



I DIRITTI dei lavoratori e delle lavoratrici della Terra

Breve guida

**The RIGHTS
of workers
(men and women)
of the Earth**

Short guide

**Les DROITS
des travailleurs
et des travailleuses
de la terre**

Bref guide

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Premise

This publication originates from a training project on trade union rights and citizenship rights for workers (men and women) and land workers in the province of Foggia. The project is promoted by "Rete Iside Onlus", "Unione Sindacale di Base" and "Centro Internazionale Crocevia", funded by the "Rosa Luxemburg Foundation".

The brief guide aims to provide workers (men and women) with the main notions about their rights in terms of contract, residence permit, health and safety at work, access to the National Health Service. The language used, as well as the information provided and more generally the project within which this brochure is inserted, is simple and aimed at acquiring the basic knowledge to people who have a level of diversified schooling and in some cases are not educated at all.

We believe that this publication is a small symbol to testify how important it is for us to continue and consolidate the path started with the workers (men and women) of the land living in Torretta Antonacci, in the rural areas of the province of Foggia, in the invisibility of the periphery of the city. They are men and women who live in inhumane conditions, without water and heating, in makeshift shacks, and who every day go to collect fruits and vegetables that we find at low cost on the counters in supermarkets and vegetables in our neighborhoods, throughout Italy. They are laborers without work alternatives, who live conditions of total physical and social segregation, almost always with union rights reduced to a minimum and subjected to labor exploitation.

In order to make all this more visible, through the struggle for our trade union rights and greater social justice, regardless of geographical origin, we will continue to organize ourselves together with the workers (men and women) of the earth - as well as with all those who system would like to make invisible.



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Basic Information on the Agricultural Contract

In Italy the employment relationship is regulated by the employment contract. Each sector of work (agriculture, domestic, construction, industry, transport, etc ...) has its own National Collective Labor Contract (CCNL).

If you work in **agriculture**, it is important to know that the **collective agreement** is articulated on two levels:

- 1) The National Collective Contract (CCNL) for Agricultural and Floricultural Workers.**
- 2) The Provincial Labor Contract (CPL) for agricultural workers and Florovivaisti (complements the National Collective Contract)**

If you are an **agricultural worker or an agricultural worker with a regular employment contract**, you have the right to receive, in addition to the contractual pay: transport allowance, adequate board and lodging, recognition of the accident and illness, right to maternity or paternity, family allowance, recognition of the right to agricultural unemployment as soon as the requirements are met, etc ...

The Provincial Labor Contract of Foggia (CPL) provides:

- **ordinary work week:** it consists of **6 days of work** and one of rest.
- **ordinary working day:** **6 hours and 30 minutes** (for a total of 39 hours per week)
- **daily pay for Third Area agricultural workers:** € 54,58 (6 hours and 30 minutes)
- **Board and suitable accommodation for seasonal workers (men and women):** it is the employer's responsibility.
- **overtime:** after 6 hours and 30 minutes, every extra hour is considered "extraordinary" and must be paid with a 25% surcharge.
- **Sunday and holiday work:** it must be paid with an increase of 35% more.
- **agricultural unemployment benefits:** with at least 102 daily contributions paid in the previous two years, you also have the right, even adding non-agricultural contributions, to the agricultural unemployment benefit allowance.



Health and Safety at Work

In Italy there is a law that imposes very strict rules for the protection of the health of workers, this law is the Consolidated Law on health and safety in the workplace (Legislative Decree 9 April 2008 No. 81).

Firstly, the Consolidated Law on Safety at Work, lists in detail the obligations to which the employer must respect in order to safeguard the safety of workers, among which we indicate schematically:

make a careful assessment of the risks to which workers could be exposed with consequent elaboration of the Risk Assessment Document (DVR)

- carry out a planning of preventive activities;
- eliminate where it is possible or reduce risks;
- the lowest possible exposure of workers to risk;
- control of the health status of workers;
- training and information of workers.

Very important, these are very stringent obligations *that must in no case lead to financial costs for workers.*

The Employer must provide information on the risks related to work and the methods to prevent them, must organize training courses and carry out training in the use and proper maintenance of Personal Protective Equipment (better known as PPE)) such as safety shoes, gloves and protective masks.

Particularly in agriculture it is necessary to pay attention to the machines (tractors or similar) that are made to use, in order to make sure that they are equipped with the system that prevents tipping and anti-fall devices, as the risk of overturning, crushing is very high and fall from the media.

Attention must also be paid when workers are asked to use plant protection products, such as fertilizers or herbicides and their dangerousness, it is important to protect the respiratory tract with filter masks.

The attentions and risks in agriculture are many, here we have listed a couple by way of example, where the worker sees a dangerous situation we recommend to promptly contact the nearest union to take the right actions to protect health and safety of workers, priority right of all.



