Social Fieldwork Research (FRANET)

Protecting migrant workers from exploitation in the EU: workers' perspectives

Country report Italy, September 2017

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1. Executive summary

The present report outlines the main issues that emerged during the fieldwork of the project "Severe labour exploitation - Workers' perspectives". According to migrants surveyed, the main risk factors which make labour exploitation likely to occur are: i) poverty and material deprivation of the family, ii) the legal status – intended as the entitlement to reside legally in Italy – and iii) being a migrant – which places migrants in a weaker position in the Italian society because of the lack of family/social protection network.

With regard to the motivators explaining labour exploitation in Italy, the research showed that there are main two motivators:

- **A cultural motivator:** migrants deserve, in the view of some employers, a different treatment from country nationals, just because they are foreigners.

- **A legal motivator:** The key motivator is the need for migrants to have a lawful job in order to reside legally in Italy since its renewal is linked to a regular job. This makes them prone to accept any kind of working condition, given that this is covered by a contract.

The most recurrent experiences of labour exploitation faced by migrants are: i) problems with pay, lack of a lawful contract, extremely long working hours, lack of sickness benefits, lack of adequate safety and health measures, poor housing conditions, lack of frequent and effective labour inspections.

The research clearly showed that migrants are reluctant to resort to the police or public authorities because of three main reasons: these being i) the lack of trust in the Italian police and justice system, ii) the fear of getting into even more serious trouble, iii) the difficulty to gather sufficient evidence to prove the exploitation.

Migrants' reflection on how labour exploitation can be prevented suggested that labour exploitation of migrants can be prevented by improving the enforcement framework, by improving the dissemination of information on labour standards to migrants, by further empowering trade unions and NGOs and by taking measures aimed to enabling compliance of employers with relevant rules.

2. Short description of fieldwork/sample composition

The present report outlines the main issues that emerged during 20 individual interviews and two focus groups. Interviewees and focus group participants included people who had become victims of labour exploitation or otherwise precarious work conditions between 2013 and 2017. The fieldwork started on May 2nd 2017 (Interview No. 1) and ended on 29 August 2017 (Focus Group No 2). The regions covered in the research are Abruzzo, Campania, Lazio, Lombardy and Piedmont, although it is worth noting that some interviewees reported experiences of exploitation which occurred in other regions (e.g. in fruit harvesting in Calabria). The rationale behind the selection of these regions is the desire of the research team to present, as far as possible, all particular features of the labour conditions faced by migrants in Italy in terms of recruitment channels (e.g. street pickup and illegal mediation in the south), in terms of sectors (e.g. exploitation in service and retail trade is more likely to occur in big urban areas such as Rome). An important reason guiding the selection of regions has been the will to detect the extent to which the centre-north is more prone to exploitation of migrants in trade and industry sectors, while in the south exploitation occurs mostly in agriculture and construction.[1]

Overall, the achieved sample matches the initial design. However some interviewees and economic sectors could not be covered as initially planned. Namely, women represent only ten percent of the final sample. Despite situations of severe labour exploitation and abuses being identified and despite the effort made by the contractor and by gatekeepers to convince the women involved to take part in the research, most of them were reluctant to tell their story. As expected, reaching members of specific communities – e.g. the Chinese and Sikh Community - proved problematic in terms of willingness to participate in the research because they were afraid of their employers' revenge. Only three interviewees are EU nationals, all of them having Romanian nationality because the activity of gatekeepers contacted and willing to provide access to interviewees seemed to be focussed, in the period of implementation of the research, on non-EU nationals. The coverage of the top three sectors as highlighted in the research report published by FRA in 2014 (Agriculture, Construction, Industry Sector) as required by FRANET guidelines has proved to be more challenging than expected with specific regard to construction and manufacturing. The process of selection of interviewees – as well as the final sample – shows that the specific activities of services, retail and wholesale trade, are proving to be sectors where labour exploitation is growing. Gatekeepers contacted during the research, seem to be handling - or had handled in the recent past – many cases of exploitation in services and trade, beyond expectations and much more than indicated by recent surveys and studies on the topic.[2]

The selection of interviewees and focus group participants was made possible by the support of a number of gatekeepers (seven in total), mostly trade unions branches specialised in the agriculture sector and NGOs with different specialisations (support to unaccompanied children, legal support, social centres supporting migrants in all matters).

Individual interviews were carried out by five researchers with experience in qualitative research, and the focus groups were carried out by one moderator and an experienced researcher.

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[1] This is one of the findings of the first part of the research carried out by FRA in 2015.

[2] Marco Omizzolo e Pina Sodano (2016), *Indagine sul contrasto allo sfruttamento lavorativo e di manodopera immigrata in Italia: dalla direttiva europea Sanzioni alla legge Rosarno, DS Osservatorio Sociale.*
Caritas Italiana (2016), *Nella Terra di Nessuno, Lo sfruttamento lavorativo in agricoltura Rapporto Presidio 2015.*
Osservatorio Placido Rizzotto, *Terzo Rapporto Agromafie e Caporalato.*
Yalla, Servizio Regionale di Mediazione Culturale 2014, *Approfondimento tematico, Lo sfruttamento dei e delle migranti in Campania.*

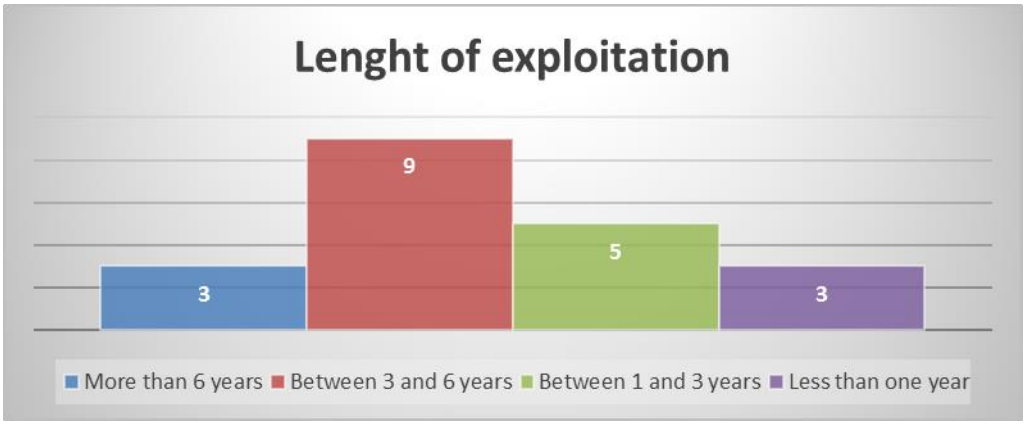
The analysis of findings was carried out by preparing a matrix including all answers per each question so as to be able to cross-check answers in order to detect trends among different target groups or sectors. Before the start of the preparation of the report, a brainstorming with all interviewers was held as to collect their impressions and to have a preliminary outline of the key findings.

As shown in the table below, the most represented target groups participating in interviews are:
- Other (EU citizens and other interviewees who could not fit the remaining categories)
- Applicants for international protection
- Migrants in an irregular situation and domestic workers or workers tied to employers by their visa. No posted workers and seasonal workers were covered within the study.

The most covered sectors in individual interviews are Agriculture and fruit harvesting, Services and Retail trade, Construction, Industry (manufacturing). The most covered sectors in the focus groups are Agriculture, Retail Trade, Services, Restaurant and Catering, and Security.

As shown in the figure below, out of twenty individual interviewees, nine people had a severe exploitation experience lasting between three and six years. For five migrants, the exploitation experience lasted between one and three years. Another three interviewees were exploited for more than six years and the remaining three for less than one year. It is worth noting that the latter group is only composed of children. Four individual interviewees experienced exploitation for the whole period they spent in Italy: this is specifically the case of migrants[3] who had already an agreement with their employer before leaving their home country.

Figure 1. Length of exploitation[4]



In total, 10 migrants took part in the two focus groups:, five in each focus group. The overwhelming majority of participants were male; only one woman took part in the second focus group. On average, individual interviews lasted 50 minutes with few interruptions.
Most interviews were carried out face to face, only two were conducted by phone.

The level of trust during the interviews was overall high; this is mainly due to the information provided on the objectives of the research by gatekeepers to interviewees, prior to the interviews. Some interviewees, especially the youngest, seemed wary at the beginning but

[3] Belonging to the groups D and O.
[4] Please note that the length of exploitation refers only to the length of the exploitation experiences considered the most significant by the interviewees. It happens that interviews had more than one exploitation experience and the interview focussed on one.

became more open during the interview. Most interviews were carried out in Italian, while four were done in the interviewees' mother tongue (Arabic, Bengalese) with the help of interpreters. The first focus group was conducted in English and the second in Italian.

Table 1. Sample of interviewees[5]

	INTERVIEWS				
		Economic sector/occupations (list all)	Nationalities (list all)	Male	Female
1	Posted workers	-	-	0	0
2	Seasonal workers[6]	-	-	0	0
3	Domestic workers	Manufacturing, Agriculture	Bengalese, Indian	3	0
4	Applicants for international protection	Cleaning services, Construction, Wholesale Trade, Car washing, Retail Trade	Bengalese, Burkinabe Ghanaian, Nigerian, Nigerien, Burkinabe,	6	0
5	Migrants in an irregular situation	Agriculture, Car washing, Manufacturing	Bengalese, Ghanaian,	3	0
6	Other foreign workers (e.g. EU nationals who have availed of their right to freedom of movement, People in the condition of "expected employment)	Agriculture, Car Washing, Retail Trade, Construction	Ghanaian, Egyptian, Romanian, Ethiopian	5	3
	FOCUS GROUPS				
	Target group	Economic sector	Nationality	Male	Female
1	D, IR, IP	Agriculture, Construction, Food Service,	Ghanaian, Ivorian,	5	0
2	D, IP,	Security, Domestic care, Retail trade, Advertising	Senegalese, Peruvian, Burkinabe, Bengalese	4	1

[5] Please note that when referring to or quoting interviewees and focus group participants in this report, the country of origin is sometimes replaced with the more general geographical region to guarantee anonymity of research participants.

[6] Please note that within this research, the term 'seasonal worker' has a wider scope than the definition of seasonal workers contained in the EU Directive on Seasonal Workers, and also includes seasonal workers under national schemes as well as under the EU Directive on Seasonal Workers. It also includes EU workers moving for seasonal work.

By looking at the circumstances which emerged as typical indicators of situations of severe labour exploitation of workers in employment relationships, the research showed that the most frequent are:

- Extremely long working hours which was reported by almost all interviewees belonging to all groups.

- No salary paid or salary considerably below legal minimum wage which may apply to all target groups covered.

- Very few or no days of leave, reported by 15 interviewees.

The least frequent indicator of exploitation is the one in which the passport is retained or the migrant's freedom of movement is limited - reported only by one beneficiary of international protection and one irregular worker.

Table 2. Circumstances which emerged as typical indicators of situations of severe labour exploitation* of workers in employment relationships

Circumstance/indicator	**Total number**	**Breakdown by category**
no salary paid or salary considerably below legal minimum wage	17/20	**D (2), IP (4), IR (4), O (7)**
parts of remuneration flowing back to employer on various – often unreasonable – grounds	5/20	**D (1) IP (1), IR (3)**
lack of social security payments	13/20	**D (1), IP (4), IR (4), O (4)**
extremely long working hours	19/20	**D (3), IP (5), IR (4), O (7)**
very few or no days of leave	15/20	**D(2), IP(5), IR (4), O(4)**
working conditions differ significantly from what was agreed	9/20	**D(1), IP (5) , IR (1), O (2)**
worker lives at the workplace	5/20	**D(1), IP(3), IR (1)**
hardly any contact with nationals or persons from outside the workplace	5/20	**D(1), IP(2), IR(1), O(1)**
passport retained, limited freedom of movement	2/20	**IP(1), IR(1)**
no contract, or contract not in a language the interviewee could understand	11/20	**D(1), P(3), IR(3), O (4)**

3. Legal and institutional framework

The Italian legislator contributed to completing the legislative framework concerning the contrast to labour exploitation through the approval of the Law No. 199 of 29 October 2016: "Legislation to contrast illegal labour, labour exploitation in agriculture and on wage realignment in the agricultural field" (*Legge 29 ottobre 2016, n. 199 "Disposizioni in materia di contrasto ai fenomeni del lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributive nel settore agricolo*) which further amended the offences ruled by the Italian Criminal Code providing further instruments to Italian Prosecutors and police authorities.

