the phenomenon have been already documented at this point, including the specificity of agricultural work and its labour and market dynamics within the agrifood supply chain. However, others stem from weak and inefficient legislative and policy decisions that contribute to the persistence of the phenomenon, undermining the effectiveness

¹⁹⁶ Art. 1.1.b, introduction to Article 22.12-quater f the Legislative Decree 286/98.

¹⁹⁷ In Italy, the agriculture and food processing sectors, along with construction, hospitality, and domestic work, are among the economic sectors most exposed to the risks of irregular and/or exploitative employment. More at <https://italy.iom.int/it/contrasto-allo-sfruttamento-lavorativo>.

of the actions that contrast labour exploitation in the agricultural sector (De Michiel 2023). As established in the previous sections, the (current) management of migration and asylum policies is indirectly impacting migrants' exposure to exploitation. More than thirty years have passed since Jerry's murder, and despite the promises to extinguish *caporalato* and labour exploitation, the phenomenon has not yet been eradicated—either due to a lack of political will or because the measures implemented have proven inadequate (Farolfi 2016).

The Italian legal framework has primarily relied on a repressive approach to tackle the exploitation of migrant workers in agriculture, focusing, in particular, on prosecuting *caporali*, who are deemed as the originating cause, thus neglecting the broader economic context of the agrifood supply chain (Corrado et al. 2018). While the necessity of criminalizing such practices is crucial, relying solely on a punitive approach remains insufficient, even though it continues to remain the main instrument to contrast illicit labour intermediation and exploitation (De Michiel 2023).

The first reglementary tool that set in motion this approach is Law 264/1949, Article 27, which imposed a general ban on labour intermediation with violations punishable by fines imposed on the employer and the broker, along with the seizure of any transport used for carrying out such illegal practices¹⁹⁸. Later, Law 1369/1960 enforced an absolute ban on labour intermediation, and while it disposed the same criminal sanctions outlined in Law 264/1949, it also provided for additional financial penalties calculated per worker and per day of employment (De Michiel 2023). These two laws for almost forty years were the only repressive tools allowing the authorities to target exploitative labour intermediation (Merlo 2020). At the turn of the millennium, *Pacchetto Treu* (Law 196/1997) and *Legge Biagi* (Law 276/2003) redefined the sanctioning framework, as they respectively introduced temporary work and reorganized labour regulation and intermediation. The novelty was that they extended the offenses list, including unauthorized labour supply, fraudulent subcontracting, and unauthorized recruitment and job placement services. As Merlo remarks (2020), the main problem with these measures was that

¹⁹⁸ Cfr. art. 27, l. n. 264/1949.

they had a very weak deterrent effect, as the offenses were to be considered “minor”; in fact, if they did not involve child labour, penalties were limited to fines. A further step that reduced the preventive effect of these measure was Art. 8 of the *Jobs Act* (Legislative Decree 81/2015) which repealed Article 28 of *Legge Biagi*, restricting sanctions to cases of *somministrazione del lavoro irregolare e abusiva*, as in irregular and unauthorized labour supply. Another step down was taken by Law 8/2016, which made punishable the illegal labour supply offense with administrative sanctions, except in cases were minors were involved (Merlo 2020).

A major paradigm shift occurred in 2011, through Article 603-bis of the Italian Criminal Code which introduced the crime of “unlawful gangmastering and labour exploitation”¹⁹⁹. Despite changing the focus on the protection of workers’ dignity, which no longer seemed to be mediated through labour-related regulations, the crime of unlawful gangmastering and labour exploitation has seen minimal judicial enforcement (Merlo 2020). Indeed, the provision has proved difficult to enforce (Corrado et al. 2018), as exemplified by only thirty-four criminal proceedings that have been reported to have been activated through the first articulation of Art. 603-bis. Thus, a necessary reformulation had to take place, and in 2016, Law No. 199 was approved. The law (commonly known as *Legge anti-caporalato*) represented a clear advancement in combating undeclared work and labour exploitation in agriculture, because it made also the employers directly punishable for exploiting workers that are in conditions of vulnerability and precariousness, regardless of how they were hired. The great novelty was that the reform finally shifted institutional attention on protecting workers from exploitation, rather than regulating labour and recruitment dynamics as it was done until 2016 (Merlo 2020). Law 199/2016 has functioned as the most important deterrent for farmers to resort to labour exploitation and illegal gangmastering (Corrado et al. 2024), as the reform made mandatory the provision to arrest those employers and *caporali* caught in the act of taking advantage through exploitative means of workers’ vulnerable status,

¹⁹⁹ Full text at:

https://www.gazzettaufficiale.it/atto/serie_generale/caricaArticolo?art.versione=1&art.idGruppo=3&art.flagTipoArticolo=0&art.codiceRedazionale=11A12346&art.idArticolo=12&art.idSottoArticolo=1&art.idSottoArticolo1=10&art.dataPubblicazioneGazzetta=2011-09-16&art.progressivo=0.

