



## AGREE PROJECT

Second Phase: Field Research

Catalonia. Spain





Field Research carried out by Daniel Garrell Ballester, Fundació Cipriano Garcia, within the framework of the AGREE Project.

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## 1.INTRODUCTION

The criteria used to decide the area in which the case study was to be carried out in Spain were eminently practical. The organizations conducting the project, the trade union *Comissió Obrera Nacional de Catalunya* and the *Fundació Cipriano García*, are Catalan organizations that have their headquarters and field of activity in Catalonia. This fact gives them a high degree of familiarity with the area and of the agents that interact with foreign agricultural workers in the territory. Another factor is that carrying out the case study in another, more remote area of Spain would have increased the costs of field work considerably.

Once the decision had been taken to carry out the Project in Catalonia, it was necessary to decide which particular area or county to focus on. One must take into account the fact that there are a number of agricultural areas in Catalonia with a diversity of conditions in terms of production and the organization of agricultural work, depending on the crop and how the methods of production and organization have changed over the last few decades. This diversity means that there is a corresponding diversity in the presence of foreign agricultural workers and the ways in which they participate in production.

Finally, we decided to compare two areas that we considered, a priori, to have very different and, in part, opposite characteristics, so that the comparison would give us the opportunity to relate different situations to the factors that cause them and that this would give us a better idea of the possible best practices and their effect on the phenomenon.

The areas selected were the El Maresme, a *comarca* (county) located in the central coast area of Catalonia, and the counties of Montsiá and Baix Ebre, both of which lie in the most southerly part of Catalonia. El Maresme is a county that is located near to the city of Barcelona and its agricultural activity has been focused on intensive methods of production for the last 30 years, with a growing trend towards crops cultivated under plastic sheets (in greenhouses). The main produce is market vegetables, as well as flowers and decorative plants. This type of intensive production, and especially the use of plastic sheets and other greenhouse methods, means that activity is year round and there is little temporary seasonal work. This way of organizing the working year favours a certain degree of working stability, at least a priori. During this period of growth, social agents, unions, business associations and local government, together with the local delegation of the Inspectorate of the Ministry of Work, have all carried out various forms of intervention, as well as coordinating and establishing common criteria for action. The result is that, at least until the beginning of the economic crisis, the working conditions of foreign workers in agricultural production enjoyed high levels of normality and although it cannot be said that overexploitation practices had been completely eradicated, they had practically disappeared. This process is directly related to the processes of settlement and integration of foreign workers in the social life of the area. The level of family

reunification is very high, in line with the high percentage of stable workers and the fact that most of them have work permits.

The counties of Baix Ebre and Montsiá are located in the most southerly part of Catalonia. They occupy a position on the shores of the Mediterranean on both sides of the mouth of the River Ebro. The main crops in the area, in terms of volume of production, are extensive in nature: citrus fruit, rice, olives and sweet fruit. The system of production of these crops is largely based on seasonal working periods, and most of the labour force involved is therefore seasonal. These are areas to which foreign workers arrive late and in a less transparent way, which makes it more difficult to obtain information concerning their situation. Indeed, the difficulties in communication were such that it proved impossible to interview one single foreign agricultural worker.

The definitive table of interviews is therefore as follows:

1	Chief Inspector of Group 4 (UCRIF) <sup>1</sup>
2	Work Inspectorate. Assistant Director of Work Inspectorate in Catalonia. With experience in Maresme.
3	Union officer responsible for immigration policies 20014 – 2012.
4	Lawyer and member of the Technical-Legal Cabinet of Comisiones Obreras de Cataluña trade union
5	Businessman and head of the FEPEX Spanish business owners association.
6	Work Inspector in Tarragona Province. Responsible for the Ebro Delta.
7	Union Officer. General Secretary of the Food and Agriculture Federation of Comisiones Obreras in Tarragona. Responsible for the Ebro regions.
8	Advisor at the Information Centre for Foreign Workers in Tarragona. With experience in the Ebro regions.
9	Union Officer in the Food and Agriculture Federation of Comisiones Obreras de Cataluña. Responsible for the Barcelona area including Maresme.
10	Member of Asociación Planeta. (Association for the promotion of the cultures and the integration of foreign nationals).
11	Head of the Service of Citizens' Rights and Community of Mataró city council (Maresme)
12	Coordinator of the temporary workers area of Unió de Pagesos, an association of small farmers.
13	Foreign worker.
14	Foreign worker.
15	Foreign worker.
16	Judge. Social affairs jurisdiction.
17	Foreign worker.
18	Foreign worker.

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<sup>1</sup> Anti Trafficking, Illegal Immigration and Document Fraud Unit of the Spanish Police

## 2. AGRICULTURAL WORK AND THE EXPLOITATION OF IMMIGRANT WORKERS IN SPAIN

### 2.1. The organization of agricultural work. Businesses and workers.

The main crops that are produced using foreign workers in Maresme are flowers, ornamental plants and strawberries. In the Ebro delta foreign labour is used primarily in the cultivation of citrus and sweet fruits.

Opinions vary among respondents regarding the areas in which more situations of labor exploitation of foreign workers are detected. According to E.3 (union official) there exists more severe exploitation in Maresme because production is continuous in the region. There have been cases in which the union has intervened in which workers had been working for the same employer for 5 or 6 years without regularized contracts. In contrast, E.5 (agricultural business owner in Maresme) believes that areas with crops requiring only two or three days of work, such as citrus and grapes, are more likely to produce situations of severe exploitation, while crops that require more continuous work are less likely to do so:

*Yes, absolutely ... When contracts are for a whole season, or for more than eight, ten or fifteen days, things are done legally, because if not, the company is vulnerable to a labour department inspection, and to a fine .... They won't take that risk. But all those groups that are working for a day or two days are willing to take the risk. Do you understand what I mean? Then they think, "What the hell, we have to get the grape harvest in and it's only going to take a day or so; let's go ahead and see what happens".*

E.7 (Ebro region union official), believes that situations of severe exploitation occur mainly in the cultivation of sweet fruit in the Ebro region, where most of the work is temporary.

To this, E.12 adds that although the type of crop favours cases of severe exploitation in the El Baix Ebre region, we must also take into account other factors such as its proximity to the Valencian Autonomous Community, the territory that borders the Catalan regions of the Ebro Delta. It is a territory in which working conditions in agriculture are inferior to those established by the collective agreement in force in Catalonia. Agricultural services with their headquarters in the Valencian Autonomous Community act in Catalonia applying conditions that are prevalent in Valencia. Below is an extract from his commentary:

*Let's see, the Baix Ebre has a problem: the main crops are basically oranges, which needs manpower, and it's very close to Valencia. Valencia is a no man's land and things are done there any old how, without proper regulation.*

*... In Valencia it is customary, though prohibited by law, to apply piecework rates during the orange picking season. We believe that it's ridiculous because people either have to work hard to earn their wages, or if the orange is not ripe enough that have to*

*be selected by hand and a man can work all day and take home practically nothing ... What's the reason behind all of that? It's the temporary employment companies, all of which come from the Valencia area: they take on people, put them to work on the orange harvest, which lowers the costs for the farmer while the worker earns whatever he can get. "*

Regarding the type of business and employers that exert or may exert severe labour exploitation, the majority of respondents believe that large companies larger companies, usually comply with the rules since they are not willing to risk a penalty and their size allows them to assume the extra costs resulting from regulatory compliance. By contrast, small family farms are more likely to take advantage of any opportunity to reduce labor costs at the expense of the working conditions of their workers. In this sense, E9 (union official Maresme) and E7 (representative of small farmers) point out that not all small farmers are the same. For E.9, it depends on the individual:

*"As I said, it pretty much depends on the individual. There are entrepreneurs with small farms and limited production who abide by the collective agreements and the conditions of their employees are good or relatively good ... But just next door, there's a neighbor with a similar or identical farm with conditions that are totally the opposite, being tantamount to severe exploitation."*

For E.7, those smallholders that are affiliated to the small farmers association (Unió de Pagesos) comply with the regulations concerning working conditions and the employment of foreign workers, recruiting workers with work permits and applying the working conditions established by collective agreements, while those that are not affiliated tend to "go their own way" and do not comply with the regulations.

### ***Intermediaries and human trafficking for the purpose of labour exploitation***

When asked about the existence of networks of human trafficking for labor exploitation, understood as transnational organizations that capture people in their countries of origin, get them into the country and once in place, overexploit them against their will, all respondents claim not to have seen any evidence of a phenomenon of this nature.

Most mention two types of intermediation. On the one hand, there are individuals or groups of individuals who know the employers and supply them with workers. These are normally foreigners who have spent some time in the area, and are usually, but not always, from the same country of origin. E.5 (a businessman) relates this type of intermediation to disinterested actions by family members or friends, while other respondents such as E.9 (union official) relate it to groups and individuals who, having lived in an area for years, take advantage of their status to negotiate the working conditions of these workers and, in some cases, their labour rights and work and residence permits. E.6 (Labour Inspector) also refers to these cases:

*... It's no longer possible to supervise this activity since it's in the hands of people who*

*are dealing, not so much with people themselves, as with their conditions, their legal status and their Social Security status.*

On the other hand, most interviewees speak about the existence of temporary employment or agricultural services companies that hire workers and offer a service of agricultural labour to farm owners. Farmers, and especially smallholders, use agricultural service companies, and know practically nothing about the labour conditions of their workers, especially in the citrus and sweet fruit regions of the Ebro, but also for specific short-term jobs in the Maresme. According to union spokespeople:

*...whether in the case of a temporary work companies (which in itself is a messy field) or simply the boss of a group. There's someone who's the boss of a group. They go straight to him and say, "I want you to harvest this or that". This person has 25 or 30 people under him. The farmer has no idea of the working conditions of the people in the group and simply pays the boss who shares out the money as he wants. (E.7).*

*Lately there has been a proliferation of service companies. Integrated service companies that traffic, really traffic in workers and put them in touch with business owners nearby or even 40 kilometres away, they just load them up in a van and take them... They are service companies and they have been reported to the authorities. (E.9)*

Finally, we must bear in mind the recovery in recent times of traditional recruitment methods, which consist of offering workers to employers in a kind of subterranean para-market. The workers know that at a certain location at a certain time, the landowner will be hiring the workers he needs for that day, offering the lowest possible conditions in the market. All the workers who are in the know attend and the farmer takes those he needs. The union official (E.9) confirms the existence of this practice:

*And more often it's the worker himself who offers himself in this way. It's always been the same... forty or fifty people are there waiting at a petrol station and along comes a farmer in a van and says, "I need two, three, four people... Climb in..."*

These systems of intermediation are directly related to undeclared agricultural activity, but not because there are agricultural holdings that do not declare their activity but because a part of their otherwise legal activities is not declared. Some respondents such as E.6 (Labour Inspector) (along with E.5) mention the system of taxes on economic activity, especially Value Added Tax (VAT), both on the sale of products and the purchase of goods to be used for production, as well as those related to employing workers. Not declaring the activity and the employment of workers is thus part of a strategy aimed at reducing costs. According to E.5 (business owner Maresme) and also E.7 (union official Ebro region), this occurs only on small family farms at specific times.

