















*even know a single one; only three, mainly in the commercial sector. They are Senegalese. In fact, they were the first migrant community to settle in this province, before the arrival of others, which allowed them to benefit from the first regularization campaign launched in 2014.” [Interview\_6]*

The trade union representative for migrants (ODTI) explained that the high number of undocumented migrants is due to their lack of information about the legal procedures for obtaining a residence permit. He also listed several legal avenues allowing a migrant to obtain a residence permit in Morocco. *“For example, currently, the only way to obtain a residence permit is through entrepreneur status. This requires having at least 100,000 DH in one’s account to start a business and follow the permit application process. Another legal avenue is to be hired by an employer; for this, one must be talented, for example, a footballer, athlete, etc. Finally, there is the exceptional regularization program, which has not been renewed.” [Interview\_26]*

Migrants describe the conditions of migrant recruitment in farm work as follows: *“Most of the time it’s the passport [...] the passport, that’s all. If you don’t have the original or even if the passport is not up to date, even if it’s expired, there’s no problem. There are others who accept the passport photo in the phone [...] others register without a passport, because they need labour to be able to produce goods.” [Interview\_5].* Sub-Saharan caporals select the necessary workers and assemble a team that they can modify at any time. They possess the experience required to choose workers capable of performing the tasks at hand, taking into account their physical strength, stamina, and place of residence. Accompanied by the driver, the caporals meet the migrants at the mawqef (gathering place of workers) or post an announcement about the labour demand on WhatsApp groups of subsaharan migrants. One migrant acting as a caporal explained: *“We post an announcement on the WhatsApp group: to those who respond, I offer training before they start work.” [Interview\_4]* In other cases, the driver of sub-Saharan origin acts as the foreman. His role then consists of mobilizing the required number of workers, ensuring their transport from the mawqef to the farm, and bringing them back to the village after work. Transport for workers is sometimes provided by the employer, and sometimes drivers charge migrants 10 dirhams to cover fuel costs.

### 3.2 Employment status

The lack of an employment contract that guarantees rights at work explains migrant workers’ precariousness and insecurities, especially because of the **seasonality of the agricultural jobs** and the high probability of job loss, illness or work-related accidents. Article 17 of the 2003 Moroccan labour code took into consideration this temporary nature of employment in the agricultural sector and stated that definite contracts that last more than two years should become indefinite. *“In the agricultural sector, a fixed-term employment contract may be concluded for a renewable period of six months, provided that*



migrant considers this improvement as insufficient: *“There’s been a slight improvement. From 60 to 65, then to 75, then to 90 MAD per day. We want 120 MAD, for a number of hours we can’t yet define; eight hours is too long, six hours would be fine.”* [Interview\_6]. For the past four years, due to rising consumer prices, migrants have been unable to save money to cope with periods of unemployment. Wage increases have become a priority demand for Moroccan agricultural workers. Several sit-ins were organized at the end of 2024 to demand a daily wage of 150 MAD for Moroccan agricultural workers. The migrants did not participate in these demonstrations, but they feel that these demands correspond to their own.

The recruitment of migrants without an employment contract that specifies the terms of **dismissal and compensation** where applicable creates precarious working conditions for migrants and causes feelings of insecurity with regards to their employment. The caporals in charge of recruitment have the right to dismiss or no longer employ a migrant worker on the grounds of absence or lack of docility and responsiveness to their work constructions. An interviewee describes that farm work cannot be guaranteed: *“By the way, there is no guarantee, from one day to the next, he tells me (the caporal or the employer) I don’t need you anymore.”* [Interview\_4]. Migrant workers are not entitled to justified absences in the case of illness, or in the organization of religious holidays because the official holiday list does not include non-Muslim holidays<sup>9</sup>. A Christian migrant stated: *“Migrants work on December 24<sup>th</sup>; the most important day for Christians. We ask for it, but it doesn’t happen. We can’t take time off on that day. If you’re not punctual, you’re out!”* [Interview\_5]

In regards to health care, regularized migrant workers with a residence permit and an employment contract can easily be registered with the National Social Security Fund (CNSS), which entitles them to benefit from a mandatory **health insurance scheme** (AMO) covering their medication and hospital care. Foreigners in an irregular situation do not have access to this scheme because they do not have a residence permit<sup>10</sup>. Refugees and migrants who entered the Moroccan territory irregularly can also have access to basic health services provided by Public Health structures<sup>11</sup>. At the workplace, the intersection of illness or physical disability with the migrants’ irregularity often exacerbates migrants’ precariousness and poverty. In the event of illness or work accident caused by the job, Irregular migrant workers are easily dismissed from their work. They are forced to seek another employer. Migrants who experience physical difficulties are excluded by their caporals who are aware of their situation, as Boubaker stated *“if you’re sick one day, two days, the bus won’t wait for you, it’ll get another one.”* [Interview\_10] This indifference of employers towards the health of migrants causes them a feeling of unease. According to Doumbia: *“The lack of respect and*

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<sup>9</sup> See Decree No. 2-04-426 of 16 kaada 1425 (December 29, 2004, p. 18) establishing the list of paid holidays in industrial and commercial enterprises, liberal professions and agricultural and forestry operations.

<sup>10</sup> EuroMed Rights (2015, p. 8).

<sup>11</sup> Ministry of Health (2021, p. 24).

*consideration, when you get sick, they have to look at us. You see, I left work on Thursday, I got sick there. Still, the boss has to look at us, or give us [...] but nothing.” [Interview\_19].*

### 3.2 Income

In the context of rising costs and inflation, a tripartite agreement was signed in 2022 to promote the rights of workers, increase the minimum wage by 10% overall and reduce the number of required days to contribute to pension funds. De facto policies were being implemented to improve the living conditions and the wages of farmworkers. However, due to the fact that Irregular migrant workers do not have legal documentation for their stay in Morocco, they may not receive their exact daily wages as stipulated by the government, especially when there is a low labour supply. In the case of high labour demand and labour shortage, irregular migrant workers become even indispensable but and may receive higher wages, than the wage stipulated by the SMAG<sup>12</sup>.