as well as introducing corporate criminal liability (Corrado et al. 2018). The main key points²⁰⁰ can be summarized as following:

- From 1 to 6 years of imprisonment, and fines from 500 to 1000 euros for each recruited workers for employers that hire manpower at third parties and through illicit brokering under exploitative conditions. Thus reformed, the same punishment affects both employers and *caporali*.
- The exploitative conditions to which the workers are subjected must be evaluated through an “exploitation index” that measures the gravity of the exploitation. The conditions represent: repeated payment of the salary in a manner that is clearly different from the provisions of the employment contracts, repeated violation of the relative legislation working hours, violation of the rules on safety and hygiene in the workplace, and subjection to degrading housing conditions are evaluated.
- A mandatory confiscation procedure in the event of conviction. If the seizure is followed by severe consequences on employment levels, judicial control takes its place.

Moreover, Law 199/2016 enhances the social rights of exploited workers as it establishes that they can benefit from Article 18 of Consolidated Act on Immigration, which offers to the victims a programme of assistance and social integration that is coupled with a residence permit for social protection in the case of TCNs, regardless of whether or not they cooperate with the competent authorities (Corrado et al. 2018), even though the article has proved difficult to implement (Palumbo 2016).

Another major consequence of law 199/2016 was the implementation of the QAWN as one of the main instruments to combat undeclared work (Macrì and Orsini 2024). To integrate what has been stated in previous sections, the amendments brought by the 2016 law transformed the QAWN into a preventive measure by addressing the conditions that empower *caporali*, such as the lack of a transparent intermediation

²⁰⁰ These were taken from *Fondazione Metes*, the research and educational institute promoted by FLAI CGIL. More at <https://www.fondazionemetes.it/contrast-to-the-exploitation-of-labor-in-agriculture-the-italian-legislation/>.

between employers and workers, and the inadequateness of local services, mainly housing and transportation (Macri and Orsini 2024). To pursue this objective, the QAWN aims at creating a list of agricultural companies based on their compliance with labour and social legislation, that respect fair working conditions, in order to promote the diffusion of good practices in the agricultural sector (Palumbo and Sciorba 2018). Additionally, membership in the Network grants a certification of quality that exempts the company from inspection activities, except those relating to workplace health and safety²⁰¹, even though it must be noted that there are no requirements that enforce respect for workers' rights (Palumbo and Sciorba 2018). However, as Macri and Orsini (2024) highlighted, many unregistered farmers are unaware of the initiative, and those who have joined did so mainly at the request of their buyers or to minimize the likelihood of inspections. Overall, the initiative is perceived as a top-down approach, with little confidence in its effectiveness in driving real changes in the Italian farming market. However, some farmers view the QAWN with a utilitarian scope, mainly as an opportunity to access Northern European markets, where transparency and fair labour conditions are key requirements for suppliers. Despite being widely regarded by the institutions as a crucial instrument in combating undeclared work, farmers perceive little to no benefit in joining the Network. An agricultural entrepreneur criticized the Quality Network as merely a tool for large-scale retail to project an image of ethical responsibility without enacting meaningful change. In his words, the Network is a "good proposal, but it has no real connection to reality. The large-scale retail sector should raise the bar, and that doesn't just mean creating a brand or logo that simply claims, 'we are clean.'"²⁰² His remarks suggest that the Network serves more as a marketing strategy to reassure consumers and deflect scrutiny rather than a genuine effort that prevents companies from subjecting their workers to exploitative working conditions (Palumbo and Sciorba 2018). As if to prove this point, the number of farms registered is incredibly low (6608 registered at the end of January

²⁰¹ Cangemi, V., and Pettinelli, R., 2021, *The network contract: an instrument to contrast labour exploitation in agriculture. The Italian case*. Italian Labour Law e-Journal, Issue 2, Vol. 14. Available at <https://doi.org/10.6092/issn.1561-8048/13566>.

²⁰² Filippi L., Franco M., and Panariello M., 2016, *op. cit.*

and ineffective, as it lacks the incentives for farmers to join it. The point is not only to prosecute employers and to assist victims, but also to tackle the systemic factors that generate migrant workers' exploitation, especially in rural areas and farms. As Iacovelli, president of the CGIL section in Foggia, stated, "The *caporale* exists because it is embedded in a system that relies on its presence. It is not the root of all problems, but it has effectively become an integral part of the supply chain, filling the gap left by the State, which is no longer able to provide employment through job placement centers."²⁰³ From this point of view, Law 199/2016 has been proving useful in combating *caporalato*, but it reaffirmed the focus on criminal policies rather than active labour policies aimed at creating a truly organized and fair labour market. However, the issue of labour exploitation in agriculture is just one symptom of a much deeper structural problem—one rooted in the political and economic handling of migration as a whole.

