

THE MASTER GANG SYSTEM IN ITALY

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"This case study has been realized in the framework of the project, to spread data and information based on a scientific analysis. If you want to know more about this project and be part of its activities, please feel free to contact the leading partner Diaconia in Czech Republic (email: nozinova@diakoniespolu.cz), as well as Focsiv in Italy (email: f.novella@focsiv.it)."

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1. INTRODUCTION

Due to the spread of the Covid-19 pandemic, entrepreneurial associations linked to the agricultural sector announced that Italy had not enough work force to respond to the market needs in 2020. The travel ban imposed to cope with the virus, is heavily affecting the entry of foreign workers in our country. According to the president of the Agriculture Confederation (Confagricoltura)², Italy is lacking more than 200,000 workers in 2020.

According to INPS³, Italy has 187,629 enterprises within the agricultural sector, employing 1,076,930 workers⁴. The regions with the highest number of workers are Puglia (16, 8%), Sicily (14, 1%), Calabria (9, 9%), Emilia Romagna (9, 5%) and Campania (6, 4%). Over 80% of workers are Italian while non-EU workers account for approximately 11,4% (mainly from Morocco, India, Albania, Tunisia and Senegal), all regularly resident in Italy. In addition, a high percentage of seasonal workers, many of which are irregular, come every year for harvesting activities. As for European workers, the main nationalities involved are Bulgaria, Romania and Poland.

The majority of agricultural workers are male (73, 1%) while the female occupation settles around 29, 1% of the total.

Despite the great difference between women and men, as displayed in the data, female employment has increased in the last two years from Pakistan (+175%), India (+78%) and Senegal (+67%).

Despite the official figures, the Italian agricultural sector employs a huge number of irregular workers, especially among migrants. Very often these workforces, due also to the lack of regular permits and documents, are trapped within a vicious and criminal circle that is defined by literature as Caporalato or “master gang system”. By exploiting the irregular status of migrants and, more broadly, the informal economic behavior within the sector, employers engage workers without ensuring regular contracts, paying low wages and triggering a series of problems –housing, transports and social services–.

As one of the main experts in the Caporalato, the researcher Marco Omizzolo says “the problem, as one may imagine, is not confined within a particular area of Italy but it is widespread from South to North”. In order to have a broader overview of the phenomena, we choose to take, as case study, three main areas wherein the Caporalato is settled as a usual practice: Latina, Foggia and northern provinces respectively in the center, south and north of Italy.

In this analysis, beside the case studies mentioned above, we attempt to give an overview on the actions taken by Italian institutions and civil society organizations in contrasting the master gang system, and we also make reference to the European Union policies and their effects on a global scale.

² https://www.corriere.it/economia/aziende/20_marzo_30/grano-pomodori-frutta-campi-servono-200mila-opera-604f16c2-72c3-11ea-bc49-338bb9c7b205.shtml

³ The Italian National Institute of Social Welfare.

⁴ Mondo Agricolo, Statistiche in Breve, INPS, 2018

2. MIGRANTS' NETWORKS, MIGRATION FLOWS DECREE AND MASTER GANG SYSTEM

2.1 Migrants' networks as recruitment mechanism

Migration networks are sets of interpersonal ties that link migrants, former migrants, and non-migrants in origin and destination areas through the bonds of kinship, friendship, and shared community origin⁵. As professor Ambrosini noted⁶, a migration network is not directly linked to 'migration chains' (Price, 1963; Reyneri, 1979), which explains the mechanisms of migrants moving from their country of origin to other places where relatives or friends are already rooted. Migration networks, rather, shed light on those social phenomena which help newcomers to join the labour market, find residential settlement and create social connections. In several cases, networks develop a tight social fabric that reduces the social mobility of the new comers and contribute to build up criminal networks based on labour exploitation and lack of a real integration in the host society.

Very often, migrant communities in the country of arrival, especially those communities with a long tradition of migration to specific areas, develop tight networks between the host country and countries of origin, with the aim to recruit work force for seasonal jobs⁷.

This mechanism generates a vicious circle of exploitation in the labour market especially in the agricultural sector.

Such networks, which are very structured around a person recognized as a leader by the majority of the community, provide the new comers with all the 'services' they need: from housing –very often we have a real ghettoization of the community- to health care, ethnic supermarket –with products from the country of origin- and, in some cases, social and legal services⁸. This brings to a gradual loss of an open social capital⁹ and transforms migrants into a community completely separated from the hosting social fabric, considering that all the services the migrants need are within co-national networks. This mechanism limits, de facto, the social mobility of migrants within the labour market, keeping them within an exploitation network that very often –as we will see in the next chapters- is based on real slavery conditions.

In doing so, it has developed –even if the phenomena has a long tradition in Italy- the Caporalato mechanism or the Master Gang System¹⁰ in a criminal practice widespread in all parts of Italy that usually are directly commanded by the criminal groups of the territory.

⁵ Massey, Douglas S., "Economic Development and International Migration in Comparative Perspective." *Population and Development Review* 14: 383-413, 1988.

