



**HesaMag+**

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The "orchard of Europe" is the nickname generally given to the region of Murcia on the south-eastern coast of Spain: its agricultural produce accounts for half of its exports. But appalling working conditions often lie behind its food production.

# Serfdom in the orchard of Europe

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It is already seven o'clock in the evening on Friday 27 November, and Octavio still does not know whether he will be working tomorrow. As usual, he is waiting for a WhatsApp message from his group leader. Sooner or later, he will receive a message telling him whether the rendezvous is at three or four o'clock tomorrow morning and where the bus will be stopping this time. It is common for farm labourers in Murcia to have between one and three hours' journey to work every day. Octavio<sup>1</sup>, the migrant worker we have asked to follow throughout his day, normally works six days a week. He soon finds out, however, that he will not be working the next day, Saturday: "Sometimes it's nine o'clock before we find out," he complains. Octavio and his wife are from Peru. They came to Spain eight years ago. Like her husband, Octavio's wife also makes her living by working in the fields, through a temporary employment agency that calls if it needs her: if she does not receive a message, that means she is not working the next day. Her phone remains completely silent too. Octavio and his wife live entirely at the mercy of their work, and so does their three-year-old daughter.

If they had been required to work, they would have taken their daughter, wrapped in a little blanket, to her childminder at two o'clock in the morning. So it is not until after seven o'clock that the childminder also finds out that she will not be looking after the little girl the following day.

For Octavio, a day without work means one day's pay less at the end of the month, which will be reflected in a lower wage calculated on an annual basis. Octavio does not know how much he will have earned by the end of the year, even though his "permanent seasonal contract" specifies 40 working hours a week for 10 months a year. In the Murcian countryside and in other regions of Spain, it is very common for workers on permanent seasonal contracts to end the year with a lower total number of hours than expected. This is allowed by two particular clauses in the collective agreement for lettuce- and tomato-growing companies in the region of Murcia: the first provides that the call to work can be on a daily basis; the second specifies that days actually worked depend on "soil condition, the degree of ripening of the produce, orders, weather conditions, etc."

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*If you do not agree to be paid by the piece, you are just not called in to work.*

Making actual hours worked reliant on orders, when this variable depends on many different factors, such as the company's business know-how and its pricing policy, theoretically infringes Article 30 of the Law on the Workers' Statute, the main piece of legislation governing workers' rights in Spain. Under the heading "Impossibility of performance", Article 30 provides that, if the employer is late in allocating tasks to the worker for reasons attributable to the employer, even though the contract

<sup>1</sup> Not the worker's real name, to preserve his anonymity.



between them is in force, the worker is still entitled to the wage, and no subsequent task may be imposed on him or her to offset the work lost. The legal sources consulted for this article stress that the two clauses of the collective agreement mentioned above should apply only in cases of *force majeure* (major weather events, failed harvests, etc.) but that they are often applied in ordinary circumstances.

### Thirteen hours of work and only seven paid

As Octavio is not working this Saturday, Oscar Rommel, the trade union representative from the CCOO (Workers' Commissions) confederation, introduces us to another worker we will be able to follow for a full day, a Moroccan called Amin (again, not his real name). We follow the bus that picks him up from a supermarket car park at four o'clock in the morning.

"To get to the bus stop by four o'clock, you have to be up by two at the latest, because before you leave you have to prepare some food. That's if you don't have to take your kids to a childminder." Oscar's wife also works in the fields, and this is how they have brought up their daughters. In the Murcian countryside, it is not uncommon to see mothers pushing prams through the villages in the middle of the night. These treks with the children are a foretaste of the

13 hours of work lying ahead for the adults, of which, at best, seven will be paid, because travelling time is not counted. Under the collective agreement, farmers are to pay them a rate of 6.93 euros an hour, but the working time regulations are a dead letter, because in practice the labourers are paid piece rates. The farmers call this mode of payment "incentive wages" and claim that they are consciously chosen by the worker, but the truth is more prosaic: if you do not agree to be paid by the piece, you are just not called in to work.

After getting out of the bus in the middle of the night, the workers change their clothes in the open air: there are no indoor changing facilities. We see them taking off their shoes and pulling plastic bags on between their socks and their boots to keep themselves dry, as the soil is drenched. Some of them actually wrap their shoes in plastic. They are all carrying backpacks and water bottles because they are not provided with food and water. Under health and safety legislation, water, lockers, toilets and canteens should be available to workers,



but, like so many other things, it seems that labour law has never reached Murcia.

The workers pile up their backpacks in a roofed-over area the company calls the "dining room", although the few seats are taped off in line with Covid-19 pandemic restrictions. It had rained so hard the previous day that the bus cannot drive into the farm. The workers have to cover the rest of the route on foot, first to the "dining room" and then another kilometre towards some lights in the middle of the site.

You can hardly make out the silhouettes of the workers. But you can see two white shapes, two container-like units on wheels, which the workers call "platforms". This is where the lettuces they pick out of the ground are packaged to be sent to a supermarket on the other side of Europe. The whole team has to work at the same rate as the platform. Amin and the 17 other people in his team get down to work. Together, between seven o'clock in the morning and four in the afternoon that day (with a 20 minute break for lunch), they will harvest a total of 26 680 lettuces. Each of them will have crouched down and stood back up 1 569 times to put a lettuce onto the machine: crouching down, taking two or three steps, struggling to raise their mud-caked boots, with a packet of plastic bags for the lettuces hanging from their waists, adding to the weight. It plays hell with their knees and their lower backs, and all they get for it today is 60 euros. Each day, when he gets home from work, Amin notes down his earnings in his little notebook. Some days he earns 30 euros, others 70. He rarely exceeds 950 euros gross a month. In any case, he does not have a guaranteed wage for each day of toil.

