



D.W.I.R.K.
Decent Work for All: A Key for Effective Industrial

Immigrants workers in the construction sector
ITALY
case study

INDEX

1	The presence of immigrants in the construction sector	3
2	Collective bargaining and local negotiation: the case of immigrant workers	7
2.1	<i>National and local negotiation in favour of immigrant workers: Some good practices</i>	10
3	Foreign workers and discrimination in the construction sector	19
3.1	<i>Discrimination in the access to work</i>	20
3.2	<i>Discrimination in working conditions</i>	24
3.3	<i>Professional training and Safety at work</i>	26
3.4	<i>Multiple direct discrimination</i>	27
3.5	<i>Discrimination and racism-xenophobia at the workplace</i>	28
4	Final considerations and recommendation	30

1. The presence of immigrants in the construction sector

The construction market, strongly affected by the international financial crisis, suffered a slowdown in 2007, a fall in 2008 and a significant drop in 2009. At the moment, the crisis keeps on strongly affecting the construction sector. The tasks performed, particularly exposed to the risk of injuries, make this sector score first in the ranking for frequency of accidents and permanent handicaps and second for injuries with lethal consequences.

In Italy, over the years, foreign workers have become the real backbone of the production system in the construction sector. After a first phase of “support” to the Italian labour force and the successive “substitutive” phase, today immigrants are essential to the sector. Moreover, the exponential growth of foreign employees recorded in the past years stresses that the construction sector would have “collapsed” without the presence of immigrants.

This figure cannot only be analysed by a quantitative perspective because the added value brought by immigrants also affects quality: qualification and experience as well as motivation and production capacity.

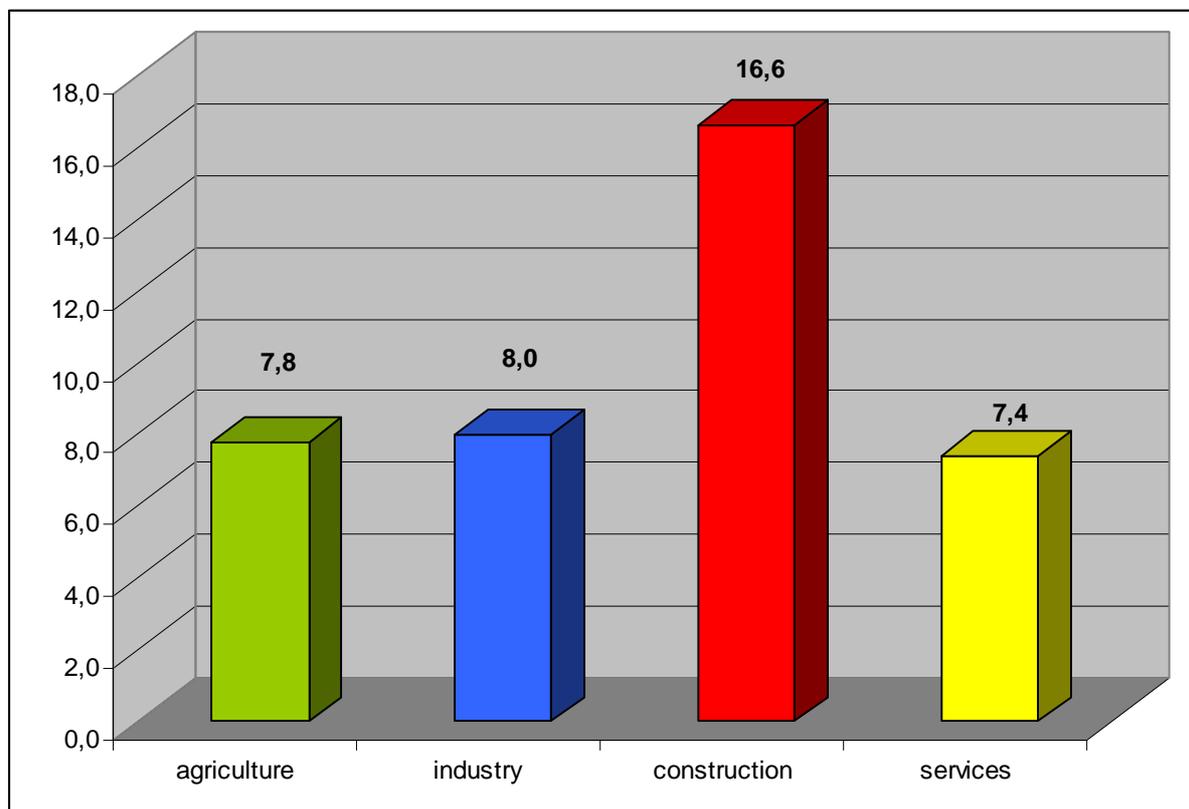
Even during a problematic period for the overall economy and this specific sector, the demand of immigrant personnel is still significant. In fact, the figures provided by Unioncamere and published in the last Excelsior report (2009) ¹, show that firms are looking for at least 10.200 new foreign workers in the construction sector alone for next year.

In the first six months of 2009 the figures on labour force provided by ISTAT identified around 320.000 foreign workers, about 17% of the total (this figure becomes a 19% if we only take into account employed workers with a dominant presence in Northern regions, where about 61% of them is concentrated). A further figure which is particularly significant is the percent variation recorded compared to 2008: while workers in general in

¹ Unioncamere in cooperation with the Ministry of Labour and the European Union develops the “Informative system for employment and training” Excelsior, which every year outlines the provisional pattern of work demand and professional and training needs of firms (Excelsior Report).

this sector are not increasing (on the contrary, they are decreasing by 4%), immigrants are increasing by 10%.

Percentage of foreign workers on the total of workers divided into macro sectors.



