

Migrant seasonal workers in the European agricultural sector

SUMMARY

The EU fruit and vegetable sector is heavily dependent on a non-national labour force, either from other EU Member States or third countries. Germany, Italy, Spain, France and Poland, in particular, employ high numbers of migrant seasonal farm workers. While these numbers have been steadily increasing, they compensate only partly for the ongoing decline in national agricultural workforces. Migrant seasonal workers from the EU are entitled to fully equal treatment with nationals of the host country under the fundamental right to the free movement of workers within the EU, whereas third-country nationals are covered by the Seasonal Workers Directive of 2014, which grants them equal treatment as regards terms of employment and some social benefits.

EU Member States manage their own seasonal worker schemes depending on the needs of the domestic labour market, their ties with third countries and their broader immigration system. The reality of seasonal agricultural work is a harsh one, with generally poor working and living conditions. Undocumented migrants, but also legal ones, can fall victim to illegal gang-master practices or even modern forms of slavery. Exploitation of women occurs in certain regions.

The coronavirus pandemic, which disrupted harvests in the spring of 2020 as seasonal workers faced travel restrictions, also highlighted their essential role in EU agriculture and laid bare their sometimes appalling working and living conditions. Reacting to this situation, the European Parliament adopted a resolution on the protection of seasonal workers in June 2020, calling on Member States to ensure proper implementation of the relevant EU legislation and on the European Commission to issue new specific guidelines and propose long-term solutions to fight abusive practices and protect victims. In July 2020, the Commission responded to this call by issuing new guidelines on the protection of seasonal workers in the context of the pandemic, announcing further action, including ongoing work with the European Labour Authority.



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Introduction

In the first quarter of 2020, the coronavirus pandemic that hit the EU and the rest of the world triggered restrictions on migrant worker mobility within the EU and from third countries. Many Member States, in an attempt to contain and halt the spread of the virus, adopted extraordinary measures such as border controls and closures, travel restrictions, lockdowns or temporary suspension of new immigration and asylum applications. At EU level, on 17 March 2020, the [EU Heads of State or Government](#) decided to close the European Union's external and Schengen borders for 30 days. These restrictive measures disrupted traditional labour flows in critical sectors of the economy that are heavily dependent on migrant labour, in particular agriculture.

Several EU countries faced a severe shortage of foreign labour in their agricultural sectors, at a time when their presence was critical to ensure the harvest of spring fruit and vegetables. There was a risk of disruption in the food chain and shortage of certain agricultural goods in shops, while farmers saw entire crops wasted. For migrant workers and their families, this meant the inability to earn a living abroad. The situation triggered urgent measures at EU and national level to allow the free movement of migrant seasonal workers, and the crisis shed light on the critical role of seasonal agricultural workers in EU agriculture and in ensuring food supply continuity.

The crisis also put the spotlight on migrant farm workers' often difficult and [precarious working and living conditions](#). Coronavirus clusters developed among them, drawing attention to this category of worker and exposing cases of exploitation and modern slavery.

Seasonal agricultural workers in the EU: Facts and figures

European farming and the need for seasonal labour

Farming is by definition a seasonal activity, with production peaks at certain times of the year. Certain farm sectors, such as the fruit and vegetable sector, are very labour-intensive, meaning that tending, harvesting and packaging require high numbers of agricultural workers for a limited duration. This work used to be done by the farmers themselves, but the ongoing process of consolidation in EU agriculture has resulted in fewer and larger farms, with hired workers doing an ever increasing share of farm work. According to a [report](#) by the International Labour Organization (ILO) on migrant workers in commercial agriculture, hired workers do most of the harvest work on farms that produce fruit, horticultural and vegetable commodities in western European countries. A significant share of them are migrants, from the EU and beyond. They sustain labour-intensive crop production in high-income countries and in some cases enable its expansion.

Overview of migration flows of seasonal agricultural workers

Among European countries employing high numbers of migrant agricultural workers, Germany and the United Kingdom tend to recruit seasonal labour from other European Member States. Germany receives around [300 000 workers](#) a year for agricultural, horticultural and forestry work, many of them from Central and Eastern Europe, especially Poland and Romania. In the United Kingdom, during peak seasons, the agricultural sector is dependent on a large temporary workforce (around 75 000 strong) to supplement permanent workers harvesting crops. It is estimated that [98 % of this number](#) are recruited from EU Member States, mainly from [Romania and Bulgaria](#). This high dependency on migrant workers has been developed since 1945 through continuous recruitment via the [Seasonal Agricultural Worker Scheme](#), which was suspended in 2013, owing to the increasing availability of EU workers, and reintroduced in 2018.

