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Agriculture and illegal employment in Europe

Report
Committee on the Environment, Agriculture and Local and Regional Affairs
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Summary

Agriculture is one of the economic sectors in Europe that is heavily dependent on the exploitation of undeclared labour, especially for seasonal activities.

Illegal employment can unfortunately take exploitative forms which the Assembly condemns as repugnant to modern society, human rights and the values upheld by the Council of Europe. The problem affects the entire continent and goes beyond the domestic powers of States.

The Assembly calls on the governments of member States to establish systems of swift and dissuasive sanctions for offences against labour law while setting up international co-operation on legislation and its enforcement so that legal disparities do not cause glaring violations of human rights. Conditions of employment in agriculture should be made subject to a binding legal framework equally suited to the different situations of workers, whether permanent or seasonal, foreigners or nationals.

A. Draft recommendation

1. The Parliamentary Assembly is concerned over the many cases of non-compliance with the social legislation on employer-employee relations, particularly affecting foreign labour in the agricultural sector. It recalls a variety of work on the subject, notably its Recommendation 1767 (2006) and Resolution 1521 (2006) on mass arrival of irregular migrants on Europe's Southern shores, its Resolution 1501 (2006) and Recommendation 1748 (2006) on working migration from the countries of eastern and central Europe: present state and perspectives, and its Recommendation 1618 (2003) on migrants in irregular employment in the agricultural sector of southern European countries.

2. The Assembly recalls the European Convention on the Social Protection of Farmers (ETS 83) and especially Article 3 stipulating that "Each Contracting Party shall ensure to farmers, the members of their families and, where appropriate, their paid employees, social protection comparable to that enjoyed by other groups of the population [...]". It also recalls International Labour Office Convention 184 and Recommendation 192 concerning safety and health in agriculture, adopted in June 2001, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which came into force in March 2003.

3. For the last ten years or so, the lean production system has affected fruit and vegetable supply and international pressure for liberalisation of the agricultural markets is constant. The consequences are dramatic for producers, unable to contend with the influx of low-priced products, and the general tendency is for small farmers to be supplanted by large agri-food groups. The rush to achieve the lowest prices directly affects employees in these sectors who must adapt their work to the trend of the market at the risk of losing their livelihood and labour has now become the adjustable variable.

4. Agriculture is not the only economic sector in Europe to be heavily dependent on the exploitation of undeclared labour, often made up of foreign illegal entrants, but fruit and vegetable production is the only intensive agricultural sector that, though mechanised, needs to use manpower in large quantities. The use of undeclared labour is now a characteristic of agriculture, most of all in seasonal activities. This situation creates economic advantages and distortion of competition benefiting the less law-abiding entrepreneurs and its concomitant is the abuse or the total denial of agricultural workers' social rights.

5. The Assembly is aware that the problem affects the entire continent and goes beyond the domestic powers of States. International pipelines for illegal manpower trafficking are developing by taking advantage of the vulnerable state in which migrants seeking work find themselves, being prepared to go to any lengths for a chance of better living conditions for themselves and for their families in their countries of origin, and by playing on the differences in the respective national legislation and the absence of any European regulations in the matter.

6. The Assembly has found that illegal employment can unfortunately take exploitative forms which it condemns as repugnant to modern society, human rights and the values upheld by the Council of Europe.

7. The Assembly considers that all agricultural workers, whether permanent or seasonal, are men and women entitled to respect and human dignity. Consequently, the same rights as other workers should be secured to them by the application of national and international legislation in the sphere of labour law.

8. To end the regulatory disparity, conditions of employment in agriculture should be made subject to a binding legal framework suited to the different situations of workers, whether permanent or seasonal, foreigners or nationals. This would also make it possible to stimulate the often deficient national supply of manpower. This legal framework should be accompanied by sanctions applicable to offenders and by appropriate, effective means of supervision.

9. For this purpose, the Assembly recommends that the Committee of Ministers draws up a recommendation inviting member States:

9.1. to draw up and implement collective labour agreements for agriculture, governing seasonal work in particular and taking into account the specificity of the sector and the pace of work which it demands, defining the social security provision, wages, normal working time, overtime and housing conditions, while ensuring that the arrangements for renewing contracts are supervised by an independent body in order to avert any kind of pressure on employees;

9.2. to provide for the progressive acquisition of rights by the holders of renewed work permits, including the right to extended residence, family reunion and retirement pension;

9.3. to set up stringent, effective systems of supervision in respect of these rules, carrying prompt and dissuasive sanctions against breaches of labour law;

9.4. to establish better transfrontier co-operation to combat the rings engaged in manpower trafficking, by developing especially the network of national contact centres for the improvement of information on migration, which might be extended to states not belonging to the European Union so as to co-ordinate the instruments used against the rings and their illegal manpower pipelines;

9.5. to conclude readmission agreements between host countries and countries of origin for irregular migrants, backed by specific education and training programmes and by economic co-operation and development schemes in the countries of origin;

9.6. to organise, in co-operation with the agricultural trade organisations and the labour unions, large-scale information campaigns on agricultural occupations and to promote training and recruitment of local manpower while establishing proper working conditions in a spirit of respect and recognition for the work performed.

10. The Assembly also recommends that the Committee of Ministers instructs the European Committee for Social Cohesion (CDCS):

10.1. to consider drawing up an additional protocol to the European Convention on the Social Protection of Farmers (ETS 83), setting up a monitoring mechanism for the Convention;

10.2. to draw up an additional protocol to the above-mentioned Convention, dealing with the social protection of seasonal workers in the agricultural sector.

11. Furthermore, the Assembly invites member states not yet having done so to:

11.1. to sign and/or ratify the Convention on the Social Protection of Farmers (ETS 83);

11.2. to sign and/or ratify International Labour Office Convention 184 concerning safety and health in agriculture and implement the related Recommendation 192;

11.3. to sign and/or ratify the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. Finally, the Assembly invites the national and European trade unions to further and uphold the rights of seasonal workers, particularly in the agricultural sector.

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I. Introduction

1. For ten years or so, fruit and vegetables have been selling for less than what it costs to produce them. Henceforth vegetable supply is affected by the lean production system, and there is constant international pressure for liberalisation of the agricultural markets. This has dramatic consequences for producers, unable to contend with the influx of low-priced products, and the general tendency is for small farmers to disappear and be replaced by large agri-food groups.

2. The big supermarket chains keep all these producers in a state of competition and subjection to the prices they name. This rush to achieve the lowest prices directly affects employees in these sectors who must adapt their work to the trend of the market, at the risk of losing it altogether. Extensible working hours, extremely low wages and breaches of their social rights are arguments that steadily alienate the local workforce from this sector.

