

Perspectives of social dialogue in the agricultural sector: a cross- and multi-level analysis

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Abstract

The contribution aims to collect and analyze the most recent forms of expression of social dialogue at the European and Italian levels in the agricultural sector.

The agricultural sector is a complex and peculiar sector that is facing and will face multiple challenges caused by the green and digital transitions and migration phenomena that may find their source in climate change and wars, among other reasons. Recent initiatives at the European level reveal an increased involvement of civil society representatives and NGOs in dialogue with institutions and social partners. The analysis of national collective bargaining shows that it is only in the most recent national collective agreements in the sector that issues relating to worker participation and involvement are beginning to be addressed. At the same time, the rise of forms of self-organization in order to represent interests of marginalized migrant workers denote a difficulty for traditional actors to intercept these workers and their interests. The observation of the practices and initiatives put in place both at European and national levels show the weakness of the social partners, which is also reflected in a weakness of social dialogue for the agricultural sector.

Keywords: Social dialogue; agricultural sector; multi-level analysis; social partners; collective bargaining.

1. Introduction.

First from International Labour Organization (ILO) Conventions and then with the policies of the European Union, the interventions of the institutions in the agricultural sector have mainly prioritized commercial goals and improved performance and productivity at the expense of protecting rights and interests of individuals employed in the sector.

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It was only later that the ILO began to protect the rights of agricultural workers, both directly and indirectly. In the first case, this was achieved through the adoption of conventions specifically aimed at improving the working and living conditions of such persons¹, including by encouraging the creation of organisations. Indirectly, this occurred through measures not specifically aimed at these workers, but which affect a large proportion of them.²

The integration of measures to promote workers' rights into European agricultural policies has been a slow process.³ This path is far from over, as new challenges are arising alongside the traditional ones⁴, with a potential impact on the working conditions of agricultural workers.

Over the last fifteen years there has been a drastic reduction in the agricultural labour force in almost all EU countries – with the exception of the Netherlands, Malta and Ireland –, which has been combined with an increase of migrant workers for seasonal work, which is a typical feature of the sector.⁵ As pointed out in the same estimates concerning the labour force in the agricultural sector, the data cannot be considered a faithful mirror of reality as they do not take into account the work carried out by irregular migrants, informal and undeclared workers,⁶ who are strongly present in the sector, and bogus agricultural workers. Moreover, the need to work for short periods of time and the inadequacy of public and private channels⁷ in the legal intermediation of labour means that these workers are

¹ The reference is to the following ILO conventions: Minimum Age (Agriculture) Convention, 1921 (No. 10); Right of Association (Agriculture) Convention, 1921 (No. 11); Workmen's Compensation (Agriculture) Convention, 1921 (No. 12).

² Reference is, for example, to Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), given the high concentration of migrant workers in the agricultural sector.

³ A path that began in general terms from the creation of a social dimension of the Europe.

⁴ See below in this section.

⁵ The same trend has also been recorded in Italy, where there has been a 10% reduction in agricultural workers born in Italy or in pre-enlargement European countries in 2019 and 2023, offset by the entry of workers from Morocco, India and Albania, mainly. V. INPS, XXIII annual report. September 2024, 98-99.

⁶ See the the European Labour Authority (ELA) platform: <https://www.ela.europa.eu/en/topics/tackling-undeclared-work> (last access 30 November 2024); Battista L., *Il lavoro sommerso e il ruolo dell'Autorità Europea del Lavoro*, Cacucci Editore, Bari, 2022.

⁷ The reference is to solutions that are not only repressive and punitive of irregular conducts, but above all to preventive solutions that public and private actors should adopt in synergy to manage the agricultural labour market, preventing the rise of illegal interposition phenomena. By way of example, as has been observed in the literature, especially for some regions of Italy, an initial weak link in the chain. Especially when the workers involved are non-EU persons, a number of difficulties arise at this stage for Job Centres in establishing a contact, also due to exogenous factors (e.g. limited knowledge of the language, precariousness of integration, etc.). At the same time, in order to pursue the same aim, forms of collaboration should be strengthened between public and private actors managing the agricultural labour market and private actors dealing with immigration. For more details see the investigations and solutions proposed within the FARM project. See Calafà L., Battistelli S., *Prevenzioni del caporalato e soggetti formali e informali dell'intermediazione di manodopera*, in Bonardi O., Calafà L., Elsen S., Salomone R., *Lavoro sfruttato e caporalato. Una road map per la prevenzione*, 2024, il Mulino, Bologna, 101-140. The way the mechanisms of access to the national labour market by non-EU nationals are shaped by immigration law is also relevant, contributing to the vulnerability of migrant workers on the labour market. See, Spinelli C., *Immigrazione e mercato del lavoro: lo sfruttamento dei migranti economici. Focus sul lavoro agricolo*, in *Rivista del Diritto della Sicurezza Sociale*, 1, 2020, 125 ff. See also the pilot project on transnational seasonal work in Europe promoted by ELA: 2022 Mutual Learning and Exchange event series on information provision related to the free movement of workers and 2023 Mutual Learning and Exchange event series on Effective Information Provision in Seasonal Work, <https://www.ela.europa.eu/en/seasonal-work> (last access 30 November 2024) and ELA, *Effective information provision in seasonal work*, 2024.

particularly exposed to forms of labour exploitation and illegal labour intermediation.⁸ This sector, as the data show,⁹ is not very inclusive, with even the percentage of women employed in the sector being very low.

Similar conditions characterize agricultural work in Italy, particularly in some regions of the Centre and, even more so, the South of Italy. Here, data reveal a prevalence of agricultural work carried out by workers, predominantly foreigners, often employed under irregular contracts or subjected to severe forms of exploitation.¹⁰ Indeed, there are cases of gangsterism, but also of grey and undeclared work, as well as the phenomenon of the so-called sale contracts and the action of “spurious” cooperatives.¹¹

In addition, the events affecting the segment of the primary sector cannot be considered unrelated to those of the supply chain relations, which are characterized, by their nature, by an imbalance of power among the different players.¹² In fact, “the contractual and economic power relations that characterise the supply chain and [the] unfair market practices that sometimes derive from them”¹³ have an impact on working conditions and also encourage the phenomena of irregular work. However, despite being directly or indirectly involved in the protection of working conditions, the systems of collective bargaining and supply chain contracts – and their related relationships – interact only minimally with one another.