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Residency Permit

The Italian law provides that those who are not Italian citizens / to be able to live, study and work in Italy, must be provided with the Permit of Stay (PDS): there are **different types** and are essentially examined in the Consolidated Immigration Act, which collects the numerous immigration laws. Despite this, in Italy, there are men and women without any documents, who work and live in our cities and for this reason are invisible and unable to access the most basic rights: the last regularization, in fact, dates back to 2012. this, we asked the competent institutions several times for the regularization of all (men and women). On the other hand, those who hold a residence permit, after having obtained 10 years of residency in Italy - or having completed the study cycle in the case of persons born in Italy - together with other requirements required by law, the foreign person can start the practice for the request for Italian citizenship if desired. For those with refugee status and for those who marry a citizen or an Italian citizen, less stringent requirements are envisaged: for example, the years of residence required for citizenship are lower than the normal procedure.

There are also special procedures for those who hold a residence permit and request to be reunited with their families in Italy.

As mentioned, there are different types of residence permits: by way of example, we indicate some of them:

- refugee status
- subsidiary protection
- humanitarian reasons
- medical treatment
- self-employment or subordinate work
- waiting for employment
- study
- social protection
- family reasons
- CE long residents
- minors, in the case of unaccompanied foreign minors.

In particular, the residence **permit for social protection** is governed by Article 18 of Legislative Decree n. 286 of 1998. This particular residence permit is issued to the community and non-EU person who has been **in situations of violence or serious sexual and / or labor exploitation** related to certain serious crimes. Among the different re-



quirements, required to access this residence permit, it is important to know that the complaint by the person requesting access to this protection is not mandatory. In the case of labor exploitation, we can schematically identify some indicators that make us assume we can find ourselves in this situation:

- the systematic remuneration in a way that is clearly different from national collective agreements or in any case disproportionate to the quantity and quality of the work performed;
- the systematic violation of the regulations concerning working hours, weekly rest, compulsory expectation and holidays;
- the existence of violations of the legislation on safety and hygiene in the workplace, such as to expose the worker to danger to health, safety or personal safety;
- subjecting the worker to working conditions, surveillance methods, or particularly degrading housing situations.

Formally on the permit of stay, to guarantee the privacy of the holder of such protection, the word "humanitarian reasons" is affixed and can be issued through two paths:

- **judicial path** - following the denunciation by the victim, the permit of stay is issued by the Police headquarter also on the proposal or with the favorable opinion of the territorially competent Public Prosecutor.
- **social path** - the residence permit is issued by the Police headquarter on the proposal of local authorities and accredited associations that manage social assistance and integration programs, **without formalizing a victim's complaint** and without the opinion of the competent public prosecutor. The interested person formally adheres to a specific assistance and surfacing path from exploitation.

The residence permits are many, here we have listed a couple by way of example, where the worker needs more information, we recommend that you immediately contact the nearest trade union



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Access to the National Health Service

The protection of health in Italy is enshrined in Article 32 of the Constitution: it is therefore a "fundamental right of the individual and an interest of the community". From this constitutional principle comes the legislation in force that allows any foreign citizen, regular or irregular, to take advantage of public health services (Title V of law 40 of 1998 implemented by national, regional and local rules).

The legal reference text on immigration is the Legislative Decree n. 286 of 1998 "Consolidated text of the provisions concerning the regulation of immigration and rules on the condition of the foreigner" which, together with the relative Implementing Regulation (Presidential Decree No. 394/1999 - Chapter VI articles 42, 43), guarantees the inclusion of foreigners in the health protection system of all citizens.

The following table summarizes the criteria for access to health services, medical and hospital care and for obtaining the necessary medicines for foreign workers with or without a residence permit.



HEALTH CARE FOR FOREIGN CITIZENS

TARGET	FEATURES	CERTIFICATION
1. Foreigners not belonging to the European Union	<p>With a residence permit They can apply for a National Health Service (SSN) certificate</p> <p>Foreign citizens residing in the territory of the Region, in possession of a regular residence permit, for the following reasons:</p> <ul style="list-style-type: none"> - subordinate or self-employment (including seasonal) - family reasons - refugee - humanitarian reasons, request for international protection - waiting for adoption 	<p>Certificate of registration for the national health service (SSN)</p> <p>The certificate allows you to obtain all the health services at the public or affiliated national facilities.</p> <p>EU and non-EU foreigners, or Switzerland, Iceland and Liechtenstein may apply for voluntary registration with the National Health Service with residence and residence permit in our territory upon payment of the annual flat-rate contribution.</p>
2. Foreigners not belonging to the European Union without a residence permit (Temporarily Present Foreigners - STP)	<p>They can apply for the STP code (Temporarily Present Foreigner)</p> <p>Non-EU foreign citizens without residence permit, irregularly present on the national territory.</p>	<p>STP Code (Temporarily Present Foreigner)</p> <p>The irregular foreign citizen is assigned by the public health service, private or public accredited by the NHS that provides the service, the STP code (foreigner present temporarily).</p> <p>At the same time as the issuing of the STP code, the assisted indigent must sign the relative declaration of indigence.</p> <p>Even in the absence of identity documents, the health structure proceeds to register the personal details provided by the patient and to issue the STP code / declaration of indigence.</p> <p>The STP code is valid for six months and can be renewed. The STP code is recognized throughout the national territory..</p>

