



Attracting and Protecting Seasonal Workers from third countries in the EU

Common Template for EMN Study 2020

Final version: 28 February 2020 (updated 14 April 2020)

Deadline for national contributions: 29 May 2020

1 STUDY AIMS

- 1) To better understand the profile of seasonal workers and the sectors they work in (country of origin, age, gender, skills level, sectors of employment, etc.);
- 2) To analyse if measures are in place to attract seasonal workers and the extent to which seasonal workers fill labour market needs of Member States;
- 3) To analyse the application of the protective aspects of the Seasonal Workers Directive (rights of seasonal workers).

The study will provide an overview of national experiences with admitting and employing seasonal workers from third countries more than three years after the Seasonal Workers Directive (2014/36/EU) started applying and will contribute to the Commission implementation report on the Directive planned for the year 2020.

1.1 TARGET GROUPS / AUDIENCES

The target audience are national and EU officials/practitioners, decision makers concerned with the immigration of third-country seasonal workers, social partners (e.g. employers' organisations and trade unions) associations, social partners, and NGOs.

2 SCOPE OF THE STUDY

The study primarily covers the category of third-country nationals who enter and reside in an EU Member State for the purpose of seasonal work within the framework of the Seasonal Workers Directive. In a few cases, questions also concern those who may be considered seasonal workers but are not covered by the Directive, as they have a different temporary work or residence status. The Directive is not applicable in Denmark, Ireland, Norway and the United Kingdom. Hence, as far as these (Member States) are participating in this EMN study, they are asked to report on equivalent national measures.

As far as policies and legislation regarding seasonal workers is concerned, this study shall reflect the most recent situation and developments in the Member States, therefore focusing on 2019, whilst also covering, if relevant, policy and legal developments over the past five years. If reasonable, contributing EMN NCPs may also include planned legal or policy developments that have not yet come into effect at the time of writing.

As regards statistics, the study shall cover the period 2016 to 2019.

3 EU LEGAL AND POLICY CONTEXT

Seasonal work is a type of temporary employment linked to specific periods of the years and to specific economic sectors, such as agriculture or the tourist industry. In EU Member States, seasonal work is carried out both by EU citizens and third-country

nationals. The European Commission estimates that over 100 000 non-EU seasonal workers come to the EU every year,¹ and given that seasonal workers are becoming increasingly important in some Member States as a means to fill labour market needs, the protection of their rights has received increased attention from EU and national policy-makers in recent years. As noted by Eurofound,² seasonal workers are often treated less favourably than permanent workers in terms of legal entitlements, benefits offered by employers and other employment conditions.

A key development in this area is the Seasonal Workers Directive (Directive 2014/36/EU) adopted in 2014, which aims to support the effective management of migration flows for this specific category of seasonal temporary migration and to ensure decent working and living conditions for seasonal workers, by setting out fair and transparent rules for admission and stay and by defining the rights of seasonal workers, while at the same time providing for incentives and safeguards to prevent overstaying or temporary stay from becoming permanent.” This is to be achieved through clearer and more harmonised admission rules and working conditions set out in the Directive, and thereby also help prevent exploitation and protect the health and safety of seasonal workers. The Directive also encourages the circular movement of seasonal workers between the EU and their countries of origin through the introduction of a facilitated re-entry procedure for subsequent seasons. Since the adoption of the Directive, Member States are no longer permitted to implement parallel national schemes for the admission of seasonal workers. However, Member States may regulate the volumes of admission for seasonal workers covered by the Directive as well as for those who are outside of the Directive’s scope. However, as the Directive gives Member States some flexibility to determine which sectors are seasonal, it is possible that in some Member States, not all third-country nationals who undertake a form of seasonal work, or work of a cyclical nature, are covered by the Directive, and that these are instead covered by national schemes.

4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The study follows the hypothesis that although the Directive offers higher protection standards for seasonal workers, it may have not fully reached its objective. The Directive leaves room for interpretation as regards the rights and standards to be granted to seasonal workers, possibly leading to diverging practices at national level (e.g. how have Member States interpreted the “adequate standard of living” requirement with regard to accommodation in Article 20). Moreover, in some Member States, not all those third-country nationals who undertake some form of cyclical / seasonal work appear to fall under the Directive and they may therefore be subject to different rights. Secondly, the study is expected to reveal wide differences in the extent to which Member State actively seek to attract seasonal workers from third countries to fill labour market needs. Some Member States may address any labour market needs with EU citizens’ seasonal workers, or due the nature of their labour market may not require this type of workers. On the basis of these hypotheses, the study will focus on the following primary questions:

- What is the profile of third-country national seasonal workers in the EU?
 - What is the age, country of origin, gender, skills level, etc. of seasonal workers?
 - In what sectors are they mostly employed?
- Do Member States place specific efforts on attracting seasonal workers, with a view to addressing labour market needs?
 - Do Member States rely on seasonal workers from third countries to fill labour market needs? If yes, in which sectors?
 - How do Members State facilitate the re-entry of seasonal workers?
- How does the Seasonal Workers Directive achieve its goal of protecting seasonal workers?
 - What rights do seasonal workers enjoy in the Member States?
 - What monitoring systems for seasonal workers and their employers are in place in the Member State?

5 RELEVANT SOURCES AND LITERATURE

- EMN 2011 study: Temporary and Circular Migration empirical evidence, current policy practice and future options, - https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/0a_emn_synthesis_report_temporary_circular_migration_publication_oct_2011_en.pdf
- Temporary and circular migration: opportunities and challenges, http://www.epc.eu/documents/uploads/pub_1237_temporary_and_circular_migration_wp35.pdf
- Commission Staff Working Document "Fitness Check on EU legislation on legal migration", SWD(2019)1055 and SWD(2019)1056, 29.03.2019, https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/fitness-check_en

¹ https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/work_en

² <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/seasonal-work>

- Fudge, J. & Herzfeld Olsson, P. (2014). The EU Seasonal Workers Directive: When Immigration Controls Meet Labour Rights. *European Journal of Migration and Law* 16 (2014), 439, 466. Available at: http://www.labourlawresearch.net/sites/default/files/papers/Seasonal%20Workers%20Directive%20%20EMIL_016_04_439-466.pdf
- Zoetewij-Turhan, M.H. (2017). The Seasonal Workers Directive: '...but some are more equal than others'. *European Labour Law Journal* 2017, Vol. 8(1) 28-44. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/201712_article_seasonal_worker_directive_legal_migration_consultation_en.pdf.

6 AVAILABLE STATISTICS

As far as comparable statistics are concerned, Eurostat provides the following datasets in relation to seasonal workers:

- Authorisations issued for the purpose of seasonal work by economic sector, sex and citizenship [migr_ressw2]. **Note:** Eurostat data only covers the years 2017 and 2018; data is (currently) not available for both or one of the years for AT, BG, BE, CY, CZ, DE, EL, FI, FR, IE, LU, NL, NO, PL, PT, SE, SK.
- Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship [migr_ressw1_1]. **Note:** Eurostat data only covers the years 2017 and 2018; data is (currently) not available for both or one of the years for AT, BE, BG, CY, CZ, DE, IE, EL, FI, FR, LU, NL, PL, SE.
- First permits issued for remunerated activities by reason, length of validity and citizenship [migr_resocc].

The relevant Eurostat data will be extracted from the above-mentioned datasets centrally by the EMN Service Provider (ICF) for the purpose of the synthesis report. Each EMN NCP will receive the datasets extracted from Eurostat for your Member State by 13 March 2020, with the request to complete these with any missing data. Kindly note that the data provided should be based on the Eurostat definitions of the respective datasets as much as possible. Any deviances from this should be noted in a comment, as well as reasons for unavailability (if applicable).

Kindly note the following: datasets migr_ressw2 and migr_ressw1_1 count the number of permits/authorisations/notifications issued for the purpose of the directives allowing double counting of same persons during the year. Therefore, the unit of measure is the number of permits/authorisations/notifications for these data collections, instead of number of persons as it is in other statistics on residence permits. Please see the respective Eurostat metadata for further details:

https://ec.europa.eu/eurostat/cache/metadata/en/migr_res_esms.htm#meta_update1575469383640

7 DEFINITIONS

According to the EMN Glossary,³ a **seasonal worker** is defined as "a third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State".

8 ADVISORY GROUP

Core AG members are in **bold**.

- **LV EMN NCP (Chair)**
- **COM (DG Home)**
- AT EMN NCP
- ES EMN NCP
- FR EMN NCP
- **HU EMN NCP**
- **LU EMN NCP**
- SI EMN NCP
- **Odysseus network expert**
- **ICF (EMN Service Provider)**

³ EMN Glossary Version 6.0, available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/seasonal-worker_en

9 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
28 February 2020	Launch
29 May 2020	Submission of national reports by EMN NCPs
17 July 2020	First synthesis report to COM (1 week to provide comments)
24 July 2020	Deadline for comments (1 week to address comment and finalise)
31 July 2020	Circulation of the first SR to all NCPs (2 weeks to comment)
14 August 2020	Deadline for comments
28 August 2020	Circulation of the second draft to all NCPs (2 weeks to comment)
11 September 2020	Deadline for comments
18 September 2020	Circulation of the third draft to all NCPs (2 weeks to comment)
2 October 2020	Deadline for comments
End of October 2020	Publication

10 Template for national contributions

The template provided below outlines the information that should be included in the national contributions of EMN NCPs to this Study. For national contributions, the total number of pages should not exceed **35-40 pages**, including questions and excluding the Statistical Annex. A limit of **25-30 pages** will also apply to the synthesis report, in order to ensure that it remains concise and accessible.

