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EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

**Meeting of the EFFAT Executive Committee
BRUSSELS, 03 and 04 March 2020**

Agenda item 9: Update on EU issues



E) CAP

Decision: The Executive Committee takes note of the reports and endorses the documents presented.

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A SOCIAL CAP FOR ACHIEVING FAIR WORK IN EUROPEAN AGRICULTURE

Main Goals of the CAP

At its inception, the broad purpose of the Common Agricultural Policy (CAP) was to stabilise the market, guaranteeing the availability of supplies and reasonable prices for consumers. To achieve these ends, the CAP is intended to:

- § “Increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour”;
- § And, crucially for this paper, “to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture” (Article 39 of the Treaty on the Functioning of the European Union).

The criteria for receiving CAP subsidies are legally underpinned, with payments subject to cross-compliance (Regulation UE 1306/2013) and, in cases of non-compliance, to reduction or termination. Such considerations include a farm’s respect for environmental standards, public health and animal welfare.

Respect for workers’ rights and social conditions, however, is conspicuous by its absence from the CAP cross-compliance procedure. This same failing applies to the conditionality chapter of the European Commission’s proposal for the CAP post 2020, (COM(2018)392), designed to replace the current cross-compliance mechanism.

It is no surprise, therefore, that, in practice, the CAP has largely failed insofar as the social situation of workers is concerned, such that, today, some 4 million agricultural workers operate in conditions characterised by illegal employment, exploitation, and precarious working, whether as migrant workers, seasonal workers, day labourers or other insecure statuses.

This brief position paper seeks to offer a pathway to righting that wrong, first outlining the importance and experience of workers in the sector before going on to detail EFFAT’s specific demands for the ongoing CAP reform negotiations.

Why agricultural workers matter

In addition to landowners and their families, over 10 million workers are employed in the European agricultural sector, constituting an important slice of Europe’s rural population. At the most important fundamental level, these workers sustain Europe, providing nutritious food to as many people as possible; given the projected long-term growth in food demand, allied to increasing food scarcity, delivering greater self-sustainability in the European food system is of paramount importance.

On a daily basis, agricultural workers also tackle hydrogeological instability, land degradation and soil erosion, contribute to sustainable forest management and the production of renewable raw materials and energies, and help maintain local biodiversity.

In short, their work is vital for the preservation and long-term social, economic and environmental sustainability of rural areas and their communities, and forms the backbone of Europe’s prosperity, health and security.



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Falling overall employment in agriculture has too often given EU decision-makers a misleading impression of the sector: the number of *workers* in European agriculture has, in fact, been rising slowly for years, though this has not been able to compensate entirely for the decline in the number of farmers. Still, a closer look at the agricultural labour market reveals the growing importance of agricultural workers to the stabilisation of rural employment.

The situation for workers in European agriculture

The agriculture sector in Europe is blighted by low average incomes coupled with a high working time load; a high proportion of illegal and precarious working conditions, especially for migrant and seasonal workers from both inside the EU and third countries; an extremely high incidence of accidents and illness – agriculture ranks first among European sectors for workplace accidents and illness; and low participation in education and training programmes. Taken together, these paint a bleak picture with workers falling prey to widespread exploitation, including gangmaster practices and other forms of modern slavery. This situation encourages, and is in turn exacerbated by, social dumping which affects all workers in the agriculture sector.

While in Northern and Central European countries it is normal for skilled workers – the core workforce – to be employed the whole year round, with additional support from seasonal workers at peak times (above all, harvest-time), the situation is very different in Mediterranean countries where a large part of the core workforce is made up of workers with fixed-term, seasonal contracts. On top of this, the prevalence of illegal and informal employment relationships in the region has increased further, with young and women migrants especially vulnerable to exploitation. Day labourers also very often suffer from inhuman working conditions, unable to enforce their workplace rights due to a lack of documentary evidence for their employment relationships. For similar reasons, seasonal workers, working for months on end abroad and far away from their families, sometimes are forced to go without pay.

EFFAT's Demands

- Ø ending CAP subsidies for employers not respecting legal working and employment standards**
- Ø enforcement of the European rules on health and safety at work**
- Ø mandatory provision of educational and training programmes for agricultural workers**

1. Stop subsidies to rogue employers

EFFAT is calling for a social agricultural policy that distributes European subsidies only to farms that comply with legal employment standards as well as individual and collective labour rights.