E.16 adds to this the phenomenon of law firms specialized in forging contracts and legalizing workers on behalf of human trafficking organizations. However, the cases that he knows about are not in the agricultural sector. Let's hear part of his story:

*But we've seen, and I've had, cases where claims are made by certain professional law firms or agencies that specialize in intervening in the legalization of workers. And they intervene in a mafia-style way. Why? I'm not talking now about open and legal approaches, but rather about firms specialized in forging contracts and getting court rulings based on what we were talking about before, through settlement, etc ... In creating ... voices that are part of a wider network specialized in legalizing workers so ... I mean they are not regularized, regularization ... They forge contracts, fake work situations in order to obtain court rulings... they have specialized in legalizing people that have only been in the country for a month or so". (E.16)*

## **2.2 Migrant workers in the targeted territory and their living conditions**

Most respondents believe that currently foreign workers in Maresme are of sub-Saharan origin, mainly from Senegal and Gambia. In the 1980s and 1990s these workers were mostly Moroccan, but these went to the construction sector and the vacuum they left was filled with sub-Saharan Africans. According to E.9 workers of Romanian origin are beginning to be present.

In the regions bordering the Ebro there still seems to be an important presence of Moroccan workers, but in recent years, according E.7 (trade unionist Ebro area) there has also been a significant presence of Indian and Pakistani workers. E.12 adds Romanian nationals to these national groups.

There is complete agreement in the fact that foreign agricultural workers tend to be younger males. There are few women working specifically in agriculture and they tend to perform skilled jobs in conditions of legality (E.9).

As for the integration of foreign workers, the respondents of Spanish origin believe that there is integration in the case of foreigners who have spent years in the country, brought their family and settled down here, but those who are alone and have been here for less time only maintain relations with their community of origin. This is the idea conveyed by E.8:

*..I would also differentiate between two very different groups: those who arrived here in the 1990s and got their papers in order because they were working in agriculture and have been working here for twenty years now. Many of them have become Spanish citizens and are still working in the same villages. They're quite settled, I would say since they've been working a long time and often for the same employers that originally recruited them. And then there those who arrived here later and are often undocumented and living in much more precarious conditions.*

In contrast, (E.10) who is responsible for an association of sub-Saharan workers in Maresme, thinks that their integration consists of little more than participation in activities organized by the town halls of their villages but with little further interaction with locals. Let's read his reflections:

*And I'm talking about local associations, run by local people and by the Federation of Neighbourhood Associations. They have been trying, for years, doing many activities. Outside of these activities each community remains in its own corner. That's the problem. (E.10)*

Regarding the issue of temporary work, there seems to be some consensus that in the Maresme area most of the work is on a relatively permanent basis, and temporary labour is only used for a few months. In contrast, it seems that on farms in the Ebro regions, because of the type of crops, there are more important temporary campaigns and turnover of workers (E.3, E.5 and E.6). E.6 explains that temporary workers in the Ebro region move between this area, other areas of Catalonia and the province of Castellon in the Valencian Autonomous Community.

### ***Living conditions***

Some interviewees mention cases of particularly difficult living conditions, linked to severe exploitation, with some cases involving the use of non-habitable living spaces and harsh conditions in the workplace. Take a case in which E.9 (union official Maresme) intervened:

*As I said before, they left them locked up there, there are cases when the farm is four kilometres from town, and they're left there and they don't take them to town. They have no cat to get around in and what's more they're locked up. There have been complaints to the Inspectorate based on their enclosure, lice, fleas ...*

But all respondents say that, in general, foreign workers live in villages. The newcomers, who have not yet achieved more or less stable legal and employment, often share a flat with colleagues from their own community; in some cases these are squalid, overcrowded apartments in conditions that can be quite precarious. In contrast, those who have been here longer and have achieved relative stability, live in acceptable conditions. This situation is described very well by E.6 (labour inspector Ebro area):

*We have visited farms and places where people are living in spaces that don't respect the minimum conditions. That been our experience, but people tend especially to get together in the centre of large villages or in cities, in places that are also in bad conditions but a little outside the ambit of their companies.*

Some of the respondents, such as E.2 (labour inspector Maresme) and E.4 (lawyer) and also E.9, say that the living conditions of these people are directly related to their working conditions, a precarious relationship that extends to the place where they live. E.4, as a lawyer, has come across cases in which workers lived in their workplaces and underlines the fact that this means an additional dependency of the worker on the arbitrary decisions of the business owner, since the loss of employment necessarily involves the loss of the corresponding living space. According to E.4, a paternalistic

relationship is established in which the worker adopts a servile attitude out of gratefulness to the business owner.

It is worth pointing out that, according to E.11 (council officer Maresme) the precarious living conditions of immigrant workers existed in the early days of mass immigration, between the 1980s and the beginning of the 21<sup>st</sup> century, but that is no longer the case since the local council, together with diverse NGOs, have intervened to eradicate situations of special need.

The opinions of a number of interviewees, who describe cases of precarious living conditions, contradict that idea.

### ***The evolution of the phenomenon***

In Maresme, the arrival and settlement of groups of foreign workers began in the 1980s. The first immigrants were Moroccan men who met a growing demand for agricultural workers. During the 1990s there was major growth in the demand and it reached its peak at the turn of the century. In this context an important intervention by various agents occurred to regulate the phenomenon. The most important role was played by local councils, especially that of Mataró, the capital of the region, alongside trade unions and the association of small farmers *Unió de Pagesos*.

Both E.1 (police officer) and E.6 (Ebro area labour inspector), as well as E.7 (Ebro area trade union official), consider that, while remaining precarious, the situation has stabilized, i.e. severe exploitation is widespread in this area, but apparently not growing. The number of official complaints has decreased, but E.6 attributes to the fact that workers often do not report their employers for fear of losing their jobs or being deported if they do not have a residence permit.

In the case of Maresme, there is also a consensus that the situation has worsened due to the economic crisis and that smallholders increasingly take advantage of the plight of foreign workers. As E.5 explains:

*Things have got worse since the beginning of the crisis. At one time we had the situation practically under control. I worked closely with the unions and at one point things were as calm as a millpond. But with the crisis the situation has gradually deteriorated and things are now worse than they were six or seven years ago.*

To this reality, we must add the appearance of agricultural service companies, about which we have already spoken, which work as intermediaries and worsen even more working conditions by bargaining with workers' labour rights and, in many cases, flouting labour regulations.

### 3. FORMS OF EXPLOITATION

An important point in the initial approach to this research approach was the ability to differentiate between severe forms of labour exploitation and forms of exploitation that we can consider to be "normal". This is because we set out from the idea that situations of objective exploitation are situations that go beyond simply generating economic profits through the practice of common business activities. That's why key witnesses were asked for their views on this difference in interviews, in order to attempt to frame their opinions on the situation of foreign agricultural workers.

In only one case have we considered that simple labour exploitation is derived from the simple capitalist relations of production, even though these relations are tailored to meet the applicable labour regulations and collective agreements. In other cases, labour exploitation is considered to be any breach of labour regulations or agreements, while there exists a total consensus that severe labour exploitation is a form of exploitation that goes some way beyond a simple partial breach of legality, being characterized by the abuse of a situation of the helplessness and fear of the workers in benefit of the business owner (E.2, E.4) and which only occurs with foreigners. This is what E.2 (labour inspector) has to tell us:

*These are workers who can be paid less because they will never report it, you can make them work more than the legal maximum hours per day for the same reasons. I think that a situation of severe exploitation would, in this case, be the exploitation of workers who don't have the instruments to react to the situation of exploitation. Even when the situations of a national worker and a foreign worker are similar, with the foreign worker things are always going to be worse for this reason.*

It therefore appears that that the question of whether or not an employment relationship can be described as a severe form of labour exploitation is a matter of degree, i.e. it is a situation that surpasses situations of partial abuse that are somehow accepted as "normal".

So, different situations of abuse stand out as examples of severe forms of the labour exploitation of foreign workers in agriculture. For example E.10 and E.11 consider that a severe form of labour exploitation occurs when all the applicable regulations are violated the worker is therefore at the mercy of the employer; in a situation of total arbitrariness with regards to wages, working hours and the form of payment of wages, with cases of payment in kind or when the provision of a dwelling place, however inadequate, is considered to be part of the remuneration package.

Some respondents speak of situations of slavery or semi-slavery, citing cases in which workers are retained in their workplaces, which also served as their dwelling places. This is the opinion expressed by E.3:

*But severe labour exploitation goes further, with workers without rights in the black economy working up to sixty or eighty hours a week and sometimes sleeping in the*

*same place where they work ... to some extent, workers often depend on the employer not only for work but also for aspects of their daily lives: for accommodation and for food ... We can talk about cases that are tantamount to slavery. "*

The main characteristics of the cases highlighted by the interviewees are related to three key factors in the working conditions of an agricultural worker, especially a temporary worker: wages, working hours and accommodation.