3. Undeclared manpower is unquantifiable by definition, whether in agriculture or indeed in other sectors. It is encountered particularly in the hotel and catering trades, building, domestic employment and agriculture. In agriculture, it is mainly a matter of short-term jobs in sectors subject to high seasonal demand, such as vegetable growing.

4. Contrary to what may be thought, the main reasons prompting a farmer to recruit illegal labour are not always of an economic kind. It is a way to remedy the difficulties of recruitment (absence of local labour), meet the considerable manpower needs, and avoid lengthy, complicated administrative procedures.

5. The xenophobic anti-Moroccan riots in El Ejido (Spain) on 5, 6 and 7 February 2000 drew attention to a situation of which the European public had been largely unaware, namely the inhumane exploitation of immigrants, mainly illegal ones, in agriculture, particularly fruit and vegetable production, occurring throughout the whole of Europe. This exploitation is leading to growing social tension, those concerned are not protected by employment and labour laws and there are breaches of the most fundamental human rights.

6. This excessive and unsupervised recourse to immigrant labour, much of it illegal, in agriculture, particularly the fruit and vegetable sectors, is an unfortunate consequence of changes in the industry brought

about by the ever increasing demands, in terms of quality and flow of production, being placed on it by the big supermarket chains.

7. Agriculture is not the only part of the European economy that is heavily dependent on the exploitation of irregular workers, many of them illegal immigrants, but fruit and vegetable production is the one intensive agricultural sector that makes little use of mechanisation and needs lots of manpower.

8. Nor is the problem confined to immigrant workers. Local employees are also affected by bad working conditions and failure to apply labour laws to this agricultural sector.

9. Moreover, although the events in El Ejido were particularly dramatic, this social ill extends right across Europe.

10. In the Netherlands, for example, where agriculture tends to be highly intensive, a study by the University of Rotterdam estimates that there are 100 000 illegal workers, a third of them in agriculture, particularly vegetable production. Ultra-modern production methods are used, mainly computerised greenhouses. The workers themselves are said to be equipped with bar codes that allow the manager of the enterprise to monitor the quantity and quality of each labourer's work.

11. Given the size of its population, Switzerland has always been heavily dependent on outside labour. As part of its close links with the European Union, it has reduced its quota of seasonal permits, the main employment consequence of which has been to increase the volume of undeclared labour, particularly in the vegetable growing sector. This leads to downward pressure on working conditions and wages and a general failure to apply the relevant legislation to those concerned.

12. In France, so-called International Office of Migration (IOM) contracts are highly prized by employers. However, they have been misused so that workers with IOM contracts now enjoy fewer rights than illegal employees - impossibility to change employer, dubious middle men who charge workers for their own contracts, different entitlement to benefits than French employees, even if contributions are deducted from their wages, and so on.

13. The geographical area covered by the Council of Europe encompasses wide variations, including the 25 member states of the European Union covered by the CAP, candidate countries and non-EU member states. The Rapporteur made several fact-finding visits which allowed them to gather precious information in regions facing this problem. He visited Andalusia (Spain), Westland (Netherlands) and Bouches-du-Rhône (France).

II. Labour force

14. As it was not possible to visit all member states, it was decided to send a questionnaire (see Appendix 1) to the 46 delegations in order to obtain an overview of the situation, with data and details of the relevant legislation regarding illegal employment in the agricultural sector in their country.

15. The Rapporteur would like to thank the 15 member states that replied to the questionnaire. These were Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, Germany, Liechtenstein, the Netherlands, Poland, Romania, Slovenia and Sweden. He also thanks Spain, the Netherlands and France which, by permitting him to carry out three study visits on the ground, have participated in the preparation of this report. The situation in Andalusia (Spain), Westland (Netherlands) and Bouches-du-Rhône (France) will be described in the third part of this report (*Case studies*).

16. Six main tendencies emerge from the analysis of the replies to the questionnaires:

- seasonal work first of all looks to the national workforce and then to a foreign workforce and seasonal work is constantly growing;

- there are no precise figures or information on the situation of illegal employment in the agricultural sector;

- in most cases, work in the agricultural sector is subject to ordinary employment law, collective agreements and national legislation relating to aliens;

- there are few bilateral or multilateral agreements specifically relating to the reception of foreign workers or seasonal workers in the farming sector;

- no reference was made to a special social cover regime for national or foreign workers in the agricultural sector;

- the way in which a mandatory minimum wage is determined varies from one country to another.

17. The size of the agricultural sector in Europe depends very much on the individual country in question. The sector continues to be relatively important in the countries of central and eastern Europe. In essence, the labour force is made up of a local or national supply (farmer's families, students, retired people), permanent paid workers and seasonal employees. There is a constantly growing proportion of seasonal workers, both national and foreign. Despite the introduction of quotas and the requirement for a work permit for foreign seasonal workers, it is difficult to ascertain the exact number of such workers. Nonetheless, it would appear that in the majority of European countries, the proportion of foreign seasonal workers tends to be higher than that of national seasonal workers.

18. The majority of the foreign labour force comes from neighbouring countries, and from both members (primarily the Czech Republic, Estonia, Hungary, Poland and Slovakia) and non-members (Bulgaria, Croatia, Romania, Russia, neighbouring Arab Countries and Asian countries such as Sri Lanka and India) of the European Economic Area.

19. In Estonia, there were 90,849 people working in the agricultural sector in 2005. 8% of these were temporary workers. The family-based approach to farming leaves little scope for the employment of foreign workers (who account for 1 or at most 2%). 90% of the Estonian labour force is made up of family members or permanent workers living close to the farm. Any foreign workers are employed exclusively on temporary contracts.

20. In Germany in 2005, there were 320,383 foreign nationals employed on seasonal work. They came mainly from central and eastern Europe (Poland 85%, Romania 9.6%, Slovakia 2.27%, Croatia 1.4%, Hungary 0.69%, Czech Republic 0.47%, Bulgaria 0.41%, Slovenia 0.05%.)

21. In Austria in 2005, agricultural undertakings, forestry and fishing companies employed around 26,800 people, including 8,000 foreign nationals and 3,800 part-time workers. Approximately 4,200 job seekers in this sector are registered with the employment agency. In the farming sector, foreign nationals account for 34% of all those employed.

22. In Belgium in 2004, 81,412 people were employed in the farming, hunting and forestry sector; 22,652 were in receipt of a wage and 58,760 self-employed. 3.4% of those employed in this sector were foreign nationals. In 76% of cases, they were classified as employees.

23. In Cyprus, jobs in the farming sector are to a large extent seasonal and occupied by foreign nationals, particularly from Bulgaria, Romania, neighbouring Arab countries and Asian countries such as India and Sri Lanka. Nationals working in this sector tend to be mainly self-employed. In 2004, roughly 12,147 people were employed in the farming sector; 60% of these were in receipt of a wage (0.44% of these were EU nationals and 72% from non-EU countries) and 40% were self-employed (1% of whom were foreign nationals).