According to migrants, the income they earn is **insufficient**. For them, this situation is explained by the increase in the price of consumer goods and housing more particularly. Due to the large migrant population in the municipalities of Sidi Bibi and Khmiss Ait Amira, the rent for a small two-bedroom house with a kitchen has risen from 500 to 700 MAD, then to 1,200 MAD, and sometimes even more. To justify their insufficient wages, the migrants cite their inability to save and find housing. Most of them declare: “*The salary is insufficient. On the other side, in Europe, agricultural workers are better paid than in Morocco. You calculate: paying for the house, the debts at the shop, the little that is left to eat, sending a little back home, the whole problem is in our inability to afford the expenses of housing.*” [Interview\_10]. Compared to their countries of origin, wages in Morocco are high, as evidenced by a corporal—a figure to be taken with caution, since team leaders earn more than farm labourers. Despite this wage increase, the high cost of basic necessities limits migrants’ ability to save. “*The problem isn’t the wage increase; [...] In 2020, the cost of living was lower: a litre of oil cost 50 MAD, compared to 100 MAD today. Housing prices are rising: the rent for a two-bedroom apartment is 1,200 MAD.*” [Interview\_9]

### 3.3 Working and living conditions

The Moroccan labour code stipulates in chapter III article 304 paragraph 1 and article 336 on Occupational medical services, that enterprises employing at least fifty employees must create a Safety and Hygiene Committee. In addition to these legal provisions, occupational medicine started in Morocco with the adoption of Dahir No. 1-56-093 of 08/07/1957. This Dahir established the obligation to create medical services in companies employing at least 50 employees and in any company at risk, regardless of the number of its workforce. The supervisory services are inflexible when it comes to establishing and ensuring the proper functioning of medical services within companies. Furthermore, the report the occupational

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<sup>12</sup> Mixed Migration Centre (2022, p. 13).

health doctor writes about the company has an impact on the number of points awarded to the insurer<sup>13</sup>.

According to migrants, the working conditions do not meet the necessary health protection standards. They often cite two major sources of risks. The first is the lack of specific personal protective equipment at work, as one migrant observes: “Regarding the work and working conditions, most people complained. We are exposed to chemicals; there is no equipment or protection against this danger. Sometimes we cut fruit, and at the same time other workers pump [spray] the products [...] we breathe this.” [Interview\_9]. Migrants bear some responsibility. Either they do not ask for protective equipment, gloves, or they do not use the available equipment, as one migrant claims. Hence, irregular migrant workers are often at risk of many health problems such as poisoning, chest pain, whole body pain, blood tension for those who work in the tomato industry, cancer, headaches and other psychological pressures.

In addition, irregular migrant workers’ expenses of health treatment are not covered by a health security fund nor by their employers. Associations are filling this gap by providing migrants with health services and medication. This is the only solution available to migrants: “*In terms of social protection, there is no right to that; if you are injured, you are the one who treats yourself, the money you earn, you treat yourself.*” [Interview\_9]; “*If you have an accident, your boss won’t cover it. If your means are limited, you look for charities.*” [Interview\_10]. The lack of protection makes these migrants ‘disposable’ workers, as one migrant puts it: “*Employers don’t provide care; they ask migrants to stay home when they are sick.*” [Interview\_4]

Most farms have certificates attesting to their compliance with safety standards. Producers and packing companies claim to provide protective equipment against the risks associated with each task, but the migrants refuse to use it. Labour inspectors raise issues related to the practice of their profession, staff shortages, and a lack of resources, which limits their monitoring role. The migrants claim that the day of the inspection visit is always a day off. A Guinean migrant observed: “*The inspectors are essential; when they arrive, they are already briefed, they assemble a team, and they check hygiene. As for the team of sub-Saharan migrants, the employers say: ‘Tomorrow is a day off.’*” [Interview\_5]

## 4. Actors’ strategies and frames

### 4.1 Employers’ strategies and frames

In Morocco, the Labour Code<sup>14</sup> is the legislative text that sets out all the rules relating to the organization of social relations within the company and in the field of work. The provisions of this law apply to persons bound by an employment contract regardless of its terms of execution, the nature of the remuneration and the method of payment that it provides for

<sup>13</sup> Le Matin (2013, May 15).

<sup>14</sup> Labour code. No. 65-99.

and the nature of the company in which it is executed<sup>15</sup>. Undocumented migrants are not included among the categories mentioned in that law because they do not have administrative documentation for their residency and employment status.

Interviewed employers<sup>16</sup> used the term **productivity** to discuss the recruitment of sub-Saharan migrants and the wages offered. They believe this workforce represents an alternative to the shortage of Moroccan agricultural workers. An interviewee has demonstrated a preference for Moroccans, Senegalese, and Ivorians over English-speaking workers: *“The boss prefers Ivorians, along with Moroccans; the boss says the others came looking for adventure (irregular emigration).”* [Interview\_7]. An employer emphasizes the issue of productivity as follows: *“In the agricultural sector, when we talk about the productivity of farm workers, there’s a big problem. The productivity of workers is very low: before, four or five people worked for a hectare of tomatoes, now we need seven or eight to achieve the same productivity. That’s the problem. The productivity of migrant workers is higher than that of Moroccans, especially the productivity of Senegalese workers.”* [Interview\_14]

The representative of agricultural companies confirmed this issue and added one of the causes of the **shortage of farm workers** is the availability of the direct social support for vulnerable workers. *“Moroccan workers are losing interest in agricultural work, especially since they benefit from direct social support, and therefore prefer to work without a declaration for social protection and security.”* [Interview\_17]. To face this situation, employers recruit Irregular migrant workers because they are available. In the interviewee’s terms IMs are god sent. *“They benefit, and we benefit. But a quick solution to this problem is needed, for those who want to stay and even for those who want to transit.”* [Interview\_17]. He adds: *“Mechanization of work is the best solution; it is better than relying on a workforce that has become unavailable.”* [Interview\_17].