⁶ Ambrosini, Delle reti e oltre: processi migratori, legami sociali e istituzioni, Working Papers, del Dipartimento di studi sociali e politici 18 / 01/ 2006.

⁷ Scotto, Angelo, Between exploitation and protest: migrants and the agricultural gangmaster system in Southern Italy, *REMHU - Rev. Interdiscip. Mobil. Hum.*, Brasília, Ano XXIV, n. 48, p. 79-92, set./dez. 2016.

⁸ Ambrosini, op. cit.

⁹ As for social capital, Coleman defines it as the dynamic aspect and the resources that flows into the networks and are available for their members in order to reach their objectives. Coleman, James, *Social Capital, Human capital and investment in youth*, in Petersen, Anne C., Mortimer, Jeylan C., *Youth Unemployment and Society*, Cambridge University Press, New York, 1994.

¹⁰ Omizzolo, Marco, Relazione alla corte di Cassazione, 22-24 Marzo, 2017. In: http://www.cortedicassazione.it/cassazione-resources/resources/cms/documents/22-24_MARZO_2017_RELAZIONE_OMIZZOLO.pdf

2.2 Migration Flow Decree and Seasonal workers

The entry and stay of seasonal workers¹¹ in Italy is regulated by the Migration Flow Decree, which is issued every year by the Italian government. The definition of numerical “quotas” related to the annual maximum number of third country nationals that can enter Italy for the purpose of seasonal work is based on the needs arising from the consultations carried out at the local level with the regions, entrepreneurs, social partners and trade unions. The flow decree, usually, reserves quotas to third country nationals from countries which have concluded bilateral agreements with Italy¹². In 2019 quotas for seasonal workers have been attested to 18,000 (of which 2,000 reserved to request authorization for multi-year seasonal *nulla osta*). In 2020, as the Covid19 crisis arised, the publication of the annual quotas for seasonal workers was delayed.

To face the challenges related to the lack and consequent need for seasonal workers in Italy this year, the government decided to extend the validity of the residence permits obtained by third country nationals in 2019 and expiring between 23 February and 31 May 2020, to 31 December 2020¹³. In addition, on May 19 2020 the government approved the proposal made by the Ministry of Agriculture regarding the regularization of irregular farm labourers who are already in Italy in order to save the agricultural crop operations for 2020 and also to counteract the phenomenon of “Caporalato” (see par. 3).



Ph. Farm workers pick tomatoes in the countryside near the town of Foggia, southern Italy on 24 September 2009.Reuters



Ph. The debate over the regularisation of illegal migrant workers has turned sour in Italy, with the farming sector and the Catholic church crying out for these measures, while the opposition, led by the anti-migrant party Lega, is firmly against it. [SHUTTERSTOCK]

¹¹ In Italy, Dlgs 203/2016 (which transposes the Seasonal Workers Directive 2014/36/EU) admits two categories of seasonal workers to enter in Italy as third country nationals: those employed in the agricultural sector and those employed in the tourist/accommodation sector.

¹² In 2019: Albania, Algeria, Bosnia-Herzegovina, Corea (Repubblica di Corea), Costa d’Avorio, Egitto, El Salvador, Etiopia, Ex Repubblica Jugoslava di Macedonia, Filippine, Gambia, Ghana, Giappone, India, Kosovo, Mali, Marocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, Ucraina. See https://www.interno.gov.it/sites/default/files/circolare_decreto_flussi_2019.pdf

¹³ See <http://www.anci.it/wp-content/uploads/legge-27-del-2020-dl-18.pdf>

2.3. What is meant by “Caporalato”

The term “Caporalato” (i.e. master gang system) is referred to the illicit system of brokering and exploiting labour by illegal intermediaries (named “corporals”) who recruit the labour force. A crucial feature of the master gang system is the monopoly of the transportation system, which forces workers to pay money to a private informal system of transportation to commute to and from the workplace. The system is mainly widespread when the worker’s accommodation (sometimes remote slums) is far from the workplace .

In Italy, workers’ exploitation by corporals is reported in various sectors (transportation, construction, logistics, delivery and care services), but is significantly spread in the agricultural sector, characterized by a prevalence of short-term and seasonal employment relations¹⁴. Among the risk factors related to labour exploitation in the agricultural sector the main ones are: a) the massive use of labour force for short periods and in isolated locations, which often lead to the creation of informal settlements; b) the inadequate conditions of both transportation and accommodation services; c) the precarious or irregular legal status of several migrant workers¹⁵.

More specifically, according to Omizzolo¹⁶, the master gang system has some unwritten rules which help better understand the scale of this phenomenon.

The share of income deducted by corporals from the workers’ salaries is around 50% of the remuneration set by National and Provincial sectorial contracts. The daily salary earned by these workers is around 25-30 euros for 10 to 14 working hours. Corporals, in addition, impose daily taxes to “their” workers for transportation and meals.

In order to contrast the system of Caporalato, Italy approved the Law 199/2016 which provides for some important measures to face the spread of the phenomenon: a) financial penalties for the employer in case he hires labour force in exploitative conditions, also through intermediaries, taking advantage of their state of need; b) confiscation of properties for companies which are involved in such criminal activity, c) arrest in flagrante delicto¹⁷. In addition, Law 199/2016 introduces the monitoring of the agricultural labour market trends, the promotion of active policies for contrasting the so called “black labour”, the setting up of efficient forms of transportation, among others.

