

# KNOW YOUR RIGHTS

We are the Network Campagne In Lotta, and with this leaflet we would like to share with foreign workers useful information on agricultural work, with and without contract, on residence permits and health care services.

***WE CANNOT PROVIDE RESIDENCE PERMITS, BUT WE CAN INFORM ON WHAT ARE THE RIGHTS TO WHICH THE WORKERS ARE ENTITLED AND GIVE GENERAL INFOS ON LOCAL SERVICES AND INFRASTRUCTURES.***

## ***FOR INFO***

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# FOREIGNER WITH A RESIDENCE PERMIT OR EUROPEAN-UNION CITIZEN

**Immigrants from the European Union or from outside the European Union, who work with a contract in Italy and have a residence permit valid for working, have to be treated the same way as an Italian worker.**

Foreign workers and Italians have therefore the same rights and protections, regarding the contract, assistance in case of illness or an accident on the job, weekly rest periods, national insurance payment, unemployment benefits, pension, and the relation with trade unions.

Therefore, if a worker has got a valid residence permit and is not treated in the same way as Italian workers, or if his/her rights regarding working contracts, union protection, illness or injury on the job or unemployment benefits, granted by the law, are not recognized, he/she can file a complaint to a Court for the protection of his/her rights.

## THE FAIR WAGE FOR AGRICULTURAL WORKERS

**Foreign workers have to be paid the same wage as Italian workers.** However, foreign workers are paid less and are forced to give a part of their daily wage to caporali. **Caporali are banned by Italian law.**

The fair pay is indicated in the provincial contracts signed by trade unions. There is a difference for those who work on a fixed-term contract (that is, when the contract has a limited length in time, e.g.: from May to August and then it ends) and those who work on an open-ended contract (the contract has no time limit). Moreover, there are differences according to the type of work.

In each province, the wage for agricultural workers is different. The working day must be 6h 30 minutes long. If one works for longer, extra time must be paid at a higher rate ('straordinari'). In some provinces contracts demand that workers be given a contribution for travel expenses to their workplace, and that foreign workers be given accommodation. Some contracts allow for work to be paid at piece rate (for example being paid by crate of tomatoes, or 'cassone') instead of at hourly rates, but there are rules that establish what a fair wage is in this case too. These are the gross minimum wages (before tax and insurance) for non-qualified fixed-term workers who are employed for the first time, in the different provinces. Tax charged to workers equals 8.84% of the wage.

	Hourly wage	Daily wage
<b>Provincia di Bologna:</b>	Euro 8,00	Euro 52,00
<b>Provincia di Caserta:</b>	Euro 6,33	Euro 41,15
<b>Provincia di Cosenza:</b>	Euro 6,65	Euro 43,24
<b>Provincia di Cuneo:</b>	Euro 6,02	Euro 37,93
<b>Provincia di Ferrara:</b>	Euro 7,15	Euro 46,48
<b>Provincia di Foggia:</b>	Euro 8,26	Euro 53,67
<b>Provincia di Napoli:</b>	Euro 6,46	Euro 42,02
<b>Provincia di Potenza:</b>	Euro 7,64	Euro 49,67
<b>Provincia di Reggio Calabria:</b>	Euro 7,00	Euro 44,12

# AGRICULTURAL UNEMPLOYMENT BENEFITS (SUSSIDIO DI DISOCCUPAZIONE AGRICOLA)

Agricultural unemployment benefits **are a sum of money which an agricultural worker, under certain circumstances, can ask from INPS (the social insurance office) when he/she loses or ends work.** In order to apply for agricultural unemployment benefits:

- it is necessary to have a regular working contract
- the employer has to have registered (at INPS) all the working days that the worker has carried out in the fields

The higher the number of working days registered by the employer, the higher the unemployment benefit received will be. Each working day, up to 150, equals a day of unemployment benefit that amounts to 40% of the salary. Therefore it is extremely important to always demand that the employer signs a regular working contract and to check with INPS that the employer has paid social insurance for the exact number of days which you have worked, otherwise you will not be able to receive unemployment benefits from INPS.