Common Template of EMN Study 2020

Attracting and Protecting Seasonal Workers from third countries in the EU

National Contribution from ITALY

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 0-3:

Italy has implemented Directive 2014/36/EU on the conditions of entry and residence of third-country nationals for employment as seasonal workers with the Legislative Decree No 203/2016, amending the Immigration Law.

The entry and stay of seasonal workers from third countries is part of Italy's overall migration policy. Every year the government issues the so-called "Flows Decree", which establishes the quota of non-EU nationals who can regularly enter Italy for work. The sectors concerned by seasonal employment quotas are exclusively agriculture and tourism. The spring-summer is the specific period of the year where there is more need for seasonal workers.

The procedure involves:

- an application for employment by the employer, which must be accepted by the authorities,
- and the subsequent application for a residence permit.

The residence permit will be issued only after police checks.

In 2018 and 2019, more than a half of the total annual quotas were foreseen for seasonal work (18,000 out of 30,850). Not all the quotas were fulfilled in the period 2016-2018.

According to the *IX Annual Report. Foreigners on the labor market in Italy in 2018*, in 2018, non-EU seasonal workers amounted to 53,535, 11.9% of the total number (450,686). In line with the previous years, the first countries of origin are: Albania (19.0%; with 14.1% for men and 24.1% for women), Morocco (11.7%; with 12.8% for men and 10.6% for women), Ukraine (8.0%; with 4.0% for men and 12.3% for women) and Moldova (5.4%; with 2.7% for men and 8.3% for women).

The "Flows Decree" is also an instrument for implementing policies of collaboration with third countries, strengthening legal channels and attracting seasonal workers.

A more favorable treatment is accorded to nationals of third countries with which Italy has concluded readmission agreements or labour agreements, providing for privileged quotas.

Seasonal quotas for 2019 were reserved to citizens of Albania, Algeria, Bosnia and Herzegovina, Korea - Republic of Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, the Former Yugoslav Republic of Macedonia, the Philippines, the Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, and Ukraine. As of 2018, for the first time, Pakistani citizens can no longer enter for seasonal work.

Seasonal workers, already admitted to work in Italy at least once in the previous five years, if they have respected the conditions indicated in the residence permit and returned to their country of origin when it expires, have priority over those who have never entered Italy legally for work reasons.

Part of the reserved quotas are devoted to seasonal multi-annual clearance requests for non-EU seasonal workers who have worked in Italy at least once in the preceding five years, including workers belonging to nationalities not included in the list, if they have complied with the conditions set out in the residence permit and have returned to the country of origin.

One of the main advantages of the multi-year permit is to allow the seasonal worker to enter Italy the following year independently from the publication of the "Flows Decree" for seasonal work. The request for employment in the case of a multi-annual seasonal permit for the years following the first one, can also be made by an employer other than the employer who has obtained the three-year authorization to seasonal work.

The permit for seasonal work can be converted into a non-seasonal work permit within the available quotas for non-seasonal work set by the "Flows Decree". It is necessary that at the time of application the residence permit for seasonal work is valid.

Italy is paying particular attention to the phenomenon of labour exploitation, particularly concentrated in the agricultural sector, characterised by a prevalence of short-term and seasonal jobs.

Together with an adequate legislative framework, specifically aimed at fighting undeclared work and exploitation, a new strategy for countering gangmasters and labour exploitation in agriculture is being implemented.

Due to the COVID-19 situation, the validity of residence permits for seasonal work, expiring between 23 February and 31 May 2020, was extended to 31 December 2020.

Finally, agriculture sector, affected by seasonal labour shortage due to Covid-19 travel restriction, is one of the economic sectors for which the regularisation of migrants, through a job contract, is allowed, starting from 1 July until 15th of August 2020.

Section 0: Impact of COVID-19

- a. Has the COVID-19 situation affected the seasonal workers admission policy of your Member State with regard to third-country nationals?

Yes

No

If yes, please explain how:

Due to the Covid-19 emergency, many seasonal operators have returned to their countries of origin. Many others, who are willing to come to Italy also because they have already signed contracts with companies, are unable to do so due to some difficulties in crossing certain countries⁴.

To meet the need for manpower related to seasonal work (particularly in the agricultural sector), the validity of residence permits for seasonal work, expiring between 23 February and 31 May 2020, was extended to 31 December 2020 (Law 24 April 2020 n.27 conversion law of Decree Law n.18 on "Measures to strengthen the National Health Service and economic support for families, workers and businesses related to the epidemiological emergency by COVID-19. Extension of the terms for the adoption of legislative decrees" so-called Cura Italia)

Other actions to address labour shortage in the countryside for the agricultural harvest of 2020 come from the private sector. Based on the initiative of Confagricoltura and thanks to a synergic diplomatic effort with the embassies of India and Morocco, the Italian ministry of Foreign Affairs and ICE (Agency for the promotion abroad and internationalization of Italian companies), a charter flight with 124 agricultural workers from Morocco landed in Pescara on 21 May 2020,⁵ In the following, days other direct arrivals were expected in the Po Valley and Rome from India and Morocco. These are non-EU workers who have had for years a contract of employment with Italian companies. During the winter months

⁴ http://www.confagricoltura.it/ita/press-room_anno-2020/marzo-2020/coronavirus-giansanti-emergenza-manodopera-nelle-campagne.php

⁵ Cfr. http://www.confagricoltura.it/ita/press-room_anno-2020/maggio-2020/fase-2-grande-risultato-di-confagricoltura-che-ha-attivato-i-primi-corridoi-verdi-per-il-rientro-della-manodopera-specializzata-extracomunitaria.php

they usually return to their countries of origin to resume the new agricultural season in March. However, this year, they were stopped by the Coronavirus.

What measures regarding seasonal work have been taken or are planned as a result of the COVID-19 situation?

Please explain:

See Q. 0.a)

On May 19 2020, the Italian Government adopted Decree-Law n. 34, titled "Urgent measures in the area of health, support to work and the economy, as well as social policies related to the epidemiological emergency from COVID-19". Article 103, paragraph 1, of the above-mentioned decree enables Italian employers or nationals of a EU Member State, or foreign employers holders of a long-term resident's EU residence permit– to apply for an employment contract with foreign citizens present on the national territory or to declare the existence of an irregular employment relationship still ongoing with Italian citizens or foreign nationals.

To this purpose, foreign citizens must have been registered (i.e. "subjected to photodactyloscopy") before March 8, 2020 or they must have stayed in Italy before that date by virtue of the declaration of presence, in accordance with Law no. 68 of May 28, 2007, or by certificates containing a certain date from public bodies. In both cases, foreign citizens must not have left the national territory after March 8, 2020.

Article 103, paragraph 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 in the national territory, for a duration of six months from the submission of the application.

To this purpose, these citizens must have been present on the national territory on 8 March 2020, without having left the same date. They must have performed working activities in the areas referred to in paragraph 3 before 31 October 2019. If at the end of the duration of the temporary permit, the citizen produces a subordinate employment contract or the salary and social security documentation proving the performance of the work activity, the permit is converted into a work residence permit.

Article 103, paragraph 3, lays down the areas concerned by both procedures provided for by paragraph 1 and 2:

- a) agriculture, livestock and animal husbandry, fisheries and aquaculture and related activities;
- b) assistance to the person or for members of the family, even if they do not live together, suffering from pathologies or handicaps that limit their self-sufficiency;
- c) domestic work to support family needs.

As stated in article 103, paragraph 4, the duration of the employment contract and the agreed remuneration shall not be less than the one provided for in the collective labour agreement at national level. If the employment relationship terminates, even in the case of a seasonal contract, the provisions of article 22, paragraph 11, of legislative decree no. 286 of 25 July 1998, shall apply to carry out further working activities⁶.

Section 1: Profile of seasonal workers

Research Question 1: What is the profile of third-country national seasonal workers in the EU?⁷

⁶ Article 22, paragraph 11, of legislative decree no. 286 of 25 July 1998 states that the loss of employment does not constitute a ground for revoking the residence permit of the non-EU worker and his legally resident family members. Moreover, a foreign worker in possession of a residence permit for subordinate work, who loses his job also due to resignation, can be registered in the employment lists for the period of residual validity of the residence permit, and in any case, except for a residence permit for seasonal work, for a period of not less than one year or for the entire duration of the income support benefit received by the foreign worker, whichever is longer.

⁷ This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for questions 2b, 11, 12 and 13.

Sub-questions:

1. Has your Member State admitted third-country seasonal workers under the Directive?

Yes

No

If no, please explain why.

2. What are the sectors covered by the Seasonal Workers Directive in your Member State?⁸ Please explain.

Agricultural sector and tourism / hotel sector.

a. In which sector(s) were seasonal workers mostly employed in 2018?⁹

Please explain.