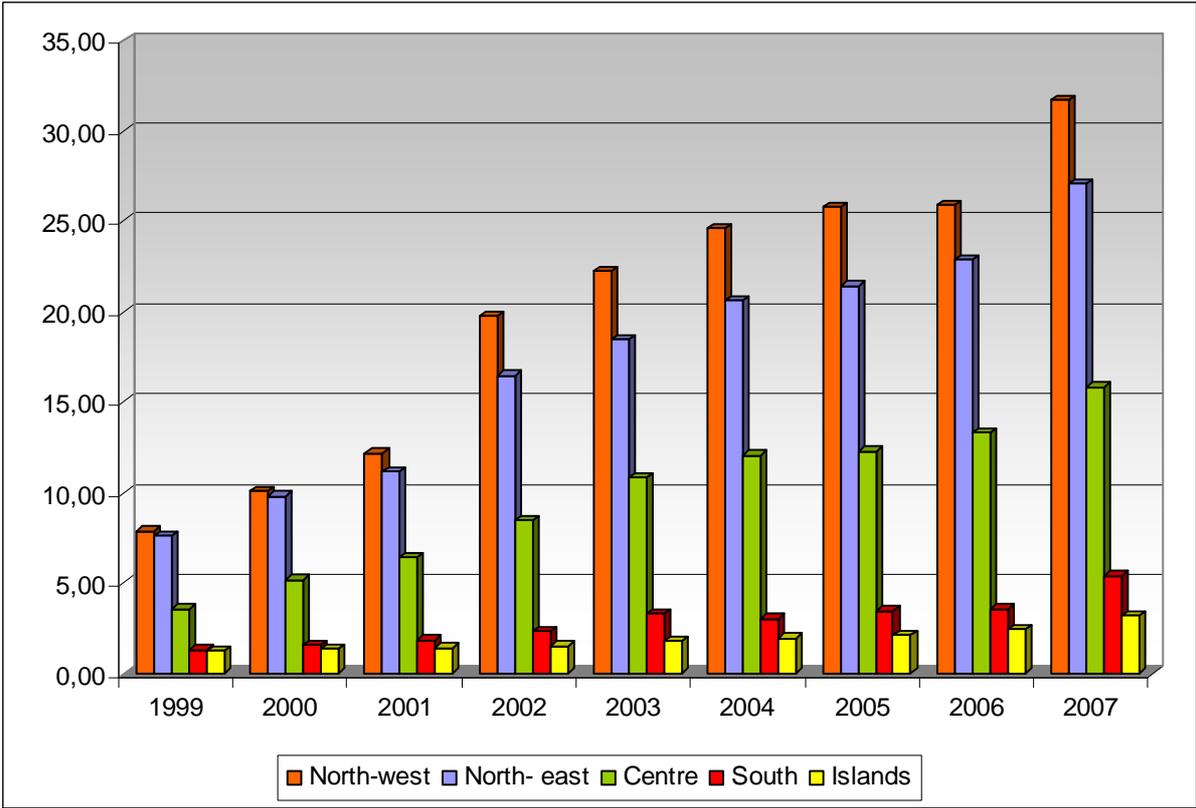
Source: 2009 Istat figures released by Ires

Even the last figures published by CNCE show a sector with a strong presence of foreigners, the percentage of immigrants enrolled in the Cassa Edile² is over 19% and in the past eight years immigrants experienced a sevenfold increase. A particularly interesting element revealed by the database of the Cassa Edile concerns the qualification of immigrant workers: out of 100 workers around 30 are immigrants, while out of 100 general workers with a pay grade IV, immigrants are only 4. Another important aspect is that, last year, apprenticeship contracts for foreign workers have significantly increased by

² Welfare and Assistance Fund Institution for building workers

60% and this might have an important impact on their future employment opportunities with a possible contraction of this sector around the corner.

Percentage of foreign workers enrolled in the Cassa Edile on the total of enrolled workers divided by qualification (1999-2007)



Source: CNCE figures (2008) released by IRES

As for injuries suffered by foreign workers, the INAIL 2008 report points out that the construction sector is still among the most dangerous, to the point that around 13.6% of recorded injuries among all immigrant workers are concentrated in this sector. In the specific case of mortal accidents, even though these have slightly decreased in 2008 the construction sector – with 43 victims – maintains the sad primacy of “killer sector”. In this sense, there are multiple factors that contribute to a wider accident risk among foreign workers, but this depends first of all from the production system where they work and the different local contexts. Overall, as a matter of fact, if we analyse the accident rate, we notice that the number of foreigners is much higher than that of Italian workers:

there are around 44 accidents out of 1000 foreign workers as against around 39 for overall workers³. The most dangerous job for a male foreign worker is that of builder. The percentage of accident occurred to foreign workers on the total of workers with the same qualification amounts to 17,7%. Jobs such as porter (6.3%), mechanic (5.8%) and driver (5.8%) follow.

Industrial injuries reported in the construction sector divided by industrial sector (2007-2008)

Industrial sector	Total 2007	2007 % foreigners	Total 2008	2008 % foreigners
Construction and Civil Engineering	53.782	24,8	45.779	25,6
Installation of services	24.708	10,7	22.779	11,5
Completion works	19.247	27,6	16.605	27,9
Site preparation	2.918	17,4	2.608	18,3
Others	1.243	19,3	1.483	18,5
Total	101.898	21,7	89.254	22,1

Source: INAIL figures 2009

The previous figures confirm that the construction sector still has a strong need for immigrant workers. Nevertheless, their inclusion often entails different forms of exploitation, scarce safety and discrimination towards foreign workers in this sector.

In 2008 the number of immigrant workers affiliated to the three national trade unions was over 820.000 units, with an increase of 20.000 units last year.

In this sense, the growing percentage of foreigners among workers affiliated to trade unions is, on one hand, a partial counter-tendency that corrects at least in part the drop in the number of Italians and contributes to slow the pace of this phenomenon. This cannot be only analysed as a quantitative figure. For example, these causes significant changes in the group of affiliated workers in terms of professional figures, pay grades, qualifications, career opportunities and so on. This brings some problems to the attention of trade unions that entail extraordinary decisions on protection, bargaining and organisation.

³ Inail, 2008 report.

Brief on legislation

Before the 1980s, Italy did not have any laws to regulate the legal existence of foreigners.

The first of these laws (no. 943), passed in 1986, regulated immigrants' access to the labor market.

Following, Law no. 39 (known as the Martelli Law) was passed in 1991 and recognized both the rights and obligations of immigrants. This was the Italy's first comprehensive immigration legislation.

The legislation that currently regulates immigration and integration matters in Italy is the result of two laws. The Single Act no. 286 of July 25, 1998, which was essentially based on Law no. 40 of March 6, 1998, called the Turco-Napolitano Law and Law No. 189 of 30 July 2002, known as the 'Bossi-Fini law' after the names of the politicians who proposed it, that amends the 1998 immigration law and introduces new clauses. Italian law provides for a system of programmed immigration and the quota of foreign workers is determined by one or more decrees each year.

The Italian Parliament recently passed a law regarding public security (Law no. 94 of 15 July 2009) which also regulates immigration. Under the new law illegal immigration becomes a criminal offence, punishable with a fine of up to 10,000 euro and anyone housing an illegal immigrant could face jail. Parents registering a baby's birth have to present papers to prove that they are legal residents.

2. Collective bargaining and local negotiation⁴: the case of immigrant workers

There are many rules that contribute in different ways to establish forms of protection for immigrant workers; among these, a specific chapter is to be dedicated to collective bargaining and, more generally, to industrial relations.

The analysis of this subject reveals that the topics related to the presence of foreign labour force are scarcely considered in collective bargaining. The trade union itself admits that “past collective negotiation has not been particularly influential”. This is a problem that was present at all levels of the Italian system of industrial relations – national, local and of professional.

