

Flexible and Insecure

Seasonal Workers in German Agriculture



Flexible and Insecure

Migratory labourers have been of great importance in the harvesting of fruit and vegetables in Germany for many years. Around 314,000 people come to Germany every year to cut asparagus and harvest strawberries, apples, and cucumbers. These labourers make up around 60% of all agricultural workers in the country. The great majority of these people come from Poland, Bulgaria, and Romania. “Flexible insecurity” is the term that best describes the nature of seasonal migrant agricultural labour in Germany: a short stay for a limited amount of work marked by flexibility and mobility as well as no integration into social security systems or the society of the country of employment.

In order to improve the rights of this group of workers, information centres and trade union staff conduct on-site visits, make use of social media and provide multi-lingual informational brochures to explain labour legislation relating to the agricultural sector.

Workers can defend themselves only if they are aware of their rights. Information tours have been conducted in a number of German regions since 2015. In these regions, people are visited in the fields and in their accommodations and provided with informational materials.

We have identified six core problems in the area of migratory agricultural labour:

- Circumvention of the minimum wage
- A lack of written work contracts
- Non-transparent documentation of working hours and pay
- Dubious deductions for food, accommodation, and work materials
- A lack of or insufficient health and safety measures
- Long working hours

We interviewed individuals working in information centres for migrant labourers about their work as well as achievements made in the area of migrant labour in Germany. The summary offers an overview of these achievements and possible courses of action.



Achievements

Establishment of information centres

Information centres for migratory labourers were established in a number of regions with the aid of public funding. They provide workers from all sectors with information regarding their rights and practical help.

Language skills

The advisors have the necessary language skills, particularly knowledge of Eastern European languages, required to counsel workers in their native languages.

On-site work – a visit to the countryside

Increasingly, targeted contact with workers on the farms is a focus of such work. Personal contact in the fields helps to build up trust. It could be observed that regions that undergo repeated on-site visits experience an increase in advisory sessions for agricultural workers.





Informational material and disseminating knowledge

Brochures in six languages and posters in four languages with specific information concerning agricultural work were produced. These are distributed and updated regularly. Information in workers' native languages makes the regulations and laws pertaining to seasonal workers more transparent.



Payment of outstanding wages

Workers seeking advice draw frequently on support from information centres as well as trade unions when fighting for and receiving outstanding wages.



Social media

Many experiments in the use of social media such as Facebook, webpages, and videos have been carried out. Information in several languages has been produced and distributed. Such media allows more people to be reached, and this means more information can be disseminated through social networks.



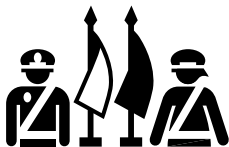
Contacts among migrant worker networks

Personal contact with workers in their native languages and the use of social media allows for increasing contacts in workers' communities. Knowledge is disseminated directly which creates more trust in the advisors as well as the trade union.



Stakeholder networking

Networking among information centres, state agencies, initiatives, and trade unions is growing.



Cross-border cooperation

Cooperation with trade unions, employment offices, and the authorities in Poland and Romania is increasing. Information centres are being promoted by relevant authorities and embassies and contacts are being made. More workers are seeking advice now.



Prevention

Preventative advisory structures in the sending countries were established by means of cross-border cooperation, and conducting preparatory seminars are held for workers before they take up employment abroad. Increasing numbers of people are contacting the information centres before the start of the working season.



Public relations work

Information is provided to the public by means of television reports, newspaper articles, taking part in trade fairs and conferences, as well as by participation in scientific studies.



Cooperation with state agencies

For example, cooperative projects are being carried out with customs authorities as well as the labour inspectorate. In 2017 the central customs office in Rhineland-Palatinate conducted raids on six farms. Regional public prosecutors are investigating.

Courses of Action

Much has been achieved, but there is still a great deal left to do!

On-site work – a visit to the countryside

Many migrant workers in the agricultural sector have not yet been reached. In order to expand our support, worker access to trade unions, and opportunities for organizing, on-site visits must be continued. Extensive informational tours at the beginning of the agricultural season can offer a new approach to these issues.



Improving legal knowledge

On-site work, the use of social media, and the distribution of informational brochures are all aimed at informing as many workers as possible about their legal rights. Workers can defend themselves only if they are aware of their rights.



Fostering prevention

More knowledge relating to labour laws and informational seminars must be provided in migrant workers' countries of origin before they take up work.



Achievements and trust offer encouragement

By means of personal contact, confidence-building work must be further developed and knowledge about achievements already made must be shared.



Self-organization

We support workers in their organizing efforts by, for example, offering working-time calendars, information regarding trade unions, and forms for making wage claims in various languages or by taking part in collective labour disputes by means of campaigns.



Expanding the use of social media and experimenting with new forms

More people could gain better access if platforms for information exchange as well as materials regarding support programmes and labour law were easier to find in the internet. Access to such information could be more effectively disseminated in the communities by means of social networks such as Facebook and Twitter.



Creating a comprehensive range of consulting services

The demand for advice on labour law is increasing, yet this demand cannot be met in all areas. In some regions of Germany there are not enough information centres. With the great increase of numbers of people seeking advice, an expansion of information services is urgently required.



Written work contracts

With the first day of employment, a work contract in the worker's native language has to be provided.



Cooperation with state agencies – inspections

Circumvention of minimum wages and violations of current labour laws on the part of the employer must be prosecuted and punished consistently. Illegal placing practices must be prohibited.





Transparent recording of work time and prompt payment of wages

Every worker is entitled to his or her wages as well as the weekly inspection of documentation regarding work times. Wages are to be documented on a pay slip, and this must be provided along with wages at least once a month. If wages are paid at the end of the season, then monthly interim pay slips must be distributed.



Cross-border cooperation

Projects with relevant stakeholders of trade unions, administration, and politics in the countries of origin must be expanded. Here, cooperation with Bulgarian and Romania is of the utmost importance.



Stakeholder networking

Networking and information exchange among existing advisory structures and other stakeholders is necessary: among trade unions, lawyers, and other providers of information regarding subjects such as human trafficking, precarious work and residency status, discrimination in the workplace, and cooperation with regional authorities.



Employers' obligation to provide information

Employers should be obligated to display current labour laws in the respective languages in workers' accommodations on the farm premises.



Establishment of programmes for further qualification

Educational offerings, further education programmes, and online tools for acquiring qualifications, particularly vocational qualifications for migrant workers, should be established.



Occupational health

Campaigns aimed at preventing health risks inherent to outdoor work (such as non-melanoma skin cancer) must be promoted.



Inclusion of European occupational safety principles in the cross-compliance system

The European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) demands that instruments aimed at protecting workers be included in EU agricultural policy (CAP). One concrete suggestion is the integration of European regulations on occupational health and safety (primarily Council Directive 89/391/EEC) into cross-compliance. Employers who do not employ workers according to European guidelines should not be able to receive direct payments.



Best practice – good employers

Examples of agricultural operations with good working conditions should be publicized.



Public relations work

The expansion of public relations activities is crucial: Cooperation with regional press and organizations in the area (mayors, occupational safety, associations, and consumer organizations).

Who are we?

The PECO Institute for Sustainable Development is an institution with close ties to trade unions. For many years we have focused on the sphere of migrant labour. We observe and research agricultural migrant labour from a number of perspectives and work at the national and European levels together with trade unions, associations, scientific institutions, and NGOs. We support informational and educational programmes for the people who grow and harvest fruit and vegetables in the fields.

www.peco-ev.de

