

Opinion of the European Economic and Social Committee on the 'Agricultural employment situation'

(2008/C 120/06)

On 13 March 2007, the Committee Bureau decided, under Rule 29A of the implementing provisions of the Rules of Procedure, to draw up an opinion on the

Agricultural employment situation.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 31 October 2007. The rapporteur was Mr Wilms.

At its 440th plenary session of 12 and 13 December 2007 (meeting of 13 December), the European Economic and Social Committee adopted the following opinion by 96 votes to one, with three abstentions.

1. Summary

1.1 The Commission communication *Employment in rural areas: closing the jobs gap* ⁽¹⁾ was an important step in preparing the ground for the debate on the employment situation in the agriculture sector, which is a key factor in the creation and safeguarding of jobs in rural areas.

1.2 Agricultural structural change is continuing apace, and will affect hundreds of thousands of workers in the agriculture sector who are set to lose their jobs or see their circumstances changed. However, the communication gives virtually no consideration to one key aspect of agricultural employment — the situation of employed workers, and seasonal and migrant workers in particular.

1.3 That is regrettable, given the Commission's efforts as part of the European Year of Workers' Mobility in 2006. Every year, around 4 million seasonal and part-time workers — including some 2 million migrant workers — attest to the high level of mobility and flexibility in the agriculture sector.

1.4 Seasonal work, particularly in the fruit and vegetable sector, is a structural element of farming that is indispensable to efficient and sustainable land management. Since local workers are often unable to meet the demand for seasonal labour, migrant workers also play their part in the development of European agriculture.

1.5 Healthy food production is a mainstay of our very existence. This also includes fair levels of pay.

1.6 Despite high unemployment in many European regions, calls are being made for additional seasonal workers to be brought in from Belarus, Ukraine and other countries. The EU labour market must be developed in a socially sustainable way. In other words, everyone must have the opportunity to work for a living. That opportunity is compromised by additional cheap labour brought in from non-EU countries.

⁽¹⁾ COM(2006) 857 final, Communication from the Commission to the Council and the European Parliament: Employment in rural areas: closing the jobs gap.

1.7 The EU's growth objectives can only be achieved through fair competition. Those employed in agriculture must be treated equally in all matters, irrespective of their place of origin.

1.8 The agricultural labour market is highly mobile. This is consistent with Commission objectives. However, mobile workers must not find themselves placed at a disadvantage. Hence social integration must also follow on the heels of political and economic integration. In the short term, the EESC sees a need for action in the following areas:

- Minimum standards must be put in place to regulate the working and living conditions of all migrant workers in Europe.
- Migrant workers must be covered by comprehensive, employment-based social protection; this also includes the acquisition of pension rights.
- Seasonal workers must also be included in upskilling schemes.
- Migrant workers must be provided with information on working conditions and on their rights.

1.9 The European agriculture sector lacks transparency about the scale of employment and of social standards. This results in distortions of competition. One way of restoring fair competition is to award certificates to farms that meet certain social criteria.

2. Introduction

Agricultural work in Europe is set for further change. Many of those in paid employment work part-time or on a seasonal basis. Special provisions apply to migrant workers who move away from home to work. No significant changes are expected in this overall scenario in the foreseeable future.

2.1 Trends in seasonal agricultural work

2.1.1 Agricultural work has frequently been the subject of EESC opinions. The debate on migrant and seasonal workers is becoming ever more important both at European level and in many Member States. The three key stakeholders — employer representatives, trade unions and political and/or administrative representatives — have now taken up this issue and are involved in many fields and a range of activities, as illustrated by the following examples:

- Many farming trade unions provide information in a number of languages on the legal position in destination countries.
- In some countries, the social partners negotiate collective agreements appropriate to the needs of migrant and seasonal workers.
- Legal advice is also frequently provided to migrant workers, particularly in relation to the conclusion of employment contracts.
- Some governments organise round-table discussions with the social partners in a bid to improve the position of seasonal and migrant workers.
- Following submissions from the social partners, the European Commission is now also addressing this issue and is increasingly providing support for social partner projects in the field of migrant work both at European level and through its various funds, for instance to improve housing and placement conditions for migrant workers.

2.1.2 An observatory for migrant and seasonal work has repeatedly been called for. However, this demand has not been met — despite the fact that a key element in improving the position of workers is the collection, presentation and evaluation of readily understandable data on the agricultural employment situation.

2.2 Definitions

2.2.1 One of the reasons for the halting nature of the debate on seasonal agricultural work is lack of transparency and shortcomings in the way the actual situation on the ground is portrayed. There are still no clear and detailed figures on the scale of agricultural seasonal work.

