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Global Refugee Studies

The response of non-governmental organizations to the system of *caporalato* in Italy

Master's Thesis

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Abstract

The following thesis explores the phenomenon of illegal labor mediation and labor exploitation in the Italian agricultural sector, known as *caporalato*. The workers stuck in this system are Italian citizens, but also documented and undocumented migrants. They are exposed to precarious conditions both in the workplace, where they are employed through informal contracts, and subjected to low wages and long working hours, and in the informal settlements where migrant workers mostly live, with no clean water, electricity, or heating.

Here, the *caporali* act as recruiters of cheap labor force for the agricultural companies, withdrawing a high percentage of the workers' daily paycheck for any service: accommodation, transportation, food, and water.

Numerous non-governmental organizations manage to infiltrate this system to report its criticalities and propose alternatives to it. The aim of this thesis is precisely to delve into these responses, seeking to answer the following research question:

How do non-governmental organizations respond to the system of caporalato in Italy and how do they navigate the existing agricultural supply chain?

The interplay between the organizations and the other actors in the agricultural supply chain will be analyzed, to understand how these organizations manage to develop the "morphological eye" (Mitchell 2012, p. 4) necessary to employ measures to aim at disrupting and overturning the existing landscape.

The thesis will be divided as follows: the first chapter will contextualize the phenomenon, looking at the characteristics of all its actors – workers, *caporali*, agricultural companies, retailers, consumers, and organizations – and ultimately outlining the historical context, from the 18th-century farm workers to today.
Subsequently, the second chapter will delve into an outline of the regulatory system around the issue of labor exploitation. To conclude, the analysis chapter will seek to finalize the answer to the research question, by interpreting the findings of the interviews held with NoCap and Libera, two organizations representative of the fight against the *caporalato* system.

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Introduction

With a progressively higher spread of migration, forms of labor exploitation have come to represent one of the hardest and most complex challenges in today's society, with over 27 million people victims of forced labor around the world (International Labour Organization, 2022).

In Italy in particular, labor exploitation is present in the phenomenon of *caporalato*. This term relates to illegal intermediation of work relations and labor exploitation, in agriculture as well as in construction and other sectors (Ministero dell'Interno 2024, Guardia di Finanza 2023), as defined by *Legislative Decree 199/2016* of the Italian Criminal Code.
The system of *caporalato* exposes the workers to informal contracts, challenging working conditions, and remarkably low wages compared to the long working hours they are subjected to by the characteristic figure of the *caporale*. These people are responsible for the recruitment and intermediation of work relations between the agricultural companies and the workers. In turn, they take a percentage of the workers' pay at the end of the working day (Perrotta 2014).

This system is often shaped by criminal organizations, which infiltrate all aspects of the agricultural supply chain, from the organization of labor to the production of goods, from the transportation of products to determining the prices in fruit and vegetable markets. This creates the foundation of the *agromafie*, a "structured criminal model" (Fanizza & Omizzolo 2019: 13) describing the strong influence of criminal organizations on the entirety of the agricultural sector.

Many of the workers, although not the majority, are documented and undocumented migrants, victims of harder conditions in the work setting compared to the Italian workers, because of their fragile and vulnerable condition. Their vulnerability can be linked to their participation in the so-called 3-D jobs – dirty, dangerous, and demanding (Bretones 2020). These highly stigmatized jobs contribute to the migrants' exclusion from society and are mainly seasonal and temporary, linked to the agricultural sector or caregiving (ibid, p. 16). Additionally, migrants' vulnerability arises from their legal status: many of them do not hold a residence permit and are not fully aware of their rights as workers, or informed about the existence of unions; therefore they are more dependent on the employers and the *caporali*, who take advantage of these situations (European Agency for Safety and Health at Work 2007, p. 29).

The challenging conditions endured by the migrant workers do not stop in the workplace, but follow them home, in the ghettos they find themselves living in. These places could be old, abandoned buildings, containers, and shacks with, more often than not, no electricity, heating, or clean water. Here, the *caporale* plays a strategic role as the workers must pay a fee for housing, food, water, and transportation to and from the fields (Sagnet & Palmisano 2015). This system of illegal recruitment and the presence of organized crime in the agricultural sector creates a system of illegal economy that is worth almost five billion euros (Osservatorio Placido Rizzotto 2018).

Thanks to the peculiar climatic conditions found in Italy, agriculture has always played an extremely relevant role in the Italian economy. In Southern regions especially, the production of certain products, such as tomatoes, olive oil, and wine, is particularly expanded.
While the phenomenon of *caporalato* is present throughout Italy, it is precisely in the Southern parts of the peninsula that the problem is mostly disseminated, with Puglia and Sicily being the regions most stricken by this complex system of labor exploitation (Scotto 2016).

Looking at some statistics on the topic (Osservatorio Placido Rizzotto 2022), the number of exploited workers in the agricultural sector in 2021 was around 230.000, more than 30% of the total number of agricultural workers in the peninsula. Out of this 230.000 people, 55.000 are women (ibid, p. 1). Out of the 800 million hours worked in the fields in total, over 300 million are produced by people with illegal contracts.

Many organizations have been able, throughout the years, to delve firsthand into the phenomenon and report the characteristics and the criticalities of the system of *caporalato* (Fragasso 2023, Di Maggio 2011). This MA thesis will therefore examine more deeply the elements that define this system, the juridical and economic gaps left by the state and it will ultimately seek to answer the following research question:

How do non-governmental organizations respond to the system of caporalato in Italy and how do they navigate the existing agricultural supply chain?

In order to answer the research question, it was first necessary to set the context of the system of *caporalato*, through a literature review of academic papers and annual reports. In the analysis, I later conducted interviews with two organizations – NoCap and Libera – operating, although in different ways, to try to overturn the system of *caporalato*.

The research will delve into the phenomenon through the lens of landscape theory and migration infrastructure, to better comprehend the complex system of *caporalato*. As a system, it should be examined in its entirety, from the production of the goods to their distribution in the retail industry.

The research will be divided as follows: the first section will outline a description of the historical context of the *caporalato* system in Italy and the development of its landscape throughout the years, and it will continue with a contextualization of the phenomenon and a description of its main actors. The outline will continue with an overview of the laws and institutional documents introduced in the Italian regulatory system to contain and perhaps solve the problem. Ultimately, the research will turn to an analysis of the instances that contribute to perpetrating this system and the role that organizations play firsthand, in the fight against *caporalato*.

Theoretical framework

To properly examine the landscape of labor exploitation in Italian agriculture and the solutions introduced by organizations operating in the field, the research will examine the phenomenon through the lens of landscape theory and migration infrastructure.
Landscape theory, for instance, can help highlight the way the different actors participating in the system of *caporalato* may or may not possess the "morphological eye", that could provide them with the necessary perspective to challenge the phenomenon's characteristics.
Migration infrastructure, on the other hand, may assist us in understanding how its different dimensions intersect and collide creating the dynamics that characterize the *caporalato* system and its actors.

Landscape theory

According to Don Mitchell, a landscape is an assemble of "[…] fields, packing sheds, roads, houses, irrigation canals, power lines, and so forth" (Mitchell 2012, p. 5). Thus, the morphology of a landscape refers to the structure of all the events that have contributed to forming and arranging a place. For instance, the history and experiences of farm workers in Italy from the 19th century onwards, and the effects of globalization on the agricultural sector, shape and explain the landscape of labor exploitation as we consider it today.

Moreover, as described by Henderson (2003), landscape studies should be able to address:

> The concern for security, safety, and joy in one's work; the struggle for wages that guarantee a share in the good life; the question of who gets to decide what work is, what work gets done, and what goods get made; the fight against excessive personal and corporate accumulation of wealth and power; the idolatry of the market (Henderson 2003, p. 196).

The landscape of the Italian agricultural sector can be seen as what Mitchell (2023, p. 207) defines as "deceptive", as it hides the relations that shape and allow it to work this way, such as the relationships between a *caporale* and its workers, or between the retail industry and the agricultural companies; and it is "power" (ibid, p. 207), as it is produced by the hardships that create it, namely the exploitation operated by the *caporali* on the laborers. In the Italian case, migrant workers are therefore central in the production and maintenance of the Italian agricultural landscape, namely for their nature as vulnerable beings.

Henderson proposes a model of landscape that comprehends "basic human rights and the modes of their defense" (Henderson 2003, p. 196), one that can contribute to actions bringing about social justice.

Mitchell employs the concept of "the morphological eye" (Mitchell 2012, p. 4) to signify the ability to have a precise and coherent overview of a specific phenomenon, of putting together all the processes that have shaped and arranged a certain place.
By deploying the morphological eye, I argue that the organizations active in Italy manage to have a rather exhaustive image of the landscape they operate in, by looking at the phenomenon in their individual segments (e.g. retail industry, recruitment, production) and managing to understand their connections. That allows them to come up with strategies and projects to deal with the issue, as is the case with NoCap's ethical supply chain. By being direct witnesses of the *caporalato* system and examining the issue from all perspectives – workers' rights, respect for the environment, and issues in all aspects of the supply chain – they are managing to disrupt and overturn the existing landscape of exploitation.

As will be highlighted in the following chapters, this landscape is shaped not only by workers themselves, or the figures of the *caporali*, but also, as seen, by organizations concerned with the evident injustices; the agricultural companies; the large-scale retail industry; criminal organizations looking for profits in the latter sector; and finally, the buyers.