As explored in this chapter, political manoeuvring by Italian and European authorities comes at a high human cost, with low-skilled and coming-from-the-Global-South migrants ultimately treated as mere pawns in a broader geopolitical game. Instead of recognizing their individuality as human beings with rights and dignity, decisions driven by political interests rather than humanitarian principles leaves migrants in a legal limbo, precarious living conditions and vulnerable to exploitation. The end result is that migrants find themselves trapped in a political and economic scheme which favours high-skilled work at the expense of low-skilled jobs, mainly underpaid, underappreciated and undervalued, performed by the actual majority of TCNs (Ruhs and Anderson 2010). This leaves TCNs with limited entry channels, forcing many into precarious conditions where they are pushed into exploitative and/or irregular employment while migration and asylum policies fail to ensure their fundamental rights through short-term "solutions" to govern migration.

²⁰³ Esperienze con il Sud, 2018, "*Perché ci sono filiere e filiere...*": incontro con Fabio Ciconte, Stefano Liberti e Daniele Iacovelli. Available at <https://www.esperienzeconilsud.it/ciascunocrescesolosesognato/2018/09/02/perche-ci-sono-filiere-e-filiere-incontro-con-fabio-ciconte-stefano-liberti-e-daniele-iacovelli/>.

CHAPTER IV

HOW TO COMBAT *CAPORALATO*: GOOD PRACTICES AND RECOMMENDATIONS

Labour exploitation and *caporalato* are the consequences of inefficient migration management policies and unsustainable supply chains. The anti-*caporalato* law, while having marked significant progress in its crackdown²⁰⁴, cannot eradicate the phenomenon alone. An equally—if not more—critical step is addressing the agrifood giants that dominate the sector. Without targeting large-scale buyers and distributors, also with the support of the State, achieving a truly transparent and fair supply chain remains an impossible task. Uncovering the opacities that are built within the fruit & vegetables value chain is a necessary step to be able to consider labour exploitation as a phenomenon of the past and move on towards a virtuous and sustainable agricultural sector. Repressive policy instruments alone are insufficient to put a stop to abusive working conditions. Instead, GDO must be actively involved in this battle, ensuring full transparency at every stage of the supply chain while enhancing corporate and supplier accountability towards the workers and the consumers (Farolfi 2016).

4.1 Breaking the cycle: moving from repression to prevention between local and institutional initiatives

Several initiatives have been implemented to combat labour exploitation in the Italian agricultural sector. One of these measures has already been analysed in the previous section, e.g. the Quality Network, with all its pros and cons. Despite its limitations, the QAWN remains an institutional mechanism with the potential for improvement, aiming to discourage the recourse to *caporalato* practices through a preventive approach.

²⁰⁴ Delvecchio, F., 2022, *L'efficacia della strategia anti-caporalato a cinque anni dalla l. n. 166/2016*, Sistema Penale Fascicolo 1.

At the local level, one of these initiatives concerns a project born to contrast the situation of exploitation that affects numerous migrants working in the province of Ragusa. Two organizations, the Ragusa section of FLAI CGIL and the social cooperative Proxima, decided in 2012 to give life to a project targeting foreign nationals and EU citizens seeking to escape violence and various forms of exploitation, including sexual and labour exploitation, forced begging, illegal activities, and forced or arranged marriages. It does so by implementing programmes of assistance, protection and integration for the victims through transport services, called *Solidal Transfert*, for migrant workers, especially women, employed in the greenhouses. The project aims at preventing illegal intermediation, as workers are not forced to depend on *caporali* for transport from the countryside to the towns. At the same time, the project provides a school bus service aimed at helping migrant workers' kids to regularly attend school. As of 2018, despite the limited economic resources, this project succeeded in helping fifteen children to go to school on a daily basis. Moreover, as already seen in Chapter 1, to address the high numbers of abortions among greenhouse workers, in 2015 the cooperative signed an agreement with the local health unit to offer social and psychological support to migrant women who intend to terminate their pregnancy²⁰⁵ (Palumbo and Scirba 2018).

The involvement of trade unions to contrast agricultural labour exploitation is very common. Other examples regard FLAI CGIL's support to the migrant uprising in April 2016 in the Agro-pontino area, in the Lazio region. Thanks to the efforts of the *In Migrazione* cooperative, which provided training and information services to the local Indian Sikh workers, —the primary workforce of the Agro-pontino— they gained a better understanding of labour regulations and their right to fair working and employment conditions. In the face of the new acquired awareness, workers mobilized and occupied a greenhouse, launching a strike to demand better treatment. FLAI CGIL supported the initiative, which ultimately led to higher salaries and better conditions for the farmworkers (Corrado et al. 2018).

