

Aldona Zawajska

Katedra Ekonomii i Polityki Gospodarczej
Szkoła Główna Gospodarstwa Wiejskiego w Warszawie

Exploitation of migrant labour force in the EU agriculture

Introduction

The working and living conditions of foreign labour in rural areas, particularly in agriculture, have to date not received much attention in academic and public debates, at least in some EU member states, although the evidence available so far suggests that foreign labourers have been experiencing poor working conditions, unfair wages and even violence from their recruiters, employers, supervisors and the others.

It should be noted that, for the first time in 2014, the EU decided to adopt regulation on less well-paid group of non-EU nationals, i.e. those admitted temporarily to carry out seasonal work in the EU [Directive 2014/36/EU]. The directive defines the rights of third-country nationals as seasonal workers, which include ensuring their effective protection by guaranteeing decent working and living conditions. Member states were required to implement legislation associated with this directive before 30 September 2016. However, Ireland, Denmark and the UK were granted opt-out status, while directive itself is limited to new potential labour immigrants as its Article 2(3) requires residence abroad and therefore does not cover those living in a member state already [Hailbronner and Thym 2016].

Although “Agriculture, forestry and fishing” is the sector most prone to labour exploitation in the EU [FRA 2015], the Common Agricultural Policy has not responded to the issues directly related to foreign (seasonal and casual) labour in agriculture. Also, the enforcement of employment and social rights of agricultural workers (regardless of their origin) has not been incorporated into the CAP support mechanisms.

In the EU agri-food sector, the exploitation of workers who move within or into the EU has become a quite profitable but unethical business. There have long been reporting worrying cases of exploitation in this sector not only of illegal foreign entrants but also those with their legal status [Kasimis et al. 2003, Wasley 2011, Osservatorio 2014, Due... 2016].

People trafficking, forced labour, health and safety violations, financial exploitation, housing abuses, lack of holiday and/or sick pay, daily dismissals and other violation of workers and human rights are endemic particularly in the gangmaster¹ system in agriculture [Pollard 2012, Strauss 2013].

As there is relatively little available domestic research focusing on those issues, the present study would shed more light on forms and on experiences of forced foreign-born labour in agricultural sectors of the EU member states.

The study aims and methodology

The main objective of the present study is to identify and discuss foreign migrant forced (exploited) labour in the agriculture of the EU countries.

The research is of qualitative nature and is based on data gathered from different sources. Firstly, a desk review of relevant scientific literature, international conventions and official reports (of Amnesty International, International Labour Organisation, U.S. State Department, European Union Agency for Fundamental Rights etc.) was conducted. The review of grey literature (papers and documents published locally and not indexed in international databases) included daily newspapers' and magazines' review, covering the period of the last few years (2011–2016).

An initial search for keywords related to human trafficking, forced labour and labour exploitation and then the terminology overview helped in seeking the cases of the exploitation of foreign farm labour which had been revealed in the recent publications and claimed by media.

The terms “migrants” and “migrant workers” used in this paper refer to all foreign nationals, despite the fact that in the EU policy context migration refers to movements between EU and non-EU countries, whereas movements of the EU nationals within the EU borders are considered to be internal mobility.

¹A “labour provider” who provides workers to the following sectors (in the UK): agriculture, forestry, horticulture, shellfish-gathering and food processing and packaging [FRA 2015]. In Italy, similar illegal labour contractors and providers are called *caporali*.

Concepts of the labour exploitation

Exploitation in its broadest, normative (ethical) sense often takes the form of unfair or unjust economic exchange, unfair advantage-taking of another person for one's own benefit or unfair use of other human beings [Arneson 1981, Zwolinski and Wertheimer 2016].

The notion of labour exploitation is linked, among others, to Karl Marx's theory of surplus value, neoclassical (marginal) economics, libertarian theory of distributive justice, conceptions of distributive injustice as well as to ideas of vulnerability, power and domination.

From Marx's perspective that relies on the labour theory of value, labour exploitation or surplus-value extraction is a structural feature of the capitalist mode of production in which the accumulation of capital depends on exploitation of labour power. By labour-power or capacity for labour Marx understands "the aggregate of those mental and physical capabilities existing in a human being, which he exercises whenever he produces a use-value of any description". According to Marx "labour-power can appear upon the market as a commodity, only if, and so far as, its possessor, the individual whose labour power it is, offers it for sale, or sells it, as a commodity" [Marx 1867]. The value of labour-power is determined by the labour time socially necessary for the production, and consequently the reproduction of the labour power. Specifically, the value of labour-power is the value of the sum of means of subsistence necessary for the maintenance of the individual labourer in his normal state and the means necessary for the labourer's substitutes, i.e. his/her children. Surplus value is a difference between value of the commodity produced by capitalist and the values of the commodities used in its production, that is, of the means of production and the labour-power that he purchased with his money in the open market. Unpaid labour (the surplus-labour) or a surplus-value is a source of additional capital. The rate of surplus-value (ratio of unpaid to paid labour) is an exact expression for the degree of exploitation of labour-power by capital, or of the worker by the capitalist.