In fact, the legislative reform replaced art. 603-bis of the Criminal Code in order to punish not only the mediator recruiting workers for the employer, but also the employer themselves for forcing employees to work in exploitative conditions. This is a relevant advancement as employers using labour mediators are generally aware of the recruitment methods and of the conditions of exploitation the employees undergo as to working conditions, working hours, wages and living conditions.[7] Moreover, art. 603-bis of the Criminal Code also envisages aggravating conditions in cases of exploitation concerning more than three workers, if children are involved and if the labourers are exposed to serious threats to their safety and/or lives. Moreover, the new legislation envisages the possibility to confiscate properties, goods and financial resources of the employer in case s/he cannot demonstrate the legal origin of such assets (art. 603-bis.2 of the Criminal Code). Nonetheless, in order to further protect workers, confiscation might be replaced by the judicial administration of the company – commanded by the Court – in case confiscation might entail a disproportionate damage to the occupational level or compromise the economic value of the company: this measure is meant to reduce the negative backlash of labour exploitation prosecution on labourers' financial resources and economic situation (art. 3.1 of the above-mentioned Law No. 199 of 29 October 2016) .

The implementation of this legislative framework – as well as the protection and monitoring of workers' rights – is delegated to the National Labour Inspectorate (*Ispettorato Nazionale del Lavoro)* created through the Legislative Decree No. 149 of 14th September 2015 on "Dispositions for the rationalisation and simplification of inspection activities concerning labour and social legislation"[8]. The Inspectorate operates both at national and territorial level thanks to the intense cooperation with inspective services of local healthcare departments, regional authorities and police authorities. More specifically, the inspectorate is in charge of monitoring the respect of labourers' rights, their working conditions, the wages they receive, the contracts they are asked to sign as well as the respect of the in-force insurance legislation and the legislation concerning access to rights and services. The Inspectorate – in cooperation with its local branches – can implement inspections on work places and assess the respect of basic workers' rights. Moreover, the inspectorate is in charge of releasing studies, research and statistics concerning the respect of workers' rights: in relation to this, it is worth mentioning that the annual report released by the Inspectorate includes also the number of implemented inspections and their results.[9] According to the 2016 report, the sectors where the highest

[7] Fontanarosa, F. (2017), "Il contrasto del caporalato nell'ordinamento giuridico italiano: quali prospettive per la legge n. 199 del 29 ottobre 2016", *Eticaeconomia*, 19 December 2016, available at: www.eticaeconomia.it/il-contrasto-del-caporalato-nellordinamento-giuridico-italiano-quali-prospettive-per-la-legge-n-199-del-29-ottobre-2016/.

[8] Decreto Legislativo 14 settembre 2015, n. 149, "*Disposizioni per la razionalizzazione e la semplificazione dell'attività ispettiva in materia di lavoro e legislazione sociale, in attuazione della legge 10 dicembre 2014, n. 183*", available at: www.jobsact.lavoro.gov.it/documentazione/Documents/Attivita_ispettiva.pdf.

[9] The 2016 annual report of the National Labour Inspectorate is available on the Ministry of Labour and Social Policies website, at: www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/Documents/Rapporto%20annuale%20dell%E2%80%99attivit%C3%A0%20di%20vigilanza,%20anno%202016/rapporto-annuale-2016-INL-attivita-di-vigilanza.pdf. The 2017 annual report has not been published, yet.

rates of irregular workers are employed – and where consequently stricter inspections should be deployed – are: transport and storage; construction; accommodation and food services; manufacturing; trade; and other services; such as agriculture. The report also stresses that in 2016, local branches of the National Inspectorate organised 520 awareness raising sessions aimed at providing information concerning the in-force labour legislation and strategies to contrast irregular labour, destined to the most relevant local stakeholders, including workers' organisations and employers' organisations. The report is mostly focused on irregular employment but leaves reduced room to the issues concerning workers' rights and exploitation episodes.

The activity of the inspectorate is supported by police authorities: more specifically, the *Carabinieri* (a branch of the Italian police authority) have a crucial role in assisting the Inspectorate's activity in monitoring working conditions and reporting exploitation episodes and situations (art. 6.4 of the Legislative Decree No. 149 of 14 September 2015).

At local level, the activity of public authorities is crucially supported by different stakeholders, especially NGOs and trade unions which are committed not only to the identification of exploitative situations but also to the support of (potential) victims. Their role is stressed and supported by the National Action Plan against Trafficking and Severe Exploitation 2016-2018 (*Piano Nazionale d'Azione contro la Tratta e il Grave Sfruttamento 2016-2018*)[10] adopted by the Italian Government on 26 February 2016: the Plan fosters the creation of coordination mechanisms between the different stakeholders committed to combat labour exploitation and to support the victims. In fact, the Plan fosters proper training of all the stakeholders which might get in contact with the victims – including police officers, healthcare departments' staff and labour inspectors) besides the use of the National Anti-Trafficking Helpline which offers a 24-hour service available both to victims and to the stakeholders supporting them. Moreover, thanks to the Plan, a Direction Cabinet was created on 2nd August 2016[11], made of delegates of central authorities, regions and municipalities: the Cabinet coordinates the different stakeholders taking into account the opinions and concerns expressed by NGOs and trade unions; moreover, it programmes actions and measures implementing the Plan and fosters research and studies in cooperation with associations and the scientific community.

Italian Courts have not been able so far to contribute to the interpretation of legislation concerning labour exploitation, also because the approval of the above-mentioned Law is quite recent. Nonetheless, some decisions have provided a wide interpretation of exploitative behaviours in order to further protect labourers' rights. This is the case of the decision No. 18727 of 5 May 2016 issued by the Italian Court of Cassation.[12] In this case – which concerned the accusation of extortion which lower courts had attributed to an employer –the Court stressed that even though the employees had accepted to sign an irregular contract, to lie to labour inspectors and to work in poor working conditions does not entail that there had not been extortion at the detriment of workers. In fact, workers have less negotiating power than their employers since they can threaten to lose their job especially when the general economic situation features high level of unemployment. In compliance with this argumentation, the condemn against the employer (2 years, 6 months and 20 days of reclusion, as well as a fine of EUR 260) – issued by lower Courts – was confirmed by the Court of Cassation.

Being this the general legislative and institutional framework, interesting and promising practices might emerge at the local level. In annex I one of these has been reported, concerning the establishment in June 2016 of a Protocol to combat labour exploitation in

[10] The Plan is available at the Italian Government's Department for Equal Opportunities website, at: www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf.

[11] Press release of the Government's Department for Equal Opportunities, available at: www.pariopportunita.gov.it/contrasto-tratta-esseri-umani/cabina-di-regia/.

[12] The Court's decision is available at: www.lentepubblica.it/wp-content/uploads/2016/11/Sentenza-05.05.2016-n.-18727-Corte-di-Cassazione-Sez.-II-penale.pdf.

agriculture (*Protocollo contro il caporalato e lo sfruttamento lavorativo in agricoltura*). This Protocol was signed by national authorities (the Ministries of the Interior, of Labour and Social Policies, of Agricultural, Food and Forestry policies); by those Italian regions where exploitation in the agricultural field is more severe (Basilicata, Calabria, Apulia, Sicily, Campania, Piedmont); the Italian Red Cross; the main Italian trade unions and the employers' organisation of the agricultural economic sector. The Protocol – which is financed through public ministerial resources and by the AMIF Fund – will last until December 2017 (with the possibility to be renewed) and is aimed at promoting and implementing actions in the territories of Bari, Caserta, Foggia, Lecce, Potenza, Ragusa and Reggio Calabria destined to the contrast to labour exploitation. More specifically, thanks to this protocol the stakeholders will be supported in organising raising awareness campaigns; in supporting the workers in being aware of their rights and having access to basic services; in creating street units providing health and legal assistance to the workers.

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4. Risk factors for severe labour exploitation

Table 3. Risks factor

Risk factor mentioned	Number of interviewees	Number of focus group participants
Poverty and material deprivation of the family	15/20	8/10
Legal status	11/20	6/10
Being migrant	10/20	10/10
Lack of correspondence between skills and work carried out in Italy	10/20	5/10
Lack of adequate Italian language skills	3/10	5/10

As shown in the table above, the main risk factors according to interviewees and focus group participants' reflections on what may have allowed or facilitated exploitation are:

- **Poverty and material deprivation of the family:** Two thirds of interviews' respondents and almost all focus group participants - mainly non-EU citizens belonging to target groups IR, IP, D, O - reported that they decided to leave their country of origin in order to improve their personal well-being and the material conditions of their families. The situation seems similar for the three EU nationals interviewed: they left their own country because they did not have job security or because the wage they could get there was too low. The following direct quote from an EU national is exemplifying in this respect: *"[…] there they pay you little and life is harsh, let's say, because those money are too little. We came here for [earning] a lot of money, because that's what he said, "they pay you a lot", but then instead of 7,80 EUR as we should have received, we were earning 5,42 EUR, then we were working for nothing. […]"* (Italy, female interviewee from Romania, agriculture, EU national).

  Several of the interviewees who reported poverty and material deprivation as a risk factor, stressed that the decision to leave their country of origin was based also on the will to join family members already settled in Italy. A few respondents (3 interviewees) also reported that the decision was based on the strong desire to seek a country where they could build a better future for themselves. One interviewee reported that he decided to leave his own country because he belongs, in his home country, to an ethnic minority that does not enjoy the same rights of the groups supporting the government. The ethnic groups that do not support the government are not enjoying equal quality of life of the tribes supporting the government and for this his life was in danger that he had no choice but leave the country in order to save his own life. Here is his quote: *"We had the hint that we should leave the country before the government would take control..[…] they would catch us".* (Italy, male interviewee from Western Africa, construction, applicant for international protection at the time of exploitation).

  The ethnic background might expose the migrant to the risk of exploitative working conditions, especially when it is an obstacle to the personal development (e.g. does not allow the person to attend school).

  - **The legal status:** Most interviewees did not have any documents when they first arrived in Italy. This is reported by half of individual interviewees and the majority of

them (7) managed to have some kind of stay permit after that. Six out of ten focus group participants reported not having any documents when they first arrived to Italy.

On the relevance of the legal status as a risk factor, divergent opinions emerged across interviews and across focus groups: amongst individual interviews irregular workers manifested greater expectations on having regular documents as a way to prevent exploitation. A residence permit is perceived as a shield versus the risk of exploitation and as a winning score for migrants who wish to move from one job to a better one. This view is well described in the following statement, made by one focus group participant regularly residing in Italy: *"For me [it] is important to give a very good permesso di soggiorno (the residence permit) to the immigrant. Because if you have permesso di soggiorno, let me see, you are not afraid, you know that you are regular and you know that even if you lost your job, you can find another job because the permesso di soggiorno gives you an opportunity to do whatever you want. Even if you cannot find a job here, you can go to other places of Italy. And another good thing that should be possible for the EU, to have permesso di soggiorno which would be possible for [the] immigrant to decide whatever they want to go in Europe, to find a job."* (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

This expectation is denied by some workers, especially the ones belonging to target groups other than irregular, who believe that paradoxically, the necessity to have a contract in order to being allowed to reside legally in Italy makes it even more complex for migrants to find a job because employers have a smaller blackmailing power with regular employees than irregular ones. This is the reason why migrants are keen on accepting any kind of contract (e.g. stating a number of hours lower than the actual ones).