2.2.2 Across the EU, around 2 million people are employed full-time in the agriculture sector. Some 4 million people are employed as casual workers, some part-time, others on a seasonal basis for periods ranging from just a few days to as much as eight months in the year. Many of those who work on a seasonal basis are migrant workers not employed at their place of residence and often working abroad.

2.2.3 In analysing the employment figures, considerable clarification is needed about the criteria used, for instance, to classify farm size, to establish the particular branch or sector involved, and, in particular, to delimit the scope of horticulture and service-oriented agriculture.

3. Urgent nature of the opinion

3.1 The opinion is urgently needed for a number of reasons:

- a) In its communication on employment in rural areas, the Commission looks in some detail at quantitative trends in the labour market. It stresses that, although agricultural work in rural areas is, in percentage terms, marginal, the sector itself is of major importance. The Commission expects that 4-6 million of the current 10 million workers (calculated as full-time equivalents) will leave the sector by 2014 (2 million in the EU-15, 1-2 million in the ten Member States that joined the Union in 2004, and 1-2 million in Romania and Bulgaria).
- b) In the EU-15, the number of full-time workers is set to stabilise or even, as in the *Länder* of the former West Germany for instance, to increase slightly. In the accession countries, a further fall in the numbers of full-time workers is to be expected. It is clear that, if this trend continues, businesses will require more seasonal workers in fruit- and vegetable-growing regions.
- c) Forecasts indicate that many countries are set for a shortage of skilled workers able, for instance, to take up senior company positions or operate complex on-farm technology.
- d) Businesses are already complaining that they are unable to find seasonal workers. Calls are beginning to be made not only to allow workers to move more freely within the EU, but increasingly also to admit workers from non-EU countries to take up seasonal employment. Poland has already started to open up in this way, granting permits to workers from Belarus and Ukraine.
- e) On the other hand, unemployment is still high in many regions, particularly in rural areas. The Commission is pursuing a strategy to boost worker mobility. However, the jobs on offer also need to be attractive.
- f) There is no doubt that migrant work generates conflicts and difficulties.
- g) It is also clear that, in the agricultural sector, demand for labour peaks at certain times of the year in line with vegetation periods. Work is, therefore, available. Under the Lisbon strategy, the aim is to create jobs — but better-quality jobs.

- h) In the Gothenburg strategy, Member States agreed on the goals of sustainable development. The same weight must thereby be given to the social dimension as to economic and environmental objectives. It follows that social standards must also be complied with in relation to migrant workers. In this regard, businesses must shoulder their social responsibility. Migrant workers have a right to equal treatment and to decent housing and living conditions. Moreover, they must also be fully integrated into the social security systems.
- i) In the light of the European Commission's initiative to combat discrimination, an anti-discrimination debate on the working and living conditions of foreign workers is also on the agenda.
- j) Complete freedom of movement for workers within the EU also means a change in governments' scope for action. This increases competition both between workers and between employers.
- k) Given the Commission's forecast figure of 4-6 million workers leaving the sector, any discussion of the common agricultural policy must also include quality-related aspects of work. The position of permanent workers is set to change. A shortage of skilled workers is forecast, with workforce numbers set to stabilise in the long term.
- Despite a range of trade union schemes and initiatives, it is proving impossible to provide migrant workers with information on their rights. In many cases, the laws and rules applicable in the destination country are not complied with. Such exploitation of foreign workers contrasts sharply with EU efforts to combat discrimination.
 - On the social security front, seasonal workers are still placed at a financial disadvantage because of gaps in their contribution periods.
 - Costs arising from agricultural workers' collective agreements are not normally applied to seasonal workers.
 - In virtually all countries, housing for migrant workers leaves much to be desired.
 - A further development is the use of temporary employment agencies to take on agricultural workers. Although some examples of poor temporary employment agencies have come to light, temporary work can frequently be of benefit to employers and workers alike.
 - Sectors which employ a large proportion of short-term workers are fertile ground for illegal employment. Also, legal seasonal employment is often used as a conduit for workers to carry on working in other sectors without valid papers after their permitted employment period has expired.

4. Current problems

4.1 Migrant work is largely the result of the differing standards of living across the European regions. In the long run, migration leads to a shortage of workers — particularly skilled workers — in the countries of origin themselves. In the regions concerned, attempts are being made to counter the worker shortage not by increasing pay or improving educational standards, but rather by hiring workers from even poorer regions — increasingly in future from outside the European Union.

4.2 However, worker shortage is caused by the sometimes difficult and unusual working conditions in the sectors concerned. Migrant workers are simply following the rules of the market. In the free labour market, they migrate to wherever conditions are best for them.