Referring to Eurostat data (dataset migr_ressw2), the highest number of permits granted to seasonal workers in 2018, are in the agricultural sector (3,578 out of a total of 5,927). Only 298 authorisations were registered for the hotel/tourist sector in the same year.

b. Are there sectors of seasonal work that are not covered by the Directive?

Yes

No

c. *If yes, please explain.*

3. What were the top-5 countries of origin of seasonal workers in your Member State in 2018?¹⁰

Please list the top-5 countries of origin in 2018 for the number of authorisations granted for seasonal workers in line with the Directive (this can include both visas and residence permits). If applicable, please comment on any specific observations or trends with regard to the country of origin (e.g. that seasonal workers from a specific third country are particularly prevalent in a certain sector).

According to the IX Annual Report. *Foreigners on the labor market in Italy in 2018* most of non-EU seasonal workers come from Albania (19.0%; with 14.1% for men and 24.1% for women), from Morocco (11.7%; with 12.8% for men and 10.6% for women), from Ukraine (8.0%; with 4.0% for men and 12.3% for women) and from Moldova (5.4%; with 2.7% for men and 8.3% for women). This is in line with the previous years.¹¹

According to Eurostat data for 2018, the top five nationalities by number of residence permits obtained for the first time for seasonal work are, respectively, India, Albania, Morocco, Serbia and Moldova.

⁸ Art.2(2) of the Seasonal Workers Directives requires Member States to list those sectors of employment which include activities that are dependent on the passing of the seasons requires⁸ To be cross-checked with Eurostat data

⁹ Please cross-check with Eurostat data. If data for your Member State is not available on Eurostat, please use the same categorisation of sectors provided in Eurostat to the extent possible.

¹⁰ Please cross-check with Eurostat data. If data for your Member State is not available on Eurostat, please use the same categorisation of sectors provided in Eurostat to the extent possible.

¹¹http://www.integrazionemigranti.gov.it/rapportiricercaimmigrazione/Rapporti%20Nazionali/IX%20Rapporto%20annuale_def%209%20luglio_con%20copertina.pdf

Most of the Indian, Albanian, Moroccan nationals have obtained permits to enter Italy for seasonal work in the agricultural sector.

Serbian citizens have obtained a similar number of authorisations for the sectors of tourism-hotel and agriculture.

Moldovan citizens have obtained, mainly, authorisations in the agricultural sector (Eurostat, dataset migr_ressw2).

4. What was the main age group of seasonal workers who received an authorisation in 2018 in your Member State?¹²

Please state the main age group. If applicable, please comment on any specific observations or trends with regard to the age group.

Regarding age distribution, the largest number of non-EU seasonal workers is between 30 and 39 accounting for 27.8 %¹³.

5. What was the gender distribution of seasonal workers who received an authorisation in 2018 in your Member State?

Please explain. If applicable, please comment on any specific observations or trends with regard to gender distribution (e.g. that mostly men are employed in the agricultural sector?)

According to Eurostat data (migr_ressw2), the gender distribution in the acquisition of authorisations (for the first time) for seasonal work in Italy in 2018, has a clear male prevalence. The sector of employment was mainly the agricultural sectors.

Even women, who have been authorised to enter for seasonal work for the first time in Italy, have been employed in the same sector, although a significant number are found in the hotel and tourism sector.

Most of the seasonal male workers who obtained an authorisation for seasonal work for the first time come from India, Morocco, Serbia and Moldova.

The majority of female workers, who have obtained permits for seasonal work, came from Albania, India and Morocco follow the trend of male workers with respect to the employment sectors.

See also answer to Q.3.

6. Does your Member State have a minimum salary set in law?

Yes

No

If yes, please state the amount (in euros):

7. What was the average/minimum salary of seasonal workers in 2018?

Please describe. If applicable, please comment on any specific observations or trends with regard to the average/minimum salary.

¹² Please refer to the following age groups in your answer: 15-19; 20-24; 25-29; 30-34; 35-39; 40-44 etc.

¹³ Cfr IX Rapporto annuale "Gli stranieri nel mercato del lavoro in Italia" a cura della Direzione Generale dell'immigrazione e delle Politiche di integrazione, Ministero del Lavoro e delle Politiche Sociali, luglio 2019.
http://www.integrazionemigranti.gov.it/rapportiricercaimmigrazione/Rapporti%20Nazionali/IX%20Rapporto%20annuale_def%209%20luglio_con%20copertina.pdf

According to the *IX Annual Report, Foreigners in the labour market in Italy* the average annual salary of non-EU seasonal workers in 2018 was 8,419 euros, over 8% more than that of the total seasonal workers (i.e. 7,772 euros)¹⁴.

The salaries are determined according to national collective agreement (CCNL). The CCNL has a four-year duration and defines the system of relations between the parties, the regulatory and economic conditions relating to the various job services, as well as the role and skills of the provincial level of bargaining.¹⁵

8. What was the average duration of stay of third-country nationals who were granted authorisation for seasonal work in 2018 in your Member State?

Please describe. If applicable, please comment on any specific observations or trends with regard to the duration of stay.

In 2018, most non-EU seasonal workers obtained a 7 to 9-month permit. A considerable percentage entered Italy with a 91 days-6 months permit. A low number of seasonal workers obtained a work permit of 1 to 90 days (EUROSTAT data migr_ressw1_1)

9. Is there a specific period of the year where there is more need for seasonal workers?

Yes

No

If yes, which period is this (e.g. spring, summer, autumn, winter)?

Spring and summer.

10. Does your Member State collect information about the skills level of seasonal workers (for example information on education or qualification level, language level or level of experience of the seasonal workers)?

Yes

No

If yes, what was the average skills level in 2018 (e.g. low-, medium-, or highly-skilled)? If applicable, please comment on any specific observations or trends with regard to the skills level.

11. Are there any alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive? *Please only consider those categories of seasonal workers which show the same characteristics, or very similar ones, as those covered by the Directive (duration of stay in Member State, cyclical nature of their work, main residence outside the Member State, etc.)?*

Yes

No

If yes, what percentage (roughly) of seasonal workers in your Member State are covered through these alternative categories?

12. If applicable, what are the main differences between those migrant workers covered by the Seasonal Workers Directive and those not covered by the Directive in terms of their background information (age, gender, country of origin)?

Please explain:

¹⁴ Cfr. IX Rapporto annuale "Gli stranieri nel mercato del lavoro in Italia" a cura della Direzione Generale dell'immigrazione e delle Politiche di integrazione, Ministero del Lavoro e delle Politiche Sociali, luglio 2019.
http://www.integrazionemigranti.gov.it/rapportiricercaimmigrazione/Rapporti%20Nazionali/IX%20Rapporto%20annuale_def%20%20luglio_con%20copertina.pdf

¹⁵ Cfr. https://www.flai.it/wp-content/uploads/2020/03/CCNL-operai-agricoli-e-florovivaisti_2019.pdf

13. In your Member State, are seasonal work activities known to be performed by irregular migrants?

Yes

No

If yes, is there data/information available on the magnitude and the characteristics of the seasonal work activities performed by irregular migrants? Please explain.

In Italy, the labour exploitation concerns various sectors (transport, construction, logistics and care services). However, it is particularly present in agriculture, a sector characterized by a prevalence of short-term employment relationships and an accentuated seasonality.

In this context, due to specific conditions of vulnerability (lack of knowledge of protection tools, unsuitable housing, distance from work, etc.) migrant workers constitute a potential pool of underpaid and unskilled labour supply. Moreover, a large part of this labour pool is irregularly recruited.

Below, some data related to workers in the agricultural sector in Italy as indicated in the three-year plan to combat labor exploitation in agriculture and hired workers (2020-2022):

- **872,000** total workers
- **82%** of the workers are Italian
- **11,4%** are Third-Country Nationals
- **6,6%** are EU Nationals (mainly from RO, BG and PL)
- **24,2%** is the percentage of irregular work in Agriculture
- **164,000** irregular workers estimated
- **€59,3 billion** of total value of the whole sector
- **16,9%** produced by the informal economy (2017)
- **642-1,000 million** of tax avoidance estimated (2016)

For other tourism and hotel sector, according to the ANNUAL REPORT OF WORK SUPERVISION AND SOCIAL LEGISLATION for the year 2019, the number of irregular workers ascertained at the time of the inspections was increased by about 12%, accommodation and catering: 19,434 irregular workers (of which 123 irregular migrants), out of 19,518 defined inspections; (of which 99 illegal non-EU workers), out of 16,389 defined

Among the main legislative measures put in place to combat the gangmaster system, it should be mentioned Law no. 199 of 29 October 2016. The law introduced significant changes to the criminal law framework and provides for specific support measures for seasonal workers in agriculture¹⁶.

To address the phenomenon of hiring and the use of illegal immigrants in particular in the agricultural sector, see the provision provided for in Article 103 of Decree Law no. 34 "Urgent measures in the field of health, support for work and the economy, as well as of social policies related to the epidemiological emergency from COVID-19" of 19 May. See Q.0b.

For good practices to combat the phenomenon see answers to Q.35c and Q.40.