24. In Bosnia and Herzegovina, in March 2006, 9,943 people worked in the farming, hunting and forestry sector. However, this is not a typical figure as generally speaking it is much lower: in 2005 there were no more than 146 people employed in these sectors.

25. There are 153,279 people employed in the Finnish agricultural sector; 85% of these are farmers, their spouses and family members. The temporary labour force accounts for around 5%. The proportion of foreign employees stands at 10%. These are generally seasonal or temporary workers, employed on average for 39 days per year. Roughly 85% of the foreign agricultural labour force comes from Estonia and Russia.

26. In Liechtenstein, the agricultural sector employed 1.3% of the working population in 2004. There were 223 nationals (58%) and 162 foreigners (42%)

27. In the Netherlands each year there are between 100,000 and 120,000 jobs available for seasonal agricultural work. Around 80% of these jobs are filled by local residents (housewives, pupils and students, retired people).

28. In Poland, the total number working in the agricultural sector is 5.11 million, 99% of whom work in private farms. Of this 99%, 99.6% of the labour force is family-connected (this includes private farms with family members who work unpaid) and the remainder is made up of permanent employees). Added to this are seasonal jobs, justified by the specific nature of the farm work in question. An employee is understood to mean anyone working on the farm who has been given a contract.

29. In Slovenia in 2005, there were 38,985 people working in the agricultural sector (ie 4.74% of the working population). 82.6% were self-employed (98.4% of whom worked on farms and 1.59% in agricultural undertakings) and 17.4% were employees. In the same year, 1,402 work permits were issued in the agricultural sector. The foreign nationals come mainly from the countries of the former Yugoslavia. EU nationals represent only 5% and all come from Slovakia.

30. In Romania, those working in the "farming, hunting and forestry" sector represent 31.6% of the working population. Most fall into the category of self-employed or non-remunerated family workers. There are few people of foreign origin employed in the agricultural sector. 14 work permits have so far been issued for seasonal farming work in 2006 to Moldovan citizens. Only five work permits for permanent farming work have been issued.

III. Legal context of seasonal work in agriculture

31. The data summarised below show that it is very difficult to gain an overview of the illegal work situation since by definition it is not registered.

32. In Bosnia and Herzegovina, the rate of illegal work in the agricultural sector is about 40% according to studies by the World Bank. In Estonia, the government believes that given the regulations in force, there is no – and it is unlikely that there will be any – illegal work.

33. In Liechtenstein, the Immigration and Passports Office issues work and residence permits, and carries out checks. Thanks to close co-operation with farmers unions, there is virtually no illegal work in the farming sector.

34. In 2004, the Romanian labour inspectorate launched a national campaign to identify and combat illegal work in the agricultural sector. Out of 2,360 employers that were checked, 116 were found to have taken on illegal workers. 831 employees were found to have no contracts and fines representing a total of RON 248,300 were imposed.

i. National legislations

35. Most often, such jobs are subject to ordinary employment law which do not contain any particular rules applicable to farming work¹. In other cases, the sector is regulated by collective agreements.

36. Belgium provides an interesting example, as the agricultural sector is regulated by three joint commissions: the joint agricultural commission, the joint horticultural undertakings commission and the joint technical and horticultural activities commission which act as forums for social dialogue at sectoral level. The joint commissions are official bodies in these sectors on which workers' representatives (trade unions) and employers' representatives (employer federations) have an equal number of seats. Through these commissions, the workers' and employers' representatives can lay down working conditions suited to the particular nature of the sectors in question. It is also the commissions' task to negotiate collective agreements relating to wage and working conditions.

37. In Bosnia and Herzegovina, employment law contains no provisions relating to seasonal jobs in the agricultural sector or foreign workers. Consequently, employment legislation by and large does not apply to the agricultural sector except with regard to night work.

¹ This is the situation in Austria, Cyprus, the Czech Republic, Estonia, Finland, Germany, Liechtenstein, the Netherlands, Romania, Slovenia and Sweden.

38. In contrast, Poland has a fairly extensive array of legislation in this field. Provisions relating to work in the agricultural sector and regulations governing its specific aspects are to be found in the Labour Code.
39. In many countries, the employment and working conditions of foreigners are governed by national legislation relating to aliens. This sets out the procedure by which foreign nationals are able to obtain a work permit. Every foreigner must obtain a residence permit in order to carry out a job. To obtain this permit, it is therefore necessary for a work or equivalent contract to have been concluded in accordance with the law.
40. In the light of immigration policy and the conditions and fluctuations of the labour market, national governments decide each year on a quota of work permits that may be granted to foreign nationals to enable them to enter the labour market.
41. Generally speaking, seasonal work is not subject to a special regime in most countries. In addition, the seasonal employment of foreigners is officially conceived as a response to an insufficient national temporary labour supply.
42. Nonetheless, there are plans to regulate seasonal work in some countries, such as the Netherlands, designed to help employers seek out the labour force they require at national level, and if that fails, to help them in the recruitment of foreign workers.
43. In Austria, however, since the early 1990s, special regulations on the employment of foreigners ("Ausländerbeschäftigungsgesetz") have been drawn up to deal with the situation of foreign workers in sectors where there is a high demand for seasonal labour. Under these regulations, it is possible to meet a provisional demand for unskilled labour (eg harvest help) which could not otherwise be satisfied. The federal minister for the economy and employment is authorised to stipulate work permit quotas for foreign seasonal workers and harvest helpers.
44. Mention here should be made of the compulsory electronic declaration for seasonal staff (DIMONA) in Belgium: with effect from 1 January 2006, all employers in the agricultural and horticultural sectors employing seasonal staff (both national and foreign), including seasonal temporary workers in these sectors, must declare their labourers to the National Social Security Office (NSSO) electronically. Not only must employers provide the name of those working for them, they must also indicate for each worker the starting and finishing times. This not only means less administrative work for the employer, it also provides greater legal security for the worker and is also designed to speed up the processing of the files of seasonal staff in the event of illness, industrial accident, unemployment or occupational illness, meaning that the person concerned will obtain the appropriate allowance more quickly. It should, in addition, improve the effectiveness and efficiency of the checks made by the inspection departments. Foreign workers employed as seasonal workers are also covered by the system. Foreigners working in Belgium for the first time cannot begin work until they have obtained an identification number.
45. In Slovenia, Section 20 of the Employment and Labour Act provides that a work permit in the farming and forestry sectors may be renewed up to three times a year provided the total working time does not exceed six months in a given calendar year. In exceptional circumstances, the work permit may be extended for an additional maximum period of one month. In accordance with Section 5 of this law, the government published a decree laying down the work permit quota for 2006, limiting the number of foreigners on the labour market and setting the total number of work permits for seasonal work by foreigners at 2,200. However, this quota does not include the work permits issued to EU nationals (who have the same status as Slovenian citizens) or members of their family, irrespective of their nationality. Article 6 of the decree stipulates that 250 out of the 2,200 work permits may be issued for seasonal work in farming and forestry.
46. As far as social cover is concerned, workers in the farming sector – both nationals and foreigners – tend to be subject to the same regime.
47. In Belgium, full-time employees are subject to the NSSO. Seasonal workers are subject to the NSSO limited to 65 days per calendar year, even if they are engaged in further seasonal work in other sectors in the same calendar year. With effect from 1 January 2006, seasonal workers must be in possession of a "seasonal work form" for the period during which they are covered by the NSSO.
48. The way in which a mandatory minimum wage is determined varies from one country to another. In Belgium, the minimum hourly wage varies depending on the joint commission concerned (in the agricultural sector it ranges from 7.45 euros to 9 euros). The minimum hourly wage for seasonal workers is between 5 and 14% lower than that for other workers. The minimum wage may also vary in line with the worker's skills.