In addition, globalization is most certainly a prominent factor in this context. Historically speaking, it represented the engine for the development of the agricultural sector and new models of capitalist consumption that contributed to redesigning this sector and its landscape, turning to a more intensive and profit-led type of production, more and more strictly connected to the Italian large-scale retail industry.
Globalization also played a crucial role in contributing to the growth in the number of immigrants arriving in Italy from the 70s, many of them victims of the system of *caporalato*.

Migration Infrastructure

Xiang and Lindquist refrain from the concept of migration as a two-way movement between point A and point B, but rather frame it as a product of infrastructures, "a multi-faceted space of mediation occupied by commercial recruitment intermediaries – large and small, formal and informal – bureaucrats, NGOs, migrants, and technologies" (Xiang & Lindquist 2014, p. 142).

The authors, therefore, come up with a new approach to understanding migration, defined as "migration infrastructure": "the systematically interlinked technologies, institutions, and actors that facilitate and condition mobility" (ibid, p. 124).

The authors identify five different dimensions of migration infrastructure:

- The *commercial* dimension, represented by recruitment intermediaries, the brokers. For the purpose of this research, we can identify this dimension with the figure of the *caporali*, the intermediaries between demand and supply of work in the agricultural labor market, also dealing with more practical components of the infrastructure: contracts, paychecks, transportation, and accommodation;

- The *regulatory* dimension, represented by the state and its regulating procedures. It is linked to "migration apparatus", the combination of various institutions and policies "that turn migration into a static policy object" (Xiang & Lindquist 2014, p. 133). In this research, the regulatory dimension is represented by the authorities and the laws governing the actors of this system;

- The *technological* dimension, defined as "the most obvious element of migration infrastructure" (ibid., p. 135), represents communication and transportation, and it works in close relation to the other four dimensions. As an example, it intersects with the regulatory system in border control instances, through the use of biometrics.

- The *humanitarian* dimension, represented by NGOs, international organizations, and mass media. Xiang and Lindquist highlight how the organizations' actions are usually perceived as distant from governmental actors, while in reality, they have a crucial role in shaping migration "through active policy interventions and public advocacy" (ibid., 134). In the case of this research, the organizations are pivotal in providing alternatives for the workers and advocating for change. This dimension, and its intersections with the other dimensions, will be the main focus of this research analysis.

- Lastly, the *social* dimension, represented by migrant networks between each other, or with families and friends (Xiang & Lindquist 2014).

All these dimensions should be understood in relation, and sometimes in contrast, to one another, and each aspect of these infrastructures has a specific role for the migrant.

Xiang and Lindquist's approach makes it clear that, in order to understand the way migrants move, it is first necessary to examine how they are moved by other actors, such as the intermediaries, organizations, bureaucrats… The movement of migrants is deeply conditioned by the interactions between the different dimensions theorized by the authors.

Most of these dimensions of migration infrastructure can be transposed to the *caporalato* system, especially the commercial, humanitarian, and regulatory ones, which manage to shape the existing landscape through their interactions. These connections will be better explored in the analysis chapter.

Methodology

The main aim of this thesis will be to shed light on the phenomenon of the exploitation of migrant workers in the Italian agricultural sector and, more specifically, to investigate the role and response of non-governmental organizations in the complex system of agricultural *caporalato*. This chapter in particular will clarify the methodological framework applied to collect and employ the material analyzed.

To be able to understand the phenomenon and ultimately answer the research question set in the introduction, first I will draw on secondary sources, encompassing literature reviews of academic papers, books, newspaper articles, laws, institutional documents, and the most recent annual reports from different governmental and non-governmental organizations, listed in the following paragraphs. Academic papers, for instance, were used in order to have a more neutral and objective overview of the phenomenon. Newspaper articles, on the other hand, were mainly employed to report on examples of news stories, such as incidents that occurred in the workplaces. The use of these sources will ensure a deep understanding of the phenomenon and the dynamics at play.

More in detail, the reports that the study will take into account will be collected from Amnesty International, Osservatorio Placido Rizzotto, Oxfam Italy, the National Anti-Mafia Directorate, Laboratorio Altro Diritto, the National Labor Inspectorate (INL), and Eurispes. These reports will help to get an understanding of the structure and the development of the *caporalato* phenomenon throughout Italy and over the years.

The main laws and institutional documents that will be considered are namely *Law 286/1998*, the Italian Consolidated Text on Immigration, and particularly its Article 18; *Law 199/2016*, specifically legislating on the crime of *caporalato;* and the *Three-Year plan to tackle labor exploitation* implemented in 2020 by the Ministry of Labor and Social Policies, and recently extended until 2025. This outline will help us better comprehend the juridical framework that regulates the phenomenon of labor exploitation of migrants and identify potential gaps in its application. In this regard, it is important to note that most of these documents, and some books and articles in the bibliography, are written in Italian, which required a long work of translation into English.

Interviews

The use of primary sources, such as interviews, was deemed ideal to ensure a more thorough answer to the research question. This included interviews with members of two organizations working in the field, namely NoCap and Libera. These two organizations, in particular, were chosen for various reasons: Libera represents the first and most notorious example of an Italian organization dedicated to the fight against corruption and criminal organizations, engaged in repurposing and cultivating lands confiscated from the mafia and promoting a system that respects workers' rights.
NoCap, on the other hand, is more active in the entirety of the agricultural supply chain, and its engagement in the system, from production to distribution, through its example of *"filiera etica"* – ethical supply chain – offers a positive and innovative model in the contrast to *caporalato*. With the purpose of extending the research perspective, other organizations were contacted, but they never replied to emails and calls. Despite the sample being quite reduced for this reason, I believe the two respondents represent a symbolic and rather exhaustive example of organizations operating within this system.

The research will mostly be qualitative, except for the annual reports taken into consideration. The choice of methods might be explained by using the words of Flick, von Kardorff, and Steinke, who defined qualitative approaches to research as the best way of "understanding […] social realities" (Flick, von Kardorff & Steinke 2004, p.3), through the eyes of those involved, in the case of this thesis the actors that actively try to make a difference in the *caporalato* system: the organizations. It is also important to note that qualitative research encompasses a wide range of methods, such as semi-structured interviews, or participatory observations (ibid, p. 8).
The interviews followed a semi-structured approach: a set of standard questions was defined for both organizations, while some others were conceived for one or the other organization in particular, to reflect the different character of their response to *caporalato*. The use of semi-structured interviews also allowed me to still have the flexibility of exploring certain topics more in-depth if the conversation led to other engaging subjects, that were deemed worth exploring.

While deciding on the interview guide, I first visited the organizations' websites, to get an overview of their mission, and any additional information I could gather online.
Following this, I decided to start the interview with a first generic question on the work carried out by both organizations, to get a clear presentation from the people involved firsthand.

After that, I wanted to delve more thoroughly into the first steps of their actions: establishing contact with the target groups of both organizations: the workers, in the case of NoCap, and the cooperatives, in the case of Libera.

Next, I wanted to clarify, as it was not made explicit on the organization's website, how and if the legal status of the workers that NoCap deals with would entail differences in the type of help and activities they could provide.
It was also of interest to dive into the connections between both organizations and the authorities, and the solutions they propose to the system of *caporalato*. This way I could apply the chosen theoretical framework, and dive into the intersecting dimensions of migration infrastructure.

The interviews were conducted virtually via online meeting platforms, as the two chosen organizations operate in different areas of Italy. Upon consent from the interviewees, the interviews were recorded, which allowed me to re-elaborate the findings when the interview was over. The interviews were held in Italian, as it was easier and more comfortable for both the researcher and the interviewees to use their native language. For this reason, the analysis of these interviews also required intense work of translation into English.

Limitations

As far as limitations are concerned, it would have been interesting and helpful to do some fieldwork in the areas mostly affected by the phenomenon of *caporalato* and perhaps interview the workers directly, however, the research would have required more time than planned. On top of that, the study would have involved many ethical considerations concerning fieldwork around vulnerable and marginalized groups of people. I, therefore, tried to formulate the interviews by avoiding questions regarding the workers' lives and experiences within this system, to avoid them speaking on the workers' behalf. This proved particularly challenging in the interview with Yvan Sagnet, founder of NoCap, who was himself a victim of *caporalato* in the province of Foggia, Puglia, before founding the organization. The focus, following the research question, was discovering the responses of the organizations to the phenomenon.

Another limitation, as already mentioned, stemmed from the lack of responses from some of the targeted organizations. For this reason, it was only possible to hold two interviews, which did

not allow for a more comprehensive representation of the majority of the organizations operating against the *caporalato* system.

While writing this MA thesis, another limitation was represented by research bias. It was important to try to avoid bias for a topic so delicate as that of exploitation. The interviewees in particular were members of organizations who inevitably showed their biased opinions on the matter. To try and overcome this issue, I tried to rely on alternative qualitative data such as academic papers, that could ensure a rather objective and neutral perspective of the researchers around the topic in question.

1. Contextualizing the phenomenon

1.1 The historical landscape

The system of *caporalato* has been around for centuries[1] and over the years it has deeply transformed, following the social and economic changes of different historical periods. These changes did not concern its distinctive exploiting character, but mainly the traits of its main actors: *caporali* and exploited workers. Indeed, at the beginning of the 20th century, *caporalato* was almost exclusively "national": the workers were all Italian citizens, mostly from the South. Similarly, the *caporali* were all coming from the peninsula (Perrotta 2014, p. 193).

Looking at the Italian agricultural landscape, places like the famous Tavoliere delle Puglie – the second biggest plain in the country after the Padana plain in the North – were for centuries marshlands. Towards the second half of the 19th century, however, important changes were completed, which made the land suitable for cultivation (ibid, p. 196).
Consequently, the agricultural sector in the South saw a high demand for labor force, which required the work of recruiters, the *caporali,* to hire workers, many of them from bigger cities across the country, and transfer them to smaller provinces for work (Perrotta 2014, Scotto 2016). Therefore, migration has always been closely tied to the Italian agricultural sector, first as internal migration, strictly organized by the *caporali*, and from the 1980s encompassing mainly migrants from EU countries, or third-country nationals.