²⁰⁵ To know more about the projects developed by *Proxima*, see <https://www.proximarg.org/progetti>.

In parallel to cooperatives' social programmes, ethical projects have emerged to promote cooperative and mutualistic short supply chains, which aim at restoring dignity to field workers often “de-personified” and crushed by large-scale retail dynamics. Some examples are provided by the realities of *Sfruttazero* in Apulia and *Contadinazioni* in Sicily²⁰⁶. These initiatives share key principles of sustainable and ethical agricultural production, like the use of low-impact, artisanal techniques, the active and joint involvement of Italians and migrant workers in harvesting, fair retribution, and participation in the ethical, self-organized logistics platform *Fuori Mercato*²⁰⁷. The model on which these experiences have been shaped is the *SOS Rosarno* campaign launched in 2011, exactly one year after the Rosarno rebellion (Corrado et al. 2018). Originating from the joint effort by two activist associations, *Africalabria* and *Equosud* operating in Calabria's Gioia Tauro Plain, *SOS Rosarno* was born to expose and challenge the distorted mechanisms that hid behind the Calabrian citrus supply chain. Now, it has evolved to be an association for social promotion that offers an alternative sustainable citrus and olive production model grounded in solidarity, mutual respect and social justice²⁰⁸. *SOS Rosarno* is one of the first most virtuous examples of a productive model that explicitly rejects all forms of discrimination, and that transforms the consumer into an active participant in the fight against *caporalato*.

Another relevant initiative is the *NO CAP* association, an international network set up by Yvan Sagnet and other activists after the farm workers' uprising in Nardò (Apulia) in 2011. *NO CAP* proposes a new economic model based on ethics and sustainable development, to fight *caporalato* through an ethical agricultural supply chain. This model involves workers, producers, processors, distributors, and consumers, rewarding ethical companies with a certification label. Thanks to *NO CAP*, hundreds of migrant workers have been regularly employed, received free services such as transportation, housing, and legal assistance for proper work contracts. The initiative has also facilitated the regularization of migrants, helping them obtain residence permits. Many companies have embraced this model,

²⁰⁶ To know more, see <https://www.facebook.com/contadinatione>.

²⁰⁷ To know more, see <https://www.fuorimercato.eu/>.

²⁰⁸ *SOS Rosarno* official website: <https://economiasolidale.net/archivio/sos-rosarno>.

committing to fair employment practices, natural farming methods, and the use of renewable energy sources in their production processes²⁰⁹. One of these companies is *Coop Italia*, that starting from 2022 inaugurated a collaboration with *NO CAP* for the tomato industry. The partnership with one of the largest supermarket chains represents an added value for combatting *caporalato*, proving that ethical supply chains are possible. This initiative not only gives hope to spread good practices among supermarkets but demonstrates that it is possible to change GDO²¹⁰.

From this point of view, consumers possess a powerful weapon in their arsenal—their purchasing choices—which can drive demand for greater supply chain transparency. The large-scale retail sector is highly attentive to consumeristic behaviour, as demonstrated by the numerous shelves at any supermarket, even the most remote one, that display vegan, palm-oil, or gluten-free products. GDO can change and must change, but consumers have a role in ensuring this shift. It is through their awareness and their choices that a form of “social” oversight can be set in function to ensure greater transparency and accountability (Farolfi 2016). Indeed, one way to minimize the opacities that hid within the agrifood supply chain is the “narrative label”, or *etichetta narrante*, which is what the campaign *#FiliereSporca* was born for. The campaign, launched in 2015 with its first report on the Italian citrus supply chain²¹¹, aims to trace the journey of agricultural products from the field to the supermarket shelf to identify the distortions that contribute to labour exploitation and *caporalato*²¹². The associations *daSud*, *Terra!*, *terrelibere.org* and *Open Society Foundations* joined their efforts to launch a campaign that could, in very practical terms, enforce greater transparency in agrifood supply chains with the adoption of a narrative label that empowers consumers through clear and accessible information to really know what hides behind the food we consume. The narrative label, firstly introduced by the Slow

²⁰⁹ Visit *NO CAP* official website at <https://www.associazionenocap.it/>.

²¹⁰ To know more, visit <https://www.associazionenocap.it/servizi-stampa-italia/da-oggi-insieme-a-coop-contro-il-caporalato/>.

²¹¹ The present thesis, especially in its Chapter 2, has frequently referenced the *#FiliereSporca* reports, especially the second and third instalments (*Spolpati* and *La raccolta dei rifugiati*), which have been used to guide the framework for the analysis provided until now.