49. In Estonia, the mandatory minimum wage is governed by a trilateral agreement between the government, trade unions and employers' organisations. The minimum wage equates to the minimum wage amount per specific unit of time (hour, day, week, month, etc) fixed by the government for full-time work.

50. In Slovenia, on 14 April 2006, employers' and employees' representatives signed a new collective agreement for farming and the food industry. This new collective agreement governs employment contracts, probationary periods, training, income etc. The appendix to the collective agreement sets out the various minimum wage bands. The monthly minimum wage refers to 174 hours of work.

51. The minimum wage in the Czech Republic is CZK 48.10 per hour (roughly 1.68 euros).

52. With effect from 1 January 2006, the national minimum monthly guaranteed gross wage in Romania has been RON 330 (roughly 91 euros), equating to average monthly full-time work of 169.33 hours, equivalent to RON 1.95 (0.42 euros) per hour.

53. In Bosnia and Herzegovina, the general collective agreement concluded in August 2005 lays down the minimum net hourly wage at BAM 1.75 (approximately 0.90 euros). This is the lowest national wage and equates to 55% of the average wage in the country. The agreement provides that the hourly wage must be linked to the increase in living expenses, the retail price index and general growth in the economy.

ii. Bilateral agreements

54. Of the 15 countries that replied to the questionnaire, 9 do not appear to have concluded any such agreements. In addition to the European Economic Area agreement, some countries have concluded a number of bilateral treaties.

55. Little reference was made to agreements relating specifically to seasonal farm work. However, for many countries, provisions relevant to this sector can be found in the bilateral and multilateral agreements on seasonal work. For example, the agreements signed by Poland with Spain, Russia, Belarus and Ukraine contain provisions enabling seasonal farm workers to be employed in Poland. The agreement between Bulgaria and Spain on labour migration between the two countries allows for exchanges of seasonal farm workers.

56. To date, Bulgaria has signed seven bilateral agreements concerning the reception of foreign citizens.

57. Liechtenstein has a bilateral agreement with Switzerland.

58. Apart from the provisions deriving from Community law, Poland has signed several bilateral agreements, including one with France on work traineeship exchanges, a 1994 agreement (again with France) on the employment of Polish seasonal workers in France, agreements with Spain on the rules and conditions of the free movement of workers between the two countries, an agreement with Germany on the employment of foreigners to improve their vocational skills, a declaration between Poland and Germany on the possibility of employing Polish workers, students and trainees in the German border area, an agreement with Germany on the placement of Polish workers on specific assignments, and another agreement aimed at facilitating co-operation between service companies. Poland has also signed an agreement with Switzerland on vocational traineeship exchanges and 3 bilateral agreements on mutual employment with the Russian Federation, Belarus and Ukraine. As a result of the recent opening of the Spanish market to Polish workers, the agreement with Spain is likely to expire or become invalid in the near future.

59. Slovenia signed an agreement with Germany in 1996 on migrant employees and workers.

60. The Czech Republic has a bilateral agreement with Russia, Bulgaria, Austria and Mongolia.

IV. Case studies

61. In 1997 the European Federation of Agricultural Workers' Unions (EFA), a federation of trade unions in the European Union, obtained funds from the European Commission to carry out a study in six countries, France, Germany, Italy, the Netherlands, Spain and the United Kingdom, on undeclared labour in agriculture.

The conclusions of the study were that the undeclared agricultural labour problem is present in one form or another in all six countries.

62. In the United Kingdom, the system used to provide workers for the fruit and vegetable sector at times of intensive harvesting requiring a lot of manpower is called the "gangmaster" system. Gangmasters are team leaders paid by the farmer who settle the wage level and the conditions. Most gangmasters want to make big money fast; some employ up to 2000 persons, representing 20 million Euros in turnover, and they disappear overnight if the authorities start to take too close an interest. They bring in the workers, chiefly from Eastern Europe, by marginally lawful means and then exploit the labour thereby recruited (excessive hours, intimidation, unsuitable housing conditions, lack of safety at the workplace, etc.).

63. In Italy, an operation which for at least two years had been running undeclared labour from Southern Poland into the Foggia region was dismantled as recently as September. This led to the arrest of some twenty traffickers and disclosed conditions of outright modern-day slavery for the agricultural employees concerned, going as far as several deaths in suspicious circumstances (under investigation).

64. In the course of preparing the report on agriculture and illegal employment in Europe, the Committee instructed the rapporteur to carry out three study visits in order to gather a certain amount of information on the spot and meet individuals, authorities and organisations directly concerned with this problem. An account of the visits is given below.

i. Andalusia, Spain

65. On 3 and 4 April 2006, the rapporteur visited the province of Almería in Spain (Andalusia) and met with various economic and social players in the region and also a number of agricultural representatives.

66. According to European statistics (Eurostat), Spain has received a bigger share than any other country of the annual immigration into the European Union (EU) since 1997, with a positive migration balance (entries as against departures) of 652 300 immigrants in 2005, ahead of, in that order, Italy (30.3%, 511 200 immigrants), Germany (8.6%, 144 900), the United Kingdom (6.1%, 103 000) Portugal (3.7%, 63 500), France (3.2%, 55 000), and Belgium (2%, 35 200), etc.

67. The magnitude of the migration pressure on Spain is such that the increase in the number of immigrants into this country in 2003 was already double the growth recorded for all three of the chief European powers ie. Germany, the United Kingdom and France, and represents 38.5% of the aggregate growth (1 691 500) in the number of immigrants into the 25 EU countries for 2005.

