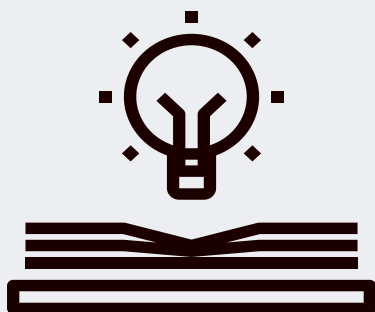


European Platform Tackling Undeclared Work

Platform seminar: “Tackling undeclared work in the agricultural sector, with a focus upon seasonal workers and horticulture”
24 January 2019, Brussels, Belgium

The Platform seminar provided participants with an opportunity to reflect on existing practices, tools and approaches that deal with undeclared work in the agricultural sector in Europe. Discussions focused on methods and tools for the prevention and deterrence of undeclared work in the agricultural sector and Platform members, observers and social partners played an active and central role in the day.

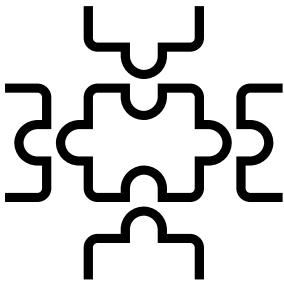
Key findings:



- ▶ **The prevalence of undeclared work in the agricultural sector is partly linked to its value-chain of production.** In this sector, products are not typically delivered directly to the consumer but sold to manufacturing industries or to retail businesses. Competition in the retail food and food processing industries results in pressure on agricultural and horticultural producers to keep production costs low while maintaining high quality. Low production costs are achieved by decreasing labour costs using ‘high road’ strategies such as technological innovations, or ‘low road’ strategies such as illegitimate labour practices including undeclared work.
- ▶ **Other drivers behind undeclared work are linked to the complexity of legislation and the administrative burden** of registering contracts which leads to non-standard forms of employment. These are common in the agriculture sector due to the seasonal nature of food production. Existing regulations do not sufficiently consider the structure and the needs of the sector (seasonal work, casual work, unusual hours etc). Farmers and workers may lack awareness of the legal obligations and procedures. In certain sub-sectors, such as the equine industry, undeclared work exists in a working culture where non-compliance is rife.
- ▶ While undeclared work in the agriculture sector affects both EU and third country nationals, participants highlighted that **migrant workers may be more vulnerable to multiple forms of exploitation, abuse and trafficking.** Similarly, while there is a lack of statistical data, anecdotal evidence suggests a specific gender dimension where women may be more at risk of being employed without a formal contract and with lower wages.
- ▶ **Key challenges in tackling undeclared work in this sector relate to the difficulties in carrying out workplace inspections** due to limited access (size and dispersion of workforce, lack of access to premises) and the prevalence of verbal contracts. Inspectors may face communication issues because they lack the technical jargon of the sector. There may also be language barriers. The lack of data related to identifying undeclared work in the agricultural sector is another challenge.



Policy approaches and recommendations:



- ▶ The causes of undeclared work in the agriculture sector are systemic. There is a broad consensus on the **need to adopt holistic policy approaches combining both direct and indirect measures.**
- ▶ **Effective cooperation across government and between government and representatives of workers and farmers is crucial**, for instance, through tripartite partnerships. Cooperation should also develop at the cross-border level. Examples include joint controls of labour contracts by the Spanish Labour Inspectorate and its counterparts in Morocco. Another example is joint information offices between CGIL (Italy) and their counterparts in Bulgaria, Romania and in the former Yugoslav Republic of Macedonia.
- ▶ **Additional approaches tailored to the sector are needed to develop more effective inspections.** Measures such as whitelisting companies which are compliant with regulations may be an effective tool (see also the 'Network of quality work' in Italy). Inspections may be improved with better risk analysis and data mining, which appear widely underutilised to date, to identify risky agriculture holdings.
- ▶ **It should be easier to comply.** Further efforts should be made to simplify rules - particularly in relation to registering seasonal workers - and provide easily accessible solutions to work legally. IT tools should be fully utilised to simplify registration procedures (including the use of apps). This would make it easier for inspections and detection of irregularities as showed by recent experience in Hungary. Other examples exist - for instance, co-employment (Finland) or simplified contracts for short term workers (Bulgaria).
- ▶ Simplification of procedures goes hand-in-hand with incentives to **ensure protection of employment rights.** Initiatives such as whitelisting and product labelling were mentioned as effective tools to incentivise compliant behaviours. Establishing a conditionality between receiving subsidies, for example from the Common Agriculture Policy, and collective bargaining agreements could also be utilised to ensure better working conditions in the sector.
- ▶ **Invest in initiatives seeking to build trust and drive change in the working culture of the sector.** There is a lack of solidarity and trust among workers as well as towards authorities. Examples of awareness campaigns include grassroots outreach initiatives, which specifically target workers, for instance the campaign conducted by the CGIL in Italy or by the European Migrant Workers Union in Germany. There are also initiatives which focus on consumer behaviour; aiming to increase awareness of the quality of the products through labelling initiatives implemented in cooperation with farmers, workers and retailers.
- ▶ **Tackle the structural causes behind undeclared work by using deterrent measures which consider the business to business perspective.** Examples which could potentially be replicated include licencing of businesses or agencies which operate as intermediaries / gangmasters, as seen in the UK, or liability schemes tackling the supply chain, as seen in Belgium.

Further information: A Learning Resource Paper from the seminar, which discusses these issues in greater detail, will be available by March 2019.