A notorious example of the movement of workers throughout the country is the case of women laborers in rice fields in the Northern regions of Lombardia and Piemonte. Here, between the 19th century and the first half of the 20th century, thousands of women would move to the North every year to harvest rice. These movements were organized by the *caporali* themselves. It is assumed (Perrotta 2014, Castelli, Jona & Lovatto 2005) that it is precisely in this instance that the word *caporale* starts being used to reference the organizers of these movements, in analogy with the experiences of these workers and military life.[2] As a matter of fact, the word *caporale*

[1] According to research, the phenomenon was already present around the 17th-18th century in Tuscany's Maremma, Tavoliere delle Puglie, and in the North in the Pianura Padana area (Mercurio 1989).
[2] Castelli, Jona, and Lovatto's (2005) account of the women rice workers well explains this link. The train ride to get to the fields, the accommodation in dormitories, the discipline imposed by the *caporali*; everything can be easily linked to the experiences of soldiers.

can be translated to "corporal", designating the military rank assigned to soldiers committed to the recruitment of new members of the army (Ministero della Difesa, n.d.).

This historical period can be seen as pivotal for the development of the landscape of agricultural *caporalato* as we know it nowadays, as the figure of the *caporale* starts gaining more and more power. From their simple job as recruiters, they start acquiring new skills and tasks. This is also the phase when the first farmers' unions start developing, to provide assistance to the workers and defend their rights (Perrotta 2014).

The North and South of Italy presented different responses to agricultural productivity: while the Northern regions managed to undergo a process of industrialization earlier on, with the implementation of new machinery and irrigation systems[3], the South kept relying on a more conventional organization of labor (Niedertscheider & Erb 2014). This was also due to the different characteristics of the land throughout the country – rains are more frequent in the North, while the South presents generally higher temperatures, especially during the summer months.

After World War II, Southern agricultural workers were left with a massive destruction of land and livestock and a generally rudimentary agricultural sector which generated widespread discontent and protests. The government responded with the adoption of the Agrarian Reform in 1950, which aimed at combating poverty and unrest and increasing productivity by introducing plans to improve the soil and by distributing land to landless farmers (Belotti 1960).[4] As much as the reform managed to relieve the atmosphere of unrest among some of the farmers in the Southern regions, it could not fully carry out those socioeconomic transformations that were required by the deeply underdeveloped rural areas and could not stop the growing phenomenon of emigration from – mostly – the South of Italy to countries in South America (Bacarella 2003). On top of that, these years saw a rise in industrialization that also contributed to this latter phenomenon among families of agricultural workers.

In this context, around the 70s and 80s, the first migrant workers started arriving in the Southern regions of the peninsula from Sub-Saharan Africa, EU countries, or the Middle East. In Italy,

[3] The area around river Po was and still is regarded as one of the most prominent agricultural areas in Europe.

[4] These lands were divided into smaller agricultural units – *poderi* – big enough to help the farmers provide for their families. Once the lands were assigned, a program of crop and livestock improvement was initiated (Belotti 1960).

they mostly found jobs in the agricultural sector, which could be defined as “transitional” (Pisacane 2017) and chosen by migrants out of necessity and lack of other valid options.

The peculiar organization of the job market evolving around agriculture almost naturally exposes the sector to irregular labor, often exploited: it is characterized by high mobility, precarity, and seasonal work, deeply influenced by weather conditions and market prices (Omizzolo & Sodano 2015). Migrants working in this sector form part of an invisible segment of the population, often lacking any form of protection, but represent an essential engine for the Italian economy. Nowadays, they account for approximately 30% - around 360.000 workers – of Italy's total agricultural labor force (CIA 2021).

The connection between the agricultural sector and the infiltration of criminal organizations has deep historical roots, linked to the very birth of the mafia phenomenon in the countryside (De Lucia 2012). The control over land made it possible for criminal organizations to have control over people through the exploitation of the workers (Osservatorio Placido Rizzotto 2018).

We refer to all criminal activities taking place in the agricultural supply chain, from the production to the transportation, distribution, and selling of products, as *agromafie* (Fanizza & Omizzolo 2019). This “umbrella” term describes the infiltrations in agricultural activities, through the *caporalato* system; the control of distribution in farmers’ markets; the imposition of pricing rules to the retail industry; but also, the sale of counterfeit products, and the disposal of toxic waste in the environment – *ecomafie* (Legambiente 2023).

The large-scale retail industry in Italy is a business worth hundreds of millions of euros, therefore very appealing to criminal organizations (Eurispes 2019, p. 83). In a 2019 report from Eurispes, ties between the retail industry and the mafia were revealed, namely in the organization of the citrus and oil sectors, and horticultural markets, hindering the sale of products not controlled by the criminal organizations (ibid).

1.2 Presenting the actors

The landscape of *caporalato* is characterized by the presence of numerous actors: the agricultural companies, the *caporali*, farm workers, the retail industry, and finally, the buyers.

Agricultural companies are among the igniters of the whole phenomenon, the ones employing the *caporali* to recruit an often large number of seasonal workers for harvesting in their fields. This intermediation makes the job "easier" for the farmers who do not have to be concerned about filing any paperwork at employment offices or who could simply turn to the so-called grey contracts.

The crucial figures of the whole system of *caporalato* are indeed the recruiters, the *caporali.* They act as a bridge between the workers and the companies in search of labor and keep a percentage of the worker's paycheck at the end of the working day, to cover any type of service, such as transportation and food. They have numerous tasks and organize themselves in corporal teams with a pyramidal structure, as illustrated in Figure 1 below (Osservatorio Placido Rizzotto 2018).

Figure 1: Organization of the *caporali* teams.

Source: Osservatorio Placido Rizzotto (2018)[5].

[5] "Hierarchical organization of a typical team and functions of the *caporali*."

The *caporale*-bosses, in particular, are the ones in direct contact with the companies, they are usually associated with criminal organizations and have the responsibility of managing the entire recruitment and harvesting process. They will delegate most tasks to other *caporali* under them (Osservatorio Placido Rizzotto 2018).

For instance, the *caporale* recruiter would find daily or weekly workers in town squares, roundabouts, or even through phone texts, as in the case of Omizzolo's (2015) account of Pakistani workers in the province of Latina.[6] Many workers are also recruited in the often overcrowded reception centers around the country, mostly located in rural areas (La Stampa 2024, Corrado, Palumbo, Caruso & Lo Cascio 2019).

Another central actor is the *caporale* driver, whose main and sometimes only task is to transport the workers from the ghettoes, or the town squares, to the fields early in the morning, and then pick them up at the end of the working day. Each worker has to pay a daily "transportation fee" of five euros and "cannot use any other means of transportation to reach the workplace, otherwise risking their jobs" (Nigro, Perrotta, Sacchetto & Sagnet 2012, p. 59). The transportation means are often in rather poor conditions and overcrowded, therefore the journeys can sometimes result in serious and deadly accidents (La Gazzetta del Mezzogiorno 2018, La Repubblica 2023).

As far as accommodation is concerned, while Italian workers can count on their own households, migrant workers are often forced – for lack of alternatives – to rely on informal and precarious settlements, with no electricity or clean water, where hygiene and security standards are not respected. These ghettoes are far from the main cities and often see a rise in drug and alcohol abuse and prostitution among their inhabitants, trafficks all led by the *caporali*.
Looking at the account of Sagnet and Palmisano (2015) in the ghetto of Rignano Garganico in the province of Foggia, we can understand the profits that the *caporali* can make in a working season – approximately two months. A place in a "house" made of wood and plastic costs approximately 100 euros per person each season, to which one should add the price of food, water, and transportation to and from the field. Considering that the number of people living in Rignano Garganico's ghetto is approximately two hundred, the 200,000 euros – for

From the top: *caporale*-boss in contact with agricultural companies; technicians and professional administrators; deputy chief/logistic specialist-consultants; *caporali* coordinating the teams; *caporali* recruiters; *caporali* drivers; and *caporali* in direct contact with the workers.

[6] In the author's account, the *caporali*, often Pakistani nationals themselves, use this means of recruitment to escape any possible inspections by the police (Omizzolo 2015).

accommodation only – that this system yields every season confirms that "every ghetto is a goldmine for the people that run it" (Sagnet & Palmisano 2015).

Often, the ghettoes are controlled by a "*capo nero*"[7] – or black boss –, usually an African *caporale* whose main tasks are to collect rent in the informal settlements, recruit and control the workers in the fields, always responding to instructions coming from the more powerful Italian *caporali*. Their role is respected by most of the migrant workers, some even see in them an example and opportunity for redemption and social advancement. However, there are some exceptions of workers denouncing the figure of the *capo nero*, blamed for taking a big portion of their hard-earned money through all the fees imposed on transportation, food, and water. On top of that, the *capi neri* are guilty of exercising violence and humiliation on their subordinates (Perrotta 2015).

Over 82% of agricultural workers are Italian citizens, while 11.4% come from non-EU countries. The remaining 6.5% are workers coming from countries members of the European Union (Ministero del Lavoro e delle Politiche Sociali 2020).
Migrant workers mainly come from Sub-Saharan and North Africa, the Middle East, and Eastern Europe. While African workers[8] are mainly men, the majority of the workforce coming from Romania, Moldova, and Bulgaria is represented by women (Caritas Italiana 2018). These workers are more exposed than their Italian colleagues, as they do not have a safe house to go home to after their workday and are subjected to more discrimination and exploitation for their vulnerable conditions. As a matter of fact, many of them do not have a residence permit – or they have it expired – or they are asylum seekers still waiting for their status to be processed.