- **Being a migrant:** Being a migrant is a key contributing factor to labour exploitation and this is reported by half of interviewees, all non-EU nationals, and by all focus group participants. Being a migrant is a key risk factor mainly because migrants are in a weaker position in Italian society: they lack the family/ social protection network since in most cases they arrive alone and lack sufficient information on how the system works (e.g. labour standards and labour market rules). All this exposes them to the risk of falling into the grip of a system of rules and controls that has many leaks, allowing migrants to become key actors of the illegal economy. In view of detecting the risk factors, the life journey of migrants before reaching Italy is crucial; especially for African interviewees, regardless of the age and of the target groups. Most African interviewees,[13] before reaching Italy, spent a period in Libya where their situation got worse since 2006. As a matter of fact, the reasons for leaving Libya were the start of abuses on foreigners living and working there; one interviewee left Libya because a friend told him to leave the country when the authorities issued an order according to which foreigners had to leave the country or because the war erupted. In addition some of them reported to having faced a difficult journey by boat from Libya and also reported the uncomfortable conditions experienced in reaching the country by boat (e.g. the boat was boarding much more people than its maximum capacity). One interviewee reported a very peculiar reason for leaving Libya; namely the risk of being killed by a previous employer after the cow barn he was taking care of burned down. The

[13] 11 individual interviewees and 8 focus group participants were Africans.

bitterness of the life experience migrants had to face already before reaching Italy appears to help explain the harsh conditions migrants are willing to accept once they reach Italy. Very few interviewees who had reached Italy through Libya reported details of the trip, but the path seems to be as follows: all migrants reached Italy by boat, all of them paid smugglers to take them to Italian coasts. One interviewee, who was still a child when he did the boat trip from Libya, said that he paid €300 to a group of Libyan nationals and reached Sicily on a boat loaded with 170 people.

It emerged that being a migrant contributes to exploitation also because of widespread prejudice. Some interviewees with respect to the treatment received by employers, reported that there is not even consideration of a migrant as a human being or, at least, having the same dignity as Italian nationals. This was considered particularly relevant for black people who, according to interviewees, are considered with even less dignity than other migrants just because of their skin colour. This emerged several times both during interviews and focus groups, the following quotes are explanatory:

"The ones I go out with [co-workers] are paid 200 euros per week, we start at the same time and we finish at the same time but they pay me 130 euros per week. (Italy, male interviewee from Western Africa, wholesale trade, applicant for international protection).

"I am a foreigner, when they give me huge money I will send it back to my country []… they said that I'm black, so the money (received by the employer) was enough". (Italy, male focus group participant from Ghana, construction, migrant in an irregular situation at the time of exploitation).

Other risk factors mentioned but considered less relevant than the ones described above are briefly elaborated below.

Half of the interviewees reported that the work they did when they came to Italy did not correspond to the skills, experience or qualifications they had. Three interviewees reported not having any particular skills. A minority of interviewees stressed that their education level, achieved in the home country, gives a much higher qualification and competences than the ones needed to carry out the tasks to be carried out during the exploitation experience. Nonetheless, both during individual interviews and focus groups, this issue did not emerge as a key risk factor for ending up in a situation of exploitation in the sense that a higher education and skills level is associated with a lower risk of exploitation only to a small extent. It is worth to report the case of a person holding a PhD, once in Italy ended up working in an internet point.

A risk factor, considered as slightly less relevant– reported by three interviewees - is the lack of knowledge of the language although this is very much associated to the migrant condition, in particular, of the lack of knowledge of the Italian system of the labour market rules.

The economic sector is not fully relevant in terms of risk since no sector seems to be exploitation free. The field work showed that, compared to previous analyses which signalled that exploitation has an important relevance mostly in the traditional sectors of Agriculture, Construction, Domestic services and care, from this research it emerged that a lot of exploitation is hidden in the service and trade sectors and is not easily detectable from the general public and customers as well as from the enforcement authorities because of the way the activities are carried out. It happens that many migrants face very harsh conditions in the car washing sector and in flower shops.

As described in the following chapter, not being paid or not being paid regularly is one feature of the exploitation but in the case of Italy, becomes a risk when the missed payment from the employer's side is prolonged: as a matter of fact, this creates a vicious circle where the worker does not have any choice but to continue working with the exploiting employer because he/she is awaiting money and the only way to get the money back is continue working. This was reported by one fourth of individual interviewees and did not emerge as a key factor during the focus group. One interviewee belonging to the IP group stated: *"The day they would pay you they keep some of the money because they know that if you receive all money you go".* (Italy, male interviewee from Western Africa, construction, applicant for international protection at the time of exploitation)).

The factors presented above introduce the contextual and personal conditions of migrants, which enhance the risk that migrants end up in or are forced to accept exploiting working conditions. The reasons, intended as the motivators that explain the behaviour of the employer and their convenience in exploiting migrants, where mainly elaborated during the focus group discussions more than during individual interviews. Summarising the interviewees and the focus group discussion one could say that the exploitation can be explained mainly by:

- **A cultural motivator:** migrants deserve, in the view of some employers, a different treatment from country nationals, just because they are foreigner. Furthermore, these employers do not have any will to allow the personal and professional growth of migrant workers.

- **A legal motivator:** The key motivator is the need for migrants to have a lawful job in order to reside legally in Italy. The legal setup related to a stay permit in Italy was criticised by nearly half respondents to individual interviews and the majority of focus groups. In order to enter and reside legally in Italy migrants must have an employment contract, since as illustrated in Section 2, the stay permit and its renewal is linked to a regular job.

  The extent to which the legal system encourages labour exploitation of migrants is fostered by a peculiar phenomenon: the illegal market of job contracts through which the migrant who wants to comply with the law, obtains a stay permit. Migrants can pay directly an Italian employer if they are already settled in Italy or pay – before leaving the home country - a country national that organises the business by mediating with employers in Italy. The following quote of a male focus group participant who resides regularly in Italy, illustrates how this system works:

  […] I'd like to add that this labour exploitation starts from the very beginning, when a person leaves the country of origin. The experience I had also discussing with some compatriots.[…] "Basically there is the need that 6-month residence permits are released for seasonal work. So these people when they came, they were told if you go to the office at the police headquarters they give you a 6-month residence permit and after 6 months you have to leave home. But he paid EUR 15,000 for a permit to come here, but he is not fool, if he doesn't earn EUR 15,000 in Italy he can't do it, what can he do, go robbing? So if he can't earn EUR 15,000 working he doesn't show up at the immigration office. […] So this person when s/he comes here, doesn't show up [to the police] and starts from the very first day as an irregular person. (Italy, male focus group participant from Peru, retail trade, regular migrant at the time of exploitation).

This places workers in an even weaker labour market position than Italian nationals since the law allows migrants to work below market value because the employers directly or, through temporary agencies, set the conditions to be accepted by the worker with no chances for the migrant to negotiate.

In the vein of the consideration that having a document reduces the risk of exploitation, in focus groups, participants who have lived longer in Italy, reached the conclusion that paradoxically, having a regular permit hinders the possibility to find a quality job. As reported by one male focus group participant regularly residing in Italy, this happens mainly because for employers it is more economically convenient to hire people without documents so that they do not have to pay taxes and social contributions:

"mostly they prefer people without document. So, it is better even if I've got document to tell I don't have document. And when they discover that you have document, ok don' worry, tomorrow maybe I will call you to let you know, because they prefer most of the time, people who do not have document". (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

"[…] when you have a document it means that you have less opportunities to find a job because most of the employers look for irregular workers in order to pay low wages. In the [agricultural sector] either you work as mentioned before for EUR 350-400 per month or you are out, the door is open." (Italy, male focus group participant from Peru, retail trade, regular migrant at the time of exploitation).

In line with what emerged during interviews in relation to the lack of information as a risk factor, the second focus group provided good insight into the leaks of the legal system: it is not law itself but its transparency that makes life harder – more than for Italians - for migrants willing to find a job. This lack of transparency and the complexity of relevant procedures for formalising the labour market position of migrants results in the inability of public officials to deal with migration-related matters. This inability is suffered by migrants who lack adequate assistance by public institutions - especially by the ones who have not yet became confident with the national system of rules.

5. Workers' experiences of severe labour exploitation

Table 4. Recurring themes: experience of labour exploitation

Recurring themes	Number of interviewees	Number of focus group participants
Problems with pay	15/20	10/10
Lack of a lawful contract	11/20	6/10
Extremely long working hours	19/20	8/10
Lack of sickness benefits	19/20	5/10
Lack of adequate safety and health measures	2/20	3/10
Poor housing conditions	4/20	Not applicable [14]
Low frequency of inspections	5/20	6/10

As shown in the table above, when asked about experiences of labour exploitation, most interviewees reported the following:

Problems with pay: Most interviewees reported to have experienced problems with pay. In three cases it was reported that the employer withheld part of the money, saying that this would have been kept for the victim, and only in a minority of cases it emerged that the employer was giving the money to someone else, or was using the money to pay taxes.

The most recurrent problems relate to low pay, which is considered by interviewees as significantly lower than the minimum pay for the tasks and hours worked. The worst cases were reported in the cleaning sector, where a migrant can work up to 200 hours per month, and on average 11-12 hours per day. Eight interviewees out of twenty reported being asked to work 7 days a week. It must be added that migrants are employed in jobs requiring physical labour such as cow breeding and milking, fruit harvesting, or car washing. It is a fact that the treatment granted to migrants is, in general significantly worse than Italian nationals in terms of working hours, daily pay and tasks.

Lack of a lawful contract: Half of the interviewees reported that they never signed any contract or any other formal document to do their job. In one case an interviewee reported that he never saw his contract: the employer only told him that the contract had been prepared but never asked the interviewee to sign it. Another interviewee reported that he had asked to have a contract, but the employer did not accept it. The lack of contract seems transversal to all juridical status', having regular permit or being entitled to international protection is not a safeguard in this regard.

Only half of interviewees reported having signed a contract, or a paper. However the contract in at least half of the cases was either:

1. understating the hours actually worked, even by up to 70/80%. This means that the contract was registered as part-time while being referred to a full-time relationship. This was reported as a common practice in individual interviews and was further detailed in focus group discussions: migrants would sign a contract and trust that this was enough for them to reside in Italy. When they go to the immigration office to renew their document

[14] This issue did not emerge during focus group discussion.

they find out that the contract has not been properly registered (at the Public Employment Services) and that their residence permit cannot be renewed.

"[…] The registration is not good and you don't have any place, any office to show that please look it if it is good or it is not. So, we don't have that, you think you are working, the capo gives you a contract but you go to Questura to renew your document, you show your contract to Questura and they say the contract is not good and they broke your document" - meaning they are not able to renew the documents. "*This thing is very bad.* (Italy, male focus group participant from Ghana, construction, migrant in an irregular situation at the time of exploitation).

The likely evolvement of this practice was described by a focus group participant when asked "what happens next?": *They (Police officers) denounce you saying you are using fake contract to renew your document […], most of the time you have to find a lawyer, a competent lawyer to help you …and most of the time you know the justice of Italy it will take more years, 2 or 3 years and you may lose your documents. This is the situation that we use to face."* (Italy, male focus group participant from Peru, retail trade, regular migrant at the time of exploitation).

In this regard it is good to report also the experience reported by a focus group participant to explain how the lack of transparency on types of contractual arrangements can be used by deceitful employers to con migrant workers: *"[…] there was an issue with vouchers*(legal payment system used to pay services offered on occasional basis) *about this. Like kind of check and you have the right of 10 euros for instance, and they give this kind of check - I don't know if this is the case, but there was a huge issue about this because this was not accepted for the renew (of the documents)."* (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

2. Another practice – partially introduced in the previous section - relates to the fact that migrants, in order to have the residence permit for work reasons, are even keen to pay an Italian employer to provide a fake contract so that they can prove that they have a job. In most cases, migrants pay up to 1,000 or 2,000 € and reimburse the employer of taxes and social security contributions. This factor is explanatory of the fact that employers are not willing to exceed their intended salary cap for a worker for a given task.