For employers, salary is not the problem, but the problem is in **profitability**. An employer observed that he is willing to pay the same salary Moroccan agricultural workers get in Spain provided they give the same productivity: *“In Spain, Moroccans agricultural workers earn 40 euros a day, the equivalent of 400 dirhams, more than the minimum wage. These migrants... I can pay them the same salary as long as I maintain the same profitability.”* [Interview\_11]. Irregular agricultural workers offer an alternative for ensuring the **continuity of production** and harvests on farms, which raises questions about the employer’s legal responsibility. According to our source: *“The workers refuse to register with the CNSS; we are therefore forced to employ them. The product is perishable; how can we pay for it*

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<sup>15</sup> Kingdom of Morocco (2003, September 11).

<sup>16</sup> This section is based on three interviews; two interviews with employers in the sector of agriculture in the locality of Sidi Bibi and Ait Amira and one with the representative of the Moroccan Interprofessional Federation for the Production and Export of Fruits and Vegetables (FIFEL).

*without declaring it? They are paid under the table. The workers encourage fraud; the employer will be penalized, but not the worker.” [Interview\_11]*

Faced with a labour shortage, employers are implementing various recruitment strategies. During peak season, they hire day workers to meet the labour needs for the harvests, as one employer explains: “*When production is high, we are forced to use day workers. [...] The day worker is paid by the day. The labour code requires them to be registered, even for just one day. But these workers refuse to register with the CNSS (National Social Security Commission).*” [Interview\_14]. Furthermore, labour shortages, climate risks, and natural disasters are prompting some employers to reduce their investments and prioritize small and medium-sized farms to better manage their operations in the face of these factors. One employer explains: “*I’m talking about farms of five hectares or more. These farms meet the required standards (employment contracts, social protection, workplace safety, occupational health and safety, etc.). [...] We are now starting to invest in small and medium-sized farms because the labour shortage is significant and risk management is a major challenge.*” [Interview\_14]. Despite the existence of the Generation Green 2020-2030 strategy, which aims to ensure continued investment in the sector by prioritizing the training of a new generation of agricultural entrepreneurs and guaranteeing the sustainability of agricultural development, many agricultural employers are considering redirecting their investments to other sectors. “*Employers are considering a change of sector due to several challenges, including the labour shortage.*” [Interview\_11]

Employers justify their choices by invoking **rationality, profitability, good governance**, and the attractiveness of their farms to guarantee agricultural production. Some migrants are perfectly aware of the capitalist logic underlying the optimization of sub-Saharan labour, as well as the strategies implemented by agricultural employers for this purpose, notably the use of sub-Saharan caporals. They also emphasize the psychological consequences of this logic. The excerpt below illustrates this awareness: “*Some farms, driven by a capitalist vision, seek to reduce the proportion of Moroccans in order to optimize the sub-Saharan workforce. These workers are subjected to daily, weekly, or monthly targets. [...] their own brother pushing them to work relentlessly. This stress generates significant stress, the cause of numerous illnesses that no one talks about.*” [Interview\_3]

During a meeting with the Prime Minister, farmers stated that exporting agricultural products is essential to maintaining production for the local market, especially given the rising costs of return on investment. “*There’s a tendency to think that anything exported is problematic. But in reality, it’s exports that allow local products to survive.*” “*Without the seawater desalination plants established by the government in the difficult context of the Covid-19 pandemic and the Russo-Ukrainian crisis, we wouldn’t be talking about tomatoes today*”<sup>17</sup>. What is not mentioned is that the use of informal day labour allows employers to

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<sup>17</sup> Transcribed from a video. One of the interventions of member of the FIFEL in a meeting with the prime minister (2023). The Prime Minister chairs a meeting with members of the Moroccan Interprofessional Federation for the Production and Export of Fruits and Vegetables.

minimize their costs. Similarly, employing migrant workers living locally and near the farms in Laqlia and Sidi Bibi allows employers to reduce the additional transportation costs associated with bringing workers from afar.

To make agricultural work more attractive, some employers are taking into account the needs of their employees, including migrant workers, and providing them with the working and welfare conditions necessary for their productivity. From an employer's perspective: *"Since there is a need, the question is how can we attract these people? We need to provide accommodation, a shower, and a kitchen for three people. The farm's reputation is important; without labour, we cannot produce. Raw materials are perishable. The farm staff themselves ensure the well-being of the workers; to be profitable, good management is essential. A satisfied worker takes care of the crops."* [Interview\_14]

#### 4.2 Migrant workers' strategies and frames

Due to their lack of legal status, migrant workers and unskilled Moroccans in precarious situations work illegally in dangerous and often abusive conditions, particularly on farms. These workers have no choice but to resign themselves to the precariousness of their employment and develop what previous studies call the "invisibility syndrome" in order to earn enough to pay their rent, meet their basic needs, and pursue the European dream<sup>18</sup>. These workers are aware of the impact of their administrative status and vulnerability on the strategies they adopt. They use strategies such as adaptation, negotiation, support for the struggles of Moroccan agricultural workers, individual protest, collective mobilization, etc. One migrant described this situation as follows: *"There were strategies, but they are not implemented; there are ideas, but there is fear; they intended to strike, but it didn't happen."* [Interview\_5]