Italian workers often get paid "*a cottimo*" – by the piece – around 3 euros per crate of product, roughly weighing 375 kg (Ansa 2018). By filling approximately ten crates per day, they manage to earn around 25-30 euros. Migrants, on the other hand, earn a lower wage per crate and can receive up to 20 euros per day (Sagnet & Palmisano 2015).
This disparity also applies to gender, as women workers are often given contracts – if any – for less than 50 working days per year, therefore leaving them excluded from access to certain benefits guaranteed by the Italian welfare state, namely agricultural unemployment, sickness, or maternity leave, which are usually guaranteed after 51 days of work (Consentino & Legrottaglie 2023). Additionally, women's salaries are also affected, as they generally earn 5-

[7] This term is used by the workers towards their African *caporali* (Perrotta 2015).
[8] Mostly coming from Ghana, Sudan, Morocco, Tunisia, and Burkina Faso.

10 euros less than male workers, while still working 10-11 hours per day (Sagnet & Palmisano 2015). It is also important to mention that these women, apart from the physical and psychological fatigue experienced by their male colleagues as well, are often exposed to sexual abuse and violence by the *caporali.*

Many of the workers are employed without a contract, especially if undocumented. Those with papers, however, are exposed to the so-called *lavoro grigio* – grey labor or grey contracts – which consists in signing regular contracts, in conformity with the Italian legislation. Nevertheless, the working hours guaranteed by the contracts – and regularly paid – do not reflect the actual hours spent by the workers in the fields. For instance, the workers will be regularly paid only for the hours defined by the contract, while the rest will be paid less and off the books. This way, in case of an inspection, the employers are covered and do not have to pay certain benefits to their workers, like pension and unemployment (Perrotta & Raeymaekers 2023).

The system of *caporalato* also involves the distribution and selling of the goods produced by the exploited workers, through close relationships with the Italian large-scale retail industry[9]. The modern retail industry represents the main market outlet for agricultural companies nowadays, controlling roughly 75% of all products consumed in the country (Oxfam Italia 2018).

Large-scale retailers have the power to orient and control the production and distribution of food, as they exercise purchasing power over the suppliers, who have to lower their production prices (Oxfam Italia 2018). This way, the suppliers have to find a way to save the money they are losing through these relations; therefore, they target and lower their workers' paychecks and the expenses linked to guaranteeing safety in the workplace, often turning to criminal organizations for help.

Lastly, a crucial role in the agri-food supply chain is played by the consumers, who, through their purchasing choices, choose which market to support. The persistence of the *caporalato* system in Italy has its power precisely in the buyer's ignorance around the origin of the products they are buying.

[9] In Italian, Grande Distribuzione Organizzata (GDO).

1.3 Presentation of the organizations

In the aforementioned context, numerous organizations try to contrast the phenomenon by raising awareness on the working conditions of the workers, the origin of the products sold, or, as in the case of the organization NoCap, identifying an alternative and ethical supply chain and promoting critical consumption of the consumer. We deal with critical consumption in those instances involving the "[…] consideration of the political or ethical implications of one or more episodes of the production, or of the perceived effects of the consumption, of any product or service" (Yates 2010).

NoCap was among the first organizations in Italy to introduce a label on products to promote and reward companies that act sustainably towards their workers and the environment, guaranteeing legal contracts and the overall respect of workers' rights (NoCap website).

Another organization active in the fight against *caporalato* and agromafie is Libera. Its main mission is promoting outreach activities against the mafia and interventions on lands confiscated from criminal organizations, to ensure local development and combat corruption.
Libera does not directly own the confiscated lands but it acts as a bridge between the authorities that operate the confiscation and cooperatives willing to initiate projects of sustainable agriculture, and acting in conformity with workers' rights.
These cooperatives use the label "Libera Terra"[10] on their products, to signal goods produced against the mafia and respectful of workers' rights.

[10] The organization's name could be translated in English as "Free Land".

2. Contrasting the phenomenon: the juridical landscape

At the European level, numerous Directives on human trafficking and migrant workers' rights have been approved throughout the years by the Council of the European Union:

- *Directive 2009/52/CE*, introducing norms on sanctions and measures for employers that hire undocumented citizens of third countries. This directive was adopted by the Italian government in 2012 with the so-called *Legge Rosarno*, which will be dealt with more in detail in the following paragraphs;

- *Directive 2011/36/UE*, concerning the prevention and suppression of human trafficking and the protection of the victims. It is especially interesting to look into Article 2 of this Directive, mentioning crimes related to human trafficking. According to the Article, Member States should adopt the necessary measures to punish the recruitment, transportation, threats, abuse of power, use of violence, and coercion of the victims, with the purpose of exploitation. Exploitation, according to the European Parliament, encompasses prostitution and other forms of sexual exploitation, forced labor, and practices close to slavery. Punishments encompass incarceration from five to ten years;

- *Directive 2011/98/UE*, regarding the procedure of requesting a single permit for third-country nationals to reside and work in the territory of a Member State.

The *Charter of Fundamental Rights of the European Union* (2000) defines a series of rights for workers operating inside the EU. Some crucial articles worth mentioning are the “right to human dignity” (Article 1); the “right to the integrity of the person”, and especially the prohibition to make the human body a source of profit (Article 3); the “prohibition of torture or degrading treatment” (Article 4); the prohibition of slavery (Article 5). Article 15, describing the “freedom to choose an occupation and right to engage in work”, highlights the right of third-country nationals to work in the same conditions as the citizens of the European Union.

After the contextualization of the phenomenon of *caporalato* and its history in the previous chapter, it is crucial to look into the norms and policies that the Italian government has implemented throughout the years to prevent and counteract the problem.

2.1 Article 18 of the Consolidated Text on Immigration

First, it is crucial to look at the *Consolidated Text on Immigration and provisions on the legal condition of foreigners*[11], particularly, Article 18. This Legislative Decree, first approved in 1998, is regularly amended and contains all the provisions on the topic of immigration.
Article 18 is especially significant for this research, as it states as follows:

> When […] situations of violence and severe exploitation against a foreigner are detected, and real dangers to his/her safety arise, […] the Commissioner […] releases a special residence permit to allow the foreign citizen to escape the violence […] of the criminal organization, and to participate in a program of social assistance and integration (Presidenza del Consiglio dei Ministri 1998)[12].

Through the article, the government is committed to providing assistance, adequate conditions in terms of accommodation, food, and health care, and promoting the social integration of the victims. The residence permits issued last for six months with the possibility of renewal until the conditions that led to their issuance cease to exist. It is important to underline that, originally, these provisions were destined only for women trafficked for sexual exploitation, and were, from 2006, extended to victims of labor exploitation as well (Presidenza del Consiglio dei Ministri 1998).

Theoretically, the article provides an extremely important measure to counteract the issue of exploitation experienced by migrants, including workers victims of the *caporalato* system. However, according to numerous reports by the Inter-University Research Center *L'Altro Diritto* over the past six years (2018, 2019, 2020, 2022), the number of criminal cases opened for the conditions defined in Article 18 is rather deficient (Figure 2), especially if compared to the number of exploited migrant workers, in the *caporalato* system only, registered every year - 230,000 people as of 2023 (Omizzolo 2023).

[11] In Italian, *Testo Unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, Legislative Decree no. 286/1998.
[12] Author's translation.

Figure 2: Table of investigations on labor exploitation from 2011 to 2021.

Periodo	Tutti i settori		
	Totale casi	di cui procedimenti penali avviati	di cui su denuncia dei lavoratori
2011-2015	14	12	3
2016	6	6	0
2017	25	25	1
2018	64	60	6
2019	121	114	13
2020	127	103	12
2021	101	81	14
Totale	**458**	**401**	**49**

Source: Laboratorio Altro Diritto/ Flai-Cgil 2022.[13]

2.2 Legislative Decree No. 109/2012 or *Legge Rosarno*

In July 2012, the Italian government adopted Legislative Decree No. 109, better known as *Legge Rosarno*, from the name of the small town in Calabria where, two years prior, a revolt of migrant workers had stricken, to denounce their tough working and living conditions and the more and more frequent episodes of violence and aggressions coming from members of criminal organizations (La Repubblica 2010).

Through this Decree, the government implemented the European Directive 2009/52/CE, concerning measures against employers who hire undocumented third-country nationals. The sanctions contained in the Directive may consist of the exclusion of the employer from public funding, the closing of work establishments, and the withdrawal of employment licenses (Amnesty International 2014). The measures get particularly severe if the employer is hiring more undocumented migrants simultaneously, if among them there are minors or victims of human trafficking, and if the migrants are exposed to "particularly exploitative working conditions" (ibid, p. 10). Those conditions are defined by the Directive as instances "[…] where there is a striking disproportion compared with the terms of employment of legally employed workers which, for example, affects workers' health and safety, and which offends against human dignity" (Gazzetta Ufficiale dell'Unione Europea 2009). The employer should therefore

[13] From the top left: year-period; total number of cases; of which initiated criminal proceedings; of which denounced by the workers (Laboratorio Altro Diritto/Flai-Cgil 2022).

require the third-country nationals to hold a valid residence permit before officially hiring them (Article 4).