In Sweden, about [3 000 to 5 000 migrant workers](#), mostly from Thailand, enter the country for the berry harvest every year. Polish agriculture is heavily reliant on Ukrainian workers, especially for the picking of soft fruit (berries and strawberries) and apples (Poland is the EU's top producing country: growing a quarter of all the EU's apples).

In Italy, [370 000 migrants](#) from 155 countries are employed in agriculture, accounting for 27 % of the legal agricultural workforce. Other sources have put the number at [405 000](#) (in 2015). Growing 5 million tonnes of tomatoes every year, Italy is the EU's largest producer. Around one third of this production is concentrated in the province of Foggia (Puglia). France and Spain employ 276 000 and 150 000 seasonal workers respectively. A large share of the permits issued by these two countries go to [Moroccan nationals](#). Overall, an estimated [800 000 to 1 million](#) seasonal workers are hired each year in the EU, mainly in agriculture.

Growing share of migrant labour in EU agriculture

Between 2011 and 2017, more than 1.3 million national farm workers left the EU agriculture sector, an outflow partially off-set by inflows of both intra-EU and extra-EU migrant workers. The two groups increased by [58 500 \(+36 %\)](#) and 83 700 (+31 %) respectively over the same period.

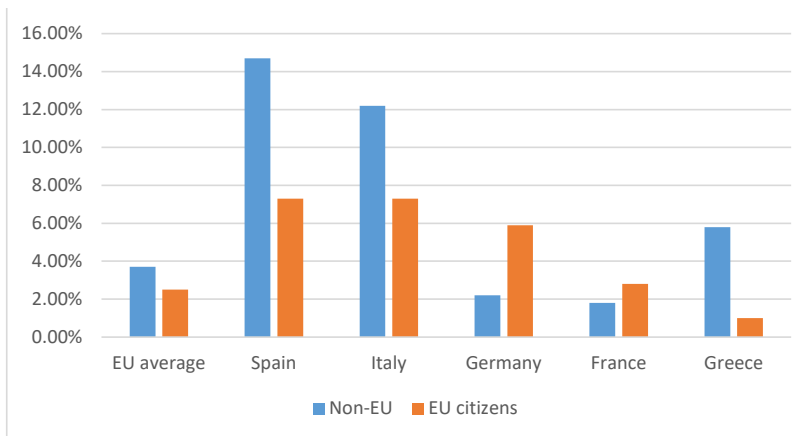
This corresponds to an increase from [4.3 % to 6.5 %](#) in the share of migrants in total employment in EU agriculture. This trend was driven by Spain, Italy and Denmark, where the share of migrants employed in the agricultural sector is from 6 to 9 percentage points (p.p.) higher than the share of

migrants employed in all other sectors (2017). In 2017, [Poland](#) was the EU country to record the highest number of admissions of non EU-born seasonal workers (mainly from Ukraine).

The European Commission's 2018 EU agricultural outlook predicted that labour outflow from the agricultural sector would continue until 2030, albeit at a slower pace. The outlook suggested that the agricultural workforce would [fall to 7.7 million workers in 2030](#), with a yearly decline of 2 % by 2030, an outflow off-set only partially by inflows of migrant workers.

Figure 1 – Employment of non-nationals in the farming sectors of selected countries, 2019

(% of employed aged 20-64)



Source: [Eurostat](#).

Many mobile seasonal workers are not on the books

According to the results of a [joint research project](#) by the Research Unit of Germany's [Expert Council](#) on Integration and Migration (SVR) and [Migration Policy Institute Europe](#) (MPIE), official figures do not reflect reality, as many migrant seasonal workers go un-recorded. The data available on foreign seasonal workers in the EU are [fragmented](#) and partial. Eurostat only collects statistics on seasonal workers who migrate from third countries, on the basis of the definition given in the [Seasonal Workers Directive](#) of 2014 (see below 'Migrant workers from a third country').