Despite the evidence that agricultural workers need protections that can best be pursued through membership in traditional trade unions, the inclination to unionise, especially among migrants, is very low and increases the existing difficulty for collective aggregation inherent to the sector due to its intrinsic features.

This complex situation is closely connected with the most recent challenges, among them innovation and digitisation of production,¹⁴ migration processes favoured by climate change and the global political situation, as well as the achievement of sustainability goals, at least social and environmental.

⁸ See, among others, Campanella P., “Caporalato”, *responsabilità degli enti e compliance* 231, in *Lavoro e previdenza oggi*, 1-2, 2023, 3; Pettinelli R., *Filiera agroalimentare, caporalato e pratiche commerciali sleali*, in *Lavoro e Diritto*, 2022, 179 ss; D’Onghia M., Laforgia S., *Lo sfruttamento del lavoro nell’interpretazione giuslavoristica*, in *Lavoro e Diritto*, 2021, 223 ff.; Faleri C., «Non basta la repressione». *A proposito di caporalato e sfruttamento del lavoro in agricoltura*, in *Lavoro e Diritto*, 2, 2021, 257 ff.; Nuzzo V., *L’utilizzazione di manodopera altrui in agricoltura e in edilizia: possibilità, rischi e rimedi sanzionatori*, in *WP CSDLLE “Massimo D’Antona”.IT*, 357, 2018.

⁹ Eurostat, *Farmers and the agricultural labour force – statistics*, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Farmers_and_the_agricultural_labour_force_-_statistics (last access 30 November 2024). See, for Italy, Confagricoltura, *AGRIcoltura100. Rapporto 2024*, quarta edizione; Nomisma, *Nomisma fotografa il lavoro agricolo in Italia*, ottobre 2024; INPS, Osservatorio Statistico, *Mondo agricolo. Aziende e lavoratori agricoli*, Novembre 2024.

¹⁰ See section 4.2.

¹¹ See, Faleri C., nt. (5), 258-260, but also, among others, Ales E., *Del lavoro sommerso o, meglio, “non dichiarato”: una tipizzazione giuridica fondata sul concetto di “attività remunerata”*, in *Diritti Lavori Mercati*, 2014, 11. Peruzzi M., *Lavoro irregolare, sommerso, non dichiarato, illegale: questioni definitorie nella prospettiva interna e dell’Unione Europea*, in *Diritti Lavori Mercati*, 2015, 1, 116-152.

¹² See among others, Canfora I., *Le regole del gioco nelle filiere agroalimentari e i riflessi sulla tutela del lavoro*, in *Agriregionieuropa*, 2018, 55.

¹³ Leccese V., Schiuma D., *Strumenti legislativi di contrasto al lavoro sommerso, allo sfruttamento e al caporalato in agricoltura*, in *Agriregionieuropa*, 2018, 55.

¹⁴ Faleri C., *L’innovazione tecnologica nel settore agricolo tra vecchie criticità e nuove opportunità*, in *Labour*, 2019, 143-153.

Regarding the latter point, at European level the standardisation of the agri-food chain has adopted an approach aimed at achieving a “sustainable food system”,¹⁵ in line with the provisions of the Green Deal. In this direction moves the most recent Regulation defining the Common Agricultural Policy (henceforth CAP) 2023-2027, oriented towards the achievement of ten strategic objectives, focused on social, environmental and economic issues. On the basis of these goals, the protection of workers in agriculture should be achieved through the adoption of measures that guarantee them a fair income, but also indirectly through the introduction of social cross-compliance.¹⁶

At the same time, the challenges related to process and product innovation and the green transition represent opportunities for trade unions to find more room for intervention.

In general terms, as highlighted in the literature, the ongoing digital and green transitions, along with their impacts on work across various sectors, are creating new opportunities for action by social partners. This is driven by the emergence of new protection needs, stemming from shifts in the distribution of power among stakeholders, which, in turn, influence the balance of interests requiring protection. Mention need only be made here of the renewed interest in the participation method to address some of the challenges associated with digitalisation and the use of new technologies, as well as the role of trade unions in defining strategies for a just transition. These strategies reflect the diverse roles trade unions play in mitigating the negative effects of the ecological transition on employment. They could act as key stakeholders in company decisions related to ecological transformation or as active participants in dialogue with civil society to promote environmental protection and social welfare.¹⁷

¹⁵ Farm to fork strategy, https://food.ec.europa.eu/system/files/2020-05/f2f_action-plan_2020_strategy-info_en.pdf

¹⁶ See Leccese V., Canfora I., *La condizionalità sociale nella nuova PAC (nel quadro dello sviluppo sostenibile dell'agricoltura)*, in *WP CSDL E “Massimo D’Antona”.IT*, 2022, 460, 5.

