



THE SUN ALWAYS SHINES ON OUR FIELDS



LAVORARE
ALLA LUCE
DEL SOLE

CAMPAIGN AGAINST UNDECLARED WORK IN AGRICULTURE PRACTICAL GUIDE FOR FOREIGN WORKERS AND EMPLOYERS



MINISTERO DELLE POLITICHE AGRICOLE
ALIMENTARI E FORESTALI

Progetto cofinanziato da



UNIONE
EUROPEA



MINISTERO
DELL'INTERNO

Fondo europeo per l'integrazione di cittadini di Paesi terzi

ENGLISH



www.lavorareallalucedelsole.it



IL RISPETTO DELLE PERSONE, IL RISPETTO DELLE REGOLE.

L'agricoltura, un'eccellenza italiana che tutto il mondo ci invidia. Uno dei settori su cui puntare per il rilancio del Paese, grazie all'utilizzo di nuove tecnologie e a sistemi di produzione sempre più attenti alla qualità e alla trasparenza.

Troppo spesso, però, nelle nostre campagne si registrano episodi di sfruttamento di lavoratori in gran parte provenienti da Paesi extracomunitari, costretti ad accettare condizioni lavorative svantaggiose a danno della loro salute, sicurezza e dignità. Non dobbiamo più permetterlo.

A rafforzare questo impegno il Ministero delle Politiche Agricole Alimentari e Forestali (MiPAAF), dal 2010, ha intrapreso il percorso di integrazione dei cittadini extracomunitari promosso e finanziato dal "Fondo europeo per l'integrazione dei cittadini di Paesi Terzi" (FEI).

Il progetto LAVORARE ALLA LUCE DEL SOLE si inserisce in questo percorso, con l'obiettivo di contrastare il lavoro irregolare in agricoltura attraverso una campagna di informazione che promuove i vantaggi del lavoro regolare sia per i datori di lavoro sia per i lavoratori stranieri.

Ecco, allora il presente opuscolo. Una breve carta dei diritti e dei doveri di entrambi, lavoratori e datori di lavoro, affinché sappiano che operare dentro le regole conviene di più.

Conviene alle imprese, conviene ai lavoratori, conviene all'agricoltura italiana tutta che solo nel rispetto delle persone e delle regole può crescere e creare ricchezza.

Chiunque lavori nel settore agricolo sa che il valore della terra e dei suoi frutti è sacro. Ancor più sacro è il valore dell'essere umano.



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**MINISTERO POLITICHE AGRICOLE
ALIMENTARI E FORESTALI**





PRACTICAL GUIDE FOR FOREIGN WORKERS AND EMPLOYERS

TO REGULARISE A WORKER IS SIMPLE AND CONVENIENT!

BENEFITS FOR YOU WITH LEGAL WORKERS

You may benefit from financial contributions and tax reliefs if you hire unemployed people, disadvantaged people, women and young people (if they are minors, then they must have completed compulsory schooling), and if you promote safety and health standards at the workplace.

You can also benefit from greater reductions in contributions for social security and welfare for your employees - hired with fixed-term or long-term work contracts, if your company is located in **disadvantaged areas**.

DISADVANTAGED AREAS

Located in Southern Italy, in the hilly and mountainous territories, or upland areas with an altitude of over 700 meters above the sea level

*Law No. 67/88; Law No. 608/96;
Law No. 247/2007; Law No. 220/2010*

You can hire a worker permanently, temporarily or for a season (only for particular tasks and for a minimum period of 20 days and a maximum period of 9 months).

In case of occasional need, you can hire workers under the accessory occasional work contract which does

not entail the rights and obligations of a subordinate work contract, but provides the minimum social security and insurance coverage.

For this, you only need to send an online notification of hiring to INPS, who in real time, will forward it to INAIL (the same procedure is also used to communicate any changes).

Vouchers are used to pay for the worker's services and the maximum compensation that the worker may receive is €6,740 - gross (€5,050 net) in a calendar year (rates indicated for 2014).

VOUCHERS

They have a nominal value of €10. Can be purchased from INPS, at all post offices and authorized banks, at affiliated tobacconists or electronically by logging on to the website: www.inps.it on the section "how to use vouchers".

Attention!

If your business has an annual turnover:

- of more than €7,000, you can only hire seasonal workers who are young students under the age of 25 years, pensioners and people receiving income support measures.
- of less than €7,000, you can hire any worker as long as they were not registered in the registry of agricultural workers in the previous year.

*Legislative Decree No 276/2003 as amended
by Law no. 92/12; Circular Letter
of INPS No. 177/2013*

WORKING CONDITIONS

The first thing to do is to agree with worker on the terms of employment, such as:

- Work hours
- Food and accommodation
- Wage
- Rest day
- Vacations

It is advisable to include the agreed conditions in the employment contract, taking into account the rules of law in force, and in particular the principles set out in the National Collective Labour Agreements and the Provincial Collective Labour Agreements for the agricultural sector.