**Adapting** to available working conditions is a strategy employed by migrant workers for several reasons. First, they have no other choices or better job prospects. One migrant emphasizes the importance of the jobs created for migrants: *"For employers, hiring without a contract is, above all, about creating jobs. Without employers, we would be unemployed. At least they create jobs that allow us to live in society."* [Interview\_9]. Secondly, migrant workers are forced by their precarious situation to accept available work, as they lack a support network and cannot rely on family solidarity. Despite this precariousness, work in the agricultural sector allows migrants to earn an income and provide for themselves and their families. One migrant worker stated: *"If we refuse, how can we live? We have to put our family first. We left our country; we are forced to accept these conditions."* [Interview\_9]. Third, the irregular immigration status of migrant workers limits their prospects. They accept temporary jobs in the agricultural sector while waiting for other opportunities to continue their migration to Europe or for regularization that would allow them to apply for

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<https://www.cg.gov.ma/ar/ألبوم-الفيديو/رئيس-الحكومة-يترأس-اجتماعا-مع-أعضاء-الفيدرالية-البيمهنية-المغربية-لإنتاج-و-تصدير-الخضر>

<sup>18</sup> Bachelet (2018).

more attractive jobs. *“It all depends on each person’s availability. Some work only a short time because they don’t intend to stay. Others, who want to work long-term, will refuse these jobs.”* [Interview\_4]

Regularizing their status guarantees them a transition to other jobs. Those with a residence permit change sectors, as several migrant workers attest. This irregularity explains the concentration of migrants in this sector and forces them to work without social security or health insurance. According to the migrants interviewed: *“Those with a permit work in Agadir, as do the women who work in the packing centers.”* [Interview\_5]. Migrant women believe that regularizing their immigration status would allow them to obtain well-paid jobs, particularly as domestic workers, earning 200 dirhams a day. *“I clean, I pick up the children from school, I start at 7 a.m. and finish at 8 p.m. [...] Here, with a residence permit, I have plenty of opportunities to find work, you see. You can find a good job, a contract, a well-paid job, take care of the children—I can find all that with a residence permit.”* [Interview\_19]

Most migrants favor **negotiation as a strategy** to improve their working conditions, as it makes it easier for them to find employment. As one migrant corporal put it: *“The best way is through understanding and dialogue between the corporal and the boss. Expressing concerns is a form of negotiation.”* [Interview\_4]. Migrants adopt this strategy when they demand to work under the supervision of an African corporal. They demand the replacement of Moroccan corporals for the following reasons: *“Migrants distrust Moroccans who don’t care about working conditions.”* [Interview\_6]. For most migrants: *“Revolt is pointless, preventing people from going to work is pointless... The strategy is to stay at the negotiating table.”* [Interview\_10]

The least common strategy is **unionization**. Migrant workers feel that unions are not interested in their situation, either because they lack residency permits or because they are not Moroccan. Migrants also believe that employers hire them because they cannot turn to unions to assert their rights. One migrant worker stated: *“Yes, some prefer migrants; they say they won’t demand rights because Moroccans have the right to consult with unions.”* [Interview\_5]. Despite restrictions imposed on foreign workers to exercise their right to unionize<sup>19</sup> in Morocco, members of the migrant community, supported by the Democratic Labour Organization (ODT), created the Democratic Organization of Immigrant Workers of Morocco (ODTI) in July 2012<sup>20</sup>. The ODTI’s migrant representative in Agadir stated: *“We tried to engage in dialogue with employers, but to no avail. We met with the labour inspector and asked him to organize a roundtable discussion with employers to address issues related to the rights of migrant workers, but this did not happen.”* [Interview\_26]

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<sup>19</sup> Numerous legal obstacles still limit the union activities of foreign workers, notably Article 416 of Law No. 65.99, which prohibits them from accessing administrative and management positions within the professional unions to which they belong. Morocco’s refusal to ratify Convention No. 87 of 1948 concerning Freedom of Association and Protection of the Right to Organize further exacerbates this situation.

<sup>20</sup> EuroMed rights (2015, p. 5).

The National Human Rights Council recommends the revision of Article 416 of Law No. 65.99 of the Labour Code. For the unions, it is time to revise this code<sup>21</sup>. Some migrants reported contacting unions to obtain information on conventions concluded between Morocco and African countries. A migrant confirms: “*Some migrants said they contacted unions to obtain information on agreements concluded between Morocco and African countries [...] There are signed agreements.*” [Interview\_6] Other migrant workers turn to unions to resolve wage disputes: “*The union intervenes if an employer refuses to pay wages, including the mediator; we then turn to the union to resolve the problem amicably.*” [Interview\_5]

**Collective mobilization and protest** constitute a strategy adopted by migrant workers to address issues affecting the interests of all migrant communities, such as insecurity living outside the workplace. This strategy was implemented for instance on Saturday, November 16, 2024, when a protest involving Moroccans and sub-Saharan Africans erupted in Leqlia following the assault of a person of African origin, who was beaten and injured in the head during an attempted robbery by two assailants<sup>22</sup>. The spread of false information about the event mobilized migrants and provoke social unrest among the people in the region, as evidenced by interviewed migrant workers: “*What happened in Leqlia: the initial information was wrong; everyone took to the streets (...) All the communities came out; the authorities managed to handle the situation.*” [Interview\_10]

For some migrant workers in the sector, the mobilization of Moroccan workers must be supported because they face the same conditions. One sub-Saharan migrant described the situation as follows: “*Migrants and Moroccans have the same conditions, except for Moroccans who have an employment contract. We work with Moroccans who don't have these contracts, and we live in the same conditions.*” [Interview\_9]. For some migrant workers, changing the legislation seems impossible. What is possible is supporting the struggles of Moroccans to achieve results. The following statements confirm this strategy: “*Regarding working conditions, we cannot take initiatives; it is the Moroccans who can. We cannot change the laws; we have only just arrived.*” [Interview\_9]

Another strategy proposed by immigrant workers, aware of the limitations of Moroccan legislation regarding the employment of foreigners, is to put **pressure on the embassies** and governments of the countries of origin to sign agreements like those of Senegal<sup>23</sup>. This strategy is becoming increasingly necessary, as evidenced by the demands of migrant organizations from Moroccan trade unions, such as the ODT, which are working to strengthen cooperation between African countries and Morocco.

