

Concept note: Forest Migration Workshop for Journalists

Context¹

The EU is heavily dependent on a non-national labour force, either from other EU Member States or third countries. Germany, Italy, Spain, France and Poland, in particular, employ high numbers of migrant seasonal farm workers.

Germany receives around 300.000 workers a year for agricultural, horticultural and forestry work, many of them from Central and Eastern Europe, especially Poland and Romania.

According to the Migration Policy Institute, seasonal workers are often recruited by private employment agencies acting as intermediaries between clients and workers. The relationship between agencies, employers and workers is supposed to ease the process of matching demand and supply and benefit all parties involved. Reality shows that power relationships are often skewed to the detriment of workers.

The reality of seasonal work is a harsh one, with generally poor working and living conditions, where the workers usually depend on their employer for their living arrangements. Undocumented migrants, but also legal ones, can fall victim to illegal gang-master practices or even modern forms of slavery. Exploitation of women occurs in certain regions. This has been discussed and studied more specifically for the agricultural industry.

The Seasonal Workers Directive has been the guideline for EU countries to make sure that all seasonal workers are granted equal treatment in terms of employment conditions, minimum working age, working conditions and occupational health and safety measures. This would entitle seasonal workers to have the right to equal treatment with nationals of their host country. However, it has not been easy to enforce this directive to avoid the abuses to the workers. Many of these conditions are among the categories of Fundamental principles and rights at work, which the states should respect and promote regardless of the ratification status of the conventions. These should apply to all workers, regardless of their status. The ILO's Migrant Workers Recommendation, 1975 (No. 151) states that "Migrant workers and members of their families lawfully within the territory of a Member should enjoy effective equality of opportunity and treatment with nationals of the Member concerned ..."

Currently there is information available mostly about migrant seasonal workers in the agricultural industry. However there is a lack of information and reports specifically about migrant seasonal workers in the forest industry, even though forestry is one of the employment sectors with the highest number of migrant workers. Many studies on the topic of migrant workers don't even mention forestry.

The forest sector including the economic activities of forestry and logging, manufacture of wood products and manufacture of paper products provided jobs for at least 2.6 million

¹ [Many information taken literally from Marie-Laure Augère-Granier, 2021 and Joma Da Silva, E., Schweinle, J. 2022]

persons in the pan European region between 2017 and 2019 (ILO 2021). However these jobs are mostly done by men, specifically forestry and logging are the economic activities with the lowest female participation (14.2 %) in the forest sector.

There are specific skills and abilities required to work in the forestry sector, however there is a lack of information and reports around the number of people that complete an education in the sector and the people that work in it. At the same time, there is currently no information available on what the mean hourly earnings of forest workers is. And the aspect on different arrangements related to accommodation and travel, which may cause situations of debt, influence the overall earnings, sometimes leaving workers with very little income after they have paid off these additional costs.

The number of graduates in environment and forest related studies has decreased over the last 10 years and female participation has remained below 40 %. This gender gap is also seen in the traditional forest sector workforce. Furthermore, this workforce is ageing and the forest sector has the urgent task of attracting more youth and women to engage in forest related activities. Providing a more gender balanced workplace, improving occupational health and safety at work, making working time more flexible and offering fair wages are ways to improve the reputation of the forest sector and attract women and youth.

Info:

- The number of persons employed in the pan European forest sector decreased by 7 % between 2010 and 2020;
- The workforce in the pan European forest sector is ageing with an average age between 40 and 59 years old;
- Only 21 % of the workforce in the traditional pan European forest sector is female;
- Earnings in the pan European forest sector are often not competitive;

Recommendations (Green Jobs report)

- Working conditions need to be improved and adapted to retain the workforce and to attract youth and female workers;
- The forest sector has the opportunity to be a frontrunner in ensuring decent work as well as competitive and equal pay for all;
- Green Jobs related to forest education and training, provision of ecosystem services, human health and recreation, green chemistry as well as new wood based products are an opportunity to attract youth;
- Joint action between government, private sector and unions must be taken to reverse the decline of workforce by improving retention and skills upgrading of existing workers;

- An overhaul of forest education and training to meet changing skills requirements is a major drive to attract new recruits and promote Green Jobs in the forest sector;
- Numerous examples of successful and promising initiatives have been identified to ensure the forest sector will have the workforce it needs and make full use of its potential to create Green Jobs. Without a concerted effort to make these good practices part of mainstream forest policies and strategies, they are unlikely to have the scale and pace required

Pending questions

- Who are the main **subcontractors/intermediaries** for seasonal workers for the Forest industry? Where are they based mostly? Are they mostly in the EU or outside the EU?
- Is there any guideline to enforce the **Seasonal Workers Directive** in any of the countries that most receive seasonal workers (Spain, Italy, France, Germany, Poland)? How has it been enforced then? What are the most difficult elements to enforce?
 - Also Sweden and Finland among others receive a lot of forestry migrant workers.
 - The directive applies only to non-EU nationals to:
 - ensure fair and transparent rules for admission of non-EU seasonal workers
 - ensure decent working and living conditions and equal rights for those workers
 - prevent that non-EU seasonal workers stay/work in the EU without authorisation
 - make it easier for those workers to come back for seasonal work in the EU in following years
 - Seasonal workers have the right to equal treatment with nationals of the host country as regards terms of employment, such as the minimum working age, working conditions (such as pay and dismissal, working hours, leave and holidays) and health and safety regulations. This equal treatment also applies to branches of social security (benefits linked to sickness, invalidity and old age), training, advice on seasonal work offered by employment offices and other public services, except for public housing.
 - However, EU countries do not have to apply equal treatment with regard to unemployment and family benefits and can limit equal treatment on tax benefits, education and vocational training.
 - EU countries must introduce measures to prevent possible abuses and sanctions where abuses arise. They must also set in place mechanisms to deal with complaints against employers.