⁴ This paragraph, edited by Salvo Leonardi, is an extract of a wider work which is published in B. Veneziani (edited by), Cacucci, Bari, 2007.

Said that, there is a political-legal explanation: after the introduction of the new normative framework with the 1998 law, it has become evident that immigrant labour is considered as “normalised” when it comes to employment agreements, even by social parties. As a matter of fact, from now on the national law establishes that some of the cornerstone legal principles are mandatory: the respect of human fundamental rights, the right to non discrimination, the equal treatment of immigrant workers and Italian and EU workers also as for wages and insurance established by the law in force and by national collective agreements.

Therefore, the lack of specific visibility of immigrant work in the normative framework formalised by negotiation agreements between the parties may be the result of a complete and mandatory equality solemnly established by the lawmaker. In work relations any further considerations about the topic of immigration is at risk of being verbose – at least those concerning the bargaining power of the parties. And probably, for this reason, the rare collective bargaining negotiations are restricted to a few – but not irrelevant – specifications on holidays and learning the Italian language.

This legislative framework takes on a precise and bold political-bargaining meaning where the trade union chooses to approach the topic of immigrant work with a strategy that includes all rights and all citizens who work, irrespective of some connotations that concern the subjective features of workers (gender, age, nationality). Another consideration can be done in this respect. The strong presence of immigrant work in specific market sectors and segments means that the same collective agreement has the task to protect immigrant work, with no explicit distinction of nationality and origin. Just think about national agreements for domestic carers or even those for cleaning or catering enterprises where the percentage of immigrant work force is very strong.

That said, there is no doubt that the low presence of contract clauses about the specific features concerning work and life of immigrant workers *also* reveals the difficulties and constraints of the trade union's ability to translate into action the significant effort aimed at representing, offering protection and integrating migrant workers in the trade union. On one hand, it is certainly true that the law and trade union general actions lay the grounds for a normative and organisational framework for protection – on the basis of

the non-discrimination and equal rights principles; on the other hand, it is clear that the presence of subjects in a few agreements but not in others, even though they concern sectors and areas with a strong presence of non EU workers, shows that trade unions adopt different approaches. There are cases in which “the difference in treatment concerns some aspects of the immigrant's cultural and personal identity; suffice it to think about the day in which the weekly day off falls”⁵. In this sense, collective bargaining can flexibly combine universal protection and acceptable specifications of treatment. Also as for non-EU work, the traditional scheme that in our country regulates the relation between the law and collective employment agreement is used; once a common framework of mandatory rights and protection is defined, there are still important aspects to be specified and integrated with improvements by the collective employment agreements, both at the national and local level.

At the different levels of negotiation, subjects about the specific condition of immigrants concern:

- language training and, to a lower degree, professional training;
- continuous holidays;
- special leaves for religious events;
- improvement of professional and social integration conditions (household, transports, etc.);
- monitoring of flows in the sector-based market and of legislation on the subject;
- conscription or call to arms in the country of origin;
- disease contracted during return to the home country and certification-information modalities of the employer;
- equal opportunities protection for workers who belong to the weak categories: therefore, together with the disabled, women and young people;

⁵ M.G. Garofalo, M.McBritton, *Immigrazione e lavoro*, in *Rivista giuridica del lavoro e della previdenza sociale*, Ediesse, n°3, 2000

- commitment of the parties to a full application of the laws that guarantee the stay (or even citizenship) of immigrants in our country as a condition to avoid their exploitation;
- information to workers provided in different languages and foreign delegates;
- board and lodging for non EU workers employed.

In *local negotiation* – which use tends to be more and more a result of the growing number of powers that the lawmaker grants to the Region and other local bodies – actions aimed at supporting immigrant labour employment also become important. As for training and actions aimed at improving the integration of immigrant workers (as for both housing problems and measures to support employment) local negotiation – despite the limited number of recorded experiences and the problems reported by interviewees – seems to be the path that led to the most significant experiences.

Finally, references to the regularisation of undeclared and illegal work as well as to the fight against discrimination were rare.

2.1 National and local negotiation in favour of immigrant workers: some good practices

The subjects mainly covered by *national agreements* are professional and language training (more than half of recorded contracts), holidays (with the opportunity to enjoy long holidays and to combine days off), the monitoring of problems and immigrant work dynamics (about one fourth).

Synoptic table. **National negotiation** and foreign workers in the construction sector.

Type of contract	Date	Targets	Innovative elements/contents	Specific measures
National Construction Agreement - Industries	May 2008	Immigrants and women	Set up of a joint commission whose role is: - rationalising and improving preventive training in the original countries of migrants workers; - set up Italian languages courses and specified activities training in , local bodies; - put programs of intercultural training to improve communication between different ethnicities moreover the Commission has a monitoring role	Intercultural and communication training, set up of training courses aimed at improving linguistic and intercultural comprehension e between workers of different nationalities especially for the organisation and management of the construction site and to prevent injuries. Training is carried out by enterprises in cooperation with schools.
National Construction Agreement – Cooperatives	June 2008	foreigners	Creation of integrated work modalities between enterprises and institutional networks of schools, dedicated ministries, local bodies, to set up training courses	- set up of professional training courses - foreign worker: enterprises grant continuous holidays and annual leaves, according to the productive and organisational needs

In *local negotiation* – carried out in the agriculture, construction, trade, tourism and craft sectors – the main subjects covered are, once again, language courses and training, together with monitoring activities, often discussed within bilateral observatories. It must be taken into account that in national and corporate negotiations the phrasing related to equal opportunities, the integration of immigrants (also as far as housing and transport are concerned) mostly have the programmatic and political features of a declaration of intent.

Guidelines for the new local bargaining and bargaining at the firm level. March 2009

The strong presence of immigrants in many areas requires a special recognition of problems that might be addressed with different solutions.

The main need reported by immigrant workers is an increased **training**. In order to allow their growth, the need to define a format for informative/training courses prior to hiring has been highlighted, such as apprenticeships, continuous training which include a consistent number of hours to literacy in presence of a “cultural mediator”. Besides training, other needs have been identified.

Recognition of titles and qualifications. Often, foreign workers are more educated and qualified than Italians, but neither their education nor their professional qualifications are recognised. Usually, immigrants are assigned to lower levels and remain there even after years of work.

Funds for living expenses. It is possible to direct Welfare Funds to address specific needs, for example by using them to cover the cost of the “residence tax”, especially for large families, maybe by limiting it to the cost of renewal due to unemployment. In the same way, a contribution for the loss of a working day to renew the residence permit might be granted.

Extension of parental leave. Often foreign workers do not enjoy parental leave permits because the days provided are not enough to go and return from their country. It would therefore be useful to try and extend the 3 days of parental leave with a 3x2, where two days are excluded from wage.