²¹² Official website at <https://www.associazioneterra.it/cosa-facciamo/filiere-e-caporalato/filiera-sporca>.

Food association in 2011, narrates the story of food, extending beyond the requirements that must be shown on the label by the law. It is a sort of “counter-label” that completes and integrates the standard one by providing detailed information about the producers, their farms, the plant varieties or animal breeds used, cultivation and processing techniques, animal welfare, and the regions of origin²¹³. What #*FilieraSporca* does is advocating for the introduction of a narrative label for all agrifoods produced where there exists *caporalato*, with specific information focus on the suppliers, the supply chain, the breakdown of the price, to name a few. Virtuous examples include firstly *Altromercato*, Italy’s most important fair-trade group which prides itself on being “what the market should be—a place where people’s rights are respected, and the planet’s precious biodiversity is protected. [*Altromercato*] doesn’t seek to change the traditional market. [It] aims to overturn it.”²¹⁴. *Altromercato* labels provide information regarding harvesting specificities, key ingredients characteristics, plus the full list of the producers’ names involved, if the product is not overly processed. On their website, it is publicly available the breakdown of some of their products, with full traceability journey from field to shelf (Figure 11).

Another significant initiative is the Fairtrade ethical label, as it is one of the most recognized and trusted sustainability labels²¹⁵. As one of the leaders in the global movement to make trade fair, a Fairtrade label means that farmers, workers and business involved in the production of a Fairtrade food, besides being fully traceable, have all met standards, independently audited and certified, that certify sustainable farming methods, decent working conditions and fair-trading relations²¹⁶.

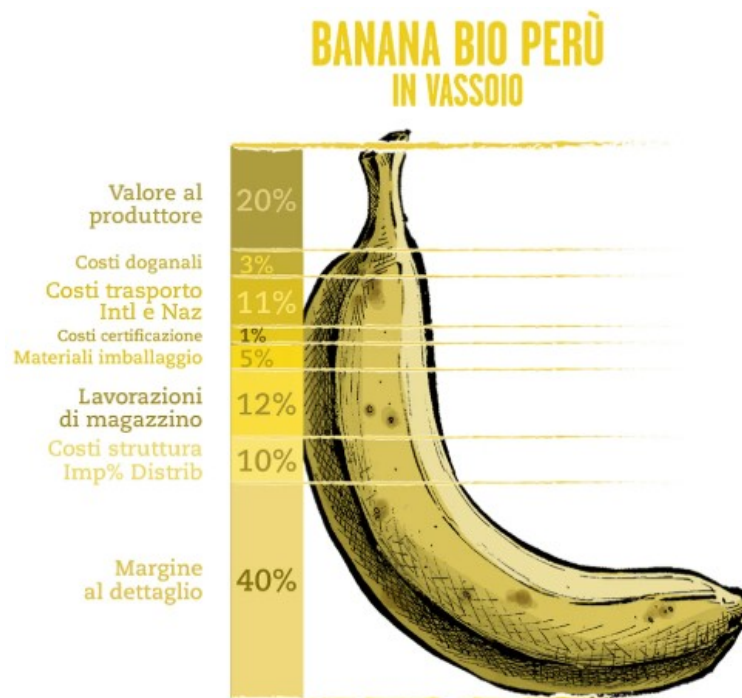
²¹³ Slow Food, 2022, *Come si fa un’etichetta narrante*. Available at https://www.slowfood.it/wp-content/uploads/2022/02/GUIDA_Etichettatura_narrante.pdf.

²¹⁴ *Altromercato* official website at <https://www.altromercato.it/>.

²¹⁵ To know more about Fairtrade, visit <https://www.fairtrade.net/en/why-fairtrade/what-we-do/what-is-fairtrade.html>.

²¹⁶ To know more about Fairtrade Standards, visit <https://www.fairtrade.net/en/why-fairtrade/how-we-do-it/standards.html>.

Figure 11: example of a price breakdown of an organic banana from Peru. More examples at *Il prezzo giusto secondo Altromercato* webpage.



Lastly, another example includes *Alce Nero*, one of the most popular organic brands in Italy and one of the first companies to collaborate with Slow Food on the necessity to streamline the narrative label project. *Alce Nero* has included their rice, tomato sauce and pulp, eggs and EVO oil²¹⁷ in this project. However, probably the most informed label is the *Pianesiana* transparent label, created by Mario Pianesi, founder of the international association *Un punto macrobiotico*, which provides key information on the product's origin, characteristics, and environmental resource consumption, including the source and cultivation/processing methods of individual ingredients, the amount of water and energy used, CO₂ emissions, and all stages of the production chain, including the purchase price of raw materials at the source²¹⁸.

²¹⁷ Example of a narrative label for the *Alce Nero* organic extra virgin olive oil: https://cdn.shopify.com/s/files/1/0407/6729/1557/files/Et-narr-2.0_olio-evo-750ml-EN.pdf?v=1675155399.