Abuses relating to working hours are especially due to the fact that the working day is not regulated and therefore depends on the wishes of the business owner. One especially scandalous example is that of the part-time contracts for the sweet fruit harvests in the Ebro region offered by a number of agricultural service companies that are in fact illegal and prohibited in the collective agreements regulating agricultural work. This is reported by both E.6 and E.7:

*A lot of the abuses that exist in this activity are related to part-time contracts that are not really part-time but rather full-time. But they're very difficult to control due to the ambiguity of the legislation. (E.6)*

*There have been cases, I don't know whether Cubo mentioned this in his interview, when they give the worker a part-time contract... A part-time contract during a harvest is a complete aberration... they are working non-stop all day... they should be working on full-time contracts. And if it rains, that's provided for in the collective agreement and workers are paid 10%... That's already taken care of. (E.7).*

Abuses in salaries are also related to the arbitrariness of the employer, to the fact that wages are not fixed or are changeable, but especially to the imposition of particularly exploitative wage conditions, now usually 50% below the salary stipulated in the collective agreement for the sector (E.5, E.7 and E.11). The worst abuse is when, even after agreeing on low wages, the workers are not paid at all for reasons that the foreign workers cannot control due to their position of vulnerability. This point was made by E.8:

*Undocumented immigrant workers are totally defenseless. There is no nothing they can do to defend themselves. So they end up accepting employment situations of semi-slavery or even direct slavery, because they are people working in subhuman conditions in which they endure many hours of work, and where wages are, well ... paid or not paid...even they have been working for a few months, as has happened here, and at the end of that time they're not paid anything, see? And they aren't entitled to report anything because they don't have legal permits and it's very difficult to prove. For me, that's an example of exploitation taken to the extreme...*

Wages can be paid in kind. If workers sleep in the workplace or are given food, it can be considered to be part of their wages, which serves to increase their dependency on their employer (E.3 and E.4). In fact, there are cases in which workers are working for their living space, food and the promise of working on the obtention of their residence and work permits (E.1 police officer working in immigration).

And finally there is the question of housing. In the case of temporary workers in agricultural campaigns the collective agreement requires employers to provide decent housing for every worker. In this aspect the majority of respondents highlighted cases in which the accommodation provided does not meet minimum living condition. In this sense, E.7 cites two examples in the Ebro region:

*And, well, I was told that two kids here from the farm next door went to Mollerussa, and the collective agreement (I'm speaking from memory), stipulated I think ... eight Euros an hour, but they were paying three Euros per hour. Three Euros! And they had to look after their own accommodation and everything. That's clearly a case of extreme exploitation. The inspectors went there... I gave them, a cutting from the newspaper... it was in Benissanet... and there was a kind of corral, with twenty or thirty Indians at the bottom, in terrible conditions... of hygiene and so on...*

These conditions underline what we said in Point 2; that living conditions, apart from the purely working activity, can reinforce the workers' dependency on the employer and thereby increase the degree of exploitation.

It is important to note that the conditions under which the migration process occurs act as a contributing and enabling factor in these situations of severe and quasi-slavery types of exploitation. On the one hand, there is the need to regularize the situation of the undocumented workers and, on the other, the threat of expulsion and the ensuing failure of the immigrant's plans. There is also the fact that, in most cases, the migration project is a family project. If the immigrant fails, the whole family that has invested their money in the project also fails. This fear of failure is one of the basis on which abuse is constructed, as E.4 explains:

*In many cases you find that the worker, after living in a state of semi-slavery for a year, believing that their employer is good and is doing them a favour, but a favour can last for a couple of months, three at most... the time it takes for the papers to be delivered to the government delegation and for there to be an appointment; but these workers find that it takes a year to make their first application, and as we all know, it is difficult to obtain authorization to regularize the worker's situation. We're talking about workers who have had to pay a lot of money to come to Spain, often their family's money, and they can hardly go back home on holiday ... So these situations become eternal: workers who have applied for residence as domestic workers and the contract never comes through... and then they're fired after four or five years.*

In this discursive context on the characteristics of severe labour exploitation, the need to clarify to what extent this kind of phenomenon depends on a form of organization created for this purpose emerges. In this sense, we must remember that in section 2 we saw that there is a complete consensus among interviewees in denying the existence of transnational organized rings, or international mafias trafficking in humans for the purposes of labour exploitation. Despite this, some forms of organizations or patterns of abuse or exploitation of severe forms of exploitation of foreign workers for personal gain do appear in the stories of the people interviewed.

In general, two types of organized exploitation are mentioned. On the one hand, there are small groups of 2 or 3 individuals, or even a single individual, typically from the same group of origin as the groups of workers, and, on the other hand, the aforementioned temporary employment and agricultural service organizations.

In the first case, we are speaking about people who either have prior knowledge of the arrival of new immigrants to the area, or are simply known to be useful to foreign workers from a certain area of origin who are without work and residence permits. This information is transmitted through friends and family and there is no need for a larger structure with connections to the country of origin or with organizations that organize the cross-border trafficking of immigrants. These individuals may simply put immigrants in touch with the employer, but there are cases of what is known in Catalan as "cap de colla". This is a traditional figure, who had the function of establishing contact with the landowner and agree on working conditions, wages, working hours and, if necessary, also providing accommodation. This figure, which has disappeared from the patterns of labour relations of local workers, seems to have been revived for foreign workers in the agricultural sector. This new "cap de colla", unlike the traditional figure who participated in the working activities of the "colla" (group of workers), is an intermediary who negotiates the working conditions of his workers for his own benefit. According to interviewees these people can collect the wages for the entire group of workers, impose working hours and even control where they live, which in turn reduces their contacts with local workers and their opportunities of receiving information about their rights. E.7 describes the situation in the following way:

*But, what happens? Unió de Pagesos works legally. I mean they pay what's stipulated in the collective agreement... they register workers with the Social Security, etc, etc. And this means that the costs for the farmer are higher, much higher... So, there's this person who is the "cap de colla" and they go straight to him. He has a group of 25 or 30 people and the farmer doesn't have to worry about their working conditions; he simply pays the "cap de colla", who shares out the money as he wants.*

On the other hand, we agricultural service firms, described by one respondent as "shell companies" and that are often legally constituted as franchises of general service companies or dubious temporary work agencies. Workers' wages and hours are worse than those laid out in the collective agreement for the sector and the company takes advantage of this difference. In some cases, they can also charge workers for transporting them to their workplace. It's a kind of organization with a legal format but carrying out illegal practices. Some of these companies also serve as a way for undocumented workers to obtain residence and work permits. So, on one hand, they severely exploit workers and, at the same time, facilitate the regularization of their situation, thereby commercializing their rights completely. Let's consider the description offered by E.6:

*But I think that it's not a matter of human trafficking but of exploiting the needs of people that are already here. The need for money, first of all, but also the chance to*

*reunite their families, which requires a guaranteed level of income ... A contract and a certain level of income. And they need to demonstrate certain periods of occupation in order to renew their residence permits. So, it's also related to the phenomenon of fictitious companies, which are companies that don't really exist but which have workers who are working in places that we aren't able to identify at first sight. But they're working in illegal conditions.*

#### **4. FROM MIGRANT WORKERS TO VICTIMS OF EXPLOITATION**

Getting interviews with foreign labourers who are experiencing severe forms of labour exploitation proved to be nearly impossible. On the one hand, it is very difficult to get access to these people, precisely because of their relative invisibility and the lack of direct or indirect contact. On the other hand, most potential respondents refused to speak for fear of jeopardizing their jobs or for fear of other negative consequences. The current context of general work insecurity does not help build trust.

Finally, we managed to interview five foreign workers using a direct trade union contact. Some are not now in a situation of severe exploitation, and their current job is not in agriculture, but they had spent time working in the sector in situations of exploitation. In addition, some of them have gone through several jobs that can be considered to be cases of severe labour exploitation in agriculture. Although some of the experiences that they relate did not happen areas under study, we have included them here for your interest.

All of the workers are men of sub-Saharan origin between 31 and 38 years of age; one of them is Gambian and the other four are Senegalese. All of them are from Maresme except one who is from another region in the province of Barcelona. Our inability to interview workers in the Ebro area seems to be indicative of the greater difficulty of the situation of immigrant workers in those regions.

All of these interviewees live near the workplace but now none live on the farm itself. E.13 only lived on the farm where he worked for a time. Most share an apartment with friends or family except E.15 who lives with his wife and children.

All of them are married and have a family in their country of origin to whom they send money whenever they can. E.15 also helps his parents who are living in Senegal.

E.15 has been in Spain the longest in Spain; for 14 years. The others have been in the country between 5 and 8 years.

Currently they all have residence permits except E.18, who is pending the outcome of a complaint about his former employer, which we will discuss later.

Three of them entered Spain illegally by boat. First they went to the Canary Islands, where they were interned in a centre for foreigners; they were then taken to another facility on the mainland and, once they left that place, they began their itineraries which, at the moment, have taken them to the province of Barcelona.

Two of them came from France on a tourist visa and then headed for Maresme (Barcelona).

All of them send money home alone and only E.15 is planning to return to his country of origin.

Most have been through several jobs. In the interviews we focused on those that are more relevant to the subject matter of our study, but as we mentioned above, are not necessarily their current jobs.

E.13 now works at a packing plant but before he worked in agriculture, first in Aragon, then in Valencia and finally in the area of Barcelona. The case of E.15 also stands out since although he has done some work that was not agricultural, most of his jobs have been in the agricultural sector in Maresme, and he is able to relate a particularly interesting experience in an agricultural services company in Murcia.

### ***Working conditions***

Most of them found work through family or friends. Only in one case was it the worker who contacted the employer and was then hired.

The length of their working days varies from a few hours (and correspondingly low wages) to seemingly endless days that do not have timetables, as E.13 tells based on his experience picking oranges in Valencia, and on his last agricultural job on a farm in the province of Barcelona.