Remittances. A service aimed at helping immigrants to send their remittances to their families in the country of origin should be established in cooperation with banks. In the same way, it is possible to ease the access to loans or mortgages through agreements with credit institutions.

Performance. As happened in other occasions, potential Welfare Funds can be used as bonuses and in a sort of “exchange” of performance in favour of workers. All this by keeping into account national protocols that provide for a balanced budget without compromising Welfare Funds over the years.

Past integrative measures in the construction sector meant a step forward in about twenty regional and provincial agreements. The following synoptic table illustrates some of the relevant and/or innovative elements concerning immigrant workers.

Synoptic table. **Local bargaining** and foreign workers in the construction sector

Type of contract	Date	Area	Target	Innovative elements/contents Specific measures
supplementary construction agreement artisans	January 2007	Northern Region: Aosta Valley	Foreign workers	Training aimed at: <ul style="list-style-type: none"> – increasing safety starting from the presence of signs at the workplace translated into the most widespread languages in construction sites – improving social and working integration
Supplementary construction agreement ANCE (National Construction Association)	January 2007	Northern Province: Imperia (Liguria Region)	Foreign workers	Training for: <ul style="list-style-type: none"> • new workers who access this sector for the first time and literacy • professional qualification • safety at work
supplementary construction agreement ANCE (National Construction Association)	February 2007	Northern Province: Cuneo (Piedmont Region)	Foreign workers	Delivering training courses on: <ul style="list-style-type: none"> first literacy for workers employed in the construction sector and for some categories of unemployed workers safety at work. These courses will include the use of multilingual teaching materials <p>supporting dedicated bodies to shape appropriate local reception policies, in particular on housing problems.</p>
Supplementary construction agreement ANCE (National Construction Association)	March 2007	Central Province: Ascoli Piceno (Marche Region)	Foreign workers	Organising a round table with the Region to find resources to be destined to solve the problems of immigrant workers.
Supplementary construction agreement ANCE (National Construction Association)	March 2007	Northern Province: La Spezia (Liguria)	Foreign workers	Developing specific initiatives to ease the integration in the labour market and in civil society <p>Supporting professional training courses aimed at boosting literacy and a</p>

		Region)		<p>better knowledge of laws on safety at work.</p> <p>Managing holidays taking into account the need of these workers to return to their country of origin, also through longer holiday periods.</p> <p>Taking action to make public administration develop specific initiatives aimed at answering the housing needs of workers.</p>
supplementary construction agreement cooperatives	July 2007	Central Region: Marche	Foreign workers	<p>Training activities:</p> <ul style="list-style-type: none"> • for literacy • professional training for new workers who access this sector for the first time • professional training to recover skills acquired in the country of origin • on safety <p>support of local bodies initiatives in favour of reception and integration policies for foreign workers, in particular concerning housing problems.</p>
Supplementary construction agreement ANCE (National Construction Association)	July 2006	Northern Province: Bologna (Emilia Romagna Region)	Foreign workers	<p>Finding measures to promote access and stay in the province for workers from other Italian regions or from abroad.</p>
Supplementary construction agreement ANCE (National Construction Association)	October 2006	Northern Province: Genoa (Liguria Region)	Foreign workers	<p>Managing holidays in order to grant longer holiday periods to ease the return to countries of origin.</p> <p>Working with Institution to reach an agreement that allows the identification of decent housing solutions.</p> <p>Working with Institutions to recognise and fund specific courses for:</p> <ul style="list-style-type: none"> • new workers and literacy

				<ul style="list-style-type: none"> • professional qualification • safety at work <p>Taking action also by spreading information so that the access to health care and medical consult provided by laws and contracts is guaranteed.</p>
Supplementary construction agreement ANCE (National Construction Association)	October 2006	Southern Province: Reggio Calabria (Calabria Region)	Foreign workers	Delivering specific courses to train foreign workers such as courses of Italian language and on signs in construction sites besides the mandatory training on safety.
Supplementary construction agreement ANCE (National Construction Association)	April 2006	Southern Province: Ragusa (Sicily Region)	Foreign workers	Set up of training and literacy courses as well as courses for recognising professional skills Distribution of multilingual informative brochures to ease the social integration of immigrants .

The protection provided by agreements is just a part – if important – but not the whole of representation policies generally outlined by the trade union in favour of immigrant workers. As we noticed in the areas with a strongest presence of immigrant workers – seasonal work areas in agriculture or tourism, some industrial districts in the North-East, some big metropolitan areas - trade unions tend more and more to act through a series of preparatory local initiatives before or at the same time of protection measures contained in the agreements. This effort includes organisational and *membership* measures such as:

- information campaigns carried out locally or at the workplace (raising public awareness by distributing informative leaflets, a camper van to promote rights, translation of laws into various languages, contracts, guides);
- an increasingly specialised action of service facilities (“patronato”^{6*} offices and industrial disputes offices) and the set up of dedicated local offices for assistance and advise to immigrants on residency permits, renewals, sponsors, family reunion, social and housing policies;
- protection for industrial disputes in case of collective discrimination concerning the behaviours prohibited by the Turco-Napolitano law;
- work to achieve an effective equal welfare and pension treatment of immigrant and Italian workers.
- The recognition of political rights to be an active and passive voter, starting from local administrations;
- campaigns for trade union affiliation.
- The set up of *ad hoc* Commissions and Observatories; the institution of the *social delegate*;
- Italian language courses – also in cooperation with other dedicated institutions.
- The use of trade union branches as a space for socialisation.

From this perspective, the negotiation experience at the local level and the same initiatives of trade unions aimed at organising these workers can lead to even better results than those yielded by proper bargaining actions.

⁶ *Patronati* are offices run by a Trade Union where people go for (free) help with administrative/bureaucratic problems.

Together to the instrument of bargaining and regarding the protection of the rights of migrant workers and to improve decent work in construction, industrial action carried out by FILLEA and, more generally, the policies implemented by the CGIL concerning immigration different aspects: the action of advocacy, anti-racist campaigns, the widespread presence in the territory through specific branches, training and inclusion of migrant workers within the organization, research and monitoring of the phenomenon, co-operation with unions and associations of countries of origin of migrants, etc. ...

Some of the proposals and claims on which the CGIL tries to act on the governmental institutions are those concerning the political rights of immigrants, particularly the right to local vote, simplifying access to citizenship, the elimination of institutional discrimination (eg denial of access to public employment for non-EU citizens). An issue of particular importance is combating illegal employment and labour exploitation through:

- An increase of inspections
- Criminal liability and penalty regime
- Extension to workers in severe labour exploitation conditions of the Article 18 of the "Testo Unico sull'immigrazione", which provides the possibility of a residence permit for social protection reasons and is currently used almost exclusively for cases of sexual exploitation

Some of the proposals in case of migrant workers in irregular situation concern the right to receive remuneration and social insurance for work performed and the guarantee of being able to assert their rights before a competent body, a right which remains to this day only theoretical with the expulsion.

