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# Known but ignored. Labour and living conditions of migrant workers in agriculture.

The cases of Italy, Morocco,  
Poland, Spain and the Netherlands.

Working Paper WP5 – Comparative report

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## Abstract

This report analyses the working and living conditions of migrant workers in agriculture in four European countries (Italy, Poland, Spain and the Netherlands) and one country in their immediate neighbourhood (Morocco). In the five cases, we selected a particular locality where most of the trends in this sector, and in these particular countries, could be identified. The analysis is structured around three questions: 1) What are the working and living conditions of migrant workers? 2) What are the factors that contribute to explain these conditions? and 3) To what extent do policies (in the areas of market regulation, migration, labour and housing) matter, thus, whether they succeed in protecting migrant workers' labour and living conditions. In broader terms, this last question refers to the broader issue about whether the state guarantees migrant workers a dignified life.

Our conclusion is that migrant agricultural workers across the cases studied tend to experience widespread precarious working and living conditions, shaped by insecure legal statuses, temporary or undeclared employment, the role of intermediaries, and insecure income. Moreover, many face harsh labour conditions, weak enforcement, and inadequate or substandard housing, with access to healthcare varying significantly across countries. These conditions result from the interplay of global economic pressures, such as trade liberalisation and the market power of supermarket chains, structural characteristics of agriculture that demand a flexible and low-cost labour force, and migration and labour policies that limit workers' bargaining power. Policies matter but only to a limited extent. In the field of market regulation, liberal policies have led many farmers to compress (even more) labour costs as a survival strategy. Except for the Netherlands and Poland, migration policies shape the contours of legal precariousness which in turn is at the basis of labour precariousness. National labour frameworks facilitate short-term contracts, flexible hours and uncertain earnings and, in addition, enforcement is weak across countries. Intermediaries, in the cases of Poland, Italy and the Netherlands, enable "hyper-flexibilised" recruitment and expose workers to exploitation. Finally, substandard housing remains hardly addressed by regional and local policies.

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## 1. Introduction

During the pandemic, those essential workers without whom our world would be impossible became visible: agricultural workers, healthcare workers, couriers who delivered to our homes what we could buy with a simple click, women caring for dependent individuals, many of them elderly. Most were of migrant origin and, as we already knew, many were underpaid considering the harshness of their work and the long hours. The pandemic passed, and we forgot. It's not that we don't know, it's that it often seems not to matter. In few words: we know but we tend to ignore it. This report analyses the working and living conditions of migrant workers in agriculture in four European countries (Italy, Poland, Spain and the Netherlands) and one country in their immediate neighbourhood (Morocco). In the five cases, we selected a particular locality where most of the trends in this sector and in these particular countries could be identified. The analysis is structured around three questions: 1) What are the working and living conditions of migrant workers? 2) What are the factors that contribute to explain these conditions? and 3) To what extent do policies (in the areas of labour, migration, housing, and market regulation) matter, thus, whether they succeed in protecting migrant workers' labour and living conditions. In broader terms, this last question refers to the broader issue about whether the state guarantees migrant workers a dignified life.

The five cases analysed here present both similarities and differences. In most of them, labour precariousness is not accidental, instead it seems to be a structural feature. This is why those willing to work in this sector are mostly immigrants, either because they have just arrived or because they come as seasonal workers, hoping to save money as quickly as possible and return. Housing issues are also common and, in most cases, end up being a key factor of exclusion. But there are also important differences. In some countries, undocumented workers are common while in others all workers have residence permits, either because they are EU citizens or from countries that do not require a visa. In some cases, agriculture is seasonal while in others it lasts all year round. We also find significant disparities in the definition of who is considered an employer and who a worker, which has fundamental implications in terms of duties and rights.

Below, we briefly describe the economic and social characteristics of the five cases compared in this report:

- **Italy (Saluzzo district, province of Cuneo, Piedmont):** Located at the North-West part of Italy, it spans approximately 15.000 hectares and is the third most significant agricultural area in Italy for fruit production. The main crops include apples, nectarines, peaches, and

kiwis, with more recent expansions into small fruit cultivation such as blueberries, raspberries, blackberries, currants, and gooseberries. The Saluzzo fruit sector is characterized by strong seasonality, with employment peaks in the summer and autumn months. Agricultural enterprises in the area vary in size, including both small family-run farms and large companies. Saluzzo has a resident population of 17,525 people, of whom 2,326 are foreign nationals (from both EU and non-EU countries), representing approximately 13.3% of the total population. Most foreign residents come from Albania, Romania, Morocco, China, Mali, India, Peru, Senegal, Ivory Coast, and Gambia. Foreign citizens account for the majority of new employment contracts in agriculture, representing 64.2% of the total in the Piedmont region. Among them, Bangladeshi and Pakistani workers have seen significant growth over the past two years, following Indian, Albanian, Moroccan, and Malian nationals. Most foreign workers are employed on fixed-term contracts, often seasonal and low-skilled.

- **Poland (Mazowieckie):** located close to Warsaw at the Centre-East part of the country, Mazowieckie is the largest province (voivodeship) and presents the largest cultivated area in Poland. It is thus no surprise that in 2023 this province accounted for 51% of seasonal work permits issued in Poland and 29% of notifications for work in agriculture. Most agricultural producers work on their own, thus they are individual farmers. They tend to cultivate different types of crops, e.g., lettuce, strawberries, cherries, and apple trees, which means that they often employ the same people for different activities. Workers are primarily seasonal, employed from April to November, for planting, tending, and harvesting. They are mainly workers from Ukraine who either come to Poland for a period of 2 to 10 months or live in Poland and work in agriculture occasionally. Since the outbreak of full-scale war in Ukraine, some employers have taken in war refugees, who sometimes had been their former seasonal workers.
- **Spain (Almería, Andalusia):** Located at the South-East part of Spain, the so-called “Plastic see” is an expanse of more than 30,000 hectares of greenhouses in the Andalusian province of Almería. Thanks to the overlapping of several crops (tomatoes, zucchini, peppers, watermelons, etc.), the campaign takes a duration of ten months, thus it is of a permanent nature. Most farms are small (between 1-2 hectares) and family-run. 75% of the production is exported to Europe. Foreign workers represent 68% of agricultural workers in the province, most of them coming from Morocco (55,1%), Romania (9.1%), Mali (8%), Senegal (8%), Ecuador (3.8%), Ghana (2%), Gambia (1.9%), Guinea Bissau (1.7%), Mauritania (1.4%) and Peru (0.9%). Thousands of migrant workers live in very poor conditions in irregular settlements within the fields.
- **The Netherlands (Venlo and Horst aan de Maas, North Limburg):** The Netherlands is the world’s second-largest agricultural exporter and is known for its innovation and technological advancements. Located at the South-East part of the Netherlands, in the

province of Limburg, these municipalities present a high number of migrant workers (e.g. 13,915 in Venlo, representing around 5% of the population, though estimations raise up to 6,000, thus more than 13%). Over the past 5 years, the number of jobs in the North Limburg labour market region has grown by 9,700. Many of these jobs are performed by temporary agency workers, who fill both temporary and structural staff shortages. Over the years, the composition of the temporary workforce has changed: in 2015 16% was migrant worker while in 2024 the (registered) share of migrant workers employed in all sectors through temp agencies was 33%. Most of them are EU mobile citizens that come for a limited period of no more than 6 years.

- **Morocco (Bibi and Khmiss Ait Amira, in the province of Chtouka Ait Baha, the region of Souss-Massa):** Located in the South of Morocco, close to Agadir, the two communes have become microcosms of global agriculture. The region stands out as the country's leading fruit and citrus production zone, with 450,000 T designated for export, representing 74% of all citrus fruit exported nationally. The region development has benefited from significant expansion thanks to the Green Morocco Plan and recently the Green Generation plan, with numerous structuring projects at both production and value chain levels. The two communes are increasingly known as the capital of sub-Saharan migrant farm workers. Some farms and packing houses employ a significant number of sub-Saharan workers, especially in peak times of production. These municipalities are also relevant for the commitment of state and non-state actors in migration management at the local level, as evidenced by the creation of a reception and orientation office for migrants.

It is important to highlight that our research focuses on specific localities. This allows us to understand the working of broader economic dynamics and national legislative frameworks in concrete local contexts shaped by a specific constellation of actors and factors. At the same time, this means that the results are not necessarily representative of the whole national context. In other words, our findings are not necessarily transferable to other localities in the same country. While general economic and social trends and national laws are the same, the specificities of the crop, the political parties in regional and local governments, the composition of immigration (in terms of origin, gender, migration history) and the presence and particular articulation of non-state actors may end up making a substantial difference in terms of the labour and living conditions of migrant workers and the drivers behind. Though sometimes we will refer to the Spanish, Italian, Dutch, Polish and Moroccan cases to simplify, we want to recall in advance that we will always be talking about Almeria, Saluzzo, North Limburg, Mazowieckie and Chtouka Ait Baha.