Neoclassical (marginalist) economics defines labour exploitation by the in-equality between the marginal productivity of labour (the productivity of an additional worker) and wage such that the wage rate is below the value of marginal product of labour². Under theory of Arthur Pigou, labour exploitation exists whenever employers pay their workers less than their workers' services are

²In the neoclassical model of perfect competition, only in short run wages may contain significant rent (exploitation) elements, but in the long run, competitive market forces reduce these gains to zero – no factor of production suffers exploitation.

worth for them. “Exploitation on the part of employers forces workpeople to accept in payment for their services less than the value which the marginal net product of their services has to these employers³” [Pigou 1948]. To Pigou, this form of exploitation and certain low wages resulted from it are unfair – labour exploitation leads to an inefficient allocation of resources, reduced net output of the economy (“national dividend”) and reduced general economic welfare provided (distributed) to members of the society.

According to John Roemer [1982], who, similar to me, rejects the labour theory of value, theory of exploitation is reduced to a theory of distributive injustice. Exploitation is based upon unequal distribution of property rights (i.e. ownership of human property – skills and non-human property – means of production and land) in all modes of production (feudal, capitalist and socialist).

The left-libertarians represented by political philosopher Hillel Steiner [1984, 2010] account of exploitation as a form of injustice. Justice is the standard by which we determine who has a moral right to do or to have what. Exploitations are occurrences in which the wrongful (unjust) gains or losses incurred by the parties involved are not the directly implied effects of those occurrences [Steiner 2010]. Exploitations may occur under conditions of voluntary bilateral exchange.

According to Steiner, exploitation is a type of transaction (any event that involves at least two people and in which goods and services are transferred from at least one of them to the other). But to be an exploitation, transaction must be some sort of exchange (i.e. goods and services are travelling in both directions). Exchange is fair if: (1) is bilateral, (2) is voluntarily undertaken by both involved parties, (3) is self-interestedly motivated on the part of both involved parties and (4) the two things transferred in exchange are of equal value. An exploitation suggested by Steiner means an exchange that lacks the last of the above mentioned four properties, i.e. an exchange of unequally valuable things [Steiner 2010]. For example, exploitative exchange exists if worker who voluntarily decided to work for self-interest gets from employee in return for his labour goods or services that are worth less than this labour.

Political philosopher Nicholas Vrousalis regards exploitation in a capitalist economy as a form of domination, that is, domination for self-enrichment. He provides a general definition of exploitation as the self-enriching instrumentalization of another’s vulnerability: “*A* exploits *B* if and only if *A* and *B* are embedded in a systematic relationship in which (a) *A* instrumentalizes (b) *B*’s vulnerability (c) to extract a net benefit from *B*. Instrumentalization of some set of attributes

³The value of the marginal product is understood here as a measure of economic utility and it equals to the actual revenue that labour can generate under the law of supply and demand.

of another agent (*S*) implies that *S* is being used as a means. Agent (group of agents) *B* is economically vulnerable to agent (group of agents) *A* if and only if *B* is vulnerable in virtue of *B*'s position relative to *A* in the relations of production which are systematic relations of effective ownership (thus of power) over human labour power and means of production in society. Agent *A* economically exploits agent *B* if and only if *A* and *B* are embedded in a systematic relationship in which (d) *A* instrumentalizes *B*'s economic vulnerability (e) to appropriate (the fruits of) *B*'s labour" [Vrousalis 2013].

The labour exploitation forms and indicators

Following the above theoretical aspects, the latter part of the present study analyses the current labour exploitation problems (economic vulnerability of foreign migrants and taking unfair advantage of them) from the practical point of view and reports the various forms of labour exploitation present in the existence.

In the current real life situations, severe forms of exploitation of migrant workers are particularly associated with human trafficking. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Article 3a) defines "trafficking in persons" as encompassing the following three elements [UN 2000]:

- action – recruitment, transportation, transfer, harbouring or receipt of persons;
- means by which that action is achieved – threat of or use of force and other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, and the giving or receiving of payments or benefits to achieve consent of a person having control over another person;
- purpose (of the intended action/means) – exploitation.

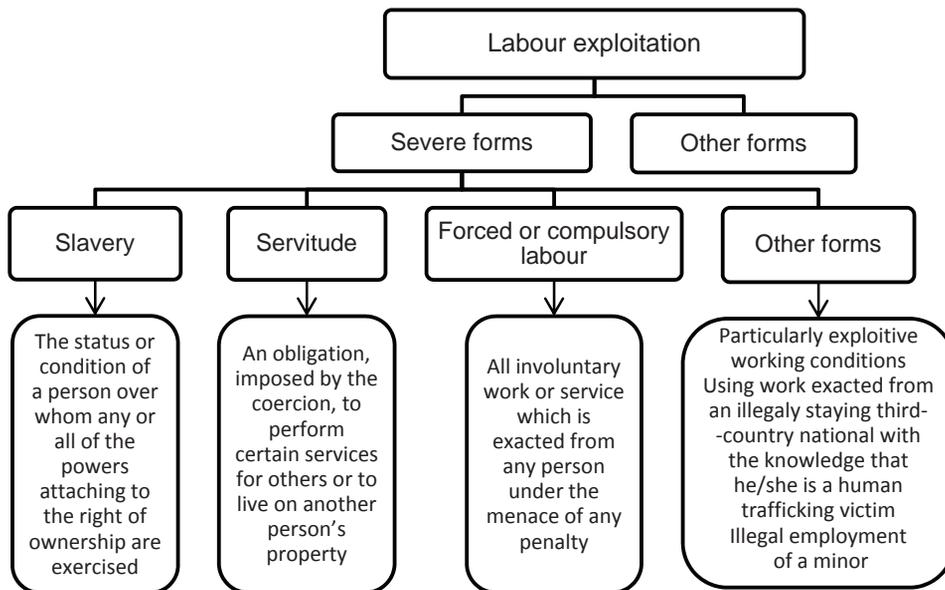
In accordance with the above-mentioned protocol, exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

As reported by the U.S. State Department, forced labour (or labour trafficking) includes the range of activities (e.g. recruiting, harbouring, transporting, providing, obtaining) involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception or other coercive means to force someone to work. When a person's labour is exploited by such means, his/her prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee is a trafficking victim. Foreign migrants are

particularly vulnerable to this form of human trafficking, but nationals also may be forced into labour in their own countries [U.S. Department of State 2016].