¹⁷ According to the same literature, in Italy, a significant role has been played by collective bargaining, which has provided input for the development of adaptation and mitigation measures. For more details see Carta C., *La transizione ecologica nelle relazioni sindacali*, in *Lavoro e Diritto*, 2, 2022, 311-333. See also, Novitz T., *Trade, Labour and Sustainable Development. Leaving No One in the World of Work Behind*, Edward Elgar, Cheltenham, 2024; Ales E., *Never Too Late? the Integrated EU Social-Green Commitment Toward a Just Transition*, in Ales E., Addabbo T., Curzi Y., Fabbri T., Senatori I. (eds.), *Green Transition and the Quality of Work. Implications, Linkages and Perspectives*, Palgrave Macmillan, Cham, 2024, 15-32. There are numerous contributions on digital transformation and industrial relations. Among them, see Zappalà L., *Intelligenza artificiale, sindacato e diritti collettivi*, in Biasi M. (a cura di), *Diritto del lavoro e intelligenza artificiale*, Giuffrè, Milano, 2024, 173 ff.; Peruzzi M., *Intelligenza artificiale e lavoro. Uno studio su poteri datoriali e tecniche di tutela*, Giappichelli, Torino, 2023; Forsyth A., *The Digital Resistance: Contesting the Power of Gig Economy Platforms through Collective Worker Action*, in *Italian Labour Law e-Journal*, 2, 2023, 49; Garbuio C., *Digitalization, labour market and collective rights*, in *Italian Labour Law e-Journal*, 2, 2023, 59; Menegatti E., *Collective Rights for Platform Workers. The Role Played by the Italian Workers’ Statute in a Comparative Perspective*, in *Italian Labour Law e-Journal*, 2, 2023, 123; Imberti L., *Intelligenza artificiale e sindacato. Chi controlla i controllori artificiali?*, in *federalismi.it*, 2023, n. 29, 192 ff.; Senatori I., *EU Law and Digitalisation of Employment Relations*, in Gyulavári T., Menegatti M. (eds.), *Decent Work in the Digital Age. European and Comparative Perspectives*, Hart-Bloomsbury, New York, 2022, 75-76; Gaudio G., *Algorithmic management, sindacato e tutela giurisdizionale*, in *Diritto delle Relazioni Industriali*, 1, 2022, 30 ff.; Battista L., *The European Framework Agreement on Digitalisation: a tough coexistence within the EU mosaic of actions*, in *Italian Labour Law e-Journal*, 1, 2021, 105–121; Senatori I., *The European Framework Agreement on Digitalisation: a Whiter Shade of Pale?*, in *Italian Labour Law e-Journal*, 2, 2020, 160-175; Forlivesi M., *Interessi collettivi e rappresentanza dei lavoratori del web*, in Tullini P. (a cura di), *Web e lavoro. Profili evolutivi e di tutela*, Giappichelli, Torino, 2017, 192 ff.

Against this background, the article intends to map the state of the art of social dialogue in the agricultural sector, paying specific attention to its approach to the most recent challenges for the sector outlined above. After providing some preliminary methodological information, the following paragraphs will analyse the structure and institutional aspects of social dialogue, such as actors and practices, as well as the results it is achieving, highlighting changes in practices and structures of representation, as well as instruments that promote fair work and combat labour exploitation.

2. Scope and methodology.

The field of investigation of this contribution is confined to the phase that coincides with agricultural production in the broader context of agri-food supply chains.

In particular, in light of current challenges (such as the twin transitions, migration trends, and market globalization), the analysis focuses on workers in this sector segment and seeks to determine whether social dialogue is active in the process of achieving better working conditions for these workers. This is done through the collection and examination of the forms of dialogue and the actors involved.

Methodologically, it should be noted that the notion of social dialogue used in this paper is the one elaborated in the recent Council Recommendation on strengthening social dialogue in the European Union.¹⁸ This concept is very similar to the one elaborated at the international level by the ILO. In fact, both include in the definition of social dialogue “all types of negotiation, consultation or simply exchange of information between, or among, representatives of government, workers and employers, on issues of common interest relating to economic and social policy”. They also explicitly include collective bargaining and specify that social dialogue can take place in institutionalized as well as informal contexts.

The systemic-critical analysis is oriented towards a twofold approach: the cross- and the multi-level approach, which are closely interconnected.

The analysis is considered multilevel with regard to the different “spatial dimensions” that are taken into account (European level, national level, local level), while the cross-sectionality comes from the actors and instruments of social dialogue that will be identified at the different levels for the relevant sector.

This study is conducted through the use of legislative production and through consultation of national collective bargaining and documents, more or less formal, produced by the actors involved.

In particular, with regard to national collective bargaining, it considers two recently renewed national collective agreements, signed by the most representative employers’ and union organizations, and more than thirty decentralized contracts in order to conduct an empirical analysis. The latter are local (provincial) level agreements since, in the agricultural sector, decentralized agreements are mainly local level agreements and not company level agreements due to the fragmentation of the workforce in agricultural companies, as well as

¹⁸ <https://eur-lex.europa.eu/eli/C/2023/1389/oj>

the greater suitability of this level to capture the specific needs and requirements of workers and employers in the sector.¹⁹

As mentioned in Section 1, especially the new challenges faced by the agricultural sector, which affect working conditions and, with them, also exploitative practices, could potentially be addressed through the actions of collective actors and their products. To this end, the analysis of the selected collective agreements will focus on whether and how these challenges, starting with those related to sustainability, climate transition and supply chain relations, are being tackled. In particular, the presence of possible collaborative models and governance practices, the actors involved and the specific issues taken into account will be explored.

Finally, regarding the documents consulted, reference is mainly made to the official material released by the European Commission and the other supranational institutions on their websites since the considered European initiatives are recent and still being developed.

3. Social dialogue at the European level.

3.1. Sectoral social dialogue.

At the European level, the agricultural sector was among the first to conclude transnational agreements between the opposed actors.²⁰

These initiatives are part of the sectoral social dialogue, which gives European social dialogue committees the potential role of influencing or implementing European labour legislation.

Fundamental to the process of enhancing the sectoral social dialogue²¹ was the Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level.²²

As stated in the recitals, the document is the result of the common intention of the European institutions to strengthen the sectoral social dialogue aimed at involving employers and workers in negotiations concerning the improvement of living and working conditions in different sectors.

Participation that takes place in a specific structure called Sectoral Dialogue Committee, linked to the Commission, the establishment of which requires the social partners to submit a joint request to participate in the dialogue at the European level and that the organizations these social partners represent meet a number of requirements²³.

¹⁹ Urbisaglia G., *L'efficacia della contrattazione collettiva dei lavoratori della terra*, in *Diritto delle Relazioni Industriali*, 1, 2022, 223 ff.

²⁰ See Section 3.3.

²¹ García-Munoz Alhambra M.A., *European Sectoral Social Dialogue*, in ter Haar B., Kun A. (eds.), *EU collective labour law*, Edward Elgar Studies, Cheltenham, 2021, 177 ff. See also Del Frate M., *Dialogo sociale e autonomia collettiva nell'ordinamento dell'Unione europea*, Cedam, Milano, 2021.

²² This does not imply that European secondary law on worker involvement and participation (to be understood as the directives on information and consultation rights, on European works councils, etc.) is not relevant in the field. In any case, for an in-depth analysis of Sectoral Social Dialogue, see Ales E. et al., *Transnational collective bargaining: past, present and future*, Final Report, 2006, 10-15.