68. As at 1 January 2003, the principal foreign colony in Spain was Ecuadorian, comprising 390 119 residents, followed by the Moroccan one (378 787 residents).

69. In 2005 the Spanish government took the difficult decision to legalise the situation of almost 700 000 illegally resident aliens able to produce evidence of having been resident in Spain before 7 August 2004, a clean record of convictions and an employment contract for at least six months (three months if in agriculture). It was the 6th special amnesty for illegal immigration since 1985. This mass legalisation also set a new European record after the Italian government's legalisation of, likewise, nearly 700 000 illegal entrants in 2003.

70. The rapporteur commends the Spanish (and Italian) authorities for the courage shown in taking such a measure to combat the underground economy. It is necessary that genuine international co-operation bolster these efforts to cut off the pipelines of trafficking in human beings and secure decent working conditions to all migrant workers by ensuring co-ordination of national legislation.

71. The Almería province has almost 27 000 hectares of greenhouses, representing virtually 40 000 hectares of crops (two harvests per year per greenhouse in some cases). Most of the enterprises are family-run, with an average of two employees per hectare of greenhouse and one person assigned to marketing operations. An average enterprise covers 1.8 hectares.

72. Labour needs vary according to season, as does harvesting, which depends on specific climatic or meteorological conditions and also on market criteria and is effected several times per year. The main period of recruitment to cope with bulk production extends from December to the beginning of January. Demand for labour declines between the two cropping periods, namely from the end of January to the end of March.

73. Farm workers were traditionally of Spanish origin, but changing modes of production to satisfy an unpredictable market and crop intensification have also transformed the mode of worker recruitment. Agriculturalists are currently having recourse to foreign labour. Categories of immigrant labour have also changed over the last few years, with illegal immigrants arriving on the Spanish coast from Morocco and making their way to Almería. In 1991-92 and 1997 there was a constant flow of illegal immigrants from Morocco and other parts of North Africa. Morocco is still the main source of labour for Andalusia, but sub-Saharan Africa, South America (Ecuador) and eastern Europe are now providing growing numbers of farm workers.

74. Fruit and vegetable farmers are in a difficult and complex situation, since despite the high national rate of unemployment no Spanish workers will accept the arduous working conditions inherent in their intensive production methods, and so they must employ immigrant workers, who are often in an illegal situation but are prepared to work under any conditions. In the mid-1990s, moreover, the Andalusia region was in the unusual position of combining very low unemployment in Almería with 30% unemployment in Cadiz. The social welfare system pushes farm workers to stay in their region of origin, encouraging them to find jobs there or take the risk of forfeiting their unemployment benefit if they leave the region.

75. Nevertheless, labour demand outstrips national supplies, and recourse to undeclared labour is unavoidable. This is a multidimensional problem: because of the high rate of unemployment in Spain, the farming trade unions argue that not all the immigrants can be regularised even if they are employed in the agricultural sector. Furthermore, the Government find it difficult to identify an overall political response because the problem is local, geographically confined to Andalusia and inseparable from the intensive nature of modern agriculture. The enterprises, for their part, have the enormous advantage of a virtually endless supply of workers for whom they can dispense with social security contributions.

76. The problem has therefore not even begun to be addressed, and the fact is that even if accurate statistics remain elusive, a large number of those working in these greenhouses are immigrants, with or without contracts of employment and/or residence rights, who are contributing to the development of the whole region. I noted a distinct readiness to allow them to work without any form of documentation. The authorities are even said to arrange for some of these illegal immigrants to be transported from other regions of Spain to Almería, given its constant labour needs. Plainly, however, these workers are not granted social rights, especially the right to decent remuneration, proper accommodation and social security. The State fails to grant these people their right to live in dignity.

77. The Rapporteur cannot conceal his indignation at the state of the housing provided for hundreds of documented and undocumented workers, examples of which I visited in the province of Almería. In fact the "housing" consists solely of greenhouses converted into makeshift accommodation in camps outside the towns, without running water, electricity.

78. The marginalisation of such immigrant workers encourages widespread stereotyping and promotes an extremely alarming racist climate among the local population.

ii. Westland, Netherlands

79. From 4 to 6 July 2006, therefore, the Rapporteur visited The Hague and the Westland region in the Netherlands and met with various economic, social and political players in the region.

80. The Westland region has 2,600 hectares of greenhouses, as compared with 10,000 in the country as a whole, which accounts for over a quarter of total greenhouse production in Europe. Agriculture and horticulture are the main employment sectors for the local population. On average, farms cover an area of 1.5 hectares. In the Netherlands, agriculture and horticulture employ 100 to 120,000 workers, 80% of whom are nationals and 20% foreigners. 47,000 people are employed in greenhouses in the Westland region.

81. Seasonal labour is recruited increasingly through temporary agencies, whose legal obligations are hard to pinpoint. This has been the cause of tensions on the market and deterioration in the working conditions of foreign seasonal workers. European efforts in this area need to be co-ordinated as a matter of urgency.

82. 20 to 25,000 work permits are issued each year, and this figure has been rising constantly over the last few years. There are obviously no official figures for the number of illegal jobs, but in a survey conducted in 2004 respecting the principle of anonymity, 20% of those questioned in the agriculture sector

said that they did not always comply with the law. Where seasonal workers are concerned, the Netherlands authorities are aiming to bring the number of illegal jobs down to below 15%.

83. The authorities have opted for a comprehensive policy combining preventive measures and law enforcement. Prevention depends on legislation and regulations and is accompanied by educational work, particularly among farmers, to keep them informed of the regulations in force and the risks and penalties incurred should they break the law. At the same time, the authorities are continuing with their efforts to interest the national workforce in this sector of activity. In 2001, the LTO, Agriculture and horticulture organisation, in partnership with the Labour Office, set up a programme to supply the necessary labour, firstly by facilitating employment among the local population, and secondly by granting work permits to foreigners while at the same time combating illegal employment.

84. This policy is based on a reduction of the charges on employment and on an increase in the fines for illegal employment. In 2005, the fine on employers of illegal labour rose from 800 to 8,000 euros per illegal employee. In addition to the fines, employers have to pay the outstanding taxes for undeclared employees.

85. A special unit (the Westland Intervention Team – WIT), composed of tax, labour inspection and social services officers, in which the police, labour inspectorate and tax department join forces, has been set up to carry out checks on the legality of employment contracts among farmers.

86. This reform seems to be having a major impact on the employment of illegal labour because it can lead employers of illegal labour very quickly to bankruptcy.