Severe labour exploitation refers to all forms of labour exploitation that are criminal under the legislation of the EU member state where the exploitation takes place [FRA 2015]. Moreover, this exploitative form occurs in the case of the employment of worker being in an irregular situation, under “particularly exploitative working conditions”, i.e. these ones “where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers’ health and safety, and which offends against human dignity” [Employer Sanctions Directive 2009, Articles 9(1) and 2(i)].

The severe (criminal) forms of labour exploitation contain slavery, servitude, forced/compulsory labour (included in Article 5 of the EU Charter of Fundamental Rights [2000]) and other severe forms. Other, relatively less serious forms of exploitation relate to violation of civil and/or labour laws (Fig.).



Figure

Labour exploitation spectrum

Source: Own compilation based on ILO Forced Labour Convention [1930] and 1926 Slavery Convention [UN 1955].

Table 1 presents the forced labour indicators proposed by the UN ILO. It is important to point out that legal and practical understanding of severe forms of labour exploitation (as presented in the Figure and Table 1) generally does not fit with the economic theories of labour exploitation in the sense that such theories

Table 1
Indicators of forced labour

Indicator	Explanation/examples
Abuse of vulnerability	A means of coercion where an employer deliberately and knowingly exploits a worker's vulnerable position to force him/her to work. The examples: the threat of denunciation used against irregular migrant workers, taking advantage of the limited understanding of a worker with an intellectual disability or with lack of knowledge of the local language and laws
Deception	The failure to deliver (materialize) what has been promised to the worker, either verbally or in writing. The examples of deceptive recruitment: false promises regarding working conditions/wages, the type of work, housing and living conditions, acquisition of regular migration status and job location
Restriction of movement	Workers are controlled (not free) to enter and exit the workplace subject to certain restrictions which are considered reasonable. Examples: workers locked up and guarded (by surveillance cameras or guards) to prevent them from escaping; employer's agents accompanying workers leaving the site
Isolation	Work settings that are physically remote or culturally isolated; denied contact with the outside world, little or no governmental oversight, a lack of access to protective and legal services
Physical and sexual violence	Forcing an individual to work or to undertake tasks not being part of the initial agreement, to stop him/her from raising issues, making complaints and seeking assistance. Examples: forcing workers to use drugs/alcohol (to have greater control over them), to have sex with the employer/family member
Intimidation and threats	A form of psychological coercion by making workers afraid (of losing their jobs, complaining about their conditions, asking for help, quitting their jobs etc.) through threats of physical violence, denunciation to the immigration authorities, loss of wages etc.
Retention of identity documents	An inability of workers to access their identity documents or other valuable personal possessions (retained by the employer) accompanied by their feeling that they cannot leave the job without risking loss of those belongings
Withholding of wages	Systematically and deliberately refusing to pay worker at all or excessive wage reductions in order to compel him/her to remain, and deny him/her of the opportunity to change employer
Debt bondage	Form of coercion where labourers work in an attempt to pay off an incurred or sometimes even inherited debt or loan, and are not paid for their services (bonded labour)
Abusive working & living conditions	Living and working conditions that workers would never freely accept or that are substantially different from those described in the contract
Excessive overtime	Forcing employees to work more overtime than is allowed by national law, under some form of threat (e.g. dismissal) or in order to earn at least the minimum wage

Source: Author's own compilation based on Anderson and Rogaly [2009], ILO [2012].

claim that workers are voluntary labour market participants, i.e. they are free to engage in bilateral transactions, free to make their own choice about labour supply, and free to enter and exit the labour market⁴. The common properties shared by the two approaches (theoretical and applied) to labour exploitation include unduly low wages or, eventually, unfair, unjust wages received by workers.

Country risks and general evidence of labour exploitation in agricultural sectors

The U.S. Department of State that reports on human trafficking around the world divides countries into four tiers based on the extent of government action to combat trafficking rather than on the scale of the human trafficking problem in the country. Tier 1 (the highest ranking) covers those countries the governments of which fully meet the minimum standards of the Trafficking Victims Protection Act of 2000 (TVPA) for the elimination of trafficking. Countries on Tier 2 do not fully meet the TVPA's minimum standards but are making significant efforts to meet them. Tier 2 Watch list includes those countries which governments do not fully meet minimum standards but are making significant efforts in order to do it, and in which the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing, as well as governments failed to provide evidence of rising efforts to combat severe forms of human trafficking from the previous year. Finally, Tier 3 encompasses those countries where governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

According to social research conducted by European Union Agency for Fundamental Rights (FRA) from January 2013 to September 2014, in 21 EU states (all except Denmark, Estonia, Latvia, Luxembourg, Romania, Slovenia and Sweden), "Agriculture, forestry and fishing" (AF&F) is not the only economic sector in the EU in which foreign labourers are at high risk of exploitation but in some countries it belongs to the top three such sectors [FRA 2015].

