

TIMES OF EXPLOITATION

Rhythms of migrant labour in Italian agriculture

di Franca Zadra *

Abstract

Time has been gaining migration scholars' attention as a lens that complements the focus on spatiality that characterizes migration studies. The role of temporal dynamics in limiting the agency of migrant labour is an underdeveloped research issue. Particularly referring to migrants with legal status insecurity, not having acquired long-term residence permits in hosting countries. This contribution aims to reflect on time dynamics in relation to migrant temporary labour regimes in the agricultural field. In fact, time management in conditions of extreme power asymmetries, may generate precarity, shrink labour agency and enable exploitation towards migrant agricultural workers. The study draws from current literature and document analysis, presenting a case study, in which owners and managers of a berry farm have been charged with labour exploitation. The contribution uses this extreme situation available in detail through legal proceedings documentation, to analyse the time pressures as they intersect with other factors to reduce labour agency of asylum seekers and expose them to greater risk of labour exploitation.

Keywords

Labour exploitation, agriculture, seasonal workers, unfree labour.

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Time has been gaining migration scholars' attention as a lens that complements the focus on spatiality that characterizes migration studies. The role of temporal dynamics in exploited migrant labour is an underdeveloped research issue¹, which this study aims to address. The introductory section starts by offering numbers and definitions on severe labour exploitation, particularly regarding Italian agriculture, posing the problem and the case study methodology of this contribution. The second section revises current literature to present a structural context of agricultural labour in Italy, underlining time constraints which may reduce labour agency for asylum seekers with a temporary occupation in agriculture. The third section presents an exploratory case study to observe how managers of a berry farm in Northern Italy have controlled time dynamics to pressure asylum seekers into accepting exploitative conditions. The fourth section discusses temporality aspects restricting labour agency of migrant workers by interpreting the case in relation to concepts from current scholarship, to better understand some of the ways in which temporality may determine specific dynamics of unfree labour and offering policy suggestions. A conclusion offers final remarks.

1. TEMPORALITY AND MIGRANT LABOUR EXPLOITATION

1.1 Numbers, definitions and research questions

The stratification of citizenship rights in the context of migration is an effect of a «proliferation of status groups that concretize new forms of inequality» (Nash, 2009: 1070). The recent Atlas of Enslavement documents that, despite the pride that Europe has on its social systems of welfare, ensuring widespread opportunities of decent labour, «below the surface, hundreds of thousands of people -many of them migrants- are being exploited» (RLS, 2021: 50). Global Estimates (ILO, 2022) indicate

¹ Some studies do exist, such as those quoted throughout the article. See especially Yea 2017; Strauss and McGrath 2017; Axelsson et al. 2017; Hedberg 2021; Holmes 2020; Clibborn and Wright 2022. Others analyze exploitation in temporary agricultural labour regimes: the various works of Garcés Mascareñas and Güell (2020;2021, among others), Consterdine & Samuk 2018. Others incorporate elements of temporality analysis in exploited labour in the context of studies that are otherwise focused, e.g. Brovia and Piro 2020; Salvia 2020; Sexsmith 2021; Lewis et al. 2015. A more thorough scoping review on this topic would be advisable.

that in 2021 «there are 27.6 million people in situations of forced labour on any given day» (p.2), noting a growth by 2.7 million in the number of people in forced labour between 2016 and 2021, and observing that the share of migrants in the group of people in forced labour is three times higher than the share of migrants in the overall labour force (p.3-4). However, while agriculture is not a prevailing sector for severely exploited labour at the global level, the Italian agricultural sector has been recognized as an outstanding exception, by national² and international data (RLF, 2021:50-51). The increased presence of foreign citizens among agricultural workers in Italy is documented by CREA: in the first fifteen years of the 2000s foreigners have more than quadrupled, from one to more than four hundred thousand, only few of which are employed all year long (CREA, 2021:17-19). Migrants are thus overrepresented in the temporary, unskilled, and precarious positions in Italian agricultural labour, where trials for labour exploitation are increasingly documented, including in advanced agricultural systems in the North, such as the regions of Veneto and Lombardia. Conservative estimates calculate 230,000 gravely exploited workers in Italian agriculture in 2021 (OPR 2022). Despite almost 25 years have passed since the International Labour Organization formulated its “Decent Work Agenda” in 1999, exploitation runs rampant, and Europe is not exempt.

Severe forms of labour exploitation are defined by the Fundamental Rights Agency as «work situations that deviate significantly from standard working conditions as defined by legislation... of the EU Member State where the exploitation occurs», especially concerning the areas of «remuneration, working hours, leave entitlements, health and safety standards and decent treatment» (FRA, 2019: 11). What precisely constitute conditions of exploitation is referred to what violates labour law in national legislations. However, *limitation of choice* is recognized as a key feature. The ILO *Forced Labour Convention* of 1930 has defined it as «all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily» (n.29). ILO recognizes that the coercive element may be deployed in a variety of ways:

² Alongside the textile industry, agriculture is one of the sectors most highly affected by labour exploitation in Italy, according to the Anti-Trafficking National Observatory. <https://www.osservatoriointerventitrattra.it/osservatorio-sfruttamento-lavorativo-2022/>

systematic and deliberate withholding of wages, used by abusive employers to compel workers to stay in a job out of fear of losing accrued earnings... abuse of vulnerability through threat of dismissal... forced confinement, physical and sexual violence, and the deprivation of basic needs (ILO, 2022: 3).