¹⁶ Cfr. https://temi.camera.it/leg17/post/OCD25-272.html?tema=temi/nuovi_reati_d

Section 2: Attraction of seasonal workers to address labour market needs

Research Question 2: To what extent do Member States place specific efforts on attracting seasonal workers to address labour market needs?¹⁷

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for question 19.

Sub-questions:

14. Is the entry and stay of seasonal workers from third countries part of your overall migration policy?

Yes

No

Please explain.

Entry into Italy for subordinate, even seasonal, and self-employment reasons must take place within the entry quotas established in the decrees - the so-called 'Flow Decrees' - which are periodically issued by the President of the Council of Ministers on the basis of the criteria indicated in the three-year planning document on immigration policies¹⁸.

The employer, Italian or foreigner legally residing, or trade associations, who wants to hire a non-EU citizen residing abroad, must submit a request for work authorization to the Single Desk for Immigration, which must be accepted by the authorities, and the subsequent application for a residence permit. The residence permit will be issued only after police checks.

In 2018 and 2019, more than a half of the total annual quotas were foreseen for seasonal work (18,000 out of 30,850). Not all the quotas were fulfilled in the period 2016-2018.

The "Flows Decree" is an instrument for implementing policies of collaboration with third countries, strengthening legal channels and attracting seasonal workers.

A more favorable treatment is accorded to nationals of third countries with which Italy has signed readmission agreements or labour agreements, providing for privileged quotas.

Seasonal quotas 2019 were reserved for citizens of Albania, Algeria, Bosnia and Herzegovina, Korea - Republic of Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, the Former Yugoslav Republic of Macedonia, the Philippines, the Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, and Ukraine. As of 2018, for the first time, Pakistani citizens can no longer enter for seasonal work.

15. Did your Member State develop measures to attract seasonal workers?

Yes

No

If yes, how is this done? Please briefly explain.

Annually there is a specific entry quota for seasonal workers in the annual flows decree (See Q.14)

The Italian legal framework provides favourable entry conditions for seasonal workers. In line with Article 5 (paragraph 3 ter) of the Immigration Law, a multi-year work permit is issued to the foreigner who came to Italy at least once in the previous 5 years to perform seasonal work, The permit has a validity of up to 3 years with indication of the validity period for each year¹⁹.

Article 24 Immigration Law then provides that the authorization for long-term work, for the entry of the foreign worker who proves to have come to Italy at least once in the previous 5 years (and no longer two consecutive years) to provide

¹⁷ This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.

¹⁸ Cfr. <https://www.interno.gov.it/it/servizi/servizi-line/procedure-flussi>

¹⁹ Cfr. <https://www.gazzettaufficiale.it/eli/id/2016/11/09/16G00217/sg>

seasonal work (paragraph 11), it will no longer contain a pre-established annual duration corresponding to period spent by the worker previously. However, it will indicate the period of validity which will be expressed only in months (up to a maximum of 9) for each year. The timing will be determined on the basis of the contract for work offered by the employer.

In addition, the permit for seasonal work can be converted into a non-seasonal one within the available quotas for non-seasonal work set by the "Flows Decree". It is necessary that at the time of application the residence permit for seasonal work is valid and that at least three months of regular seasonal employment is performed.

Therefore, with reference to the agricultural sector, in which the seasonal workers' services are carried out "per day" and not per month, for the purposes of the conversion, an average working performance of at least 13 days per month must be obtained in the three working months (for a total 39 days), covered by a regular social security contribution

Seasonal workers, already admitted to work in Italy at least once in the previous five years, if they have respected the conditions indicated in the residence permit and returned to their country of origin when it expires, have the priority over those who have never entered Italy legally for work reasons.

See also the measures taken to deal with the impact of Covid19 on the arrival of seasonal non-EU labour in Italy. See answers to Q.0a and Q0b.

16. Does your Member State rely on seasonal workers from third countries to fill labour market needs?

Yes

No

Please explain.

The quota of entries for seasonal work established annually by the Flows Decree, is managed by the Ministry of Labour and Social Policies. It is based on the needs arising from the consultations conducted locally with Regions, social partners and trade unions²⁰.

Specifically, with respect to the issues related to immigration for work purposes (art. 21, Legislative Decree 286/1998 - Consolidation Act on Immigration), the Ministry of Labour and Social Policies manages *inter alia* the distribution of the entry quotas for work reasons within the above-mentioned planning decrees. It is done through the computerized system SILEN - within the proceedings initiated at the Single Immigration Points - on the basis of the need for non-EU labour, taken over by the Territorial Labour Directorates²¹.

a. If yes, for which sectors and what are these labour market needs? *Please explain.*

See answer to Q.2 and Q9.

b. Did the migration of seasonal workers who came to your Member State between 2016-2019 help to address the labour market needs of your Member State?

Yes

No

To some extent

Please explain.

17. Does your Member State implement an annual quota for seasonal workers?

²⁰ Decreto Flussi 2019. Cfr. https://www.interno.gov.it/sites/default/files/circolare_decreto_flussi_2019.pdf

²¹ Cfr. <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/ingresso-e-soggiorno-per-lavoro-in-italia/Pagine/Ingresso%20e%20soggiorno%20per%20lavoro%20in%20Italia.aspx>

Yes No

- a. If yes, is this a general quota or is it applied to specific sectors or to certain third countries?

Please explain.

The annual quota is applied exclusively to the agricultural sector and the tourism sector.

A more favorable treatment is accorded to nationals of third countries with which Italy has concluded readmission agreements or labour agreements, providing for privileged quotas.

Seasonal quotas 2019 were reserved for citizens of Albania, Algeria, Bosnia and Herzegovina, Korea - Republic of Korea, Ivory Coast, Egypt, El Salvador, Ethiopia, the Former Yugoslav Republic of Macedonia, the Philippines, the Gambia, Ghana, Japan, India, Kosovo, Mali, Morocco, Mauritius, Moldova, Montenegro, Niger, Nigeria, Senegal, Serbia, Sri Lanka, Sudan, Tunisia, and Ukraine. As of 2018, for the first time, Pakistani citizens can no longer enter for seasonal work.

If yes, was this quota fulfilled between 2016-2019?

Yes No

As for 2017, the number of seasonal quotas per Flow Decree was 17,000, the number of issued clearance for seasonal work was 10,815. The number of residence permits requested was 8,630. According to the Eurostat migr_ressw2 dataset the residence permit issued for the first time were 3,603

As for 2018, the number of quotas reserved for seasonal workers by the Flows Decree was 18,000, the number of issued clearance for seasonal work was 13,176 and the number of residence permits requested was 9,915. According to the Eurostat dataset migr_ressw2, the residence permit issued for the first time were 5,641

As for 2019, the number of quotas reserved for seasonal workers by the Flows Decree was 18,000, the number of clearance issued for seasonal work was 13,063 and the number of residence permits requested was 7,855.

According to the Eurostat dataset migr_ressw2, the residence permit issued for the first time were 4.205

We found no consistency with data extracted from Eurostat dataset migr_ressw2 for two reasons:

- Construction is not a sector for which non-EU seasonal workers are allowed for;
- Probably there is no correspondence with the seasonal annual quota, for which procedures of clearance and then issuance of residence permits are carried out during the year and that could also be finalized the year after.

18. What was the average processing time and costs (in euros) for applications from third-country nationals for the purpose of carrying out seasonal work in 2018?

Please explain.

The application for seasonal work clearance can be made ONLY for workers who will be employed in proven seasonal activities (agricultural or tourism/hotel activities).

The on-line application sent by the employer, is forwarded and then instructed by the competent Single Desk for Immigration. The employer is summoned at the Single Desk to receive the communication of the release of the work authorisation, which must take place no later than 20 days from the date of receipt of the request, assuming that the documentation does not need further additions.

Once the communication of the authorisation has been received, the employer informs the worker, who can go to the diplomatic/consular representation in his own country, for the issue of the entry visa to Italy. The visa must be obtained within 180 days from the above-mentioned communication.

Within eight days of the worker's entry into Italy, the employer contacts the *Sportello Unico* (Single Desk), aimed at the joint signing of the residence contract. At the same time, the forms needed to apply for the residence permit are issued, while the telematic system sends the form for the start of the employment relationship.

The worker can then go to the post office to send the application for a residence permit to the Police Headquarters, after which he can start working in the company.

On June 9, 2017, the Decree of the Ministry of Finance (published in the Official Gazette no. 131 of June 8, 2017) came into force, restoring and restating the contribution that the foreign citizen must pay for the issuance and renewal of the residence permit. For residence permits lasting more than 3 months and less than 1 year, the cost is €40 to which must be added €30.46 for the production of an electronic residence permit²² (total €70.46).

19. If your Member State has alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive (see question 11): N/A

a. Does your Member State have one or more specific national schemes to cover these categories?

Yes

No

Please briefly explain.

b. What is the reason for the existence of such specific national schemes? I.e. Why are employers more likely to use these national schemes instead of the one established in the Directive?

Please briefly explain.

20. Does your Member State apply a labour market test to seasonal workers?

Yes

No

Please briefly explain.

21. Does your Member State facilitate the re-entry of seasonal workers?²³

Yes

No

If yes, how is this done? Please briefly explain.