You can also agree on terms of employment which are different from the ones established by law, if they are more favourable to the worker.

Remember that you will need to take your worker for a medical examination at least once a year. The examination must be carried out by a competent labour physician available at the Local Health Service (Azienda Sanitaria Locale, ASL) in order to assess their suitability for the specific task so as to prevent future pathologies.

Should you hire seasonal workers who are not exposed to specific risks for a maximum of 50 working days per year, even in other agricultural enterprises, the medical examination is valid for two years (its validity period differs in other cases).

The medical examination has no additional costs for workers.

INTERMINISTERIAL DECREE of 27 March 2013

In order to hire the worker you'll have to ask for a copy of the following documents:

- Valid identity card (Identity card, passport, driving license or any other similar document)
- Tax Code, to be communicated to INPS for the payment of contributions
- Worker's INPS Code (if any)

If you are hiring a non-EU citizen, you must check to ensure that they hold a valid **Permit of Stay** for work, family reasons, education, political asylum, humanitarian reasons, childcare or

PERMIT OF STAY

document issued by the Provincial Police Authorities (Questura) to citizens of all countries not belonging to the European Union authorizing the holder to stay in Italy. The purpose and duration of stay are always indicated on the permit.

for job search.

Legislative Decree No. 286/98 art.22 e 24

In order to complete the hiring process you must send electronically the appropriate form (Unilav) to the Employment Centre at least 1 day before the date of commencement of work. Upon receiving the notification of hiring, the Employment Centre will forward it to the competent insurance and social security authorities, as well as to the Single Desk for Immigration in case of a non-EU worker. Hand over a copy of this notification to the worker. If you'd like to make any changes to the terms of employment, or should the employment relationship come to an end, you have a period of 5 days

to communicate the new changes.

Law No. 296/06

Instead, if you'd like to hire a non-EU citizen living abroad, either for seasonal work or for fixed-term or long term employment, you'll have

QUOTA AGREEMENT

a document the Government publishes indicating the number of quotas for subordinate work - even for seasonal work, reserved for non-EU citizens who would like to come to Italy for work.

to wait until the **Quota Agreement** (Decreto flussi) is published and follow the indicated procedures on the website: www.interno.gov.it

Law No. 296/06

In order to safeguard the workers' physical integrity and health, it is necessary for you to inform your workers of the risks and the importance of observing prevention and protection measures while carrying out their duties. You must in fact appoint someone in charge of prevention and protection, even from outside your company, to manage and coordinate the prevention and risk protection services.

In the case of agricultural and livestock firms employing up to 30 workers, the person in charge of prevention and risk protection services could as well be the employer. In such a case you'll have to go for specific training courses prescribed by the law in force as well as go for refresher courses. At least one worker must be capable of handling an emergency or providing

first aid in case of a serious and urgent danger. If your business activities entail specific risks such as the use of special chemicals (pesticides, herbicides, etc.), a competent doctor must carry out health surveillance.

Consolidated Law on Health and Safety at Work – Legislative Decree No. 81/2008 as amended by Legislative Decree No 106/2009; Legislative Decree No. 626/94.

RISKS FOR THOSE WHO DO NOT ABIDE BY THE RULES

If you legally hire a worker with a valid Permit of Stay, and comply with the employment rules and workplace safety measures, apart from not exposing your business to risks, you also don't risk incurring administrative, civil and criminal sanctions (huge sanctions, suspension of business activity, fines, etc.).

It is important to:

- send electronically UNILAV form for hiring and DM AG-Unico for making a quarterly report to INPS;
- pay social security contributions within the time limits set by law.

Law No. 92/12; Law No. 388/2000; Finance Act 2007; Legislative Decree No. 463/83; Law No. 638/83; Legislative Decree 286/98 – Art. 22



AGRICULTURAL WORKER? WORKING LEGALLY IS CONVENIENT!

To be hired with a regular work contract is convenient not only when you plan to stay in Italy for the rest of your life but also even if you plan to return to your home country one day.

In fact, in addition to earning the guaranteed minimum wage, your **contributions** are paid and you'll be entitled to social security benefits and welfare such as:

- the pension,
- the payment of the end-of-employment contract indemnity (TFR),
- the unemployment benefit,
- insurance coverage in case of illness, accident, maternity,
- child benefit if you have a large family but your income is low.

CONTRIBUTIONS

Money the employer compulsorily pays to a social welfare institution (INPS) and a social assistance institution (INAIL) for your future pension and coverage against risks related to disability, illness and accidents. They are directly deducted from your salary.

If you decide to leave Italy permanently, you retain the right to the accrued social security benefits. For further information you can directly go to the benevolent institutions (Patronati) in various Italian municipalities offering free

help or visit the website: www.inps.it – the section dedicated to "Migrant Workers".

Legislative Decree 286/98 - Art. 22-25

WORKING CONDITIONS

If you are hired legally, you are entitled to working conditions prescribed by law in the **National Collective Labour Agreement** and to health and safety standards prescribed by the Consolidated Health and Safety at Work Act.