This practice was thoroughly described during the focus groups and was referred to as a real and organised business by one male participant: *" […]it is a kind of market. The contract is a market because []… you are going to pay the taxes by yourself because you are in need []* (they meant that they are obliged to pay all the taxes because they need the contract to apply for the work permit, otherwise they will lose it)*. Some people sometimes say, you just give a contract of 6 months and withdraw the money from 'bustapaga' (the salary), instead of paying me 9000 euros, you give me 6000 euros (he meant that sometimes they don't have the money to pay this 'price' so they accept to give back to the employer a certain sum of their salary, in order for him to pay the taxes)* (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

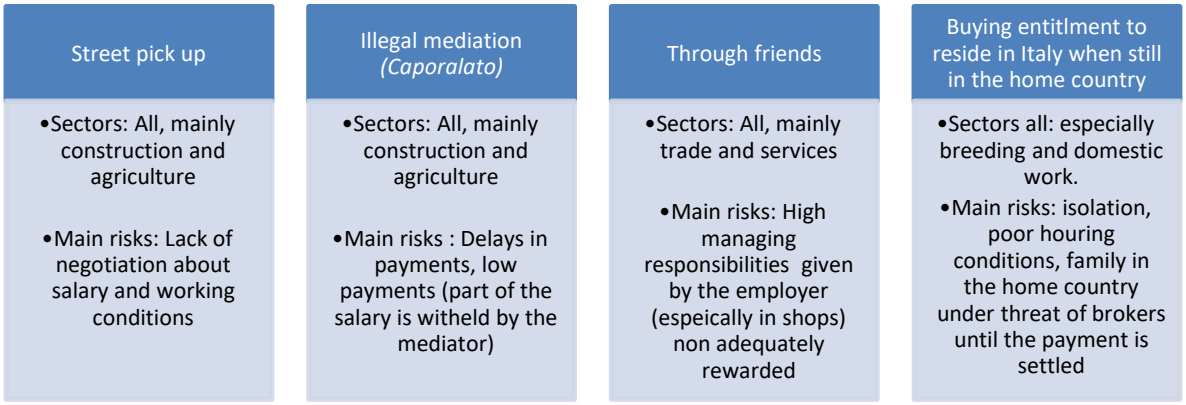
Another male individual interviewee (group D) reported the following: *"Sometimes the Moroccan guy (...) there are a lot of people that when you have to renew the residence permit, we need the work contract. When they ask for the work contract, the cooperative society's manager, he told us you give me for example 300 EUR, 500 EUR, I give you the contract,*

that's what happened". (Italy, male interviewee from Bangladesh, waste management sector, regular migrant at the time of exploitation).

In individual interviews, six respondents reported that language was an issue, and that also if regularly employed, they were not given the possibility to see the contract or that this was in Italian, and therefore not all provisions could be well understood. One migrant belonging to the IP group reported being asked to sign a paper which later was found to be either just a paper without any legal value or a paper stating that the worker was not willing to work with that employer and the migrant could not understand it since this was in Italian.

On the subject of hiring conditions, it might be useful to present the most recurrent recruitment channels for migrants as illustrated by individual interviewees and focus group participants. As shown in the figure below, migrants in Italy are hired in four main ways: street pick up, illegal mediation, through friends or by buying the entitlement to reside in Italy before leaving their own country (namely a formal invitation from an employer based in Italy). It can be seen that each recruitment channel is associated with a set of particular risks to be faced by migrants; meaning that the way migrants are recruited impacts on, after the start of the employment relationship, their working conditions.

Figure 2. Recruitment channels



Extremely long working hours: All people interviewed individually and in focus groups reported to have experienced problems with working conditions. From fieldwork, it arose that long working hours is a common feature of migrant work in all sectors. Only in the industrial sector the hours worked seem to be lower than all other sectors; however still exceeding 8 hours per day. The possibility to enjoy periods of holidays seems unknown to migrants. The most fortunate, a male participant belonging to the D group and employed in the breeding sector, could take 20/30 days over four years to go and visit family in his home country.

Breaks are in general not allowed or considered as being deserved by migrants. Only 2/3 people out of the people surveyed reported to have the right to a normal lunch break, lasting around one hour. In many instances the break lasted 10 to 20 minutes, the time needed for a quick lunch. It has been reported that in some cases, migrants lamented that they were not provided with food or water, even when food was in close proximity, such as in supermarkets during the cleaning.

The following quotes provide an idea of the hours worked by the migrants surveyed:

““Sometimes I worked 20 hours with only 15 minutes break”. (Italy, male interviewee from Western Africa, cleaning sector, applicant for international protection at the time of exploitation).

“We always worked. Let’s say, in one year, I stayed home just for few days, I went to work even with headache, stomachache […] I went and when you go, you had to be careful not to cut yourself or break a leg, because you had to go to work. […]” (Italy, female interviewee from Romania, agriculture, EU national).

Besides the most recurring features of labour exploitation in Italy, further elements depict the conditions that migrant workers reported to be facing:

Lack of sickness benefits: almost all migrants interviewed, if sick could not go on sick leave and were obliged to go to work as not to lose the pay for that day/those days. It is worth noting that migrants having a permanent disease reported that carrying out work activities for long hours and without breaks was causing them physical pain preventing them to do anything but rest at the end of the working day. One interviewee reported that when he told the employer that he was not able to work because of the pain, the employer threated him that he would be fired if he would not show up the day after.

Lack of adequate safety and health measures: Safety and health in the workplace emerged as a key negative issue especially in case (2 individual interviews) of activities involving looking after and taking care of animals. Sometimes it happened that migrants signalled the potential risk of using working tools and carrying out some activities and proposed a different approach but this advice was not taken into account by the employer and no countermeasures were taken. This was specifically reported by a migrant exploited in the breeding sector, here the relevant quote: *“The employer bought a new machine for milking… This machine required the cows to enter an iron gate but the cows feared to enter. During the first days after the new milking machine started to be used me and my colleagues told the employer that the machine was making their work very tough and unsafe since cows were not willing to get close to the machine. The employer replied that the thing to do to was just “insisting on pushing the cows”.* (Italy, male interviewee from India, agriculture, regular migrant at the time of exploitation).

In some cases this was exacerbated by peculiar features of the work such as being exposed to the burning sun in fruit harvesting, or inhaling chemical products in car washing which cases chest pain. Safety equipment was never provided as required by law, and two interviewees reported that they had to buy safety equipment on their own.

Poor housing conditions: Five individual interviewees belonging to D and O groups reported that their accommodation was provided by the employer, and according to all of them, the conditions were far from acceptable because of the overall quality of the house and because of the low level of privacy. A male interviewee belonging to the D group, exploited in the animal breeding sector reported that his house was a few meters from the workplace (a stable) and from the house of the employer while being very far away from the built-up area. The employer accessed the house anytime he wanted regardless of the time of the day.

The two boxes below summarise the main features of the exploitation faced by children and women in Italy as reported by interviewees.

Box 1. Exploitation of children: distinguishing features

Three interviewees (aged 18) reported that their exploitation experience occurred when they were still children. The three interviewees were male and originally from Northern Africa.

The following features depict, in brief, the particular experience of young migrants in Italy - based on the experience of these three interviewees - with regard to labour exploitation:

- They tend to be hired for tasks that are far from the eye of the public and of enforcement authorities such as car washing or flower shops.
- They are not afraid to face very harsh working conditions, perhaps even more difficult than adults, and show a considerable capacity of resistance to such conditions. They work as car washers or as florists for more than 12 hours per day for a derisory pay.
- They tend to rely on the network of benevolent country nationals who offer them an employment opportunity and, after a short while, they realise that country nationals are only interested in workforce to exploit.
- The feverish research of working opportunities in order to reach economic autonomy push children to accept risky working conditions often in conflict with the educational paths offered by the organisations responsible for their personal growth and for their integration in the Italian society.

Box 2. Exploitation of women: distinguishing features

Three out of twenty individual interviewees and one out of ten focus group participants were women.

No major differences with the male component of the sample were observed as regards the pay, the number of working hours, housing and the formality/informality of the employment relationship. However, a sexual harassment element is often present in the relationship between Italian male employers and female migrants, being them extra-EU or EU citizens. Sexual harassment takes the form of verbal sexual allusions and, it is not easy for victims to be demonstrated for judicial purposes.

During the first focus group, participants – all African males – were asked to describe what is the condition of women in the Italian labour market. From the discussion it emerged that the exploitation of women is largely associated with sexual exploitation and starts already in the home countries where young women - and their families - are convinced, by family acquaints who live in Italy or have contacts in Italy, about the positive perspectives of work and wealth that Italy offers. In general, acquaints offer their help in arranging the trip towards Italy. Once women reach Italy – most likely by boat after having crossed several African countries – they meet the country national who paid the whole journey who inform them that they now have to settle the debt – of at least 20,000 € - quickly if they do not want to get in trouble. In most cases, the only way to get the money quickly is prostitution, associated with experiences of violence, harassment and extortion.

Inspections: More than a half of individual interviewees reported to have witnessed inspections in the workplace And half of them reported that the frequency of inspectors at the workplace is overall very low. According to workers, workplaces were visited by labour

inspectors – despite in most cases interviewees were not able to specify from which organisation they came from(Social Security Agency, Ministry of Labour etc.), Policemen, *Carabinieri* (Military police) and, to a lesser extent, *Guardia di Finanza* (Finance Police). It emerged that in some sectors such as the construction, visits are more frequent (even 4 in 8 months at the same workplace) while, from the field work it arose that in agriculture and, more specifically, fruit harvesting the inspections are less frequent – even 1 or 2 in 8 years -, perhaps because of the difficulty to reach the places which are often in deep mountains or countryside. As a matter of fact, when asked to report what happened during the visits one interviewee said that it happened that the Police officers did some checks and found that some colleagues were working without a regular residence permit and fined the employer. The officers checked all the documents of the employer and of the employees and then left. It was reported, by more than one interviewee, that they do not know what happened after the inspection or that there have been no consequences of this inspection or they reported that nothing happened as a consequence of the inspection. This is because they followed the order of the employer and hid themselves from the view of the inspectors. This should also be read in light of another factor, reported by more than one interviewee: it happened that during the visits, inspectors and employers seemed to have a friendly relationship. Inspectors came, and one said that when the employer realised that the policemen who arrived at the workplace were friends, he did not even ask the interviewee to run away or hide. During the focus group, the same practice emerged and additional factors were reported. The migrants, besides not being in the condition to know what happens during the visits, in most cases, especially in southern Italy, cannot understand what inspectors and employers discuss because they use the local dialect. Another issue – reported with specific reference to police inspections – is that during the visits, inspectors did not consider the presence of migrants at the workplace and did not ask the migrants directly about their working conditions or about their feelings. This seems to be – according to nearly half of focus group participants and one fourth of interviewees - due to two main reasons: a deep-rooted attitude of police officers towards migrants and the lack of English/French language skills of police officers.

This was reported by one participant in the second focus group: *"So, every time the police comes, they will discuss or they talk to the Italians [], so you don't talk about your feelings and the police won't ask you…[] and then you don't have documents"* (Italy, male focus group participant from Peru, retail trade, regular migrant at the time of exploitation).

In regards to the consequences of inspections, during the first focus group, one participant reported on his own experience to stress that migrants have some reasons for not trusting enforcement authorities: "*the problem sometimes, is not even the lack of control. Sometimes I remember 3 years ago, we went to the police station and we said that this guy we are working for several years, he does not want to pay the money. The police said don't worry, we will come to control. They come, they find us, they took the patron and nothing has changed? […] , they took the patron to the police station. They said (to the employer) that you have not paid the salary for these 3 guys, he said yes because he is waiting for the money from the government. So, ok, when I have the money I will pay. We lost the job and later nobody got the money. Nothing happened to him. You can lose the job and sometimes you are afraid to stay there because the patron knows you have taken him to the police station, so it is better to leave the place. Most of the time, this is the situation".* (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

Half of the interviewees, belonging to all target groups, reported to have been recruited through the network of country nationals or because the people the interviewees were

acquainted with used to work for the same employer and informed the interviewee about the work opportunity. One reported to be hired on the street while begging by a lady who afterwards became his supervisor.

The interviewees who experienced the labour exploitation in a big city of the South of Italy reported to have been hired on the street where all migrants stand every morning and are picked up by employers seeking work for any kind of job, from harvesting to construction; in most cases migrants cannot even negotiate the pay in advance. The following quote provides an insight of this practice:

"Usually we immigrants used to go to the Carrefour and the Italian used to pick us to work, because it was the normal way for us immigrants to get a chance to work in Italy. We stayed there and sometimes you can't even deal about the price [], because you need to find some money to buy food and so you are obliged to follow any price that he proposes to you. And, I remember 2008 when I was at the Carrefour ground, I was waiting, some Italian came and took me to the field….the faster you go to the ground (the earlier), because if you at 7 o'clock or 9 o'clock nobody will get you, so we had to go early in the morning so you will get a chance to take you to the farm…[…] maybe while you go to the car you say ok, how much are you going to pay me…or just walk, walk [] and maybe he says don't worry, at the end of the week I will pay you… So, as you need to work and to find something to survive". (Italy, male focus group participant from Ivory Coast, tobacco sector, regular migrant at the time of exploitation)

In one interview and in both focus groups from four participants, it was reported that often, before inspections, the employer may receive a call from someone who warns him about the arrival of the inspectors. No one was aware of from whom these calls could come, but this allowed the employer to hide things that he did not want the inspector to find; such as the exploiting conditions of his employees or the safety regulations and unhygienic conditions of the working premises.