In line with Decree 203/2016, a foreigner, who proves that he/she has come to Italy at least once in the previous five years to work as a seasonal worker, shall be issued with a multi-annual permit. For this purpose, the permit has a validity of up to 3 years with indication of the validity period for each year²⁴.

²² Cfr <https://questure.poliziadistato.it/it/Bologna/articolo/5730dcf70812b112400403>

²³ This question refers to measures included within Art. 16 of the Directive and any other measures. Art. 16 of the Seasonal Workers Directive provides that Member States shall facilitate re-entry of third-country nationals who were admitted to that Member State as seasonal workers at least once within the previous five years, and who fully respected the conditions applicable to seasonal workers under this Directive during each of their stays. The facilitate may include measures such as: the grant of an exemption from the requirement to submit one or more of the documents necessary for admission; the issuing of several seasonal worker permits in a single administrative act; an accelerated procedure leading to a decision on the application for a seasonal worker permit or a long stay visa; priority in examining applications for admission as a seasonal worker.

²⁴ Cfr. D.lgs 203/2016 Art 1 comma a). <https://www.gazzettaufficiale.it/eli/id/2016/11/09/16G00217/sg>

Seasonal workers, already admitted to work in Italy at least once in the previous five years, if they have respected the conditions indicated in the residence permit and returned to their country of origin when it expires, have the priority over those who have never entered Italy legally for work reasons.

22. Does your Member State cooperate with third countries to attract seasonal workers (e.g. bilateral or multilateral agreements)?

Yes

No

Please briefly explain.

Article 21 of Legislative Decree no. 286/1998 foresees the possibility, in the context of the annual flows decrees governing entry into Italy for reasons of employment - including seasonal employment - and self-employment, to allocate special quotas for the entry of workers to non-EU countries.

Based on these decrees, quotas are assigned, on a preferential basis, to the States with which the readmission agreements are in place, and with which the Minister of Foreign Affairs and International Cooperation, in agreement with the Minister of Labour and Social Policies, has concluded agreements aimed at regulating entry flows. In the framework of these agreements, specific deals on seasonal labour flows may also be reached with the related national authorities responsible for the labour market policies of the countries of origin²⁵.

23. Who are the relevant actors in attracting seasonal workers (e.g. recruitment agencies)?

Please briefly explain.

Both Regions and trade associations play an important role in attracting seasonal workers to Italy.

To mention few examples, Confagricoltura, the oldest organisation for the protection and representation of agricultural enterprises in Italy²⁶, has an online service named **Agrijob**. The service makes available to member enterprises and to all those who want to work in agriculture an activity of intermediation between labour supply and demand.

The activity is carried out through the territorial articulations of Confagricoltura, the "Unioni Provinciali degli Agricoltori (UPA)", which have signed a special agreement with the Central Organization and have therefore been authorized (http://www.confagricoltura.it/ita/agrijob_elenco.php).

Coldiretti, the trade union organisation representing people and companies operating in agriculture, fisheries, related activities and the agri-food industry²⁷, has also launched **Job in Country**, It is a labour intermediation platform authorized by the Ministry of Labour that offers companies and workers a meeting place, first virtual online and then in the field²⁸.

As far as the regions are concerned, in Emilia-Romagna labour supply and demand cross online, even in agriculture. "Lavoro per te", the portal of the Region created in collaboration with the Provinces and Employment Centres of the Regional Employment Agency, provides its own platform to help Emilia-Romagna farms in the search and recruitment of seasonal labour²⁹. Companies that need manpower can publish their offers on the Jobs portal for you or make a request for personnel to the Employment Centres, which will publish job advertisements on their notice boards³⁰.

²⁵ Cfr. <https://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/accordi-bilaterali/Pagine/default.aspx>

²⁶ For more information visit <https://www.confagricoltura.it/ita/confagricoltura/chi-siamo>

²⁷ Cfr https://www.coldiretti.it/wp-content/uploads/2017/09/StatutoConfederazioneApprovato_20_12_2013.pdf

²⁸ Cfr. <https://www.coldiretti.it/lavoro/coronavirus-aaa-lavoro-nei-campi-cercasi-apre-sportello-on-line>

²⁹ Cfr. <https://www.regione.emilia-romagna.it/notizie/2020/aprile/in-emilia-romagna-la-manodopera-stagionale-per-l-agricoltura-si-cerca-online-sul-portale-lavoro-per-te>

³⁰ Cfr. <https://www.agenzialavoro.emr.it/notizie/2020/coronavirus-in-emilia-romagna-la-manodopera-stagionale-per-l2019agricoltura-si-cerca-sul-portale-201clavoro-per-te201d>

The Veneto Region, in agreement with Veneto Lavoro, trade organisations and trade unions, has launched a recruitment initiative of the Employment Centres with the aim of bringing together the companies in the agricultural sector in Veneto and the candidates looking for a seasonal job³¹.

The Employment Agency of the Autonomous Province of Trento, in collaboration with the trade associations (Confederazione Italiana Agricoltori, Confagricoltura, Coldiretti, Associazione contadini Trentini) activated at the beginning of March the collection of applications from workers available to work in agriculture³².

The South Tyrolean Farmers' Union of South Tyrol Südtiroler Bauernbund, in addition to publishing advertisements on the Bolzano Provincial Labour Exchange, also launched the intermediation portal Agrijobs, which speaks German and Italian³³.

24. How are employers informed about the procedure for hiring seasonal workers?

Please briefly explain. If applicable, please also mention any support provided to employers to hire seasonal workers.

The employer can access the indications on the recruitment procedures for seasonal workers on the websites of the Ministry of the Interior (also through the Flows Decree) and the Ministry of Labour, in particular the portal "Integrazione Migranti" (<http://www.integrazionemigranti.gov.it/normativa/procedureitalia/Pagine/Lavoro.aspx#contenuto6>); on the INPS website <https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=52004>; on the website of the CAF and trade associations.

25. Can seasonal workers apply for a change of status while they are in your Member State for the purpose of seasonal work (i.e. if they find another job, a permanent contract, etc)?

Yes

No

If yes, please explain.

A foreign worker authorised to enter Italy for seasonal work can perform non-seasonal subordinate work only after having converted his residence permit. The conversion of the residence permit for seasonal work into another for subordinate work – with a fixed-term or permanent – is possible only within the available quotas set by the "Flows Decree". It is necessary that at the time of application the residence permit for seasonal work is valid.

The foreign worker must send the application to the Immigration Office (i.e. *Sportello Unico per l'Immigrazione*) for the conversion of the permit from seasonal work to subordinate work exclusively via telematic means. If the quotas are available, the foreigner is summoned to the Immigration Office to sign the residence contract and the application form for the residence permit for subordinate work. The conversion is possible provided that the seasonal work relationship for the tourism-hotel sector has lasted at least three months or for the agricultural sector has been equal to at least 13 days per month during the three working months (for a total of 39 days)³⁴.

26. Has your Member State carried out an evaluation of the implementation of the Seasonal workers Directive at national level? If so, did it conclude anything as to whether the introduced measures were sufficient in attracting seasonal workers? N/A

³¹ Cfr. https://www.venetolavoro.it/en/home/-/asset_publisher/3rwy8ASQDaKX/content/incontralavoro-agricoltura-i-primi-dati-dell-iniziativa-di-recruiting

³² Cfr. <http://www.integrazionemigranti.gov.it/Attualita/Approfondimenti/Pagine/Lavoro-agricolo,-le-iniziative-per-incrociare-meglio-domanda-e-offerta.aspx>

³³ Cfr. <http://www.integrazionemigranti.gov.it/Attualita/Approfondimenti/Pagine/Lavoro-agricolo,-le-iniziative-per-incrociare-meglio-domanda-e-offerta.aspx>

³⁴ Cfr. <http://www.integrazionemigranti.gov.it/Attualita/Notizie/Pagine/Decreto-Flussi-2019.aspx>

Yes No *Please explain.*

27. Is your Member State aware of any misuse (e.g. employers hiring third-country seasonal workers for non-seasonal work) in the application of the Directive? N/A

Yes No *Please briefly explain.*

28. Are there any good practice examples in relation to the attraction of seasonal workers in your Member State?

Yes No *Please briefly explain.*

The Consolidated Act on Immigration foresees the possibility of applying for a three-year residence permit, again for seasonal work, if the worker has already entered Italy to work as a seasonal employee at least once in the previous five years. This is considered a measure of attraction. The application may be submitted by an employer other than the previous one.

One of the main advantages of the multi-year permit is to allow the seasonal worker to enter Italy the following year independently from the publication of the “Flows Decree” for seasonal work. The application for a multi-year seasonal permit for the years following the first one can also be submitted by an employer other than the employer who has obtained the three-year authorization for seasonal work.

The multi-annual work permit no longer contains a fixed annual period corresponding to that used by the worker in the previous period. Instead, it will indicate the period of validity which will be expressed only in months (up to a maximum of 9) for each year. The time period will be determined based on the contract of residence offered by the employer.

The flows decree for 2019 reserves 2,000 quotas of the 18,000 quotas provided for seasonal work entries, for requests for multi-annual seasonal clearance³⁵.