Other areas where the CGIL is heavily involved are a transparent labour migration admissions system, the ratification of the UN Convention regarding the Protection of the Rights of Migrant Workers and Members of Their Families, strengthening national procedures of social dialogue to ensure consultation on all aspects of labour migration, ensuring that CGIL and the other trade unions play a key consultative role in all issues relating migrant workers.

The CGIL as a whole has to be made throughout the years are called "immigration officer" dedicated in particular to the specific problems of these workers who are outside the competence

of the respective federations (residence permit, family reunion, etc ...) in order to establish contact with foreign workers and their families even if they are not unionized. Addition, the CGIL, along with other unions and local associations have established a regional network anti-discrimination with branches in five Italian regions.

The CGIL has opened around the country the "immigration offices" dedicated in particular to the specific problems that are out of the competence of the respective categories (residence permit, family reunion, etc ...) in order to establish contact with the migrant workers and their families even if they are not unionized. Addition, the CGIL, together with other unions and local associations have established a regional network anti-discrimination with branches in five Italian regions.

Specifically Fillea realizes a continuous work of dissemination of correct information on contracts in construction and the rights of migrant workers through the use of trained "working peers" and the inclusion at all levels of the federation of an adequate representation of this category of workers. Another item of particular importance in trade union action in this area lies in fostering an awareness of real working conditions and the problems and discrimination present in this sector through a permanent monitoring action and specific research activities.

Moreover, since 2007 under the plan Fillea CGIL national policies and international relations and immigration have been promoted and initiated several projects in cooperation with some trade unions in countries of origin of migrants. Were carried out training courses for workers in Morocco, Albania and Tunisia. There is an agreement signed recently between the Fillea CGIL and the Slovenian construction federation in order to intensify relations and promote cooperation in various fields, from trade union education and training on site. Finally, the CGIL Fillea of Rome and Lazio Region a few years ago embarked on a collaboration with the union of the Romanian constructions that led to the opening of an office of Fillea of Rome and Lazio in Bucharest.

3. Foreign workers and discrimination in the construction sector⁷

The description of the inclusion of foreigners in the Italian labour market must include the study of discriminatory practices towards foreign workers, otherwise the analysis of this process would be extremely incomplete. Topics related to discrimination towards foreign workers as for access to the labour market and on the workplace are an essential aspect to understand how the labour market is dealing with a strong presence of foreigners.

While it is well known that the Italian labour market continuously absorbs and needs new immigrant labour force, especially in sectors such as construction, the effective working and contractual conditions of foreign workers are not as clear. Even less known are discriminatory and racist practices often silently experienced by these workers. These episodes are only generically known through news articles or direct experience.

The importance of this approach lays in the belief and the evidence that the integration of new citizens must occur through a correct inclusion in the labour market. This must happen by respecting equal opportunities, fighting illegal and undeclared work, protecting workers in every way, limiting brain waste processes through the recognition of qualifications and access to vertical mobility.

There are different forms of discrimination in the labour market: discrimination in access, conditions and at the workplace, in professional paths and careers. The first form can be caused by multiple legal barriers as well as by the strong reticence that still exists nowadays about allowing immigrants to access jobs with a high offer of Italian workers or more prestigious and highly qualified jobs. As a matter of fact, the majority of foreigners, even though they possess a high “human capital”⁸, are introduced in the lowest level of the labour market.

Then there is discrimination in working conditions and at the workplace. In Italy this seems to result from a more general segmentation and precariousness of the labour market. This leads to a lower protection for a vulnerable category such as that of foreign workers.

Finally, there is discrimination in professional paths that, besides being evidence of the previously mentioned phenomena, is a process where the local society’s reticence to accept a real system of equal opportunities plays an important role.

⁷ This chapter is an extract of a wider research carried out under the EQUAL LEADER project – Work and employment without ethnic and religious discrimination.

⁸ Human capital means people's knowledge and it includes education, competences, professional paths and personal skills.

Moreover, we cannot forget that having a residence permit which strongly depends on a working contract makes these workers even more vulnerable. This might have consequences on all foreign workers, both those who already have a working contract but need to maintain it and those who do not have one but hope to get it (if they have a residence permit) or to be regularised (if they do not have a residence permit).

First of all we believe that in order to analyse discrimination in the construction sector it is useful to make a first classification of foreign workers by combining their residence permit (regular/irregular) and their position in the labour market (legal/illegal). These circumstances, alone or combined, directly affect type and degree of discrimination and the extent to which workers can be blackmailed.

In Italy, various authors⁹ tried to sum up these categories as follows: regularised immigrants working legally, regularised immigrants working illegally, irregular immigrants working illegally. The fourth category of irregular immigrants working legally, is not taken into consideration because it is formally impossible that a worker without a residence permit can carry out a legal job.

3.1 Discrimination in the access to work

In the construction sector, the high demand and strong presence of foreign workers has a direct impact on the forms of discrimination.

As for discrimination in the access to work, there is no specific reticence as for the employment of foreign workers. The high offer of immigrant labour force and the low appeal of this sector for Italian workers certainly eased the access of foreign workers. In the construction sector there are many job opportunities for newcomers because usually there are only a few requirements. On the other hand, even though the progressive abandoning of this sector by Italian labour force is noticed, this process is not completely due to a real lack of interest. In fact, there is a sort of *dumping* effect because employers believe that hiring foreign workers will bring them more advantages.

⁹ Summarised by Strozza M., *Costi e benefici apportati dall'immigrazione alle economie nazionali: rassegna dei principali contributi nordamericani ed europei*, Working Paper n. 1, http://www.cestim.org/commissione_integrazione/working1_1.doc

“(foreign workers) are willing to work even on Saturdays, they are more willing to work extra hours, they are more willing in any way, probably because they materially have more needs and expenses”¹⁰

As for the discrimination in access, the procedures for recruiting labour force in this sector entail different problems, since the mechanisms used to find new workers are mostly based on networks of acquaintances. In this way, networks of acquaintances within a community can act as a barrier to the access of other workers who do not belong to that network. When a firm needs a worker, usually its same workers will spread the voice among their acquaintances. This mechanism works in the same way for the recruitment of Italians and foreigners.

“- how do they find a job in the construction sector? How do they get to you?”¹¹

“- well, they've always come to us because someone else knew them, so always through acquaintances...the people working for us always arrived because other people knew them”¹²

The systematic use of *networks* to match working demand and offer contributes to increase the segmentation of the labour market. We are therefore facing a “horizontal employment segregation” that leads some communities to concentrate in few sectors and jobs. Currently, the case of the Romanian community is emblematic in many areas of Italy, with a strong presence of workers in the construction sector. The role of networks is essential in this process because, for example, a Romanian worker seeking employment who mainly uses his networks of acquaintances as a search channel will almost certainly end up in the construction sector. This segregation, that at first can be an asset for workers who belong to communities deeply rooted in the construction sector, entails a direct discrimination in the access to work for workers belonging to other communities. Those workers, lacking access to networks of acquaintances that match offer and demand are practically excluded from this sector.