However, although Law 199/2016 was considered a step forward against the phenomenon, the gang master system is far from being eradicated. In fact, the food supply chain is still managed, and in many cases spread throughout the country, by criminal organizations and illegal systems: the “agro-mafia”. Furthermore, the food market structure monopolised by few large distribution enterprises continue to squeeze small farmers who are compelled to reduce labour salaries, thus feeding the master gang system.

¹⁴ For more information see <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>.

¹⁵ Ibid

¹⁶ Cfr. Omizzolo M., *Tratta internazionale nell’area del Mediterraneo e sfruttamento lavorativo: il caso della comunità indiana in provincia di Latina*.

¹⁷ For more information see http://www.unioncameredelveneto.it/userfiles/ID684__2020.01.13CSLIBERADocumentoassociazioneLiberasulfenomenodelcaporalatoinagricoltura1.pdf

3. THE PHENOMENON OF THE MASTER GANG SYSTEM IN ITALY. A NATIONAL OVERVIEW

As we have already outlined, the master gang System is a nationwide phenomenon affecting all Italian regions and which develops tight bonds among enterprises, migrant networks and criminal organizations.

In this section, we take, as an example, some of the most concerned areas – in southern, central and northern regions- in order to underline the common characteristics of such phenomenon as well as the main differences between agricultural and labour exploitation in the abovementioned areas.

3.1. The case of Foggia (Puglia Region, Southern Italy)

Puglia Region is one of the main agricultural areas in Italy wherein, according to available data, more than 34,000 enterprises operate in the agricultural sector¹⁸.

Since the 50s, this sector has been evolving toward an increasing number of intensive cultivations – especially tomatoes - which employ Italian workers – many of whom coming from other areas of the same region. Impoverished by the transformation of the agricultural production, these workers have become victims of the master gang system¹⁹.

Foggia is a 3000 square KM area wherein the majority of small and medium size enterprises have poor technological means.

Here the migrants employed in agriculture often live in informal sites – near the fields - without any service or decent accommodation.

The nationalities employed over the years have changed. In the early 2000's most workers were

Polish, but after the discovery of a big system of exploitation – the scandal arrived in Poland -, these workers were replaced by Romanians and then by asylum seekers mainly from African countries²⁰. Many of them preferred, despite the possibility to stay in a reception center, to live in the informal sites and working in the tomato fields. Travel expenses represent a stress factor that pushes them to accept any working conditions.

However, the phenomenon also affects workers who are hosted in the reception centres. Living in a reception centre means waiting a very long time for documents to be issued and specific rules to comply with that may prevent from getting a quick job – quick because it is irregular -²¹. Even the system has changed: the mastergang – once Italian - has been replaced by migrants who became corporals and linked to local mafia – especially those with long experience in the sector and who have established trusty relationships with the owner of the enterprise -.

The workers are hired without contract and are exploited, working up to 12 hours per day and receiving approximately 30 euros. In addition, given the high temperature in the summer, there have been – and still are - many deaths which very often are undocumented and unknown. Furthermore, a gradual ghettoization of these workers occurred – Foggia has a big shantytown, Borgo Mezzanone - where very often violence, drug dealing and prostitution are common practices.

¹⁸ Mondo Agricolo, Op. Cit.

¹⁹ Angelo, Scotto, Op. Cit.

²⁰ Ibid.

²¹ Here some story telling of some migrants in Foggia living in the Ghetto: <https://www.ilbenecomune.it/2019/12/09/viaggio-nella-baraccopoli-di-borgo-mezzanone-foggia/>



3.2. The case of Latina Province (Lazio Region, Central Italy)

Latina is a province in the Lazio Region, 50 km from Rome. It is famous for being the second largest fertile plain in Italy and for having been reclaimed during the fascist era. In those years, flows of Italians came from the northern regions of Veneto and Friuli Venezia Giulia to work in the big swamp and to populate the area.

With the economic recovery, it has been transformed into a huge agricultural area and since the '80s it has received flows of migrants from India, Morocco, Tunisia and, more recently, from sub-Saharan countries. The largest migrant communities of the territory are the Punjab, Romanian and Moroccan communities²²; these nationals are mostly employed in agriculture and are, especially after the restrictive law on migration²³, the main victims of the master gang system.

As Marco Omizzolo²⁴ outlined, in this area there are more than 10,000 enterprises in the agricultural sector who employ approximately 25,000 foreigners. The majority of these workers are from Punjab –India- and their religion is Sikh. Given their high and long lasting presence, this community has developed a tight network with the enterprises to provide them with workers. Workers from Punjab are recruited in their country of origin throughout irregular channels managed by co-nationals - who provide the new

comers with all the 'services' they need, including money to cover travel expenses.

Another way to reach Italy is given by the seasonal flows which allow migrants to work 'regularly' for three to six months²⁵. People using this channel can decide to stay longer, despite the irregular conditions, but are then in the hands of criminal circles and forced to work without contracts.