The analysis for this report has been done in two stages. In the first, national teams have conducted fieldwork, resulting in a total of 177 interviews and 6 focus groups, plus field observation, media and official documents analysis and, in the Dutch case, also the examination of 25 summaries of complaint files. The analysis of the data, also done by each national team, resulted in five national reports, all of them following the same approach and with a similar structure. In the second stage, the five national reports have been analysed from a comparative perspective. As contexts are rather different, particularly for Morocco, the research questions are not always exactly the same. This has led us to a comparative analysis that aims not to stress similarities and differences in a systematic and detailed manner but rather to use the different cases to illustrate common trends as well as fundamental differences resulting from differences in the political, socio-economic and cultural contexts.

Following the three main questions underlined above, this comparative report is divided in two sections: the first one is on the working and living conditions of migrant workers in the agricultural sector in these five cases, using labour precariousness as a key concept; the second one is on the reasons explaining the working and living conditions of migrant workers, which include as well the question to what extent policies matter. In the conclusion, the main take-aways of the project are summarised following the three research questions that articulate our research.

## 2. Working and living conditions

Though DignityFIRM focuses on the working and living conditions of irregular migrants, thus making irregularity the key concept of the project, WP5 shifts the focus to the working and living conditions of migrant workers regardless of their legal status because poor labour conditions can also affect regularly resident and regularly working workers. This led us instead to focus on the concept of labour precariousness, which captures a combination of «instability, lack of protection, insecurity and social or economic vulnerability» (Rodgers & Rodgers 1989: 5). It has been defined in terms of low-wages (Sassen-Koob 1981: 72), unfree labour (Miles 1987) and flexibility so that changes in demand can be dealt with quickly (Caviedes 2010: 59).

Following Kreshpaj (2020), we understand labour precariousness as constituted by five dimensions: 1) legal status, which is not included in Kreshpaj's review and includes cases of non-compliance or semi-compliance with the law, regarding a residence and/or a work

permit or the existence of a labour contract; 2) employment insecurity, including contractual terms (who is the employer), temporariness (fixed term or permanent contract), typology (full or part time) and multiplicity of jobs; 3) income inadequacy, which has to do with the sufficiency and stability of earnings, encompassing various dimensions such as income level definition, income sources and income instability; 4) lack of rights and protection, which includes the absence or coverage of trade unions, social security benefits, regulatory support from labour policies and standards and workplace rights (such as protection against unfair dismissal or the ability to demand better working conditions). This lack of rights and protection is not only a question of law as it is written on the books (formal rights) but also of law in practice (*de facto* rights); and 5) working and living conditions, which was eventually excluded from Kreshpaj's study and refers to psychosocial factors such as lack of work-time control, long working hours, skill discretion and hazardous physical work environments.

In the next paragraphs, we analyse each of these dimensions to assess the degree (more or less intensive) and form (depending on the characteristics of the different constitutive dimensions) of migrant labour precariousness (or the lack of it) in each selected case and, from a comparative perspective, across them.

## 2.1. Legal status

The comparison between the five localities leads us to identify four different scenarios: 1) in the Dutch case we find regular stay and work; 2) in the Polish case we see regular stay but in many cases irregular work; 3) in the Italian and Spanish cases a wide range of situations can be found, from complete irregularity vis-à-vis both residence and work to complete regularity; and 4) in the Moroccan case, we also see a variety of circumstances: though most migrant workers are undocumented residents and irregular workers, we find as well regular residents that either benefited from regularisation or are from countries (such as Senegal) with whom Morocco has signed a convention that allows their nationals to work formally. In the following paragraphs, we describe each case:

- **North Limburg (The Netherlands):** most migrant workers are EU nationals, thus legal residents. Most of them are employed through temp agencies, sometimes through complex “legal constructions” involving several contractual partners. As explained by an NGO assisting migrant workers, “*complicated constructions are being made, whereby people are put to work from a Polish employment agency, via a Dutch employment agency, to another Dutch employment agency and then they do not know who their*

*employer is*" (DF-NL01). Though less common in agriculture, some are intra-EU posted workers or "fake" solo-self employed. EU citizens are legal residents but, if they lose their employment, they can lose their legal status and eventually be deported. This means that, in some cases, labour precariousness can lead to legal precariousness.

- ***Mazowieckie (Poland):*** Most workers are from Ukraine, which means that with a biometric passport they can enter Poland visa-free and stay in the country for 90 days within a 180-day period without having to register (as war refugees) and therefore with a legalised residence status. Those who want to work need a work visa, except when they are already in Poland and have a temporary protection status. Since 2006 for agriculture and 2007 for all economic sectors, there is a so-called "simplified procedure" which allows foreign workers from Armenia, Belarus, Georgia, Moldova, and Ukraine (and Russia until 2022) to work based solely on employers' declaration of intention to employ them, which must be registered in district labour offices. Moreover, since 2022 the procedure has been further simplified for Ukrainian workers with a temporary protection status, requiring a simple notification from the employer to be submitted up to 7 days after the employee is hired. Despite having a legal residence status, Ukrainian workers in agriculture are almost exclusively covered with civil law contracts or do not get any contract at all. Paradoxically, since the beginning of the full-scale war in Ukraine and the regularisation of Ukrainians as refugees (therefore entitled to free medical care), contracts have become less frequent.
- ***Almería (Spain):*** The number of people contracted in the agricultural sector in Almería (two-thirds of them foreigners) shows that the majority are both regular residents and workers. But the presence of a non-negligible number of irregular immigrants in the area also shows that undeclared work is not an exception either. The circumstances can thus be very diverse: from regular stay and work, to regular stay and irregular work, to both irregular stay and work. Irregular hiring seems especially common during occasional work peaks, as in these moments irregular workers represent a readily available labour force. Apart from residence and work, registration in the municipal census (known as "el padrón") is also essential as it provides access to certain rights (e.g. education, local services) and is a condition for future regularisation. In Almería many municipalities restrict immigrants' access to the municipal census, particularly for those not being able to prove regular housing. These restrictive practices may affect both regular and irregular migrants. Not being "documented" at the local level becomes yet another layer of legal exclusion. Finally, a regular individual regularisation mechanism (called "arraigo") allows undocumented migrants to get a residence permit after two (before May 2025 it was three) years of irregular residence and when having a job offer. Though this has allowed many migrant workers to get out of irregularity, employers are increasingly

reluctant to regularise their workers arguing that, once they are regularised, they tend to leave the agricultural sector in search of better wages and labour conditions.

- **Saluzzo (Italy):** There are migrant workers with a long-term residence (particularly Moroccan and Albanian, who have lived for a longer period in Italy) and others with a rather precarious legal status, as asylum seekers (after a two-month waiting period, they get a work permit for a validity of six months renewable), beneficiaries of international protection, holders of a humanitarian residence permit (who may not have a work permit) or residents with subsidiary protection. In addition, undocumented workers constitute a non-neglectable portion of the agricultural labour force. Out of these, some did never have a residence permit and some failed to renew their residence permit either because they did not do it before expiration or because they did not meet the renewal criteria (e.g. having a job).
- **Chtouka Ait Baha (Morocco):** Sub-Saharan African workers are underrepresented in the statistics as most of them do not work formally. Many farms – at least in the area under study – employ a non-negligible number of Sub-Saharan African workers during seasonal work peaks. Many of them are not only irregularly employed but also irregular residents. The main reason – apart from lack of information from their side – is that access to legal residence is limited to those who have been able to renew their residence permit after regularization, as well as to nationals from countries (like Senegal) with whom Morocco signed a convention enabling them to work, to entrepreneurs (which is very costly) and to high skilled or very talented people (e.g. footballers, athletes, etc). In short, there are no feasible legal channels for the migrants who enter illegally to get a residence permit. In addition, those with a residence permit tend to leave the agricultural sector.

Most migrant workers in agriculture have precarious legal statuses, either as irregular residents or as regular residents with temporary permits. There are cases too of legally resident migrants working without proper labour contracts.

## 2.2. Employment insecurity

There are three factors that contribute to the employment insecurity of migrant workers in agriculture: the lack of a labour contract, the temporariness of the labour contract and the presence of intermediaries. As for the first factor, regarding **the lack of a labour contract**, in the Italian, Spanish, Moroccan and Polish cases, either for irregular migrants or legal residents, it is not uncommon to work without a labour contract. In many cases migrant

workers are recruited on a daily basis – often in specific places such as roundabouts or squares – depending on the immediate needs of employers. When the labour relation is of a more regular nature, there is no guarantee either. As explained by a farm worker in Morocco, “By the way, there is no guarantee, from one day to the next, he tells me [either the caporale or the employer] I don’t need you anymore” (MOR\_WP5\_Agri\_4\_Caporale).