In Italy, for example, the figure of [370 000 migrant workers](#) in agriculture (27 % of the legal agricultural workforce) does not reflect the fact that the bulk of seasonal agricultural work is carried out by people who already live in Italy but came by other routes: undocumented migrants or asylum-seekers, and EU citizens from eastern Europe. It is estimated that Italy's agricultural sector numbers between 400 000 and 500 000 migrant workers, around half of its total workforce.

In Sweden, 3 000 to 5 000 migrant workers, mainly from Thailand, enter the country every year on a special work permit for berry pickers and planters – a permit that applies only to seasonal workers

recruited by Swedish companies. In reality, most berry pickers are employed by placement agencies based in Thailand – as such they are not employed in Sweden and fall outside the scope of the Seasonal Workers Directive.

Overview of the EU legal framework

Depending on whether the seasonal workers are from an EU Member State or a third country, their rights to enter the territory of the host Member State or the labour market may differ. However, equal treatment is the principle underlying the legal frameworks governing both EU and non-EU seasonal workers.

Migrant seasonal workers from the EU

The free movement of EU workers is a fundamental right enshrined in Article 45 of the Treaty on the Functioning of the European Union (TFEU) and it is essential to the functioning of the internal market. EU seasonal workers are entitled to full equal treatment in accordance with Article 45 TFEU and [Directive 2014/54/EU](#). Seasonal employment is [governed](#) by the laws of the host Member State, on the basis of equal treatment. Intra-EU seasonal workers enjoy the same rights as nationals as regards collective and individual labour agreements, working conditions (including remuneration, dismissal, and occupational health and safety) and access to trade unions. [Regulation 883/2004](#) on social security coordination provides that seasonal workers have access to unemployment benefits and social protection according to the rules of the Member State where they are insured.

Article 45 of the Treaty on the Functioning of the European Union

1. Freedom of movement for workers shall be secured within the Union.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
 - (a) to accept offers of employment actually made;
 - (b) to move freely within the territory of Member States for this purpose;
 - (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
 - (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.

If seasonal workers are employed in a Member State and sent by their employer (who may be a temporary work agency) to work in another Member State, they have the status of posted workers and benefit from protection under the directives on posting of workers.¹

Migrants workers from a third country

These workers are covered by the [Seasonal Workers Directive](#) (Directive 2014/36/EU), which grants them equal treatment in terms of employment conditions, minimum working age, working conditions and occupational health and safety measures. For the first time, the directive provided a set of harmonised rules for the admission, residence and rights of third country seasonal workers. It was designed to support the effective management of migration flows and to guarantee decent working and living conditions for seasonal workers. It restricts their stay in the EU to between five and nine months per year and limits possibilities for family reunification.

Each EU country must provide the European Commission with a list of sectors that are dependent on seasonal conditions, such as summer tourism and harvesting of certain crops. In order to be admitted to work in the EU, seasonal workers must submit permit applications including a work contract or a binding job offer specifying pay, working hours and other conditions. They must provide evidence of adequate lodging. Once on the EU territory, workers are entitled to extend their work contract (more than once) or change employer within the maximum permitted stay, provided they meet the entry conditions and no grounds for refusal apply.

The Seasonal Workers Directive defines a seasonal worker 'as a **third-country national** who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State'.

Seasonal workers **have the right to equal treatment with nationals** of the host country as regards terms of employment, such as the minimum working age, working conditions (such as pay and dismissal, working hours, leave and holidays) and health and safety regulations. The right to equal treatment also applies to social security benefits linked to sickness, invalidity and old age, training and advice on seasonal work. It does not apply to unemployment and family benefits.

The directive also encourages the circular movement of seasonal workers between the EU and their countries of origin by introducing a facilitated re-entry procedure for subsequent seasons. Member States have to provide for effective, proportionate and dissuasive sanctions against employers who have not fulfilled their obligations under the directive. Employers who are in serious breach of their obligations can be banned from employing seasonal workers.

National seasonal worker schemes

Member States remain [responsible](#) for determining the number of admissions on the basis of the demand for seasonal work in a given year. They have some flexibility in the way they integrate the common EU rules into the design of their national schemes for recruiting third country nationals for seasonal work. Member States design [programmes](#) that reflect both the needs of employers and, often, their ties to particular third countries.