The implementation of the Italian Legislative Decree, however, proved incomplete and inadequate for several reasons. First, it failed to introduce certain sanctions to the employers that were listed in the European Directive. Moreover, the Decree gives a restrictive definition of the "particularly exploitative working conditions", that do not reflect those of the European Directive. In the Italian legislative system, "exploiting conditions" refers to underpaying the employers; violating norms on working hours, hygiene, and safety in the workplace; and subjecting the worker to challenging working and housing conditions (Amnesty International 2014). This way, the Legislative Decree "[…] excludes from the possibility of being granted a residence permit migrant workers who would [otherwise] be entitled to a permit under the Directive" (ibid, p. 12).

In order to be granted residence permits, undocumented migrant workers in Italy have to directly report the abusive employers and offer their cooperation for the criminal proceeding, conditions not listed in the European Directive.
This way, the law fails to create safe channels for the victims to report the exploitation perpetrated by their employers, as very often they are already reluctant and resistant to denounce, afraid in turn of getting reported for their irregular stay in the country (Amnesty International 2012).

To conclude, Amnesty International's (2014) report finds three main obstacles to the good functioning of Legislative Decree No. 109:

- First, frequently the instability of work relations, typical of the agricultural sector, makes it almost impossible for workers to know the identity of their employers, as they might change every day;

- Second, the requirement to cooperate in the criminal proceeding described earlier does not combine well with the intrinsic mobility characteristic of agricultural work. Workers follow the harvesting seasons throughout different regions, therefore making it almost impossible for them to settle in one place to help with the proceedings;

- Lastly, it is challenging for undocumented workers to be able to demonstrate proof of the "particularly exploitative working conditions", under the Rosarno Law's definition.

The issue is exacerbated by the rare and sometimes inefficient inspections in the workplace, crucial to sustain prospective reports from the migrants.

2.3 The crime of illegal intermediation in Legislative Decree No. 138/2011 (Art. 12) and No. 199/2016

Following the Nardò strike of 2011[14], the government introduced the crime of illegal intermediation of work relations in Article 603-bis of the Italian Penal Code, through Article 12 of Legislative Decree No. 138/2011 (Gazzetta Ufficiale della Repubblica Italiana 2011). Said article of the Penal Code, a crucial starting point for the criminalization of *caporalato*, lists the conditions that determine a situation of exploitation:

1. The repeated uneven remuneration of workers compared to the salaries defined by national collective agreements;

2. The systematic violation of norms relating to working hours, holidays, and leave of absence;

3. The violations of norms concerning safety and hygiene in the workplace;

4. The subjection of the worker to degrading work conditions, or surveillance (Gazzetta Ufficiale della Repubblica Italiana 2011).

The perpetrators are defined as "whoever carries out activities of intermediation, by recruiting labor and organizing labor practices characterized by exploitation, through the use of violence, threats, and intimidation" (ibid).

The punishments intended for the perpetrators are a fine from 1,000 to 2,000 euros – for every exploited worker – and imprisonment for up to eight years. Article 603-bis, however, proved

[14] The strike in Nardò (Puglia) was the first strike independently organized by migrant agricultural workers, engaged in the harvesting of tomatoes. Among their requests were fair salaries and decent conditions in the workplace. Led by Yvan Sagnet, who later on established the organization NoCap and started creating an alternative and ethical agricultural supply chain, the workers managed to raise media attention on the system of *caporalato*. Thanks to their actions, the government introduced, a few months later, article 603-bis in the Penal Code (Nigro, Perrotta, Sacchetto & Sagnet 2012).

incomplete, as it seemed to only target the *caporale* as the perpetrator of the crime, not taking into account the employers themselves.

In 2015, the death of Paola Clemente (Gaudino 2020) while she was working in a field in Puglia turned once again the spotlight on the issue of *caporalato*. The following year, in 2016, Law No. 199 on "Dispositions on the contrast to cases of undeclared labor, labor exploitation in agriculture and wage realignment in the agricultural sector" (Presidenza del Consiglio dei Ministri 2016) was approved. The Law amended article 603-bis of the Penal Code, and added articles 603-bis.1 and .2. Its main provisions consisted of:

- A rephrasing of the characteristics of the offenders, defined as whoever recruits labor for third parties in exploiting conditions, and whoever uses, and employs labor taking advantage of their vulnerable position. This way, the Law settled the incomprehension related to the figure of the offender contained in the previous Legislative Decree of 2011, therefore expanding its effects to the employers;

- The persistence of violence and threats towards the victims will be considered as an aggravating factor for the offenders, leading to a higher fine and imprisonment time;

- In case of cooperation with the authorities, an alleviation of a third of the punishment will be provided to the cooperative offender;

- The authorities will dispose the confiscation of the offenders' assets destined to the perpetration of the crime, or its products.

According to the Annual Report on inspections in the field of labor and social legislation, drafted by the National Labor Inspectorate (INL, 2022), in the two-year period between 2020 and 2022, 22.683 agricultural work positions were inspected, and 5.567 of them were found to be irregular. 36,7% of workers were in the system of undeclared labor – *lavoro in nero* – and 587 workers resulted as victims of *caporalato*. As a result of these inspections, 96 offenders were processed by the authorities. Moreover, almost 600 people were assisted by IOM and 239 of them obtained

residence permits for their condition of victims of labor exploitation, following Article 18 of the Consolidated Text on Immigration (Ispettorato Nazionale del Lavoro 2022).[15]

[15] It is however important to note that the high number of inspections registered in the agricultural sector is mostly due to the implementation of the Three-Year Plan against Labor Exploitation (2020-2022), which will be described more in detail in the following chapter. Before 2020, for instance, the number of inspections was considerably lower, with the amount of investigations registered at 5.806 (Ispettorato Nazionale del Lavoro 2019).

3. Analysis Chapter

More often than not, the discourse around the *caporalato* system involves the vulnerability of the workers and the exploitation operated by the *caporali*, ignoring the responsibilities of the state and the role of the retail industry.

This chapter will seek to answer the research question set in the introduction, by analyzing the main gaps existing in the system of *caporalato* and the responses given by the organizations. More in detail, a deep understanding of the gaps existing in the retail sector and in the juridical response of the state to the phenomenon is needed to be able to understand if and how organizations manage to respond to these issues.

The analytical discussion will therefore dive into two main perspectives: the juridical and the economic. The chapter will be divided into the following sections: the first section will deal with the gaps in the juridical framework concerning the phenomenon, the second will define the current large-scale retail industry state, and the last section will focus on the responses offered by some of the organizations to reshape the existing landscape.

3.1 The regulatory dimension of migration infrastructure

This first section will analyze the existing juridical framework in Italy around the topic of labor exploitation, its implementation, and its effects. It will focus on the response of the state to the phenomenon of *caporalato*, and the existing gaps in the juridical scenery that do not allow for an exhaustive counteraction to the system.

I will analyze the Italian Quota system – *decreto flussi* – framing it in "migration infrastructure", theorized by Xiang and Lindquist (2014). From here, I will continue delving into the regulatory dimension of migration infrastructure through an analysis of the *Three-Year Plan to tackle labor exploitation* approved in 2020 by the Ministry of Labor, a further step towards an alternative model of the current supply chain.

3.1.1 The Italian quota system

Each year, the Italian government issues a Decree that allows a predetermined number of third-country nationals to travel to Italy for work. The quotas vary for non-seasonal, independent, and

seasonal workers. This system was implemented in 1998 through Legislative Decree 286/1998, the *Consolidated Text on Immigration* (Presidenza del Consiglio dei Ministri 1998).

In the year 2023, the government specifically set aside quotas for citizens coming from non-EU countries that had agreements on the matter of cooperation on migration, or countries that "promote media campaigns […] concerning the risks to personal safety deriving from involvement in irregular migratory trafficking" (Integrazione Migranti, n.d., Gazzetta Ufficiale della Repubblica Italiana 2023, art.3).

The years 2011 to 2020 saw a progressive decrease in the number of third-country nationals set by the government. The quota system was temporarily blocked, and entry was granted only to high-skilled workers, third-country nationals who had attended training programs in their countries of origin, and seasonal workers. Nevertheless, from 2021 onwards, a rise in non-EU citizens' quotas was registered, as the requests for applications were always higher than the predetermined number (see Figure 3).
As of 2024, the quotas stand at 151.000 in total, 89.000 of which are destined for seasonal work, encompassing both the agricultural and tourism sectors (Gazzetta Ufficiale della Repubblica Italiana 2023, art.5 and 7). Recent declarations from the Ministry of Interior state that almost 690.000 requests have already been received this year, more than 300.000 of which are aimed at seasonal work (Ministero dell'Interno 2024).

Figure 3. Programmed annual quotas (total number and seasonal labor) from 2001 to 2022.

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total	89	80	80	80	100	550	252	230	80	184	60	53	48	33	31	31	31	31	31	31	70	76
Seasonal labour	39	60	69	50	45	80	80	80	80	80	60	35	30	15	13	13	17	18	18	18	42	44

Source: Corrado, Pisacane & Ferrari 2023, p. 1261.

These numbers prove how especially the quotas set by the government for seasonal work cover only a partial share of the actual labor demand in agriculture. Most of the agricultural workers are not subjected to this entry system as they come from Eastern EU countries or are non-EU asylum seekers. As argued by Dines and Rigo, "the failure of the quota system to meet the agricultural demand has been offset by the growing number of asylum seekers making the decision to cross the Mediterranean Sea" (Dines & Rigo 2015).

For asylum seekers particularly, the generally long wait for asylum procedures – around 14 months (Sciurba 2018) – and the lack of proper integration and hosting procedures (ibid, p. 153)

create a liminal and uncertain condition that contributes to exposing them to exploitation (Corrado, Palumbo, Caruso & Lo Cascio 2019).