Most interviewees, with no distinction between those in a regular and those in an irregular employment, never felt in the position to challenge the employer because of the fear of losing their jobs. It is well-known among migrant workers that they are prevented from challenging the employer to ask for better working conditions because they assume that the employers would not even try to accommodate their request, and they are aware of the fact that they will easily find other migrants willing to accept the poor conditions. One added that the employer is aware of the fact that he is wrong to not treat the person as a worker should be treated, and he will never change his approach. Employers are aware that it is wrong, and from their experience they are not eager to change their approach.

In very few cases the workers challenged the employer. Both from focus groups and interviews it emerged that when attempting to challenge the employer by pointing out the poor working conditions, the reaction was a mix of threat and derision.

The following quotes are just a selection of the attitude of employers when challenged by the workers: *"I told him no, the work is not correct, isn't it? We work for that money but…. definitely I was feeling tired so it was not my fault. So, they shouted on me, so I wanted to explain to the friend, the friend has told me that […]so it was nothing to do".* (Italy, male focus group participant from Ghana, agriculture, migrant in an irregular situation at the time of exploitation).

"So I asked why they give 70 euros and they give 30 euros? And the other man laughed and said I'm a foreigner". (Italy, male focus group participant from Ghana, construction, migrant in an irregular situation at the time of exploitation).

More than a half of individual interviewees and all focus group participants reported having been threatened or offended by their employers. Two main types of treatments emerged:

- Continuous offence and threats of being fired were addressed to male migrants, especially to black workers. In this respect is worth reporting the quote of a black migrant worker exploited in the cleaning sector: *""Other people are doing a lot of mistakes but never talked to them, only J (Himself)"* (Italy, male interviewee from Western Africa, cleaning sector, applicant for international protection at the time of exploitation).
- Sexual harassment to female workers employed in the agricultural sector and in restaurants and catering sector. In this respect it is worth to report the quote of a female worker to whom the employer frequently addressed verbal sexual allusions, and indirectly insulted her husband: *"[…] when we arrived, he said "you are good, but not for this work, for another job with me…" then my brother-in-law said "listen what he says, leave him alone, he is joking". The first time I arrived he said "I am joking, I am like this", but then he continued more insistently, too much, he said to my husband "What do you do, you are too fat, what do you do with your wife, send her to me, I will do everything." […] just words, no further things."* (Italy, female interviewee from Romania, agriculture, EU national).

6. Asking for help: victim support and access to justice

Table 5. Recurring themes: victims' support and access to justice

Recurring themes	Number of interviewees	Number of focus group participants
Factors leading migrants to ask for help		
Friends' suggestions	11/20	5/10
Internet research	2/20	0/10
Type of support migrants wish to receive support		
Need to get the money owed by the employer	10/20	Not applicable [15]
Desire to find out the extent to which their employment relationship is illegal	6/20	Not applicable [16]
Most recurring organisations		
NGOs	9/20	Not applicable [17]
Trade Unions	4/20	Not applicable [18]
Reasons for not seeking help of support organisations		
Lack of "trust" that things would improve	5/20	4/10
Self-acknowledgement and acceptance	3/20	4/10
Factors preventing migrants to resort to the police		
Lack of trust in the Italian police and justice system	15/20	10/10
Fear of getting into even more troubles	11/20	6/10
Difficulty to gather sufficient evidence	4/10	6/10

Factors leading migrants to ask for help

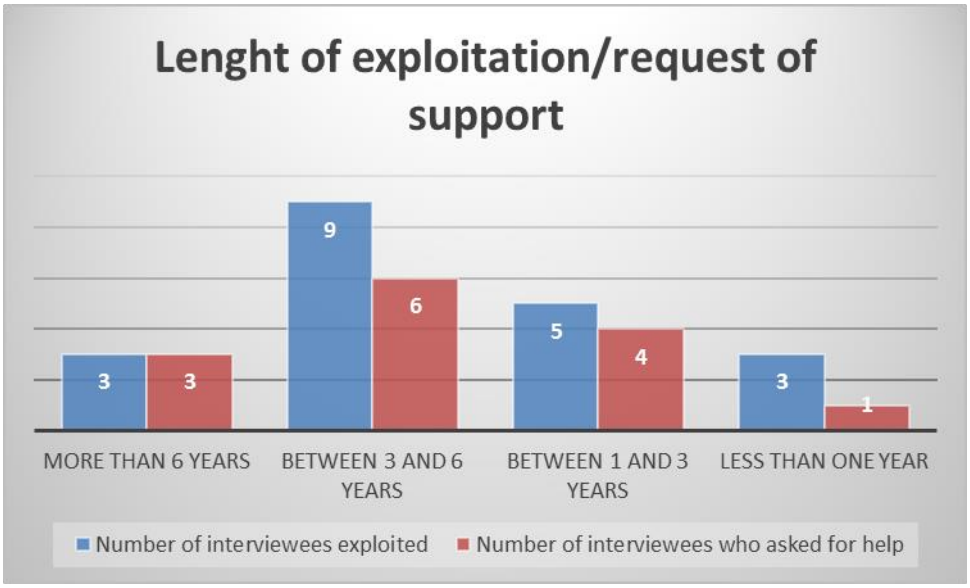
The majority of interviewees (13), and nearly half of focus group participants reported to have contacted persons or organisations in order to receive help and support. As shown in the table above, the factors leading migrants to contact support organisations are friends' suggestions and information found on the internet. In most cases, the driver to ask for help came from acquaintances or friends. The situation seems different for some of the EU citizens (all Romanians) interviewed who found out about the violation of rights and after, about the support organisation through an internet research. This is likely to have been facilitated by the good knowledge of the Italian language and a higher education level. No major differences can be observed across sectors or job types.

Trying to assess whether there is a link between length of exploitation and the request for support, as shown in the figure below, there seems to be a causal link between length of exploitation and the request for support: all people having been exploited for more than six years have sought support and did so more than seventy per cent of people exploited for a period included between one and six years. Only one child, exploited for less than one year sought support. In the author's view, this might be due to a twofold reason: it takes some time for migrants to become conscious of a situation of exploitation and to become acquainted with

[15] This issue did not emerge during focus group discussion.
[16] Idem
[17] Idem
[18] Idem

the system of applicable rules and with the actors that could possibly provide support to migrants.

Figure 3. Length of exploitation/request for support



Type of support migrants wish to receive

The main driver – reported by nearly half of interviewees - intended as the type of support interviewees expect to receive from a support organisation, is the need to get the money owed by the employer or even by the relevant social security institutions in case injuries occurred.

The second driver is the desire to find out whether their employment relationship is illegal and what the risk is for them. Interviews and focus groups showed a low willingness of participants to report to police or public prosecutors. However this represented the intended goal in the case of a group of workers exploited in the manufacture sector who appeared to have "stronger shoulders" just because they realised that they were not alone and were not afraid to explicitly ask for support to take their employer before the court.

Most recurring organisations

The organisations migrants turned to most frequently were NGOs (9 interviewees) and Trade Unions (4 interviewees). In four cases it happened that the interviewee approached a NGO which afterwards involved a local trade union branch or signposted the person to public institutions (e.g. National Social Security Institute) to receive the compensation the interviewee was entitled to by law.

With respect to the kind of assistance received, it emerged that organisations contacted by the interviewees provided different kinds of support. Such variety in the types of support provided very much depends on the case and it is indicative, in the view of the authors, of the lack of a standardised approach to providing support, which is not itself a bad thing, since it might be considered as an indicator of the ability of these organisations to provide the best support they can using the competences and the material means at their disposal.

Trade Unions provided practical help (providing accommodation when the victim was fired by the employer or taking the victim to the hospital in case of injury), provided help with the paper work in order to receive missing payments from the employer, and, in the case of irregular

workers, provided legal assistance to apply for documents. Their actions seemed crucial in contributing towards the exit from the condition of exploitation, especially in the cases where injuries at work occurred since the employer refused, in the first instance, to provide immediate medical assistance and, afterwards to comply with all legal requirements applicable in the case of injuries which could lead to the grant of sickness benefits. Legal assistance was also received in suing the employer, but this was only reported in two group cases. Legal assistance also concerned the grant of social security benefits by liaising with social assistance institutions.

NGOs helped victims trying to receive money back from the employer in some cases, and it is worth noting that even when the victim explicitly asked the NGO for the support of enforcement authorities (e.g. the military police), sometimes the NGOs officer did not proceed. This, combined with the outcomes of focus group discussions on the issue - namely the overall appreciation of the work of NGOs and trade unions combined with an overall awareness of the scarcity of means that these organisations have to settle issues related to exploitation of migrants - is an indicator of the scarcity of trust of migrants and Italian support organisations in the enforcement authorities.

According to four interviewees, it happened also that the victim just wanted to end the relationship with the exploiting employer and did not ask for support in settling the payment/contractual situation but asked for help in receiving the documents. This is because the interviewee believed that without a legal permit to reside in Italy, the only job opportunities available were illegal or if legal, not fully complying with labour standards. In two cases the interviewees reported to have been advised by the legal consultant of the NGO to apply for refugee status.

Employees who had faced a similar experience with the same employer decided to take joint action with the help of the trade union or of an NGO. It should be reported that two interviewees, having experienced the same exploitation in the industrial sector, took action together: they went on strike when they realised that the employer did not have any intention of paying them, and they undertook actions having public resonance, such as being received by the local mayor in order to draw attention to their case. By looking at whether the intervention of the trade union or association was helpful, it is worth reporting that the employer came negotiating with the trade union and they came to an agreement and asked the labourers to sign it: this agreement was redacted in Italian, even though the labourers could not understand written Italian. Despite the agreement signed with the trade union, the employer continued skipping the payments though, and in June 2012, all the labourers went on strike again. At this moment, they sought the assistance of an NGO specialised in legal matters.

From the individual interviews, it emerged that the majority of interviewees who asked for support (around a half of the total interviewees) were satisfied with the support received and the assistance can be considered as helpful. In most cases the interviewees did not know details of the process following the intervention of the support organisation, since they totally trusted the latter. Two interviewees reported that they had higher expectations in regards to the support that these organisations could provide in order to get the money back. Another interviewee reported not to have been satisfied since he wanted to report to the police but the support organisation prevented him from doing so.

The help received by trade union organisations and NGOs is overall considered effective, and interviewees felt they were treated well, unlike their perception of the public officials (police

officers and employees of the National Social Security Institute) they approached. This emerged strongly in the group discussions: migrants are generally unhappy with the treatment they received by public officials. The case of a group of victims in southern Italy (in Caserta) should be reported as a promising practice because it seemed to be appreciated by interviewees: the NGO provided victims of labour exploitation with safe accommodation in order for them not to be easily caught by their former employer, and not to have to live on the street while looking for another job. Once interviewees asked for help from the social centre, the latter signposted them to a project – called Work Out - managed by the local Caritas in the framework of which migrants are given accommodation so as to protect them from the retaliation of the exploiting employers.

Reasons for not seeking help of support organisations

From the interviews it emerged that the main factors preventing interviewees from asking for help of supporting organisations are:

- The lack of "trust" that things would improve: around one quarter of individual interviewees did not seek others' support because they considered that nothing could change the approach and the mindset of the employer towards migrant workers. It seemed that any action would be useless, since the employer had no intention of improving their working conditions. These interviewees decided to leave when they realised that employers were not eager to give them the money they were entitled to. Another interviewee dropped the idea of asking for help because of their conviction that no one could provide real help without sufficient evidence of the exploitation that occurred.
- Self-acknowledgement and acceptance by the migrant that there were some mistakes in his/her choices. The only way to reduce the risk of falling in exploiting situations is by starting to study Italian. This is mainly applicable to two interviewees who were children at the time of exploitation: with the help of the people managing the shelters in which they resided, or with the help of a support organisation focussed on helping non accompanied children, they became aware that a good level of Italian language is an asset likely to guarantee a quality job and, thus, a future without exploitation.