²¹⁸ To know more, see <https://www.stilemacrobiotico.it/2021/06/25/etp-letichetta-trasparente-pianesiana/>.

In parallel to the narrative label, #*FilieraSporca* calls for better laws regarding the agrifood supply chain transparency that discourage the recourse to unfair trading practices (UTPs) used by GDO, in particular, by discount chains. From this point of view, the European and Italian panorama are offering some hope in the establishment of a new normative that can improve companies' accountability. At the European level, the primary tool to mitigate market distortions, rebalance a more just equilibrium in negotiation relations, while safeguarding free competition between companies, is the EU Directive 2019/633. The directive establishes a minimal common regulatory framework for UTPs, moving past the previous mainly voluntaristic approach and soft law instruments (De Michiel). New regulatory instruments, such as supply chain contracts and memoranda of understanding, were introduced to provide a minimum level of protection, reinforced by sanctioning measures extended across the entire agrifood supply chain (De Michiel). Italy transposed the directive through Legislative Decree 198/2021, which introduced stricter regulations than those outlined in the European framework. In addition to the list of prohibited practices set out in Article 3 of the Directive²¹⁹, Article 5 of the Italian transposition²²⁰ expands the scope of the restrictions, explicitly banning: the purchase of agricultural and food products through double-discount electronic auctions (letter a); the imposition of excessively burdensome contractual conditions on sellers, including the obligation to sell agricultural and food products below production costs (letter b). These bans represent a significant step forward in ensuring fairer trade practices within the Italian regulatory framework²²¹.

On a different regulatory strategy at the institutional level, Italy introduced a more targeted system of interventions that leans towards a preventive approach, building on territorial networks and institutional support. The “National Recovery and Resilience Plan”²²² (hereafter NRRP) included some provisions that refer to the necessity of preventing labour exploitation and illegal intermediation in agriculture

²¹⁹ <https://eur-lex.europa.eu/eli/dir/2019/633/oj/eng>.

²²⁰ <https://www.gazzettaufficiale.it/eli/id/2021/11/30/21G00202/sg>.

²²¹ Battisti, A. M., 2023, *Il lavoro in agricoltura e il caporalato: criticità e prospettive di contrasto. Note a margine di un convegno*, *Massimario di Giurisprudenza del Lavoro*, 4, 663-676.

²²² The National Recovery and Resilience Plan (PNRR) is the primary instrument available to EU Member States to mitigate the economic and social impacts of the COVID-19 pandemic, as part of the Next Generation EU initiative. More at <https://politichecoesione.governo.it/it/pnrr-e-coesione/>.

in its Mission 2 (Green revolution and ecological transition) and Mission 5 (Cohesion and inclusion). While Mission 2 focuses on innovation and mechanization of agricultural work, logistics, sustainability of the supply chain, with impact evaluations on workers social conditions, core actions in terms of implementing a preventive approach fall under Mission 5, which aims a supporting employment training by enhancing public job placement services (Battistelli et al. 2022). But most importantly, under Mission 5, the NRRP fosters a new National Action Plan to fight illegal work, using the “Three-year plan” as main inspiration (Battistelli et al. 2022).

The “Three-Year Plan Against Labour Exploitation and *Caporalato* in Agriculture 2020-2022”, now extended to 2025²²³, was born from the jointly effort of by the Ministry of Labour and Social Policy, the Ministry of Agriculture, Food and Forest Policies and the Ministry of Justice to tackle labour exploitation and illegal recruitment in agriculture (Battistelli et al. 2022). As a way to counter and balance through preventive approaches the repressive core of Law 199/2016, the Plan is to be implemented along four strategic axes: prevention, contrast and control, protection and assistance, social and work integration (Battistelli et al. 2022). It received the support from the International Labour Organization and the European Commission, resulting in a multi-institutional and wider approach, even though its impacts still remain to be seen at the time of writing (Corrado et al. 2024). However, the government plan did not come without criticisms. Despite recognizing its goal, it neglects the scale of the phenomenon, especially its high permeability to agromafia. The *Piano Triennale* does not mention agriculture’s porosity to the Mafia infiltration, even though it has been already established the role of organized crime in agrifood, and its involvement in GDO dynamics (Fanizza 2020). Nonetheless, the national strategy creates opportunities to launch interesting initiatives at the regional level. For example, two specific programmes were launched in the rural Southern areas to address labour exploitation in agriculture: the SU.PR.EME. project aims to tackle severe exploitation and marginalization of

²²³ *Piano Triennale di contrasto allo sfruttamento lavorativo in agricoltura e al caporalato 2020-2022*, available at: www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf.

legally residing migrants in Italy's five least developed regions (Calabria, Apulia, Basilicata, Sicily, and Campania), while the P.I.U. SU.PR.EME. project focuses on creating individualized pathways out of exploitation²²⁴. Both programmes were co-funded by the European Union and supported by the International Organization for Migration (IOM), which additionally contributed to improve targeted inspection activities through the signature of a cooperation agreement with the National Labour Inspectorate (or INL – *Ispettorato Nazionale del Lavoro*) (Corrado and Caruso 2022). The new attention paid to the enhancement of the inspection activities is particularly useful as, for example, the number of inspections in the agricultural sector dropped from 14,397 in 2006 to 7,265 in 2017 (Corrado et al. 2018).

