

# 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.**

## FOR INFO

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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.

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, 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 (if they have permission to work in Italy) 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)
- an open-ended contract (the contract has no time limit).

The working day must be 6h30 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.

**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.**

	<b>Hourly wage</b>	<b>Daily wage</b>
Provincia di <b>Bologna</b>	Euro <b>7,53</b>	Euro <b>48,98</b>
Provincia di <b>Caserta</b>	Euro <b>6,66</b>	Euro <b>43,32</b>
Provincia di <b>Cosenza</b>	Euro <b>6,72</b>	Euro <b>43,68</b>
Provincia di <b>Cuneo</b>	Euro <b>6,38</b>	Euro <b>41,47</b>
Provincia di <b>Ferrara</b>	Euro <b>7,35</b>	Euro <b>47,77</b>
Provincia di <b>Foggia</b>	Euro <b>8,50</b>	Euro <b>55,24</b>
Provincia di <b>Napoli</b>	Euro <b>5,16</b>	Euro <b>33,53</b>
Provincia di <b>Potenza</b>	Euro <b>7,92</b>	Euro <b>51,52</b>
Provincia di <b>Reggio Calabria</b>	Euro <b>6,67</b>	Euro <b>43,35</b>
Provincia di <b>Salerno</b>	Euro <b>6,56</b>	Euro <b>42,65</b>

## **AGRICULTURAL UNEMPLOYMENT BENEFITS (INDENNITA' 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 (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 1<sup>st</sup> and March 31<sup>st</sup> 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 , pregnancy or for children), they can ask for ENI card for free, which has regional validity and must be renewed every six months.

To request the ENI card, you must go to an ASL (for addresses and times, see the end of this booklet) and bring:

- a passport/ID card
- declaration of domicile (that often can be done together with the card application)
- and the certificate of illness (that often can be done together with the card application)

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,*

TUESDAY 15.30-18.30

**TEL 0885419259 o 3669356807**

**FOGGIA:** *in Piazza della Libertà 1,*

MONDAY, FRIDAY 9.30-12.00

TUESDAY 16.00-18.00

**TEL 0881.884522**

**MANFREDONIA:** *guardia medica in via Isonzo 26B*

TUESDAY 10.30-12.30,

WEDNESDAY 16.30-18.30

**TEL 0884.510216**

**STORNARELLA:** C.so Vittorio Emanuele III, 2,  
THURSDAY AFTERNOON (call to book an appointment)  
**TEL 0885419259 o 3669356807**

**SAN SEVERO:** Guardia Medica Via Aspromonte 11,

MONDAY 8.00 - 9:30

TUESDAY, THURSDAY, WEDNESDAY 8.00 - 9.30, 16.00 - 17.30

FRIDAY 8.00 - 9.30, 16.00 - 17.30

**tel: 0882 200434**

**THE STRUGGLE PAYS OFF**

From September 2015 until today, the immigrant laborers of the province of Foggia and the Plain of Gioia Tauro have made many demonstrations.

These demonstrations have brought victories: many people took residence permits.

For those with a residence permit, it is possible to have a fictitious residence certificate in all the municipalities of the province of Foggia.

The destruction of many ghettos has been blocked (in Puglia, Calabria, Piemonte), because the institutions do not give houses.

The last amnesty (June-August 2020) was the result of years of struggle.

But we know that all this is not enough.

**DOCUMENTS, HOUSES AND CONTRACTS FOR  
EVERYONE**