²³ "(a) they shall relate to specific sectors or categories and be organised at European level;

Article 7 of the aforementioned Decision stipulated that a Sectoral Social Dialogue Committee was to replace the “Joint Committee on Social Problems of Agricultural Workers” established by Commission Decision 74/442/EEC, by December 31, 1998. The Sectoral Social Dialogue Committee “Agriculture” is established by the 1998 decision,²⁴ along with the Steel, Extractive Industry, Road Transport, Internal Water Transport, Rail Transport, Maritime Transport and Sea Fisheries Sectoral Social Dialogue Committees.

Thus, these Committees has become the places where the social partners at the European level exchange information, discuss, consult and negotiate, and organize joint actions.²⁵

In addition to the results produced by the internal work of these committees, data measuring the number of national sectoral trade unions and national sectoral employers’ organizations represented on the European Sectoral Dialogue Committee are relevant. Some recent surveys show that in the agricultural sector the percentages of representative organizations from both social partners represented in the Sectoral Social Dialogue Committee are among the highest, measuring 73 percent and 75 percent, respectively.²⁶

Nevertheless, other studies²⁷ point out that unionization rates in this sector tend to be relatively low due to multiple reasons, such as the small size of most companies and the spread of atypical employment and self-employment.

This also affects the findings regarding collective bargaining since the same study found that only 12 out of 22 countries analysed boasted collective bargaining coverage of 80 percent, Italy among them.

This figure is not insignificant when one considers that the greater the capacity of national organizations to regulate working conditions and influence national public policies affecting the sector, the greater the relevance that sectoral social dialogue can have at the European level.

(b) they shall consist of organisations which are themselves an integral and recognized part of Member States' social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;

(c) they shall have adequate structures to ensure their effective participation in the work of the Committees.”

²⁴ With regard to the definition of sectors, the European Union institutions themselves remark on the difficulty of bringing different activities under one label, due to the particular features of the classifications and structures developed by each Member State. In order to untie these knots, the statistical classification of economic activities NACE Revision 2 is adopted, with respect to which amendments were made by Commission Delegated Regulation (EU) 2023/137 of October 10, 2022 amending Regulation (EC) No 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2 (Text with EEA relevance). In particular, it is noted from the Annex to the Regulation that Section A clusters agriculture, forestry and fishing and it refers to Division 01, Groups 01.1, 01.2, 01.3, 01.4, 01.5, 01.6, 01.7 (although for the purpose of our analysis, only Groups 01.1 and 01.2 are relevant).

²⁵ Commission Staff Working Document on the functioning and potential of European sectoral social dialogue, Brussels, 22.7.2010, SEC(2010) 964 final.

²⁶ Eurofound, *European sectoral social dialogue: Facts and figures*, 2019.

²⁷ Eurofound, *Representativeness of the European social partner organizations: Agriculture sector*, 2016.

3.2. Institutionalised actors for shaping European social dialogue in agriculture sector.

Currently in the agricultural sector there are two European organizations representing their national affiliates in the institutionalized social dialogue processes under Article 154 TFEU. These are the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT) and the Employers' Group of Professional Agricultural Organizations in the European Union/Committee of Professional Agricultural Organizations in the European Union (GEOPA-COPA), including the General Confederation of Agricultural Cooperatives in the European Union (COGECA).

The most representative social partners in Italy are affiliated with them. In particular, FLAI-CGIL, FAI-CISL, UILA-UIL, Confederdia, UILTUCS-UIL are part of EFFAT, while Confagricoltura, Coldiretti, CIA, AGCI Agrital, Fedagri, ANCA Legacoop are affiliated with COPA/Geopa.

At the European level, producer organizations²⁸ and interbranch organizations²⁹ also contribute to the promotion of social dialogue because both, albeit in different ways, play a role in strengthening collective representation in the primary sector within the power relations of the agro-food supply chain. As noted in literature, the former plays a key role in the development of trade framework agreements, while the latter have helped to create the conditions for reaching various negotiating solutions.³⁰

²⁸ They are associations that through various strategies strengthen the collective bargaining power of farmers. See: https://agriculture.ec.europa.eu/common-agricultural-policy/agri-food-supply-chain/producer-and-interbranch-organisations_en. See Canfora I., *Organizzazione dei Produttori Agricoli*, in *Digesto delle Discipline Privatistiche – Sez. civile*, XI, 2018, 354 ss.

²⁹ Interbranch organizations (IBOs) are platforms where farmers and other supply chain actors collaborate to manage and oversee the supply chain. Unlike traditional participants, IBOs do not engage directly in production, processing, or trade. Instead, they focus on fostering dialogue, promoting best practices, and ensuring market transparency.

³⁰ Senatori I., *Filiera agroalimentare, tutela del lavoro agricolo e modelli contrattuali di regolazione collettiva: una geografia negoziale dello sviluppo sostenibile*, in *Giornale di diritto del lavoro e di relazioni industriali*, 4, 2019, 593 ff. In order to better understand the relevance of the solutions that can be adopted by these actors, see the case of the Interprofessional Agreement on Tobacco 2021-2023, although it is for the national level. As described by the author, in addition to addressing a series of issues concerning the production and marketing of the product, this agreement also contains an article specifically dedicated to the protection of workers' employment conditions. Specifically, in Article 9, the Interprofessional Tobacco Organisation, working in agreement with the Organisations representing the workers, undertakes to promote better agricultural work practices and in improving greater levels of protection for workers. To this end, it introduces a "Code of Good Labour Practices" consisting of a core of rights that the Organisation undertakes to enforce throughout the supply chain, including rights related to freedom of association. Furthermore, in pursuit of the same aim, it undertakes to promote participation in the Quality Agricultural Labour Network (instrument aimed at promoting legality and respect for fundamental standards in agricultural work). However, as pointed out by the same literature, these actors do not replace traditional employer representative organizations in the function of valve to facilitate communication "between the normative-contractual frameworks that govern agricultural labour relations and trade relations in the agri-food supply chain," which is characterized by an ineliminable "dual track" regulation (traditional union bargaining and supply chain integration contracts within the framework of the Single Common Market Organization).