Despite the efforts to clarify the line between voluntary and involuntary work, in the precariousness experienced by most asylum seekers, the dichotomy between free work and forced labour remains a grey area.

In fact, current scholarship uses the broad term of *unfree labour* to focus on the continuum in between such binary, encompassing situations of progressive loss of freedom, as well as labour trafficking and forced labour. It has been defined as

any situation where workers cannot extricate themselves from an exploitative working situation, despite their desire to do so. Nor can workers effectively exert agency in the labour bargaining arena to realise justice in exploitative situations or exercise their rights to do so (Yea, 2017: 180).

Moreover, the concept of *labour agency*, defined by Gansemans and D'Haese as «the worker's ability to act and improve their conditions»³ (2020: 397), may serve to clarify the wider or smaller opportunity structures that are afforded to workers. The authors identify four institutional factors that contribute to shrink the potential for labour agency: weak employment protection, vulnerability of migrant workers, limited workers' representation, and insufficient labour law enforcement (*ibid*). A closer observation of the political, economic, and social structures that shape, enable, or constrain labour agency of migrant workers is a priority of the research agenda in the field of exploited migrant labour. As Lewis et al. observe, regarding situations of vulnerability:

This idea of 'compulsion by necessity' – looking at acts that are involuntary not because there is no choice, but because there is 'no real and acceptable alternative' but to choose that act – is vital to understanding unfree labour (2015:588).

How much and what kind of restriction of choice determines a shift from freedom to coercion? May temporal dynamics play a role in restricting or

³ It is not an individual ability, but a socially structured capability, supported or limited by a variety of overlapping systems, as the authors clearly recognize.

enlarging worker agency? Are there temporal factors that increase or diminish the risk of exploitation, individually or by intersecting with others? This study shows that the observation of time-related factors can shed light on the constraints suffered and exerted by the different actors in the field of labour exploitation.

1.2 Aims and methodology of the study

Our aim is to reflect on time dynamics in relation to the reduction of worker agency in migrants' temporary labour regimes in the agricultural field through a case study. It will showcase the ways in which temporariness, managed in conditions of significant power asymmetries, may deteriorate labour conditions beyond legality, shrink labour agency of workers and structure systems of exploitation of migrant seasonal workers in Italian agriculture.

This contribution revisits literature and documentation gathered and discussed with a variety of partners in iterative dialogue, during project FARm⁴. The project aimed to reinforce preventive networks against labour exploitation in agriculture in four territories of Northern Italy. Objectives, methods and results of the author's work in FARm are available in recent publications (Zadra, Viganò, Elsen, 2022; Zadra and Elsen 2022; 2023). Since a juridical case study emerged from the transdisciplinary discussions of this case (Battistelli, 2021), a foundation was given to develop the sociological case study from the novel perspective of temporality.

The case study was selected for content-related, form-related and impact-related criteria. Content-wise, it stood out because of the explicit relevance of temporality in the exploitative mechanisms, as narrated through the various perspectives contained in case documentation. Form-wise, the availability of primary data in such documents, which offer extensive testimony of exploited victims, direct discourse of employers caught in wire taps, as well as observations of law enforcement and reasoning on gathered evidence offered by prosecutors, which offer a multi-perspective access to the events narrated. As case study methodologists suggest, single-case studies are ideal for revelatory cases where an observer may have access to a phenomenon that was previously inaccessible (Yin, 1984; Tellis, 1995). Thirdly, impact-wise, the case

⁴ FARm, *Responsible Agricultural Chain*, 2020-2022, EU co-financed through the FAMI fund. See www.project-farm.eu

deeply shocked the public and gained exceptional journalistic attention, facilitating multiple sources of investigative scrutiny, and uncovering additional details.

According to Yin's typology, the present study follows the exploratory case study profile (1993). It seeks to exemplify specific time dynamics that may influence worker agency and generate mechanisms of labour exploitation. In analytic generalization, previously developed theory is used as a template against which to compare the empirical results of the case study (Yin, 1984), for its further development. This contribution was structured accordingly. Documentary sources and literature were processed using MAXQDA software. The triangulation applied in the analysis entails that the research question, the case, and the current literature iteratively informed each other.

2. TIMES OF EXPLOITATION IN ITALIAN AGRICULTURE

2.1 *A desperate labour offer: the timeless limbo of reception systems*

The scholarship on *migration trajectories* focuses on their spatial element, and includes the time element, which allows for a more dynamic observation of the multiplicity of journeys, stages, and non-linear patterns within migration biographies: «the trajectory approach implies a methodological shift from investigating migrants' position *in* places towards the following of migrants *through* places» (Shapendonk et al., 2020:213; Snel et al., 2021). Migration stages exist in the context of differentiated and stratified legitimation of movement (Ambrosini, 2022), which generate differentiated sets of citizenship rights (Nash, 2009). Drawing from Bales' work on modern slavery, Lewis et al. observe that, because of reduced rights to work and welfare, «processes of multi-dimensional, overlapping employment and immigration insecurities can deepen precarity in unfree labour, leaving some migrants enmeshed in situations of what we are terming *hyper-precarity*» (Lewis et al., 2015: 594).