Moreover, the existence of bilateral agreements between Italy and non-European countries is also a tool to strengthen the legal channels for the entry of foreign workers and the mechanisms for matching labour supply and demand. These agreements provide for collaboration between the Italian administration and the competent authorities of the country of origin to encourage:

- a. the exchange of information on the needs expressed by the Italian labour market and the skills available in the country of origin;
- b. the drawing up of a list of workers from the country of origin available to come and work in Italy;
- c. support for the activation of vocational training programmes and Italian language programmes in the country of origin for the acquisition of a preferential title to enter Italy for work purposes (in implementation of art. 23 of the Consolidated Act on Immigration);
- d. the exchange of experiences and good practices.

These are framework agreements covering all types of employees: both seasonal and non-seasonal. They are followed by an executive protocol that goes into the details of how they are implemented.

³⁵ Cfr. <http://www.integrazionemigranti.gov.it/Attualita/Notizie/Pagine/Decreto-Flussi-2019.aspx>

See also the measures taken to address the impact of Covid-19 on the arrival of non-EU seasonal labour in Italy. See answers to Q.0a and Q0b.

Section 3: Protection and rights of seasonal workers

Research Question 3: How does the Seasonal Workers Directive achieve its goal of protecting seasonal workers and their rights?³⁶

Please note that all questions in this section refer to seasonal workers covered by the Directive, except question 39 and 40.

Sub-questions:

29. Does your Member State apply restrictions to the equal treatment between seasonal workers from third countries and nationals of your Member State who carry out comparable employment activities, particularly with regard to:

In respect of the general principle of equal treatment between EU and non-EU workers, social security protection of non-EU seasonal workers shall refer, in terms of contributions and entitled benefits, to the ordinary rules laid down for Italian workers.

However, due to the limited duration of seasonal employment contracts, only certain forms of compulsory social security and assistance apply to foreign citizens holding a residence permit for seasonal work. These forms of assistance and compulsory social security are the following: invalidity, old age and survivors' insurance; insurance against accidents at work and occupational diseases; health insurance; and maternity insurance.

a. Family benefits;³⁷

Yes

No

If yes, please briefly explain.

b. Unemployment benefits;

Yes

No

If yes, please briefly explain.

The seasonal worker is not entitled to household allowance and involuntary unemployment benefit, whose contributions are not due from the employer. Instead, the employer is required to pay the Social Security Agency (i.e. I.N.P.S.) a contribution equal to the amount of the same, which will be used for social welfare measures in favour of workers³⁸.

c. Educational and vocational training not linked to the specific employment activity;³⁹

Yes

No

³⁶ This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.

³⁷ Art. 23(2)(i) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (d) of the first subparagraph of paragraph 1 by excluding family benefits and unemployment benefits, without prejudice to Regulation € No1231/2010.

³⁸ Cfr. http://www.trevisolavora.it/guidastranieri/sezioni.asp?id_categoria=192

³⁹ Art. 23(2)(ii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (g) of the first subparagraph of paragraph 1 by limiting its application to education and vocational training which is directly linked to the specific employment activity and by excluding study and maintenance grants and loans or other grants and loans.

If yes, please briefly explain.

- d. Tax benefits in cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, does not lie in the territory of the Member State concerned.⁴⁰

Yes

No

If yes, please briefly explain.

With respect to the contributions paid for invalidity, old age and survivors' pensions, the general provision is provided for by Article 22, paragraph 13 (Consolidated Text on Immigration), which abrogated the possibility, previously envisaged, to achieve the settlement of contributions already paid in case of repatriation.

Indeed, on the basis of the present general regulations, the foreign worker, who has matured the requisites provided for by the regulations in force, can enjoy the social security and social security rights acquired only at the age of 65 years, possibly also in derogation of the minimum contribution requirement.

Seasonal workers, in particular, art. 25, paragraph 5 (Consolidated Text on Immigration), have the right to transfer contributions to the institution or insurer of the State of origin. This is without prejudice to the possibility of reconstructing one's own contribution position in case of a subsequent new entry in Italy⁴¹.

- e. Are there any practical difficulties to ensuring equal treatment in the areas defined in the Directive?

Yes

No

If yes, please briefly explain. N/A

30. Who are the most important actors in your Member State regarding the protection of seasonal workers' rights and what is their role? *Please explain. Please distinguish between public and private actors in your answer (e.g. Trade Unions, Chambers of Commerce, etc.).*

The main actors responsible for the protection of workers' rights in Italy are the Labour Inspectorate and Trade Unions.

Following the entry into force of Legislative Decree no. 149/2015, from 14 September 2015, the Single Agency for Labour Inspections called "*Ispettorato Nazionale del Lavoro*" was established.

The Inspectorate carries out the inspection activities already performed by the Ministry of Labour and Social Policies, INPS and INAIL. It has its own organizational and accounting autonomy.

It is placed under the supervision of the Ministry of Labour and Social Policies, which is responsible for periodic monitoring of the objectives and proper management of financial resources, and under the control of the Court of Auditors.

The functions of the National Labour Inspectorate are governed by Legislative Decree no. 149 of 14 September 2015. According to the directives issued by the Ministry of Labour and Social Policies, the Inspectorate exercises and coordinates the function of Supervision in the field of labour, contribution, compulsory insurance and social legislation, including the supervision of health and safety protection in the workplace on the national territory.

⁴⁰ Art. 23(2)(iii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (i) of the first subparagraph of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, lies in the territory of the Member State concerned.

⁴¹ Cfr. http://www.trevisolavora.it/guidastranieri/sezioni.asp?id_categoria=192

In addition, the Inspectorate is responsible for the assessment of the recognition of the right to benefits for accidents at work and occupational diseases⁴². As of March 2020, the INL has issued the official inspection request form (i.e. INL Form31, which can be downloaded online from the INL website), for workers who intend to report the employer for any violations of contractual obligations and request the intervention of the INL for the purpose of regularizing the employment relationship, for economic entitlements or other irregularities, such as working hours and times, breaks and rest periods, video surveillance⁴³, etc.

In Italian law Trade unions are associations of private individuals, whose fundamental function is to negotiate with employers' representatives on collective bargaining agreements on the occasion of renewal. The National Collective Labour Agreement (CCNL) is a type of employment contract concluded at national level. Within this framework, workers' representative organizations and employers' associations jointly define the regulation of individual labour relations (regulatory part) and certain aspects of their mutual relations (mandatory part). In general, trade unions are mandated to represent workers' categories in the defence of their interests in the workplace⁴⁴.

To mention an example, the role of trade unions in the fight against "Caporalato" is represented by initiatives such as the project 'Senza Caronte' (2019) by FLAI-CGIL. The project started in Puglia on 31 July 2019. It provided workers with public transport to reach the companies where they work, reducing the power of "corporals" and their ability to keep the workers under blackmail.

The project further aims to push the encounter of supply and demand in proper places, such as employment centres. It further provides existing tools to allow companies to optimize bureaucratic processes that weigh on the organization of work⁴⁵.

31. Is there a framework in place enabling the transfer of pension contributions to origin countries?

Yes

No

if yes, please explain.⁴⁶

Paragraph 5 of Article 25 of the Consolidated Text establishes that seasonal workers, as well as employees, may transfer contributions to an insurance institution or body in the country of origin. They may request the direct payment of the contributions paid, if they leave the territory of the State, and they may request the reconstruction of contributions if they return to Italy at a later date⁴⁷.

32. If your Member State has alternative categories of migrant workers performing temporary work not covered by the Directive, do these categories enjoy the same rights as those granted by the Directive?

Yes

No

If yes, please briefly explain. N/A

⁴² Cfr. <https://www.ispettorato.gov.it/it-it/IspektoratoNazionaleLavoro/Pagine/IspektoratoNazionaleLavoro.aspx>

⁴³ Cfr. <https://www.ispettorato.gov.it/it-it/notizie/Pagine/Modulo-richiesta-intervento-02032020.aspx>

⁴⁴ <https://www.lavoro.gov.it/temi-e-priorita/rapporti-di-lavoro-e-relazioni-industriali/focus-on/Tutela-diritti-sindacali/Pagine/default.aspx>

⁴⁵ <https://www.flai.it/newsletter-inflai/la-flai-cgil-alle-giornate-del-lavoro-di-lecce/>

⁴⁶ Art.23(1) provides that seasonal workers moving to a third country, or the survivors of such seasonal workers residing in a third-country deriving rights from the seasonal worker, shall receive statutory pensions based on the seasonal worker's previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country

⁴⁷ Daniela Rota, Stefano Melandrini, Il rapporto di lavoro con i cittadini stranieri. Manuale operativo per assumere lavoratori stranieri extra UE e UE. Confindustria Bergamo, Giugno 2019.

33. What does your Member State consider an "adequate standard of living" in relation to accommodation? How does your Member State ensure that seasonal workers benefit from an "accommodation that ensures an adequate standard of living" for the duration of his or her stay?⁴⁸ Please briefly explain.

If the employer provides the accommodation, at the time of signing the contract of residence, he/she shall present an appropriate title to prove its actual availability, in this context, he/she shall specify the conditions under which the accommodation is provided, as well as the suitability for accommodation under the provisions in force.

Any rent may not be excessive in relation to the quality of the accommodation and the remuneration of the foreign worker. In any case, it shall not exceed one third of the remuneration. The rent may not be automatically deducted from the worker's salary (art. 25, paragraph 3, Consolidated Text on Immigration)⁴⁹.