In the Polish case, employers are requested to offer a contract to their employees but, in most of the cases, it is not an employment but a civil law contract. The two most common types of contracts in agriculture are “the contract of mandate” and the “harvest help contract”. In the first case, there is a minimum wage, workers are insured (except for sickness, which is voluntary and rarely paid for) and there are neither maximum working hours nor a recognition of the right to rest, either daily or weekly or in the form of paid annual leave. Under the “harvest help contract”, work can be performed for 180 days a year (Ukrainian citizens with temporary protection status do not have this limit), though in practice there is no control over the final number of days worked. This kind of contract does not require a minimum wage and, like under the contract of mandate, workers are insured only to a very limited extent, there are no maximum working hours and the right to rest is not recognised.

The second factor, i.e. the **temporariness of the contract**, is common in all cases under study. In the *Italian case*, contracts for non-EU seasonal workers tend to last no more than 8 months. In the *Polish case*, seasonal work permits are issued for 9 months and the “harvest help contract” is for a limited period of time (180 days a year). In the *Dutch case*, the temporality of the labour relation is stipulated in three different types of contracts: “Phase-A” contracts have a “temporary employment clause” which allows for the immediate cancellation when the work is terminated at the request of the hiring company, when the temporary worker wishes to stop or at the end of the agreed period, no more than a year. Since July 2023, it has been determined that the temporary employment contract will continue until the end date if the temporary worker falls ill. If the labour relation continues, after Phase A the workers should get Phase B and then Phase C, which offer more protection. In practice, many respondents observe that most migrant workers never reach Phase B or C, as they shift (or are shifted) to another temp agency, which means back to square one in terms of rights.

In the *Spanish case*, given the fact that work lasts 10 months a year, thus it takes the whole year behalf of the two summer months (July and August) when the heat forces production to stop, most contracts are “fixed-discontinuous”. This kind of contracts are meant to cover

defined periods of execution, not exceeding a maximum duration of 10 months. At the beginning of the following season, fixed-discontinuous workers must be called back in strict order of seniority within each category, speciality and workplace. In few words, workers retain the right to return when new job positions are offered at the start of the next season. While this kind of contracts introduces some stability, in practice renewal depends on the circumstances of both the worker and employer and require reliance on unemployment benefits for two months a year. On the other hand, many workers reported having had temporary contracts for years, despite the agreement stating that, after three years of temporary contracts, they should be moved to fixed-discontinuous contracts.

Regarding the third factor, **the presence of intermediaries**, the *Dutch, Italian and Polish* cases show how it contributes to the vulnerabilisation of migrant workers. In the *Dutch case*, the direct hiring by farmers represents an exception. Instead, temp agencies work on a large scale and not just in case of “incidental” higher demands. Unscrupulous practices by temp agencies are broadly documented and well-known. In the *Italian case*, employers take very different forms. Migrant workers can be employed by farm owners but also by temporary agencies and cooperatives or brokerage firms, which have more capacity to respond to seasonal labour demands but they often fail to provide proper contracts, underreporting workdays and engaging in illegal labour intermediation. As stated by an interviewee: “*when a farm hires a contractor to manage labour, the contractor, in turn, has to make a profit. The risk is that, since both parties seek to maximise profits, they end up cutting costs at the expense of the workers*” (ITA\_WP5\_EXP\_18). It is also common to have illegal intermediaries, known as *caporali*, who organise transportation, housing and payments, often under exploitative conditions. The first caporalato trial in Northern Italy, known as the “Momo” trial, took place in the province of Cuneo. It was about a Burkinabé immigrant who organised fellow countrymen as agricultural workers in Saluzzo. Workers paid 50 euros a month for his facilitation, 130 euros to employers for accommodation and some 300 euros to have all their workdays officially registered for tax and social security purposes. The judge described it as a “grey caporalato”, as it relied on economic coercion rather than physical violence.

In the *Polish case*, most farmers recruit workers either through personal contacts (in many cases, former workers who continue coming each season and may bring new workers) or informal intermediaries, commonly referred to as “drivers”. These drivers, who run buses between Ukraine and Poland, do not only bring the workers but also deal with their recruitment in Ukraine and set wages. For this service, they charge a fee from both the farmer and the employer. If the relation with the employer does not work well, Ukrainian workers have often several options to change employer as part of this same fee. More

recently, formal intermediaries (agencies) are also entering the market, though still in a very small proportion due to the higher costs associated. A farmer interviewed by the project had decided to go through a formal agency as it provided more services such as accommodation and transportation to the work place: *“the agency guarantees accommodation, brings them, all is paid (...) and a car arrives, if you want 5 people or 10 or 20. It is very convenient”* (WP5\_A\_W\_04).

Migrant workers face employment insecurity due to undeclared work, the temporary or seasonal character of labour contracts and, in the cases of Poland, the Netherlands and Italy, the use of intermediaries.

### 2.3. Income inadequacy

In all five cases the income of migrant workers is **rather low** and unstable. In terms of wages, in the Polish case migrant workers’ rate is formally equivalent to the hourly minimum wage, which corresponds to 5.6 euros net per hour. In Italy, under regular contracts, it raises to 6.5 euros. This means that, with 20 working days, a worker can earn around 1,000 euros per month. In the Spanish case official wages are 7.96 euros per hour and in Morocco around 93 MAD (equivalent to 8.7 euros) per day. In a context of rising costs and inflation, all migrant workers interviewed in Morocco observed that their income was insufficient to make a living. In the Dutch case, most EU mobile workers earn in accordance with the Dutch minimum wage or collective labour agreements (CLA) of the temp-agencies or a sector specific CLA, which corresponds to 14.40 euros gross per hour. As the cost of living in the Netherlands is higher, migrant workers’ income in relative terms may not be as different in practice.

Though official wages in agriculture as field and warehouse workers tend to be the lowest of all sectors, **in practice they may be even lower**. The first reason is that many employers underreport workdays or extra hours, which means that workers are not paid for all the hours they work. This has been reported in all countries under study. For instance, a migrant worker in Italy declared: *“To be honest, they never recorded all the hours I worked on my payslip. That’s the rule. They would register 20% less, and they did the same with all my colleagues. But there are also workers who receive 50% less”* (ITA\_WP%\_IM\_18). In the same direction, another worker added: *“I believe this system keeps going without problems because if they check, the contract is there, and the inspectors don’t look inside the payslips*

(ITA\_WP5\_IM\_15). The second reason is that workers may incur in costs that were not expected or not expected in such a scale. For instance, in the Netherlands workers are often hosted in “summer parks” where they have to pay more than 500 euros a month for one bed in a shared room. In Poland too, migrant workers’ wages may be much lower in practice after systematic deductions such as accommodation fees. Third and finally, undocumented migrants are paid the lowest rates. In Italy, wages can drop from 6.5 to 4 euros per hour and in Spain from 7.96 to 4–6 euros.

**Wages are not only low but also rather unstable.** This again applies to our five cases. In *Poland*, income depends not only on the size of the harvest but also on the ability to work. For instance, in the case of strawberry harvesting, a few days of rain can deprive a worker of most of the expected earnings. In the *Netherlands*, income instability is formalised in the labour contracts as they only specify a low number of working hours. While temp agencies demand 6 days a week availability, in practice workers may work much less depending on the available work, which means that they may not be entitled to work enough hours to earn a sustainable income. As said by one temp agency interviewed: “*We cannot guarantee the number of working hours per week or for the duration of work partly due to the significant impact of weather conditions in the agriculture sector*” (DF-NL14). As shown by Timmerman for the Dutch case (2025), being able to work extra to earn enough income depends as well on factors such as skill level, language proficiency, nationality, gender and, frequently, by the discretion (often shaped by favouritism) of those in higher positions. In this regard, Timmerman concludes that temp agency coordinators (thus, more broadly, intermediaries) play a key role in determining which workers receive greater stability or more favourable working conditions.

Income inadequacy results from low and unstable wages. Migrant workers’ income is not set in advance but depends on the ability to work and on having all the worked hours reported. Extra costs (e.g. regarding intermediaries and housing) may reduce even more migrant workers’ income.

## 2.4. Lack of rights and protection

The five cases under study present situations that range from rather strong protection, at least on paper, to no protection at all, both on paper and in practice. The *Dutch case* offers more protection as migrant workers are legal residents and legal workers and the immediate

ecosystem (with the possibility of legal counselling and NGOs offering assistance) offers protection to migrant workers in case of violation of their labour rights. However, in practice, things are more complicated. As migrant workers are employed by alternate employers and their employer is often not the farmer or greenhouse where they work but a temp agency, sometimes the responsibility over the worker blurs. According to NGOs, in these circumstances, inspectorates often fail to interview the worker properly: “*We are assisting someone who really had a serious accident. Of course the employer says ‘that it was a self-employed person, not my business’. And the labour inspectorate has said: ‘yes, okay, apparently this is a self-employed person construction, we can’t do anything with this’*” (DF-NL01). Moreover, though workers are offered free legal counselling, they often perceive it to be too far away. Finally, for irregularly staying migrants turning to labour inspectorates is perceived as too risky as the inspectorate may inform the immigration authorities about their irregular status.