Reception systems in Italy emphasize containment, gathering asylum seekers in precarious "waiting areas" for the months and even years long asylum procedures. Griffiths observes that «impermanence is taking on a sense of permanence in migrants' lives» (2018: 57) as consequence of a «temporal governance, in which time is used as an administrative technique that delays, punishes and trips people up» (2018: 56-57), concluding that «clearly time continues to play a profound role in

governing and othering» (*ibid*). She refers to UK policy, but time politics in Italian migration policy function by similar mechanisms. Della Puppa and Sanò describe the «adoption and implementation of temporary and precarious policies» regarding migration in Italy, conceived as a "transit" country, a term «used instrumentally in local and national politics to legitimize the transitory nature of the solutions and measures activated» (2021:26-27) which include drastic mobility limitations presented as temporary but with no defined end date. Temporary permits and temporary work may thus generate precarious living conditions for immigrants, during and after transit through the reception systems, and particularly in the Italian reception system after the infamous Salvini Decree (n.113/03.12.2018)⁵, effective inclusion processes were drastically limited, leaving asylum seekers in enhanced risk of exposure to exploitation.

Pathways towards non-temporary residence permits and towards longer-term work contracts are deeply intertwined. In the case of Italian policies, on one hand, work stability has a significant weight in the process of acquiring a residence permit, as it demonstrates the ability and willingness of a person to remain autonomous from state welfare. On the other hand, asylum seekers that have not yet acquired a residence permit have a very limited access to the labour market, especially to longer-term contracts. This circularity contributes to the experience of reception centers as a timeless limbo, in which waiting times and resource scarcity are used to control expectations on rights fruition: "time concurs in socialising their guests to waiting, being patient and avoid contesting the authorities" (Pontiggia, 2021:73). The need to become financially autonomous is both urgent and improbable, for asylum seekers, constituting a desperate labour pool, at higher risk of exploitation.

2.2 *On-call labour demand: rhythms of intensive farming*

The spread of migrant presence in seasonal agricultural labour has complex structural causes. An industrial agricultural model, based on the intense exploitation of land and labour, is upscaling worker recruitment, from marginalized areas of local regions to marginalized areas of the global labour market, via international migration.

With the industrialization of productive systems, the absorption of

⁵ The Law was immediately flagged by FRA (2019) among the "key fundamental rights concerns" in the area of migration.

small farms into large-scale enterprises, lead employers to intensify the use of land and labour, to survive the price containment pressures of gross distributors. The large volume of products corporations can absorb allows them to impose conditions on producers and push for low prices to maximise benefits (Corrado et al., 2018). It follows an acceleration of work rhythms.

Lefebvre asserted that rhythms exist at the intersection of place, time and the expenditure of energy⁶. Intensification of work rhythms entails longer productive hours and restriction of physical, mental and relational recovery time. When such rhythm intensification is driven by a person's passion or ambition, the body finds a way to manifest its limits and contain the pressure, and times of high engagement are balanced by prolonged down time and high rewards. However, when rhythm intensification is driven by unfree labour conditions imposed by external pressures, the physical exertion can be overwhelming. The person does not have the agency to listen to the internal bodily rhythms, and there is no sustainable containment strategy available. Under these conditions, the damage to workers' health is devastating. Moreover, intensive engagement seldom comes with extensive rewards for seasonal agricultural workers. Enterprises seek cheap, temporary, and ready-on-demand labour to cover workforce needs and externalize mass recruitment processes, attempting to contain production costs. Hyperflexible on-call contracts entail a limitation of employer responsibility over the worker in the long term.

Policies that regulate migrant labour have attempted to satisfy the demand for cheap workforce, by developing bilateral, state-organized transnational programs for seasonal workers, arranged from the country of origin. Recent scholarship scrutinizes the regimes of transnational seasonal migrant labour in agriculture. In Australia, Clibborn & Wright examine the costs of such regimes to employment relations, observing that their efficiency-related benefits "have been created, at least in part, by subjecting temporary migrants to inequities and restraining their ability to exercise voice. These conditions have permitted, and possibly encouraged, the underpayment and mistreatment of temporary migrants" (2022:7). The seasonal cycle of Thai berry pickers in Sweden comes with the challenges of simultaneity and seasonal livelihood diversification, but «lays the ground for the Thai-Swedish migration process» thus offering «prospects of improved futures for their children» (p. 510) . However, it

⁶ «An energy is employed, unfolds in a time and a space (a space-time). Isn't all expenditure of energy accomplished in accordance with a rhythm?» (Lefebvre 2013).