3.3. Achievements of social dialogue in agriculture.

In 1989, well before the recognition of social dialogue as introduced by the Maastricht Treaty, EFFAT, then EFA, and GEOPA launched negotiations with the support of the Commission, which led almost ten years later to the conclusion of the Recommendation Framework Agreement on the Improvement of Paid Employment in Agriculture in the Member States of the European Union. A framework agreement that constitutes the first sectoral agreement of the social partners negotiated at the European level.

Since the conclusion of this framework agreement and with the creation of the Sectoral Dialogue Committees, the efforts of the European organizations have been directed toward vocational training in agriculture, which led to the drafting of a White Paper within the framework of the Sectoral Social Dialogue Committee and then into an European Agreement in 2002³¹ with related subsequent initiatives such as the Resolution adopted in 2007 to develop an “Agripass Curriculum Vitae” and a “Directory of Agricultural Occupations”,³² as well as in 2006 to a Framework Agreement on reducing exposure to the risk of work-related musculoskeletal disorders.

Over the years, European social partner organizations have continued to collaborate, signing several declarations, such as those on social dialogue as the most effective means of combating social dumping and undeclared work in agriculture (2017) and on the employment of seasonal workers from other European countries (in 2020, together with the Employers’ Group of Professional Agricultural Organizations in the European Union).

Despite the fact that even the aforementioned declarations recognized and promoted the importance of social dialogue, especially in its tripartite form, as a means of pursuing better working conditions in the agricultural sector, no significant practices seem to have been noted on this level in subsequent years.

3.4. Emerging directions of social dialogue in agriculture

A new impulse for a multi-stakeholder dialogue was given by the Commission, which launched an initiative called Strategic Dialogue on the Future of EU Agriculture in 2023.³³

The Commission’s aim is to find common solutions to the challenges in the agricultural sector caused by climate change, war conflicts, which inevitably impact on the living and working standards of agricultural workers.

Representatives of the different interests involved took part in this Strategic Dialogue. Thus, not only representatives of farmers and European organisations and associations, but also non-governmental organisations and representatives of civil society, among others.

³¹ European Agreement on Vocational Training in Agriculture.

³² Committee for sectoral social dialogue “agriculture”, Meeting of May 10, 2007, Resolution adopted by GEOPA-COPA and EFFAT.

³³ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal/agriculture-and-green-deal/strategic-dialogue-future-eu-agriculture_en

The work was carried out within the framework of a “round table”, with the aim of reaching a common understanding on multiple aspects, which were summarised in a report containing policy guiding principles and recommendations.

The opening of such a dialogue is consistent with the provisions of the Treaty on European Union (Art. 11) with reference to the consultation of representative associations and civil society and in line with the most recent European policy lines. These include the Recommendations to the Commission on Revision of European Works Councils Directive attached to the related European Parliament Resolution of 2023 where it is stated that “to find sustainable solutions to labour market changes, employees, employers and citizens should be encouraged to participate in the democratic systems and decision-making processes”.³⁴

At the same time, the use of the term “strategic” suggests an involvement of the same parties that might not be limited to mere consultation, but might give all participants in the dialogue a greater role, namely in the direction of more democratic decision-making processes.

The broad participation in the dialogue is also reflected in the principles and solutions proposed in the report, especially in the section on “policy framework and governance”.

The text emphasises the importance of moving towards a collaborative and stakeholder-oriented governance. This goal for the Strategic Dialogue could also be achieved through the establishment of a European board on agri-food (EBAF) as a “forum where the overall development of agriculture and food is discussed on a regular basis, and where the EU institutions, together with agri-food value chain stakeholders, civil society organisations and scientists jointly discuss strategies necessary to make agri-food systems more sustainable and resilient in Europe”. In addition, the Strategic Dialogue suggests that the Civil Dialogue Groups, which is currently not very active, should cooperate with the EBAF in an advisory capacity.

However, the entry of “new” actors into the institutionalised dialogue would imply assessing the impact of their entry with respect to the role of the social partners and intervening in the procedures for negotiating and involving the different actors as currently structured.

The opening of such a dialogue aimed at identifying common solutions for the future of the agricultural sector could probably be seen as an indicator of the questioning of the solidity of the solutions adopted more recently by the European institutions with Regulation (EU) 2021/2115 laying down rules on support for the strategic plans to be drawn up by the Member States under the Common Agricultural Policy.

Without analysing here the solutions adopted with regard to the product market, it could be noted that the legislative act, in addition to indicating in Art. 6(H) as one of the specific objectives the promotion of

employment, [of] growth, [of] gender equality, including women’s participation in agriculture, [of] social inclusion and [of] local development in rural areas,

³⁴ Point n. 1 of the cited Recommendation.

more oriented to sustainability objectives than the provisions contained in the repealed regulation, introduces in Chapter I, Section 3, the principle of social conditionality.

The instrument takes the form of a sanctioning mechanism that is triggered when beneficiaries of CAP-related payments fail to comply with the rules on working and employment conditions applied in the Member State or with the employer's obligations set out in Annex 4 of the Regulation itself, such as transparent and predictable working conditions (Directive 2019/1152) and worker health and safety (Directive 89/391/EEC).

In paragraph 2, the mechanism establishes a process for Member States to consult the social partners when introducing such a penalty system within their CAP strategic plans, as social partners in the agricultural sector.

It is also stipulated that this mechanism must not conflict with the rights and obligations of the social partners, if they are responsible for the implementation or application of the provisions contained in the legal acts listed in Annex 4 (Regulation (EU) 2021/2115, Directive 89/391/EEC, Directive 2009/104/EC). In other words, as clarified by recital No. 48, when implementing the administrative penalty system, account must be taken of collective bargaining and the role of the social partners, where appropriate, in the implementation of directives on social and employment matters, respecting their autonomy.

In Italy, the aforementioned Regulation has been implemented as of 2023 in the relative National Strategic Plan and it complements other policies undertaken at the national level to fight irregularity and improve working conditions in the sector, such as the “Piano triennale di contrasto allo sfruttamento lavorativo in agricoltura e al caporalato” (*Three year plan to combat labour exploitation in agriculture and illegal recruitment*), which provides for the development of a national strategy to battle illegal recruitment and labour exploitation in agriculture.