Unlike national agricultural workers, irregular migrant workers do not protest their working conditions. Their only means of protest is to **stay home**. Recently, and particularly after the

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<sup>21</sup> CNDH (2013, July, p. 7).

<sup>22</sup> See for example Tabet (2024, November 17).

<sup>23</sup> Ministry of Employment (n.d.).

Leqlia incident, migrants have resorted to collective street mobilization to demand safety for all migrant communities. One migrant explains: *“Before this incident, the only action migrant workers could take was to stay home if they didn’t want to or wouldn’t work in this sector... when a migrant was injured, we refused to work. Many employers lost two days. [...] This strike is not aimed at improving working conditions, but at guaranteeing the necessary safety, because migrants are victims of criminal attacks.”* [Interview\_9]

As for how migrants’ framing of their informal agricultural work and living, the following excerpt shows that attitudes favorable to irregular migration do not vary significantly by gender. Migrant women, like migrant men, have also left their countries in search of adventure. Halima becomes aware of the migrant’s plight and feels the desire to continue the adventure: *“I have to leave [crossing the sea means risking my life].”* [Interview\_20]. This explains why most migrant workers accept indecent or abusive working conditions. As our interviews revealed, their migrant status makes their work and productivity higher than they would be in their country of origin. *“Back home, migrants have rituals and social conventions that require them to stop working without permission. Their presence in another country makes them productive and disciplined.”* [Interview\_12] For some of these adventurous migrants, the alternative is to cross the sea. One migrant confirms: *“We are ready for anything; for us, it’s an adventure.”* [Interview\_9] Other migrants, including women, stated that they migrated in search of adventure, meaning they are willing to risk everything. *“We came looking for adventure.”* [Interview\_7]

In addition, migrants as one of our interviewees stated *“live in deplorable housing conditions, without any hygiene. Most of us live in very small spaces. In a single room, you can find three households of 5 to 6 people, because I participated in the general census with the HCP.”* [Interview\_26]. Yet, the least common alternative sought by migrants is to work to save money, acquire skills, and then return to their country with ideas and projects to implement, as observed by a representative of the migrant community: *“The worker has their vision: to work, save money, perhaps with the aim of crossing the border or returning to their country to try to set up a project.”* [Interview\_6]. For migrants, returning to their country of origin is contingent on two things, the first being obtaining a residence permit allowing them to move freely between Morocco and their country of origin. This migrant woman stated, *“If I had a residence permit, I would stay; I could go back and forth. But now, with the visa problems, we are stuck.”* [Interview\_8]. The second need is to have the skills and financial resources necessary to carry out a project: *“We have already requested training. If we return, we will be able to do something. We submitted the request, but there has been no follow-up.”* [Interview\_5]

A significant percentage of the migrants interviewed are awaiting regularization. The following excerpt illustrates this demand: *“What I am asking for is regularization, good working conditions, and regarding our health, at least the possibility of paying for our medication [...] The wages we receive do not allow us to do anything.”* [Interview\_5]. For migrants, regularizing their status is essential to being able to move freely between Morocco and their country of origin. Without this regularization, crossing the sea remains their only option.

### 4.3 State actors' strategies and frames

Moroccan legislation does not distinguish between the agricultural and industrial sectors, as one interviewed expert pointed out. *“The labour code, which governs social legislation, deals with the recruitment of foreigners in general and does not differentiate between workers in the agricultural and non-agricultural sectors. These procedures must be respected; otherwise, the workers are considered to be in an irregular situation and the employer to be in violation of the law.”* [Interview\_12]

The Labour Code requires authorization for the employment of foreign workers, issued by the competent government authority, as well as contract approval. *“In the agricultural sector, the workforce is generally unskilled and requires neither a diploma nor specific skills. An internship is usually sufficient for a worker to become familiar with fieldwork. The problem is that the Ministry of Labour does not approve these employment contracts. As a result, the agricultural sector recruits migrant workers informally, with the exception of those from countries with which Morocco maintains bilateral cooperation, such as Senegal and Tunisia.”* [Interview\_12]. In additions, Bilateral agreements with specific countries such as Senegal and Tunisia provide specific guarantees for workers from these countries to enjoy the same employment conditions and rights as Moroccan nationals.

The labour code adopted in 2004 is considered by these stakeholders as the legal framework for organizing labour relations, but it does not fully meet the requirements of the Kingdom's new immigration and asylum policy regarding the integration of migrants. In the absence of a thorough reform of the labour code, adapted to the nature of agricultural work, state actors generally remain indifferent to the informal recruitment of workers, particularly migrant workers, during peak agricultural production periods. This transition in immigration management is a source of ambivalence for state actors, whose interventions and strategies oscillate between strengthening the enforcement of regulations governing the employment of foreigners or managing this transition phase into a more inclusive and humane governance approach of immigration and asylum policy following the regularization of undocumented migrants. In short, state actors are taking this reality into account. The expert interviewed elaborated on this situation by discussing the legal, security, and social constraints that Morocco faces in managing migration flows. *“Other constraints require law enforcement officials to consider all social and security issues. These are migrants in transit who arrive in Morocco by the thousands. If they cannot find employment to support themselves, they will resort to other activities, such as theft, assault, etc., which will affect the security of Moroccan society.”* [Interview\_12]

In this transitional phase, local law enforcement actors adopt a pragmatic approach to managing the crisis. *“If the labour inspector finds undocumented migrants on the farm, they must file a violation report against the employer, and these migrants risk becoming homeless.”* [Interview\_12\_Expert]. The limited number of inspectors in the sector and their restricted resources for accessing inspection sites are further constraints limiting the scope of labour inspections. *“[...] the number of agricultural sector inspectors is insufficient at the national level.”* [Interview\_12]