87. Regarding the housing conditions of foreign seasonal workers, the question is optional. Checks are not carried out at the time of the application for a work permit for a foreign worker, but on the total number of people declared in one housing unit. The local authorities are responsible for the standard of housing situated in their area. The situation on farms is difficult to verify. The powers of intervention teams such as the Westland team do not include verifying the standard of housing.

iii. Bouches-du-Rhone, France

88. From 4 to 6 September 2006, the Rapporteur went to the Bouches-du-Rhône in the south of France, where he met various economic, social and political players in the region and a number of farmers.

89. According to the most recent survey in 2000, the farming community in the Provence Alpes Côte d'Azur region involves 92,540 people, and 78% of those working in this sector are concentrated in Vaucluse, Bouches du Rhône and Var. There are 29,093 farms in the region, covering an area of 693,250 hectares (22% of all the land in the region). There is considerable market gardening and tree cultivation in the Bouches du Rhône and the *départements* of Vaucluse and Gard, employing 80% of the seasonal workforce. The total surface area under glass or high cover (1,600 hectares in 2000) is the largest in France (corresponding to one quarter of all such surface areas in the country).

90. The Bouches du Rhône on average accounts for 45% of the seasonal farm jobs organised by the Office for International Migration (OMI), in the form of *OMI contracts*¹. These contracts make it possible to employ foreign workers on two conditions: the contracts must not exceed eight months and the workers must come from Morocco, Tunisia or Poland². Each year, between 3,500 and 4,000 foreign workers come from Morocco and Tunisia, contributing to the functioning of agriculture in the *département*.

91. Illegal employment in agriculture in France, and especially in the Bouches-du-Rhône, is, like almost everywhere in Europe, in the form of the employment of foreigners who do not have the right to work, or undeclared work of nationals or foreigners who are entitled to have a job. However, it can also involve formally declared jobs where the actual working conditions are in breach of employment legislation and workers' rights.

92. These rather conventional fixed-term contracts lasting between 4 and 8 months maximum place a requirement on the workers in question to report back to their country of origin the week following the end of their contract in order to avoid the beginning of a period of illegal residence. Nonetheless, various aspects of these contracts enable them to be used as a legal means of illegal employment, not in theory, as everything

¹ The Office for International Migration is now called the "National Agency for Foreigner Reception and Migration". In practice, however, the recruitment contracts continue to be known as OMI contracts.

² The agreements with these countries are set to be amended following Poland's entry into the European Union.

is above board, but in practice. The fact that employees are contracted to a single employer creates a dangerous relationship of dependency.

93. It is crucial for workers to have their contract renewed from one “season” to the next – this can lead to total submission to their employers, thereby paving the way for all sorts of abuses and violations of the workers’ fundamental rights.

94. I heard reports from many farm workers and associations acting in defence of their rights of unpaid overtime, refusal to pay a seniority bonus, unhygienic living conditions, dismissals for contacts with a trade union, entitlement to health insurance refused for “returning to the country of origin”, etc.

95. For their part, farmers are having to cope with the trend in agriculture towards globalisation and the fact that work standards are being brought into line with those in regions where labour costs are the lowest. Clearly, the working conditions of these OMI contracts offer a low-cost workforce. The local labour force does not appear to be willing to accept the associated working conditions.

96. The Bouches du Rhône Federation of Farmers Unions had run an information campaign amongst its members to remind them that if they offered permanent contracts to their employees, this would “undermine all that had been done by the Federation over the years to maintain access to OMI contracts [...] which was a real achievement for trade unionism in the Bouches du Rhône”.

97. The authorities regard these contracts as conventional fixed-term contracts, but when workers attempt to claim the rights to which they are entitled, particularly in terms of health insurance, the authorities claim that these rights lapse when the workers leave the country. It is impossible for OMI contract workers to claim their rights as regards industrial accidents or retirement. When they are under contract, there is the risk that any request to assert their rights could lead to dismissal and loss of the right to return to France to work. At the end of their contracts, they no longer have a valid residence permit and are therefore unable to remain in the country to defend their rights before the courts, even if they have the courage and the means to do so.

98. Over and above the conventional type of illegal work, this distortion and abuse of the legal system for employing foreign seasonal workers opens the door to breaches of employment legislation and creates pseudo-legal conditions for illegal work.

iv. Geneva Canton, Switzerland

99. This being his country of origin, and the sector in question being his own field of professional activity, the rapporteur wished to present succinctly the situation in Switzerland, especially in Geneva Canton.

100. Geneva Canton covers 28 200 ha including 11 700 ha (42%) of farmland comprising almost 400 farming concerns, 3 900 ha of forest, and 435 000 inhabitants. This transfrontier region has just 4.5 km of boundaries with the rest of Switzerland, whereas the border with France stretches for 103 km.

101. 43% of the canton’s area is used for farming, the main crop being grain (over 3 500 ha). Nevertheless, the canton is seen to have lost 16% of its farmland in 20 years, chiefly to constructible areas.

102. The average area per farm is 26 ha, and nearly 60% of the productive area is under field crops. Since the Second World War, the target of Swiss agriculture has been to ensure the population’s self-sufficiency in food. But, for about twenty years past, this protectionist policy has evolved into a more unrestricted one under which guaranteed prices and support to production have disappeared.

103. Where manpower is concerned, most Swiss farmers do not employ labour from outside the family. Only 20% make use of agricultural workers, approximately 35 000 in number, about 15 000 of them being foreign nationals. Their situation varies greatly, as do their working conditions, from a single employee on a mountain pasture or in a family-run concern, to vegetable, fruit, wine or tobacco growing concerns which employ up to 200 people.

104. Generally speaking, Switzerland has always made use of foreign labour. The late 1950s saw the introduction of the seasonal work permit valid for 9 months, not permitting family reunion, and applicable to nationals of European countries. In 1999, the Swiss people approved a package of 7 bilateral agreements with the European Union, containing a section on labour and free movement, and this is being implemented by stages.

105. In Switzerland there is at present no binding statutory framework relating to the working conditions of agricultural wage-earners, as this sector is not subject to the Federal Labour Act and each canton lays down standard contracts (of which there are 23 different types in Switzerland), whose substance varies between cantons: working time can vary from 60-66 hours per week (according to season) for a monthly wage of 2915 CHF (1834 Euros) in Zurich, to 49 hours per week for 3040 CHF in Geneva, a difference of more than 30% (2005 figures).

106. To end this parochialism, the rapporteur tabled a parliamentary motion a few years ago for a referendum to introduce a standard employment contract supplanting the regional ones. Unfortunately this proposal was not accepted by parliament.

107. This absence of a legal framework means that the working conditions of the agricultural workforce continue to lag behind the other economic sectors, although Geneva Canton has the most advanced standard contract in Switzerland. Besides, conditions of accommodation often fail to meet the requirements of modern dwellings, with the result that producers frequently have trouble finding labour as workers would rather look to other economic sectors.