The guaranteed minimum wage is the lowest daily or monthly salary that your employer is required by law to pay you. It cannot, therefore, be lower than the minimum wage prescribed by the **National Collective Labour Agreement** in relation to the duties and position you agreed upon with your employer.

Furthermore, the **Provincial Collective Labour Agreement** identifies the type of jobs classified as heavy and or harmful to your health,

PROVINCIAL COLLECTIVE LABOUR AGREEMENT (CPPL) -

a decentralised collective agreement governing particular aspects of employment relationships linked to the needs of the agricultural sector in the province.

NATIONAL COLLECTIVE LABOUR AGREEMENT - (CCNL) -

national collective agreement regulating terms of employment (minimum wage and rules applicable to all workers in the sector)

thereby establishing the maximum working hours and the pay increase.

If you work for a full year for the same company, you will be paid 2 months of additional salary, generally in December and April (thirteenth and fourteenth month salary). In case you do not work for one year, you'll be paid according to the months you actually worked.

During the period of **illness** and **injury**, you are entitled to retain your job until you recover. In case of a workplace accident, this period can be extended up to 1 year.

Working hours vary depending on your job duties. You can be working fulltime or part-time. If you work fulltime, you can work for a maximum of **44** hours per week.

It is possible for your employer to ask you to change your working hours for technical, production and organizational reasons. Your refusal to do so does not constitute grounds for dismissal.

If you work longer than the normal working hours, or on holidays, you are entitled to receive an extra pay for this **overtime work**.

Furthermore, you are entitled to a **weekly rest**, to **paid vacations**, and to rest on the days of festivities.

You are also entitled to paid days off which are not counted as days of leave.

There are however, reasons for justified **dismissal**, even summary dismissal without prior notice from your employer – such as unjustified absence from work for 3 consecutive days, criminal convictions which

lead to imprisonment, intentional damages, etc.

You can resign from your work at any time, but you must give your employer a prior notice of at least 1 month by sending a registered mail with return-receipt requested.

For your employer to dismiss you, they must give you a prior notice of 2 months.

Whoever doesn't comply with the rule of giving prior notice will have to pay a penalty established by law.

PERMIT OF STAY FOR SEASONAL WORK

If you are coming to Italy for the first time after your employer receives the **authorisation for seasonal work**, remember that you have 8 days from the moment you arrive in the country to undersign the Residency contract (**contratto di soggiorno**) at the Single Desk for Immigration and to submit the application for the Permit of Stay for seasonal work to the police station through the Sportello Amico at the post offices. This permit does not allow you to do other jobs. Should you eventually receive an offer for a subordinate work, you can apply at

AUTHORISATION FOR SEASONAL WORK AND RESIDENCY CONTRACT

Documents issued by the Single Desk for Immigration allowing non-EU citizens to enter and work in Italy.



the Single Desk for Immigration for the conversion of your Permit of Stay for seasonal work into a Permit of Stay for subordinate work. This is only possible if there are quotas allocated by the Quota Agreement (Decreto flussi), and if your permit is still valid. You can submit the application for conversion of your permit from within Italy and are under no obligation to return to your home country. The application must be submitted electronically by logging on to the website:

<https://nullaostalavoro.interno.it>

The application for conversion of seasonal work permit into subordinate work permit can also be submitted by those who have come to Italy for seasonal work for the second time.

*Legislative Decree 286/98 - Art. 24;
Circular Letter of the Ministry of Interior
No. 6732 of 11.05.2013*

Furthermore, if you can prove that you have come to Italy for seasonal work for two consecutive years, your employer can submit an application for a multiple-entry authorisation for seasonal work (for up to three years), as long as there are quotas allocated by the Quota Agreement (Decreto flussi). This authorisation for seasonal work is a requirement for obtaining subordinate work visa and subsequently for obtaining the seasonal work permit.

You should always check the status of your applications and the expiry date of documents allowing you to stay in Italy, otherwise your presence in the national territory will be considered illegal.

Presidential Decree 394/99 - Art. 38a

AND SHOULD YOU LOSE YOUR JOB?

If you lose your job, even if you resign, your work permit cannot be revoked. You'll however, have to register with employment listings at the Employment Centre before your permit expires. At the Employment Centre you'll have to declare the work you did previously and immediate availability to take up a new job.

This possibility is given to all agricultural workers apart from the seasonal workers.

If you are a holder of a seasonal work permit, you can remain in Italy until it expires and can be hired, always for seasonal work, even by a different employer.

Being registered as unemployed in the employment listings allows you to apply for **job search permit** when your permit expires. This permit is valid for at least one year.

Furthermore, you can receive unemployment allowance for agricultural workers if you meet the requirements. You will stop receiving this allowance when you find a new job.

*Legislative Decree No. 286/98 - Art. 22
Presidential Decree 394/99 - Art. 37*



www.immigrazioneinagricoltura.it
www.lavorareallalucedelsole.it



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