Regarding occupational medicine, the physician interviewed explained their role in ensuring the workplace complies with occupational health and safety requirements. To practice within a farm or company, an occupational physician must meet certain conditions, particularly those outlined in Articles 310 and 312 of the Labour Code. The occupational physician acts both as an advisor to the employer and as a health inspector. The occupational physician *“must complete the company file by reporting occupational risks and the workers exposed to these risks. Farms present numerous risks, such as injuries, plant protection treatments, machinery noise, pesticides, and products used in plantations.”* [Interview\_27]

The interviewee also observed that, in addition, to the health role of occupational physicians, other state and international actors, such as labour inspectors, CNSS social inspectors, international certification and auditing bodies, ensure that companies comply with occupational health and safety requirements, particularly those exporting products. *“Exported products are subject to social audits conducted by international organizations and are inspected regarding the working conditions under which they are produced, including occupational health and safety requirements to be met on farms.”* [Interview\_27]. Along the same lines, the expert interviewed mentioned that *“nearly 90% of farms in Chtouka province are structured because the majority of their products are destined for export. These exporting companies and farms have undergone a series of controls and inspections carried out by national and international organizations.”* [Interview\_12]. The Sedex Member Ethics Audit (SMETA) is a specific social audit methodology that *“assesses all aspects of responsible business practices and enables companies to evaluate their sites and suppliers against their standards in labour, health and safety, environment and business ethics<sup>24</sup>”*.

The representative of a public body responsible for the operational monitoring of the agri-food export sector<sup>25</sup> revealed that it is currently developing, in collaboration with the European Bank for Reconstruction and Development, the FAO, and the European Union, a reference guide on environmental and social sustainability in the agri-food industry. Our interviewee explained that *“this guide aims to support Moroccan exporters in their efforts to comply with international standards.”* [Interview\_29] The interviewee also indicated that the export agri-food sector is subject to excessive oversight for economic and competitive reasons, and that labour standards in these companies exceed minimum requirements. These companies comply with the law and sometimes even surpass minimum legal standards. *“The export sector is highly structured. [...] Please consult the state’s decent work requirements and you will see that exporting companies exceed the required standards.”* [Interview\_29].

The Ministry of Agriculture is working on issues such as agricultural workers, women, and rural youth. The actions it supports target all these groups, without any particular distinction between them and migrants. *“This migration plays an important role. It involves several*

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<sup>24</sup> Visit the SMETA Audit website for more information, here .

<sup>25</sup> For more information on MOROCCO FOODEX’s mission, please visit its website: <https://www.moroccofoodex.org.ma/fr/business-intelligence/veille-strategique-operationnelle/>

*nationalities, and there is a labour shortage [...]; the Ministry is talking about agricultural labour in general.*" [Interview\_16]. Faced with this labour shortage, many employers and farmers have recently started outsourcing the recruitment of seasonal workers to service companies, as the same source points out: *"Service companies help farmers outsource work and recruit seasonal workers."* [Interview\_16]. The expert we interviewed emphasized that the subcontracting of labour recruitment remains a largely unregulated sector. *"If you go to the mawqef (a local market), you won't find Moroccan or migrant workers. You'll find intermediaries who operate informally. (...) They subcontract the labour. They have transportation and bring the workers to the farm."* [Interview\_12]

Aware of the labour shortage, the interviewed representative from the Chamber of Agriculture emphasized the need for reforms and mechanisms to fully integrate non-salaried agricultural workers into the formal agricultural economy. First, it is essential to raise awareness among employees and initiate an internal debate within the agricultural sector on the social transformations of work and the necessity of its formalization. Second, migrant workers should first be recruited in accordance with the law, and finally, their rights should be guaranteed through the implementation of social protection and occupational health coverage. Our interviewee proposed a new, flexible CNSS (National Social Security Fund) declaration system adapted to the specific characteristics of the agricultural sector: *"tokens or stamps allowing workers to declare each day worked. A multiple or open declaration system is needed."* [Interview\_16] The extension of CNSS declarations to all workers has forced some employers to lay off part of their staff in order to cover the social security contributions for some of them. *"Social protection is a good thing, but once it's in place, employers start to assess their profits, the number of employees they have, and whether they're paying each employee their full salary."* [Interview\_13]

This proposal aims to address the inherent fragility and seasonality of agricultural work, while guaranteeing migrant workers access to decent seasonal employment. *"In this context, solutions exist to ensure production [...]; regularizing the status of migrant workers is therefore essential. The legal framework is fundamental."* [Interview\_16]. The representative of the agricultural chamber stated: *"The legal perspective offers a solution for stabilizing the workforce, strengthening the attractiveness of the agricultural sector, and improving working conditions, particularly wages."* [Interview\_16]. The growing need for labour in the future argues in favor of further reforms to labour migration regulations.

For other state actors, such as local authorities, particularly those managing migration issues, including irregular migration, in the municipalities of Sidi Bibi and Khmiss Ait Amira, in the province of Chtouka, the launch of the new Immigration and Asylum Strategy (SNIA) offers a comprehensive approach to the integration of migrant populations. However, a residence permit remains essential to enjoying many rights. One migrant interviewed distinguished between possessing only a passport and having a residence permit. *"No, I don't have a residence permit, I only have a passport. A passport doesn't replace a residence permit. With only a passport, you can't find work, for example, in a Moroccan company. A passport is good, but without a passport, you won't be admitted to the hospital. So, a passport is very important, but a residence permit is preferable."* [Interview\_25]

The territorialization strategy for immigration and asylum policy adopted by these two municipalities has: (1) created a reception and orientation office for migrants; (2) allowed the participation of migrants in the process of developing the action plan of the municipality of Sidi Bibi employed a participatory approach including migrant communities living in the municipality; (3) allowed the registration of migrants in the civil register; and (4) ensured the inclusion of the children of migrants in the public school system. Territorialization allows migrants, even those in an irregular situation, to access rights such as education and health, particularly for those who choose Morocco as their destination: *“Among the migrants, some have changed their minds. They consider Morocco as a country of settlement, they have started a family, enrolled their children in school and send small sums of money to their country of origin”* [Interview\_1]