The main reasons lying behind the workers' exploitation are: their obligation to repay their debt, the lack of regular documents and their extreme poverty. However, cases of exploitation occurred also in 'regular' working situations. Employers sign a contract with workers, but in the pay roll only a little portion of the work done is indicated -they sign, i.e., 20 hours per week, but actually the employees work up to 50 hours- or, in other cases, the caporale or the sponsor takes back part of the salary from the worker²⁶. These practices are called 'grey jobs' -neither white nor black- and they are characterized by the presence of contracts that may be considered as regular but, indeed, are partially irregular since workers are not guaranteed all their rights. This definition, however, has been criticized by trade unions and workers' associations. According to CGIL trade union, there is not any 'grey Job'. Such practice is purely an irregular one without any difference²⁷.

Despite the continuous extortion conditions and the fear to lose the job, in these last years there has been an increasing social and labour

²² Istat, 2018.

²³ DECRETO DEL PRESIDENTE DEL CONSIGLIO DEI MINISTRI 12 marzo 2019. Programmazione transitoria dei flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2019.

²⁴ Marco Omizzolo is the main expert of the Master Gang System in Italy and particularly in Latina Province. See: Omizzolo, Marco, *Tratta internazionale nell'area del Mediterraneo e sfruttamento lavorativo: il caso della comunità indiana in provincia di Latina*,

²⁵ Despite the contract, these worker are subjected to the same system, they have to give part of their salary to the 'boss', and are forced to work, in order to save money to send to their families and to have that minimum to live in Italy.

²⁶ Regular contract and irregular practices: <http://www.integrazionemigranti.gov.it/Attualita/Approfondimenti/Pagine/Caporalato-e-sfruttamento-in-agricoltura.aspx>

²⁷ Personal interview with a trade union cadre done within GetAp project with CeSPI.

mobilization – thanks to such trade unions as Flai CGIL²⁸ - who denounced the exploitation, and disclosed to the public this large criminal system.

The social mobilization has been at the core of the institutional and political debate around migration, seasonal workers and labour market. The debate has set the conditions for the enactment of a new national law against the master gang system as well as new regional laws²⁹.

3.3. The cases of Northern Italy (Emilia Romagna, Trentino Alto Adige, Veneto, Lombardy and Piedmont Regions)

The general cliché about northern Italy is that of an area free from criminal organizations – such as Mafia - and with no irregular practices in the labour market. However, like other areas of central and southern Italy, northern regions like Veneto, Trentino Alto Adige, Lombardy, Emilia Romagna and Piedmont have been affected by master gang practices in their big agricultural markets.

More than 40,000 enterprises employ approximately 300,000 workers, without including all individual enterprises³⁰.

According to Coldiretti³¹, 50% of the agricultural workers employed in these regions are foreigners, mainly from Eastern Europe (Moldavia, Romania and Bulgaria) and North Africa (Morocco, Tunisia) and India. The mechanism used to recruit workers and exploit them follows the same dynamics of the other abovementioned areas: low wages, more than 10 hours per day in the field, and problems related to housing – very often, they sleep near the fields-.

The master gang system developed in northern Italy after the economic boom in the sixties and the beginning of large-scale distribution whose aim is to lower the price of agricultural products at the expenses of workers' wages.³² As for the South of Italy, the fast development of these practices is also linked to the inefficiencies of the migrants' reception system. In these areas, in order to maintain the stay permit, migrants prefer to continue to work with phony contracts that allow them to renew their documents but, at the same time, the salary does not cover the real amount of worked hours³³.

Furthermore, some times, workers who do not hold a regular contract pay for a false CUD³⁴ and then apply for the renewal of their work permit.

²⁸ Latina, storico sciopero dei braccianti indiani contro i padroni del pontino, IL MANIFESTO, 19.04.2016, in <https://ilmanifesto.it/latina-storico-sciopero-dei-braccianti-indiani-contro-i-patroni-del-pontino/>.

²⁹ In 2019, Lazio Regional council, with labour organizations and civil society NGOs, supported a law against the master gang system in order to prevent the exploitation of the workers. The law attempts to put together the labour request through employment centers, make up an observatory to control the phenomenon, to support the good practices and opening social centers to provide social, legal and health services to the workers, in: <https://terraevita.edagricole.it/featured/caporalato-regione-lazio-approva-legge/>

³⁰ Mondo Agricolo, Op. Cit.

³¹ National Confederation of Direct Farmers, an association that support and assist small farmers in Italy.

³² Angela, Caporale, Quanto è diffuso il caporalato nel nord Italia?, Giornale del Cibo, 19/07/2018, in: <https://www.ilgiornaledelcibo.it/caporalato-nord-italia/>

³³ Massimo Franchi, Ricatti e venti ore di lavoro al giorno. Il caporalato «made Nord Italia», Il Manifesto, 15/12/2019 in: <https://ilmanifesto.it/ricatti-e-venti-ore-di-lavoro-al-giorno-il-caporalato-made-nord-italia/>

³⁴ CUD is the annual income report of a given dependent worker. In order to obtain the renewal of the work permit one has to present this document to the state agencies.