Everyone started working without an employment contract. Eventually they were able to regularize their legal situation and obtain a contract, with the exception of E.18.

With regard to wages, we can find situations like E.13's when picking oranges in Valencia, where he was paid per box. If one of the oranges in the box was not good enough to sell, the farmer would sometimes refuse to pay for the box. In general, wages depend on the hours worked, especially when working a full day. All of them were paid a lower price per hour than that stipulated in the collective agreement for agricultural work in Catalonia, which is €6 per hour. In some cases wages were reduced arbitrarily.

Conditions of safety and risk prevention were generally deficient, especially when the worker did not have a residence permit. As discussed below, the story of E.18 is the most instructive in this regard.

### ***Severe forms of exploitation and human trafficking***

Orange picking in Valencia, as reported by E.13, satisfies various criteria for severe exploitation. Workers have no timetables, no definite wages, are paid by the box if the employer is satisfied and if not, they are not paid.

In the case of E.15 and his experience with the agricultural service company in Murcia, he describes situations of abuse concerning social security contributions and the negative consequences for the worker of these breaches by the company. We are

talking about workers losing the right to claim unemployment benefit and possible pensions in the future. As E.15 explains:

*Yes, I went to work in Murcia in 2013, when I couldn't find work here. But the system in Murcia is that a large office hires people, a lot of people, and sends them to France ... Yes, to pick melons, lettuce ... What happens? They have a contract with the French. We go there to work and they pay the company €12 and the company pays us €7. And you have to pay your own social security out of that €7 so that's 10 days just to pay your social security. Per month, of course. And the rest is for them. Just imagine how many days you have to work just to earn the right to have unemployment benefit. You're not earning anything. You go to work in Murcia and you're earning nothing. So I thought that since my family was here paying a mortgage, I'd better come back to Catalonia and see what things would be like here again.*

We also have cases of false promises of legalization, as in the case of E.13, who worked on a farm which not only failed to provide him with a contract with a residence and work permit as promised, but ended up firing him. In this case he was not paid for his last month of work. As we shall see, the worker filed an official complaint about the situation with the help of a union.

Three of the interviewees have filed an official complaint about their situation with the Labour Inspectorate or the legal authorities. E.13 filed a claim for unfair dismissal with the help of a trade union:

*I had to leave my stuff there. When I picked up my things, I went to Barcelona. I told Josep about it and he said, "OK, we'll report it, because you're working there." And the last month they didn't pay me. So now I've filed a claim and Josep helped me, helped me a lot, through the whole court procedure.*

The result was the legalization of his residence in Spain, and although he lost his job, he was able to find another one with a legal contract.

This is similar to the case of E.17, who filed a claim since he was in a position to legalize his status through "social ties or integration", i.e., if the employer gave him a contract, since he had resided in Spain for over three years, he was legally entitled to residence and work permits, but the employer refused. He complained, got the permits, lost his job, but then found another job with a legal contract.

These cases contrast with that of E.18. He had an accident in which he cut his leg with a radial saw. The business owner took him to the hospital and said that the injury had happened in a fight, refusing to recognize their working relationship and, therefore, his responsibility for the accident. E.18 filed a complaint but the case is still pending.

E.14 explains why there are so few official complaints by foreign workers about their employers:

*Well, they sometimes think that most foreigners don't know their rights. But that's not the reason. It's because of fear of losing their jobs, especially in the situations we're living in now, and we all have family in Africa, for example, and we have to pay things here. And if you're out of work for a while, you can't afford to pay for your housing here, and you can't send money to you family. That's why we prefer not to say anything and carry on working. Especially a person who doesn't have a residence permit. He's too scared to file a complaint. Because when he files the complaint and loses his job, he has no legal papers, and can't claim unemployment benefit or social security benefits. How can he carry on living here?*

With regard to the figure of the intermediary, we have three illustrative experiences. On the one hand, E.13 and his experiences with orange picking in Valencia in which the figure of "El Cabo" (The Boss) appears. The Boss contacts the employer, who tells him how many people he needs, he then find those people, takes them to the workplace and charges them for transport and for dealing with the employer. Everything is deducted from their final wages.

This is the story as told by E.13:

*If you have a van and can find three, four or ten people, you become their leader. You go to the warehouse and the guy hires you, and your people.... They tell you: "Tomorrow go to that farm, the landowner is there, you're in charge, and so on". So you go there with your people to work, they give you a lorry, a trailer if you need one ... Yeah, the boss gets paid and we get paid apart, we pay him every day: €6, sometimes €7 a day for gasoline per day, every day ... in the office, they also take out gasoline money and pay it to the boss. We also have to pay him apart. So, the money is discounted twice and we end up earning practically nothing. If you work all day you can earn €30 or €40, but then you have to discount €10 for the boss, and the office is going to discount €5 or €6 too. They also earn more because they take it from you... from what should be paid to you.*

E.14 tells us of the experience of an acquaintance of his concerning a Moroccan who acted as an intermediary for a group of sub-Saharan workers. In this case the intermediary hadn't paid his workers for a year. This is his story:

*He said that this guy had made him work for him and then not paid him. And so he looked for him for nearly a year but couldn't find him, and then on the day of the Barca-Madrid match he came across him in a Moroccan bar. And all the people came to see what was happening, and that kid had worked for him for almost a year and had not been paid. And so he found him there. But this guy was not a businessman.... But there's a Spanish guy who gives him work and then he goes looking for black people to come to do the work and when that person pays him, he pays the black guys. Do you understand me? For example, when the Morocco guy gets paid €200, he pays the black guys €100.... And keeps the other €100. And then he didn't pay this guy, this black guy for a year. And one the day of the match he found him in the bar. It's just one example. That's why I say that most of this exploitation is done by foreigners too.*

We should also recall E.15's experience with the agricultural service company in Murcia which supplied workers for French farms and made its profits from compromising the rights of its workers.

The idea that emerges from these interviews is that the intermediaries that they have come across in the area in which they are living have no direct relationship with those that brought them from Africa to Spain.

Finally, it is worth noting that these workers do not tend to mix with the local population and only have relations with other groups of sub-Saharan origin.

### ***The viewpoint of foreign workers***

All of the interviewees attribute these cases of severe exploitation to the inadequate legislation or policies of the Spanish authorities. Both the laws regulating foreigners and irregular situations deriving from the labour reform imposed by the Popular Party government. The following is the opinion of E.13:

*Because we have come here illegally, without documents. When you arrive, if you don't get the documents... Well, the difference is that if you have documents, you have rights, you're paid well, a normal wage; if you don't, you're not going to get paid the regular rate (some will pay it, but not all, most don't).*

They also agree on considering that unions are the organizations that must and are able to fight against this kind of exploitation. Some also refer to the Labour Inspectorate.

Apart from E.13, who is a union member, they believe that they do not know their labour rights and that is why they underline the role of the unions.

## 5. THE CAUSES OF THE PROBLEM. RESPONSIBILITIES, LEGISLATION AND SOCIAL PERCEPTION

### 5.1. Causes of severe forms of labour exploitation in agriculture

When identifying the causes of severe forms of labour exploitation of foreign workers, the opinion of our interviewees can be divided into two main groups.

On one side are those who relate the causes to the way that the economic system works, especially in terms of its effects on agricultural activity in Catalonia.

On the other side are those who attribute the causes to the situation of immigrants before they fall into situations of extreme labour exploitation. That is, the situation that inclines them to accept conditions that may appear to be unacceptable and that prevents them from reporting their cases to the authorities.

Among the first group of causes, it is suggested that in times of growth, the economic system of the zones of arrival of foreign immigrant workers creates a demand for foreign workers, leading to a more or less rapid growth in the foreign labour force. According to E.3., in this context semi-legal or illegal work conditions are tolerated as a way to increase competitiveness. When the system enters a situation of crisis in employment, which always affects foreign workers first, precarious working conditions become an easy solution, a solution that is part of an overall strategy that also affects native workers. An example of this is labour market reform in Spain that has resulted in a reduction in wages and reduced labour costs that end up affecting foreign workers especially. This process contributes to a certain culture of silence in the indigenous environment that helps make abuses invisible. This is what E.9 has to say:

*Instead of managing the situation like they should, by reporting to the Labour Inspectorate that the neighbour next door is breaking the law, there's a kind of tradition, a Latino culture thing and a kind of mafia like reluctance to report things to the authorities. There are lots of commissions in the farmers' associations... and a lot has been said about that. And, of course, nobody wants to step on too many feet and they say that it's a cultural thing, Latino improvisation and that no neighbour is willing to report another because they all know each other.*

A number of interviewees (E.5, E.7, E.10) think that in the current situation of economic crisis, when the exportation of agricultural products is in decline, the subsequent loss of profits can be made up for with a reduction in labour costs. The overexploitation of foreign workers becomes a temptation because it's easily available. Furthermore, as E.12 points out, the crisis has coincided with a reduction in the prices paid by the wholesalers who control the market. This means lower profits and ends up affecting the workers.