As to why migrants do not seek support or advice specifically from public officials, interviewees reported, especially in focus groups, a combination of mistrust and of the perception of a lack of adequate ability in approaching employment related matters affecting migrants. The following quote of a focus group participant who resides legally in Italy can be exemplifying: *"[…] in the end you feel ashamed because asking for information entails the risk that you might lose your dignity, because in the end they consider you a fool".* (Italy, male focus group participant from Senegal, security sector, regular migrant at the time of exploitation)

The large majority of interviewees (17) and focus group participants (more than half) reported not having ever been informed about workers' rights; neither in Italy nor before arriving to Italy. However, a couple of interviewees reported having been told by friends about the fact that in Italy, in order to receive the money from the employer, a payroll is needed. Among the few cases that reported having been informed, one interviewee stated that he/she was only informed once he/she asked for support. It seems that there is no way for them to be informed in advance, before falling in situations of exploitation. Some of the respondents were informed, but only informally by friends, and in one case it was reported that the interviewee even tried to look for a regular job, with no success.

The level of satisfaction with the current situation is acceptable for the majority of interviewees, because they managed to overcome, somehow, the condition of exploitation. For some of them full satisfaction will only be achieved once the money has been received from the employer or by the social insurance agencies. It is often the case (around one third of individual interviewees) that interviewees have found a new job, which despite being illegal, is characterised by better working conditions and at least by greater humanity, as reported by a male interviewee who just reached the age of majority.

The interviewees and focus group participants who reported not being satisfied with the support received said they felt that way because after overcoming the situation of exploitation, they are now unemployed and waiting the amount that the employer owes them, and the lawsuit is too long.

In the case of one child, the Director of the shelter where the child was hosted preferred not to report the case to the police, despite the wishes of the interviewees or other organisations, and proposed the interviewee to make a deal: if the interviewee would go to attend language classes, the shelter would take any step to get the money back from the employer. The help of the director was considered by the young person helpful because he convinced the interviewee that studying was key for his future and committed himself to try to get the money back from his employer in exchange for the promise that he would attend language courses.

Only four interviewees belonging to the industrial sector (waste management and textile) reported to the police. In two cases a formal complaint was lodged to the police by the NGO supporting the interviewee and his colleagues. Before the NGO started dealing with this situation, the interviewee and the other labourers tried to file a complaint with the police, but the officers refused to accept the complaint. The association he was supported by helped him and his colleagues report their experiences, as they were prevented from doing so alone. According to the interviewee, after they denounced the employer, the police did some inspections and controls - but he did not know the outcome. Court proceedings started afterwards, but the interviewee completely delegated to the association's lawyers so he did not have to go to court, and now does not know the stage of the proceedings. The interviewee is currently waiting for INPS to compensate him. In the other case, this was done by the trade union supporting them.

Among the reasons for not resorting to the police the following should be mentioned:

- lack of trust in the conduct of police and similar enforcement bodies. This issue was widely elaborated during the focus group discussions and a sense of frustration arose. Such frustration which was put on the table by a participant of the first focus group is due to the likelihood that migrants, when approaching police officers to claim violations from employers, become the element of attention of officers who easily switch the focus from the potential exploitative condition to the juridical status and personal background of the migrant. The following quote of a migrant belonging to D group is exemplifying in this regard:

  "If you decide to report you always have to face the risk that reporting means previous checks, because when you go reporting they'll do checks on you and on what you are reporting" […] "The first thing, instead of focusing on what you are reporting, is focusing on you on what you've done or haven't done. (Italy, male focus group participant from Senegal, security sector, regular migrant at the time of exploitation).

- fear of reporting to the police since migrants are afraid of getting into more trouble. Trouble may arise from the fact that employers might seek revenge or that other employers would not be keen to hire a person who had caused trouble in the past; as pointed out by one interviewee: *"What they say at cooperativa* (former employer) *is that if you mess up with the cooperativa you will never get a job in Italy […] I am scared of them."* (Italy, male interviewee from Western Africa, cleaning sector, applicant for international protection at the time of exploitation). Another main reason is the fear of losing the right to stay in Italy, which emerged during one of two focus groups, with particular reference to the excessive length of court proceedings: *"Most of the time you know the justice of Italy it will take more years, 2 or 3 years and you may lose your documents. This is the situation that we are used to face".* (Italy, male focus group participant from Peru, retail trade, regular migrant at the time of exploitation).
- difficulty in gathering sufficient evidence to take any effective action. Interviewees often reported having felt that it is hard to have enough evidence to convince support organisations and, afterwards, prosecutors about the exploitation. This emerged clearly during the first focus group: *"[if you are going to report, they say that you have to find somebody who you are working with…maybe you are working with Italians: then ok, find a witness to come to the court and sometimes they could ask you not one black (meaning to find a person with another nationality…because if I am with him they say no, you are friends. […] Maybe you snap pictures but they say to provide witnesses. Maybe you give one witness but they say "no -we need- 3 witnesses."* (Italy, male focus group participant from Ivory Coast, tobacco sector, regular migrant at the time of exploitation).

Other reasons leading migrants to avoid resorting to police are:

- incorrect information on the role of the police. This meaning that acquaintances may have told interviewees that settling cases of exploitation is not among the competences of the police;
- the support organisation interviewees came in contact with stopped or prevented them from doing so. This was reported by two interviewees who were children and were hosted in shelters when the exploitation occurred.

6. Ways forward and prevention

Table 6. Recurring themes: ways forward and prevention

Recurring themes	Number of interviewees	Number of focus group participants
Systemic features		
No reason/incentive to accept the same job or a similar one	12/20	10/10
Lack of adequate protection due to a lack of awareness of labour standards	11/20	6/10
Changes needed		
Need for improved enforcement	4/20	6/10
Need for improved information on labour standards	3/10	6/10
Empowerment of trade unions and NGOs	3/10	4/10
Enabling compliance		
Ways forward/Prevention measures		
Preventative checks in public procurement	0/20	1/10
Ad hoc helpline for migrants	0/20	1/10

Before presenting interviewees' views on the ways forward and on preventative measures, it is worth reporting the extent to which interviewees would be willing to accept the job despite the conditions of exploitation, and what would make them feel safer and better protected. This will help to depict the terrain in which major changes are expected by migrants.

No reason/incentive to accept the same job or a similar one

When interviewees were asked whether they would accept the same job today, more than half (12) of the interviewees reported not being willing to do so. Most of them would not accept the job because they do not want to work anymore for the employer who exploited them, because they believe that the employer would not change their approach towards migrant workers. A man belonging to the irregular group and to the construction sector would not accept it because his physical condition would not allow him to carry out tasks requiring a considerable physical effort. Two male interviewees from the IP group stated that they would accept the job only if a contract is provided and if the wage is aligned with the amount of hours actually worked.

Seven individual interviewees, belonging to all target groups, reported being keen on accepting the job because they need to have a job to earn money, to live in Italy and to support their families in their home country. It seemed to emerge that they would accept a job only slightly better than the previous one, and that they do not have high expectations in terms of the formality of the employment relationship (they would prefer to have a job, even if not fully lawful) and in terms of working conditions (e.g. they would accept to work a significant amount of hours if these are paid adequately). The following quote is indicative. The interviewee used to work up to 17 hours per day with a contract stating only 8 hours per month, and he would be happy also to have a contract stating fewer monthly hours than the ones actually worked, but at least slightly higher than 8: *"[…] I would accept a similar job but with slightly better conditions…I think 15 hours in a day is ok."* (Italy, male interviewee from Western Africa, cleaning sector, applicant for international protection at the time of exploitation).

One worker, an EU citizen, stated that she would still accept the job because her Italian language skills improved. Now she can understand the employment rules, and is able to face the employer on the monies owed. One male interviewee did not know whether he would accept the job and reported that he just accepted that job because he was in need of money.

Nearly one third of interviewees would advise people living the same situation to seek the support of associations and NGOs. It is worth reporting that three individual interviewees would advise other people to be patient and keep the job until they manage to find a better option, since it is always better to have a job instead of being unemployed.

Lack of adequate protection due to a lack of awareness: With regard to what they would need or wish to feel safe, protected, and respected, it emerged that the current framework does not protect migrants adequately. According to around one fourth of individual interviewees, information from associations and authorities on what are the rules and what are the minimum working conditions is key for migrants before they fall into a situation of exploitation, and when they get in contact with support organisations after they become aware of the exploitation. Some respondents reported that they would suggest other migrants to take all efforts to seek all necessary information on workers' rights through friends or NGOs. This will make their 'shoulders stronger' when asked by the employer to carry out some tasks that fall outside the scope of the agreement between the employee and the employer, or to work more hours than agreed.

Interviewees reported that the current migration related framework needs changes in regards to the following dimensions: improved enforcement, information on labour standards and rules and empowerment of trade unions and NGOs.

Improved enforcement

In regards to the changes needed in the current framework, most individual interviewees who expressed their opinion – four in total – and more than half of focus group participants, affirmed that improvements related to the enforcement and the information dimension could have a strong impact towards the reduction of the magnitude of exploitation.

In relation to enforcement, three interviewees considered that the labour inspection system should be improved and that sanctions should be effectively applied to fraudulent employers. One interviewee made reference to the "certainty of rules" in case of reporting to enforcement authorities: migrants who report should be guaranteed by enforcement authorities that they will not be fired by the employer, just because they are not willing to improve the working conditions. This element came up even more intensely in the two focus groups. It is worth reporting the following quote of a migrant who has lived in Italy for more than 10 years: *"Instead of giving laws, laws, laws. Because even if you put the laws, nobody is controlling, it's just a word that is written in a sheet of paper".* (Italy, male focus group participant from Ivory Coast, tobacco sector, regular migrant at the time of exploitation).

Better information on labour standards and rules

With regard to prevention, three interviewees reported that public authorities should take all efforts to disseminate information amongst migrant communities on the risks of falling into a situation of labour exploitation before it occurs, and to explain the minimum legal requirements to be fulfilled by the employers. As emerged during the second focus group, relating to the possibility that authorities can prevent labour exploitation through a successful integration

process, which can help foreign workers to learn their rights and duties according to the national law, empowering them against any abusive working situations they might face.

Enabling compliance

Few interviewees reported that public authorities should safeguard migrants by ensuring that they get lawful jobs. More specifically, authorities could introduce a compulsory minimum wage. In this regard, it is worth noting that Collective Agreements envisage minimum salary for the different professions and profiles. This remark made by the interviewee is an indicator of the low level of knowledge of applicable rules: *"I think that the government can change this situation […] by making a law envisaging that if you employ somebody you should not pay less than this amount, maybe 50 euros…I think this would change the situation".* (Italy, male interviewee from Western Africa, wholesale trade, applicant for international protection).

Having a residence permit and being a regular worker can help migrants to have greater guarantees, both on a working level and in their private life. Nevertheless, rethinking the residence permit expiry date or improving its validity beyond national borders are some of the elements suggested by participants. In particular, one participant stated that as the residence permit is limited to Italy, a two-year limit might not be enough to find a new regular job: allowing residence permits' owners to look for a job within the EU borders would increase their employment chances.

Empowerment of trade unions and NGOs

Three interviewees stressed that, according to their experience, trade unions and NGOs have what it takes to become partners with public authorities in preventing and fighting the labour exploitation of migrants. Therefore, the authorities should empower them so as to provide effective support.

With specific reference to preventing the risk of exploitation of children, it emerged that shelters hosting migrants should monitor more closely the daily activities of the children and their educational and training paths so that they do not fall into a situation of severe exploitation.

When individual interviewees were asked to indicate ideas and proposals about what measures could be taken to prevent labour exploitation, and what could help workers to come forward, the answers were very general and none of the individual interviewees came out with concrete ideas. It is likely that this is due to the low level of information on labour standards and the whole framework (relevant actors, competences, etc.).