This is where the system of *caporalato* comes into play, through the *caporali* managing to fill the gap left by the quota system in agriculture and repressive state policies on migration (Perrotta & Raeymaekers 2023) and providing the agricultural companies with the workforce they need. This creates an intersection between the regulatory dimension – the juridical system – and the commercial dimension – the intermediaries, or *caporali* – of migration infrastructure (Xiang & Lindquist 2014). All the dimensions – commercial, regulatory, humanitarian, social – that create this infrastructure intertwine and intersect with one another (ibid, p. 124), as visible in the interaction between, for instance, the commercial dimension and the humanitarian, represented by non-governmental organizations. Following the interviews conducted during this research, it could be argued that the NGOs, such as NoCap, cover both aforementioned dimensions of the infrastructure, by alleviating the conditions of exploited workers and supporting them – humanitarian dimension – and by becoming "recruiters" of the workforce themselves – commercial dimension – for the implementation of their reintegration projects. They become intermediaries between the workers and the agricultural companies that seek to employ workers through legal contracts.

To try and counteract the issue of *caporalato* in the agricultural system, article 5 of Legislative Decree No. 20/2023 (*Urgent dispositions on legal entry flows of foreign workers and prevention and contrast to illegal immigration*) states that:

> The employers who have […] presented a regular request for the allocation of agricultural workers and have not received all or part of the workforce requested, can obtain […] the allocation of the requested workers with priority over new applicants, within the quota allocated to the agricultural sector (Gazzetta Ufficiale della Repubblica Italiana 2023).[16]

This way, the government aims at counteracting and lowering the number of seasonal workers potentially caught in the *caporalato* system.

As already mentioned in previous chapters, while presenting the Italian juridical framework related to the *caporalato* system, I argue that the institutional response to the phenomenon is merely repressive. Article 603 of the Criminal Code, with its amendments between 2011 and 2016 is the main proof of this instance. By only providing repressive measures to counteract the actions of *caporali* and employers, the state has failed to address how *caporalato* is a structural

[16] Author's translation.

phenomenon, that thus needs interventions on the entirety of the agricultural supply chain, from the production in the fields to the distribution in the stores of the large-scale retail industry (Di Martino 2015).

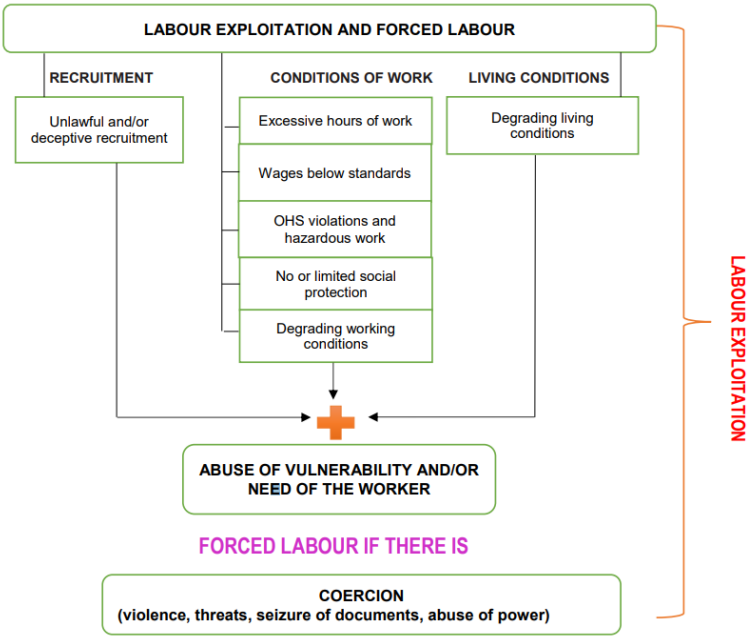
3.1.2 The regulatory dimension of migration infrastructure in the Three-Year Plan to tackle labor exploitation and unlawful recruitment in agriculture (2020-2022)

A first step forward towards the fight against *caporalato* and a clear example of the regulatory dimension of migration infrastructure is the *Three-Year Plan to tackle labor exploitation and unlawful recruitment in agriculture*, established in 2020 by the Ministry of Labor and Social Policies (MLSP). Through the institution of a Committee – composed of the Minister of Labor itself and other institutional actors – and through dialogues with employers' and workers' unions and non-governmental organizations, the authorities are engaged in the planning and implementation of the plan's interventions (Ministero del Lavoro e delle Politiche Sociali 2020, p. IV).
The plan, initially approved for the three-year period between 2020 and 2022, and then recently extended until 2025, benefits from the technical support of the International Labor Office (ILO) and the European Commission (EC) (ibid, p. IV).

The Committee has identified four areas of intervention: prevention, enforcement, protection and assistance for the victims, and labor and social reintegration. The implementation of these interventions will involve national, regional, and local institutions in a multilevel governance framework.

The Ministry of Labor provides us with a reference framework to recognize instances of exploitation and forced labor, based on indicators of the ILO, European Commission, and the parameters set by Law No.199/2016, described in previous chapters (Figure 4).

Figure 4. Reference framework for labor exploitation and forced labor.



Source: Ministero del Lavoro e delle Politiche Sociali (2020).

Labor exploitation persists when at least one of the characteristics mentioned in Figure 4 occurs, and it combines with the abuse of the vulnerability of the worker. Here, the commercial dimension of migration infrastructure, represented by the *caporali* who are perpetrators of labor exploitation and at times coercion, conflicts with the regulatory dimension, defining and protecting the exploitation of the worker. Labor exploitation becomes forced labor when all the characteristics mentioned in Figure 4 are combined with the use of coercion – violence, threats, and abuse of power – on the worker (Ministero del Lavoro e delle Politiche Sociali 2020, p. 6-7).

On the topic of prevention of labor exploitation, the Three-Year Plan presents the seven following priority actions: 1) the creation of a harvesting calendar, and emphasizing workforce requirements to manage and monitor the agricultural labor market; 2) structural interventions and investments to valorize and innovate products; 3) reinforcing the Network of Quality Work in Agriculture through the introduction of certifications on products to improve transparency for the consumer; 4) improving transparency on labor intermediation services to prevent the action of the *caporali*; 5) implementing proper housing opportunities as an alternative to the existing ghettoes; 6) adequate transportation services for the workers; 7) implementation of campaigns to raise awareness on labor exploitation (Ministero del Lavoro e delle Politiche Sociali 2020, p. 23-29).

Focusing briefly on some of the action plans, the third action plan concerns a re-elaboration of the Network of Quality Work in Agriculture, which serves as accreditation for all the agricultural companies dedicated to respecting their workers' rights and implementing prevention measures against labor exploitation.[17] The Network was first presented in Law 199/2016 and then revised for the purpose of the *Three-Year Plan*.
The Network guarantees that these companies will not be exposed to unnecessarily frequent inspections, as they already align with current norms. This allows the labor inspectorate to focus on a restricted, however still high, number of companies to inspect (Bello 2021).

The fourth proposal sees the intersection between the commercial dimension, devoted to the intermediation between the demand and supply of the workforce, and the regulatory dimension that seeks to govern this intermediation. Next to that are the figures of the Italian trade unions, who will work in collaboration with unions from the countries of origin to provide migrant workers with information and awareness about their fundamental rights (Ministero del Lavoro e delle Politiche Sociali 2020, p.26). Trade unions can therefore be seen as representatives of numerous dimensions at a time: they embody the commercial one in their intermediation between the employers and the workers, and they represent the intersection between the humanitarian and the regulatory dimensions in their advocating for their clients' rights to the authorities.

Through this Plan, the legislation promises and is managing to prove helpful in changing and filling the existing gaps in the agricultural supply chain (Ministero del Lavoro e delle Politiche Sociali 2022).

3.1.3 The interplay between regulatory and humanitarian dimension

The dimensions of migration infrastructure intertwine once again through the actions of organizations advocating for modifications in the regulatory dimension (Xiang & Lindquist 2014), namely asking for the introduction of ethical labels on agricultural products sold in the retail industry, reforms on employment centers, and on the system of the National Labor Inspectorate.

[17] As of May 2024, the number of agricultural companies members of the Network is 6.529 (INPS website).

The interviews conducted during this research made it possible to delve more thoroughly into the organizations' requests.[18]

Interviewing Yvan Sagnet, founder of NoCap, helped shed light on the situation of Italian employment centers (CPI). These places were conceived to deliver services of intermediation between the supply and demand of labor. As also mentioned in the *Three-Year Plan*, employment centers are rarely used by both aspiring workers and employers for several reasons. First, the availability of services for agricultural work is minimal, as well as the training of the staff members (Valente 2023).

Proposals vary between relocating the centers, or some of their services, in proximity to the workplaces, and implementing measures that could allow for transparency in the intermediation of supply and demand of work (Ministero del Lavoro e delle Politiche Sociali 2020, p. 26).

Another proposal that has been implemented in Puglia and Basilicata, for instance, has been the implementation of lists for the recruitment of workforce in agriculture, and the subsequent incentive of the companies to hire workers according to these lists. Even these systems, however, seem to fail to provide an adequate solution, as the infiltration of the *caporali* is still present in the organization of teams of workers and their transportation to and from the workplace (Perrotta 2015).

Through both interviews, it was possible to get a perspective on the conditions of the National Labor Inspectorate. Topic of another request for reform coming from the organizations, the National Labor Inspectorate was founded in 2015 through Legislative Decree No. 149/2015 and it is responsible for the transparency and surveillance of workplaces throughout Italy, in terms of safety precautions, the presence of legal contracts, and potential exploitation of the workers (Ministero del Lavoro e delle Politiche Sociali 2020, p. 11).