Among the causes associated with the previous situation of the immigrant, one of the most important is a situation of extreme economic necessity. A large number of

interviewees (E.9, E.10, E.11 and E.12) agree that foreign workers often accept abusive conditions because they have no other choice. It's their only way forward; they need the money and have few possibilities of obtaining it in any other way, especially in the context of a serious employment crisis in Spain, when they are beginning to compete with native workers who, until now, were not interested in working in agriculture. For E.7, another consideration is that for some groups of foreign workers, these situations of overexploitation are not exceptional since they occur and are generally accepted in their countries of origin. Finally, in order to fully understand the acceptance of wages that are under those stipulated in the collective agreements for agricultural work in Catalonia, we must also take into account that wages in many of their countries of origin are even lower. This is especially important when a worker sees his period of emigration as something transitory that helps him to send some money home or to save some money and go home with his savings. This is what E.9 has to say about the case of Romanian workers:

*Well I don't know, because they are EU citizens, like you say. I don't know if it's because when they earn less than they should, they send the money home, and the minimum wage is lower than here, so if they earn €50 a day working lots of hours it's like two weeks' wages in their home country...*

As well as the need for money, some interviewees (E.6, E.7, E.8, E.9 and E.10) believe that the legal situation of immigrants contributes to their acceptance of situations of severe exploitation. Situations of irregularity produce a feeling of helplessness from fear of being deported from the country. The promise of regularisation can also act as an incentive to accept certain abuses. And finally, we should take into account the fact that foreign workers holding temporary residence permits must have a work contract in order to renew it, irrespective of whether or not the conditions in the contract are enforced or not. This a cause mentioned by E.3:

*It's not that they don't have a permit but that they need to accept these situations to justify that they're still working in order to renew their residence and work permits.*

This acceptance of the situation from fear or necessity is sometimes reinforced by the pressure of the group of foreign workers around the individual, especially those who work on the same farm. Taking action against the situation of exploitation may mean that the other workers also lose their jobs. This is what E.3 has to say about this issue:

*...because it's often them who persuade the Senegalese or Gambian workers not to give up the job, because if you do you'll be fired and they might not take on any more Senegalese workers.*

In short, we can say that most respondents feel that any of these situations related to the financial need and legal status of the worker can be reasons for not reporting situations of severe exploitation, and can thus favour its continuation.

We think that it is important to take from this argument the relationship it establishes between the laws governing immigration and cases of severe labour exploitation. It is a relationship that we will return to later.

Finally, we believe that it is interesting to mention the more general vision offered by E.1 as a summary of the framework of reasons that enable and even promote the existence of cases of the severe labour exploitation of foreign workers.

*We're talking about trafficking for the labour exploitation of foreigners. With the phenomenon of immigration we always have to go to basics. Processes of immigration, migration flows, will always, always be guided by certain parameters, which are deception and false promises, unemployment and poverty, lack of opportunities in the immigrants' countries of origin... It's always the same story. Immigrants don't usually want to leave their country, they have to leave these countries for those reasons or because of cultural elements against consumerism, enrichment, armed conflicts, cultural ties (Spain has many cultural ties with North Africa and with parts of South America. Immigrants who come to Spain basically come from those countries), the effects of the spread of false news or legislation which can have a pull effect...*

## **5.2. Who is responsible for the problem?**

Only one respondent explicitly points to the middlemen as being responsible for the exploitation of foreign workers, and he also attributes responsibilities to various agents, in particular employers and the administration, but also to the lack of legal action by unions and companies:

*Yes, each one is partly to blame. The first ones are the mafias who do it, right? The one recruiting also shares part of the blame since the use of this type of labour is hardly innocent. Perhaps they don't know completely what's behind it, but it's probably also a question of price. There's a series of factors that should, at least make the whole thing suspicious. And there's also a part of the blame that should be given to the ones responsible for persecuting this type of thing and don't really do it. Currently, we carry out campaigns in the agricultural sector every year, whenever we detect a situation we carry out inspections in other sectors, but in concrete, in agriculture during the season we carry out a specific campaigns of inspections in agricultural areas. In agriculture it's very unusual for us to have collaboration in the form of someone who files a complaint, from unions or from other companies, even though we always say, "Hey, that's unfair competition". The fact is that we've never had that type of cooperation. (E.2)*

Some interviewees particularly stress the responsibility of employers, as the agents who, in general, benefit most from situations of severe exploitation by taking advantage of the weak position of foreigner workers. The following is an example of this type of argument:

*"They accept it because of their financial and social situation... and the businesses take advantage of that. Because, as soon as they find out how long that person has been without work, how long he's been unemployed... and this is information that these people usually give to the employers, they take advantage of them because they know they're in a difficult situation and know that he's unlikely to report them. (E.10).*

There are also some references (E.5) to the politicians who have been responsible for economic policies which, as we saw earlier, some respondents consider to be factors that favour the existence of situations of severe labour exploitation.

Finally, several interviewees place the blame on government, considering that these are ultimately responsible for law enforcement and for protecting the exploited and punishing exploiters. Some accuse the administration for being too soft (E.6), while others speak about a lack of resources.

Regarding this lack of resources, there seems to be an interesting contradiction in certain discourses. E.7, a union official in the Ebro region, believes that the Labour Inspectorate does not have the resources it needs to act on its own, i.e. to take the lead in monitoring agricultural work, and therefore only acts if there is an official complaint. In contrast, E.6, an inspector in the same area, believes that his department does not have sufficient resources and places the blame elsewhere, as we shall see later.

When referring to the responsibilities of the administration, both E.4 and E.9 speak specifically about local government, both in terms of its control of the territory and in terms of the local police force, which depends on the local town hall. E.4 has the following to say:

*Local councils, through the control carried out by the municipal police, demanding, let's say, authorizations for major and minor building work. That doesn't happen. In fact, immigrant workers explain that the police have only stopped them to ask to see the authorization of their work permits and have always written them tickets and taken them to court. They've been deported for not having the right documents. However, those same workers were doing the construction work. And the police weren't bothered about that. A consequence of this is that haven't been any proceedings based on labour issues.*

E.11., who holds a technical position in a local council, claims that the local councils don't have legal control over these issues:

*I mean, we, as the local administration, the council, are the third level of government, i.e. of the state ... the autonomous community governments and local councils have no control over work issues. Therefore, we can only act in certain specific circumstances, for example if there's a public health or safety risk. So, if a citizen, a person, comes to make an official complaint for whatever reason, we can act, but only officially, i.e. voluntarily to prevent things happening, but we don't have any real power to prosecute.*

E.9 points to political issues and considers that there may be elements of collusion of local authorities with employers, tolerating known situations that they should not tolerate. According E.9 this depends primarily on their "political colour", i.e. the ideology of the party or parties that govern the town. E.11 confirms this idea when he speaks about his own city:

*It's hard to maintain this model, among other things because the parties in power and the emergence of populist and racist parties, such as Plataforma per Catalunya, which has three council members here, have all obviously conditioned the political discourse of other local groups. To the extent that there have been four consecutive municipal agreements from 1999 to 2011 under which everything that was put before the council meetings was unanimously passed by the government with the tripartite government and by the opposition with Convergencia and CUP and the PP, but all unanimously, and now that is not possible.*

### **5.3 Assessment of the legal framework**

The interviewees, particularly those with a closer relationship to the legal field, consider that the latest legislative amendments incorporating directive 52/2009 of the European Parliament and of the Council of the European Union, are positive and help to improve the fight against severe labour exploitation and human trafficking for labour exploitation. E.1 highlights the influence of these changes on the protocols by which the government, especially the Labour Inspectorate, the police and the judiciary are governed, though he calls for action by other agents.

One important legal figure to emerge is that of the collaborator with the authorities, which allows the exploited worker who has no residence permit to obtain a one year renewable residence permit for if he files an official complaint against his employer and intermediaries and testifies against them. In this sense E4 mentions a weakness in the legal status of the collaborator, which is the need for the employment relationship to be discovered in person by the Labour Inspectorate or by the police:

*That's true, but they are infrequent cases. That is, when the worker goes to the Labour Inspectorate and denounces their situation and adequately describes their job position and gives some convincing evidence that allows the inspector catch the abuse "red-handed"; in those cases the worker, having sought protection in the justice system, can obtain residency in the country. (E.4).*

As we mentioned, it is generally considered that the legal framework to combat human trafficking and severe labour exploitation is sufficient, but two sets of problems arise from the point of view of its enforcement. On the one hand, the applicability of the rules and constraints derived from the Spanish legislation on immigration. Then there is certainly the issue of the political will to enforce this legislation, since the resources are not being invested in order to enforce it effectively, with proper planning in the long term. This is the opinion of E.3:

*There is legislation against severe forms of exploitation and semi-slavery but in practice the lack of the political will needed to enforce these rules and, very often, the deficit that exists, especially in terms of the main instrument needed to fight against this situation, which is the Labour Inspectorate, isn't well enough equipped to act effectively. I've spoken to people in lots of sectors and it's particularly true in the agricultural sector, due to a lack of personnel, a lack of resources, a lack of planning and due to the territorial disparity that can exist, requiring a highly mobile team and plenty of people...*

As well as a lack of resources, the labour inspectors interviewed (E.2 and E.3) also brought up the need for all of the agents, and especially police and unions, to act in a coordinated way and to define as far as possible the possible forms of intervention and system of sanctions. In this sense, they underline again the need to enforce the legislation in the field:

*The ability to control compliance, establishing not only the rights and obligations, but also the ways to enforce them, would improve everyone's working conditions, and those of these people even more, because they are at a slight disadvantage. This, in summary, is our standpoint. So, we need legislation that facilitates control, legislation that doesn't just say "the workplaces will set the work calendar". That tells you nothing about what that work calendar should be like. And it also says nothing about what is going to happen if there is no calendar: it's probably an insignificant fine, of less than €600, right? Well, not having a work calendar will get you a fine of €100. So not having a calendar means that everyone works whatever schedule they can or that a schedule is imposed without any control.*

E.4 also points out that the reform of Spanish labour legislation has reduced workers' rights and has resulted in increased job insecurity. Foreign workers, being as they are the weakest sector of the working class, were the most badly affected, and their position has become even weaker. According to this logic, labour reform in Spain is a legislative change that hinders the fight against severe forms of labour exploitation of foreign workers.

But for many of those interviewed, the Spanish immigration laws and the rules governing the regularization of residence contains aspects that work against efforts being made to combat the exploitation of foreign workers. One of the key aspects of this legislation is the establishment of a direct relationship between the possession of a job contract and a residence permit in Spain for foreigners who are in Spain without the stipulated residence permit. There are two ways to get this permit, known as *Arraigo Social* and *Arraigo laboral*, referring to social ties and labour ties.

In the case of *Arraigo Social*, a foreign worker who can demonstrate three years of residence in Spain, present a work contract signed by an employer, and a social integration report issued by his autonomous government administration or by his local council in some autonomous communities, will be issued an exceptional one-year renewable work and residence permit.