The current regulations on immigration establish that the foreigner residing in Italy must live in an accommodation that is suitable according to certain criteria. These criteria are the same as those established for all residential construction in Italy (Ministerial Decree July 5, 1975 - Ministry of the Interior Circular No. 7170/2009)⁵⁰. Specifically:

Square metres

Number of persons

Superficie utile (mq.)	n. persone
14	1
28	2
42	3
56	4
per ciascuno dei successivi 10 mq	1 persona in aggiunta

- a. Are there any good practices in relation to ensuring adequate accommodation, considering the temporary nature of stay of seasonal workers?

Yes

No

If yes, please briefly explain

With respect to the importance of housing regulation in the fight against the phenomenon of the "caporalato", the Ministry of Labour and Social Policies drew up, in February 2020, a Three-Year Plan 2020-2022.

⁴⁸ Art. 20(1) provides that Member States shall require evidence that the seasonal workers will benefit from accommodation that ensures an adequate standard of living according to national law and/or practice, for the duration of his or her stay. The competent authority shall be informed of any change of accommodation of the seasonal worker.

⁴⁹ <https://www.altalex.com/documents/news/2014/04/09/testo-unico-sull-immigrazione-titolo-iii#titolo3>

⁵⁰ Città di Treviglio, servizio Valorizzazione del patrimonio ed Ambiente, https://www.indicenormativa.it/sites/default/files/2018-07/regolamento_idoneita_alloggiative.pdf

The plan provides for the definition of priority interventions based on the analysis of the labour needs of the companies, on the development of decent housing solutions, on models already tested at local level. These models include:

- (a) the reception in dedicated structures, also organized by employers, which includes taking charge of the worker for a limited period;
- (b) the recovery of public real estate, also through the use of assets confiscated from crime, which is well suited to situations of co-presence between seasonal and sedentary workers;
- (c) the redevelopment of rural villages, suitable for sedentary workers, which may also provide for the participation of the same workers in the restructuring and care of the places.

The priorities for intervention in the field of reception concern the implementation of a mapping of the national territory related to the needs of manpower for the planning of housing services in line with the essential levels of performance; the creation of an integrated housing reception system; and the definition of territorial governance between national institutions, local authorities and other competent organizations⁵¹.

34. Does your Member States have procedures/mechanisms in place to ensure that seasonal workers and their employers are informed of their rights and duties?

Yes

No

If yes, please briefly explain

See answer to Q. 30.

The national collective labour agreement (abbreviated CCNL) is a type of contract of employment stipulated at national level between workers' representative organisations, trade unions, and their employers, represented by the relevant employers' associations. It regulates individual labour relations (so-called regulatory part) and some aspects of the reciprocal relations between worker and company (so-called compulsory part).

The official database is maintained by the National Council of Economy and Labour (CNEL), which manages, *inter alia*, an electronic archive of all national collective labour agreements (current and past).

The essential aim of the collective agreement is therefore:

- (a) to determine the essential content of individual employment contracts in a certain sector (trade, engineering industry, chemical industry, etc.), both from an economic point of view (remuneration, seniority treatment) and from a regulatory point of view (regulation of working hours, qualifications and duties, stability of the relationship, etc.);
- (b) to regulate the relationships (so-called industrial relations) between the collective entities⁵².

On the subject of the fight against "caporalato", over the years trade unions and some organizations and associations have activated projects to disseminate information on labour rights and access to services, aimed at reaching formal and informal settlements created over the years in the Italian countryside.

With the projects of the "Street Trade Union" and the "Camper of Rights", Flai Cgil (active since 2015) operated and operates today with a widespread action in the territory, directly contacting workers in workplaces or meeting places, in squares or roundabouts where they are sometimes "hired" by "corporals".

Through motorhomes or vans, which Flai has equipped in some areas, trade unionists move around the territory, meeting workers, spreading information material and contracts translated into different languages, support about

⁵¹ Cfr. <https://www.lavoro.gov.it/priorita/Documents/Piano-Triennale-contrasto-a-sfruttamento-lavorativo-in-agricoltura-e-al-caporalato-2020-2022.pdf>

⁵² Cfr. <https://www.confederazionecnl.it/ccnl-2/>

services. In this way, many workers, who, due to logistical problems or fear, could not get in touch with the union, were approached.

Thus, it is possible to make the union a real focal point to provide information, important answers (on contracts, renewal of residence permit, accidents and occupational diseases), support even in case of workers who want to report irregularities and exploitation⁵³.

Moreover, with the campaign “Ancora in Campo”, which took place between July and August 2017, Flai wanted to denounce what was happening in the countryside. It informed directly the workers involved in tomato and watermelon harvesting about their rights, the respect of contracts, their wages and the new opportunities offered by Law 199 of 2016 (anti-“caporalato”)⁵⁴

35. Does your Member State have any specific procedures/mechanisms in place to monitor, assess and carry out inspections on whether:⁵⁵

- a. Seasonal workers can exercise their equal treatment rights and other rights granted in practice? How does that work and who are the actors involved?

Yes

No

If yes, please briefly explain

See Q. 30

- b. Seasonal workers abide by the rules (e.g. no overstaying)? How does that work and who are the actors involved?

Yes

No

If yes, please briefly explain

Outside the cases referred to in Article 5(5) of L. 286/1998 (when the requirements for entry and stay in the territory of the State are missing or are missing), the residence permit is not issued or its renewal is refused or, if it has been issued, it is revoked when:

- a) it has been obtained fraudulently or has been falsified or forged;
 b) it appears that the foreigner did not meet or no longer meets the conditions for entry and stay provided for in the Consolidated Act or if he is staying for purposes other than those for which he has obtained the authorization under this Article C) in the cases referred to in paragraph 12 (of art. 24 dlgs 286/1998. See 35c).

A foreigner who proves that he/she has come to Italy at least once in the previous five years to work as a seasonal worker is issued, in the case of repetitive employment, with a multi-annual permit, for this purpose, up to three years, with an indication of the period of validity for each year.

The above-mentioned residence permit is revoked if the foreigner does not present himself at the external border office at the end of the annual validity and at the date foreseen by the entry visa for the return to the national territory.

⁵³ Cfr. <https://www.flai.it/campagne/sindacato-di-strada/>

⁵⁴ <https://www.flai.it/campagne/ancora-in-campo/>

⁵⁵ Art. 24 provides that Member States shall measures to prevent possible abuses and to sanction infringements of this Directive. Measures shall include monitoring, assessment and, where appropriate, inspection in accordance with national law or administrative practice (Directive 2014/36/EU).

- c. Employers abide by the rules (e.g. no exploitation)? How does that work and who are the actors involved? Is there a focus on any specific economic sectors?

Yes

No

If yes, please briefly explain

Article 24, paragraph 12, of Legislative Decree no. 286/1998 declines the hypothesis of refusal or, where it has already been granted, revocation of the authorisation for seasonal work in the agricultural and tourism-hotel sectors, in favour of third country nationals due to violations committed by the employer against any employee of the company⁵⁶.

The following cases are reported:

- (a) the employer has been sanctioned for irregular work;
- (b) the employer's undertaking has been wound up due to insolvency or no economic activity is being carried out;
- (c) the employer has failed to comply with its legal obligations in respect of social security, taxation, workers' rights, working conditions or employment, as provided for by national law or applicable collective agreements.
- (d) during the 12 months immediately preceding the date of the foreigner's application for employment, the employer has made redundancies with a view to creating a vacancy which the same employer seeks to fill through the application.

In addition, the measure on 'Provisions on combating undeclared work, exploitation of labour in agriculture and salary realignment in the agricultural sector' (199/2016) introduced significant changes to the criminal law framework.

In particular, the new wording of Article 603-bis of the Criminal Code (Illegal intermediation and exploitation of labour), provides for a basic offence, which does not include violent, threatening or intimidating behaviour in the illegal conduct of the corporal, or of those who recruit labour to be employed by third parties in exploitative conditions, taking advantage of the state of need of the workers.

The new offence of "caporalato", for which arrest in *flagrante delicto* is mandatory, also provides for the sanctionability of the employer who uses, hires or employs manpower recruited also - but not necessarily with the use of "caporalato" - through the activity of intermediation, exploiting the workers and taking advantage of their state of need⁵⁷.

The decree of February 10, 2017, reaffirms in Article 1 that the employer who has illegally employed a foreigner, whose stay is irregular, is in any case required to pay:

- a) any arrears of remuneration; the level of remuneration is equal to the wages due according to the national collective agreements referable to the activity carried out for the level and tasks indicated, which must not be lower than the monthly amount provided for the social allowance for domestic work relations and not lower than the minimum daily wages revalued annually by the INPS, in accordance with Law No. 7 of December 1989.
- b) an amount equal to the taxes and social security contributions that the employer would have had to pay in case of legal employment of the foreign citizen, including penalties for late payment and relative administrative sanctions.