**CAUTION: it is not possible to apply for unemployment benefits for workers without a valid residence permit or with a permit valid only for seasonal work.**

## WHO CAN ASK FOR AGRICULTURAL UNEMPLOYMENT BENEFITS?

- Fixed-term workers
- Small tenant farmers (who work a piece of land as an association)
- Small farmers
- Open-ended agricultural laborers who work only for a portion of the year

## WHAT IS NEEDED TO APPLY FOR AGRICULTURAL UNEMPLOYMENT BENEFITS?

- A regular contract
- Registration with the list of agricultural laborers with a fixed-term contract, or with a permanent contract but who work only for a portion of the year. These lists are called 'elenchi nominativi'. They record the names and surnames of people who work in agriculture and are compiled each year by INPS.
- A minimum of 2 years of insurance against involuntary unemployment (this means you have to have at least 2 years of registration in the elenchi nominativi – see above)
- A minimum of 102 days of contributions over the course of 2 years (including the ones obtained through non-agricultural jobs).

## HOW DO I APPLY FOR AGRICULTURAL UNEMPLOYMENT BENEFITS?

- Online, through the INPS web page
- With the help of a union/patronato, cost-free
- Calling 803164 (or 06164164, only from a mobile phone).

**The application for agricultural unemployment benefits needs to be made before 31st March of the year following the one in which one has been unemployed. The worker has to keep the application papers and all the original documents.**

## RESIDENZA

To have an official address of residence it is necessary to pay a 16-euro revenue stamp. To obtain an official address it is necessary to go to the anagrafe (birth registry in the Comune), and to have a valid permit, passport, and driving license if one is in possession of it. It is also necessary to bring 4 photos.

## TAX CODE (CODICE FISCALE)

The tax code (codice fiscale) is free and it can be requested at the Agenzia delle Entrate (tax agency) with a copy of a valid permit and a copy of a valid passport.

## FOREIGN WORKERS WITHOUT A RESIDENCE/WORK PERMIT

Foreign workers without a valid residence/work permit cannot have a job contract. Workers still have the right to receive a fair wage, even without a contract, and the wage has to be the same as that of a worker with a contract. Wages are fair if they correspond to those shown in the tables above, that report minimum salaries according to the provincial contracts signed by unions. Therefore, concerning wages, there is no difference between a foreign worker with a permit and a foreign worker without it. Labourers who work without a contract are also entitled to contributi (national insurance paid by employers, see above). In order to obtain payment of national insurance, workers without a permit must address a court and have a judge verify that they have worked and want to protect their rights.

## ITALIAN LAW AGAINST ILLEGAL LABOR

**There are penalties against employers who hire workers without a contract or without a permit, or through caporali.** For instance, the law establishes that an employer cannot hire through immigration quotas (decreto flussi) if he/she has been previously convicted for:

- Illegal immigration offences
- Exploitation of prostitution
- Employment of minors in illegal activities
- Labor intermediation (gangmasters, Caporali)
- Exploitation of labor
- Illegal employment of foreign workers without a permit or with an expired permit

Moreover, the Italian law **bans caporali (gangmasters) and punishes them with severe sentences.** Transport and housing expenses should be covered by employers, not by workers.

Furthermore, in specific situations of exploitation, **workers can also report their employer to the authorities and press charges.** And if they press charges and collaborate with the investigation, they can also obtain a residence permit.

In the case of foreign workers without a permit, the Italian law assumes that the working relation has had a minimum length of three months. This means that if an employer is caught during an inspection, he/she cannot just declare that the worker without a permit or a contract has worked only for few days, his/her declaration must be backed up by evidence **otherwise the work relation will be assumed to have lasted for 3 months at least**. If work was carried out for longer than 3 months, on the other hand, this must also be proven somehow.

## HEALTH CARE

### FOREIGNERS FROM NON EU COUNTRIES WITH REGULAR RESIDENCE PERMIT

To access national healthcare you only need the codice fiscale (national insurance number) and a residenza.