One of the explanations is that agriculture is to be heavily dependent upon this exploitation as it typically requires large numbers of cheap, flexible, seasonal workers, among others due to the cost pressure exerted on farm producers by retail food industry. Source of migrants' exploitation in the low-wage farming sector can also be the surplus labour-power from beyond the receiving state that can be hired, fired and even deported.

⁴The only possible form of "coercion" is economic compulsion to work for wages.

Foreign arrivals, especially new one, are seen as being harder workers, more reliable and loyal than their domestic counterparts as well as prepared to work longer hours due to their lack of choice and the large volume of accessible labour at the bottom of the labour market [MacKenzie and Forde 2009]. Therefore, intensive competitive pressure from and amongst foreigners in addition to an imbalance of power in the employer-worker relationship can increase the risk of labour exploitation in agriculture.

Table 2 classifies the EU countries in terms of risk tiers and gives an evidence of migrant labour exploitation in agricultural sectors of these countries.

Table 2

Risks and signs of foreign labour exploitation in agricultural sectors in the EU countries

Countries by tier placement	Description
1	2
Tier 1	
Cyprus	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Foreign migrants (mainly from South and South-East Asia) and asylum-seekers (from South-East Asia, Africa and Eastern Europe) are subjected to forced labour in agriculture. Migrant workers are subjected to debt bondage, threats and withholding of pay and documents
the Czech Republic	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Men and women from Ukraine, Romania, Bulgaria, Moldova, Mongolia, the Philippines, Russia, and Vietnam are subjected to forced labour, typically through debt bondage, in agriculture and forestry
Italy	AF&F is first top economic sector in which workers are at risk of labour exploitation. Men from Africa, Asia, and Eastern Europe are subjected to forced labour through debt bondage in agriculture in southern Italy
the Netherlands	AF&F is first top economic sector in which workers are at risk of labour exploitation. The destination country for men, women, and children from Eastern Europe, Africa, and South and East Asia subjected to forced labour, such as agriculture, horticulture and food processing
Poland	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Men and women from Poland are subjected to forced labour in Europe, primarily Western and Northern Europe
Portugal	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Foreign labour trafficking victims (mainly from Africa and Eastern Europe) are exploited in agriculture. Poor and uneducated Portuguese in the country's rural interior are especially vulnerable to forced labour networks in Spain
Spain	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Men and women from China, India, and Pakistan are subjected to forced labour in the agricultural sector. Victims are recruited by false promises of employment in the agriculture and forced into debt bondage upon their arrival to Spain

Table 2 cont.

1	2
United Kingdom	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Migrant workers (including those from Poland) are subjected to forced labour in agriculture and food processing. In Northern Ireland, migrants from Albania and Romania are vulnerable to forced labour in agriculture
Austria	AF&F is the second top economic sector in which workers are at risk of labour exploitation. Forced labour occurs in the agricultural sector
France	AF&F is the second top economic sector in which workers are at risk of labour exploitation
Slovakia	AF&F is the second top economic sector in which workers are at risk of labour exploitation. Slovak men and women are subjected to forced labour in agriculture in Western Europe, primarily in the UK
Ireland	AF&F is the third top economic sector in which workers are at risk of labour exploitation. No reported victims of forced labour in agriculture. Ghanaian, Filipino, Egyptian, and Indian migrant fishermen endure conditions possibly indicative of forced labour (including debt bondage, document retention, restriction of movement, and non-payment of wages, dangerous working conditions, and verbal and physical abuse)
Belgium	Foreign migrant men are subjected to forced labour in horticulture sites and fruit farms
Denmark	Migrants (from Eastern Europe, Africa, South-East Asia, and Latin America) are subjected to labour trafficking in agriculture through debt bondage, withheld wages, abuse, and threats of deportation
Finland	Many legal migrants are exploited in the agriculture and as gardeners. Seasonal berry pickers, many of whom arrive from Thailand, are especially vulnerable to labour exploitation
Germany	Victims of forced labour (predominantly European, including Bulgarians, Poles, and Romanians, as well as Afghans, Pakistanis, and Vietnamese) are exploited on in agriculture and meat processing plants
Lithuania	Some Lithuanian men are subjected to forced labour in Ireland, the United Kingdom, and the United States, including in agriculture.
Sweden	Destination country for man and women from Eastern Europe, Africa, the Middle East, and Asia) subjected to forced labour in agriculture, forestry, and as seasonal berry pickers
Slovenia	No information on reported victims of forced labour in agriculture
Tier 2	
Greece	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Victims of forced labour are primarily children and men from Eastern Europe, South Asia, and Africa. Migrant workers (mainly from Bangladesh, Pakistan, and Afghanistan) are susceptible to debt bondage, reportedly in agriculture
Croatia	AF&F is the third top economic sector in which workers are at risk of labour exploitation. In previous years, Bosnian and Romanian women and men have been subjected to forced labour in Croatian agriculture

Table 2 cont.