«lowers the threshold for accepting exploitative work conditions, thus paving the way for precarious migrant work» (Hedberg, 2021). Structured temporary migration programs, designed to respond to employer demands for mobility schemes, as well as public demands for restrictive immigration policies, have shown little effectiveness in timely covering labour demand, and in protecting temporary workers from exploitative conditions in Spain (Güell and Garcés-Masareñas, 2020). Despite calls for such programs to be «redesigned according to the rights-based perspective», the question remains, if «structured temporariness» can ever be considered socially just (Consterdine and Samuk, 2018:1017). The “temporary” branding is not only used to downplay exploitative work conditions of seasonal workers, but also to justify degrading and isolating living arrangements (Brovia and Piro, 2020). Rushed times when capital is at stake and delayed times when worker health, safety and rights are in danger show how much the dynamics of temporality in agricultural labour are intertwined with the exercise of asymmetric power.

2.3 *On-demand labour intermediation: the rise of caporalato*

The organized crime launders money from illegal activities through the *agromafia* system, multiplying distribution levels between consumers and producers, further compressing the latter. Labour exploitation in the Italian legislation (L.199/2016) is associated with the concept of *caporalato*, which sums up a variety of forms of illicit intermediation of the labour force. *Caporali*, or gang masters, draw from the wide availability of migrant workforce, often linguistically, socially, and spatially isolated, to organise in teams ready-on-demand, in super-flexible and often severely exploitative conditions (Corrado, 2018; Corrado and Palumbo, 2022).

Perrotta (2015) reconstructs the historical origins of *caporalato* and gives a scope of its diversification, showing that despite it represents a codified crime since 1919, it is the main form of intermediation of agricultural labour in Southern Italy, and increasingly present in the North, albeit in more covert forms. The *caporale* is a labour force broker who intermediates the distance between the social milieu of agricultural entrepreneurs and workers in vulnerable situations, especially when there is a structural need of mobilizing and organizing teams of seasonal workers in the short term and at low cost. Profiting from the recruitment of people in vulnerable situations, *caporali* provide the needed service of quick worker availability, locating themselves in the voids of the system,

applying innovation and resourcefulness to their criminal enterprise. In fact, Palmisano (2017: 18-19) calls the caporale «an ideal type of the new slaver», as it exerts its force more frequently in the form of blackmail, by establishing a monopoly on the access to work, than in the form of physical violence. Exploited workers not always know their legal entitlements, nor feel defrauded. Minding the gradients in the use of force and in the vulnerability of its targets, labour exploitation by intermediaries is so embedded as a practice in some Italian agricultural contexts that despite its overt defiance of human rights and legislation, for marginalized immigrants it constitutes a pathway to work and even a «model of social ascent» (Perrotta 2015: 19) in which exploited labourers, in time, can learn to subject and exploit others, becoming themselves *caporali*. Those who had the time and skill to develop networks, may accumulate and invest a variety of social, linguistic and organizational skills to constitute themselves as exploitative brokers of seasonal workers. However, as the case study will show, not all gangmasters are immigrants exploiting immigrants: they may stand among the most privileged locals.

Analyzing the reorganization of production and distribution of fruit and vegetables in Lazio, Salvia presents the mechanisms of recruitment of migrant labour in the region by questioning the stability associated with the concept of a “caporalato system”, underlining its emergent and impermanent nature:

The so-called ‘caporalato system’ in the rural areas in southern Lazio is hardly a system, rather, most of the times, it is a disguised practice of providing cheap and exploitable labour power carried out by simple workers who have acquired a certain degree of reliability from the employer’s point of view and then have been promoted to ‘occasional’ recruiter during peak labour demand seasons (Salvia 2020:109).

In fact, not all informal intermediators of exploited labour have perfected a profitable and stable practice. However, the simultaneous emergence of such spontaneous intermediators in Italian agriculture may constitute a pattern that reveals the inability of legal and stable intermediation mechanisms to broker a timely and protected connection between labour and demand in agriculture.

2.4 Time dynamics in exploited labour

While the literature rightly scrutinizes seasonality and temporariness in

migrant labour, it has been recognized that not all temporary work is precarious. Temporary work migration does not necessarily entail disadvantage: there are different pathways for the circulation of high-skilled and low-skilled workers; there are pathways which build inclusion towards full citizenship, and pathways that do not. As Goldring observes, «temporariness is not internally homogeneous, and the boundaries surrounding forms of temporariness are not impermeable» (2014:228). Moreover, this contribution argues that links between time and labour exploitation go beyond duration: year-round exploitative work is no better than seasonal exploitation.

Time dynamics play a role in reducing labour agency, structuring precariousness, and configuring forms of pressure in migrant labour. Therefore, it is particularly relevant to examine the role of temporality in shaping labour agency spaces and pressure mechanisms. For instance, Yea (2017:180) considers severe exploitation as an «extreme end of precarity» and explores the normalized practices «that create an enabling environment for unfree labour to flourish». The study addresses the micro-dynamics of workplace discipline in Singapore, focusing on ephemeral temporalities of unfree labour, noting how employers might use paperwork timings to pre-empt or thwart from arrival the possibility of dispute over salary or other work conditions. It also notes how contingent strategies of worker discipline may not be habitual practice but only verify at a certain juncture, and thus become hard to monitor by controlling bodies. Moreover, Axelsson et al. (2017: 169) have identified three temporal processes that produce and maintain precarious work-life situations: a. work-time arrangements (frequency, intensity, flexibility of working hours per day and over the annual cycle) b. spatio-temporal waiting zones (produced by policies that delay access to labour markets and elicit precarious work-time) and c. migrant worker's imagined futures (their motivation to accept precarious work-time for a transitory period). As we see, some studies have addressed the link between temporality and exploitative labour, but there is still much uncharted territory.