This system has however proved inefficient over the years. First, the number of labor inspectors is too low to cope with the volume of investigations that would be needed for the agricultural sector alone. According to data coming from the interviews, and cross-checked through institutional reports (Ispettorato Nazionale del Lavoro 2023, p. 3), as of 2023, the total number of inspectors is approximately 5.000, with a total of 80.280 inspections completed during the year.

[18] The issue of ethical labels will be dealt with more thoroughly in following chapters.

Additionally, there have been past instances of corruption among the inspectors (Sagnet 2012, p. 71, Osservatorio Placido Rizzotto, Flai-Cgil 2020, p.276-277, Foggia Today 2018), which inevitably spoils the results and purposes of the National Labor Inspectorate. In some of these cases, corruption is found at the top of the government department (Il Mattino 2018), while in other instances, especially in agriculture, the employers are warned about the upcoming inspections and will manage to let their irregular workers escape the controls. On top of that, there is a high number of inspections that result as regular because of the number of *grey contacts* used in agricultural work, an easy way to get away from persecution. These inspections, which never result in the punishment of the employers and the *caporali,* create an important risk factor for the ultimate purpose of eradicating labor exploitation.

To counteract the issues related to the National Labor Inspectorate, Leccese and Schiuma (2018) propose a model in line with the Dutch *"Inspectorate Szw"* program, which created a special section and task force of its labor inspectorate to focus solely on inspections of labor exploitation and to guarantee effective protection of vulnerable workers (Government of the Netherlands, n.d.). Sagnet proposed a similar plan during our interview, which is also currently being considered in the Three-Year Plan's supervision and enforcement action plan (Ministero del Lavoro e delle Politiche Sociali 2020, p. 13).

By analyzing the *Three-Year Plan* and the requests coming from the organizations, the complexity and perhaps duality of the Italian regulatory dimension is evident. While the state is responsible for perpetuating a system that produces exploitation, as the insufficient services in the employment centers, corruption during the inspections, and the management of the large-scale retail industry show, it is also active in trying to fight it, as the *Three-Year Plan* demonstrates.
I therefore argue that the state is perhaps still developing its morphological eye (Mitchell 2012, p. 4) whose characteristic comprehensive vision often risks getting caught or covered by interests and instances of corruption.

3.2 The commercial dimension in the large-scale retail industry

This brief section seeks to analyze the existing gaps in the Italian large-scale retail industry, and the effects that these have on the entire supply chain, from the agricultural companies to the workers. Lastly, the section will examine the possibility of issuing a Law on ethical labels, as advocated by the organizations.

As previously stated, the *caporalato* system involves all aspects of the agricultural supply chain, including the distribution and selling of the products. This happens in the large-scale retail industry, or GDO, controlling roughly 75% of all products consumed in the country (Oxfam Italia 2018).
The retail industry in Italy plays a crucial role in the exploiting system existing in the supply chain, as it has the power to orient and determine the production of products sold, by exercising significant purchasing power over its suppliers, the producers.

Until 2021, the retailers would utilize the system of reverse auction to negotiate the prices of the products from the suppliers. Through this practice, the auctioneers – the suppliers – would bid for the price they are willing to sell their products, and this price gradually decreases until it aligns with the buyers' – the retailer – interests (Jap 2002).

Through the settlement of lower purchasing prices for the smaller agricultural companies, the latter have to lower their production costs in order to get a profit. (Perrotta 2015).
This way, the suppliers, pressured by the "oligopolistic control of prices" (Corrado 2018, p. 10) by the retailers, target the funds destined to ensure safety measures in the workplace, and most importantly, they target the workers' salaries, often turning to the *caporali* in search for cheap labor force.

In 2022 the adoption by the Italian government of the EU *Directive 2019/771* banished the system of the reverse auction. However, this has not provided the suppliers with the desired solution to the problem, as the retailers still exercise crucial purchasing power over them.
As Perrotta argues, "the agri-food supply chain has nowadays become retailer-driven, rather than producer-driven" (Perrotta 2015, p. 27).[19] As discussed during the interviews with both organizations, it would be necessary for the producers to be the ones determining the prices of their products, as they are the ones who, after all, know the detailed costs of each stage of their production.

Figure 5 below breaks down the production cost of a tomato sauce produced by the cooperative Pietra di Scarto, one of the entities that adhere to the "Libera Terra" project.
From the left, the cost of the raw material, the tomato, is 0.70 euros. For a 720ml bottle, two tomatoes, each costing approximately 0.35 euros, are needed. The label that contains ingredients, nutritional facts, and the Libera Terra stamp costs 0.09 euros, and the transformation from the tomato to the sauce, together with the packaging has a price of 1.10 euros. Lastly, the

[19] Author's translation.

transportation is 0.15 euros, and the taxes are 0.11 euros. By proposing a price of 2.80 euros for the final product, the producer will earn 0.65 euros for every tomato sauce sold.

Figure 5. Break down of Pietra di Scarto's production costs for a 720ml bottle of tomato sauce.

Source: Pietra di Scarto website.

The retail industry can be seen as representative of the commercial dimension of migration infrastructure (Xiang & Lindquist 2014), acting as a bridge, an intermediary, between the agricultural companies and the consumers. In this dimension, however, the retailers seem to favor the relationship with the consumers and challenge that with the suppliers.

The increased competition between retailers aims at guaranteeing a better profit by reaching a higher number of consumers through appealing offers. That is why retailers often resort to reductions and deals, which make up for more than 30% of the overall profit of the average retailer (Oxfam 2018, p.8).

The consumers are indeed a crucial, but often unaware, actor in the *caporalato* system. Through their purchasing choices, in fact, they have the power to determine the market of the agri-food supply chain.

Italy does not have an official labeling system that could address the work conditions and treatment of agricultural workers, necessary for consumers to make informed and ethical

purchasing choices (Corrado 2018). As a matter of fact, the exploitation of agricultural workers is, more often than not, invisible to the consumer. It should, however, be a right of each consumer to be able to make ethical choices, a condition possible only through initiatives that could inform the buyer on the quality of the product, making it possible for them to make informed choices that could challenge *caporalato* and its exploitation.

Over the years, the Italian agricultural sector has seen a rise in interest and sensitivity from consumers in terms of quality, safety, and transparency of the productive process. It has been observed that consumers are willing to pay up to 30% more for products if they present respect for the environment, workers, and human rights as added value (Inea 2008, p.26).

This is the context where the humanitarian dimension of migration infrastructure comes in through the actions of the organizations. As mentioned in previous chapters, both NoCap and Libera propose their personal ethical label, and call for reforms on an official labeling system in the retail industry.
In May 2023, members of the Five-Star Movement (M5S, an Italian political party), proposed Bill n. 692 precisely to introduce a general "ethical label for quality work" (Senato della Repubblica 2023). The proposal consists of the introduction of a label to be placed on specific products "produced by companies that […] can guarantee the ethics of the entire production process"[20] (ibid., p. 5), verified through the action of a specific Institution, the Quality Work Assurance Agency. These companies would also be required to be part of the Network of Quality Work in Agriculture.
As of 2024, the proposed bill has not been discussed yet, but if accepted it could be a rather beneficial step forward in the fight against *caporalato*.

3.3 The organizations' morphological eye

The gaps identified in the previous sections – the absence of a labeling system and the purchasing power exercised by the retailers – together with the gaps in the regulatory system, illustrate the need to rethink the current agricultural supply chain in Italy. As will be analyzed in the following paragraphs, the interviewed organizations manage to use their "morphological eye" (Mitchell 2012, p.4) to shape alternatives to the *caporalato* system.

[20] Author's translation.

This last section will therefore analyze the responses to the system given by Libera and NoCap, discovered through the interviews, and will frame the analysis in both landscape theory and migration infrastructure.

3.3.1 Libera

Libera[21] was founded in 1995 by Don Luigi Ciotti, whose aim was to create a non-profit, non-governmental organization against corruption and the actions of the mafias. He advocated for a regulation on the social use of assets confiscated from the mafia, which was approved by the government through Law No. 109 in 1996.

The organization encompasses a wide range of initiatives and projects, such as promoting outreach activities, projects of voluntary working among the younger generations, education programs, and the reuse of confiscated assets.
Libera does not directly manage the lands, which are administered by the National Agency for the Administration and Destination of Properties Seized and Confiscated from Criminal Organizations (ANBSC), but it acts as an intermediary between the authorities and smaller organizations and cooperatives, willing to repurpose the lands for projects of sustainable agriculture.

Through the "Libera Terra" project, active since 2001, the organization has managed to create the conditions for quality work and for the production of quality products in the confiscated assets. It created nine cooperatives that operate in the South of Italy – Sicily, Calabria, Campania, and Puglia – and it collaborates with other external cooperatives that are willing to adhere to their principles. To use the words of Marco, my interviewee, Libera is "an organization of organizations".
Libera Terra supply chain is controlled by the Consortium Libera Terra Mediterraneo, which coordinates the production of every cooperative that adheres to the project and directly follows the transformation of agricultural goods into finished products. All the products generated through this project are sold by the supporting retailers with the distinctive Libera Terra label (Figure 6), which certifies the products from both a quality and ethical point of view.

Figure 6: Label on Libera's products.

[21] Libera is recognized by the Ministry of Interior as an "organization for social promotion" (Presidenza del Consiglio dei Ministri 2000).

Source: Libera Terra website.

These cooperatives are also known as “type B”, or social cooperatives, designating entities that promote social inclusion of disadvantaged individuals (Presidenza del Consiglio dei Ministri 1991, art. 1), such as former convicts, people recovering from addictions, and individuals coming from contexts of exploitation. These people are offered safe and legal contracts and opportunities for professional growth.