4. GOOD PRACTICES FROM CIVIL SOCIETY, TRADE UNIONS AND GOVERNMENTAL PANELS

In recent years, many stakeholders have been involved and many actions have been implemented to contrast the master gang system. It is worth mentioning, first of all, the triennial plan to contrast working exploitation in agriculture³⁵ and the master gang system 2020-2022 (Piano triennale di contrasto allo sfruttamento lavorativo e al caporalato 2020-2022) led by the Ministry of labour and social policies. The plan identifies priority areas to prevent and contrast job exploitation: a) inspection and surveillance activities, b) quality assurance of productive food supply chain c) intermediation and job services d) strengthening job quality networks in the agricultural sector e) transportation f) housing and temporary accommodation solutions. As an example, in order to guarantee quality assurance of the food supply chain it is necessary to implement: a) prevention of unfair market practices; b) transparency of the agricultural labour market and simplification of administrative procedures; c) promotion of traceability and product certification and support to producers' aggregation, including cooperatives.

With regard to the protection of workers' rights, trade unions are the main players involved. The "Senza Caronte"³⁶ project, implemented by the trade union FLAI-CGIL since July 31, 2019, in Puglia region, is a clear example of the significant role played by trade unions in contrasting the master gang system. As we have already outlined in the previous paragraphs, corporals have an easy game when workers live in isolated places and need transportation to reach their workplace. "Senza Caronte" project provides beneficiaries with public transportation. Secondly, it supports the matching between labour supply and demand in job centres in order to

reduce the power of corporals and their ability to blackmail the workers. In addition, in order to spread knowledge regarding labour rights, trade unions implement a capillary action of advocacy directly on the road and in the fields with a van "Camper dei diritti" (van of the labour rights). At the civil society level, the "Sfrutta Zero" project, implemented by the Association Solidaria of Bari (Puglia) and "Diritti al Sud" of Nardò, aims at turning "tomato" from being the symbol of the exploitation by the caporalato in Apulian rural areas, into a collective and solidarity working activity. It could be resumed as a guaranteed and participated production chain which is self-managed by both migrants and Italians that grow and harvest tomatoes on a land in the outskirts of Bari. They produce tomato sauce and sell it at markets, in retail shops and local shops thanks to the national distribution networks "Fuorimercato" and "Genuino Clandestino". Each worker is regularly employed and paid 7 euros per hour for a maximum of 6-8 working hours per day³⁷.



Ph. Tomato sauce with 0% exploitation. This is the project "Exploit0" of the Solidaria association in Bari

³⁵ Cfr. <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>

³⁶ See <https://www.flai.it/newsletter-inflai/la-flai-cgil-alle-giornate-del-lavoro-di-lecce/>

³⁷ See <https://www.terrannuova.it/News/Agricoltura/SfruttaZero-il-pomodoro-senza-caporalato>

Along the same line, the NOCap initiative, promoted by the association No CAP with the “IAMME” quality brand, aims at 1) contrasting the master gang system and the irregular work system in the agricultural sector 2) guaranteeing producers the right price for their products 3) guaranteeing workers the full respect of their rights, starting with the application of the national labour contract³⁸. The project involves many extra-EU farmhands taken away from corporals and selected among those living in ghettos and slums of Sicily, Basilicata and Puglia. Beneficiaries of the projects are guaranteed decent housing and regular contracts, adequate transportation, health services, safety devices and chemical toilets in working areas.



Ph. No Cap project promoted by the NOCAP association with the ethical brand IAMME, by the group Megamark

5. COVID-19 OUTBREAK AND ART. 103 OF DECREE LAW 34/2020

The outbreak of Corona virus in Italy has opened the debate on the labour market in agriculture due to the lack of manpower. According to Coldiretti, after the spread of the Covid-19 pandemic, farmers need about 200,000 workers in order to guarantee food supply to the country.³⁹ The Ministry of Agriculture, under the pressure of the enterprises, proposed a regularization of migrants that would cover the ‘vacancies’. This proposal was based on two main reasons. First, Corona virus hits everyone without distinctions. This means that having workers with no health care - irregular migrants do not have any health assistance - may trigger new virus breeding-grounds⁴⁰.

Secondly, given the impossibility to open new seasonal migrant flows because of the closure of national borders, the Italian State and agricultural enterprises strongly need to recruit workers living in Italy.

Despite the insufficient attention paid in the last few years by the Italian government to agricultural workers, this proposal may be a turning point for thousands of workers but, as many outlined⁴¹, it may be a temporary measure that will expire with the end of the agricultural season. On May 19, 2020 the Parliament finally approved the Decree law n.34 which includes, in art. 103, the former proposal of the Ministry of Agriculture. Art 103 enables Italian employers or nationals

³⁸ Cfr. <https://www.meltingpot.org/Una-filiera-etica-contro-il-caporalato-nasce-il-progetto.html#.XsvjdEQzblU>

³⁹ According to the claims of Romano Magrini Coldiretti labour manager. See: <https://www.ilpost.it/2020/04/21/agricoltura-braccianti-coronavirus/>

⁴⁰ Ibid.