3. CASE STUDY: EXPLOITED LABOUR IN AN AWARD-WINNING BERRY FARM

The case presented involves a berry farm located in the region of Lombardia, whose owner and managers are undergoing trial for labour exploitation, despite having twice received a price for innovation. The enterprise was seized and placed under state administration for the

workers' protection. Law enforcement agencies investigating this case called it "*Operation Race Against Time*", because exploitative conditions of labour were imposed through highly accelerated production rhythms. Public documentation of the trial collects workers' testimony, law enforcement investigations and phone intercepts transcriptions. Such documents⁷ showcase the structure of time mechanisms deployed for extreme productivity, constituting a systematic and calculated methodology of exploitation of migrant labour force. Such time mechanisms affected multiple aspects of labor arrangements, which are hereby presented.

3.1 Capitalizing on workers' need: migration timelines

Employers in this case systematically targeted asylum seekers that were recently arrived. The exploited workers were 73, most of them male asylum seekers from African countries (mainly: Mali, Ivory Coast, Gambia, Guinea and Nigeria), hosted in Reception Centers, «in an evidently precarious situation» (p.4), carrying temporary residence permits. In a transcript excerpt, an exploited migrant explains he is tired because he works too much, but he sees no way out because of the temporary residence permit:

I work as much as 10 persons!... the problem is that I don't have the right residence permit, in plastic... I work 12 hours and he doesn't pay... my contract, one month you have four days pause... this month only one day pause, always work... always, always... there is no Sunday, no Saturday (p.4-5).

Unlike common imaginary about forced labour, which implies explicit coercion when work starts without the consent of the worker, the job for this worker appears to have started in acceptable terms, stated in the initial contract. However, it became more and more exploitative in the course of time, when declared times and wages were cut in half, and he was required to give up three of his four monthly days off, at which point he realized the limited alternatives afforded by his temporary permit.

⁷ For the comprehensive nature of this document, the quotes of this section were extracted and translated from one specific source: the Urgent Preventive Seizure Decree, art.321, §1, II, IIIbis CPP (RGNR n.13343/20 Act of the Milano Court).

3.2 *Capitalizing on workers' isolation: short length of stay, no networks*

Moreover, recently arrived migrants are not yet fluent in the language, not yet knowledgeable about protective policies or reporting channels to report unfair conditions, not yet well connected to prevention networks, nor aware of their barriers to access labour market alternatives. The asymmetry in bureaucratic knowledge and agency between the employer and the worker is maximized at the time of arrival, when candidates have no trusting relations with local population or labour unions, who could inform them about contracts and labour rights.

In the case at hand, work contracts were activated, declared, and initiated with the customary two-day paid trial period. However, the contract was rescinded after the trial days (which remained unduly unpaid). For “slower” workers, labour relations ended there, but for “faster” berry pickers, work continued, undeclared, with lower wages and longer hours than required by law, off-the-books, until scrutiny presented itself. Not only were workers not afforded the knowledge of labour rights, but the usual recruitment timeline was subverted. The contract was initiated and ended before the selection process was even finalized.

The steep asymmetry in knowledge of labour policies and contracts, allowed *on-demand legality*: employers produced and backdated legal documents when specific cases brought about scrutiny. The freedom with which employers spoke on the phone bragging on their violent methods of coercion indicate a sense of impunity, the normalization of a predatory culture towards asylum seekers. The linguistic, cultural, economic and social isolation of recently arrived migrants insulated employers from accountability, until it didn't.

3.3 *Capitalizing on workers' labour: devalued, accelerated working time*

The illegal devaluation of working hours was enacted through a system based on partially declared work. Working hours were paid about half of the minimum wage according to collective contracts. Workers received 4.5 euros per hour, when the minimum amounted to 9.9 before taxes and between 7.9 and 8.3 after fiscal and insurance withholdings. Moreover, despite accelerated working rhythms and lack of rest, productivity was enforced with extremely high productivity levels, under the threat of losing the job:

The Boss also told us that we had to work fast and that if one did not work fast and well he would leave him at home on break. By working fast the Boss

meant that one had to collect at least 25 crates every day. Twenty-five crates was the minimum allowed. By well he meant that the strawberries had to be carefully picked and sorted before being placed in the box (p.9).

Working days would consequently not last 8 hours, but between 9 to 12, according to productivity requirements, in some cases without pause for weekends and festivities, and without being paid the due overtime wage enhancement. Labourers were encouraged to work unpaid overtime: the employer, during orientation explained that turns were from 7am to 6pm, with an hour for lunch. However, «he said that those who wanted could start to work since 5am, and he would appreciate it» (p.8). In the context of on-call contracts, the employer's appreciation carries a weight that points to a layer of *unfreedom*.