GUARANTEED TREATMENTS (ex art.35 c, 3,4,5,6, of the D.Lgs. N.286 / 1998)

Foreigners indicated in points 1 and 2 are guaranteed, in public or affiliated facilities, the following services:

- urgent or essential outpatient and hospital treatment, even if continuous, due to illness and accident;
- assistance during pregnancy and during maternity; assistance for voluntary interruption of pregnancy;
- protection of the child's health; vaccinations provided for by national legislation and for collective prevention measures; international vaccinations;
- prophylaxis, diagnosis and treatment of infectious diseases;
- free distribution of essential drugs.

The Physician is responsible for ascertaining the essential and urgent nature of health services that can not be deferred or that over time may determine a greater risk to health.

The STP code entitles the pharmaceutical prescriptions by a specialist physician of an accredited public or private structure, always in the context of urgent and essential care. The benefits are provided free of charge to foreigners with irregular STP code, except for the participation fees (ticket) on equal terms with the Italian citizen.

Link:

- Legge 6 marzo 1998, n. 40
<http://www.camera.it/parlam/leggi/98040l.htm>
- Decreto Legislativo 25 luglio 1998, n. 286
<http://www.camera.it/parlam/leggi/deleghe/98286dl.htm>
- Decreto del Presidente della Repubblica (DPR) 31 agosto 1999, n. 394
<http://www.gazzettaufficiale.it/eli/id/1999/11/03/099G0265/sgl>



AGRICULTURE /ETHICULTURE

"A platform for the respect of the agricultural workers' union and social rights"

10 points FOR:

- 1- **Equal work equal pay:** decent work and fair pay, in any case not below what is provided for by the National Collective Contract for Agricultural Workers and floriculturists and by the Provincial Contract, regardless of the geographical origin of workers.
- 2- **Compliance with employers' social security contributions:** wage, social security (unemployment benefits), safety at work, and transport service. That is recognition of the hours and days actually worked making them evident in the paycheck. In order to guarantee a real and effective safeguard of the wages and contributions of laborers, it is essential to introduce a bond of solidarity between the various companies involved in the supply chain in which the work activity is carried out.
- 3- **The regularization** of migrants and refugees, as well as the repeal of the Bossi-Fini law, access to the residence permit for social protection according to the art. 18 Tui (D.Lgs 286/98) and the delinking of residence permit from labourcontract.
- 4- **Structural housing solutions:** housing for seasonal or permanent workers, not ruled by the logic of social and spatial ghettoization, but with the direct involvement of both local authorities and employers, as well as the workers themselves in the management of structures and places.
- 5- **Consolidation of the "Inter-ministerial and Inter-institutional Permanent Table":** with the participation of employers, through their associations, workers and their unions, the labor inspectorate, local authorities and the Regions in order to guarantee a continuous and participated monitoring of the respect of the rights and dignity of workers and workers throughout the supply chain.
- 6- **Fighting Against all forms of caporalato:** No to caporalato even when it is disguised with the use of brokerage or temporary employment agencies, which often de facto represent a form of caporalato.
- 7- **A public and transparent management of work recruitment:** a greater involvement (and the transformation) of the Employment Centers in the process of labor recruiting is needed.
- 8- **The public management of the certification and control procedures of agri-food products:** a public, transparent and effective management of certification and control

procedures in agricultural production (biological or non-organic nature of products, presence of substances harmful for workers and consumers' health, etc ...) is important to work in safe and healthy conditions as well as to ensure the quality of the food itself.

9- Conditionality of the aids: we ask that the admissibility of the farms to the European or national subsidies is bound to really verifiable congruity indexes, that are based on a documented respect of the employers' obligations to workers (salary, social security, occupational safety, transport, etc.)

10- The Registration at the registry office: it is urgent the engagement of the local Municipalities in the approval of municipal resolutions for the registration in the registry for holders of residence permits.

Only by rethinking the whole agri-food system and the consequent policies that regulate the agricultural world, we could rebuild the proper balance between food producers, consumers and workers.

For this reason, it is necessary to open a great campaign that must involve farmers and laborers side by side as well as consumers and citizens at European, national and local level.

"Is it right that in Italy, while the great monopolies continue to multiply their profits and their wealth, for the workers only the crumbs remain? "

Giuseppe Di Vittorio

Foggia, 22nd September 2018

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