In the *Italian and Spanish cases* we see a wide range of situations. In both cases, irregular migrant workers are formally entitled to civil rights (e.g. to strike and union membership) and are also covered under the labour law (e.g. to be paid for their work) but this is very limited in practice. In the Spanish case, there have been situations where, in the event of a workplace accident, the employer abandoned the worker in front of a medical centre without further explanation. Temporary workers and asylum seekers have social and employment rights but are often not entitled to welfare contributions. The fact that employers often underreport workdays do also limit migrant workers’ access to unemployment benefits. Many workers do also report not receiving pay when they are absent due to illness, despite contractual guarantees. Though the right to unionise is recognised for all workers, in practice it is not uncommon for companies to punish or even dismiss those who have joined a union. For instance, an Italian trade unionist reported that farmers maintain a WhatsApp group where they share information about workers who have filed union complaints, ensuring these workers are not hired elsewhere (ITA\_WP5\_EXP\_2).

In *Poland*, protection of migrant workers is rather low. First, many migrant workers do not have a contract and, in case of having it, it is not a labour but a civil law contract with very limited rights. As said before, under the “harvest help contract”, there is no minimum wage, workers are insured only to a very limited extent (sickness, maternity, disability and pension is not guaranteed) and there are neither maximum working hours nor a recognition of the right to rest, either daily or weekly, on in the form of paid annual leave. Second, individual farmers are not subject to labour inspectorate control, thus working conditions and occupational safety and health (OSH) are outside the supervision of public entities. Even the few farmers

who do have registered businesses often do not formally employ any worker and therefore cannot be subject to inspections either. In an interview for the project, a labour inspectorate admitted that, due to the workload, “*we wouldn’t want power extension either*” (WP5\_A\_S\_04). The only authority responsible for checking employment among individual farmers is the Border Guard, who focuses on the legality of residence and employment and lacks the competence to control working conditions. Unions and NGOs are rather absent in rural areas, so there is no protection from this side either.

Finally, as for the *Moroccan case*, most migrant workers are irregularly resident and irregularly working workers. Irregular workers are not protected by the labour law nor they get access to social and health care systems on the basis of their work. Since 2003 they do have access to basic health treatment. In addition, civil society associations provide health-related assistance to migrants outside the health coverage of the social security fund. According to the migrant workers interviewed, working conditions do not meet the necessary health protection standards: they often cite the lack of specific personal protective equipment at work and the use of risky chemicals and pesticides. This lack of protection is particularly critical for pregnant women, who expose their health and that of their unborn child. Though there is a union (The Democratic Organisation of Immigrant Workers, created by the Democratic Labour Organisation) that do help migrant workers, also without a residence permit, the migrant workers interviewed believe that unions are not interested in their situation, either because “they do not have a residence permit” or because they are not Moroccan. Migrant themselves do not tend to mobilise collectively but they do it to address specific problems, for instance insecurity outside of work. For instance, in November 16 2024, after an African migrant was attacked by two thieves, migrants connected via Whatsapp to mobilise and organise a form of collective contestation to make their voice heard to the local authorities.

Despite very diverse situations, in all cases migrants’ rights and protection are more limited in practice due to the temporality of their labour contracts (if any), the precariousness of their legal statuses and the lack of enforcement.

## 2.5. Work and living conditions

In all cases agricultural workers work under **harsh labour conditions** and repetitive tasks like fruit picking. These conditions often lead to physical strain and health problems. Agricultural

workers are often exposed to hazardous environments, including heavy machinery, pesticides and extreme weather conditions (e.g. high temperatures within the green houses), without adequate protective equipment or safety measures. As a result, the accident rate in agriculture is high. Given the fact that many workers work without a proper labour contract or proper labour conditions, work accidents are often not reported.

It is also common to all the cases studied that migrant workers do not get access to proper and decent housing. We see different arrangements. In *Poland* most workers live in housing provided by farmers near their farms. Most often, these are converted farm buildings with multi-bed rooms. Apart from the housing conditions, which may vary from farm to farm, in most of the cases workers live in isolated locations, which means that they are very much dependent on their employers and, when there are situations of abuse and exploitation, they are deprived of the opportunity to seek help, meet their basic needs or change jobs. In the *Netherlands*, securing a decent housing in the private rental market is out of reach for most migrant workers. Historically, employers (including temp agencies) provided housing to their workers, reducing the rent from their wages. However, to avoid multi-dependency, housing and work was separated. At least in the locality under study, the bulk of migrant workers live in short-stay facilities run by temporary housing companies. As noted by the Dutch report, the widespread use of temporary housing, governed by strict surveillance and short-term leases, reflects a broader governance approach that seeks to manage rather than integrate the migrant workforce.

As for the *Italian case*, we see a mixed system that combines private housing, accommodation by employers and public facilities. Settled immigrant workers who live in the area year-round tend to seek in the private housing market but they face two difficulties: first, available housing is often in remote locations far from their places of work and often lacking public transport; and second, despite the abundance of vacant properties, they face strong discrimination related to economic prejudice (the perception that they lack sufficient earnings to pay the rent and have short term residence permits), cultural bias (the idea that they won't maintain the property adequately) and fear of eviction difficulties and concerns about overcrowding. For workers arriving under seasonal flow decrees, the law requires employers to provide housing. However, this is not always the case and many migrant workers arriving through the flow system have had to find housing on their own. In addition, employer-provided accommodation is often inadequate. As for public housing, there are two different systems. The first is for asylum seekers, who have the right to live in reception facilities. However, these are often located far from agricultural fields. While some continue to live in these facilities and commute daily, those not returning in the evening risk losing their

right to stay. The second type of public housing is meant for seasonal workers through widespread accommodation.

As for the *Spanish case*, migrant workers are not seasonal workers, thus employers do not feel responsible for their accommodation. There is hardly any social housing, thus workers rely on the free market, where houses are expensive and scarce and, in addition, as for Italy, landlords are very reluctant to rent their houses to migrant workers. One interviewee concluded: *“There is racism, discrimination, and bad experiences. Often they don’t have stable income and sometimes stop paying or bring in more people. There are extreme overcrowding situations. Then they can’t be evicted”* (SP\_Ent14).” (SP\_Ent14). As a consequence, many migrant workers live in substandard housing, either in urban areas often subletting and in conditions of severe overcrowding and lacking basic habitability (e.g. without a kitchen or ventilation) or in shantytown settlements near the greenhouses, often with limited access to water and electricity. As noted by an interviewee, most migrants *“live in deplorable housing conditions with no hygiene. In one room, you can find three households of 5 to 6 people. Hygienic conditions are deplorable”*(MOR\_WP5\_Agri\_26\_ODT1).

As for the **health care**, situations range from full access to no access at all. In *Spain*, all people residing in a municipality regardless of their legal status have access to the health care system in the same conditions as citizens. In Andalusia, access to health care does not even depend (as it is the case for the rest of Spain) on registration in the municipal census. In the *Netherlands*, as legal residents and workers, migrants in agriculture have access to the health care system. The main barrier is lack of knowledge and information about how to access it and its functioning. In *Italy*, irregular migrant workers have access to essential and urgent healthcare. However, lack of knowledge (about the procedures), administrative barriers and exclusionary practices by health authorities may prevent (regular and irregular) immigrants to have access to health care in practice. For those without health coverage, CSOs such as Caritas have set up medical and dental clinics.

In *Poland*, access to the health care system is not always granted, either because of the lack of insurance or the remote character of work and therefore the distance from cities. This means that workers often rely on the goodwill of employers. Finally, in *Morocco*, irregular migrants benefit from free basic healthcare services, which covers medical emergencies, general medical consultations, nursing care and preventive health care services. They also receive help from CSOs. One of our interviewees stated though: *“If you have an accident, your boss won’t cover it. If your means are limited, you look for charities”* (MOR\_WP5\_Agri\_10\_IMW).

Many migrant workers face harsh labour conditions and often do not have access to proper and decent housing. Access to health care varies very much from one country to the other.

### 3. Explanatory factors for labour precariousness

In the following paragraphs we identify some of the factors that contribute to migrant workers' labour precariousness. We stress common trends that respond to broader dynamics linked to the effects of global capitalism in agriculture (also defined as neoliberal or corporate food regime) while at the same time pointing out to some singularities linked to each national and local context.

#### 3.1. Lack of regulation of the market

Increasing competition in international markets has led many farmers to compress (even more) labour costs as a survival strategy. Two main factors have contributed to shape this competition. The first factor is **trade liberalisation**, with partnership agreements between the EU and third countries (first in the MENA region and now under discussion with Mercosur). Though agriculture in the EU is subsidised and protected, production in non-EU countries is much cheaper and therefore farmers complain of unfair competition. As stated by a member of an organisation of small farmers in Spain: *“when third countries with very low production costs enter the market, our negotiation becomes even more impossible. It distorts everything”* (SP\_Ent11). Second, the so-called **“retailing revolution”** (McMichael and Friedmann 2007), namely the growth of supermarket chains that, thanks to their enormous buyer power, end not only controlling distribution but also shaping the production, processing and consumption of food, have had a double effect: the imposition of their own standards on producers, covering a wide range of aspects such as quantity, quality and price; and the exacerbation of competition, as supermarket chains can buy agricultural products in various parts of the globe, thus further aggravating the effects of trade liberalisation. In this context, many employers argue that production costs go up while product prices go down, thereby pushing them to reduce labour costs.