Nonetheless, concrete ideas came up during focus group discussions, especially from migrants who have been living longer in Italy and have had the chance to acquire a profound knowledge of how things work in Italy.

One focus group participant belonging to the D group, exploited in the tobacco sector, presented a practical measure to easily verify the amount of undeclared work used by companies: authorities should cross-check the volume of employers' activities with the number of workers with a contract.

A relevant quote is reported here: "*The [name of a multinational company] which is doing tobacco, at least they have to know that maybe if this person is giving 500 tons of tobacco a year, how many people are working under these tobacco field? Ok, who are those people?*

Do you have contract?" (Italy, male focus group participant from Ivory Coast, tobacco sector, regular migrant at the time of exploitation).

Such a preventive enforcement measure would detect if the workforce regularly hired is significantly lower than the standard workforce needed for a specific activity (e.g. if it is established that for building a house, a company cannot use a given amount of workers/days, companies reporting an even lower amount of working/days regularly remunerated should be the object of an inspection).

Another measure that could incentivise the lawful conduct of employers is the arrangement of additional checks or assessment criteria in public procurement. In particular, participants mentioned that an increase of transparency checks for those employers who concur in administrative procedures and in calls for bids would be helpful, like cross-checking if the outcome required by these calls matches with the number of workers proposed by the employer - especially if associated with incentives for virtuous employers and sanctions for the malicious ones.

During the second focus group one participant, supported by others, suggested the creation of a help-line with the police and the Carabinieri to foster the reporting of labour exploitation.

While listing potential prevention approaches, it is worth mentioning that a greater role of national diplomatic missions would also help to prevent the exploitation of migrants. This role according to one focus group participant (which was not objected to by the rest of the participants) seems still ineffective towards the prevention of labour exploitation of migrants. In the first focus group it emerged that national embassies and diplomats should be more concerned and involved in checking their nationals' living and working conditions.

[…] They do not have any interest and most of them I can say…in Italy here, thousands and thousands of Ghanaians are using to do the passport of their own country every day in Roma and are busy. But sometimes it is better for the embassy to go meet his citizens, its people…where are living. In Castel Volturno there are thousands and thousands Ghanaians, is maybe something happening? Maybe somebody was killed in that place? Maybe send one person, send the consular to come and see what is going on here…" (Italy, male focus group participant from Ivory Coast, agriculture, regular migrant at the time of exploitation).

8. Conclusion and any other observations

This study demonstrates that labour exploitation of migrants is a distinguishing feature of Italian society, and of the Italian labour market. The most common forms of exploitation are linked to the economic aspects of the employment relationship: no contract or any other written agreement between the migrant and the employer is signed, the salary paid is much below the standard of the sector and lower than that given to Italian nationals, the agreed remuneration is not provided to the migrant worker so that the latter feels forced to keep the job until full payment is provided by the employer. Severe exploitation is also linked to working hours, which are much longer for migrants than for Italian nationals.

No economic sector is free of exploitation; all sectors seem to have a share of migrant work which is below applicable standards. The research further proves that the economic sectors traditionally more affected by severe forms of labour exploitation are: agriculture, intended as picking of fruit and vegetables, construction and the industry sector. However the research also found that the magnitude of labour exploitation in services and in trade goes beyond expectations. Migrants are exploited in activities which are hidden from the view of the general public, and not easily detected by enforcement authorities because of their nature (night supermarket cleaning, night flower shops, wholesale distribution of beverages, non-armed security, etc.). Severe forms of labour exploitation concern mostly low skilled individuals, but also migrants who have attended higher education are not immune from labour exploitation.

Whilst existing studies suggest that severe forms of labour exploitation in agriculture occur mainly in the southern part of the country, employers of the north and of the centre seem to be more and more prone to making use of migrant work without respecting minimum labour standards.

The interviewees mentioned that the main risk factors for labour exploitation are poor material conditions and the need to survive in a foreign country, which does not offer many other opportunities for migrants but accepting any work available with no payment of the agreed amount and taxes and social security contributions, extremely long working hours and, in some cases, with abusive treatment by employers.

The illegal status of migrants emerged as a key risk factor for labour exploitation, as obtaining a residence permit is conditioned on the existence of a job contract. However, while irregular migrants and migrants recently arrived in Italy believe that the only way to avoid labour exploitation is through obtaining a residence permit, migrants regularly residing in Italy and those who have lived in Italy for longer already have a different opinion in this regard: legal residence does not protect migrants from exploitation.

Paradoxically, migrants who reside legally in Italy may face considerable difficulties in finding employment, as employers prefer to hire irregular workers who are easier to blackmail. Another key factor is also the lack of awareness of the system of employment rules applicable in the country and of minimum labour standards to be respected by employers.

The migrants surveyed in the research reported that there is widespread prejudice against them, which is even more exacerbated in the current climate due to the combination of the economic crisis, which has made the life difficult also for country nationals, and because of the massive influx of migrants in Italy more recently.

Many interviewees reported the inefficiency of the Italian justice and enforcement systems. Inspection visits at the workplace are very rare and when these occur, they do not lead to any tangible improvement of the working conditions of migrants. Such inefficiency results in the lack of trust of migrants in the Italian system which is characterised, in their view, by a set of negative features, such as: a lack of competences to deal with migrants of labour inspectors

and of police forces, lack of language skills and a prejudicial attitude towards migrants from public officials and of police officers. Migrants are often considered the main object of inspections instead of the employers or working conditions. The judicial system is not trusted by migrants mostly because investigations take much too long and it is not easy to demonstrate severe exploitation at work.

Support organisations are overall perceived to be helpful in assisting migrants to move forward after they face a situation of exploitation, although migrants consider that even these organisations are not in the condition to provide effective support because the state system does not seem to incentivise complains and to ensure the smooth settlement of disputes or of exploitation cases. According to the migrants surveyed, the prevention of labour exploitation can be better achieved by further empowering trade unions and NGOs who are adequately equipped to provide legal and humanitarian assistance to migrants.

ANNEX 1 – Desk Research template

Please answer the below questions in reference to the situation in your country. The information you provide should reflect the situation in your country at least as of 30 June 2017 (even more up-to-date information is welcome).

Where the answer is 'No', kindly indicate which sources were consulted.

For all information, please provide full references in accordance with the FRA style guide.

1	**LEGISLATION and POLICY** ***For each question, please place an 'X' in the relevant box ('Yes' or 'No) and, under 'Supporting information', provide the following information:*** • *Name the relevant law;* • *Provide a brief English translation of the most relevant parts of the relevant provision/definition or give a brief explanation of the contents;* • *In the reference, please include a link to the electronic version of the text in original language – and if available, to any official or unofficial English translations.*			
		Yes	**No**	**Supporting information**
1.1	Based on a review of the information provided in Annex III published by FRA in 2015 - '*Criminal law provisions relating to labour exploitation*'[19]– have therebeen any changes to ornew legislation in the area of criminal law relating to labour exploitation? **If yes**, please provide information under 'Supporting information' (i.e. which law; explanation of relevant provision and reference). **If no**, is there any draft legislation underway?	X		On 29 October 2016, the Italian Parliament approved the Law No. 199 on "Legislation to contrast illegal labour, labour exploitation in agriculture and on wage realignment in the agricultural field" (*Legge 29 ottobre 2016, n. 199 "Disposizioni in materia di contrasto ai fenomeni del Lavoro nero, dello sfruttamento del lavoro in agricoltura e di riallineamento retributivo nel settore agricolo"*)[20].This law replaced art. 603-bis of the Criminal Code (art. 1) which now punishes the employer and the mediator (that is the person who is in charge of recruiting labourers for an employer) who force labourers to work in exploitative working conditions. This offence is punishable by imprisonment for a period of one to six years and by a fine of EUR 500-1,000 for each worker. If the offence is perpetrated using violence or threats, the period of imprisonment is of five to eight years and the fine of EUR 1,000-2,000. The offence is aggravated in case it is perpetrated if the exploited labourers are more than three; if one or more labourers are children; if the labourers are exposed to serious dangers for their lives. In these cases the

[19]Please download Annex III from http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union.

[20] Law No. 199 of 29 October 2016 is available at: www.gazzettaufficiale.it/eli/id/2016/11/3/16G00213/sg.

				punishment is increased from one third to a half. For the above-mentioned criminal offence the legislator has envisaged the possibility of arresting the perpetrators *in flagrante.*
1.2	Are legal provisions or measures in place to ensure that employers convicted of criminal forms of labour exploitation will be excluded from entitlements to public benefits, aids or subsidies, including EU funding managed by Member States? **If yes**, for what time period is such exclusion provided?		X	This information is based on desk-research consulting the website of the Ministry of Labour and Social Policies, of the Italian Senate and of the Italian Chamber of Deputies.
1.3	Do public procurement procedures ensure that employers convicted of a criminal offenceare later-on excluded from participation in a public contract (work, supply or service contract)? **If yes**– for which crimes? Are criminal forms of labour exploitation among the relevant offences? **If yes**, on which legal basis, and briefly explain to what extent (e.g. how often was this done since 2014?). And can such employers also be excluded from acting as a subcontractor in the implementation of a public contract?		X	This information is based on desk-research consulting the website of the Ministry of Labour and Social Policies, of the Italian Senate and of the Italian Chamber of Deputies.
1.4	Are legal provisions or measures in place obliging or enabling Member States' authorities to 1) close an establishment that has been used to commit a criminal offence, and/or 2) to withdraw a licence to conduct a business activity? **If yes**– for which crimes? Are criminal forms of labour exploitation among the relevant offences? **If yes**, how often was this provision used since 2014?	X		Law No. 199 of 29 October 2016 introduced art. 603(2-*bis*) of the Criminal Code. This new provision envisages the possibility of confiscation of properties, goods and financial resources of the perpetrators condemned for the criminal offence ruled by art. 603-bis of the Criminal Code, in case the perpetrators cannot account for the possession and it can presumed that they come from illicit activities. In case, the interruption of the activity due to the confiscation might produce relevant backlashes on occupation levels or compromise the economic value of the company, the Court might decide to replace the confiscation measure with the judicial administration of the company. This provision was introduced at the end of 2016 but there is not the

				possibility to know with certainty how often it has been used ever since.
2	**LABOUR EXPLOITATION AND THE INSTITUTIONAL SETTING** ***For each question and each body mentioned under 'Supporting information', please provide the following information:*** • *Name the body/organisation; indicate whether it operates at national or federal level and the year it began operating; and whether it is restricted to monitoring a particular economic sector or sectors;* • *Give a brief summary of the legal obligations and mandate of the body;* • *Indicate the regulatory basis for its work/mandate (legislation, internal regulation, etc.);* • *Provide a brief (1-3 sentences) description of its mandate and tasks.*			
		Supporting information		
2.1	a) Which authority (or authorities) is tasked by law with monitoring the rights of workers – for example through carrying out inspections? b) For each authority mentioned, is a distinction made between monitoring of the rights of: 1) nationals and EU nationals, and 2) third country nationals? I.*e. Are any specific or different regimes or rules in place?* *Please name all bodies in case multiple bodies are involved – for example, labour inspectorates; specialised police units; trade unions or border guards.*	The Legislative Decree No. 149 of 14 September 2015 [21] created the National Labour Inspectorate (*Ispettorato Nazionale del Lavoro*)[22] whose statute has been defined by the Decree of the President of the Italian Republic No. 109 of 26 May 2016. The Inspectorate officially took up its duties on 1st January 2017. The Inspectorate operates at national level in coordination with inspective services of local healthcare departments and with the Regional Authorities for Environmental Protection. The Inspectorate is in charge of monitoring the respect of workers' rights, working conditions, wages, the respect of compulsory working insurance and social legislation. Moreover, the inspectorate is also in charge of implementing legislation concerning compensation and protection of workers who suffered injuries while working. The Inspectorate releases guidelines concerning the inspective activity, trains the inspectors and promotes awareness raising campaigns concerning the prevention and promotion of legality in the labour market. Finally, the inspectorate is in charge of producing studies and researches concerning working conditions and the respect of workers' rights. The mandate of the Inspectorate covers all kinds of workers and economic sectors without distinguishing between Italian and non-Italian nationals.	
2.2	How and to what extent is such a legal obligation (to monitor the rights of workers) implemented in practice?(E.g. statistics available on number of inspections?).	The above-mentioned National Inspectorate releases every year a report of its activity. All the reports are publicly available on the official website of the Inspectorate.[23] In 2016, for example, the total number of companies which have undergone an inspection was 191,614: 120,738 of those resulted to perpetrate		

[21] Legislative Decree No. 149 of 14 September 2015 on "Dispositions for the rationalisation and simplification of the inspective activity concerning labour and social legislation" (*Decreto Legislativo 14 settembre 2015, n. 149, "Disposizioni per la razionalizzazione e la semplificazione dell'attività ispettiva in materia di lavoro e legislazione sociale"*). The Legislative Decree is available at: www.ispettorato.gov.it/it-it/IspettoratoNazionaleLavoro/Documents/Decreto_Legislativo_14_settembre_2015_n.149.pdf.