## No mobile phones

On the farms, workers who have left their children many kilometres away cannot keep their mobile phones on them. It is as though, once they are on site, they no longer have a personal life. "If you want to be contactable in case something happens to your kid, you have to break the company rule banning mobile phones," explains union rep Oscar Rommel. The company upholds this ban with the excuse that people can contact its offices in case of emergency: "If something happens to my son, the company has to find out which team I'm in, and where. We start work at seven o'clock and the offices don't open until nine."

The ban on mobile phones was brought in three years ago to prevent the farm



↑ Photo: © Tania Castro

labourers from filming their working conditions and sharing them. The union representatives have also been banned from taking photos on their mobiles, but they have refused to comply.

They complain about the lack of respect and the authoritarianism both out in the fields and in the greenhouses and depots. In one of the greenhouses, a Spanish woman tells us: "rather than calling us by name, they whistle". Reprimands and punishments are also regularly meted out. One worker was laid off for three days because she had forgotten to shut the greenhouse door.

## The sword of Damocles: the temp agency

It is illegal to use temporary workers if, at the same time, company employees are idle, but no one monitors the application of this rule, and the sanctions imposed by the inspectorate when trade unions raise the issue are derisory. Temporary workers are under contract with temporary employment agencies and made available to other companies. They have hardly any employment rights.

*"Rather than calling us by name, they whistle."*

Ángel Torregrosa, who has been working in this sector for over 30 years, is clear about it: "Since temporary employment agencies and piece work came on the scene, job insecurity has increased relentlessly."

As luck would have it, the bus Amin is travelling on is heading for a farm a few kilometres from the one where Octavio would have been working if he had not been placed on leave. We go over to see what is happening and ascertain that Octavio's place has indeed been taken by temporary workers. They are easily identified because they wear orange jackets, whereas the company staff's jackets are yellow.

This colour distinction is another subtle element of an elaborate technique of work organisation. It reminds temps that they are second-class workers, and workers on a permanent seasonal contract that, if they protest, they will be replaced by temps. At a farm labourers' meeting, two women and two men confirm this interpretation: "We don't even talk to the temps," explains a farm employee from north Africa. "When we protest, they threaten to replace us with temps," comments one of the women.

José María López, Secretary of the Murcia section of the CCOO responsible for occupational health, provides us with figures on the use of temporary workers in the region. Between January and September, no fewer than 357 694 secondment agreements (in other words, temporary employment contracts) were concluded. In Spain, only Catalonia beats the Murcia region, with a further 27 963 such contracts signed over the same period. To realise the significance of temporary employment agencies in the

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region of Murcia, it is sufficient to compare these figures with the total number of contracts signed in each of these regions: according to State Public Employment Service data, in Catalonia, over the same period, the total number of employment contracts signed, including both permanent and temporary kinds, was 2 057 930, whereas in the region of Murcia it was 793 307. In other words, if all the temporary workforce were waged, the number of wage earners in this region would increase by 45 per cent.

### Exploitation by multinationals

At last the bus drops Amin off at five o'clock in the afternoon. We have been waiting for him for an hour because he kindly offered to grant us an interview after his exhausting day. He was born in Fez and has three children. If he received the severance pay due to him he would leave, but he carries on because there is nothing else. As we are talking to Amin, we see dozens of buses arriving and hundreds of men and women getting out and crossing the roads to hurry home or to other buses. This tide of people dressed in colourful caps and clothing is marked out from the other pedestrians: it is on their backs that the business of big companies, selling their products all over Europe, is prospering.

These are not small companies; they are multinationals that are associated with Proexport with websites boasting an idyllic world of fresh, healthy produce. Their business has grown constantly over the past decade or so. In 2019, exports of fresh vegetables from the region of Murcia brought in the record amount of 6.61 billion euros. The main destination of these vegetables are the 27 member countries of the European Union, accounting for 6.08 billion euros, or 92 per cent of total exports. It is mainly these companies that refuse to pay their workers the statutory minimum wage.

José Ibarra, CCOO Secretary in the district of El Campo de Cartagena, tells us: "In 2019, the Spanish government agreed to

increase the statutory minimum wage by 2.9 per cent, making it higher than the wage specified under the collective agreement for tomato and lettuce growers. What did the employers' association do? It tried to increase the annual working period to bring the hourly cost down, depriving each worker of three cents an hour. That is only 54 euros per worker per year: a pittance. That gives you an idea of the mindset of these people. The new CCOO Industry Federation leadership in Murcia refused to support this draft agreement and spent a year trying to negotiate. But the employers insisted on maintaining the increase in the annual working period, so in October the union took them to court. On 19 November, the social court ruled in favour of the labourers: the minimum wage increase applied without any increase in working hours."

### First strike in 29 years

On 4 December 2020, the two largest trade union confederations in Spain, the CCOO and the UGT, called a strike in the Murcian agri-foodstuffs sector to highlight this unacceptable exploitation — the first since 1991. The trade unions called on all workers of farming companies, whether permanent or temporary, to stop work. They demanded a collective agreement that provided for decent working conditions.

Enrique Bruna, the general secretary of the CCOO Industry Federation for the region of Murcia, is convinced that this struggle by agricultural labourers is also a struggle for the region's economy and for food quality: "The history of the workers' movement shows us that, in production sectors where there is a working class organised into unions who secure rights for themselves, product quality improves and companies become more efficient. If we want the foodstuffs we eat to be good, it is essential to improve the working conditions of the people growing them, harvesting them and preparing them for sale. It is not acceptable to seek support from the EU, as the farmers do, without at the same time offering environmentally friendly production processes and decent working conditions." ●

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