### FOREIGN WORKER WITHOUT A PERMIT:

Foreign workers without a permit have the right to public health care. Therefore they can go to hospital or to the doctor's without fearing to be reported.

More specifically, foreigners without a permit can:

- Go to hospitals /clinics for routine and emergency treatments
- Access treatment in case of illness or injury on the job
- Access prevention treatment
- Access assistance during pregnancy and maternity
- Access medical treatment for under 18s.
- Access international vaccinations
- Receive assistance for the prevention, diagnose and treatment of infective illnesses.

**Who doesn't have any residence permit can ask for STP card, which allow to basic sanitary assistance, urgent hospitalization and urgent or essential hospital cares. The card is valid for 6 months and you can renew it across Italy.**

In **FOGGIA** you can get STP card

***in Piazza della Libertà 1,***

FROM MONDAY TO FRIDAY 8.30 -11.30 am,

on TUESDAY and THURSAY 16.30 – 17.30 pm. – tel 0881.884704

***in Via Spalato, 4,***

FROM MONDAY TO FRIDAY 9.00-12.30 am/ 16.00-19.00 pm

tel 0881.884313

In **CERIGNOLA** you can get STP card

***at ASL in viale XX Settembre,***

on WEDNESDAY 9.00 -12:00 am,

on TUESDAY AND THURSDAY 16.00 – 19.00 pm

tel 0885.419485 / 0885.419320

In **ORTANOVA** you can get STP card  
**at Poliambulatorio in Corso Umberto**  
on TUESDAY AND THURSDAY 8.30 am -12.30 pm

In **STORNARA** you can get STP card  
**at poliambulatorio in Via La Menola**  
from MONDAY TO FRIDAY 7.30 -11.30 am / 15.00-17.00 pm;  
on SATURDAY 7.30-11.30 am.

In **STORNARELLA** you can get STP card  
**in C.so Vittorio Emanuele III, 2,**  
on WEDNESDAY 8.30-12.00 am – tel 0885.432281

In **MANFREDONIA** you can get STP card  
**at ASL in Via Barletta 1,**  
on WED. 10.30 am -13.30 pm/  
on TUESDAY and THURSDAY 15.30-18.30 pm –  
tel 0884.510216/ 0884.510408

## RESIDENCE PERMITS

In all Italian cities there are offices that can provide information to immigrants **FREE OF CHARGE on all the types of permits (how to obtain and renew them, on travel documents), on official address (residenza) and tax codes (codice fiscale).**

For all these documents, it is necessary to pay a **revenue stamp (marca da bollo) and the postal payment slips (bollettino postale).** The offices which provide information in many cases can also file the applications for documents. These offices often request a fee (membership card) usually around 15 OR 20 EUROS, valid for the whole year.

## HOW MUCH DO A PERMIT AND ITS RENEWAL COST?

For permits and renewal it is necessary to pay

Cost of the electronic permit	30.46 euros
Cost of the service from Poste italiane	30,00 euros
Cost of the revenue stamp	16,00 euros

## **WARNING!**

From may 2016 you no longer have to pay TASSA DI SOGGIORNO (STAY TAX) to renew your permit. It is indeed possible to ask for a refund for who has paid the TASSA DI SOGGIORNO since 2011.

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## **TAX CODE**

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# THE STRUGGLE PAYS OFF

Since September 2015 until today workers from the Foggia province have organized many protests. These protests gave some small victories:

- Today for workers who have a residence permit it is possible to obtain the residenza on all the municipalities of the Foggia province
- For those who need to renew their residence permit, it is now possible to do so with only the certificate of residence (domicilio)
- The Questura of Foggia started to give residence permits to regularize the people who have been living in Foggia for many years
- Workers have participated in many meetings with the Puglia regional government about housing, healthcare and transport.

WE NEED YES  
DOCUMENTS AND CONTRACTS FOR ALL FARMWORKERS!