As stated by a small Spanish farmer: *“If prices aren't fair, working conditions aren't fair. If prices aren't decent, you can't get through the season. If there's no prices stability, there is no*

*job stability*" (SP\_Ent8). A Dutch farmer put it in a similar way: *"I wish products were sold in supermarkets at a fair price. I wish I had more leeway to reward people better. We already pay more than a minimum wage, but you know how much you have to fight with your customers, and that simply stems from the pressure of supermarkets. (...) sometimes the prices offered are below cost price. That's unacceptable"* (IntDignity\_41\_TdL). An Italian farmer also complained about the power of large-scale retailer: *"Retail chains control everything. They set the purchase price, reject fruit without paying, and don't tell us how much they need until midweek, after we've already delivered the produce"* (ITA\_WP5\_EXP\_5).

In this context, some farmers lament that the **EU not only fails to solve their problems but, in some ways, causes them**. First, competition in the global markets is seen as a consequence of trade liberalisation policies by the EU. Second, though the EU Directive "on unfair trading practices in the agricultural and food supply chain" (2019/633) is meant to diminish the power of big supermarkets, in practice it is seen as insufficient. Some farmers would have preferred a regulation rather than a directive, thus a legislation that is binding in its entirety, directly applicable as soon as it enters into force and with uniform rules. They also lament its partial implementation in national laws. In case of unfair trading practices, they denounce that redress is de facto very difficult as big supermarkets operate in different European countries, which means that legal action should be deployed in a different national context and, when they operate transnationally, in different national contexts at the same time. While this could be costly but feasible for big farmers or cooperatives, it becomes impossible for small ones. An organic farmer in Almería concluded emphatically: *"Europe works like this. It wants big, pretty and cheap tomatoes. Europe is hypocritical. Europe needs slaves"* (SP\_Ent22).

Liberal policies, regarding both the regulation of global markets and a *de facto* laissez-faire policy vis-à-vis unfair trading practices in the agricultural and food supply chain, have led many farmers to compress (even more) labour costs as a survival strategy.

### 3.2. Characteristics of the agricultural sector

**Work in agriculture is often seasonal, difficult to predict in advance, fluctuant on a daily basis and low skilled in nature.** Some products, such as fruits, are characterised by a strong seasonality, with employment peaks in the summer and autumn months. Moreover, peak harvest periods depend on external factors, such as weather conditions and fruit price

fluctuations, which means that sometimes they are difficult to predict in advance. In addition, weather also determines the work to be done day by day. For instance, if it rains, it may be no work. Finally, work is harsh and often involve repetitive tasks. Professional and language skills are often not needed.

For all these reasons, national workers tend not to want to work in agriculture. The availability of national workers has declined in the five cases under study (including Morocco) due to social reasons (children's schooling, rejection of strenuous tasks, appreciation of leisure time), economic reasons (workers shifting to other sectors, particularly industry and services, with better wages and labour conditions) and institutional reasons (the availability of social benefits for those not having a job). In this context, **agriculture serves as an entry job for recently arrived or legally precarious migrant workers**. Mostly, this is due to two reasons. First, they do not need specific skills or educational or professional certifications and language knowledge is rather secondary. Second, as long as they do not have other alternatives, agriculture becomes a way to work, have an income and, if possible, secure a job, which in some cases is a condition for securing (or accessing) a residence permit.

However, for these same reasons, when acquiring more skills (including knowledge about the context), becoming proficient in the national language or having a more stable residence permit, thus when having more possibilities and therefore alternatives, migrant workers tend to leave the agricultural sector. A Spanish police officer explained it like this: *“agriculture works as a gateway. Then they leave. For 40-60 euros a day, who would stay? It's hard to work but not skilled. You don't need training, language, skills, or even papers. And there is always work. Those who can do more qualified work, once they have papers, leave. The others, stay”* (SP\_Ent34). A migrant worker in Italy explained the same: *“In September, I no longer want to continue working in agriculture. I would like to take a course to become a bricklayer or a welder (...). I want to change jobs because the agricultural sector is seasonal: it's short-term work, and I need to have a stable job”*.

The seasonal, unpredictable and low-skilled character of agricultural work, often performed under harsh labour conditions and with low wages, has turned this sector into a niche for those not having an alternative, in many cases recently arrived or seasonal migrants.

### 3.3. Legal status of migrant workers

**Legal status is also key to explain the subordinate nature of migrant labour.** As we have seen in the cases of Morocco, Italy and Spain, not having a residence permit or having a very temporary status limits workers' possibilities not only to find a job in other economic sectors but also to negotiate their labour conditions or claim their rights. In the case of Morocco, most migrant workers in agriculture do not have a residence permit. In Italy and Spain, we see a variety of circumstances that go from being undocumented to having very precarious and temporary residence permits. This legal precariousness leads to labour precariousness in different ways: workers have very limited (if any) alternatives; though undocumented migrants are covered by labour laws, in practice the possibility to claim their rights is rather limited; and finally, in Italy and Spain, the possibility to regularise or to renew a residence permit depends in many cases on the availability of a job offer or a job contract. This leads many workers to accept certain working conditions (poorly paid, unstable, under harsh conditions) based on the employer's promise of a job offer or a continued labour contract.

Again, for the same reason, workers with a secure legal status tend to abandon agriculture. In Morocco, migrant workers with a residence permit tend to leave for other sectors such as businesses, restaurants and call centres. In the case of Spain, newly regularized workers tend to seek opportunities in other provinces and better-paid sectors. This has had a double effect: first, employers are reluctant to regularize their employees, arguing that "*it's pointless paperwork, they'll just leave*"; and second, employers end up depending on new arrivals—those in more precarious situations and with fewer options (starting with not having residence permit)—who are more willing to accept certain working conditions. In Italy, evidence from the 2020 "sanatoria" (regularisation) indicates that many regularised workers did not remain in low-wage agricultural jobs. Immigrants that have obtained long-term residence permits, as well as asylum seekers granted refugee status, tend also to leave rural areas to seek work in other areas, such as construction, logistics and metalworking.

Work in agriculture functions as a gateway for migrants with precarious legal statuses. Legally precarious migrants tend to accept labour precarious conditions and the other way around: securing a job may be the way out of irregularity or towards more long-term legal statuses.

### 3.4. Limited labour rights in the books

Labour rights are first of all limited on paper. The most clear example is *Poland*, where most workers in agriculture are not employed under a labour but work under a civil law contract. As said before, this means that, under certain types of contracts, there is no minimum wage, workers are insured only to a very limited extent (sickness, maternity, disability and pension is not guaranteed) and, under all types of civil law contracts, there are neither maximum working hours nor a recognition of the right to rest, either daily or weekly, or in the form of paid annual leave. In addition, these types of contracts can be easily terminated: in the event of a conflict or failure to meet the standards set by the farmer, the employer can either return the workers to the intermediary (“driver”) or simply abandon them at the nearest bus stop.

This “harvest help contract” was introduced in 2018 under pressure of agricultural organisations and following their concerns that the EU Seasonal Workers Directive (2014/36/EU) and its transposition into national law would reduce labour availability by aligning employment conditions for Polish and foreign workers, increasing legalisation fees and prolonging registration procedures. Despite some opposition, particularly from trade unions and labour protection institutions advocating for stronger worker safeguards, farmers’ demands largely prevailed and the bill swiftly passed. In August 2018, trade union “Solidarność” submitted a complaint to the European Commission arguing that the act breached EU law in respect to occupational health and safety (OHS) regulations. The European Commission, after consultation with the Polish government, disagreed and closed the case without further legal proceedings, claiming that OHS regulations derived from the Labour Code cover all entities employing persons, regardless of the form of the contract, including farmers providing workers with harvest help contracts. However, individual farmers in Poland are not considered employers and therefore, for causing injury to health or loss of life, can only be liable under criminal law.

Another factor that reduces on paper the capacity to protect migrant workers is the temporary character of labour contracts. In *Poland* seasonal work permits are limited to a period of 9 months, and the “harvest help contract” to 180 days a year and it can be ended by employers at any moment. In *Italy* non-EU seasonal workers have shorter permits (up to 8 months) and are not entitled to welfare contributions (e.g. basic income, vocational training, family support). In *Spain*, workers with temporary contracts receive very limited unemployment benefits. Those with fixed-discontinuous contracts have benefits that cover the months not worked but, in cases of illness or disability during the non-working period, they

are not covered and will not be hired. In the case of the Netherlands, as we have seen, Phase-A contracts with temp-agencies have a temporary employment clause meaning that they can be automatically terminated at the request of the hiring company or when the temporary worker wishes. Only in July 2023 a new clause was introduced to determine that the temporary employment contract would continue until the end date if the temporary worker falls ill.