4. The national level: autonomous outputs.

Turning to the national level, the dynamics of social dialogue are influenced by territorial patterns, with the consequence that the former develops not only at the national level, but also and above all at the decentralised level, at least as far as collective bargaining is concerned.

4.1. Collective bargaining.

The specific characteristics of this production sector, together with the history of the agricultural labour movement, have shaped collective bargaining and determined its unique development. Since the 1970s there has been an alternating focus between the central role of the provincial agreement and the sectoral agreement. Today, the former plays a secondary role in the sector.

Moreover, the distribution of collective bargaining agreements is particularly fragmented considering the large number of national collective agreement.

This analysis considers the National Collective Agreement for Agricultural and Floricultural Workers, signed by the main organizations representing workers and employers (Confederazione Nazionale Coldiretti, Cia-Agricoltori Italiani, Flai-Cgil, Fai-Cisl and Uila-Uil) and the National Collective Agreement for workers employed by agricultural cooperatives and consortia (signed by AGCI - AGRITAL, Legacoop Agroalimetre, Fedagri - Confcooperative, Fai-Cisl, Flai-Cgil and Uila-Uil).

The National Collective Agreement for Agricultural and Floricultural Workers 2022-2025 renews the previous contract 2018-2021, making changes to some articles that regulated the instruments to support industrial relations in the agricultural sector.

These include the provision regulating the National Agricultural Bilateral Body (Art. 4), whose duties include promoting labour relations and the application of collective bargaining (Letter J) and exercising other functions that the parties to the contract consider appropriate to improve labour relations (Letter K).

In addition, there are a National Observatory, made up of 14 members representing half the workers and half the employers, with functions of analysis, research, monitoring and comparison on a range of issues concerning working conditions, the labour market and provincial collective bargaining dynamics, as well as a Regional Observatory in which employers and workers are equally represented, with application, analysis and monitoring functions, and, finally, a provincial Observatory with information, monitoring and examination functions on situations concerning working conditions, the labour market and collective bargaining dynamics arising in the territory.

Of interest are also some of the annexes to this National Collective Agreement.

Especially interesting is Annex No. 21, which contains the Agreement on Industrial Relations, Collective Bargaining and Representation in the Agricultural Sector. Right from the first lines, the importance that the signatory parties to the National Collective Agreement attach to participation as a means of enhancing the processes of transformation and innovation and in this way strengthening the production system and employment in the agricultural sector is evident.

A first part of the agreement, in which the structures of national and territorial collective bargaining in terms of levels, period of force and functions are substantially reconfirmed, is followed by a section on "Labour Relations", in which those issues that for the parties are involving labour relations and collective bargaining and which should be the subject of a priority interest of the social parties are explored in depth. These include areas such as participation.

Once it recognizes the need to involve workers and allow them to participate in relations with the company in order to successfully address the economic, productive and technological changes taking place, it identifies the forms that participation is taking (mainly in companies in the most advanced production chains) or should take. The forms of participation it refers to are essentially two, namely organizational participation and strategic

participation³⁵, which would allow workers and their representatives to intervene in the definition of the enterprise's strategic directions.

Also among the annexes to the National Collective Agreement for Cooperatives and Consortiums there is a Protocol which has among its objectives that of making union relations more participatory.

In order to achieve this purpose, in point No. 2, the social partners stress the importance of information and consultation procedures, which, by means of collective bargaining, must be extended and fostered. Moreover, it states that the parties agree on experimenting with forms of direct worker participation in production processes. Information goals are implemented in the Article 4 of the National Collective Agreement in the section on labour relations. In this section, at the different levels (national and territorial), the modalities of information are identified on issues mainly related to development and investment programs and to restructuring and reorganization processes that have an impact on the employment structure of all cooperative enterprises in the sector.

At the territorial level, the collective agreements found were mainly concluded in 2021, so it is not currently possible to find more concrete implementations of the National Collective Agreement approaches, especially in terms of participation³⁶.

What can be observed is the only implementation of the Provincial Observatories and Bilateral Bodies, with the exception of the Provincial Collective Agreement (PCA) Agroindustrial – Agricultural Workers, Floriculturists, Horticulturists for Milan-Monza Brianza (February 16, 2021) in which the provision contained in the previous PCA of 2017 regarding “Labour Relations” is modified. In its new version, the procedure of information and consultation is introduced concerning trade union performance, employment situation, including employment seasonal, and possibly stabilizations.

The analysis of the texts of the two selected collective agreements shows an approach that is essentially indifferent on the part of the social partners to the challenges of agricultural sector work described at the beginning of this work, such as sustainability, supply chain relations, and climate transition. Only in the second of the contracts analyzed the term “environment” is used in Article 7, albeit limited to the definition of preventive measures to be adopted for the protection of workers' health and safety and for the mitigation of environmental risks, namely the risks that the natural environment could suffer as a result of the activities carried out by the companies in an area.

³⁵ Participation is called “organizational” or “managerial” when workers' representatives are involved in defining aspects related to the organization of work, while participation is defined as “strategic” with reference to those cases in which involvement, tending to be at the highest levels, concerns choices relevant to the future of the enterprise. *See*, among others, Baglioni G., *Lavoro e decisioni nell'impresa*, Il Mulino, Bologna, 2001.

³⁶ Local collective agreements of different territories have been analysed, such as: Turin, Benevento, Bari, Asti, Caserta, Cosenza, Catanzaro, Rieti, Monza-Brianza, Taranto, Livorno, Treviso, Ferrara, Bologna, Ravenna, Potenza.

4.2. An inclusive social dialogue? Perspectives on outsider agricultural worker representation.

As outlined in the introduction of this article, one of the defining features of agricultural work is its seasonal nature, which is associated with migrant work, which, in turn, is often associated with irregular work.³⁷

It is observed that a part of the labour force in the primary sector lives in degrading living and working conditions. On the one hand, workers perform their work without regard for working hours, receive wages below contractual minimums, and face a lack of compliance with occupational health and safety regulations. On the other hand, due to low-income levels and the lack of access to ordinary housing solutions, these workers find irregular or makeshift housing solutions. Such conditions in most cases are expression of forms of exploitation forbidden by law, such as gangmastering (“caporalato”).³⁸ However even where such exploitation does not occur, the labour marginalization can lead to social marginalization. This often results in the isolation of workers from society and central areas of the territories where they live, accompanied by their clustering into isolated communities.