In addition, the involvement of municipalities in the territorial implementation of the National Integration and Employment Scheme (SNIA) allows migrants to access their fundamental rights, transforms their living conditions, and guides their migration plans. However, migrants cannot establish legal relationships with their employers. Our contact, representing an elected member of of the commune of Sidi Bibi, describes these constraints as follows: *“Migrant employment contracts must go through ANAPEC (National Agency for the Promotion of Employment and Skills), except for Senegalese migrants.”* [Interview\_1]. Local authorities have been engaged in the immigration and asylum strategy since 2014. However, despite this progress, there is a lack of a coherent legal framework to enable the implementation of this strategy at the local level.

According to the occupational physician interviewed, for a farm to comply with legislation, *“it must meet the necessary occupational health requirements, which represents a significant cost, but employers must understand that complying with these requirements is in their interest; it guarantees the stability of their workforce and their production.”* [Interview\_1]. When asked about the legal value of company records as official documents justifying the employment relationship with the employer of a given farm, the occupational physician stated: *“These records can serve as proof of the employment relationship between migrant workers and their employer.”* [Interview\_1]

The Regional Human Rights Commission (CRDH), another state actor, has established a multi-stakeholder, non-profit platform called the Souss-Massa Migration Committee (CMSM). This committee is led by the CRDH, the Association of Researchers in Migration and Development, and the NGO Migrations and Development. Its mission is to monitor the territorial implementation of the SNIA (National Integration Strategy), ensure respect for the rights of migrant workers in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and facilitate their access to essential services<sup>26</sup>.

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<sup>26</sup> GADEM (August 2022).

The interview with the state actor in charge of human rights revealed that they “*have never received a complaint of conflict between a migrant and his employer in the agricultural sector.*” [Interview\_30]. The interviewee stated that the CRDH has never observed human rights violations such as human trafficking, exploitation, or mafia-like labour networks. According to them, “*it is rather a general situation related to seasonal work and day workers, who all have the same rights at work.*” [Interview\_30]. He added that day workers are recruited through intermediaries. However, these intermediaries must be understood within the typical Moroccan context. In his own words: “*The employer doesn’t even know the workers who will be working with him. As soon as he has hectares to harvest, he calls the owners of pickup trucks to bring him a specific number of day workers; the employer pays the intermediary.*” [Interview\_30].

#### 4.4 Non-state actors’ strategies and frames

The interviewees<sup>27</sup> stated that they intervene to facilitate the settlement of migrants. They mentioned the work of migrant CSOs (Civil Society Organizations) that provide medicine, aid, and organize health campaigns. The same is true for Moroccan civil society. These two actors represent much more than simple support networks and allies for migrant workers. They ensure their social and cultural integration within Moroccan society. However, CSOs limit themselves to accompanying migrants and providing humanitarian support that guarantees better access to rights and services.

CSO actors intervene within the framework of their assigned missions, but their resources are limited, as explained by an actor from a Moroccan CSO: “*He (a civil society actor) can do nothing for civil society. He supports it. Civil society is the remedy. Sometimes, it’s soothing.*” [Interview\_2]. Our interviewee then explained the role played by his CSO in ensuring migrants’ access to services and social integration. “*For us, the most important thing is that there is no xenophobia, no mistreatment, that people live together, have access to education and healthcare.*” [Interview\_2]

Regarding the unions, a union activist stated that, thanks to cooperation with a Dutch union, working conditions have improved since 2009 on farms managed by Dutch investors. While this initiative is certainly worthwhile, it has not been extended to all migrant workers on farms in the province and was limited to the period 2009-2012. The unions also fight against all forms of exploitation suffered by agricultural workers and defend the rights of migrants, regardless of their immigration status. They share this view with human rights organizations.

Trade unions and CSOs expressed the view that strengthening North-South cooperation would improve their humanitarian support for migrant workers and facilitate their access to decent jobs. The Moroccan CSO representative we interviewed emphasized the need for North-South cooperation to manage the challenges posed by irregular migration flows. He

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<sup>27</sup> We interviewed two trade union representatives, a Moroccan representative from the UMT and a trade union representative of migrants (ODT), a Moroccan civil society activist and two migrant community organizations.

stated: “I recommend that Europe take a direct interest in these refugee and migrant worker camps. Other cooperation needs also need to be addressed. In particular, there is a North-South partnership between Morocco and Europe on migration management.” [Interview\_2]

Another problem raised by local stakeholders concerns the lack of decentralization of the National Agricultural Investment Scheme (SNIA) at the local level. A representative of an NGO confirmed: “If the SNIA exists, how can it be found at the local level? There is no entity (authority) capable of monitoring its implementation.” [Interview\_2]. Drawing on bilateral relations with Senegal, he emphasized the need to modernize the legislative framework and establish bilateral agreements between Morocco and African countries to find solutions to the problems related to the employment of sub-Saharan migrants.

Another issue raised by the local stakeholders is the absence of decentralization of SNIA at the local level. An NGO actor confirmed that: “If the SNIA is there, but at the local level, do you find the SNIA? There is no entity (authority) that can follow up SNIA’s measures at the local level.” [Interview\_2]. The union representative echoed this idea by stating that there is a lack of progress in implementing the actions foreseen by HM the King of Morocco within the framework of SNIA. The union representative also stated that that is need for upgrading the legislative framework and establishing bilateral agreements between Morocco and African countries, to find solutions to problems related to the employment of migrants from sub-Saharan countries.