⁵⁶ Dottrina per il lavoro, *INL: condizioni di ingresso di cittadini extra UE per lavoro stagionale e per trasferimenti intra-societari*, 2017. <http://www.dottrinalavoro.it/prassi-c/inl/inl-condizioni-di-ingresso-di-cittadini-extraue-per-lavoro-stagionale-e-per-trasferimenti-intra-societari>

⁵⁷ Cfr. <http://www.integrazionemigranti.gov.it/normativa/Pagine/SANZIONI-PER-L'ASSUNZIONE-DI-LAVORATORI-IRREGOLARI.aspx>

A special model has been prepared to provide illegally hired foreign workers, whose stay is irregular, the knowledge of these rights and the modalities with which to assert the rights set forth in art. 1, letter a), and to file a complaint against the employer.

Such a model is given to the interested party by the personnel of the Office or Body which has taken care of the tracing of the foreigner, whether it is dependent on the Ministry of Labour and Social Policies (for instance, the personnel employed in the inspection activities dependent on the National Labour Inspectorate), the Police Forces or other Entities (such as, for example, the Corps of the Harbour Offices - Coast Guard, the local police, etc.).

36. Does your Member State collect statistics on the procedures/mechanisms described in question 35?

Yes

No

If yes, please provide the statistical information for the year 2018.

The National Labour Inspectorate publishes an annual report on its website on the supervision of labour and social legislation. From the consultation of the report, it is possible to obtain an articulated picture of the trend of the main phenomena observed in the world of work and of the measures implemented to contrast the most widespread and insidious forms of abuse and exploitation for the condition of the workers and for the correct trend of the labour market, from the "caporalato", to undeclared work, to various illegal cases of contract, administration and posting, also transnational, through which the so-called contractual and social dumping takes shape⁵⁸.

According to the ANNUAL REPORT OF SURVEILLANCE ACTIVITIES IN WORK AND SOCIAL LEGISLATION for the year 2019, the number of irregular workers found during inspections increased by about 12%, with a greater concentration in the sectors:

- accommodation and catering: 19,434 irregular workers (of which 123 non-EU illegal workers), out of 19,518 defined inspections;
- construction: 11,359 irregular workers (of which 109 non-EU illegal workers), out of 28,345 defined inspections;
- transport and storage: 12,605 irregular workers (of which 18 non-EU illegal workers), out of 6,017 defined inspection practices;
- manufacturing: 10,710 irregular workers (of which 410 non-EU illegal workers), out of 10,258 defined inspection practices;
- rental, travel agencies, business support services: 9,099 irregular workers (of which 6 non-EU illegal workers) out of 4,700 defined inspection practices;
- trade: 8,652 illegal workers (of which 99 non-EU illegal workers), out of 16,389 defined inspection practices.
- The number of irregular agricultural workers, equal to 5,340 (of which 229 non-EU illegal workers), compared to 5,667 inspections defined in the sector, was also confirmed as high⁵⁹.

37. How can seasonal workers lodge complaints against their employers?⁶⁰ Did your Member State set up some specific procedures to protect seasonal workers who lodge complaints?

Yes

No

If yes, please briefly explain See Q. 30/ 35a

⁵⁸ Cfr. <https://www.ispettorato.gov.it/it-it/in-evidenza/Pagine/Rapporto-2019-attivita-di-vigilanza.aspx>

⁵⁹ Cfr. <https://www.ispettorato.gov.it/it-it/in-evidenza/Documents/Rapporto-annuale-2019-attivita-di-vigilanza-INL.pdf>

⁶⁰ Art.25 provides that Member States shall ensure that there are effective mechanisms through which seasonal workers may lodge complaints against their employers directly or through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, or through a competent authority of the Member State when provided for by national law.

38. Are there specific sanctions in place in your Member State against employers who have not fulfilled their duties under the Seasonal Workers Directive?

Yes

No

If yes, please briefly explain

The employer who employs, for seasonal work, one or more foreigners without a residence permit for seasonal work, or whose permit has expired, revoked or cancelled, shall be punished pursuant to Article 22, paragraphs 12 (imprisonment from six months to three years and a fine of 5,000 euros for each employee), 12-bis and 12-ter, and the provisions of paragraphs 12-quater and 12-quinquies of Article 22 shall apply (Article 24, paragraph 15 of D.lgs 203/2016)⁶¹. See Q 35c

39. Do migration authorities and labour authorities cooperate in relation to the monitoring of seasonal workers and their employers?

Yes

No

If yes, please briefly explain the nature of cooperation and the objective, i.e. the protection of seasonal workers, fulfilment of their rights, detection of irregularly-staying seasonal workers or overstayers, etc.

See Q 36

40. Has your Member State detected seasonal workers who are victims of exploitation or human trafficking?

Yes

No

If yes, please briefly explain.

There are numerous and continuous investigations by the police regarding labour exploitation (in particular within the agricultural corporation) with accusations of enslavement and illicit intermediation.

Some examples are Operation Sabr of the ROS (Special Operational Grouping of the Carabinieri) of Lecce (2012) and Operation Euno of the Carabinieri of Reggio Calabria (2020).

In addition, according to data from the National Labour Inspectorate, which annually publishes a report on labour and social legislation (see Q36), during the inspection visits carried out on the national territory during 2019, high numbers of irregular non-European workers employed in various sectors (in addition to agriculture, construction, manufacturing, trade, etc.) were recorded.

41. Are there any good practice examples or research/evaluation findings of how the rights of seasonal workers have been ensured in your Member State?

Yes

No

If yes, please briefly explain.

⁶¹ Ispettorato del lavoro Direzione centrale vigilanza, affari legati e contenzioso. Condizioni di ingresso e soggiorno dei cittadini di Paesi terzi per motivi di impiego in qualità di lavoratori stagionali ai sensi del D.Lgs. n. 203/2016 e dei dirigenti, lavoratori specializzati, lavoratori in formazione di Paesi terzi nell'ambito di trasferimenti intra-societari ai sensi del D.Lgs. n. 253/2016 – indicazioni operative http://www.trevisolavora.it/guidastranieri/documenti/circolare_inl_del_19_04_2017.pdf

Section 3: Conclusions and lessons learned

Please comment on the findings of your national report by drawing conclusions, and identifying any key challenges and lessons learned. Please make reference to the three research questions of the study in your reply.

The entry and stay of seasonal workers from third countries is part of Italy's overall migration policy. Ministry of Labour's data shows they are a structural element for the agricultural sector and the tourism sector (the only sectors for which a residence permit for season work is allowed). The Italian Governments, under the "Flows Decrees", which establish the quota of non-EU workers who can enter in Italy annually, have provided important quotas for seasonal work. In 2019, for example, more than a half of the total annual quotas were foreseen for seasonal work (18,000 out of 30,850).

The "Flows Decree" is also an instrument for implementing policies of collaboration with third countries, strengthening legal channels and attracting seasonal workers. For this reason, a more favourable treatment is reserved for nationals of third countries with which Italy has concluded readmission agreements or labour agreements, providing for privileged quotas, as well as the possibilities, for all seasonal workers, under certain conditions, of obtaining a multi-annual residence permit and to convert the seasonal work permit, into an employment permit.

The streamlining of bureaucratic times in an area, such as that of seasonal immigrant work, marked by problems of irregularity and, therefore, greater vulnerability of workers on the exploitation front, is an important measure, together with the issuance of a single authorization for seasonal work, to authorize the work commitment of the same worker with several employers.

However, despite the more favourable legislative discipline implemented over the years, the quotas have not always been fulfilled.

In general, the authorizations issued are less than the applications by employers, due to lack of requirements. The residence permits issued, after police checks, are further reduced compared to authorizations.

Italy paid particular attention to the phenomenon of labour exploitation, particularly concentrated in the agricultural sector, characterised by a prevalence of short-term and seasonal jobs.

The provisions concerning employers are further tools to combat labour exploitation and to counter the risk that employers, whose role allows the legal arrival of foreign workers, are fictitious operators. Together with an adequate legislative framework, specifically aimed at fighting undeclared work and exploitation, a new strategy for countering gangmasters and labour exploitation in agriculture is being implemented, with the "Three Years Action Plan". The plan addressed the main challenges identified, that represent the weaknesses of the system: among which intermediation between demand and supply, transportation and accommodation; and enhancement of the Employment Centres' role.

Involvement and coordination of actions of all the competent institutions at central, regional and local level, together with representatives of employers, trade associations, trade unions and NGOs, is the key to fight labour exploitation.

Finally, agriculture, affected by seasonal labour shortage due to Covid-19 travel restriction, is one of the economic sector for which the regularization of migrants, through a job contract, is allowed, starting from 1 July until 15th of August 2020, testifying again the particular attention paid by the legislator to the issue of working conditions and labour exploitation of seasonal migrants.

Annex: national statistics related to seasonal workers

42. Statistics related to seasonal workers are available within the general statistics for first permits for remunerated activities (migr_resocc) and the specific datasets for authorisations for the purpose of seasonal work (migr_ressw1_1 and migr_ressw2). In light of this, if your Member States reports statistics to Eurostat for dataset migr_resocc but not for datasets migr_ressw1_1 and migr_ressw2, do these general statistics indicate those covered by the Directive or not (or do they represent the alternative categories)? Can those be used in the absence of the specific statistics?

Please explain.

43. Please fill out/complete the statistical annex (to be shared with each EMN NCPs by 13 March 2020).