“it happens that when an Albanian and a Romanian come asking for a job and we need a worker, (we take) a Romanian”¹³

“In legal work, the recruitment occurs through acquaintances, by word of mouth, who already works brings a

¹⁰ D., Italian, head of human resources in a construction firm.

¹¹ All interview extracts containing grammar mistakes in the original Italian version have been slightly changed by the translator to convey the message more clearly.

¹² ibidem

¹³ I., Romanian, president of the Romanian League in Italy and construction worker.

friend, a brother, a relative, because they already have a residence permit. And in illegal job the same happens but in this case it is worst because there is always a form of exploitation.”¹⁴

Another factor linked to this “horizontal employment segregation” is the image that the different communities of foreign workers have within the sector. An element emerged during the work on the field is the perception of each different community as “a whole”. The assessments collected during investigation show “positive” or “negative” perceptions of a specific community.

*“usually the Romanian is preferred because he is considered to be reliable, good at his job, responsible and he doesn't drink, because this was a problem that concerned the Polish for example, who brought alcoholic drinks at work.”*¹⁵

*“an ethnicity which has not been particularly well regarded over the past few years are the Albanians, who find more difficulties compared to the Romanians for example, because it is widely believed, even by employers, that the latter work harder, they are at the firm's disposal and do not cause problems; on the contrary, there is a prejudice against Albanians who are believed not to work, to cause problems, to make things disappear very often when they are around and because of this the Albanians find some difficulties.”*¹⁶

The nationality boasting a more positive image is no doubt the Romanian, while Albanians and Moroccans are perceived with more negative connotations and considered by the majority of interviewees as nationalities that “cause problems” or “are not willing to work”. Probably, the fact that these communities have been in Italy for a longer period plays an important role in shaping this perception. As a matter of fact, the Moroccans and the Albanians have been among the first to access the construction sector and, because of this, they possess and share a wider knowledge of the rules in this sector. Knowledge and awareness result in a higher rate of claims and demands to respect rules and rights considered as acquired. On the contrary, the Romanian community, is not only of more recent immigration, but also, as shown by the last regularisation¹⁷, it has a more consistent and continuous flow of newcomers. The constant availability of new workers allows keeping the cost of “Romanian work” low and introduces in

¹⁴ M., Italian, FILLEA CGIL regional secretary Rome, Lazio (trial interview)

¹⁵ L., Italian, FILLEA CGIL officer in the Eastern area of Rome

¹⁶ C. Italian, officer FILCA CISL in the Eastern area of Rome.

¹⁷ ISTAT, “Gli stranieri in Italia: gli effetti dell’ultima regolarizzazione”, Statistiche in Breve, 15 December 2005.

the labour market new people who, since they need an immediate inclusion in the labour market to obtain a quick return of the economic investment used for their departure, are more willing to do anything to work. In this way they become more “vulnerable” and easily blackmailed. According to many of the interviewees, this last feature, together with that of “not causing problems”, are the elements mostly required by employers in the construction sector.

“when I say: “what matters is that they do not cause problems” it means that these workers, even though they know well how to do their job, accept a lower wage. And so it often happens that they keep the work going almost by themselves, even in big sites, but receive a miserable wage”¹⁸

In particular, as for *illegal* work, there is only another known mechanism to access work: the periodic recruitment of workers in areas known as “smorzi”¹⁹, where there is a strong presence of foreign workers.

“there are some meeting points where people gather to look for a job, especially in construction sites, that is what really happens”²⁰

- *“(I found a job) at the “smorzo”, a man came in a car, he said I'm looking for a driver, a mechanic*
- *And how did you know how to do it?*
- *My cousin told me (...)*
- *How does the “smorzo” work?*
- *Foreigners go there in the morning, they wait there, it's crowded, and when who needs a worker comes he asks who is a builder, a driver, I need a driver, it's me, I need a mechanic, a need a builder.*
- *And if there are 5 builders and he only needs one, how is he chosen?*
- *He chooses the best, the strongest, because amongst foreigners who is strongest is chosen”²¹*

Anyway, we found that in those cases where the worker is highly specialised, he tends to use also other kinds of channel to seek a job, such as employment Services, newspaper announcements or some kind of “door to door” asking in various construction sites if they need a worker with his features.

¹⁸ *Ibidem*

¹⁹ Sale centres of construction materials that are usually located in the areas surrounding the gathering points of irregular construction workers.

²⁰ D., Italian, head of human resources in a construction firm.

²¹ B. Romanian, construction worker (he carries out the tasks of a crane operator)

“I went to the office in Porta Portese²², to that of Porta Maggiore, I told my name, I was always going there; one day someone called me, told me I know you are looking for a job, I said yes, he said we are a firm do you want to come for an interview, I said ok, I went to their office, I made an agreement with them and then I started to work.”²³

Anyway, it seems that, in order to be hired, it is not necessary to have previous experience in the sector, even though in most cases it is positively assessed. In the same way, the level of knowledge of the Italian language does not seem to be relevant when choosing a worker.

“Let's say that the people we hired have been somehow guided and taught their job, in the sense that they worked side by side with more experienced people and, little by little, by explaining everything, they understood and learnt both the language and the task they have to carry out”²⁴

3.2 Discrimination in working conditions

Pay Grades

As for discrimination in working conditions, we will start by analysing the pay grades of workers within the firm. In the construction sector, since access to work, a positive evaluation resulting from a previous working experience in the sector is not translated into a valorisation of this experience. In fact, at the moment of drawing up the contract and deciding the pay grade, usually previous qualifications are not recognised, neither if acquired in Italy nor in the country of origin.

“all my life I have been working, but who doesn't recognise it hires me in another pay grade and every day I lose some money; the engineer said I don't care, I'm not interested. He made me a second grande contract and I have the seventh.”²⁵

Classifying workers into a lower job category than appropriate on hiring is one of the most common and widely recognised forms of discrimination in this sector.

²² Specialised newspaper that matches working demand and offer.

²³ N., Moroccan, construction worker (he carries out the tasks of an electrician).

²⁴ D. head of human resource in a construction site.

²⁵ B. Romanian, construction worker (he carries out the tasks of a crane operator)

“I remained in grade 1, they don't give you a higher grade, either you leave the firm or enter it in grade 1”²⁶

During the investigation, when foreign construction workers were asked if they sometimes had to perform tasks not included in their contract, the answer was always affirmative.