EFFAT advocates the exclusion from direct payments or diminishing the entitlement to direct payments of employers or other persons who employ workers illegally or exploitatively (without respecting applicable working and employment conditions). This would put everybody on a level playing field in terms of competition. It should no longer be possible for European taxpayers' money to be used to promote violations of the law and social dumping.



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Specifically, EFFAT would like to see (full) entitlement to CAP payments be conditional upon employers being able to provide evidence of legal employment practices and respect for collective bargaining agreements.

This assessment process could be pursued under the framework of [Directive \(EU\) 2019/1152](#) on transparent and predictable working conditions (that, as of 1st August 2022, will repeal and replace Directive 91/533/EEC):

According to this new Directive, employers will be required to provide in writing to their workers all relevant information pertaining to their employment relationship, including, inter alia, remuneration details, place of work, the identities of the parties to the employment relationship, the date of its commencement, the duration of the contract (if temporary), a task description, work pattern, and overtime arrangements. Upon transposition of the Directive, this information will have to be made available no later than seven calendar days after the first working day (instead of within two months as per Directive 91/533/EEC).

Any employer not employing workers properly and/or not having given them an information sheet on their employment relationship should receive lower CAP direct payments, or, in the case of a severe breach, none at all.

Funds that are withheld from employers as a result of this cross-compliance mechanism can be used instead within the same region for other objectives under the CAP.

2. Health and safety at work

EFFAT is calling for the inclusion of European health and safety principles (e.g. [Directive 89/391 EEC](#)) in CAP cross-compliance. Specifically, EFFAT advocates the application of the EU Framework Directive on Health and Safety at Work as one of the bases for assessing good working practices relevant to the distribution of CAP direct payments.

Directive 89/391/EEC, The European Framework Directive on Health and Safety at Work, establishes minimum standards for health and safety at work. Applicable in all Member States, its constituent directives form a strong basis for ensuring the safety of employees. One important instrument is the risk assessment, which provides for the physical implementation of EU health and safety legislation in workplaces.

Taken at face value, and when compared to other sectors, agricultural work is very dangerous. Fatal work-related accidents, injuries and occupational diseases occur more frequently in agriculture than in other sectors. For this reason, compliance with EU health and safety standards should also be a criterion for the distribution of CAP direct payments. This could be enforced by CAP inspectors from the competent authorities in EU Member States verifying whether risk assessments have been made in the respective agricultural workplaces.

3. Mandatory access for employees to training and further education (2nd pillar)

EFFAT is calling for the inclusion of educational and training programmes for agricultural workers in the framework conditions of national programmes delivered under [the Second Pillar of the CAP](#).



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CAP's Second Pillar enables Member States to finance training programmes for people working in the agricultural sector. In a number of countries, this funding is being used to train agricultural workers, enabling them to work better, to improve the quality of their work and to protect the environment. Employability is similarly improved, with workers given the skills to cope better with down-the-line changes in their work, and the broader world of work as, for example, digitalisation plays an ever-increasing role. In this way, by providing workers with the tools to broaden their skillset, workers are more able and more likely to move up the career ladder, creating new opportunities for fresh employment.

EFFAT believes, therefore, that as a matter of obligation, CAP-financed training programmes in EU Member States should be promoted and made available to agricultural workers as well as employers and other sector stakeholders.

In addition, EFFAT demands:

- § That payments to farmers proposed by the Commission take into consideration the total number of workers employed on each farm, the total amount of worked hours and the total sum of wages and social security contributions. A calculation based only on the quantity of eligible hectares is not sufficient.
- § That the real cost of wages and social security contributions is factored into the newly proposed capping of direct payments. It should be noted that this ought not represent an additional bureaucratic obstacle for employers as these sums are known to them and can be called up in any accounting system without extra effort.
- § That, since the CAP will be a key tool in delivering many of the environmental sustainability objectives of the EU Green Deal (with the Commission proposing at least 40% of its budget go toward climate action specifically), CAP reform also helps to mitigate the direct and indirect consequences for agricultural workers, contributing to an economically and socially just transition to greener modes of production.