A recent [study](#) on legal migration for work and training examines how five Member States (France, Germany, Italy, Spain and Sweden) organise labour migration flows to meet demand on the domestic labour market. Each of those countries manages its own seasonal worker scheme differently, depending on its relationship with third countries, the needs of the domestic labour market and its broader migration system. Spain recruits seasonal workers mainly through the 'collective management of hiring in the country of origin' (*gestión colectiva de contrataciones en origen*), relying on countries, such as Morocco, with which it has signed a **bilateral agreement** on managing labour migration flows. The French system is similar, based on well-established cooperation with Morocco and Tunisia. Italy sets quotas for seasonal workers and cooperates with a large number of partner countries. Sweden does not make bilateral agreements but issues **special work permits** for 'berry pickers and planters' employed by Swedish companies. Germany relies nearly entirely on intra-EU migration to meet its demand for agricultural seasonal workers. However, in 2020 it concluded [bilateral agreements](#) with Georgia to attract agricultural seasonal workers.

In December 2020, the [European Migration Network](#) (EMN) published a [study](#) on third-country nationals who enter and reside in an EU Member State for the purpose of seasonal work, providing an overview of experiences in 25 Member States and the United Kingdom. The study shows that the Seasonal Workers Directive has allowed for the rights and obligations of seasonal workers to be more clearly defined in national law, and that it provides for better protection of their rights. However, enforcement remains difficult in practice. Unsurprisingly, the main sectors of employment

are agriculture and forestry, tourism and manufacturing. Most Member States admit seasonal workers under the EU directive, while some countries use national schemes.

The harsh reality of seasonal farm work

According to the [Migration Policy Institute](#), seasonal workers are often recruited by private employment agencies acting as intermediaries between clients and workers. Many of them act as recruiter and employer at the same time and are called [temporary work agencies](#). Their activity is particularly prominent in the agricultural sector. The relationship between agencies, employers and workers is supposed to ease the process of matching demand and supply and benefit all parties involved. Reality shows that power relationships are often skewed to the detriment of workers.

Working and living conditions

Seasonal agricultural workers fill jobs shunned by local workers because of the low wages, hardship, long hours and poor living conditions.

Work on farms is intensive physical labour, taking place outdoors in all weathers and with early starts. There are job-related risks, such as exposure to chemicals used on farms. The [work](#) often involves arduous bending or kneeling, and the lifting and carrying of very heavy containers over uneven ground, which can result in falls and back injuries. Workplace accidents and illnesses are frequent.

Numerous seasonal workers are employed under short-term contracts, with little job security and social security coverage. Often they are not eligible for social benefits in the country where they are working. Many come from poor and vulnerable regions and social groups and are not always aware of their rights. They do not always understand the language of the host country, which makes them even more vulnerable to exploitation by employers or agencies. Labour inspectors repeatedly report violations of seasonal farm workers' rights as regards working hours, remuneration, living conditions, and health and safety standards in the workplace.

Migrant workers tend to live on farms away from their families, in isolated rural areas. Every morning they are driven to the fields in collective transportation. They live in shared accommodation, in the worst cases in barns, containers or [rudimentary shelters](#) without running water, electricity, or appropriate sanitation.

Seasonal work and the exploitation of workers

The temporary nature of their activity can make seasonal workers more vulnerable to precarious living and working conditions, even to exploitation and trafficking. Migrant workers can become victims of illegal gang-master practices or modern forms of slavery. This can concern undocumented migrants, but also EU nationals: as shown in particular by the plight of Romanian women employed in certain regions of Spain or Italy, [EU citizenship](#) does not protect migrant workers from exploitation or abuse.

The Italian *caporalato* system

According to the [UNHRC](#), between 450 000 and 500 000 migrants work in Italy's agricultural sector, and it is estimated that [40 % of them](#) are irregular workers. Most of them find (seasonal) work through [caporalato](#), a widespread form of illegal intermediation between farmers and workers. The system relies on the exploitation of the vulnerability of workers, leading to sometimes inhumane conditions of employment and living. The *caporali* (gang-masters) organise the teams of workers needed in the fields, and provide food, housing and transportation from their homes to the workplace. Their fee is deducted from the wages of the workers. In many cases migrant workers enjoy no legal or social protection, are forced to accept extreme working and living conditions and are underpaid. They live under the threat of losing their jobs, being repatriated or suffering physical or psychological violence. Women in particular are at risk of being exploited and [sexually abused](#). A

number of reports indicate that migrant workers suffer slavery-like conditions in the olive oil, [tomato](#) and grape industries in particular.