4.2 Addressing the root causes of labour exploitation: the recommendations

In 2016, Italy took an important step in combatting labour exploitation in the agricultural sector with the enactment of the anti-*caporalato* law. The new legislation reinforces the repressive framework against illegal intermediation in agriculture and exploitation through a combination of repressive and preventive measures. These include innovative measures like imprisonment for employers and land requisition, while also promoting preventive projects such as the Quality Agricultural Work Network. The revolutionary “take” of the new law consists in recognizing labour exploitation and *caporalato* as separate phenomena, in the sense that by amending the Italian Criminal Code (Art. 603-bis), the 199/2016 law criminalizes also employers who “exploit workers by taking advantage of their situation of need or want”²²⁵, even in the absence of a *caporale* in the recruitment process. However, one its main shortcomings is that its effectiveness relies on widespread inspection activities and workers' willingness to report their exploiters

²²⁴ For more information on these projects, see <https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/3789/Contrasto-al-caporalato-al-via-la-nuova-edizione-del-programma-SuPrEme>.

²²⁵ Gazzetta Ufficiale della Repubblica Italiana, Law no. 199/29 October 2016, *Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo*. Available at <http://www.gazzettaufficiale.it/eli/id/2016/11/3/16G00213/sg>.

(Oxfam 2018). But most importantly, it does not provide a “supply chain approach” (Oxfam 2018) that is able to address that same opacities that foster labour exploitation in the agrifood value chain. According to Mangano, a *terrelibere.org* activist, “More than just a law against *caporalato*, what is needed is a grassroots effort to ensure that large-scale retail chains implement a transparent supply chain.”²²⁶ Thus, a comprehensive approach is needed to target the actual root causes within the very long and highly fragmented Italy’s agrifood supply chain. In 2021, with the abolition of double competitive auctions, Italy started to recognize that an unbalanced bargaining power between suppliers and distributors triggers distortions across the market, but it failed in linking this issue with labour exploitation of agricultural workers. That is why a transparent supply chain is needed, so that the role of every actor involved in it is clearly and publicly defined, ensuring accountability and fair practices at every level of the FF&V value chain, because as long as GDO continues to impose rock-bottom prices on farmers, *caporalato* and exploitative working conditions in agriculture will endure.

Therefore, the following recommendations²²⁷ stem from the analysis presented as far and aim to address the root causes underlying the persistence of irregular and exploitative employment in the agricultural sector, with the hope that, one day, they will be effectively followed.

For consumers:

- To find unacceptable to purchase food at derisory prices without questioning how such low pricing is possible. To be curious and cultivate awareness about the true, often bloody, origins of food.
- To demand change, to make our voices heard and to call for the end of the human suffering that hides behind food.

For the Italian Government:

- To implement better transparency laws on the agrifood supply chain, making for example mandatory the narrative label solution on foods

²²⁶ <http://www.terrelibere.org/legge-anticaporalato-limiti-e-passi-avanti/>.

²²⁷ Mainly inspired by the recommendations contained in Corrado et al., 2018, *op. cit.*, pp. 31-32 and Palumbo and Scirba, 2018, *op. cit.*, pp. 68-71

particularly receptive to the infiltration of labour exploitation harvesting methods with a full journey label that makes traceable all the actors involved.

- To create safe and legal entry channels which better match supply/demand for migrant workers that have now established themselves as an essential workforce that cannot remain invisible.
- To establish structural and long-term regularization mechanisms for seasonal migrants that have been living and working in Italy and have been contributing to the economic development of the country. Thus, reintroduce the residence permit for humanitarian reasons, improve and speed up reception and asylum procedures while providing solid protection and integration measures that accompany the migrants towards a fairer integration in the labour market, with adequate housing and transport solutions in critical areas like Agro-pontino, Foggia, Saluzzo, Ragusa, Gioia Tauro Plain, etc...
- Ensure protection mechanisms for victims of labour exploitation that decide to denounce their employers through residence permits issued for social protection. Thus, improve inspection activities and strengthen prosecutions against large-scale distributors that indirectly allow this system to happen, while reward and fund ethical supply chains.
- Improve the Quality Network to make it more appealing for agricultural entrepreneurs to join it, while adding to the requirements safe working conditions for the labourers. Provide more preventive solutions that integrate the repressive approach.
- Strengthen the role of local and regional authorities, as well as labour inspectors to provide information on migrants' rights, access to justice and remedies. Ensure that workers have access to qualified legal support while promoting the trainings of agricultural producers and workers via awareness courses on labour rights, safety and health in the workplace, as well as on sustainable production models and techniques.