Finally, contracts do not specify in advance the total **number of hours to be worked**. As said before, this depends very much on the weather and the amount of work to be done. This means that workers do not know in advance their expected earnings. The uncertainty in the sector, very much shaped by external factors, is thus passed on to the workers. In the case of the Netherlands, for instance, EU mobile citizens' contracts specify only a minimum number of working hours while temp agencies demand 6 days a week availability to work. If things are busy at the farm where they work, they can work. But if there is not much work to do, then they are not entitled to work enough hours to earn a sustainable income. In the Spanish and Italian cases, worked hours are also counted and reported ad-hoc, again not specifying in advance the monthly wage. In Italy employers are **legally required** to report hours worked and pay contributions to INPS (social security) and INAIL (insurance), but in practice reporting can be **irregular or incomplete**, and sometimes hours are recorded only after work is done, which makes monthly wages **unpredictable** for the worker.

National labour laws reinforce the precarious character of agricultural labour as 1) they facilitate short-term and discontinuous labour contracts, also in cases (such as the Netherlands and Spain) where tasks may last the whole year round; and 2) they allow flexible workdays (being worked hours reported ad hoc), which means that the uncertainty that characterises the sector is passed on to the workers. In Poland, agricultural workers are not covered under labour laws.

### 3.5. Limited labour rights in practice

Labour rights for migrant workers in agriculture are not only limited on paper but also and particularly in practice. In *Poland*, migrant workers' rights are not only limited by the fact that migrants are under a civil law contract but also because **individual farmers are not considered employers** and therefore are thus not subject to labour inspectorate control. As stated by a Polish labour inspectorate (Check-POL): "*there are situations when, for example,*

*an accident, whether serious or even fatal, is reported. These accidents are often reported to us by the police, who are called on-site. And when the labour inspector arrives, it turns out that it is an individual farmer, so at that point our activities end. He is not subject, this individual farmer, to our control” (WP5\_A\_S\_02).* The only authority with capacity to control individual farmers is the Border Guard, which does not have competencies with regard to control of working conditions. Farmers who are registered businesses but do not formally employ any worker are not subject to inspections either. Interviewees reported cases where a company had been created to deal exclusively with sales, while migrant workers were employed under civil law contracts directly linked to the farmer as individual. These cases do also remain outside labour controls.

Two other practices limit the rights of migrant workers. First, **irregular work**, which is common in Morocco and not exceptional in Italy, Spain and Poland, is not covered in practice by labour laws: irregular workers are paid much less per hour than regular workers and they do not have labour rights and any guarantee of protection. Second, as labour contracts do not specify a fixed number of hours per week or month, it is very common for employers to **underreport the number of hours worked**. In some cases, employers pay underreported hours in cash. In most of the cases, these hours are not paid and therefore workers tend to work many more hours than those they are paid for. Cases of full-time work under part-time contracts (or falsified reporting sheets) are rather common. There are also reports of wages being declared higher than they actually are, with the worker having to return part of the amount received. Interviewees also declared cases of workers not being paid for overtime or not being paid for overtime as such, thus without the corresponding premium. In all cases, we see a consistent and recurring strategy to lower the costs of workers’ hourly wages.

While in the cases of Italy and the Netherlands **labour inspectorates** seem to be comparatively more active in controlling labour conditions, in Poland, Spain and Morocco most interviewees reported that their presence is rather limited. In the case of Poland, as we have seen, this is due to the fact that individual farmers are not subject to their control. In the cases of Spain and Morocco, there is a clear mismatch between resources (specifically, number of labour inspectors) and the number of companies in the sector. As stated by an expert for the Moroccan case: *“the number of inspectors in the agricultural sector is not numerous at the national level. The difficult nature of the roads and access to some farms is especially difficult since labour inspectors do not have company vehicles to get to these places. Therefore, inspection is always very minim.al.”* [MOR\_WP5\_Agri\_12\_ Expert]. In Spain, most interviewees pointed the same. For instance, a farmer declared: *“There are labour inspections if there are complaints but not surprise or random ones. Moreover, there*

*are farmers' WhatsApp groups to warn each other"* (SP\_Ent8). A unionist went even further: *"There are 8–9 inspectors for thousands of companies. The incapacity is absolute. Why? Because it's not in their interest, because it would increase the cost/price of the product. When inspectors arrive, the worker is indoctrinated. They know what to say to the labour inspection, even those who issue certifications. Payslips are often not real: either because money is returned to the employer each month or because they work more hours"* (SP\_Ent10).

Finally, though in the case of the Netherlands labour inspections do occur and workers can in theory turn to them for help in case of violation of their labour rights, their capacity to intervene is very limited in practice, for instance many complaints filed are not acted. Our interviewees noted two specific circumstances. First, as migrant workers are employed and housed temporarily by alternate employers, and their employer is often not the farmer where they work but a temp agency, a system has been created where there is a serious risk nobody feels responsible. As said before, very often the Labour Inspectorate does not dig deep enough to find out who has the final responsibility. Second, the Labour Inspectorate is having a hard time proving the extent to which a worker has properly been paid or not. As stated by one of our interviewees: *"if there is no administration, then they cannot calculate with the WML [minimum wage] and therefore also cannot impose a wage claim. Or we cannot demand that the employer [client of the agency] pays. So I think that is immediately a very clear obstacle as to why it is so difficult to claim their right"* (DF-NL01). DignityFIRM researchers also found cases where the Court stuck to the hours reported by the employer on the salary slips, thus neglecting that those salary slips could have been mustered up fraudulently.

Irregularities in labour law compliance seem to be rather common in agriculture, for instance with employers underreporting the number of hours worked or making use of undeclared work. However, labour inspections are very limited in scope or do not always succeed to ensure law enforcement. In the Polish case, individual employers are not even subject to labour inspectorate control.

### 3.6. Mercantilisation of intermediation

Intermediaries between workers and employers play a key role in the cases of Poland, Italy and the Netherlands and, as we have seen, are behind the employment insecurity of many migrant workers. The reason is twofold: first, as farmers are not the employers and the

employers (temp agencies or formal and informal intermediaries) are not those in the workplace, the responsibility over the worker (in terms of labour conditions and safety) becomes blurred. Second, all parties (employers and intermediaries) seek to maximise profits, which means that in many cases they end up cutting costs at the expense of the workers. In more general terms, what we see is an “asymmetrical flexibilization” (Timmerman 2025), where employers benefit from “hyperflexibilised recruitment”, getting immediate access to “an endless reserve of disposable, low-skilled migrant workers”, whereas the migrant workers face greater insecurity and volatility. In addition, irregularities perpetuated by formal and informal intermediaries are common, such as failing to provide proper contracts, underreporting workdays or placing migrant workers in a situation of labour exploitation. While the Polish government has not regulated the role of these intermediaries, the Italian and Dutch governments have made some attempts in recent years. The Italian law against gangmastering (an extreme form of exploitation) can be framed as a comparable intervention to the Dutch law. Although the Dutch law is generic and targets all intermediaries, the final aim is to attack those intermediaries that engage in extreme forms of exploitation.

In order to combat labour gangmastering, the *Italian* government passed in 2016 a national law (Law 199/2016), which was subsequently translated into a regional law in the Piedmont region (Law 12/2016). In addition, in 2019, the Piedmont Region signed a “Protocol for the promotion of regular work in agriculture” alongside all regional Prefectures, several non-profit organisations, the regional branches of the Direction for Labour Policies and the National Association of Italian Municipalities. In 2020 a three-year national plan to combat labour exploitation and gangmastering in agriculture was launched. Developed through collaboration between institutions, labour representatives, employers’ associations and non-governmental organisations, the Plan was extended until September 2025. In this context, the regional government launched several projects (e.g. the “Good Land” project, funded by AMIF and, later”, the “Common Ground” project, funded by the European Social Fund) to compensate a financial shortfall and deploy specific measures and programmes, particularly in the field of social and labour inclusion. These measures offered migrant workers career guidance, training, legal assistance, labour intermediation, accommodation support, etc. Despite their impact on migrant workers daily life, a regional official interviewed for the project lamented that funded projects are short-lived and disconnected from structural policies and that long-term interventions (funded by the state on a structural basis) were extremely necessary.

In the *Netherlands*, the whole discussion about irregular practices by labour intermediaries focuses on the distinction between “good” agencies, which would offer workers permanent contracts and full-time work or the agreed part time hours of work and inform them of their rights, and “bad” agencies, popularly known as “cowboys”, very problematic, engaging with irregular practices and often – but not solely – led by “ethnicised” agency owners, e.g. Dutch with a Turkish or Polish decent. As a result, since 2020 the Dutch government has tried to address migrant workers’ employment insecurity and the abuses exerted by some agencies by setting up a generic certification and later a registration system for temporary employment agencies, thus materialising this distinction between good and bad agencies in an official registered one (*Act on admission making available of workers (wtt)*). However, this policy, not yet in force and probably only enforceable from 2028 onwards, is facing a double limitation: first, the difference between farmers and real employers (and employers and housing agencies) continues to blur the question of responsibility over the workers; and second, this official register is already being circumvented with new “constructions”, with exempted intermediaries involved or directly using intra-EU posted workers.