⁴¹ Arturo Raffaele Covella, “Allo studio un’ipotesi di regolarizzazione dei migranti tra polemiche e problemi normativi”, *Diritto Civile e Commerciale*, *Diritto.it*, 11/05/2020, in <https://www.diritto.it/allo-studio-unipotesi-di-regolarizzazione-dei-migranti-tra-polemiche-e-problemi-normativi/>.

of a EU Member State, or foreign employers in possession of the residence permit, to sign a subordinate employment contract with foreign citizens who are already living in the country, or to declare the existence of an irregular employment relationship still ongoing with Italian citizens or foreign nationals, and to regularize it. From the worker side, Art103 par 2, enables foreign citizens, with a residence permit expired as of October 31, 2019, not renewed or converted into another residence permit, to apply for a temporary residence permit, valid only on the national territory, for a duration of six months from the submission of the application.

All those who want to apply for the regularization must prove they have been living and working in Italy since before March 8th 2020 in the sectors of agriculture, care and domestic services, fisheries, animal farming.

At the parliamentary level there has been a considerable opposition from the Italian right parties (Lega Party, Fratelli D'Italia) and from the right wing of the 5 Stars Movements that blame the law for being a tool to support irregular flows to Italy.

The reactions from the labour and social organizations - especially those led by migrants - have been more important. They criticized the law because it only safeguards the interests of the enterprises without taking into account the lives of migrants and the need to guarantee good working conditions. As Abou Bakar Soumahoro, leader of USB labour organization, claimed: "this

law looks only at the State to safeguard the fruit and vegetables and, at the same time, does not look at the human side of the issue"⁴².

Furthermore, for this organization, the restrictive procedures prevent migrants who did not work in Italy previously⁴³ from requesting working permits. Other civil society organizations pointed out⁴⁴ that this Decree could be an opportunity to regularize a high number of migrants and grant them better living conditions. In addition, this might also be an occasion to contrast effectively the exploitation of workers (be they irregular, regular, Italian or migrant) in the agriculture system.



Ph. Migrants work in the field in Casaldi Principe, Caserta, 16 aprile 2020. (Salvatore Esposito, Contrasto)

⁴² In: <https://www.fanpage.it/politica/braccianti-in-sciopero-soumahoro-a-fanpage-it-governo-preoccupato-della-frutta-non-delle-persone/>

⁴³ Given the irregular workers rate in Italy, many of them do not have any documentation to demonstrate their previous job position.

⁴⁴ <https://www.internazionale.it/notizie/annalisa-camilli/2020/05/15/sanatoria-regolarizzazione-migranti-come-funziona>

6. THE GLOBAL MARKET AS A SOURCE OF POVERTY AND LABOUR EXPLOITATION

The spread of globalization and the concentration of power in the international market structure are affecting, among other things, the agricultural sector. The low prices imposed by the large-scale distribution are often a cause of workers exploitation. According to Oxfam 2018 report⁴⁵, the European agricultural market is still affected by a high level of exploitation. At the same time, the European Common Agricultural Policy (CAP) promoted and subsidized exports to third countries (including African countries) especially in early 2000's.

The low prices of the exported food - for example the Italian and Chinese tomatoes to Ghana- destroyed de facto, the local economy and especially local small farmers. In early 2000, Ghana, as described in Stefano Liberti's investigation⁴⁶, was one of the most flourishing tomato producers. Tomato is one of the most consumed product in the country, but due to the importation of low price tomatoes from Europe and China - cheaper than the national one- the domestic productive sector was struck by a deep crisis.

In general, the global market system ruled by few large scale distribution enterprises and agro-industries has negative effects at both environmental and the socio-economic local level. The wide use of intensive agricultural production affects the environment⁴⁷, modifying it and causing dangerous repercussions in terms of environmental degradation - pollution, loss of fertility and destruction of bio-diversity -.

At economic and social level, this production model increases competition among small farmers and encourages workers' exploitation - as we outlined for the master gang system- in order to maintain low prices for the large distribution. In addition, the system affects the economies of poor countries. Ghana, for example, has cut taxes on imports to support free trade (of subsidized EU food exports), thus damaging the local economy as it was the case for the tomato market⁴⁸.



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⁴⁵ Sfruttati. Povertà e disuguaglianza nelle filiere agricole in Italia, Oxfam, giugno 2018, see: https://www.oxfamitalia.org/wp-content/uploads/2018/06/Sfruttati_21-giugno-2018.pdf

⁴⁶ Liberti, Stefano, The dark side of the Italian tomato, Internazionale, 2018, in <https://www.internazionale.it/webdoc/tomato/>.

⁴⁷ See our first background document on climate change and migration in https://www.focsiv.it/tag/FoM_paper/.

⁴⁸ Liberti, op. cit.

7. POLICY RECOMMENDATIONS

The sustainable development goals of the Agenda 2030 and the Global Compact on Migration⁴⁹ give us an opportunity to better understand the importance of the regularization of migrants in the destination countries.

Goals 3, 8, 10 and 12 of sustainable development (good health and wellbeing, decent work and economic growth, reduction of inequalities, responsible consumption and production) if taken into account, are crucial in order to implement policies and good practices for providing migrants with a good level of social inclusion and better working conditions.