For EU institutions:

- Counter the trend of intensification of deterrence measures against migrants to prevent them from resorting to irregular and dangerous entry pathways as envisaged in the latest Pact, also in consideration of the labour shortage crisis that the EU is currently experiencing. Thus, harmonize reception systems for all MS to combat trafficking and abuses that migrants experience on their journeys to Europe.
- Revise policies on temporary and circular migration like in the case of Directive 2014/36/EU on Seasonal Workers, also with respect to the possibility to change employers by making it mandatory and not discretionary for MS.
- Enhance monitoring and reporting mechanisms to give effectiveness to the social conditionality clause in the new CAP, to which it must be added a seasonal work perspective. Thus, promote coordinated efforts to regulate, license and oversee labour providers and employment agencies in order to prevent forms of abuse and exploitation.
- Provide that all EU instruments and policies include provisions guaranteeing unconditional assistance to victims, independently of their national origins and their cooperation with the authorities, as required by Directive 36/2011/UE, and by the Council of Europe Anti-Trafficking Convention.
- Improve integration paths for migrants working in rural areas through specific policies that are aware of transport and housing deficiencies of migrants' living conditions, so that every policy integrates a rural area perspective.

CONCLUSION

“The issue is not merely to expose *caporalato*; the real challenge is to put an end, once and for all, to labour exploitation in agriculture.”²²⁸

Caporalato and labour exploitation have become permanent features of agricultural work in Italy. Chapter 1 has explored the underlying causes to such phenomena, highlighting the interconnected web made of historical inclinations of Italian labour towards informality, the inherent and specific characteristics of agriculture as a productive sector and the pervasive influence of organized crime to explain why agricultural entrepreneurs have become so reliant on a migrant and exploitable workforce. Chapter 2 has expanded the perspective beyond the rural fields to analyze the broader agrifood supply chain, emphasizing how the purchasing mechanisms of large-scale retail are indirectly perpetuating and fostering exploitative labour practices. Specifically, the unilateral imposition of unsustainably low prices is what drives farmers to save production costs at the expense of workers' rights. Chapter 3 has instead demonstrated that the current inefficient and short-sighted management of migration policies, both at the Italian and European level, plays a crucial role in reinforcing this system, leaving many migrant workers in precarious legal limbos, thus deepening their exposure to labour abuses. Finally, Chapter 4 has focused attention on existing initiatives led by local and institutional actors aimed at combatting *caporalato* and labour exploitation.

To conclude, this thesis has examined the structural criticalities that permeate the agricultural sector in Italy, with a special focus on Southern agrifood production, in order to understand the factors that make this industry heavily reliant on irregular migrant labour. The nature of agricultural work demands for a highly flexible and readily available workforce, which often leads to precarious living conditions and a systematic violation of human rights, as demonstrated by the persistence of *caporalato* and labour exploitation in the agricultural sector. Not surprisingly, Law 199/2016, the most efficient regulatory deterrent against exploitation that Italy disposed itself, explicitly refers to “provisions on combating undeclared work,

²²⁸ Ciconte in *Se i pomodori parlassero...*, 2016. Available at <https://www.vitatrentina.it/2016/10/06/se-i-pomodori-parlassero/>.

labour exploitation in agriculture, and wage realignment in the agricultural sector”. However, despite representing an advancement for the crackdown of agricultural labour exploitation, the structural issues underlying the phenomenon remain unresolved and untargeted by regulatory frameworks. The Italian and European panorama seem to (voluntarily?) ignore the *fil rouge* that connects the exploitation of agricultural workers, and the food displayed on supermarket shelves. Distortions of the labour market driven by phenomena such “grey work” and the GDO’s overwhelming power remain largely unaddressed. This disconnection is further exacerbated by inefficient asylum and labour policies that focus on short-term emergency measures rather than sustainable long-term solutions. The persistence of agricultural labour exploitation, now an entrenched and structural feature of agricultural production, calls for an urgent comprehensive and coordinated approach that involves a multi-level solution. From local realities to supranational initiatives, we all must demand and be guaranteed greater transparency, traceability and accountability within the agrifood supply chain, coupled with policies that ensure fair living conditions and effective oversight mechanisms, if we want to dismantle such degrading system and embrace a true ethical agricultural sector.

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