At the end, what we see, is that neither in Italy nor in the Netherlands the systematic reliance on the employment of migrant workers through intermediaries is challenged. In the Italian case, most efforts focus on legally assisting the workers and making them aware of their labour rights. Up to now, this has been done through short-term and internationally funded projects, thus not on a structural basis. In the Dutch case, the reliance on temp agencies is questioned in the public debate. However, measures to reduce abuses by intermediaries are limited to the distinction between the “good” and the “bad” intermediaries. Thus, to sum up, in the three cases (Poland, Italy and the Netherlands), the state accepts the role of the intermediaries as key actors to provide an extra, disposable and flexible labour force to farmers. As for guestworkers in the 1950s and 1960, the argument behind it goes as follows: these intermediaries allow farmers to hire “hands” (“extra hands”, borrowing the term used in the Netherlands) and not people.

The use of intermediaries facilitates “asymmetrical flexibilization”, where employers benefit from “hyperflexibilised recruitment” getting immediate access to “an endless reserve of disposable, low-skilled migrant workers”, whereas the migrant workers face greater insecurity and volatility. Policies to reduce abuses by intermediaries are very limited in scope.

### 3.7. Lack of regulation over housing

Housing is a central and unresolved issue in all cases. As we have seen, we find different models though: in Poland and the Netherlands, employers usually provide housing to their workers; in Italy there is a mixed system that combines accommodation by employers, public housing and the free housing market; and in Morocco and Spain migrant workers are mostly expected to find housing on their own as employers are not required to provide it and there are no public facilities to accommodate them. Despite these fundamental differences, as we have seen, inadequate housing and residential segregation in isolated areas is common to all cases.

The attempt to regulate these housing conditions differs from one country to the other. In *Poland* housing conditions are thought to be part of the private contract signed between employers and workers, thus the state neither regulate nor control them. Substandard living conditions seem not to be an exception. There have been reports of dampness and infestation. This is illustrated by the following quote by a female worker: “The housing conditions were very bad. I lived in a summer kitchen without windows, it was dark, damp. There were rats walking on the floor at night, I was afraid to get out of bed” (WP5\_A\_W\_06\_female).

In the *Netherlands*, as we have seen, to avoid multidependency on employers, recent labour and housing rights reforms led to greater tenant independence, separating housing from work. However, some of our respondents observed that this division was only true on paper. In practice, there are still close ties between temp agencies and housing companies. For instance, if migrants do not pass the cleaning inspection, the housing company calls the temp agency and subsequently the migrant worker loses both the job and the housing. And vice versa, if a migrant worker is dismissed from a job, he or she loses access to housing. In order to protect migrant workers, a recently implemented rule in the Netherlands is that, if they continue paying the rent, they can stay in the housing facility for another 4 weeks after losing their job.

In terms of living conditions, in the Netherlands, housing facilities for migrant workers are supposed to be certified and therefore comply with the rules. Yet, they have been severely criticised. First, in a context of an extremely tight housing market, short-stay “beds” in large-scale facilities have become a big business with huge profits made off the backs of migrant workers. Second, as stay cannot be longer than 6 months, in many cases migrants

move from one short term facility to another. This limits migrant workers' inclusion in a particular local context and implies that short-term housing (suitable only for short stays, e.g. with shared rooms) is used in practice for long-term periods. Finally, these so-called "parks" are often surrounded by natural walls (in order not to be seen by the neighbours), they are camera surveilled and inhabitants are subject to weekly unannounced cleaning inspections. The whole discussion about housing in the Netherlands is conditioned by the carbon dioxide crisis, which limits the capacity to build new houses. In this context, some municipalities shy away from giving building permits out of fear for diminishing political support, while others do try to increase the availability of more permanent housing, also for migrant workers.

In *Italy*, a severe housing crisis, with seasonal migrant workers living in railway carriages, warehouses and shacks near the city centre, led public administrations to intervene. In 2019 a memorandum of understanding promoted by the Prefecture and involving the Piedmont region, law enforcement agencies, agricultural associations, trade unions, third-sector organisations and ten municipalities required each participating local administration to provide housing for seasonal workers, including container units and accommodations in public buildings. These shelters opened at the start of the harvest and closed in autumn. To access them, workers needed a residence permit and proof of employment or an employer's hiring commitment. Workers contributed 1.50 euros per day, while companies paid 4.50. However, this solution is still contested. On the one hand, this model permitted to align the interests of various stakeholders responding simultaneously to the needs of local municipalities (to avoid social tension), trade unions (to monitor legal compliance in the work place), and employers' associations (to alleviate their responsibility). On the other hand, many municipalities are still reluctant as they fear losing public support, some employers are unwilling to contribute financially or prefer to host migrant workers directly and NGOs and migrant organisations criticise the fact that these facilities exclude workers without a residence permit, concentrate too many workers in one single place and often do not offer dignifying living conditions.

In *Morocco* and *Spain* the debate is completely different as workers are not seasonal and therefore workers' accommodation is not seen to be the responsibility of employers. In both cases, migrant workers only have access to the private housing market where, like in the Italian case, they face different forms of discrimination, landlords being very reluctant to rent out to migrants. Apart from suffering from discriminatory practices, in both places there is more work than available housing. It is thus also a question of scarcity. For instance, in the municipality of Níjar (Almería, Spain), agricultural production has grown exponentially and, as a result, the population has grown too (each cultivated hectare needs between 2-3 workers). However, no new housing has been built since the housing crisis in 2007. There is thus a

structural housing deficit, which has not been tackled neither by the private market nor by public administrations.

In fact, there is no public housing policy and, following the trend across Spain, there is hardly any social housing. A union representative observed: *“Níjar has the lowest per capita income in all of Spain but there is no shelter for people in need. Why? Because only economic profitability matters. There is no public initiative, only private”* (SP\_Ent10). As we have seen, this has resulted in widespread substandard living conditions. According to a report by the Andalusian Human Rights Association (APDHA), it is estimated that 7,000 people live in informal settlements in the province of Almería. If we also count vertical settlements or those in urban areas, the number would be much higher. In the municipality of Níjar along, the Servicio Jesuita al Migrante (SJM) estimated in May 2025 that between 1,500 and 1,600 people were living in shantytown settlements, with a total of 40 settlements. The number rises to 3,500 people if we include other forms of substandard housing, such as isolated buildings (e.g. greenhouse huts, farmhouses, warehouses) and urban substandard housing (SP\_Ent12). This figure represents 10% of Níjar’s total population.

In this context, local administrations have focused their efforts on evicting settlements. When interviewees were asked why – despite the severity of the housing problem – more has not been done by the various administrations, they mostly mentioned lack of political will: first, because most migrants, especially the most excluded ones, do not vote; second, because those who do vote tend not to look favourably on policies aimed at the migrant population. An interviewee concluded: *“It’s sensitive to create housing solutions for immigrants and not for locals. It’s a matter of votes”* (SP\_Ent18). Interviewees also mentioned that the City Council has no authority over housing, which is a responsibility of the regional government, and that administrations cannot design policies meant for (mostly) undocumented immigrants. In July 2023, the Strategic Plan for the Eradication of Informal Settlements and the Social Inclusion of People Living in Agricultural Areas was approved. Although its development is still in progress, it is important as for the first time the regional government recognises itself as the competent administration to solve the problem of shantytown settlements, it obliges local administrations to develop local eradication plans and it opens a funding line for social organisations. However, a worker from a social organisation lamented: *“we haven’t found the key to ensuring that where there is labour demand, there is housing”* (SP\_Ent15). For a farmer and representative of a farmers’ union, the only solution is public housing: *“we must eradicate the settlements with a housing policy. No houses are being built. I’m talking about housing, not lodging. (...) Most are here all the year round”* (SP\_Ent11).

In all cases, there are more workers than available housing. In addition, migrant workers face huge discrimination in the housing market. As a result, housing continues to be a central and unresolved issue. Only in the Netherlands and Italy public administrations have intervened, trying to ensure independence from employers and fairer housing conditions in the first case and setting up public widespread accommodation in the second.

### 3.8. Fundamental but insufficient role of non-state actors

Except for *Poland* where they are rather missing, trade unions, NGOs and civil society organisations are key in facilitating migrant workers' access to basic services and claiming for their rights, either in Courts or by raising public awareness. However, their capacity is limited in practice: they focus on specific areas (e.g. basic services, housing conditions, labour rights) or they do not succeed to reach all workers. Their role, however, is rather diverse (including a diverse range of actors) in each of the cases under study.