1	2
Hungary	AF&F is the third top economic sector in which workers are at risk of labour exploitation. Hungarian men and women are subjected to forced labour abroad, including in the UK, the Netherlands and other European countries. Labour trafficking of Hungarian men in Western Europe has intensified in agriculture
Malta	AF&F is the third top economic sector in which workers are at risk of labour exploitation
Estonia	Men and women from Estonia are subjected to conditions of forced labour within in Europe, and in Australia in seasonal jobs
Latvia	Latvian men, women and children are subjected to forced labour in other parts of Europe, particularly in the construction and agricultural sector
Luxembourg	Forced labour, sometimes involving Chinese or Eastern or Southern European men, women, and children, occurs in various sectors
Romania	Romanian women and men have been subjected to forced labour in the Croatian, Czech, German and Hungarian agricultural sectors
Tier 2 Watch list	
Bulgaria	AF&F is the first top economic sector in which workers are at risk of labour exploitation. Bulgarian men, women, and children are subjected to forced labour in other European states and Israel, predominantly in agriculture, construction, and the service sector

Source: Author's own compilation based on FRA [2015], U.S. Department [2016].

In 10 of 21 EU countries under FRA investigation (i.e. Bulgaria, Cyprus, the Czech Republic, Greece, Italy, the Netherlands, Poland, Portugal, Spain and the United Kingdom), “Agriculture, forestry and fishing” has been ranked as the first among the top economic sectors with workers exposed to the risk of labour exploitation.

Examples of exploitation experienced by immigrants

The source of information to give a snapshot of cases of forced labour in European agriculture is an analysis of press articles and other media materials. The characteristics of the exploitation stories are described in Table 3.

Several most frequent and striking recent cases of exploited migrants (including asylum-seekers) revealed by surveyed media occur from farm sectors in Greece, Italy, Spain and the United Kingdom. It does not necessarily mean, however, that this phenomenon is less profound in other EU countries. The coverage by media depends, among others, on their responsibility in shaping public discourse about foreign labour exploitation, an awareness of the various forms of severe labour exploitation as well as on the detection of situations of labour

Table 3
Media releases on labour exploitation in agriculture

Source	Country/coverage
1	2
The United Kingdom	
Taylor and Sturdy [2013] BBC	Eastern Europeans (including Latvians and Lithuanians) employed in the Fens to pick leeks are trapped in a widespread network of exploitation. They were forced to pay fellow countrymen bribes to get a few days' work in the field – and some were left to live on less than 1 GBP a week. Some of them were being paid below the minimum wage. Many were trapped in debt after being fined up to 1,000 GBP for failing to turn up for work. Migrant worker paid 236 GBP to be trafficked from Lithuania on the promise of a job but when he arrived, he was dropped off to queue up at a recruitment agency
Lawrence [2015] The Guardian	Lithuanians who were trafficked to work in farms producing eggs for high street brand said they were the victims of violence, described the process of being debt-bonded on arrival, and spoke of their accommodation riddled with bedbugs and of becoming so hungry that they ate raw eggs. They were denied sleep and toilet breaks, forced to urinate into bottles and defecate into carrier bags in their vehicle
Lawrence [2016a] The Guardian	A Kent-based gangmaster couple have agreed to a landmark settlement worth more than 1 million GBP in compensation and legal costs for a group of Lithuanian migrants who were trafficked to work on farms producing eggs for high street brands
Lawrence [2016b] The Guardian	Twelve farm workers living in a caravan with no water, sanitation, lighting, heating or cooking facilities. Thirty workers living in a two-bedroom house that was structurally dangerous, threatened by men wielding baseball bats if they complained
Greece	
France 24 [2013]	Two men have been arrested in Greece after foremen for strawberry growers allegedly shot and wounded 27 migrant labourers (mainly from Bangladesh), demanding long-overdue payment
Vassilopoulos [2013] World Socialist	Around 800 foreign farm workers (mainly Pakistani) descent struck last week in the Greek town of Skala (region of Lakonia). The strike was called in protest against delays in payment, poor living conditions and racist treatment at the hands of the Greek police
The Netherlands	
DutchNews.nl [2015]	Social affairs ministry inspectors found problems at 20% of 187 mushroom farms inspected between 2011 and 2014, despite extra efforts to stamp out exploitation. In total, 236 workers were discovered without permits, most of whom came from Bulgaria, while 193 workers, mainly Bulgarian and Polish nationals, were being paid below official rates
Hortidaily [2016]	Polish interviewees reported that their work was physically demanding, and many reported about ensuing physical ailments, ranging from muscle, back or joint problems (in distribution centres) to skin irritation after exposure to chemicals (in greenhouses)

Table 3 cont.