The devaluation of workers' time was not only quantitative, but also qualitative. They were all framed as unskilled workers in their contracts⁸, which entailed a minimal hourly wage. However, workers were assigned tasks that required expertise, and sometimes even special licences, like the preparation and application of pesticides. A worker explained: «I prepare the medicine... I finish and take the tractor and go to the greenhouse, to do treatment... now there are blueberries, very very small, I go to give treatment, every day, at the evening» (p.4-5). The workers entrusted with this delicate task, which by law would require a special permit and protective devices, were informally shown how to do it and then rendered responsible of its autonomous completion.

The partial declaration of the hours and days of work has ripple effects through time. On the short term, it hinders agricultural unemployment coverage, as only seasonal workers who reach a threshold of working days in the year can be covered by unemployment checks for the remainder of the year. On the long term, it has a detrimental effect on worker protection, with regards to potential retirement welfare.

3.4 Capitalizing on workers' fear: when labour time becomes ransom

The extreme work rhythms described were enforced with "pause" blackmail: transgressors or protestors of illegal labour conditions imposed by management would stay for a day, a week or a month without work. There were also other forms of punishment: threats, withholding

⁸ Specifically, professional qualification 8.3.1.1.0.15, agricultural laborer, 3rd area, common worker, picker, according to tables from Confagricoltura Milan. (p.7)

wages, verbal and physical violence, and more. Arbitrary rules were enforced with coercion, and appeared to be often shifting. Coercive practices and racist slurs are described by the owner with special pride:

with these people you must work in a tribal style, as they function. You must be the dominant male, that's the concept. With them I am the dominant male! [laughs] (...) Coercive methods towards them, [are] the only methods with which you can work! (p.33).

Not only the declared/undeclared work times were cutting benefits for workers, but on-call contracts provided an intermittent work model granting full discretion to the employer. In fact, exploiters would deploy blackmail mechanisms, threatening workers to be “placed in pause” and not be called to work if they protested or did not keep up with accelerated productive rhythms. High ranking employees were tasked with surveillance and punishment. Some were insulting, violent or harsh, but even those who were kind, were instructed to punish imperfect or slow work with enforced jobless *pause time*:

he marks how many strawberries the workers pick, goes around the whole company and checks, tells you to do the strawberries well, clean well, do it fast and marks everything. He is kind but still he is in charge of checking the work and if the work is not going well, he makes you take the pause (p.9).

Wiretaps transcripts show the owner bragging on the phone about his coercive methods, explaining the time mechanism of on-call contracts as instruments of oppression:

Having the on-call contract, I don't grant them a call... we use it as an instrument, right? If you don't work well, I don't call you. If you work well, I call you. (...) With me they have three steps: one day, one week, one month (p.8)

of “pause” punishment without work. In this context, as we have seen, “working well” meant accepting 12 to 16-hour workdays at half hourly wages, without complaint. As one of the exploited workers explains:

the Boss told us that we should work fast and if one does not work fast and well he would be left at home in a pause. Working fast meant for the Boss that every day you should pick at least 25 crates of [small] fruits. 25 crates was the minimum allowed. Working well meant that berries were picked with care and selected before packaging (p.9).

Not only were they to work fast, but well, and that meant absolute perfection, as the owner states in no uncertain terms: «the concept you have to pass along is exactly this: if we find one bad strawberry they go f*** themselves, there is no forgiveness, is that clear?» (p.43) -implying they would remain unemployed.

The time flexibility awarded by on-call temporary contracts, in the context of steep power asymmetries, could be bent into crafting exploitation systems, due to the degree of discretion they allow to employers, may constitute a legalized form of exploitation. When a decent work is not accessible to asylum seekers, exploiters turn labour time into ransom.

3.5 Capitalizing on workers' health: undermining recovery times

Physical health is the first and foremost form of capital of asylum seekers, and it is essential to protect it through time. It is a determinant of labour opportunity and productivity. However, in the documented case, neither the physical nor the mental health of workers were promoted. Recovery times, during and after working hours, to take care of essential bodily needs, was not afforded. Mandatory health and safety courses were not provided. Workers did not have access to food or drinking water (they could only eat or drink what they brought themselves). Minimum hygienic conditions were absent: there were no bathrooms, nor showers, no canteen, nor rooms to change or sit: all their needs were handled outdoors, in the field:

I worked two days for 10 hours, it was considered a test-run without pay, to see if you were fast, so that they may give you the job. (...) There are no toilets, I had to go on the field. There are no showers, there was a faucet used to drink, but it was forbidden to use it to wash, we had to do that in the stream. We ate on the floor. (...) They never gave me a payslip, I asked for it more than once. (...) I asked for the rest of my pay (...) he shouted at my face that we are miserable Africans that have nothing, and he pushed me violently, trying to throw me out of the office, yelling and spitting on my face (p.11-12).

Labourers were constantly under pressing surveillance, which prevented them to stop even for a moment when they needed to take care of their bodies. If *pause* could mean temporary suspension from labour, self-determined *pause* during labour was not allowed. Pauses to drink, pee or talk elicited insults and threats, often with racial slurs: «they were very offensive, always, they used words as as*****, nig***, f**k, animals.... Always, they insulted all Africans» (p.12). Law enforcement described

surveillance as being «degrading» and «asphyxiating» (p.3).

