

KNOW YOUR RIGHTS

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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

EUROPEAN-UNION CITIZEN OR FOREIGNER WITH A PERMESSO DI SOGGIORNO

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.

	Hourly wage	Daily wage
Provincia di Bologna	Euro 8,02 (first hire)	Euro 52,13 Euro 56,03
	Euro 8,62 (previous experiences with the company)	
Provincia di Caserta	Euro 6,79	Euro 44,15
Provincia di Cosenza	Euro 6,92	Euro 44,98
Provincia di Cuneo	Euro 7,54	Euro 49,01
	(first employment in picking)	
	Euro 8,06	Euro 52,39
	(with previous experiences in picking)	
Provincia di Foggia	Euro 7,90	Euro 51,33
Provincia di Napoli	Euro 7,13	Euro 46,36
Provincia di Potenza	Euro 6,99	Euro 45,45
Provincia di Reggio Calabria	Euro 7,00	Euro 45,51
Provincia di Salerno	Euro 8,65	Euro 56,25

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 in the paying sheet (busta paga) 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 mark the exact number of days worked in the paying sheet (busta paga), 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 unemployment rolls (elenchi nominativi per la disoccupazione)
- 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 www.inps.it
- 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 1st and March 31st of the year following the one in which one has been unemployed (ex. if you were unemployed in November 2022, you can apply from

January 2023). The worker has to keep the application papers and all the original documents.

FOREIGN WORKERS WITHOUT A RESIDENCE/WORK PERMIT

A worker without a valid residence/work permit cannot have a job contract, but is entitled to receive fair pay. The pay is fair if it is at least as written in the table in this flyer.

ITALIAN LAW AGAINST ILLEGAL LABOR

Employers who do not make the contract, who make people work without residence permits or with caporali, have to pay a fine and can go to jail. Caporali are illegal under Italian law. **Employers, not workers, should cover transport and housing expenses. The worker can also report the employer to the authorities. And if he presses charges and collaborates with the investigation, he can also obtain a permesso di soggiorno.**

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!**