1	2
Finland	
Migrant Tales [2013]	Fifty berry pickers from Thailand have decided to fight for their rights and better working conditions. An article by Helsingin Sanomat showed that these migrants, who pay for their plane tickets, insurance and lodging while in Finland, make 2.40 EUR an hour working for Sotkamo-based berry company Ber-Ex
Spain	
Lawrence [2011] The Guardian	Thousands of illegal migrants used to grow salad vegetables have been uncovered in southern Spain. Migrant workers from Africa were living in shacks made of old boxes and plastic sheeting, without sanitation or access to drinking water. Wages were routinely less than half the legal minimum wage. Workers without papers being told they will be reported to the police if they complain
The Local.es [2016]	Five Romanians have been arrested suspected of exploiting their fellow countrymen after luring them to work in the fruit and vegetable harvest in Seville and then not paying them for their labour. The workers did not receive any kind of financial remuneration for their work. Romanians were squeezed into often abandoned houses, in deplorable sanitary conditions where they were threatened and which they could not leave except to work in the fields
Italy	
Buttler [2015] The Guardian	Illegal gangmasters known as <i>caporali</i> were taking a cut of workers' pay and social contributions leaving them earning as little as 3 EUR an hour over a 10- to 12-hour working day. Legally employed workers would take home 8.20 EUR an hour
Jordans [2015] Thestar.com	The majority of migrants harvesting potato fields near Syracuse live in dilapidated shacks in the fields without any services, without water, without toilets. They cook with a little fire on the ground putting big pots on top and they work all day long
Tondo [2016] The Guardian	Migrant labour makes good business sense – both for local farmers and for the <i>caporali</i> , labour contractors who recruit men and women to work illegally in Sicily's agricultural sector. Some African workers say they are being paid just 2 EUR (1.72 GBP an hour), 7.50 EUR below the legal minimum wage – with no contract or health insurance
Totaro [2016a] Reuters	Vast army of vulnerable, often stateless North African and Eastern European migrants used to pick tomato crops are controlled by illegal work-gang masters and held in slave-like conditions in rural ghettos in Puglia
Totaro [2016b] The Australian	In the countryside of Puglia, asylum-seeker workers (mostly young men from Ghana, Nigeria and myriad sub-Saharan countries as well as from Iraq and Syria) are paid 3.50 EUR for a 75-kg box of tomatoes that could take hours to fill. Working days stretched from 3 am to 6 pm in 40°C-plus temperatures without shade or respite. The <i>caporali</i> refuse them to bring food or water and force them to pay 5 EUR each for transport to the fields and to return to the ghettos. Often they take workers' papers using this as leverage to keep them from fleeing and making them a kind of slave

Table 3 cont.

1	2
Poland	
Radio Poland [2015]	A report by the EU's Agency for Fundamental Rights has highlighted Poland as one of the EU countries where workers in the grey economy are most vulnerable to being exploited (with agricultural sector mentioned repeatedly, as no authority in Poland is permitted to monitor the working conditions on private farms). This lack of regulation has allowed Ukrainian children to be employed seasonally on Polish farms
France	
Mortimer [2016] Independent	Refugee boys sent from the demolished "Jungle" camp in Calais claim they have been pressed into forced unpaid work in fruit farms which provided food for supermarkets
Germany	
Sibilak [2015] Interia.pl	Did Polish seasonal workers employed behind the Oder become voluntary victims of perfectly organized system of slave labour? So says the man who the last twenty seasons worked in harvesting asparagus in Bavaria. According to him "Bauer imposed a murderous pace. It was not an ordinary job but one big race"

Source: Own compilation.

exploitation by monitoring bodies. In some EU countries, agricultural labour carried out on private property is entirely exempt from workplace inspections, and consequently it is difficult to detect cases of labour exploitation.

One of the examples is Poland, where the National Labour Inspectorate has no powers to control employee's conditions of work at sites of private agricultural holdings since farmers are neither employers nor entrepreneurs in the terms of the Act on freedom of economic activity [Ustawa o swobodzie... 2004].

According to the facts provided in Table 3, forced labour and other forms of exploitation of foreign migrants are more feasible in cases of multiple dependency on the agricultural employer, such as when the foreigner depends on the farmer not only for his job but also for housing, food, water, transportation and other necessities.

Concluding remarks

1. According to the standard view, exploitation is an act of taking unfair advantage of another person in order to benefit oneself. Economic theories generally perceive labour exploitation as an act of capturing the fruits of hired labour through wage rate lower than worker's (marginal) contribution to the value of (marginal) output. In legal and practical terms, labour exploitation

- goes beyond unfair remuneration for work, taking also the forms of deception, debt bondage, abusive working and living conditions, and others.
2. In many EU states, under-supply of domestic labour threatens the survival of their agriculture. To compensate for the shortage of domestic workers, farmers either legally or illegally source their own labour from abroad with the possibility of severe exploitation being hidden as the workers may be entirely confined to remote farms or because there is lack of workplace controls by authorities.
 3. Actually, numbers of migrant workers (from different parts of the world, including Central and Eastern Europe) have been trafficked to the EU agricultural sectors for exploitation, including severe one (forced labour). Foreign workers with irregular status (usually non-EU citizens) are susceptible to extreme exploitation.
 4. Action to counter foreign migrant exploitation in the agricultural employment relationships needs a profound understanding its various forms and indicators by farm employers and employees, research institutions, public authorities, media, and the public as a whole.
 5. One of the ways of combating labour exploitation is to reduce its economic attraction for perpetrators through increasing the costs and risk of detection for exploiters (for instance by imposing and/or applying penalties against perpetrators of forced labour) as well as through setting and enforcing minimum wages.
 6. In order to explore more detail about contemporary phenomenon of exploitation of migrant farm labourers in the EU, reliable and comparable data on foreigners employed in member states' agriculture should be publicly available. Comprehensive statistics provided by official sources (e.g. national statistical agencies, Eurostat, Labour Force Surveys) could play essential role both in monitoring the trends in foreign labour supply as well as in investigating employment and living conditions of foreign (EU and non-EU) nationals working in agricultural sectors of host countries.