[22] The official website of the National Labour Inspectorate is available at: www.ispettorato.gov.it/it-it/Pagine/default.aspx.

[23] Annual reports are available at: www.ispettorato.gov.it/it-it/studiestatistiche/Pagine/Rapporti-annuali-sull-attivita-di-vigilanza.aspx.

		some irregularities; the number of irregular labourers was 186,027 and the number of labourers who worked with any kind of protection or contract was 62,106.
2.3	Nameany other authorities in a position to learn (or that typically learn) about the situation of workers and their rights? (E.g. in Austria the financial police are the ones who know most about exploitation, even though they have no legal mandate to deal with the rights of workers).	The *Carabinieri* (who are a branch of Italian police authorities) have a specific role in monitoring the situation of workers and their rights. In fact, at the central, regional and territorial headquarters of the National Labour Inspectorate, exist specific groups of *Carabinieri*, named at national level Command of Carabinieri for the protection of work (*Comando Carabinieri per la tutela del lavoro*), at regional level Groups of Carabinieri for the protection of work (*Gruppi Carabinieri per la tutela del lavoro*) and at territorial level Carabinieri Teams of the Labour Inspectorate (*Nuclei Carabinieri Ispettorato del Lavoro*): their role is to cooperate with the National Inspectorate in monitoring working conditions and the respect of workers' rights. They are involved in inspections on the work places.[24]
2.4	Are authorities that carry out inspections or learn about the situation of workers (referring here to organisations mentioned under both 2.1 and 2.3)legally obliged to report to the police in cases where there is a substantive suspicion of severe labour exploitation? **If yes**, please provide brief information about the obligation.	As explained in row 2.3, Carabinieri are involved in inspections organised by the National Inspectorate so they directly report potential criminal offences if they detect any.
3	**VICTIM SUPPORT**	
	Name the main organisation(s) tasked with providing assistance and support to potential victims of labour exploitation? Provide very brief information about the type of support they provide (e.g. legal advice; psychosocial support etc.) *These could be, for example, NGOs, trade unions or other representative bodies (e.g. representing workers and their rights).*	It is difficult to provide a list of organisations in charge of assisting potential victims of labour exploitation since this activity is mainly implemented at local level thanks to the cooperation of different stakeholders, such as NGOs, trade unions, police authorities, local departments of the National Labour Inspectorate. Nonetheless, the National Action Plan against Trafficking and Severe Exploitation 2016-2018 (*Piano Nazionale d'Azionecontro la Tratta e il Grave Sfruttamento 2016-2018)*[25] – adopted by the Italian Governement on 26 February 2016 – stresses the importance of the introduction of a coordination system between the different stakeholders committed to victims' protection. In this respect, there is a National Anti-Trafficking Helpline[26] which supports victims and those stakeholders assisting them in reporting trafficking and exploitation situations. Moreover, the

[24] Information about these groups is available at: www.ispettorato.gov.it/it-it/IspettoratoNazionaleLavoro/comandocarabinieriperlatuteladellavoroi/Pagine/Comando-Carabinieri-per-la-tutela-dei-carabinieri.aspx.

[25] The Action Plan is available at: www.pariopportunita.gov.it/media/2687/piano-nazionale-di-azione-contro-la-tratta-e-il-grave-sfruttamento-2016-2018.pdf.

[26] Information available at: www.pariopportunita.gov.it/contrasto-tratta-esseri-umani/numero-verde-800-290-290/.

		Action Plan designs specific measures to provide assistance to the victims: according to the Plan, all those who might get in contact with potential victims (including police officers, healthcare departments' staff, labour inspectors) have to be properly trained in order to promptly identify exploitation situations; mobile street units should be active in order to provide assistance and identify the victims; cooperation should be fostered between public and police authorities and other stakeholders, especially NGOs and trade unions.		
4	**RISK MANAGEMENT**			
		Yes	**No**	**Supporting information**
	Are there any official risk management systems in place to guide monitoring operations/inspections - with a view to detecting severe labour exploitation? (Art 14. of the Employers' Sanctions Directive (2009/52/EC)[27]. (*E.g. in Belgium (see pg. 87 of FRA's 2015 report), specialised police units regularly investigate so-called non-risk and new sectors in an attempt to identify possible new risk factors for labour exploitation. They conduct their own research and publish reports showing current trends and advising on problem areas*).	X		The above-mentioned Action Plan introduced a specific monitoring mechanism of the implementation of the Action Plan. This monitoring operation is based on the cooperation between the different stakeholders involved through a Direction Cabinet[28] – created on 2 August 2016 – made of representatives of central authorities, regions and municipalities. This Cabinet is not specifically in charge of organising inspections detecting labour exploitation but of coordinating the different stakeholders committed to the contrast to exploitation and trafficking (including NGOs and trade unions); of programming actions and measures implementing the Plan and of producing studies, researches and statistics in cooperation with associations and the scientific community. As to risk assessment, the Action Plan stresses the relevance of prevention activities which include awareness raising campaigns and training activities destined to the most relevant stakeholders which have to be focused not only on the main trends of the phenomenon but also on risk factors which make some people more exposed to exploitation and trafficking than others (pp. 23-24 of the Action Plan).
	If yes, please describe any such systems in place, and include the following information:			- National Labour Inspectorate; is the national authority in

[27] Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168/24, 30 June 2009. Article 14 on risk assessment does not mention detection of labour exploitation directly, but "identify[ing] the sectors of activity in which the employment of illegally staying third-country nationals is concentrated" (Article 14(2)).

[28] Information available at: www.pariopportunita.gov.it/contrasto-tratta-esseri-umani/cabina-di-regia/.

	- List the bodies (for example, of those described in section 2) responsible and describe their various roles - Describe which sectors of the economy such risk assessments apply to - How often is such an assessment carried out?			charge of monitoring working conditions and detecting exploitation situations. The Inspectorate implements its mandate in cooperation with regional and local offices of the Inspectorate; - *Carabinieri* and police officers cooperate with the Inspectorate in such activities as explained above. This cooperation allows the prompt reporting of exploitation episodes; - the above-mentioned Direction Cabinet is in charge of programming measures and activities and fostering the cooperation between institutional and third-sector stakeholders committed to the contrast to labour exploitation (NGOs, trade unions etc.) No additional information can be provided.
5	**COURT CASES**			
		Yes	**No**	**Supporting information**
	Since 2014, is there any case law clarifying the criminal law provisions on severe labour exploitation? (*I.e. court decisions which clarify basic concepts or categories constituting severe labour exploitation*)? If yes, please provide: - Decision date - Reference details (name court, case number, link to decision) - Key facts of the case - Main reasoning/argumentation - Key issues (concepts, interpretations) clarified by the case - Results / key consequences or implications of the case - Key quotation in original language and translated into English with reference details	X		Italian Court of Cassation – II Criminal Division (*Corte di Cassazione, Sez II Penale*) Decision No. 18728 of 5 May 2016, available at: www.lentepubblica.it/wp-content/uploads/2016/11/Sentenza-05.05.2016-n.-18727-Corte-di-Cassazione-Sez.-II-penale.pdf The Court of Cassation is the highest Italian Court whose mandate is to assess the legitimacy of lower courts' decisions. In this case, the Court of Cassation was asked to assess the legitimacy of previous courts' decisions which condemned for extortion an employer who had forced his employees to work in poor working conditions, with a part-time contract while they were actually working full-time and to lie to the labour inspectors declaring to work part-time. The employees were forced to do so in order not to lose their jobs. The employer had been condemned to two

				years and eight months of detention and to pay a fine of EUR 320. According to the Court of Cassation, the employer behaviour can be labelled as extortion and the employer's argumentation according to which the employees were completely aware of the working conditions before accepting the job cannot be accepted. In fact, the employees' acceptance of the contract was due to the threat of losing the job opportunity in a moment when the labour market was in a deep crisis and unemployment rate was dramatically high in the area. The relevant feature of the decision is the wide interpretation provided by the Court of the concept of "extortion": according to the Court, the punishment of the extortion is aimed not only at protecting the assets of the victim but also at protecting his/her self-determination. In this case, even though the extortion was not aimed at obtaining the assets of the employees, dramatically reduced their possibility of choosing and challenging work conditions. In fact, even though there was a regular work contract and the employees voluntarily signed it, the threat of being fired forced the employees in a condition of obedience to the employer's will. According to this argumentation, the decision of the lower courts to condemn the employer for extortion was considered legitimate. Paragraph 3.1.3 of the decision: "Valga Considerare che questa Suprema Corte è costante nel ritenere che un accordo contrattuale tra datore di lavoro e dipendente,nel senso dell'accettazione da parte di quest'ultimo di percepire una paga inferiore ai minimi retributivi o non parametrata alle effettive ore lavorative, non esclude, di per sé, la sussistenza dei presupposti dell'estorsione mediante minaccia, in quanto anche uno strumento teoricamente legittimo, può essere usato per scopi diversi da quelli per cui è apprestato e può integrare, al di là della mera apparenza, una minaccia, ingiusta, perché è ingiusto il fine a cui

				tende, e idonea a condizionare la volontà del soggetto passivo, interessato ad assicurarsi comunque una possibilità di lavoro, altrimenti esclusa per le generali condizioni ambientali o per le specifiche caratteristiche di un particolare settore di impiego della manodopera" *"It is worth considering the this Supreme Court generally considers that a contract between an employer and an employee – meaning the acceptance of the latter of receiving a wage which is inferior to the minimum or not proportional to the number of working hours – does not exclude the subsistence of the premises of extortion through menace since even an instrument which is theoretically legal can be used for purposes that are different from those it is meant for and can contribute – beyond mere appearance – an unfair menace because its aim is unfair and it can be aimed at manipulating the will of the passive subject who is in any case interested in obtaining a job opportunity which would be otherwise unavailable due to the environmental conditions or to the specific features of a particular working sector"*
6	**PROMISING PRACTICES**			
		Yes	**No**	**Supporting information**
	Are there any promising practices in relation to any practical measures to tackle severe labour exploitation or support foreign victims? If yes, please provide: - Title of practice - Organisation implementing it - Funding body - Brief description, including start (and if relevant, finish) dates	X		Title: Protocol to contrast labour exploitation in agriculture (*Protocollo contro il caporalato e lo sfruttamento lavorativo in agricoltura*)[29] Organisation: Ministry of the Interior, Ministry of Labour and Social Policies, Ministry of agricultural, food and forestry policies; National Labour Inspectorate; some Italian regions (Basilicata, Calabria, Campania, Piedmont, Apulia, Sicily); the main Italian trade unions; Italian Red Cross and employers' organisations of the agricultural economic sector. Funding body: Ministry of Labour and Social Policies; Asylum Migration and Integration Fund (AMIF); financial

[29] The protocol's text is available at: www.regione.puglia.it/web/files/Serviziostampa2/Protocollo_caporalato_loghi_e_txt_27_maggio_2016_v.pdf.

				resources destined to foster legality in the labour market. Description of the practice: the stakeholders which signed the protocol commit to promote and implement actions in the territories of the Prefectures of Bari, Caserta, Foggia, Lecce, Potenza, Ragusa, Reggio Calabria, aimed at raising awareness concerning labour exploitation in agriculture; supporting the workers through the creation of street units providing health and legal assistance and easing their access to the locally provided services; negotiating agreements with local employer to improve working conditions and legality; promoting integration of immigrant workers in local society. Duration: June 2016 – 31 December 2017 with the possibility of renewal