In the case of *Arraigo Laboral*, a foreign worker who can demonstrate two years residence in Spain and a minimum period of six months of employment without a job contract will receive an exceptional one-year renewable work and residence permit.

According to some interviewees, this legislation leads foreign workers to accept conditions of severe exploitation in order to qualify for a residence permit. That is what E.10 believes:

*We have met many people through the associations who have been working hard for three years, four years, five years, even forgoing certain economic privileges, just because there is a promise that within three years will get a contract to regularize their situation. And, when the time comes, there are no papers ... And there are companies which, while not being in this situation, exploit the person and after three years say, "I just can't give you a contract because I have debts and just can't do it." Then you, before reporting them... because of course most people don't know they can go to the Labour Inspectorate and the law says that you can get your papers if you collaborate with the administration. Some people have dared to do it, but most don't. And when the employer thinks that a worker might be going to report them then they fire them and the worker is no longer in a position to report them because the inspector has to find you at the workplace.*

But perhaps the worst situation currently caused by the legislation regulating foreign workers is the one called overstay. When a foreign worker becomes unemployed, and does not find another job within a certain period of time, when he needs to renew his residence permit, he will be denied and his situation will become irregular. This threat also forces foreign workers to accept certain abuses and enables employers and intermediaries to take advantage of the situation. This is the situation described by E.11:

*...but above all what is needed is to revoke this ... I was going to say damned, but I can't say that because you're recording ... this unfortunate and irreverent Aliens Act, which all it does is to make people vulnerable and force people who have been living and working here for ten years paying their social security contributions back into situations of illegality and administrative irregularity.*

Some respondents believe that, more than immigration laws, what is needed is a real immigration policy that provides for the reception, housing, employment, education, legal security and other aspects for immigrant workers, and that is planned for the long term. This is the point of view of E.8:

*Look, I would say first of all that the Administration has never done a good job in its immigration regulations and laws. They've always reacted too late. There has never been an immigration policy with a vision that says, "Well, we have this problem so we'll solve it," or a forecast of what will happen. They've always reacted after the fact. There has never been, as there was in other countries of the European Union to which, during a certain period, Spanish people went looking for work, a policy of welcoming those migrants who came, either with contracts, or without, since the country needed thos*

workers. But they did have a policy for dealing with those immigrants, from housing and schools for their children up to a follow up... That's never existed here. Here the message to the immigrant is, "Come here and look out for yourself." There aren't even laws that would allow for the easy regularization of these people. We've had three or four extraordinary regularization processes, which have been hasty attempts to regularize the cases of people who are here. The administration has always acted late on immigration law issues and always wrongly. Late and wrong.

#### **5.4. The social perception of the phenomenon in the target areas.**

When we asked respondents about how the severe labour exploitation of foreign workers in their local environment is perceived, we obtained three types of responses. On the one hand there are those who think that this is an issue that is not present in the life of the community. On the other hand, there are those who believe that if there is a comment about this phenomenon, two different views are given, one focusing on the immigrant worker himself and the other focused on the actions of the employers.

E.1, E.3 and E.9 believe that local communities are not aware of the severe forms of the labour exploitation of foreign workers and that these people are, in a sense, 'invisible'. According to E.9, the problem is not that these people are invisible but that the local community prefers not to know.

E.1 compares this 'invisibility' with the visibility of cases of human trafficking for the purposes of sexual exploitation, the fight against which receives a lot of institutional and NGO group support and is the object of specific campaigns that receive widespread media coverage.

This interviewee (E.1, a police officer working in immigration issues), relates this invisibility to the ambiguity in the responses towards the foreign worker. According to him, when they admit to the existence of this type of exploitation, local people tend to think that it's a bad practice by the employer except when it affects them, in which case, they believe that the foreign worker, by accepting these conditions, is taking a job away from a Spanish citizen. As he explains:

*"The citizen in the street, when he sees that a person has been working a long time for little money, calls the businessman an exploiter. When that person, from his point of view, affects him directly by doing that job, he believes that they are taking advantage of a regulatory vacuum or lack of control, in order to deprive him of a job. So, the perception of the citizen depends a lot on their position. (E.1)*

Most of those expressing the perception of the employer as someone who takes advantage of the situation of foreign workers offer some justification. There are basically three types of arguments justifying the actions of farmers. The first two relate to what the interviewee believes to be the opinion of the people in general, while the third is a justification put forward by the respondents themselves.

Both E.4 and E.10 suggest that many people believe that the employer is doing foreign workers a favour since, because if they did not work in those conditions, they would have no contract and no job, and therefore no legal papers. In some cases, the exploited worker can even share that idea, as E.4 explains:

*I mean that it's a common belief that they are really doing that person a favour. Yes, it's a shared belief. The worker himself even thanks the employer that gives him the chance of entering the system the only way he can, through a precarious working situation. That is, the employer doesn't have to feel bad about what he's doing. Indeed, many have told him to be careful because he isn't doing himself any favours; but, however, I've come to the conclusion that the person who told me that wasn't lying and was acting in good faith. "*

E.9 (union official) tells us he has heard from representatives of business associations justifying this form of illegal recruitment as a cultural issue. It is seen as the Spanish way of doing things, especially referring to the conspiracy of silence that seems to exist between farmers, which means that farmers who comply with the law refuse to report those that do not, even when it results in unfair competition for them.

Finally, we have the justification based on the need for the survival of the business or farm. This type of justification appears in the interviews of the business owners (E.5 and E.9). Faced by the effect of the economic crisis, which are defined as lower sales and lower prices paid by wholesale buyers, some farmers may choose to cut costs by taking advantage of the situation of vulnerability of workers foreigners. As E.5 explains:

*...because if you're not able to make a living as a small business owner, and you're forced to sell cheaper and cheaper, you fall into temptation, and you end up thinking, "Listen, if the neighbor does it, I'll do it because I'm dying here while he's saving himself". And that's very difficult to fix.*

## **POINT 6. THE STRUGGLE AGAINST SEVERE LABOUR EXPLOITATION. POLICIES AND AGENTS.**

### **6.1. Policies**

In their reflections on the policies that can influence the struggle against severe forms of labour exploitation, interviewees' opinions can be grouped in terms of three types of proposals:

- Proposals concerning general policies that can have an indirect influence on severe forms of labour exploitation of foreign agricultural workers.
- Proposals concerning policies that can have a more or less direct influence on the management of migratory flows.
- Proposals concerning concrete interventions in cases of severe forms of labour exploitation.

#### ***General policies***

In this group the majority of the proposals shown are by representatives of business owners. They mention, for example, the need for the government to develop policies for promoting economic activity in order to create employment. E.5 believes that the unemployment rate in Spain, which affects a higher percentage of the foreign population, is a breeding ground for abuse. So, for them, creating jobs and reducing unemployment can help to reduce labour exploitation.

E.12 thinks that the Spanish government should plan agricultural production and control the market for agricultural products and their prices to ensure that farms are viable without the effects of speculation by large wholesale distributors affecting the working conditions of agricultural workers. He also mentions the need for the government to promote the signing of a collective agreement for the whole of Spain to eliminate competition between regions and the unfair use of differences in legislation that allow for the abuse of foreign workers.

The fight against the black economy can also have an indirect effect on severe forms of labour exploitation. E.5 mentions a need to modify the current model of indirect taxation of economic activity, particularly value added tax. He believes that it should be obligatory to present invoices for all purchases made. This is his proposal for a more effective control of real economic activity:

*... A black market is created, with irregular sales and irregular purchases. It's all a chain and there are small businesses that live off that. They're small, of course, but thousands of small operations make for a large total volume.*

*It should be like in France, where if you have a business, you need to keep proper accounts and archive your invoices. You can't just say, "Pay me part and we'll forget about the invoice". Why do I have to pay 21% VAT if I don't have to show the invoice? If the seller issues an invoice it means a cost for him. Then he must justify the expense. So*

*what does that mean? Buying fertilizers legally, paying VAT, and paying workers the official rate because if not, it's impossible. Because how can you justify a turnover of €200,000 if you don't. (E.5)*

Finally, as a general policy, E.4 proposes the need for awareness campaigns to make local people aware of the seriousness of the problem of the severe labour exploitation of these workers.

### ***Proposals for the management of migratory flows***

E.3 speaks of the need to allow for the mobility of foreign workers throughout Spanish territory. This would allow for the planning of a more transparent participation of foreign workers in different seasonal agricultural activities, while reducing unemployment and giving more opportunities to these workers to avoid the overstay dilemma we mentioned earlier. It would be a proposal that works in favour of the management of internal migration flows.

Also in relation to the movements of foreign workers, E.12 proposes modifications to the existing programmes of repatriation. He believes that if the return of these workers to their countries of origin was not definitive and if they could return to Spain when there was sufficient demand, then many would be interested in coming back. This is his argument:

*"... I think that what I would do, or what we should do, is to help these people to return home when they have finished working here..... They made a law of repatriation, but I think it was a law of repatriation that ruled out their return or something like that, and, then, no one was interested because they want to be able to come back some day. And now there's beginning to be a small problem and I think that's what we should do, reduce the numbers, because we can't go on having this large population (of foreign workers). (E.12)*

At the same time as he suggests this system for the repatriation and return to Spain of foreign workers depending on the demand for labour. E.12 also suggests that priority should be given to the local population when recruiting, although he admits that local are often uninterested in working in agriculture.