References

- ANDERSON B., ROGALY B., 2009: *Forced Labour and Migration to the UK*, Study prepared by COMPAS in collaboration with the Trades Union Congress, http://www.ituc-csi.org/IMG/pdf/Forced_labour_in_UK_12-2009.pdf.
- ARNESON R.J., 1981: *What's Wrong with Exploitation?*, *Ethics* 91 (2), 202–227.
- BUTTLER S., 2015: *UK Shops Urged to Look at Italian Tomato Sourcing Over Exploitation Concerns*, *The Guardian*, 10 December 2015.

- Charter of Fundamental Rights of the European Union*, Official Journal of the European Communities, 2000, C 364/1.
- Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers*, Official Journal of the European Union, L94/375.
- Due Diligence in Agricultural Supply Chains: Counteracting Exploitation of Migrant Workers in Italian Tomato Production, 2016. Oslo, London, Copenhagen: Joint Ethical Trading Initiatives.
- DutchNews.nl, 2015: *Many Mushroom Farmers Still Exploiting Their Workers*, 8 June 2015, <http://www.dutchnews.nl/news/archives/2015/06/many-mushroom-farmers-still-exploiting-their-workers>.
- Employer Sanctions Directive – Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*, Official Journal of the European Union, L168/24.
- European Union Agency for Fundamental Rights – FRA, 2015: *Severe Labour Exploitation: Workers Moving within or into the European Union States’ Obligations and Victims’ Rights*, Publications Office of the European Union, Luxembourg.
- France 24, 2013: *Two Arrested after Migrant Workers Shot on Greek Farm*, <http://www.france24.com/en/20130418-greece-hunts-foremen-after-migrant-workers-shot>.
- HAILBRONNER K., THYM D. (Eds), 2016: *EU Immigration and Asylum Law. A Commentary*, C.H. Beck, München.
- Hortidaily, 2016: *Polish Workers Exploited in the Netherlands*, 29 June, 2016, <http://www.hortidaily.com/article/27302/Polish-workers-exploited-in-the-Netherlands>.
- International Labour Organisation – ILO, 1930: *Convention Concerning Forced or Compulsory Labour* (Entry into force: 1 May 1932). Adoption: Geneva, 14th ILC session (28 June 1930); Status: Up-to-date instrument (Fundamental Convention).
- International Labour Organisation – ILO, 2012: *Indicators of Forced Labour*, International Labour Office, Geneva.
- JORDANS F., 2015: *Italy’s Migrant Workers Forced to Take on Farm Labour*, Thestar.com, <https://www.thestar.com/news/world/2015/05/09/italys-migrant-workers-forced-to-take-on-farm-labour.html>.
- KASIMIS Ch., PAPADOPOULOS A.G., ZACOPOULOU E., 2003: *Migrants in Rural Greece*, *Sociologia Ruralis* 43 (2), 167–184.
- LAWRENCE F., 2011: *Spain’s Salad Growers Are Modern-day Slaves, Say Charities*, The Guardian, 7 February 2011, <https://www.theguardian.com/business/2011/feb/07/spain-salad-growers-slaves-charities>.
- LAWRENCE F., 2015: *Lithuanian Migrants Trafficked to UK Egg Farms Sue ‘Worst Gangmaster Ever’*, The Guardian, 10 August 2015.
- LAWRENCE F., 2016a: *Gangmasters Agree to Pay More than £1m to Settle Modern Slavery Claim*, The Guardian, 20 December 2016, <https://www.theguardian.com/uk-news/2016/dec/20/gangmasters-agree-1m-payout-to-settle-modern-slavery-claim>.
- LAWRENCE F., 2016b: *Attempts to Stop Exploitation by Gangmasters Must Not Be Undermined*, The Guardian, 6 March 2016.