108. Trade organisations and the authorities are in the process of drafting a collective labour agreement which ought to afford the indispensable legal framework for defining the working conditions of agricultural employees.

V. Conclusions

109. Situations vary between countries but all point to the same findings: the active population looking for work is, in part, constituted illegally and lastingly so as to create a real labour market and a casual, exploited workforce to match, often under outright conditions of modern-day bondage, since agricultural employees (mainly seasonal) are underpaid for their work, working hours are elastic, social rights are minimised when they exist at all, social protection is not properly ensured, the working atmosphere is strained, and employers are unscrupulous and seldom penalised.

110. Over and above the legality of the work, there is a real problem of modern-day enslavement and of trafficking in human beings who are in a vulnerable state and prepared to go to any lengths for a chance of better living conditions for themselves and for their families in their countries of origin.

111. The rapporteur is convinced that seasonal agricultural workers' conditions of employment should be improved by ending the disparity in regulations and making conditions of employment in agriculture subject to a binding legal framework applicable to all workers, whether permanent or seasonal, immigrants or nationals, and coupled with appropriate, effective means of supervision.

112. Seasonal agricultural workers must be able to organise for the defence of their rights, and national and European trade unions should also further and uphold the rights of seasonal workers.

113. Farmers and authorities should confer and mobilise in order to launch large-scale information campaigns on agricultural occupations and to promote training and recruitment of local manpower while establishing proper working conditions under which the often arduous work performed is respected and recognised.

114. At the same time, the authorities on the one hand and consumer organisations on the other should pressure big supermarket firms to ensure that their foodstuffs purchasing policies allow for more equitable remuneration of the producers and their employees. The authorities, entrepreneurs and civil society must think and act in order to find alternatives to the present rationale of all-out competition and to the uneven distribution of wealth, and to discover development perspectives in which unmanageable migration flows might be curbed. Trade in agri-food products should be regulated on the basis of respect for the food sovereignty of states and observance of the international conventions that secure human rights.

115. The authorities should thus encourage producers and distributors to make a regular practice of including in their schedule of constraints the need to comply with decent working conditions and abide by labour legislation.

116. The development of farming in a local framework would make for greater control and supervision of the various phases in production and distribution, and for involvement of local players and consumers in the

growth of awareness necessary to secure the future of an environmentally benign, people-centred agriculture.

117. It is indispensable that the authorities exercise maximum restraint with "OMI" type contracts as they exist in France (issued by the French International Migration Office), and above all that other countries should not commit similar errors in the belief that they provide a legal solution to uncontrolled migration. The indirect consequences of these contracts which have been mentioned in this report provide sufficient arguments against the proliferation of such practices.

118. Employers making use of illegal manpower flout the rights of these workers and must be made to face their responsibilities and penalised severely. The governments of member states should also endeavour to establish systems of swift and dissuasive sanctions for offences against labour law while setting up international co-operation on legislation and its enforcement so that legal disparities do not cause glaring violations of human rights.

119. In the countries concerned by exploitation, ghettoisation of temporary immigrant labour and sub-standard working and housing conditions, it is indispensable that the government authorities, the municipalities, accommodation providers, employers, employees and trade unions work for a concerted solution to these issues.

120. The agricultural sector is one of the worst affected by casualisation of employment, and recourse to foreign labour, the most vulnerable in the defence of its rights and interests, is at the centre of a far more complex problem. What is at stake is the entire pattern of society and of European development.

121. The Assembly should also address the issues related to the one dealt with in this report, and especially illegal immigration, illegal employment and mafia-like networks for trafficking in human beings.

APPENDIX 1

Questionnaire to Member States

COUNTRY:

- I. **Are jobs in the agricultural sector (seasonal or non seasonal) in your country carried out by nationals and/or foreigners? (Please provide statistics on their number and origin)**

- II. **Does your labour legislation deal with the following issues and how:**
 1. work in the agricultural sector:
 2. seasonal work in the agricultural sector:
 3. national and foreigner workers in the agricultural sector:
 4. the social cover of year round / seasonal workers:
 - a. *nationals:*
 - b. *foreigners:*
 5. a mandatory minimum wage :

- III. **If the answer to question II is no, what legislation applies to seasonal workers?**

- IV. **Are you in possession of data/information on illegal employment in the agricultural sector in your country?**

- V. **Does your country have any bilateral or multilateral agreements concerning reception of foreign workers?**

- VI. **Does your country have any bilateral or multilateral agreements concerning reception of seasonal agricultural workers?**

APPENDIX 2

Programmes of the fact-finding visits by the Rapporteur

ALMERÍA (ANDALUSIA), SPAIN, 3 AND 4 APRIL 2006

Monday 3 April 2006

- 09.30 Meeting with Mr Juan COLOMINA (Manager of Coexphal, Regional Association of fruit and vegetable growers/exporters of Almería)
- 10.45 Meeting with Mr Federico PACHECO, Union of Agricultural Workers (Sindicato Obreros Campo – SOC)
- 12.00 Meeting with Mr Miguel CORPAS, Deputy Governmental Delegate and Mr Jesus VICIANA, Head of Department, Ministry of Labour
- 13.15 Meeting with Mr Juan COLLEJON BAENA, Andalusia Regional Governmental Delegate in Almería
- 16.30 Visit of MURGIVERDE (Andalusian co-operative)
- 17.30 Visit of Murgiverde greenhouses, accompanied by Mr Jose GONGORA, President of Murgiverde
- 18.30 Visit of the Municipal Analytic Laboratories with Mr Jorge VISERAS, Municipal Councillor responsible for agriculture
- 20.00 Meeting with Mr Juan ENCISO, Mayor of El Ejido

Tuesday 4 April 2006

- 09.15 Meeting with Mr Jose Antonio ALFONSO, Secretary General of the General Trade Union (Unión General de Trabajadores – UGT) accompanied by Mr Jesus VICIANA, Head of Department, Ministry of Labour
- 10.45 Meeting with Mr Antonio PUERTAS, President of the NGO ALMERIA ACOGE, accompanied by Mr Jesus VICIANA, Head of Department, Ministry of Labour
- 12.00 Meeting with representatives of the NGO “CODENAF” (Co-operative for the Development of North Africa), accompanied by Mr Jesus VICIANA
- 16h00 Visit of a camp for foreign workers (*chabolas*) (Campo de Níjar, El Ejido, Tierra de Almería) and meeting with seasonal foreign workers