To conclude, Libera, as a representative of the humanitarian dimension of migration infrastructure (Xiang & Lindquist 2014), manages to create a deep interplay with the regulatory dimension represented by the authorities administering the confiscating lands. Through these relations, Libera succeeds in using its “morphological eye” (Mitchell 2012, p. 4) and advancing its numerous projects. Additionally, it somewhat represents the commercial dimension, as it acts as a bridge between the authorities and other representatives of the humanitarian dimension, the cooperatives adhering to the Libera Terra project.

3.3.2 NoCap

The year 2011 saw the first self-organized strike of agricultural migrant workers in Nardò, Puglia. In the front line among those workers was Yvan Sagnet, who decided to create a movement to contrast the system of *caporalato*. A few years later, in 2017, he founded NoCap, an organization willing to promote an alternative approach to the current agricultural supply chain that considers all aspects of the system, from the production in the fields to the distribution in the retail industry. So far, the organization has managed to remove approximately 1500 people from the exploiting system of *caporalato*.

NoCap stands for "No to *caporalato*", and it fully represents the organization's main purpose: dismantling the existing system, and any instance of labor exploitation in agriculture.

Traditionally, the agricultural supply chain can be viewed as hierarchical, as a pyramid with the workers at the bottom, the companies in the middle, and the retailers at the top. As seen in the previous section, the retailers play a crucial role in the entirety of this system, by determining the purchasing prices by their suppliers, who in turn have to target the workers' salaries to cover for the money they are losing through these transactions.

NoCap proposes an alternative to this pyramidal structure. In their system, the companies are the ones determining the prices of the products supplied to the retailers, taking into consideration the actual production costs – including the workers' salaries – while remaining accessible for the final consumers. NoCap acts as an intermediary in these relations.

In this context, in 2019, the organization reached an agreement with the Megamark Group, responsible for more than 400 supermarkets in the South of Italy. Through this partnership, Megamark was willing to accept the prices determined by the producers, and the *Iamme* trademark was born (Figure 7). In other parts of Italy, where the Megamark Group is not present, NoCap sells its products through the Coop Group and in smaller shops throughout Italy.

Figure 7. *Iamme* trademark.

Source: *Iamme* website.

All the products manufactured through the intermediation with NoCap carry their ethical label (Figure 8), to reward the companies' commitment and to raise awareness among the consumers. The label design shows six hands, representative of the workers' manual labor and their request for help. Additionally, the hands help signify the companies' degree of compliance with the organization's six principles: ethics in work relations; sustainable supply chain; waste; added value through innovative products; livestock well-being; and renewable energy.

A team of experts from NoCap gives an evaluation from 1 to 5 for all the principles mentioned above and then issues the product's own ethical label. The team's operation is then cross-

checked by the Department of Agrifood Quality (DQA), in turn responsible for inspections of products in agricultural companies.

Figure 8. Label on NoCap's products.

Source: NoCap website.[22]

The organization recruits new workers for the companies in two main ways: by word of mouth among the workers, or by visiting firsthand the ghettoes where most migrants live. Here, NoCap mostly looks for undocumented migrants, to provide them first with a permit, and then a contract with one of the partner companies. By taking these people out of their condition of invisibility, as Sagnet affirms, the organization is taking them out of the *caporali*'s control, who are usually more eager to employ the more vulnerable individuals.
In the subsequent mediation with the companies, NoCap provides legal assistance to the employer for the formulation of the contracts according to collective agreements.

NoCap's mediation is not just limited to recruiting workers and providing support in the formulation of the contracts, but it also provides assistance directly to the workers. For instance, the organization has a partnership with Caritas, a church organization, which provides the workers with proper accommodation, free of charge, contributing to one of NoCap's objectives of dismantling the informal settlements around Italy.

Additionally, to meet the challenge concerning the transportation of the workers from and to the workplace, NoCap provides the companies with vans to use for this transit. Contrary to what happens with the transportation administered by the *caporali*, where the workers have to pay a

[22] From the top left: ethics in work relations; sustainable supply chain; waste; added value; livestock well-being; renewable energy (NoCap website).

daily fee of 5 euros (Nigro, Perrotta, Sacchetto & Sagnet 2012), the service provided by NoCap is free of charge. Some of the vans have been bought, or rented, through fundraisings, and the organization takes care of all the aspects of the vehicles' maintenance, in order to support and relieve the companies from some economic burdens.

As mentioned in previous chapters, women represent another rather vulnerable category of agricultural workers, often subjected to lower wages compared to male workers, and sexual abuse by the *caporali* (Sagnet & Palmisano 2015).
To try to alleviate the problem, NoCap developed the project *"Donne braccianti contro il caporalato"*[23], precisely targeting women victims of the system. The project, active in Puglia, sees the cooperation with the Megamark Group and provides the workers with safe contracts and a safe work environment.

In conclusion, through the interview with Yvan Sagnet, it was possible to fully grasp the interlocking dimensions of migration infrastructure that allow NoCap to suggest valuable solutions for every aspect of the supply chain.
First, the organization is certainly representative of the humanitarian dimension, as might be seen in the assistance provided first-hand to the workers, from the willingness to dismantle the ghettoes, to the accommodation and transportation provided, and overall medical and psychological support offered to the workers. Additionally, NoCap supports agricultural companies as well in all the procedures necessary to transition to sustainable and ethical companies.
Furthermore, the humanitarian dimension intertwines with the regulatory dimension in NoCap's advocacy actions toward the approval of all the reforms mentioned in the previous sections: the introduction of a general labeling system on all agri-food products sold in the large-scale retail industry, similar to the organization's ethical label, and reforms of the labor inspectorate and the employment centers.
Additionally, NoCap covers the commercial dimension of migration infrastructure in two instances. First, in its recruitment of workers directly in the ghettoes, as done by the *caporali*, and in its position as mediator in their ethical supply chain, acting as a bridge between the workers, the companies, the retailers, and finally the consumers.

By transposing Mitchell's words to this context, we can consider the Italian agricultural sector as "deceptive" (Mitchell 2023, p. 207), as it hides the relations that shape and allow it to work

[23] In English, "Women agricultural workers against *caporalato*".

this way. These relations are for instance those between the *caporali* and their workers, or between the retailers and the suppliers, both hidden from the eyes of the final consumer. I argue that the organizations active in this system have the power to uncover these relations.

Additionally, it is precisely through the interplay between all, or most, of the existing dimensions of migration infrastructure that organizations like Libera and NoCap manage to develop the "morphological eye" (Mitchell 2012, p. 4) that allows them to look at this landscape in its entirety and consequently create valid alternatives to it.

Conclusion

This thesis has sought to thoroughly understand the phenomenon of agricultural *caporalato* in Italy and all the actors involved in it. Specifically, the main objective of the analysis, as framed in the research question, was to discover the response of non-governmental organizations to this system and how they navigate the agricultural supply chain.

Caporalato, defined as "illegal intermediation of work relations and labor exploitation" (Gazzetta Ufficiale della Repubblica Italiana 2011), has been rooted in the Italian agricultural sector approximately since the 18th century (Mercurio 1989) and has been present ever since throughout the Italian peninsula. It affects both Italian citizens, EU citizens, and third-country nationals indistinctly, but it is the latter category especially that suffers the most from the consequences of this system. Documented and undocumented migrants are indeed most likely to be subjected to unlawful recruitment and treatment from the *caporali*.

As shown, *caporalato* is a phenomenon quite vast and complex which, consequently, cannot be controlled and prevented simply through the repressive measures against *caporali* and employers employed by the state in the past decade, but has to be approached as a structural phenomenon. In fact, it is connected to production methods, and the large-scale retail industry, and it should target those aspects of the supply chain as well, and more thoroughly. A first step towards that direction has been taken by the Three-year plan presented in 2020 and recently extended to 2025. To date, the impacts of this plan remain to be seen.

In this context, non-governmental organizations try to fill in the existing gaps in the supply chain and regulatory system and seek to shape the existing landscape.
Through interviews with representatives of Libera and NoCap, it was possible to delve more thoroughly into the responses of these organizations in the fight against *caporalato*. Both entities are especially active in shaping the agricultural supply chain, by establishing relations with agricultural companies (NoCap) or cooperatives (Libera) and ensuring that their partners respect their principles of sustainability and ethics. Additionally, NoCap also assists the workers by providing safe accommodation and transportation to and from the workplace, medical and psychological support, and guaranteeing safe channels for the regularization of undocumented migrants. Through NoCap's intermediation, the workers are also guaranteed fair contracts, salaries, and working conditions.

Through their actions, both organizations manage to represent the interplay of most dimensions of migration infrastructure (Xiang & Lindquist 2014): they are representatives of the

humanitarian dimension; they intersect with the regulatory system in advocating for reforms and Libera especially operates in close contact with the authorities for the management of the confiscated lands. Additionally, they also represent the commercial dimension: NoCap becomes the intermediary between actors of its ethical supply chain – retailers, agricultural companies, and consumers – but also acts as a bridge between the companies and the workers recruited both in the ghettoes and through word of mouth. On the other hand, Libera mediates between the authorities and the smaller organizations adhering to its "Libera Terra" project.

I argue that it is precisely through these intersections that the organizations manage to develop the "morphological eye" described by Mitchell (2012), which allows them to have an exhaustive view of the entire agricultural supply chain. By visualizing it in its individual segments and actors – retailers, producers, workers – they manage to understand their connections and provide strategies and projects to try to counteract the system of *caporalato*.

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