Workers report the progressive deterioration of work conditions, the forms of direct and indirect coercion and physical violence, precarious working times and unhealthy environments. The labour regime hereby presented showed a systematic disregard for worker physical and psychological health. Attempting a total control over workers' time aimed at compressing, when not suppressing, pause time, rest days or sick leave, as if time for recovery, family and private affairs were a luxury and not basic labour rights.

4. IDENTIFYING TEMPORALITY IN COERCIVE MECHANISMS OF LABOUR EXPLOITATION

The case study allows us to identify some of the links between temporality and different factors which may enhance or reduce labour agency in contexts of unfree labour, as they expressed themselves in the case observed. Without any attempt at over-generalizing a specific case, we use current literature to interpret and highlight some of the temporal factors brought up by the case study and offer some policy suggestions.

4.1 "Recent arrival" as a risk-intensive phase in migration trajectories

In the migration trajectory timeline, the time of "recent arrival" in a new country appears to require special preventive focus. It comprises the phase between *arrival and request of asylum* on a new country and effective *social inclusion* (understood as autonomous social connection, especially with public services) or sliding into *undocumented status*, by asylum rejection, *transit* migration to a different country, or *return* migration, voluntary or not, to the country of origin. In fact, the concept of migration trajectories as «open spatio-temporal processes with a strong transformative dimension... question the linear logics of migration funded in push-pull models of migration theory» (Schapendonk et al., 2020:212), which represent migration as a straight line from departure to arrival.

In the case we presented, exploiters deliberately targeted migrants of African countries of relatively recent arrival, hosted in reception centers. That does not surprise, as this period constitutes a *hiatus in protective connections*: networks in the country of origin are no longer accessible, while networks on the country of arrival are yet to be effectively constructed. Various resources which protect labour agency are unavailable at this stage, enhancing asymmetries in labour relations. For

instance, language acquisition is just beginning, legal rights or protective mechanisms are still unknown, and communication with labour unions or intermediation services is challenging. The period of *recent arrival* has a different effect on asylum seekers' hopes for a better future, than the *undocumented status*, and may push them to accept exploitative conditions for a period viewed as delimited and temporary (Axelsson et al. 2017).

Policymakers aiming to lower risk of exploitation should invest in creating preventive measures targeting recently arrived migrants, to protect a particularly risky moment in migration pathways. For instance, Güell and Garcés-Mascreñas suggest a feasible preventive policy that could bridge temporal constraints for information flows and assistance towards migrant workers: hotspots or single-window info points

to assist temporary workers with all their needs (...) since all services are now scattered in different towns and workers have no time to go to all places, considering the long working hours they have and the current timetables of some of these services (2020: 75).

4.2 Protracted vulnerability by delayed asylum and integration processes

The case study allows us to appreciate the consequences of *an extended period of "recent arrival"*, due to the delay in asylum proceedings and in processes of social integration.

On one hand, delayed document safety through stable residence permits allows greater access to social protection. Studies identify "visa stress" as one of the key elements that endanger health of migrants (Jasso 2013). Those who are still in waiting for documents have urgent need of wages to escape dependency to the reception systems and cope autonomously with their needs, to send remittances to their families, and to repay migration debts. Months and years may pass between the asylum request and a final decision on a stable permit. In the meantime, the risk of exploitation is higher.

On the other hand, we consider the failings of Italian reception systems in connecting asylum seekers with decent life and work conditions and provide knowledge transfer for effective inclusion (e.g. Della Puppa and Sanò, 2021). Italian migration policies, reception systems and relative control mechanisms should be reconsidered, in sight of the incremented risk factors generated by asylum procedure and social inclusion delays.

4.3 *Temporality and intermittence of work as blackmail mechanisms*

It is not only about *temporaneous* and *precarious* status of residence and labour, (strongly intertwined), but about the trajectories towards a place of *remaining*, a place where a life and work project can be nourished without the constant risk of losing autonomy. Goldring examines the dynamics of chutes and ladders in the pathways to legal status through the concept of *conditionality*, which captures

the social production, contingency, and potential vulnerability that surround people's ability to remain present in a jurisdiction or in a legal status category, and their access to public goods, social rights and protections. (...) Conditionality draws attention to types of conditions, the work of various institutional actors involved in making, breaking, changing, and negotiating conditions, and arenas of conditionality (2014: 240).

Such asymmetric control on conditionality is shown by the facts of the case at hand in the deployment of mechanisms of coercion. Times of *pause* were unilaterally controlled by the employer, redefined around the sole purpose of accelerating production, with no regard to afford recovery time to workers. The use of intermittent legal contracts as instruments of submission has been described by Battistelli from the juridical perspective: «On-call contracts provide the employer with wide choice in the enforceability of performance»; in this specific case,

used as an instrument of punishment and blackmail towards the workers, such contract allowed the employer to manage workers at his complete discretionality, confirming the company's tendency toward a slide of responsibilities in the labour sphere (Battistelli, 2021: 325).