The UMT representative listed several actions and strategies implemented to promote public debate on agricultural working conditions in general: (1) “Developing dialogue with migrants in order to propose a memorandum. The goal now is to say no to exploitation, to fight against racism, and to defend wages; priority is given to collective agreements.” [Interview\_15]; (2) launching awareness campaigns. (3) organizing training courses; (4) and advocating for a third regularization campaign.

## 5. Local actors’ interactions and dynamics

In the Souss- Massa region, interactions between non-state actors, employers, migrant workers, and state actors are characterized by a complex mix of confrontation and collaboration. Here are some examples of interactions between different local actors on various issues related to migrant workers and their working and living rights in the region. The interview with the CRDH representative clarified that the main approach to governing the recruitment of migrant workers is essentially based on the reform of Law 02.03<sup>28</sup>. The constraints extend beyond the scope of all [ Interview\_30]. Consequently, the governance of the labour of undocumented migrants falls outside the prerogatives of labour inspectors, employers, and local authorities. The role of local actors is therefore to manage the situation

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<sup>28</sup> Law 02.03 relating to the entry and residence of foreigners in the Kingdom of Morocco, to irregular emigration and immigration.



contact unions to inquire about agreements between their countries of origin and Morocco. *“I already contacted an activist from the UMT to find out which agreements have been signed; there are some. What are they? I want to know what agreements we have with Morocco.”* [Interview\_6]. As the expert interviewed confirmed, migrants are aware of the legal constraints that hinder their access to formal employment in Morocco. *“Employers can’t do anything on their own. Rather than recruiting undocumented migrants, it’s better to import workers from exporting countries based on employers’ actual needs.”* [Interview\_12]. However, the issue of migrant workers remains marginal on the agenda of Moroccan trade unions, given their other priorities, such as tripartite social dialogue: *“The trade union intervenes when an employer refuses to pay wages, in particular the mediator (corporal or intermediary)”* [Interview\_10]. The irregular status of migrants limits the intervention of unions to improve their working conditions. *“Regarding migrant workers, individual complaints are sometimes resolved amicably with the employer. [...] A person without a residence permit does not have the right to participate in activities, demonstrations or strikes, due to a lack of legal status”*. [Interview\_12]

The dual role of the State, which consists of enforcing labour law while promoting economic growth, generates additional tensions and complicates relations and interactions, on the one hand between the different local authorities (labour services, agricultural services, CNSS, etc.) and on the other hand between state actors and other stakeholders in the agricultural sector. Furthermore, political delays are hindering action. *“Local actors are powerless in the face of this situation and cannot change anything. I think that local authorities systematically produce daily reports. But it is essential that there be convergence between the relevant governance actors, particularly the Ministries of the Interior, Foreign Affairs, Agriculture, and Employment. Political actors are wasting their time shirking their responsibilities without doing anything.”* [Interview\_12]

The interviews revealed also the existence of indirect interactions between employers, often represented by managers or caporals, and migrant farm workers. The following comments illustrate this situation: *“We don’t have the right to speak to the boss; it’s the foreman who hired us and who pays us.”* [ Interview\_9]. The implementation of these actions related to migration governance fosters interaction and complementarity between state and non-state actors. The latter are represented within the coordination committee of the PRIM initiative in the Souss-Massa region, which supports complementary interactions between the government and national and international organizations and associations to coordinate efforts aimed at strengthening the integration of migrants.

## 6. Conclusion

Agriculture is booming in Chtouka, generating a high demand for agricultural labour, which is insufficient in the region. Migrant workers seeking employment in this sector often find themselves in a situation of legal irregularity. This irregular administrative status poses a problem both for the migrants, who are asserting their rights, and for employers, who are not authorized to employ foreign workers without complying with the procedures stipulated by the Moroccan Labour Code. The migrants have a short-term vision: working in this sector,



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## Annex 1 – The Interviews conducted

Interviews have been conducted in 2025

Interviewee code	Type of interviewees/ organizations
[Interview_1]	Elected member of the rural commune of Sidi Bibi
[Interview_2]	President of an association in Sidi Bibi
[Interview_3]	President of the Congolese community in Sidi Bibi
[Interview_4]	General Caporal of in a tomato firm
[Interview_5]	An irregular migrant worker
[Interview_6]	A migrant community representative
[Interview_7]	An irregular migrant worker in a raspberry firm (female)
[Interview_8]	An irregular migrant worker in a raspberry firm (female)
[Interview_9]	An irregular migrant worker in a tomato firm
[Interview_10]	An irregular migrant worker
[Interview_11]	Employer, owner of a farm and a packaging unit
[Interview_12]	Expert and union activist in the Association of Labour inspectors
[Interview_13]	Moroccan agricultural engineer
[Interview_14]	Moroccan employer, owner of an agricultural farm
[Interview_15]	Local representative of the Moroccan Union of workers
[Interview_16]	State-actor, representative of chamber of agriculture in Souss Massa
[Interview_17]	Non-state actor in charge of a Moroccan Interprofessional association
[Interview_19]	An irregular migrant worker
[Interview_20]	An irregular migrant worker (female)
[Interview_21]	An irregular migrant worker
[Interview_22]	An irregular migrant worker (female)
[Interview_23]	An irregular migrant worker
[Interview_24]	An irregular migrant worker
[Interview_25]	An irregular migrant worker
[Interview_26]	Focal point of the Democratic Organization of Immigrant Workers in Morocco
[Interview_27]	Occupational doctor in a farm in Chtouka
[Interview_28]	A lawyer, a researcher and a civil society activist
[Interview_29]	State actor of in charge of exportation and food quality
[Interview_30]	State- actor in charge of human rights in the Souss-Massa region

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# **Working and living conditions of migrant agricultural workers in Morocco: Local actors' interactions and frames**

## **ABOUT DignityFIRM**

Towards becoming sustainable and resilient societies we must address the structural contradictions between our societies' exclusion of migrant workers and their substantive role in producing our food.

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