This kind of problem, even though it is not always identified as a form of discrimination, is widely recognised by all interviewees. Moreover, it is also recognised that foreign workers are those who carry out the hardest tasks within the construction site.

“For example, when someone says, listen there is that bag of rubble to take upstairs. You take it and maybe the Italian does something else, because that is hard work. Or when a truck must be unloaded during lunch break, maybe they tell you get up and go unload it.”²⁷

There is a “vertical employment segregation phenomenon”, foreign workers are hired at the lowest level in the sector, even though among them there are many specialised workers or people who have been working for years for the same employer.

In this way a situation similar to that pointed by other reports on the general labour market²⁸ is outlined. Vertical mobility among foreign workers is scarce and even though many of them carry out specialised tasks they remain in most cases at the lowest levels.

In these cases, the lack of payment or the substantial wage differences with those who work legally are recurrent. If the worker does not have a valid residence permit, not only he is more exposed to discrimination at the workplace, but he also cannot enjoy the protection offered by trade unions, which up to now have only addressed the problems of foreign workers with a residence permit in Italy. When workers have an illegal contract, frequent irregularities concerning the payment of taxes and tasks performed have been found.

“At the construction site what can happen as a form of discrimination is that workers are not recognised their real job, so even though they are specialised, very often they receive lower wages.”²⁹

²⁶ A., Albanian, construction worker

²⁷ I., Romanian, president of the Romanian League in Italy and construction worker.

²⁸ Perocco F. et al., *Lavoro e discriminazione razziale in Italia -Rapporto 2005*, Università Ca' Foscari di Venezia, 2005

²⁹ L., Italian, FILLEA CGIL officer in the Eastern area of Rome

“Only at the end I told him, Mauro (employer) please give me this money that I don't have money to make ends meet. I worked even during holidays, everybody left and I worked, and you didn't pay August, you didn't pay September, you didn't pay October, and what do I do? How do I live without money? I'll pay you tomorrow, I'll pay you tomorrow, he didn't pay me for three months and then he told me he didn't have to”³⁰

As highlighted before this problem is the result of the existence of a wide area of under declared or “grey” work in this sector where frequently workers are required to work more hours than those established by the contract,

3.3 Professional training and Safety at work

Training is another sore point where foreign workers are clearly discriminated against in the construction sector. Even though there are different institutions dedicated to professional training, the presence of foreign workers in their courses is almost nonexistent. Also in this case this is not a direct discrimination because there are no obstacles or barriers to access training. The problems are more related to the length of courses (various months) and the lack of remuneration. On one hand, under the current law, the residence permit of a foreign worker is linked to a working contract, on the other hand it is hard that a foreign worker can afford to attend a course that lasts different months with no remuneration because usually he does not rely on a support network of people able to help him economically during this period.

As for training on safety at the construction site that constructions firms must provide, workers rarely declare that they receive this training, while the firm interviewed assured that it was complying with its obligations. Workers seem to believe that the degree of safety at work actually depends on themselves, on their concept of safety, rather than on clear company policies. However, it is a fact that the accident rates at work are higher among foreign workers. It is interesting to stress that all trade union representatives interviewed for this research agreed on the wide gap concerning the respect of safety measures between construction sites affiliated to trade unions and those not affiliated.

Moreover, the high rate of irregular work in the construction sector, especially among foreign workers, directly affects the type of social protection available these workers.

³⁰ B. Romanian, construction worker (he carries out the tasks of a crane operator)

3.4 Multiple direct discrimination

Only in the past few years the concept of multiple discrimination or cross-discrimination has emerged. It is essential to understand the consequences of a combination of more elements that can lead to discrimination.

As the European research on multiple discrimination of the project “Antenne”³¹ reveals, there might be different interpretations of this phenomenon.

A first interpretation believes that multiple discrimination is the result of each individual belonging to different social groups.

On the contrary, another interpretation states that multiple discrimination does not concern a single person or social group: our society creates many different forms of discrimination that affect different people and groups.

During IRES investigations, different multiple discrimination processes emerged as for access to work and on the workplace:

- *Nationality/gender*: in the construction sector female presence is around 1%. In Italy this sector is still considered as mainly a “male” sector because of physical and hard work.
- *Nationality/religion and ethnicity*: Some prejudices against hiring Muslim workers have been identified in the construction sector because of a lower physical performance of these workers during Ramadan³² and the effects on the quantity and quality of work during that period. In this respect it is interesting to stress that currently, in Italy, issues concerning the freedom of religion at work for Muslim workers are addressed in collective bargaining or negotiation between worker and employer.
- *Nationality/disability*: in the construction sector a psycho-physical disability has always been a strong barrier to access work, justified (by trade unions and employers) by the fact that the tasks to be performed in a construction site are extremely hard.

³¹ Progetto Antenne. Antidiscrimination European networks, Rapporto di ricerca sulla discriminazione multipla, Modena 2001-2002

³² Ninth month of the Muslim calendar when fasting from dawn to dusk to is observed .

- *Nationality/age*: in the construction sector it is very hard to get a job after a specific age (45-50 years of age), especially if lacking highly specialised qualifications. As stated before, foreign workers find it difficult to reach the highest levels and this problem is particularly relevant to them.
- *Nationality/length of stay*: another factor that seems to directly affect the exposure to discrimination on the workplace is the length of stay in Italy. Workers who have been in Italy for a shorter period of time, who do not master the language and have a lower knowledge of the labour market and their rights are no doubt more exposed to discrimination.
- *Nationality/residence conditions*: the lack of a valid residence permit prevents the worker from accessing a regular job. Workers without a valid residence permit are more exposed to discrimination or blackmail by their employer. In the same way, when working illegally, the possibility to obtain a residence permit depends on the willingness of the employer to regularise the foreign worker's contract. However, as confirmed by workers and various witnesses interviewed during this research, an irregular residence permit does not prevent access to work in the construction sector. Nevertheless, this exposes workers to blackmail, exploitation and discrimination,

Foreign workers with a short term residence permit are more vulnerable to discrimination because they are afraid to lose the job to which their residence permit is linked (especially if they do not have any qualification). Workers with a more stable permit (those with longer permits, with a residence card or who acquired citizenship) feel less vulnerable and less reticent to change job or raise an industrial dispute in case of discrimination.

3.5 Discrimination and racism-xenophobia at the workplace

The perpetrator of racist harassment at the workplace can be either a superior or a colleague. Even in this case, the research highlighted this kind of phenomena in the construction sector. Interviews allowed us to point out episodes of racism and xenophobia within construction sites, even though none of the parties involved (workers, employers, trade unions) perceived these as such. The most recurrent case is the use of sentences of a clear racist-xenophobic

nature against foreign workers.

In most cases these episodes are described as occasional, but sometimes they are continuously reiterated. These episodes mostly involve the use of racist epithets or “jokes” of a clear racist-xenophobic nature.

