

# KNOW YOUR RIGHTS

## FOR INFO

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*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.*

## **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, 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.

	<b>Hourly wage</b>	<b>Daily wage</b>
Provincia di <b>Bologna</b>	Euro <b>8,37</b>	Euro <b>54,40</b>
Provincia di <b>Caserta</b>	Euro <b>6,65</b>	Euro <b>43,23</b>
Provincia di <b>Cosenza</b>	Euro <b>6,77</b>	Euro <b>40</b>
Provincia di <b>Cuneo</b>	Euro <b>7,62</b>	Euro <b>49,53</b>
Provincia di <b>Ferrara</b>	Euro <b>8,00</b>	Euro <b>52</b>
Provincia di <b>Foggia</b>	Euro <b>8,49</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>6,78</b>	Euro <b>44,12</b>
Provincia di <b>Matera</b>	Euro <b>6,69</b>	Euro <b>43,52</b>
Provincia di <b>Reggio Calabria</b>	Euro <b>9,06</b>	Euro <b>58,92</b>
Provincia di <b>Salerno</b>	Euro <b>7,17</b>	Euro <b>46,61</b>

## **AGRICULTURAL UNEMPLOYMENT BENEFITS (DISOCCUPAZIONE AGRICOLA)**

Agricultural unemployment benefits **are a sum of money which farm workers can ask from INPS (the social insurance office) when they finish or lose the job.** 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. **1 DAY OF WORK (maximum 150) = 1 DAY OF BENEFIT AT 40% OF THE SALARY.** Therefore, 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.

**IMPORTANT: you cannot apply for unemployment benefits 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 part 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
- A minimum of 102 days of contributions over the course of 2 years (you can add days from other non-agriculture jobs).

## **HOW TO APPLY FOR AGRICULTURAL UNEMPLOYMENT BENEFITS**

- Online, through the INPS web page
- With the help of a union/patronato, without paying
- 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.

## 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.

## 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) with a valid identity card or passport.

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 can go to the local ASL and 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 you have to go to your local municipality (comune) and to bring:

- 16 euro revenue stamp
- a valid permesso di soggiorno
- passport
- codice fiscale (tax code)
- 4 passport photos

To get an ID (carta d'identità) you need to pay 22,21 euro. In Italy it is possible to get residenza also without a rent contract, this is called **Residenza fittizia**.

## 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 PERMESSO DI SOGGIORNO

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. If you don't have any permesso di soggiorno you can ask for an STP **card**, which allows basic sanitary assistance, urgent hospitalization and urgent or essential hospital care. 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.

**In Italy, everybody is entitled to urgent or essential care for illness and accidents in any hospital.**

**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 or 3669356807*

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

*MONDAY, WEDNESDAY 8.30-11.00*

*THURSDAY 16.00-17.00*

*TEL 0881884522*

**STORNARELLA:** *C.so Vittorio Emanuele III, 2,*

*Wednesday afternoon*

*TEL 0885419259 or 3669356807*

**SAN SEVERO:** *Distretto 51, via Teresa Masselli (entrance to the old hospital)*

*MONDAY, FRIDAY 8:30 - 9:30*

*TUESDAY, WEDNESDAY, THURSDAY 8: 30-9: 30 and 16: 00-17: 30*

*TEL: 0882200434*

**GRAN GHETTO TORRETTA ANTONACCI:** *ASL camper*

*MONDAY, TUESDAY, WEDNESDAY, THURSDAY all day*

**TO BOOK ANTI COVID19 VACCINE** call this number: **800 713931**

Even those who do not have a residence permit can have the vaccine, with the STP card.

# **THE STRUGGLE PAYS OFF**

From September 2015 to today, immigrant workers of the province of Foggia, of the Piana di Gioia Tauro and in the province of Cuneo have held many demonstrations that have led to victories:

Many people have taken residence permits.

Those with a residence permit can have a certificate of residence (residenza fittizia) in all the municipalities of the province of Foggia.

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

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

**THE ONLY SOLUTION IS TO FIGHT, ALL  
TOGETHER!**

**DOCUMENTS, HOUSES AND  
CONTRACTS FOR EVERYONE!**