Strawberries, the red gold of Huelva, Spain

The province of Huelva produces more than 90 % of Spanish strawberries (of which Spain is the world's top exporter). There, 6 000 hectares of strawberries produce about 300 000 tonnes a year over a season stretching from February to May, with a production peak from April to May. Strawberry farms are heavily reliant on the [50 000](#) seasonal workers, mainly foreign migrant workers, who come each year. Most legal foreign guest workers are eastern Europeans, followed by Africans – mostly Moroccan women – and Latin Americans. Hundreds of sub-Saharan migrants live year-round in shantytowns close to the fields. Spain's agricultural model has been questioned for years because of the poor working and living conditions of its migrant workers. The numerous Moroccan women employed in the strawberry fields are recruited in their country of origin. They generally do not speak Spanish. They come from rural areas where they have left their families and are sometimes illiterate, which

Undeclared work in agriculture

Undeclared work is [more prevalent](#) in the agricultural sector than in the EU economy in general, but its magnitude is difficult to measure. According to a study conducted for the [European Platform tackling undeclared work](#), around a third of EU agricultural employees do not have a written contract of employment. This figure is confirmed by the European Federation of Trade Unions in the Food, Agriculture and Tourism sectors [EFFAT](#). ILO reports higher figures: some [61.2%](#) of the EU agricultural labour force would be engaged in informal employment (defined as persons whose main job lacks basic social or legal protection or employment benefits). Unregistered employment in the agricultural sector would be highest in Greece, Poland and Romania (above 90 % of all agricultural employees), and lowest in the Czech Republic and Sweden. It is widely recognised that a large proportion of **migrant seasonal workers** are engaged in undeclared work. They not only suffer from a lack of access to social security but also access to information about their rights and a lack of support. Their vulnerability makes them potential victims of exploitation by intermediaries and employers.

means they are entirely dependent on their employers. This situation can lead to exploitation and abuse, as is well documented. In February 2020, the United Nations' Rapporteur on Extreme Poverty and Human Rights, Philip Alston, [stated](#) that some of these migrant workers lived in shantytowns 'with far worse conditions than a refugee camp, without running water, electricity or sanitation'.

The plight of female seasonal workers

Situations of exploitation and abuse seem to be exacerbated in the case of female seasonal workers, who are often responsible for children. Fear of losing their jobs and of being unable to support their families makes it difficult to escape employers' demands or report labour rights violations and abuse. A [study](#) conducted for the European Parliament in 2018 on the vulnerability to exploitation of women migrant workers in agriculture in the EU and the need for a human rights and gender-based approach exposed the severe exploitation of women in some regions of Spain (Huelva, Almeria) and Italy (Ragusa in [Sicily](#)). It describes how vulnerable Romanian or Moroccan women recruited as seasonal labour work and live in inhumane conditions, suffering threats, blackmail, violence and sexual abuse as an intrinsic part of an organised system of exploitation.

Cases of exploitation of migrant seasonal workers are not limited to southern EU countries. [Reports](#) show abusive and exploitative practices in other EU Member States such as Germany, the Netherlands and Sweden, where recourse to a migrant seasonal workforce is a structural component of agri-food production.

Disruption of the EU fruit and vegetable sector by the pandemic

Farm producers and the shortage of essential migrant workers

The measures taken by the various European governments in the face of the growing pandemic – [closing borders](#), confining populations, restricting mobility and suspending multiple economic activities, for example – have had an enormous impact on the primary production sector.

Travel restrictions introduced by EU Member States to contain the spread of the disease triggered an acute [farm labour shortage](#) in 2020. In several countries, farmers were struggling to bring in the seasonal workers they rely on to harvest their fruit and vegetables. On 26 March 2020, the [European Fresh Produce Association](#) drew attention to the situation of asparagus and strawberry producers, two labour-intensive crops. There was a risk that entire crops would be left rotting in the fields.