As far as racism is concerned, all interviewees show a very similar perception: racism as such does not exist in construction sites and if it exists it only concerns isolated episodes. There are no general features; they depend on the people involved. At any rate, these episodes are not considered as “real racism”, but they are rather perceived as jokes that can refer to nationality, skin colour or the inability to speak well the Italian language. To sum up, racist episodes are considered “typical” jokes in a “not very formal” environment such as that of the construction sector.

Racist and xenophobic episodes have been explicitly acknowledged by almost all of the interviewees, but there has been a lack of awareness in recognising that these were related to racism. In principle, these statements can result from various lines of thought that tend to deny the existence of an inconvenient and politically sensible phenomenon. In this way they avoid to address an issue that is once again focused on the condition of foreigner rather than on that of citizen among citizens. Foreign workers sometimes seem to surrender to the desire to be “normal” that pushes them to show an “achieved” integration. More in general, the denial of their condition of victims of insults and racist and xenophobic behaviour can be the result of a desire to avoid being involved in arguments and legal actions that can affect their job all other aspects of daily life.

4. Final considerations and recommendations

In this conclusive paragraph we related, from the outlined framework on immigrants workers in the construction sector, on 1) interviews Key Outcomes List containing the interviews highlights; 2) recommendations on how to address challenges for decent work/decent working conditions in the framework of industrial relations/social dialogue/collective bargaining.

Key Outcomes List containing the interviews highlights.

Thanks to the interviews, an extremely complex picture of discrimination towards foreign workers employed in the construction sector emerged.

To some extent, these discrimination forms seem to refer to the national origin of the worker. Such is the case, for example, of positive discrimination towards Romanian workers in this sector and the negative discrimination against Moroccan and Albanian workers. However, to some extent, discrimination seems to be caused by the fact that employers have a labour force available that, because of its administrative situation, still seems less prone to claims and requesting the respect of contract obligations. Workers without a residence permit, workers who are not aware of their rights or who are willing to ignore them in exchange for an immediate economic return seem to be particularly exposed to discriminatory practices such as downgrading of workers, lack of retirement benefits and of a lump sum when leaving the job.

Many witnesses believe that in this sector there is no discrimination towards foreigners and they justify this statement with the figures showing a high number of foreigners employed in the construction sector. Moreover, they do not think that the problems previously mentioned (less favourable working conditions, lack of compliance with contract, classifying workers into a lower job category than appropriate, ...) are related to discrimination against foreigners. They believe these are due to the reiteration of exploitation practices previously experienced by Italian workers coming from Southern Italy, for example. In this way, they still do not acknowledge the discriminatory nature of some practices and associate them to the wider range of problems that concern the construction sector.

On the other hand, interviewed workers perceive most of the forms of discrimination identified as such. They clearly understand that they work in the lower categories, they have no doubt that they perform the hardest tasks and that they are a particularly vulnerable category more subject to blackmail compared to Italian workers.

Trade union representatives interviewed believed that knowing one's rights "is the most

effective tool to fight or at least constrain the different problems faced by foreign workers in the construction sector”. Following this line of thought, the more vulnerable subjects are those who work in construction sites not affiliated to trade unions or illegal construction sites. Moreover, workers without a residence permit are also considered vulnerable because they lack any protection and must face many problems when seeking the help of trade unions.

All the trade unions representatives interviewed or contacted during this research agree that foreign workers, especially those coming from Central and Eastern European countries, do not trust trade unions. Especially to solve this problem, the trade union chose to include some foreign workers among its delegates. This measure, however, according to the majority of interviewees, means that also a competent Italian trade union delegate must act professionally in order to avoid this initial difficulty.

Nevertheless, we should not forget that being aware of and enjoying one’s right can only be achieved in a normative and institutional framework focused on and committed to equal opportunities.

Finally about the **recommendations** on how to address challenges for decent work/decent working conditions in the framework of industrial relations/social dialogue/collective bargaining, highlight three fields to middle of several social part’s action in the work place and at national and local level:

- the bargaining as an instruments to guarantee an equal treatment to the workers in terms of professional growth, wages, security and system of rights and protections;
- the bargaining as an instruments able to allow the overcoming of discrimination (at different level) to guarantee the social inclusion;
- the bargaining as an instruments to promote intercultural in its different articulations: culture, household, education, civil cohabitation and welcoming

To accompany and support the implementation of bargaining the main recommendation is to combat the working exploitation. Strategies to combat exploitation of migrant workers must necessarily move between two focal points: repressive strategies, actions of empowerment. The repressive ones are essential to protect individuals from different types of exploitation and are

oriented to prosecute crimes and punish the perpetrators. Strategies of empowerment, however, tend to strengthen the people through the methodology of empowerment and the most vulnerable groups through forms of organization.

To respond effectively to the problem of labour exploitation is therefore necessary to adopt complementary strategies to ensure cooperation and coordination between all agencies and actors involved at different levels according to the specific skills and responsibilities of each one. These actors are: the police, local authorities, organizations of workers and employers, labour inspectorates, non-governmental and volunteer organizations.

Within the advocacy and lobbying work that achieves, it would have to acquire more power the union's request to simplify and standardize the paths for the recognition of diplomas and professional qualifications acquired in the country of origin, essential tools for proper insertion within the labour market.

Acronyms

ANCE Italian Association of private construction contractors

CGIL The Italian General Confederation of Labour is an association representing workers and work. It is the oldest Italian trade union and that with the highest membership with about 6 million people affiliated such as workers, retired people and young people who enter the labour market.

CISL Italian Confederation of Trade Unions

CNCE It is the Joint National Committee for Building Workers' Welfare funds (Casse Edili). It is the national institution dedicated to direct, monitor and coordinate Welfare Funds. Welfare Funds Institutions (Casse Edili) are only present in the construction sector; they were created because of the peculiar work relations caused by a significant mobility of workers between firms. Basically these institutions (Casse Edili) play an important role in ensuring the economic treatment of workers provided by contracts and their welfare and social security benefits.

FILCA The Italian Federation of Building workers and the like is the professional Federation of CISL that represents workers in the building, wood, concrete, brickwork, marble, stone industries and the like.

FILLEA Is the Italian Wood, Building Trade and Similar Workers Federation. In is a trade union affiliated to Cgil.

IRES Social and Economic Research Institute.

INAIL National Institute for work-related injury insurance

ISTAT It is the National Statistics Institute and it is a public research body.

Fondazione ISMU – Initiatives and Study on Multi-ethnicity. It is an autonomous and independent organisation promoting studies, research and projects on multi-ethnic and multi-cultural society, and focusing in particular on the phenomenon of international migrations.

Unioncamere It is the Italian Association of Chambers of Commerce, industry, craft and agriculture. It is a public body.