From a number of studies³⁹ conducted on communities of agricultural workers in the provinces of Foggia (city of the Region Puglia) and Latina (city of the Region of Lazio), it is possible to extract data relevant to our analysis.

Specifically, what is relevant for the purposes of this article is that these workers carry out self-organisations on a social level, which also have implications for relations with workers’ representatives, leading to the entry of new players into the dialogue, including dialogue with institutions.

Indeed, it is verified that in response to their marginalisation, including territorial marginalisation, these workers give rise to communities located far from residential centres that are essentially based on self-management in the reception, accommodation and representation of workers.

³⁷ Faleri C., *Il lavoro povero in agricoltura, ovvero sullo sfruttamento (del bisogno) di lavoro*, in *Lavoro e Diritto*, 1, 2019, 149-171.

³⁸ Art. 603-bis c.p.p. See among others, Battisti A.M., *Il lavoro in agricoltura e il caporalato: criticità e prospettive di contrasto. Note a margine di un convegno*, in *Massimario di giurisprudenza del lavoro*, 4, 2023, 663 ff; Spinelli C., nt. (5), 125 ff.; Androino A., *Il reato di intermediazione illecita e sfruttamento del lavoro: evoluzione normativa e giurisprudenziale*, in *Diritti lavori mercati*, 3, 2019, 431; Garofalo D., *Il contrasto al fenomeno dello sfruttamento del lavoro (non solo in agricoltura)*, in *Rivista del diritto della sicurezza sociale*, 2, 2018, 229; Miscione M., *Caporalato e sfruttamento del lavoro*, in *Il lavoro nella giurisprudenza*, 2, 2017, 113 ff.; Lozito M., De Martino C., Schiuma D., *Immigrazione, caporalato e lavoro in agricoltura*, in *Lavoro e Diritto*, 2, 2016, 313 ff.

³⁹ Chiaromonte W., Ferrara M. D., *L'integrazione dei migranti attraverso il lavoro, fra luci e ombre. Riflessioni su regolarizzazione e ruolo del sindacato*, in *Rivista del Diritto della Sicurezza Sociale*, 2, 2022, 315 ff.; Corrado A., Caruso F., Macciani C., *Migrazioni, sindacalismo e autorganizzazione nelle campagne: i braccianti migranti in provincia di Foggia (Italia)*, in *Mondi Migranti*, 2, 2023, 133 ff.; Pagliuca C., Tsimba N., *Manodopera (in)visibile: spazi e immaginari della marginalità nel lavoro agricolo e domestico*, in *Mondi Migranti*, 2, 2023, 97 ff.; Omizzolo M., *Sotto padrone. Uomini, donne e caporali nell'agromafia italiana*, Fondazione Giangiacomo Feltrinelli, Milano, 2019.

It is within such contexts that forms of “alternative trade unionism” are consolidated, *i.e.* hybrid organisations that not only provide trade union functions, but also assist the community.⁴⁰

These forms of representation are mainly based on the low representative strength of trade unions in the sector, caused essentially by the absence of such workers in trade union organisations, with the clear implication that the former cannot influence the choices and strategies adopted by the latter.

The result is a complex system, which is made up of different actors, such as:

- traditional trade unions;
- para-union actors (alternative trade unionism);
- non-union actors, such as no profit organisations, engaged in defending the interests of agricultural workers in dialogue with institutions, without having received any investiture from workers;
- actors leading forms of self-management, who have relations with all those outside the community-settlement, and who are often the segment of more articulated criminal organisations.

Such a scenario leads, therefore, on the one hand to questioning the ability of trade unions to represent the needs of migrant workers as well, and on the other it opens up space for reflections on the appropriateness of including these workers at the various levels of representation and on the perimeter of the needs to be considered. With regard to the first aspect, if a limit to their inclusion can be identified in the seasonal nature of their activities, at the same time the cited studies show that some of these workers remain in the area and act as spokespersons for the needs of other workers, so there could be room for their inclusion in the most representative workers’ associations, also gaining in terms of “strength” with respect to the counterparts and at the institutional level.

On the second issue, workers should be considered not only in their individuality, but also in their environmental context (community, family), providing integrated welfare measures that can thus improve the working and living conditions of these workers.

4.3. Initiatives to protect agricultural work.

In terms of practices implemented in the agricultural sector in pursuit of social policy purposes, there is also a tendency towards the implementation of forms of cooperation, or tripartism in the broad sense, that include actors other than public institutions and social partners.

This is the case of the “Piano triennale per il contrasto allo sfruttamento lavorativo in agricoltura e al caporalato” (*Three-year plan to combat labour exploitation in agriculture and illegal recruitment*) and the “Tavolo operativo per la definizione di una nuova strategia di contrasto al caporalato e allo sfruttamento lavorativo in agricoltura” (*Working group for the definition of a*

⁴⁰ Campanella P. (eds.), *“Vite Sottocosto”. 2° rapporto presidio*, Aracne editrice, Ariccia, 2018; Calafà, L., *Lavoro sfruttato e caporalato. Una road map per la prevenzione 2023*, in Bonardi, O.; Calafà L., Elsen S., Salomone R. (eds.), *Lavoro sfruttato e caporalato. Una road map per la prevenzione*, il Mulino, Bologna, 2023.

new strategy to battle illegal recruitment and labour exploitation in agriculture), also known as “Tavolo Capolarato” (*Working group “caporalato”*), established by Decree-Law No. 119/2018 converted with amendments by Law No. 136/2018.

The latter is chaired by the Minister of Labour and Social Policies and consists of 11 members appointed by different national and territorial institutions, but also includes the involvement of representatives of employers and workers and third sector organizations committed to the fight against labour exploitation. The purpose of the Working group is to promote a strategy to prevent and battle the exploitation of workers in agriculture, starting with the implementation of the aforementioned three-year Plan. This plan, in turn, adopts a collaborative and participatory model of governance as it involves not only the relevant institutions in the sector, but also the social partners and third sector organizations, given their deep-rooted presence in the territory.