In the *Dutch case*, trade unions do not seem to be fundamental. Instead, the national organisation FairWork, dedicated to support victims of labour exploitation, and local citizens initiatives, regarding housing conditions, are key. FairWork provides legal aid by assisting workers to file a complaint or by following up complaints that have not been responded to by the labour inspectorate (according to one of the respondents, they represent about 50%). As for the initiatives by local citizens, they mostly follow housing development projects and are key in pointing to the wrongdoings of employers and municipalities. Sometimes human rights arguments are used to oppose large-scale agricultural projects and housing facilities, but in most of the cases local citizens reject this kind of economic development (including the large arrival of temporary migrant workers implied) or do not want such housing projects in their "back yard".

In the *Italian case*, trade unions play a crucial role in improving migrants' working conditions. Though traditionally agriculture has been one of the least unionised sectors, the increasing presence of vulnerable and precariously employed migrant workers has led trade unions to adopt more proactive strategies, e.g. by providing legal assistance, contract and payslip verification, cultural mediation and preventive outreach. Social organisations such as Caritas and third-sector cooperatives are also key: they provide low-threshold services to meet migrant workers' basic needs, offer legal assistance or manage reception facilities. Finally,

voluntary associations do also support migrant workers, with practical assistance and advocating for better living conditions.

In the *Spanish case*, while the two major unions (CCOO and UGT) are rather missing, the regional SOC-SAT (Field Workers' Union and Andalusian Workers' Union) is very present, with 10% of representation in Almerian agriculture and handling more than 1,000 complaints annually. According to one of its representatives, "*when the conditions established in the legal framework are not met, there are two options: inspections (rather rare) or union struggle*" (SP\_Ent5). This includes issuing complaints, bringing cases to Courts, pressuring employers to pay for the hours worked, including overtime and vacations, or for local transportation to the fields, mobilising workers and raising awareness of rights violations in the sector. As for social organisations, they are key in providing support to migrant workers at risk of social exclusion. They offer language courses, legal advice, training programs, job placement and labour mediation, residential inclusion programs, support to women in prostitution, and other programs addressing the specific needs in the informal settlements. One of the interviewees, worker in one social organisation, questioned their role in the long run, which – as he argued – was meant to alleviate the "ills of the system" (as a "safety valve", "sedation", "palliative care") rather than to change it (SP\_Ent10).

Finally, in the *Moroccan case*, social organisations work to guarantee migrant workers' access to basic services, for instance access to school for migrants' children. They also provide humanitarian support and accompany immigrants to ensure a better access to rights and services. As for Spain, an interviewee from a social organisation also highlighted their limited role: "*We cannot do anything. Civil society is the cure, it's society's paracetamol. But it is not in our hands. Civil society is there. But the decisions are made by the state*" (MOR\_WP5\_Agri\_2\_CSO). On the other hand, trade unions such as the Democratic Union of Agriculture (SDA) and NGOs such as ATTAC/CADTM Morocco have been key in supporting the struggles of agricultural workers and advocating for social justice. Their strategies include raising awareness (particularly regarding the exploitation of female workers), organising protests and forming coalitions with other organisations, either in North Africa or in Europe.

Trade unions and social organisations are key to ensure migrant workers' access to basic services, support them in mobilising for their labour rights and raising awareness. However, their role is limited given migrant workers' labour precariousness (including irregularity) and the welfare-oriented nature of most of their actions.

## 4. Conclusion

**In terms of the working and living conditions of migrant workers**, though these are rather diverse across national cases but also within each case depending on particular circumstances both from employers and workers, in general terms most migrant workers in agriculture have precarious legal statuses, sometimes as irregular migrants or as migrants with temporary permits. Migrant workers also tend to face employment insecurity due to undeclared work, the temporary character of labour contracts and, in the cases of Poland, the Netherlands and Italy, the use of intermediaries. Income inadequacy is not uncommon as a result of low and unstable wages. This often responds from the fact that migrant workers' income is not set in advance but depends on the ability to work and on having all the worked hours reported. Extra costs (e.g. regarding intermediaries or housing expenses) may reduce even more migrant workers' income. Lack of labour enforcement is also rather widespread throughout all our cases. Finally, many migrant workers face harsh labour conditions and often do not have access to proper and decent housing. Access to health care though varies significantly from one country to the other.

**As for the factors that contribute to explain these working and living conditions**, our conclusion is that migrants' labour precariousness results from a combination of global economic pressures, structural features of the sector, and migration and labour policies. Trade liberalisation and the growing power of supermarket chains have intensified global competition, pushing farmers to cut labour costs and creating a system where low prices translate into poor working conditions. Agriculture's inherent characteristics—seasonality, unpredictability, harsh physical demands and low skill requirements—further reinforce the sector's dependence on newly arrived or legally precarious migrants, who often accept difficult jobs as a gateway to income or residence permits. Precarious or temporary legal statuses limit migrants' alternatives and bargaining power, while those who regularise or gain more stable permits tend to leave agriculture, creating a constant need for new, more vulnerable workers.

Labour precariousness is also reinforced by **limited labour rights both in the books and in practice**. National labour frameworks facilitate short-term contracts, flexible hours and uncertain earnings, and in Poland agricultural workers are largely excluded from labour law altogether. Enforcement is weak across countries: labour inspectorates are rather limited in all cases. **Intermediaries**—formal and informal—play a central role in Poland, Italy and the Netherlands, enabling “hyper-flexibilised” recruitment while often exposing workers to

exploitation. **Housing** remains a major unresolved issue everywhere: employer-provided accommodation or public shelters are often inadequate, while in the Spanish and Moroccan cases – where employers are not responsible for migrant workers’ housing – severe housing shortages and discrimination have led to widespread substandard housing or informal settlements. Finally, although **trade unions and NGOs** provide essential support, their impact is constrained by migrants’ legal precarity, limited resources, and structural political disinterest in improving conditions for a largely disenfranchised workforce.

To the question **to what extent policies matter, thus whether they succeed in protecting or improving migrant workers’ labour and living conditions**, the straight answer is that they do but only to a limited extent. In general terms, we could conclude that markets are above all what shape migrant workers’ labour and living conditions. This translates into two intermingled trends: economic profit is often given priority to workers’ labour and living conditions; and, as a result, the agricultural sector continues to rely on a cheap and flexible labour force. Policies do not seem to challenge these trends substantially. In the field of **market regulation**, liberal policies, regarding both the regulation of global markets and a *de facto* laissez-faire policy vis-à-vis unfair trading practices in the agricultural and food supply chain, have led many farmers to compress (even more) labour costs as a survival strategy. In the cases of Morocco, Spain and Italy, **migration policies** are behind very precarious statuses (i.e. foreign residents with no or very temporary residence permits), which undoubtedly explain as well their limited bargaining capacity. In contrast to other policy fields, labour precariousness resulting from legal precariousness is thus not despite state’s policies but rather because of them. The cases of the Netherlands and Poland are different, as migrant workers (either as EU citizens or from visa-free countries with simplified procedures) have a more stable legal status. These cases show, however, how enjoying a residence permit is not a guarantee for proper and dignifying labour and living conditions.

As for **labour policies**, migrant agricultural workers across Europe face rather limited labour rights, both legally and in practice. In Poland, the widespread use of civil law contracts excludes workers from basic protections such as minimum wage, social insurance, maximum working hours, and paid leave, while also allowing easy dismissal. Similar patterns of precarity arise in Italy, Spain, and the Netherlands, where seasonal or temporary contracts restrict access to welfare benefits, allow employers to end contracts at will, and rarely guarantee a fixed number of working hours. As a result, workers’ earnings are unpredictable and the risks associated with volatile agricultural production are shifted onto them. In practice, labour rights are further undermined by weak enforcement and widespread irregularities. Across all countries studied, common abuses include underreporting of working

hours, unpaid overtime, falsified payslips, cash payments for undeclared hours, and wages that do not reflect actual work performed. Even in the Netherlands – where oversight is stronger – temporary agency systems create blurred responsibilities, making it difficult to prove violations or secure compensation.

Finally, regarding **housing policies**, across all countries studied, these are limited, uneven and often insufficient. Poland leaves housing entirely to private contracts between employers and workers, resulting in widespread substandard conditions. In Spain and Morocco, where employers are not expected to provide accommodation and public housing policies are virtually absent, migrants rely on an overstretched private market marked by discrimination and chronic scarcity, leading to large informal settlements. Spain's Andalusian government has recently approved a strategic plan to eradicate these settlements, but implementation is slow and structural solutions—like significant public housing investment—remain lacking. The Dutch and Italian cases are probably the ones where public administrations have introduced reforms in view to improve migrant workers' housing conditions. But again, these have been rather limited. In the Netherlands, most migrant workers live in short-stay facilities run by temporary housing companies. To avoid abuses, the state made these housing companies independent from employers and certified both housing companies and facilities. However, the core problem has not been challenged: housing for migrant workers continues to be a great business and housing facilities are governed by strict surveillance and short-term leases. As for the *Italian* case, the Piedmont regional government coordinated a memorandum of understanding to promote regular agricultural employment and housing for seasonal workers. Its impact was limited by the fact that many municipalities were reluctant to open reception facilities due to fears of losing public support and funds to support both municipalities and employers were project-based and therefore short-term.

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The cases of Italy, Morocco,  
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