

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, and health care services.

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

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FOREIGNER WITH A PERMESSO DI SOGGIORNO 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 permesso di soggiorno 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, with respect to:

- contract, wage, weekly rest periods;
- assistance in case of illness or an accident on the job;
- national insurance payment, unemployment benefits, pension;
- relations with trade unions.

Therefore, if a worker has got a valid permesso di soggiorno and they are not treated in the same way as an Italian worker, or if their rights regarding working contracts, union protection, illness or injury on the job or unemployment benefits, granted by the law, are not recognized, they can file a complaint to a Court for the protection of their 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. All workers should have a contract, which can be 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) or an open-ended contract (the contract has no time limit). Moreover, there are differences according to the type of work.

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 workers have the right to accomodation and a contribution for travel expenses to their workplace. Some contracts allow workers 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.

In each province, the wage for agricultural workers is different. 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
Provincia di Bologna	Euro 7,47	Euro 48,55
Provincia di Caserta	Euro 6,48	Euro 42,18
Provincia di Cosenza	Euro 6,52	Euro 42,38
Provincia di Cuneo	Euro 6,57	Euro 42,70
Provincia di Ferrara	Euro 7,35	Euro 47,77
Provincia di Foggia	Euro 8,50	Euro 55,24
Provincia di Napoli	Euro 5,16	Euro 33,53
Provincia di Potenza	Euro 7,86	Euro 51,13
Provincia di Reggio Calabria	Euro 6,67	Euro 43,35
Provincia di Salerno	Euro 6,75	Euro 43,89

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 with paying sheet (busta paga)
- 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 permesso di soggiorno or with a permit valid only for seasonal work. Both workers with Fixed-term(tempo determinato) contract, and open-ended (tempo indeterminato) contract working only portion of the year can ask for the agricultural unemployment benefits.

WHAT IS NEEDED TO APPLY FOR AGRICULTURAL UNEMPLOYMENT BENEFITS?

- A regular contract.
- at least 2 years registration at INPS's 'elenchi nominativi' for unemployment for. (elenchi nominativi record the names and surnames of people who work in agriculture and are compiled each year by INPS.)
- 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 between January 1st and March 31st of the year following the one in which one has been unemployed (ex. If one is unemployed in november 2018, they can apply between january and march 2019). The worker has to keep the application papers and all the original documents.

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. Wages are fair if they correspond to those shown in the tables above. Labourers who work without a contract are also entitled to contributi (national insurance paid by employers, see above). If the wage received isn't fair or if the boss doesn't pay for national insurance, workers without a permit can address a court. **It is therefore important to collect as much evidence as possible of the work relationship and its length (take pictures, make videos, recordings, have witnesses).**

ITALIAN LAW AGAINST ILLEGAL LABOR

There are penalties against employers who hire workers without a contract or without a permit, or through caporali. Moreover, the Italian law **bans caporali (gangmasters) and punishes them with severe sentences.** Employers, not workers, should cover transport and housing expenses. 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 permesso di soggiorno.

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, they cannot just declare that the worker without a permit or a contract has worked only for few days, their declaration must be backed up by evidence **otherwise the**

work relation will be assumed to have lasted for 3 months at least. If the work relation lasted longer than 3 months, on the other hand, this must also be proven somehow.

HEALTH CARE

EU CITIZENS

EU citizens who have been living in Italy for more than 3 months must register with the Servizio Sanitario Nazionale (National Health Service), if they don't have an European health insurance in their home country. Registration costs 387.34€. In some cases (serious illness or pregnancy), they can ask for ENI card for free.

To get ENI card you must go with a passport/ID card, declaration of domicile, and the certificate of illness (that often can be done together with the card application), to any ASL (check the following page for contacts, address and opening hours). In any case, all EU citizens have the right to emergency or essential treatment for illness or accident in any public hospital.

NON EU-CITIZENS WITH REGULAR PERMESSO DI SOGGIORNO

To access national healthcare you only need the codice fiscale (national insurance number) and a residenza or a domicilio (declaration of domicile).

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), and to have a valid permit, passport, and codice fiscale (tax code). You also have to bring 4 passport photos with you.

In Italy it is possible to get residenza also without a rent contract, this is called "Residenza fittizia".

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.

NON EU-CITIZENS 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 for any emergency without fearing to be reported. Foreign workers have the right to treatments for chronic diseases. Who doesn't have any permesso di soggiorno can ask for STP card, which allow to basic sanitary assistance, urgent hospitalization and urgent or essential hospital cares. To get one you have to go to an ASL (see list below). You don't need to provide any document. The card is valid for 6 months and you can renew it across Italy.

You can get an ENI card (EU citizen) or an STP card (non-EU citizen) in any of the ASL office below:

CERIGNOLA: in Viale XX Settembre, 1

Monday, Wednesday, Thursday and Friday from 8.30 am to 11.30 am

Tuesday from 3.30 pm to 5 pm

Tel. 0885.419369.

FOGGIA: in Via Spalato, 4

Monday, Tuesday, Thursday and Friday from 9.30am to 11.30 am

Wednesday 4pm to 6 pm

Tel. 0881.884522.

MANFREDONIA: Via Barletta 1,

Tuesday from 10.30 am to 12.30 am

Thursday from 4.30 pm to 6.30 pm

Tel. 0884.510216.

ORTANOVA: clinic (Poliambulatorio) in Corso Umberto I,

Monday, Tuesday, Thursday and Friday from 8.30am to 12.30 am

STORNARELLA: C.so Vittorio Emanuele III, 2,

Wednesday 8.00am 11.30 am (for STP card); 3.30pm-6pm (for ENI)

Tel. 0885.432281.

SAN SEVERO: Ospedale in via Masselli Mascia, 28

Thursday 8.00am 9.00 am - Thursday and Friday 4.30pm-5.30pm (for ENI)

THE STRUGGLE PAYS OFF

Since September 2015, workers from the Foggia province have organized many protests.

These protests gave some small victories:

- Today for workers who have a permesso di soggiorno it is possible to obtain the residenza on all the municipalities of the Foggia province.
- For those who need to renew their permesso di soggiorno, it is now possible to do so with only the certificate of residence (domicilio).
- The Questura of Foggia started to give permesso di soggiornos 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!**