In France, the shortage of seasonal workforce was estimated at [200 000](#). Germany meanwhile estimated that it would need 300 000 seasonal workers to help with fruit and vegetable harvests, in particular for white asparagus.² In Italy, 250 000 people were needed to harvest and pack fruit and vegetables and maintain vineyards. Coldiretti (the National Confederation of Agricultural Producers) [claimed](#) that 40 % of agricultural products might go to waste, if the labour force needed for the seasonal harvest of fruit and vegetables was not in place, and quickly. Spain faced a lack of seasonal workers from Morocco. In the Huelva region alone, around 16 000 Moroccan seasonal workers, mainly women, were expected, but less than half this number had arrived by 12 March as Morocco closed its borders to passenger traffic. Spain faced an overall shortfall of [70 000 to 80 000 workers](#). The United Kingdom needed 70 000 to 80 000 workers over the season.

Confronted with this situation, EU governments took [action](#) to bring migrant workers in:

- organising chartered planes to fly in the necessary workers (for example, from Romania to Germany, the United Kingdom and other Member States);
- extending the work permits of seasonal workers already on site (Spain);
- facilitating a change in status (from student to worker);
- issuing work permits for asylum-seekers and migrants;
- encouraging the local population to step in: students, refugees, the newly unemployed and others;
- leaving borders open for migrant workers with work contracts.

The impact of the pandemic on the situation of seasonal workers

The pandemic has laid bare the exploitative conditions in which migrant seasonal workers have to work. Many new Covid-19 outbreaks in Catalonia and Aragon were reported among foreign workers employed in fruit picking (and at slaughterhouses, as was also the case in Germany).

In early April, the Romanian and Bulgarian governments decided to allow charter flights carrying seasonal workers to travel during the coronavirus crisis. Some of these workers took up seasonal work in the regions most affected by the virus. According to Italy's Coldiretti, in spring 2020, [15 000 Romanians](#) were expected to travel to the region of Veneto, where Covid-19 hit first in Europe.

In a [letter](#) addressed to the Commission and the European Parliament in April 2020, grassroots organisation European Coordination Via Campesina (ECVC) drew attention to the already difficult living and working conditions of seasonal workers, made worse by the pandemic. This is a group that already often faces severe structural vulnerability, precariousness in terms of employment, housing and social services, and discrimination owing to their status as migrants. According to ECVC, the need to continue productive activity in the countryside during the pandemic had not been accompanied by adequate measures or sufficient resources to protect these essential workers. The organisation had witnessed a lack of protective equipment and necessary control measures in the workplace, a lack of hygienic conditions, and a lack of distance between people. There had been cases of pressure to extend working hours, as well as dismissals and restrictions to rights. The confinement posed serious risks to the health of seasonal migrant workers living in settlements or slums (as can be found in Andalusia and southern Italy), with basic hygiene and essential services lacking.

The European Labour Authority (ELA)

The [ELA](#) was established on 31 July 2019 and began operating in October 2019. Its role is to facilitate access for individuals and employers to information on their rights and obligations as well as to relevant services; to support structured cooperation between EU countries in the cross-border enforcement of relevant Union legislation on labour mobility and social security coordination, including facilitating joint inspections; and to mediate and facilitate solutions in cases of cross-border disputes between national authorities or labour market disruptions. The ELA is currently based in Brussels, but will be moving its seat to Bratislava, Slovakia. It is expected to reach full operational capacity by 2024.

In July 2020, there were [media](#) reports of several Covid-19 outbreaks linked to seasonal migrant farm workers employed in fruit picking in Spain. In the region of Catalonia, [12 outbreaks](#) leading to 900 cases were reported, while in the region of Murcia an outbreak with 38 cases was reported.

According to a report published recently by the European Centre for Disease Prevention and Control (ECDC), the possible [risk factors](#) identified by the reporting countries and epidemic intelligence data include:

- working in confined or close spaces with a lack of social distancing;
- migrant workers sharing accommodation sometimes described as being over-crowded and with poor hygiene conditions;
- shared transport;
- employment of seasonal workers from areas with a higher incidence of Covid-19.

Another consequence of the Covid-19 related restrictions taken by governments in the EU in 2020 was that a number of migrant workers already in the host country were trapped there when borders closed. In the Spanish province of Huelva, most of the [7 000 Moroccan women](#) who had managed to enter Spain before Morocco closed its borders on 13 March 2020 found themselves in a dire situation at the end of the strawberry harvest season. Their contracts had expired in mid-June 2020 but their home country was keeping its borders closed and refused to repatriate them. They remained stranded in Spain for some weeks, with very little money, before the Spanish and Moroccan governments came to an agreement to repatriate the women.