Labour policy should thus consider that hyper-flexibility in labour contracts accentuates the leverage of employers and the asymmetry of labour relations, particularly with asylum seekers, in a position of structural vulnerability. When not accompanied by effective controls, such policies may come at a high cost in terms of workers' labour agency and heighten the risk of facilitating exploitative mechanisms and determining forms of unfree labour.

4.4 *Partially declared working hours eroding worker rights*

Undeclared or partially declared labour time is one of the ways in which

exploiters take agency away from workers, by suppressing the written history of their work experience, with potentially impactful and lasting consequences.

The Ministry of Labour documents that agriculture is the economic sector most affected by undeclared labour, estimating it affects 24,2% of all workers and 34,9% of dependent workers in this sector (MLPS, 2020:3). For transnational seasonal workers, labour irregularity may not be regarded as particularly harmful, as there is no expectation of pension benefits, and some employers may present it as convenient, being willing to split the profits of tax evasion. However, undeclared, or partially declared labour does not harm the State alone. It subtracts protections in the case of illness or injury, render unclaimable unpaid wages and suppresses wage increase in the case of overtime or festivities. Especially in agriculture, undeclared working times prevent workers to reach the workday threshold that allows them to cash agricultural unemployment welfare. Moreover, it may come with lifelong consequences, by preventing them from the recognition of work experience, job progression as well as training and pension opportunities. Undeclared work time is allowing the employer to suppress the worker's voice in representing their labour history and trajectory, as well as the chance to claim the rights that come with it.

The deployment of bureaucratic processes of time segmentation to distort work histories restrict labour agency, by assuming that everything that came "before" migration is not transferrable to the present context. The reticence of Italian policies and bureaucratic systems to recognize educational and professional pathways in foreign countries, particularly outside of the European Union, conspires to shatter labour opportunities that may constitute an alternative to "unskilled labour". Hagan et al. recognize how problematic the term "unskilled" may be, as «part of a lexicon that justifies lower wages, bad working conditions, and marginal labour rights» (2015:191). Klocker et al. observe that even without formal training, «experienced farmworkers bring accumulated knowledge and skills to their work, gained through repeat performance» (2020:463). Recognizing the accumulation of worker skills over time, would prevent seasonal workers from being stuck in the "unskilled" salary category throughout the years.

Labour policies on job descriptors should consider providing time limitations to low-skilled jobs, ensuring reasonable progression trajectories. Labour intermediation and recruitment pathways for migrants should deploy a variety of resources (including linguistic and cultural mediators) in working histories and skills assessment, to adequately recognize past

experiences while generating in the present a wider labour market access.

4.5 Accelerated work rhythms and denial of recovery times

Health is an essential form of capital migrants count on to accomplish life goals and locate themselves in the labour market. The lack of alternatives, compounded with the forms of coercion mobilized in the studied case, structured an extreme acceleration and intensification of work rhythms, hindering the recovery times necessary to maintain worker health. The disregard of health and safety regulations was shown by the failure to provide basic hygienic facilities, mandatory safety courses or protective gear and training licenses to those applying pesticides. The systematic disinvestment in worker health and prevention, speaks volumes on how replaceable workers were considered. The case presented confirms literature reporting a «normalization of migrant farmworker injury» caused by «living conditions that slowly and regularly harm those who provide us with our food» (Holmes, 2020: 246). In fact, statistics on the health of migrants in Italy attest that proportionally to the length of stay, «the renowned health advantage of migrants upon arrival in relation to native populations starts to show signs of deterioration... in correlation with socioeconomic inequalities» (Petrelli et al., 2017:4).

Labor security laws are nullified without meaningful controls. At the national and regional levels, labour inspectorates are chronically understaffed. Moreover, in agriculture controls are difficult to exert, due to the temporary, remote, and alternating location of seasonal workers, following unpredictable, weather-dependent harvest times. More staff time for Inspectorates to enact meaningful controls, seems a feasible and sensible adjustment in sight of labour exploitation prevention. More effective regulations throughout productive chains are desirable, as well as social conditionality of public contributions, for state interventions not to contribute to the deterioration of working conditions (Bagnardi et al., 2020).

4. CONCLUSION

Italian agriculture today is characterized by intensive and accelerated times of exploitation of land and workforce. It contrasts with the slowness of reception systems to facilitate autonomy and timely access to legal work. It would seem paradoxical, in an economy with high manual labour demand.

Through the case study of an award-winning berry enterprise seized by judicial authorities during a labour exploitation trial, we have

documented how time control mechanisms may facilitate exploitative labour conditions in temporary work arrangements of asylum seekers. Power asymmetries in time management by exploitative employers may contribute to diminish labour agency. Slow inclusion processes of current reception systems, contribute to generate a pool of potential workers vulnerable to accepting exploitative conditions, being stuck in a protracted period of *recent arrival* and unable to mobilize past training and experiences.

Exploring time dynamics in exploitative labour relations, allows us to identify ways to mobilize time mechanisms for prevention through multisector and multilevel policy development to improve the social quality of labour for workers at risk.

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