Ph. Global Goals for Sustainable Development

Unfortunately, Italy did not sign the Global Compact⁵⁰ on Migration and this is a central issue in order to understand how Italy is still lagging behind compared to other European countries in terms of migration governance.

According to what we have outlined above, three main points should be underlined to contrast the master gang system and to promote good practices and policies in the Italian agricultural sector.

The provisions set forth in art 103 of Decree law 34/2020 (i.e. "Emerging work relations") could be a good chance to regularize migrants living in the Italian territory in order to guarantee them with regular jobs and services and consequently, grant them better conditions in the labour market, access to national services and decent housing.



⁴⁹ To have further information see our previous papers: Mattia, Giampaolo; Aurora Ianni, The Global Compact on Migration: a worldwide opportunity for a common governance of migrations, Faces of Migration, Focsiv, April 2020, <https://www.focsiv.it/wp-content/uploads/2020/04/BackGround-Document-n.-5-ENG-01.03.2020.pdf> and Mattia, Giampaolo; Aurora, Ianni, L'inclusione sociale dei migranti nell'UE, Faces of Migration, Focsiv, January 2020, <https://www.focsiv.it/wp-content/uploads/2020/03/BackGround-Document-n.-2-ITA-24.02.2020.pdf>.

⁵⁰ Italy did not sign the Global Compact on Migration, <https://www.focsiv.it/news/immigrazione-litalia-non-firma-il-global-compact/>.

This step taken, we recommend to consider, for the next provisions, the regularization of further categories that have not been contemplated by the Decree. In fact, though mainly widespread in the agricultural sector, the master gang system is also reported in other sectors (ex. constructions and delivery services).

The repression of irregular employment in the agricultural sector is not enough. Promoting good practices within the sector and enlarging partnerships among 'responsible enterprises' and small-scale distribution is of crucial importance. Public policies should support these practices and create an enabling environment for their development. The State, with entrepreneurial associations and trade unions should invest in improving living and housing conditions and in providing health and legal services, as well as public transportation.

The European Union should review its approach toward the food system considering the external impacts of the CAP and the need to safeguard African markets by supporting local small-scale producers and their market organizations. EU should set up a coherent approach among trade policy, CAP and development cooperation focused on sustaining local sustainable and broad-based food markets.

This last point is central for its influence on the whole agricultural market on a world scale. Limiting the role of the big multinational food companies and large scale distribution should be one of the central points of a renewed European

policy which would promote more human rights and less profit concentration in big enterprises, and reduce the cruel competition among those big giants at the expenses of the rights of small farmers and workers.



Ph. Worker in the tomato chain.: Avvenire

REFERENCES

1. INTRODUCTION

- https://www.corriere.it/economia/aziende/20_marzo_30/grano-pomodori-frutta-campi-servono-200mila-operai-604f16c2-72c3-11ea-bc49-338bb9c7b205.shtml
- The Italian National Institute of Social Welfare.
- Mondo Agricolo, Statistiche in Breve, INPS, 2018

2. MIGRANTS' NETWORK, MIGRATION FLOWS DECREE AND MASTER GANG SYSTEM

2.1. Migrants' networks as recruitment mechanism

- Massey, Douglas S. 1988. "Economic Development and International Migration in Comparative Perspective." *Population and Development Review* 14: 383-413
- Ambrosini, Delle reti e oltre: processi migratori, legami sociali e istituzioni, Working Papers, del Dipartimento di studi sociali e politici 18 / 01/ 2006.
- Scotto, Angelo, Between exploitation and protest: migrants and the agricultural gangmaster system in Southern Italy, REMHU - Rev. Interdiscip. Mobil. Hum., Brasília, Ano XXIV, n. 48, p. 79-92, set./dez. 2016.
- Coleman, James, Social Capital, Human capital and investment in youth, in Petersen, Anne C., Mortimer, Jeylan C., *Youth Unemployment and Society*, Cambridge University Press, New York, 1994.
- Omizzolo, Marco, Relazione alla corte di Cassazione, 22-24 Marzo, 2017. In: http://www.cortedicassazione.it/cassazione-resources/resources/cms/documenti/22-24_MARZO_2017_RELAZIONE_OMIZZOLO.pdf

2.2. Migration Flow Decree and Seasonal workers

- https://www.interno.gov.it/sites/default/files/circolare_decreto_flussi_2019.pdf
- <http://www.anci.it/wp-content/uploads/legge-27-del-2020-dl-18.pdf>

2.3. What is meant by "Caporalato"

- <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>
- Omizzolo M., *Tratta internazionale nell'area del Mediterraneo e sfruttamento lavorativo: il caso della comunità indiana in provincia di Latina*.
- http://www.unioncameredelveneto.it/userfiles/ID684__2020.01.13CSLIBERADocumentoassociazioneliberasulfenomenodelcaporalatoinagricoltura1.pdf