EU action to protect migrant seasonal workers during the pandemic

On 30 March 2020, the European Commission published practical [guidelines](#) ensure the free movement of essential workers during the coronavirus outbreak. The text identifies workers that exercise critical occupations, for which continued free movement in the EU is deemed essential. The guidelines specifically mention seasonal workers, calling on Member States to allow such workers to continue crossing their borders to work, and to communicate to the employers the need to provide for adequate health and safety protection. The Commission urged Member States to establish specific procedures to ensure a smooth passage for such workers.

On 19 June 2020, the European Parliament adopted a [resolution](#) on European protection of cross-border and seasonal workers in the context of the Covid-19 crisis. In particular, it called on the Commission and Member States to ensure that these workers benefit from adequate protection from Covid-19 and its effects and from decent working and living conditions. More specifically, it called on the Commission to issue new guidelines for seasonal and cross-border workers and to propose long-term solutions to combat abusive subcontracting practices (see below).

Responding to Parliament's call, on 16 July 2020, the Commission issued additional [guidelines](#) on seasonal workers in the context of the Covid-19 outbreak. The Commission recognised that these workers were often more vulnerable to precarious working and living conditions, given the temporary nature of their work. It stated that the coronavirus pandemic had exposed, and in some cases exacerbated, these conditions. In turn, poor conditions increased the risk of Covid-19 clusters.

The guidelines reiterated the rights of seasonal workers, regardless of whether they are EU nationals or third country nationals. A number of issues were covered, including:

- suitable living and working conditions, including physical distancing and appropriate hygiene measures;
- protection of occupational safety and health;
- clear communication to workers of their rights;
- accommodation and transport;
- undeclared work;
- social security aspects.

The guidelines called on national authorities and social partners to make a renewed effort to fulfil their duty to ensure the proper application and enforcement of the rules. They also announced further action, including ongoing work with the European Labour Authority.

Towards better enforcement of the legislation on seasonal workers

The crisis has highlighted the critical role of migrant seasonal workers. As intra-EU borders were being closed, their inability to reach host countries at the start of the harvest season in EU for fruit and vegetables caused panic. Attempts to recruit workers locally to replace them often failed, as the work requires physical strength, endurance and speed that only experienced seasonal workers can provide; the long hours, low wages and hard working conditions go some way to explain why a large part of EU agriculture relies on non-national labour.

The EU's [Farm to Fork strategy](#), published on 20 May 2020, aims to redesign food systems to make them fair, healthy and environmentally-friendly. It recognises that they cannot be resilient to crises such as the coronavirus pandemic if they are not sustainable. In particular, it acknowledges that the pandemic has increased awareness of the importance of critical staff, such as agri-food workers. A future-proof food system would have to factor in **social fairness**: 'This is why it will be particularly important to mitigate the socio-economic consequences impacting the food chain and ensure that the key principles enshrined in the European Pillar of Social Rights are respected, especially when it comes to precarious, seasonal and undeclared workers. The considerations of workers' social protection, working and housing conditions as well as protection of health and safety will play a major role in building fair, strong and sustainable food systems'.

In 2017, in its [communication](#) on 'The Future of Food and Farming', the Commission underlined that EU agriculture offered opportunities for seasonal workers. Through its rural development strand, the CAP could play a role in helping to settle and integrate legal migrants, refugees in particular, into rural communities. For the Commission, the community-led local development/LEADER instrument is particularly apt for this.

Moreover, the conclusions of a [study](#) conducted for the European Parliament mentioned that integration of migrant/seasonal workers in rural areas could be reinforced through rural development programmes funded under the second pillar of the CAP, always in synergy and

coordinated with other funds, in particular the European Social Fund. Seasonal and migrant workers and also the 'host' population needed support. This also required proper implementation of the Seasonal Workers Directive, which should be better monitored in Member States to ensure minimum standards are achieved.

EU institutions' views

European Parliament

On 19 June 2020, the European Parliament adopted a [resolution](#) on European protection of cross-border and seasonal workers in the context of the coronavirus crisis, by an overwhelming majority. The resolution acknowledged that these workers had been hard hit by the crisis and the measures taken by Member States to contain the spread of the disease. Many had found themselves stuck in the country of employment without income, protection or transport, sometimes even without shelter or access to healthcare and food. Parliament called on the Commission and Member States:

- to implement measures to ensure that seasonal workers benefit from adequate protection from the coronavirus, and that their health and safety are safeguarded in transit and at the place of employment;
- to support the work of social partners and civil society organisations active in this area;
- to ensure, in the context of Covid-19, the equal treatment of third-country seasonal workers with EU nationals; and
- to ensure the proper implementation and enforcement of applicable EU legislation as regards the rights of cross-border and seasonal workers.