4.3 Migrant work is fraught with problems:

- Greater attention must be paid to the plight of women migrants in the agriculture sector. In many countries, it is predominantly women who are hired, leading to cultural and social difficulties both in destination countries and in countries of origin.
- Due to the application of transitional measures to freedom of movement for workers following the enlargements of 2004 and 2007, breaches of labour law are emerging in secondments as part of the provision of services. Thus, pay is in such cases sometimes below the legal minimum wage and frequently below the collectively agreed scales or the usual local rates.

5. Conclusions and framework for action

5.1 Overall political framework

5.1.1 The Committee welcomes the Commission's moves to boost employment in rural areas, including further efforts to promote transparency about the employment situation in the agriculture sector. These include the compilation of statistical data on the employment situation and also the provision to workers of a broad range of information on working and living conditions in the relevant countries.

5.1.2 Agricultural policy to date has focused primarily on the qualitative and quantitative aspects of the products concerned. The working arrangements for those employed in the sector have to a large extent been ignored.

5.1.3 The objectives of the Lisbon and Gothenburg strategies must be further fleshed out. In the ongoing development of sustainable agriculture, due attention must be paid not only to economic and environmental aspects but to the social dimension as well.

5.1.4 The most pressing objective of all stakeholders must be to remove imbalances from the European labour market. That cannot be achieved by bringing more and more cheap labour into Europe from ever more far-flung regions. A key tenet of the 'European model' is the emergence of a collective sense of European society. There is no place for ghettos in which migrant workers have to endure poor living and housing conditions with no cultural or social ties to local life around them.

5.1.5 Gender must feature more strongly as a factor in any further studies in this area and in any potential solutions that may result.

5.1.6 The requisite conditions are still not in place. All stakeholders are called upon to play their part.

5.1.7 Migrant workers must be treated on a par with local workers. The Commission must do everything it can to help in this process. A first step is the forging of minimum standards. Such minimum standards are a good starting point for any broad-based discussion of the quality of work.

5.2 Tasks and initiatives of the social partners

5.2.1 The EESC welcomes the social partners' efforts to promote in the social dialogue the development of vocational training in the agricultural sector and, in particular, the mutual recognition of occupational skills by the appropriate authorities in the Member States. The European 'agri-pass' passport that is being created aims to facilitate the mobility of agricultural workers in Europe. However, the pass should be merely an incentive to secure evidence of qualification and should not lead to workers who do not have it being disadvantaged.

5.2.2 Transparency in professional qualifications can also help improve mobility and give workers more scope to take a job and settle down in other countries. The Committee welcomes the Commission's initiatives to support the social partners by introducing an 'agri-pass'.

5.2.3 In conjunction with the European Commission and the governments of the Member States concerned, the social partners should draw up and implement schemes to combat illegal employment.

5.3 Joint social security initiatives

5.3.1 Social security for seasonal workers is a matter of particular concern. Workers employed on a seasonal basis over a number of years must not be worse off, in social security terms, than other workers. In particular, this includes making sure:

- that they are fully integrated into the pension system of the destination country and are able to draw fully on their pension rights;
- that the relevant health and safety provisions are complied with at the workplace and that migrant workers are provided with information on risks and dangers in their own mother tongue; and

— that migrant workers have comprehensive health cover.

5.3.2 Workers should be briefed in their own language about the host country's laws, agreements and practices as regards pay, organisations, social security, taxation, the rules on working conditions, etc., while at the same time the EU should respect the role of the contracting parties and not legislate in areas that are covered by national agreements.

5.4 Improving migrants' living and housing conditions

5.4.1 Migrant workers have the right to decent housing in their destination country. A scheme must be developed at European level laying down basic standards for migrant worker housing.

5.5 Quality label for fair seasonal work

5.5.1 The Committee has, over many years, adopted a large number of opinions calling for sustainable agriculture. Sustainable agriculture not only involves an environmental dimension but also takes in business and social aspects as well. A non-governmental, voluntary certification scheme for fair seasonal work could make competition more equitable. Possible criteria for voluntary certification include:

- adequate pay;
- proper health and safety at work;
- worker participation in on-farm operations;
- contractual arrangements;
- housing;
- working time.

The purpose of certification is:

- to promote fair competition;
- to provide information to interested seasonal workers about the companies concerned; and
- to raise the profile of good business practice.

5.6 Spreading good practice

5.6.1 In the European farming sector, a large number of useful initiatives and projects are currently under way to boost mobility in agriculture and improve the position of seasonal workers. The Committee would ask the Commission to take steps to evaluate and disseminate examples of good practice.

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The President
of the European Economic and Social Committee
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