Finally, another proposal is to invest in immigrants' countries of origin in order to decrease the amount of economically motivated immigration. This point is raised by E.9 who places the issue in terms of a more global issue:

*Quite simply, it's what I was saying earlier. It's a European issue and a global issue; about migration and hunger... I think that the problem with these workers and this exploitation should be tackled at the root, in their countries of origin... by investing in their countries so that they don't have to come here and be exploited...because they come here ready to be exploited and people take advantage of their need and I think that it's a global problem. (E.9)*

### ***Interventions in specific cases***

There exists a general demand for planned interventions with the coordinated participation of the diverse agents that are involved in the issue. In particular, bodies such as the police and the labour inspectorate call for coordination with agents that do not form part of the administration, such as NGOs, businesses and unions. In this sense, E1 and E2 believe that it is necessary to involve more agents in the protocol of already existing actions:

*If we're talking about labour issues the Ministry of Employment and the Ministry of Immigration have to intervene immediately, and they do; so does the Ministry of Health, Social Services and Equality; and so does the General Council of the Judiciary, the Attorney General, the Ministry of Justice and Ministry of Interior.*

*The ONGs intervene in this protocol, but not the unions. They do intervene in a very general way because it's said that any institution that has knowledge of the issue must report it, at least, to the police. (E.1)*

*"... We have no coordination with social agents, neither unions nor employers, who we could do something together with. So, I believe that anything that improves the coordination of everyone involved (and by involved I mean the administration and social agents, basically) would be good, because there may be things that reach you as unions, or reach the business owners but, never reach the administration. So, I think that it's something we can work on and improve. (E.2)*

E.6, the labour inspector, calls for a regulatory system that sets out specific forms of control and a system of sanctions. He believes that the existing legislation is sufficient but that the resulting regulation is not particularly useful since it offers few concrete tools to enforce the legislation.

Finally, among the last set of proposals are those that agree on the need to increase the resources available to fight against severe forms of exploitation.

On the one hand, there is a call for more interventions by the labour inspectorate, but in a more regular and planned way. According to E.5 this would involve a more regular presence in the territory in order to exert a dissuasive pressure:

*It's better to carry out continual inspections, even if you don't catch anyone, because people are always aware that you might come to call. That's more dissuasive than when you catch a business out and make an example of it but then don't go back to the area for two or three years, during which time the situation deteriorates.*

In order to carry out this type of work the manpower of the labour inspectorate needs to be increased. This is a measure called for by a number of interviewees (E.1, E.3, E.8, E.9).

Specific resources are also called for that would enable NGOs to perform a function that E.1 believes is crucial, that of an intermediary between the foreign worker, the labour inspectorate and the police, in order to reduce the worker's fear of the authorities.

Finally, a number of interviewees also call for an increase in the resources needed to keep foreign workers informed of their rights. Among these proposals, we would like to highlight the following comment by E.3:

*And information... I think that it's also important for the employee to be informed of his rights, and for him to be aware that if he goes to the authorities, there'll be some compensation, he'll get a permit, that he has the same labour rights as other workers, even if he has no papers... The worker needs to be informed about intimidation, about being fired, about all of these things...*

## **6.2. The agents**

The most frequently mentioned agents in interviews, as those that should be fighting against severe forms of labour exploitation, are the Labour Inspectorate and the police. Following these institutions are the unions, business owners' associations and local councils that control the services of housing, reception and integration of immigrants and the local police. Only a couple of interviewees mentioned the NGOs as agents that should participate in the fight against these forms of exploitation. Finally, we believe that it would be interesting to highlight the proposal made by E.4, according to which the forest rangers working for the governments of Spain's autonomous communities could play an important informative role, given their widespread presence in rural areas.

Interviewees were also asked about their own roles in relation to the severe labour exploitation of foreign workers and their relationships to the other agents that intervened in the field.

The trade union officials told us that their work with foreign workers consists of informing them of their rights. They are also responsible for filing complaints to the labor inspectorate and for supporting foreign workers in their workplace whenever possible. One of their important tasks is also related to the signing of agreements or arrangements designed to enable companies and farmers to implement good labour practices. In the Ebro, E.7 refers specifically to the work done to influence farmers who hire agricultural service companies, in the sense that they are responsible for the working conditions of the foreign workers employed by these companies who work on their farms.

Normally, immigrants come into contact with unions through family and friends, but also through the social services departments of local councils. They normally get into contact with unions when their situation becomes extreme situation, as E.9 explains.

According to the union officials interviewed, their relations with business organizations are good, though better with some than with other, as E.9 explains:

*Not all business owners' associations are the same... there's Unió de Pagesos (The Farmers Union), who, to tell the truth, treat them properly, treat them well, and is the most compliant in terms of respecting the rules, the collective agreements and with accommodation... The Winegrowers Association too, but others... not so much... who tend to break the rules. You always have to be careful though, because instead of seeing us as collaborators (proposals for collaboration have been made recently for risk prevention and occupational health programmes), they see it as a way of punishing them, of criminalising them and making it all about complaints and sanctions. They're suspicious of us and think, "You're our enemy in a way, since your interests are opposed to ours".*

The unions and business owners collaborate in the organisation of seasonal campaigns, and until two years ago they also worked together on the calculation of the need for foreign labour in the agricultural sector, which the Spanish government used as to determine annual immigration quotas for seasonal campaigns.

The representatives of business associations that were interviewed share the view of the union officials regarding the good relations and the importance of cooperation with trade unions. The two business owners interviewed tell us that their role as an organization in relation to the object of this study is to promote compliance with the law among their members, but also to report non-compliant companies to the labour and tax authorities, since they are competing unfairly with the other companies.

Labour inspectors tell us that most of the proceedings against cases of the severe labour exploitation of foreign workers are motivated by complaints from unions or the employees themselves. They do carry out campaigns to detect cases but they are very sporadic and they operate with little prior information.

As E.2 explains, the objective of the inspection is to sanction the business owner; the employee is informed of his rights, the detected working relationship is documented and he is given the chance to cooperate with the authorities in exchange for a residence permit:

*The truth is usually little or nothing. We will inform them of what could affect them, but of course, in this respect we behave more like a police force, let's say, and therefore, the object of our work is the company, the defaulter, not the worker as a victim. What we do, and it's something that can help the worker, is to document his situation, and that can help him to apply for residence based on working ties. There's also the fact that he's collaborating with the authorities and with us as inspectors. That means that we document his role as a collaborator, which will allow him to get a permit later. (E.2)*

Most respondents agree that the Labour Inspectorate has sufficient resources to act effectively. E.2, a labour inspector, agrees with this statement, while E.6, who is also a labour inspector, considers that he has sufficient resources and calls for, as his main

need, planned activities, coordination with other actors, especially the police and unions, and a more specific system of sanctions.

The lawyer interviewed works for the legal committee of a trade union. His work consists of advising and representing the foreign workers who require his services. His clients get in touch with him directly since they are members of the union or because a friend, workmate or family member has recommended that they use the union's legal services. Cases of severe labour exploitation usually reach him through the union itself. His fees are paid by the client, though the union's legal committee does not require payment until the worker has been paid the compensation he is owed by the business owner or by the Employment Ministry's special funds.

The NGOs interviewed are dedicated basically to offering advice and helping foreign workers with the process of application for residence and work permits. One of these organizations is more focused on these formal issues while the other addresses more general needs such as their integration in their local environment. Both organizations maintain a close relationship with unions when dealing with work-related issues, as well as services related to social assistance, housing and employment offered by local councils.

The council official interviewed claimed that local councils did not have authority on labour issues and therefore only acted in cases of public health and safety.

As examples of best practices in terms of models of governance, most respondents cite existing experiences in the territory of participation and collaboration in the field of work and employment, some institutionalized and others operative, based on the practices of each social agent.

On the one hand, we have committees in the agricultural sector with the participation of business associations, trade unions and local councils, where the hiring and working conditions, the control system for both of these, and the facilities for accommodation and reception in the area are agreed on.

The assessment of the demand for foreign labour in agriculture in order to set annual quotas for migration, involving social agents and labour administration.

Collective agreements setting out labour-related criteria and conditions, including housing facilities for temporary workers. A bargaining space for unions and business associations.

Finally, joint actions, involving the Labour Inspectorate, police and unions for the detection and sanctioning of situations of severe labour exploitation in agriculture.

Areas for collaboration at the municipal level, on, for example, campaigns for decent housing for immigrants, or in boards of public safety with the participation of NGOs and immigrant associations, together with local and regional police forces.

In general, respondents think that the role of governance in combating the severe labour exploitation of foreign workers involves consolidating these models and providing them with the resources needed to make them effective, as well as setting intervention protocols that take into account all of the social agents involved.

## 7. SUMMARY OF RESULTS

The main crops in the Maresme region are ornamental plants, vegetables and crops under plastic (in greenhouses). In this type of agricultural activity, regular work is more important than temporary work. The foreign workers employed in agriculture in this region are mostly sub-Saharan males, though there are also workers of Moroccan origin, and more recently, Romanian workers. There is a long tradition of the involvement of government and social agents, and, as a result, according to all respondents, until the beginning of the crisis there were few irregular situations and cases of severe labour exploitation. The crisis has worsened this reality and situations that were believed to have been eradicated are reoccurring.

The main crops in the Delta del Ebro (Montsiá and Baix Ebre) region are citrus and sweet fruits. Farming these crops requires a workforce of mainly temporary workers. Foreign workers employed in agriculture in this region are mostly Moroccan, Pakistani and Indian males. The intervention of institutional and social agents is less well developed, and although there is a presence of business associations and unions, we have little direct contact with these workers and less information about their situation. The fact that it proved impossible to interview one single foreign worker in this area is a telling example of the situation of opacity that exists here. The economic crisis has, in all probability, worsened a situation which, moreover, never enjoyed the relative stability and regularity of the situation in Maresme.

While there are medium-sized enterprises here, most of the farms are family farms. These family farms are organized into farmers' associations that also act as employers' associations. The most important of these business associations is *Unió de Pagesos* (Farmers Union), which traditionally represents progressive landowners committed to good business practices and collective bargaining with unions. Its membership includes around 80% of all the small farmers in Catalonia.

No transnational networks of human trafficking for labour exploitation were detected, although there do exist some unregulated forms of mediation between the farmer and the immigrant. Some of these types of intermediation do constitute forms of abuse of the situation of foreign workers, especially those who are in this country without the necessary permits. Based on our interviews we can identify three types of intermediation: family members and/or friends, the figure of the *Cap de Colla* (a kind of unofficial straw-boss) and, finally, agricultural service companies.