These practices include the “Rete del lavoro agricolo di qualità” (*Agricultural Labour Quality Network*, established by Article 6 of Decree-Law No. 91/2014, converted into Law No. 116/2014). It is made up of national institutions and bodies, such as National Institute for Social Security and Income revenue authority, joined by representatives of workers and employers of agricultural enterprises and cooperatives. The goal is to promote minimum standards for the protection of working conditions, through the recognition of incentives (e.g. by requiring companies to adopt the collective agreements entered into by the comparatively most representative trade unions at national level). A not negligible provision if one considers the fragmented panorama of collective agreements in the sector.

Staying in the realm of practice, mention should be made of the government’s recent decision to set up an “Tavolo di coordinamento per il lavoro in agricoltura” (*Agricultural Labour Coordination Table*), which will bring together representatives of the government, trade unions and organisations, as a forum for discussion on various issues, including labour costs, recruitment and management of labour, and training. It is interesting to note that in this case the input for the establishment of this round table was provided by a farmers’ movement that played a leading role during the protests against the CAP, i.e. an entity that brings farmers together, which, however, is not a recognized farmers’ representative organization.

5. Final remarks.

Moving from the challenges faced by the agricultural sector, from the most traditional ones to the most recent ones, the article analysed social dialogue in the sector by focusing on the institutional aspects of social dialogue, as actors and practices implemented, and on the results achieved, in a multi-level perspective.

At the European level, it was possible to observe the establishment of a sectoral social dialogue structure in line with the most recent policy orientations, aimed at promoting a dialogue with actors not exclusively confined to workers’ and employers’ representatives, which necessarily takes place in ways that do not identify with tripartism.

In terms of results, then, the European social dialogue is becoming part of efforts to define solutions to the main and most topical challenges for the agricultural sector, starting with social and environmental sustainability.

On the other hand, on a domestic level, social dialogue, through its more traditional practices and actors, appears less receptive to these same challenges. Emblematic is the absence in collective agreements of any reference to sustainability, climate transition, or supply chain relations.

Not different is the case in tripartite dialogue practices where there are actions aimed at identifying intervention strategies on illegal working conditions and measures to promote and incentivise quality agricultural labour. Only more recently have initiatives been observed that are also open to organisations other than workers' and employers' unions to discuss different issues, including labour costs, labour recruitment and management, and training.

Meanwhile, the exploitation and social isolation of certain agricultural workers, primarily migrants, highlight the inability of traditional collective actors to address and represent the needs of these marginalized workers. This gap has created space for alternative forms of representation and protection to emerge, that are more responsive to their needs.

The observed "more inclusive" involvement in social dialogue, although with different modalities and intensity, at the two levels can be classified as "on request" or "in response" involvement.

In the first group can be traced those practices which, regardless of the name given to them for the purposes of recognition, are functional to the discussion of social policy issues of common interest, take on more or less institutionalised features and involve the participation of non-governmental organisations and other representatives of civil society, in addition to institutions and traditional workers' and employers' representative organisations.

The second way is expressed by the different forms of interest defence that are activated in response to the absence or weak ability of trade unions to intercept the needs of specific workers in the sector, such as: para-union actors (alternative trade unionism); non-union actors, such as third sector organisations, engaged in defending the interests of agricultural workers in dialogue with institutions, without having received any investiture from workers; forms of self-management led by workers.

This approach could turn out to be an advantageous path, if one considers that in the context of the agricultural sector, it is appropriate to consider the worker, not exclusively as a worker, but as a human being, primarily with the purpose of granting him/her fundamental rights.⁴¹ In other words, his/her "human" and "social" dimensions need to be taken into account, and this may result in his interests being intercepted by other actors who, however, should act in synergy and not as a substitute for the social partners.

Therefore, while on the one hand there is the Recommendation on Strengthening Social Dialogue of 2023, which, although not-binding, aims to strengthen the role of the social partners and to ensure the conditions for bipartite and tripartite social dialogue development, with particular emphasis on collective bargaining, on the other hand there are the

⁴¹ This perspective is in line with the goals set out in the 2030 Agenda for Sustainable Development, particularly with the goal No. 8.

“commitments” made by the European institutions to greater involvement of citizens and stakeholders to ensure greater levels of democracy in decision-making, but also, as we have seen, more specifically in the world of work.⁴²

It is evident that the two levels of action should converge, especially in a historical period such as the current one where the Covid-19 pandemic has shown that it is counterproductive to distinguish between the different levels and that the role of the social partners as well as civil society and its representatives is essential to overcome the challenges that are arising.

It is precisely on the impulse of strengthening social dialogue that it can be appreciated how the most recent secondary law acts of the European Union, like the CAP, pay specific attention to the role and functions of the social partners. However, such a “case-by-case” approach if not coordinated and if not generally extended to all sectors inevitably ends up weakening social dialogue and “leaving behind” some workers.

In the writer’s opinion, these observations highlight the opportunity to access a concept of governance that, borrowing from the theories on governance elaborated in the field of political science, is not based on direction, but not even on social self-regulation, but rather on a non “pure” form of governance based on the cooperation and interaction of the various actors in public and private decision-making networks, which can be declined at different levels.⁴³ Attention on social issues, also in agricultural sector work, has been focused on and the trend that seems to be observed is that of a “collaborative” and “integrated” approach where legislation is accompanied by the use of collective practices or spaces are opened for the involvement of organisations representing workers and employers at various levels. “Integrated” could be considered the approach taken by institutions where legislation can intervene to support the collective agreements of the most representative organisations, as observed at the domestic level. An explicit position of the European institutions in this direction, as is happening in other areas of labour, could be a significant impulse for the relaunch of social dialogue in the sector.

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⁴² See Joint Declaration on the Conference on the Future of Europe “Engaging With Citizens For Democracy—Building a more resilient Europe” and the Measure 39 (5) – Ensuring Civil and Social Dialogue in the Follow-up to the Conference on the Future of Europe, <https://conference-followup.europarl.europa.eu/en/measures/european-democracy?tabCode=proposal-39>.

⁴³ Mayntz R., *La teoria della governance: sfide e prospettive*, in *Italian Political Science Review*, 1999, 1, 3-21.

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