3. THE PHENOMENON OF THE MASTER GANG SYSTEM IN ITALY. A NATIONAL OVERVIEW

3.1. The case of Foggia (Puglia Region, Southern Italy)

- <https://www.ilbenecomune.it/2019/12/09/viaggio-nella-baraccopoli-di-borgo-mezzanone-foggia/>
- Scotto, Angelo, *Between exploitation and protest: migrants and the agricultural gangmaster system in Southern Italy*, REMHU - Rev. Interdiscip. Mobil. Hum., Brasília, Ano XXIV, n. 48, p. 79-92, set./dez. 2016.
- Mondo Agricolo, *Statistiche in Breve*, INPS, 2018

3.2. The case of Latina Province (Lazio Region, Central Italy)

- Istat, 2018.
- DECRETO DEL PRESIDENTE DEL CONSIGLIO DEI MINISTRI 12 marzo 2019. Programmazione transitoria dei flussi d'ingresso dei lavoratori non comunitari nel territorio dello Stato per l'anno 2019.
- Marco Omizzolo is the main expert of the Mastergang System in Italy and particularly in Latina Province. See: Omizzolo, Marco, *Tratta internazionale nell'area del Mediterraneo e sfruttamento lavorativo: il caso della comunità indiana in provincia di Latina*
- <http://www.integrazionemigranti.gov.it/Attualita/Approfondimenti/Pagine/Caporalato-e-sfruttamento-in-agricoltura.aspx>
- Latina, storico sciopero dei braccianti indiani contro i padroni del pontino, *IL MANIFESTO*, 19.04.2016, in <https://ilmanifesto.it/latina-storico-sciopero-dei-braccianti-indiani-contro-i-patroni-del-pontino/>

- <https://terraevita.edagricole.it/featured/caporalato-regione-lazio-approva-legge/>

3.3. The cases of Northern Italy (Emilia Romagna, Trentino Alto Adige, Veneto, Lombardy and Piedmont Regions)

- Mondo Agricolo, Statistiche in Breve, INPS, 2018
- Angela, Caporale, QUANTO È DIFFUSO IL CAPORALATO NEL NORD ITALIA?, Giornale del Cibo, 19/07/2018, in: <https://www.ilgiornaledelcibo.it/caporalato-nord-italia/>
- Massimo Franchi, Ricatti e venti ore di lavoro al giorno. Il caporalato «made Nord Italia», Il Manifesto, 15/12/2019 in: <https://ilmanifesto.it/ricatti-e-venti-ore-di-lavoro-al-giorno-il-caporalato-made-nord-italia/>

4. GOOD PRACTICES FROM CIVIL SOCIETY, TRADE UNIONS AND GOVERNMENTAL PANELS

- <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>
- <https://www.flai.it/newsletter-inflai/la-flai-cgil-alle-giornate-del-lavoro-di-lecce/>
- <https://www.terranuova.it/News/Agricoltura/SfruttaZero-il-pomodoro-senza-caporalato>
- <https://www.meltingpot.org/Una-filiera-etica-contro-il-caporalato-nasce-il-progetto.html#.XsvjdEQzblU>

5. COVID-19 OUTBREAK AND ART. 103 OF DECREE LAW 34/2020

- <https://www.ilpost.it/2020/04/21/agricoltura-braccianti-coronavirus/>
- Arturo Raffaele Covella, “Allo studio un’ipotesi di regolazione dei migranti tra polemiche e problemi normativi”, Diritto Civile e Commerciale, Diritto.it, 11/05/2020, in <https://www.diritto.it/allo-studio-unipotesi-di-regolarizzazione-dei-migranti-tra-polemiche-e-problemi-normativi/>
- <https://www.fanpage.it/politica/braccianti-in-sciope-ro-soumahoro-a-fanpage-it-governo-preoccupato-della-frutta-non-delle-persone/>
- <https://www.internazionale.it/notizie/annalisa-camilli/2020/05/15/sanatoria-regolarizzazione-migranti-come-funziona>

6. THE GLOBAL MARKET AS A SOURCE OF POVERTY AND LABOUR EXPLOITATION

- SFRUTTATI. POVERTÀ E DISUGUAGLIANZA NELLE FILIERE AGRICOLE IN ITALIA, Oxfam, giugno 2018, see: https://www.oxfamitalia.org/wp-content/uploads/2018/06/Sfruttati_21-giugno-2018.pdf
- Liberti, Stefano, The dark side of the Italian tomato, Internazionale, 2018, in <https://www.internazionale.it/webdoc/tomato/>

7. POLICY RECOMMENDATIONS

- Mattia, Giampaolo; Aurora Ianni, The Global Compact on Migration: a worldwide opportunity for a common governance of migrations, Faces of Migration, Focsiv, April 2020,; <https://www.focsiv.it/wp-content/uploads/2020/04/BackGround-Document-n.-5-ENG-01.03.2020.pdf>
- Mattia, Giampaolo; Aurora, Ianni, L’inclusione sociale dei migranti nell’UE, Faces of Migration, Focsiv, January 2020, <https://www.focsiv.it/wp-content/uploads/2020/03/BackGround-Document-n.-2-ITA-24.02.2020.pdf>.
- <https://www.focsiv.it/news/immigrazione-litalia-non-firma-il-global-compact/>.



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