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## THE THIRD REPORT ON THE MAFIAS IN AGRICULTURE AND CAPORALATO\*

*By the Placido Rizzotto Observatory*

### SUMMARY

The third “Mafias in agriculture and *caporalato*” report by the Placido Rizzotto Observatory-Flai Cgil provides a detailed cognitive framework of reference on the status of agricultural workers, and the various forms of illegality and Mafia infiltration throughout the agrifood chain.

The report is divided into three parts.

**The first part**, “Mafia infiltration in the agrifood chain and management of the labour market”, studies the main phenomena of illegality that characterise the sector, namely those of the agricultural Mafias and Mafia and criminal infiltration in the management of the labour market through the use of the *Caporalato* system, two activities which together move an illegal and submerged economy of between 14 and 17.5 billion euros in Italy. Regarding the first issue, referring to data and information gleaned from judicial actions and court-led investigations, there has been increased attention from the Institutions in countering Mafia infiltration. Reference is made to investigations in sectors that are strategic for our economy; from the overseas import and export of our agrifood products to counterfeit products (agricultural and food counterfeiting is 16% of the total of a one-billion euro business) involving bread, wine, meat and fish, to mention only the most affected sectors. Of particular interest to the Mafias are the sectors of logistics, wholesale and retail, fruit-and-vegetable markets and the various stages of the chain. From north to south sophisticated phenomena related to *Italian-sounding* products and produce have been recorded, as well as the new interweaving between the agricultural Mafias in agriculture and renewable energies. An indication of the interest of the Mafias in relation to the agricultural sector is evidenced by the fact that almost 50% of the assets seized or confiscated from the Mafias are in fact farmland (30,526 out of 68,194). In times of crisis, then, there is also an increase in what we have called the *entrepreneurial Mafia*, that is, the recycling of the proceeds from illicit activities which are reinvested in the legal economy and in agrifood businesses in difficulty which struggle to access legal lines of credit.

**The management of the labour market**, instead, is a full-blown land of conquest for criminality, both Mafia and not. In some cases, exploitation in agriculture goes hand in hand with the phenomenon of people trafficking. From the information contained in the report, about 80 agricultural districts (from north to south) emerge where extensive exploitation and *caporalato* are to be found, albeit at different levels of intensity. **The victims of the *caporalato* system (and its various forms) are both Italian and foreign,**

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\* The system of directly hiring farm labour for very low wages by landowner’s agents.



**an number about 430,000, therefore about 30/50,000 more than estimated in the previous report**, with more than 100,000 workers suffering severe exploitation and vulnerability in terms of housing. Although the *caporalato* system is experiencing a transformation in line with the metamorphosis of the labour market which is increasingly flexible and precarious, the means of exploitation of the agents in respect of the workers remains more or less the same: the non-application of contracts, a wage of between 22 and 30 euros per day, less than 50% of what is foreseen by the CCNL (national collective bargaining employment contract) and the CPL (provincial labour contracts), between 8 and 12 hours of work per shift, piecework (explicitly excluded under sectoral rules), to a number of criminal practices such as violence, blackmail, theft of documents, deductions for housing and supplies of essential goods, in addition to deductions for transport which is carried out by the agents themselves. What emerges is a picture of the extreme vulnerability of the individuals which needs to be countered with greater incisiveness. **The report includes some data on inspections, up 59% over the last year**, but with disturbing outcomes: more than 56% of workers found on farms are partially or completely illegal, with 713 instances of *caporalato* reported by the inspectors.

Attention therefore moves to current legislation – and to that recently issued by the Italian Government – with the aim of combating abuse and forms of serious labour exploitation, on the one hand, and the methods and procedures for the social protection of victims who are involved, on the other. In addition to Legislative Decree no. 109/2012, largely unsuccessful in its aims (transposing the EU Directive on the protection of victims of serious exploitation), the Government recently drafted a bill (Ddl 2217) to regulate forms of opposition to the *caporalato* system and to tighten the penalties for crimes committed in the recruitment of foreign labour to be employed in the agricultural sector. However, alongside innovative measures – such as the possibility of seizing goods and production tools in the event of the use of foreign labour subject to exploitation – there was no wish to introduce the principle of full criminal co-responsibility between the agent and the entrepreneur who engages them to recruit labour for the business. In reality, there is a close relationship between the entrepreneur and the agent, since the latter without the former would not recruit any labour. The Ddl is also still being discussed in the two Houses of Parliament, whereas the context of serious social alarm might have suggested the adoption of an emergency decree to arrive at the next summer harvest season with better tools to contrast *caporalato* and exploitation.

**The second part** deals with the living and working conditions of workers employed by businesses and the relational dynamics that distinguish them: both with employers and with the agents who recruit labour to harvest the products of the land. Working conditions are substantially precarious and indecent.

This is also the case with those intermediary firms (temporary employment agencies or apparently legal cooperatives which in reality conceal illegal activities), some of which have the characteristic of being “**landless cooperatives**”, that is, they do not carry out any agricultural activity. “Landless” businesses are also used for establishing fake employment relationships or avoiding contracts.

This second part includes 5 case studies involving the areas of Bassa Mantovana, Piana del Fucino, Alto-Bradano (Basilicata), Piana di Sibari and finally Modena. While in the first four cases the analysis concerned workers employed in agrifood districts, in the case of Modena the focus was on the butchering of meat products.

The choice fell on these areas because they are among those which in the course of 2015 were characterised, for various reasons, by events that exposed them to public attention. Not only because the national press showed an interest, but also – and above all – because of the interest



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shown by the judiciary and the courts due to the dreadful working conditions of those employed. Where Flai reported to the Prefecture and the police the severely exploitative forms of work, reinforced as well by demonstrations in the street (such as those in Mantua, Castrovillari/Corigliano and Avezzano) or by powerful demands for housing solutions such as that at Palazzo San Gervasio, the judiciary has intervened with specific investigations.

The methodological criteria used are twofold: on the one hand, those relating to documentary and statistical research, on the other, those relating to the field studies and therefore through qualitative interviews.

The respondents are trade unionists, exploited workers, a number of employers, and, in the case of Basilicata, we find the story of a repentant agent who describes the phenomenon from within.

There is also an examination of the experience of the Sindacato di strada (Street Union), a consolidated reality in several agricultural areas of the country. This is an innovative experience which allows groups of farm workers employed in decentralised areas, in farmland that is distant from settlements, in territorial situations that create isolation and therefore an inability to defend themselves against agents or dishonest entrepreneurs. It is aimed at bringing together a larger audience of workers and especially those of foreign origin, with whom there are more communication difficulties, in part for linguistic reasons. The approach and means of bringing people together are proactive, i.e. seeking out communication with foreign workers when the exchange itself is not taking place or takes place with obvious difficulties (the workers' location, workplace isolation, a lack of knowledge of the role of unions, etc.).

**The third and last part** contains three studies from around the world: France with the phenomenon of immigration in rural contexts; Spain with the exploitation of strawberry pickers in Huelva; and California, where illegal immigrant children work in plantations, exploited and blackmailed. An international overview of people trafficking aimed at labour exploitation has become necessary to try to frame the phenomenon for what it is, that is, a global phenomenon. In Europe alone there are 880,000 workers of all nationalities under the blackmail of forced labour in part because of European (and global) rules that have liberalised the labour market with a consequent lowering of controls on legality. This is to be added to the specific situation in the agricultural sector which sees about 3.5 million workers around the world reduced to slavery for an estimated 9 billion euros in profits.