- The Local.es, 2016: *Five Arrested Over Exploiting Romanian Workers in Spain*, 16 January 2016, <http://www.thelocal.es/20160116/five-arrested-in-spain-over-exploiting-romanian-farm-workers>.
- MacKENZIE R., FORDE Ch., 2009: *The Rhetoric of the 'Good Worker' Versus the Realities of Employers' Use and the Experiences of Migrant Workers*, *Work, Employment & Society* 23 (1), 142–159.
- MARX K., 1867/1887: *Capital. A Critique of Political Economy, Volume I, Book One: The Process of Production of Capital*, Progress Publishers, Moscow, <https://www.marxists.org/archive/marx/works/download/pdf/Capital-Volume-I.pdf>.
- Migrant Tales, 2013: *Thai Berry Pickers in Finland are Between a Rock and a Hard Place*, September 22, 2013, <http://www.migranttales.net/thai-berry-pickers-in-finland-are-between-a-rock-and-a-hard-place>.
- MORTIMER C., 2016: *Calais Refugee Children Forced to Work on Fruit Farms and Share Accommodation with Adults, Charity Claims*, Independent, 19 November 2016, <http://www.independent.co.uk/news/world/europe/calais-jungle-refugee-crisis-child-forced-labour-fruit-farms-reception-centre-a7427396.html>.
- Osservatorio Placido Rizzotto, 2014: *Agromafie e Caporalato, Secondo Rapporto*, Ediesse.
- PIGOU A.C., 1948: *The Economics of Welfare*, Transaction Publishers, New Brunswick and London.
- POLLARD D., 2012: *The Gangmaster System in the UK: Perspective of the Trade Unionist*, [in:] S. Barrientos, C. Dolan (Eds) *Ethical Sourcing in the Global Food System*, New York, Earthscan from Routledge, 115–128.
- Radio Poland, 2015: *Migrant Workers in Poland at Risk of Exploitation*, 3 June 2015.
- ROEMER J.E., 1982: *A General Theory of Exploitation and Class*, Harvard University Press, Cambridge, MA.
- SIBILAK M., 2015: *Praca sezonowa czy dobrowolne niewolnictwo?*, Interia.pl, 11 January 2015, <http://biznes.onet.pl/praca/prawo-pracy/praca-sezonowa-czy-dobrowolne-niewolnictwo/42g62n>.
- STEINER H., 1984: *A Liberal Theory of Exploitation*, *Ethics* 94 (2), 225–241.
- STEINER H., 2010: *Exploitation Takes Time*, [in:] J. Vint, J.S. Metcalfe, H.D. Kurz, N. Salvadori, P.A. Samuelson (Eds), *Economic Theory and Economic Thought: Essays in Honour of Ian Steedman*, Routledge, London and New York, 20–29.
- STRAUSS K., 2013: *Unfree Again: Social Reproduction, Flexible Labour Markets and the Resurgence of Gang Labour in the UK*, *Antipode, A Radical Journal of Geography* 45 (1), 180–197.
- TAYLOR J., STURDY J., 2013: *Fens Migrant Workers 'Exploited'*, *BBC Finds*, BBC News, 30 September 2013, <http://www.bbc.com/news/uk-england-24108665>.
- TONDO L., 2016: *Ours Are the Hands and Faces of Slavery: The Exploitation of Migrants in Sicily*, *The Guardian*, 24 November 2016.
- TOTARO P., 2016a: *Calls Mount to Stop Abuse of Migrant Workers in Italy's 'Red Gold': the Tomato Sector*, *Reuters World News*, 29 March 2016, <http://www.reuters.com/article/us-italy-migrants-slavery-idUSKCN0WV13U>.
- TOTARO P., 2016b: *Italian Tomatoes the Product of Migrant 'Slave Labour'*, *The Australian*, 30 January 2016, <http://www.theaustralian.com.au/news/inquirer/italian-tomatoes-the-product-of-migrant-slave-labour/news-story/fece485267a1dd13b34a9ac78718208d>.

- U.S. Department of State, 2016: *Trafficking in Persons Report June 2016*, U.S. Department of State Publication, Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, Washington D.C.
- United Nations – UN, 1955: *Slavery Convention Signed at Geneva on 25 September 1926, and amended by the Protocol*, New York, 7 December 1953.
- United Nations – UN, 2000: *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing The United Nations Convention Against Transnational Organized Crime*.
- Ustawa z dnia 2 lipca 2004 r. o swobodzie działalności gospodarczej, Dz.U. 2004 nr 173, poz. 1807.
- VASSILOPOULOS J., 2013: *Pakistani Migrant Fruit Pickers in Greece Strike over Inhuman Conditions*, World Socialist Web Site, 15 July 2014, <https://www.wsws.org/en/articles/2014/07/15/gree-j15.html>.
- VROUSALIS N., 2013: *Exploitation, Vulnerability, and Social Domination*, Philosophy and Public Affairs 41 (2), 131–157.
- WASLEY A., 2011: *Bitter Harvest: How Exploitation and Abuse Stalks Migrant Workers on UK Farms*. The Ecologist, http://www.theecologist.org/News/news_analysis/1083134/bitter_harvest_how_exploitation_and_abuse_stalks_migrant_workers_on_uk_farms.html.
- ZWOLINSKI M., WERTHEIMER A., 2016: «*Exploitation*», The Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/archives/fall2016/entries/exploitation/>.

Eksploatacja siły roboczej migrantów w rolnictwie Unii Europejskiej

Abstrakt

Badanie ma na celu przyczynienie się do pogłębienia zrozumienia zjawiska wykorzystywania (wyzysku) siły roboczej i jego objawów. W artykule przedstawiono koncepcje eksploatacji siły roboczej, wykorzystując teoretyczną perspektywę zaproponowaną przez Marksa, ekonomistów neoklasycznych, libertarian oraz filozofów politycznych, a także formalne/prawne podejście zawarte w protokołach ONZ i dyrektywach UE. Badanie bazuje na przeglądzie literatury naukowej, oficjalnych raportów oraz artykułów prasowych i innych doniesień medialnych. W artykule jednoznacznie wykazano, że eksploatacja zagranicznych migrantów zarobkowych rzeczywiście istnieje w sektorach rolnych UE, a co więcej, że należą one do czołowych sektorów gospodarki o najwyższym ryzyku nadmiernego wykorzystywania siły roboczej. W 10 krajach UE sektor rolnictwa, leśnictwa i rybołówstwa został uplasowany na pierwszym miejscu wśród sektorów, w których zatrudnieni najbardziej narażeni są na ryzyko eksploatacji. Cudzoziemscy pracownicy rolni doświadczają wielu form wykorzystywania, po-

cząwszy od nędznych wynagrodzeń, poprzez niewolnictwo za długi, a kończąc na fizycznym i psychicznym znęcaniu się. Ofiary tego procederu w UE pochodzą z różnych części świata: Afryki, Azji oraz Europy Środkowej i Wschodniej (w tym z innych krajów UE).

Słowa kluczowe: wykorzystywanie pracowników, praca przymusowa, migranci zagraniczni, sektor rolny, UE