In the case of family or friends, the intermediary simply puts the foreign worker in contact with the landowner. Typically, this contact is not made by the intermediary for personal profit.

The *Cap de Colla* is an intermediary who negotiates the working conditions of workers for his own benefit. He sometimes collects the wages for the entire group of workers, and controls their earnings, working hours and even decides where they can live. This figure is present in the workplace but performs a control function of his group of

workers. He is also responsible for the transportation of farm workers. This is a figure that occurs in temporary work situations and not on farms where temporary work plays a minor role in the total activity. That is why it is a figure that appears in the Ebro regions and not in Maresme. Normally he shares the same country of origin as the foreign workers he is exploiting. He has typically been in the area for some time and has built up the network of contacts and the knowledge of the local social and legal framework he needs to exploit the weak position of newcomers.

The temporary employment and agricultural services companies that operate as intermediaries further worsen the working conditions of foreign workers, using their labour rights as bargaining tools and often overlooking labour regulations, while not making social security contributions or respecting collective agreements. In these cases, we are talking about workers who already have a residence permit, but who need to maintain an employment contract because if they do not they could lose both their work and residence permits.

Most foreign agricultural workers live in apartments in towns located in the same agricultural area in which they work. In the early days following their arrival, especially if they do not have the necessary work and residence permits, they often live in overcrowded shared apartments in conditions of dubious habitability. Improving their employment situation improves their living conditions. Those who already have relatives in the area of destination usually enjoy better living conditions. A number of cases in which workers live in precarious conditions on the same farms where they work have also been detected.

Foreigners who come to the area legally as part of the contingent of temporary or permanent immigrants approved annually by the government have the right to housing conditions that employers are obliged to guarantee and that are supervised by social agents and labour authorities.

Various forms of labour exploitation were detected. The most common abuse is paying a salary that is lower than the one stipulated in the collective agreement for the sector. Some people talk of a wage that is 50% lower than the established rate. Another common abuse is the arbitrary lengthening of the working day and the non provision of adequate rest days.

Some interviewees mention cases of payment in kind that create a relationship of dependency on the owner, such as those involving housing and food provided by the employer himself. There is also talk of cases of employees withholding wage.

Regarding the causes of severe labour exploitation, respondents point to a combination of the legal status of foreign workers and the current employment crisis. On the one hand, the fact of not having a residence and work permit leaves the worker in the hands of intermediaries and employees, and, on the other hand, fear of deportation makes workers reluctant to report cases of exploitation to the authorities or to organizations that could offer them support (NGOs and unions).

Those foreign workers who have residence permits, but do not have the right to permanent residence, could lose it if they become unemployed, which would place them in a situation of overstaying their permit. These legal constraints push workers into accepting exploitative working conditions.

In times of economic growth, when there is a high demand for labour, these pressures also exist, but they have grown exponentially in the conditions of falling demand experienced by Spain over the last seven years.

The control of the prices of agricultural produce by large intermediary companies, which squeezes farmers' profit margins, is an additional problem mentioned by some interviewees.

According to the interviewees, those responsible for this situation are the intermediary and the employer, but a large part of the blame is also attributed to the public administration, since they consider that the state does not intervene enough. The current legal framework is judged to be sufficient both to protect the victims and to sanction the perpetrators of exploitation, but the problem they identify is the application of this legal framework. In general, interviewees believe that it is not a problem of the laws and regulations themselves, but rather a lack of the political will and the resources needed to enforce them. Notwithstanding, it must be borne in mind that Spanish immigration laws are, in some ways, an obstacle to the normalization of the situation of foreign workers, especially since they make a worker's possibilities of continuing to live in the country legally dependent on his possession of a work contract, even when the person has been living legally in the country for a long period of time.

The perception held by the local population of the overexploitation of foreign agricultural workers oscillates between overlooking and justifying the situation. Two arguments stand out: the first makes the case that employers, and even intermediaries, are doing foreign workers a favour by offering them work, even in precarious conditions, while the second argues that in the current economic conditions, employers need to cut costs and that this is a way of doing so.

The political initiatives that are considered to be priorities are to increase the resources available to fight this kind of exploitation and to have a planned, scheduled and non-specific programme of interventions, which is coordinated among all of the agents that can play a role in the fight against the exploitation of foreign workers. The agents who play the leading role in this are the police and the labour inspectorate, followed by trade unions, and to a lesser extent, local councils and employers' associations, and finally, the NGOs that work to offer support to immigrants.

As examples of good practices, respondents cite the systems and protocols used in the territory to agree among the social agents involved on a coordinated, planned and legal way to deal with the arrival, reception, hiring and accommodation of foreign workers. These systems were very successful in times of economic growth and were characterised by the participation of labour authorities, councils, business associations

and trade unions, as well as the police. Since the onset of the economic crisis, the number of foreign workers recruited through these systems has fallen considerably, and farmers increasingly tend to take advantage of the residual groups of foreign workers who remain in their local regions. The proposal is therefore to attempt to recover these arenas of institutional participation and provide them with the necessary resources.

## 8. GENERAL CONCLUSIONS (DESK RESEARCH AND FIELD RESEARCH)

Human trafficking for the purpose of the exploitation or severe exploitation of foreign workers is a difficult to detect phenomenon in Spain in general and in Catalonia in particular. That is partly due to the clandestine nature of the phenomenon itself, but also because of the reluctance of victims to collaborate with the authorities. This lack of collaboration is sometimes the result of direct and organised intimidation, but is more often the result of ignorance, fear and need, a combination of factors that leaves the foreign worker in a position of helplessness and dependency. We are speaking of an ignorance of the legal framework and of the legal and labour rights that could offer protection to the worker. We are speaking about the fear of being deported from the country in the case of intervention by the authorities, whether by the Labour Inspectorate or by the police. We are speaking of the need to find a job, any job, as the only way to ensure the worker's legal residence in the country when he does not have a residence permit and of the need of maintaining himself in employment under any conditions when he holds a renewable permit of residence.

When Directive 52/2009 of the European Parliament was incorporated into Spanish legislation, many of its most innovative aspects had been pre-empted by previous reforms to Spanish immigration laws. The aspects incorporated through the EU directive were mostly concerned with sanctioning employers for illegal recruitment and protecting the worker as victim. The worker, as a victim of labour exploitation, is granted all labour rights and social benefits, except unemployment benefit.

Furthermore, the option of adopting more favourable dispositions to foreign workers than those laid out in the directive have been used in Spain to create the legal figure of the collaborator with the authorities. The person collaborating is not deported and is instead granted a renewable residence permit that is valid for one year.

It should also be borne in mind that Spanish law envisages three ways for immigrations to regularise their situation. One of these is the aforementioned figure of the collaborator with the authorities; another way is through what is known as *Arraigo Social* (community ties) which consists of demonstrating three years of illegal residence and a job contract; the third way is known as *Arraigo Laboral* (work ties) and requires two years of residence and a minimum period of six months working for an employer without a job contract.

As can be seen, these three forms of regularisation all require the foreign worker to have a job of some kind. That means that having a job is necessary for foreign workers, not only to earn money, but also to ensure that they can continue to live in the country and this results in an additional pressure that can lead them to accept otherwise intolerable working conditions. In conditions of crisis like the current one, which, in the case of the agricultural sector, is aggravated by the fall in the prices of agricultural products, the willingness of both intermediaries and employers to tolerate exploitative conditions increases. These workers therefore become a readily available, cheap (in some cases almost free) source of labour which for those employers willing to take advantage of their situation. This issue is key to understanding the phenomenon of the

severe exploitation of foreign workers in Spain. It is the reason behind the importance given in legal sentences to proving the existence of the abuse of a situation of need or irregular residence, whether in origin or due to overstay, in the working conditions of foreign workers. Because this does not only affect workers who are living here illegally, but also those with non-permanent residence permits who are at risk of not being able to renew them if they lose their job. These workers can also find themselves obliged to accept irregular working conditions that they cannot report for fear of losing their jobs.

Most exploited workers are already living in the territory. Some of them have not yet managed to regularise their situation. Others have lost their legal status through losing their jobs. Finally, a large number of them are workers who are trying not to lose their jobs in order not to enter into a situation of irregularity.

The fact that there are practically no new arrivals of immigrants is reflected in the consensus among all the interviewees, including the foreign workers, about the existence of international networks dedicated to human trafficking. Intermediation in the severe labour exploitation of foreign workers in agriculture is carried out by foreign nationals who have lived in the area for a long time and have built up a network of contacts with employers.

In many cases, family members and friends act selflessly with the aim of getting a job for the foreign worker, in which case the exploitation is only carried out by the employer. But there are also cases, documented in the study, of people or groups of people who benefit from using the working conditions of foreign workers as a negotiating tool and by controlling their working conditions and wages, with the connivance of the employer, who chooses to turn a blind eye to the problem. Finally, there exist legally constituted service companies with illegal working practices, who exploit the situation of weakness of these workers.

Precarious living conditions have also been detected. Recently arrived workers with fewer resources often live in overcrowded apartments, though their living conditions tend to improve as their general situation improves. Many of them live with family members.

Although intermediaries and employers are mentioned as those who directly exert this type of exploitation, a large part of the blame is also attributed to the authorities for their low level of intervention. In general, the interviewees believe that more than a question of laws and regulations, the problem is a lack of the political will and the resources needed to apply them. Even so, it must be borne in mind that Spanish immigration laws are, in some ways, an obstacle to the normalization of the situation of foreign workers, especially since they make a worker's possibilities of continuing to live in the country legally dependent on his possession of a work contract, even when the person has been living legally in the country for a long period of time.

An evident priority is to increase the resources needed to fight against this type of exploitation and to create a programme of regular interventions planned and coordinated by the different social agents that can play a role in this fight. The idea is

to recover the efficiency of the best practices of cooperation and institutional support that produced such good results during the years of economic growth, providing them with better resources, in terms of both the following up and sanctioning of intermediaries and employers and providing support to the victims of severe labour exploitation.