WESTLAND, NETHERLANDS, 4 TO 6 JULY 2006

Tuesday 4 July 2006

- 9.30 am Ministry of Social Affairs and Employment, International Directorate. Welcome and presentation of the programme.
- 10 am Ms Brigitte Nijland and Mr Peter Alders, Ministry of Social Affairs and Employment, Director for Labour Market Affairs, Policy, Legislation and Supervision of the Employment of Foreigners
- 12 noon Lunch, Ministry of Social Affairs and Employment
- 2 pm Ministry of Social Affairs and Employment, Labour Inspectorate and Social Information and Investigation Service

Wednesday 5 July 2006

- 9 am Labour Inspectorate and Westland Intervention Team. Visit to a greenhouse. Mr Joost Cuijpers and Mr Henk Koenders.
- 12.30 Lunch
- 2 pm Municipality of Westland, meeting with Mr Theo Duivensteijn, Alderman for Economic Affairs, and Ms Karin van Gentevoort, policy adviser.
- 4pm Visit to *Greenjob*, a temporary employment agency for foreign workers in agriculture, Mr Remmert Keizer

Thursday 6 July 2006

- 9.30am Mr Gijs van Leeuwen, Ministry of Agriculture, Nature and Food Quality (LNV)
- 10.15am Mr Gerard van der Grind, Land-en Tuinbouworganisatie Nederland, agriculture and horticulture organisation (LTO, organised interest group of farmers/employees)
- 11.15am Mr Jaap Bosma, Christian National Trade Union
- 12 noon Lunch
- 2pm MM Nuyten and Baltussen, representatives of the National Federation of Trade Unions, specialising in foreign labour and temporary employment through intermediary agencies
- 4pm OKIA support group for illegal workers.

BOUCHES-DU-RHONE, FRANCE, 4 TO 6 SEPTEMBER 2006

Monday 4 September

Accompanied by Mr ROSSIGNOL, President of the Bouches-du-Rhône Federation of Farmers Unions (FDSEA) and Mrs SANS, Legal Adviser to the FDSEA

- 9 am Visit to a market gardening concern in Saint-Rémy de Provence (with Mr Serge MISTRAL, farmer)
- 11 am Visit to a tree cultivation concern in Saint Martin de Crau (with Mr RACAMIER, managing director of the Sauque company)
- 12 noon Discussions with Mr VULPIAN, mayor of Saint-Martin de Crau and member of the Département Council with responsibility for agriculture
- 2.30 pm Visit to a glasshouse farm in Berre l'Étang (with Mr Stéphane PILLITIERI, farmer)
- 4.30 pm Discussions with Mr ANDREONI and his colleagues (Berre l'Étang town hall)

Tuesday 5 September

- 9-10.30 am Mr ROUVE accompanied by a delegation of CFDT trade unions
- 11 am – 12.30 pm Discussions with Mr BRETON (CODETRAS) Marseille
- 2.30 – 4.30 pm Round table discussion with central government departments chaired by the Préfet

Wednesday 6 September

- 9-11 am Mr GLEIZE and Mr DUVERDIER accompanied by a delegation of CGT trade unions
- 11.30 am – 1 pm Meeting at the Espace Europe with Codetras and Mr ROUVE (CFDT)
- 2-6 pm Association ASTIB – visit to the “gourbi” (ramshackle accommodation for seasonal workers) in Berre L'Étang

Reporting committee: Committee on the Environment, Agriculture and Local and Regional Affairs

Committees for opinion: Committee on Migration, Refugees and Population and Social, Health and Family Affairs Committee

Reference to committee: Doc. 10597, Reference No. 3104 of 24 June 2005

Draft recommendation adopted unanimously by the committee on 14 December 2006

Members of the Committee: Mr Walter **Schmied** (Chairman), Mr Alan **Meale** (1^e Vice-Chairman), Ms Elsa **Papadimitriou** (2nd Vice-Chairperson), Mr Pasquale Nessa (3rd Vice-Chairman), Mr Ruhi Açıkgöz, Mr Gerolf Annemans, Mr Ivo Banac, Mr Tommaso Barbato, Mr Rony Bargetze, Mr Jean-Marie Bockel, Mr Mauro Chiaruzzi, Mrs Pikria Chikhradze, Mr Valeriu Cosarciuc, Mr Osman Coşkunoglu, Mr Alain **Cousin**, Mr Taulant Dedja, Mr Hubert Deittert, Mr Tomasz Dudziński, Mr József Ékes, Mr Bill **Etherington**, Mr Iván Farkas, Mrs Catherine Fautrier, Mr Adolfo Fernández Aguilar, Mr Christopher Fraser (alternate: Mr Nigel **Evans**), Mr György Frunda, Ms Eva Garcia Pastor, Mr Peter Götz, Mr Vladimir **Grachev**, Mr Kristiin Gunnarsson, Mr Poul Henrik Hedeboe, Mr Anders G. **Högmark**, Mr Rafael Huseynov, Mr Stanislaw **Huskowski**, Mr Jean **Huss**, Mr Fazail Ibrahimli, Mr Ilie **Ilaşcu**, Mr Mustafa **Ilicali**, Mrs Fatme Ilyaz, Mr Ivan Ivanov, Mr Bjørn Jacobsen, Mr Gediminas **Jakavonis**, Mrs Danuta **Jazłowiecka**, Mrs Liana Kanelli, Mr Karen Karapetyan, Mr Victor **Kolesnikov**, Mr Miloš Kužvart, Mr Ewald Lindinger, Mr Jaroslav Lobkowitz, Mr François Loncle, Mr Theo Maissen (alternate: Mr John **Dupraz**), Mr José Mendes Bota, Mrs Maria Manuela de Melo, Mr Gilbert Meyer, Mr Goran Milojević, Mr Vladimir Mokry (alternate: Mr Valeriy **Sudarenkov**), Mr Stefano Morselli, Mr Žarko Obradović, Mrs Carina Ohlsson, Mr Pieter Omtzigt, Ms Gordana Pop Lazić, Mr Ivan **Popescu**, Mr Cezar Florin **Preda**, Mr Jakob Presečnik, Mr Lluís Maria **de Puig**, Mr Jeffrey Pullicino Orlando, Mr Dario Rivolta, Mr Hermann Scheer, Mr Rainer Steenblock, Mr Vilmos Szabó, Mr Kimmo Tiilikainen, Mr Nikolay Tulaev, Mr Iñaki **Txueka**, Mr Victor Tykhonov, Mr Geert Versnick, Mr Rudolf **Vis**, Mr Klaus Wittauer, Mr G.V. Wright, Mr Mykola Yankovsky, Mr Blagoj Zasov.

N.B. The names of those members present at the meeting are printed in bold.

Secretariat to the Committee: Mr Alfred Sixto, Mr Bogdan Torcătoriu and Mrs Marine Trévisan