Parliament also called on the Commission to issue new specific guidelines, and to propose long-term solutions to fight abusive subcontracting practices and protect victims. Member States were called upon to ensure better living conditions for migrant seasonal workers. The resolution underlined the need to prepare for possible future waves of Covid-19, to coordinate national border measures and to develop safety measures for mobile workers. It called on the Commission to conduct an urgent study on the situation of the employment and health and safety conditions of cross-border and seasonal workers, including the role of intermediaries. Parliament also urged the Commission to make sure that the Farm to Fork strategy and the new CAP delivered for agricultural workers in Europe, including seasonal, migrant and other mobile workers.

In the framework of the CAP negotiations, Parliament adopted a number of [amendments](#) to the proposed CAP strategic plans regulation during its October 2020 plenary session. In particular, it introduced the principle of '**social conditionality**' whereby Member States should include in their CAP strategic plans 'a system of conditionality, under which beneficiaries receiving direct payments ... shall be subject to an administrative penalty if they do not comply with the applicable working and employment conditions and/or employer obligations resulting from all relevant collective agreements and social and labour law at national, Union and international levels'.³

Council

In its [conclusions](#) of 9 October 2020 on improving the working and living conditions of seasonal and other mobile workers, the Council recognised that seasonal workers are often more vulnerable than other workers and exposed to exploitation as well as to precarious or adverse working and living conditions, to infringements of labour law and to non-compliance with standards at work, and are more likely to be exposed to inadequate social security coverage. It welcomed the Commission's guidelines on seasonal workers of July 2020 and Parliament's resolution of June 2020, and called on all Member States to apply in full and enforce existing EU and national legislation, in order to provide seasonal and other mobile workers with adequate protection.

Consultative committees

European Economic and Social Committee

As early as 2008, in an [opinion](#) on the 'agricultural employment situation', the European Economic and Social Committee (EESC) drew attention to the poor working and living conditions of migrant seasonal workers in EU farming. On 11 June 2020, it adopted a [resolution](#) entitled 'EESC proposals for post-Covid-19 crisis reconstruction and recovery: The EU must be guided by the principle of being considered a community of common destiny'. The EESC called for action to: tackle job insecurity and its consequences, not least the reduction or suspension of remittances intended for workers' families in their countries of origin; formalise the status of migrants employed in personal care or the agricultural sector; and design and develop realistic, legal, safe and feasible pathways for labour migration to the EU. In its 2014 [opinion](#) 'Towards a more balanced territorial development', the EESC called for equal treatment of migrant workers in rural areas by implementing minimum standards for working and living conditions, also involving the social partners in this process.

European Committee of the Regions

In its 2019 [opinion](#) on CAP reform, recommending amendments to the three proposed regulations for the post-2020 CAP, the European Committee of the Regions stated that farms receiving public CAP funding should respect the social rights of their employees and that direct payments to farmers should therefore be made conditional on respect for those rights.

MAIN REFERENCES

European Migration Network, Attracting and protecting the rights of seasonal workers in the EU and United Kingdom, European Commission, December 2020.

Joint Research Centre Science for policy report, Migration in EU rural areas, European Commission, 2019.
Martin P. L., Migrant Workers in Commercial Agriculture, International Labour Office, 2016.

ENDNOTES

- ¹ Directives 97/71/EC, Directive 2014/67/EU, Directive (EU) 2018/957.
- ² Germany had 23 400 hectares of asparagus in 2018, producing a harvest of 133 000 tonnes. The country relies mainly on a central and eastern European seasonal workforce for that particularly labour-intensive crop.
- ³ In February 2021, some 50 European and international organisations and 120 national groups, including trade unions, NGOs, civil society organisations and experts, collectively wrote an [open letter](#) to national agriculture ministers, key EU commissioners and Members of the European Parliament. The signatories requested that the position of the European Parliament on social conditionality be confirmed and further strengthened and that social conditionality be built into the final agreement in the negotiations on the post-2020 CAP.

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