- Has any employer in the industry been banned from employing seasonal workers because of a **serious breach of their obligations**? Is there any data on this? Who inspects/enforces this?
 - This is the role of national labour inspection authorities.
- Is the **Seasonal Working program** of Germany available? Is there any specifics for the Forestry industry or is it a general program?
- Does any public agency make follow ups about the **placement agencies** located outside the EU, where the worker doesn't have a contract in the host country?
- Are there outside-EU **placement agencies** for the Forestry industry? How do employers communicate with them? Is there any government or EU control around this relationship?
- Is there any data on the **gender** ratio of workers in the forestry industry?
 - Only 21 % of the workforce in the traditional pan European forest sector is female
- Childcare: Do migrant workers have the right / opportunity to childcare in the same way as nationals?
- What were the main challenges for the forest industry during the worst moments of the **COVID-19 Pandemic**? Did it suffer as much as the agricultural industry?
 - What were the specific challenges faced by migrant workers during COVID (travel restrictions, loss of job opportunities etc).
 - I included a short section on this in the brief on early impacts of covid on the sector, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/briefingnote/wcms_749497.pdf
 - “Migrant workers in destination countries are particularly vulnerable when enterprises are forced to close, as their wages are cut and they may not be covered by social protection systems or crisis response measures, such as wage subsidies or unemployment benefits. Moreover, those with irregular statuses may not be able to access medical services, even when they are available, due to their fear of detention or deportation. Those who wish to return home may be restricted from doing so.¹⁶ Further challenges include a lack of social networks and safety nets, and limited local language skills, which may restrict their access to information on local regulations, testing or confinement measures.” (ILO 749497)
 - In Sweden, an initiative was adopted to help recent immigrants, young persons with disabilities and workers laid-off as a consequence of the pandemic to train and work in tree planting, reforestation and logistics. Seasonal workers engaged in gardening, forestry and picking wild berries have also been exempted from the entry ban into Sweden

otherwise applicable to persons from outside the European Union (EU). <https://sverigesradio.se/artikel/7478782>

- In Finland, specific provisions allow seasonal migrant workers from outside the EU to enter the country to work in certain critical forestry activities.

<https://valtioneuvosto.fi/en/-/1410837/alkutuotannon-kriittisille-aloille-v-almistaudutaan-ottamaan-ulkomailta-kausityovoimaa-yrittajat-vastaav-at-tilauslennoista>

- What are the current challenges to readapt to the current new reality that the risks of COVID-19 pose for the industry (for the companies, the contract associations, for the workers, for the migrant workers specifically, etc.)
- And how have the specific guidelines proposing long term solutions to fight **abusive subcontracting practices** been enforced?
- How is **climate change and environmental degradation** affecting and will affect the seasonal workers?
- Would a **green skills** training scheme improve the lives of the seasonal workers? How would this impact the industry? (both, in the receiving country and in the country of origin).
- **Forest risk mechanisms** (for natural disasters): are they prepared by each country? Any general information for Europe or specific countries?
- How to **mobilise** workers when the industry requires it, considering the natural disasters that can't be completely foreseen? What **challenges/risks could this imply for the workers**? Is there any plan around this issue?
- Seasonal workers travel every year to do the same occupation, are they all skilled and trained? Are there **training opportunities** provided by the employers for people that are engaging in seasonal working? Are there jobs which don't require previous training?
 - One major issue is around skills certification, how to ensure that training and certifications received in the country of origin is applicable and accepted in the destination country as well.
 - OSH training could be specifically mentioned. For example in Sweden and Switzerland there is OSH information and training available in mainly visual format, helping to overcome challenges related to e.g. language.
 - www.prevent.se/utbildningar-produkter/bocker/jobba-sakert-i-skogen-ab0ef159/ and www.suva.ch/it-ch/prevenzione/temi-specializzati/lavori-forestali#uxlibrary-lwr-slider=1
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- Are there **unions** or any kind of workers' organisations for the forest sector?

- And how do they specifically deal with migrant workers?
- Also in some countries there may be restrictions on migrant workers becoming union members.

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Comments/ additional information

- Which **specific forestry activities** are those that are more commonly done by migrant workers?
- Also, as part of the forest sector, collection of NWFP (non-wood forest products) could be included. At least in Finland, where forest products are mostly freely used, there has been a lot of exposure to conditions of migrant workers (mainly from Thailand and Ukraine) in berry picking.
- A question on the **access to information and awareness on labour legislation, rights and responsibilities** could be considered. This is a very relevant issue in relation to topics like OSH (Occupational, Safety and Health), social protection, health care, accident insurance and compensation etc. Information may not be available in the language understood by the worker; or it might not be accessible in an easy way.
 - When planning training programmes for migrant workers, language barriers need to be considered, in addition to social and cultural contexts such as literacy, language and the cultural appropriateness of materials and training procedures.
- High occupational safety and health (OSH) risks: especially in the migrant population.
- Forest work, such as logging, is frequently undertaken in remote areas with workers living in temporary camps, often in shared accommodation, with limited access to medical supplies and facilities. Isolation and limited accessibility make labour inspection and the enforcement of labour standards more challenging, leading to potentially high levels of labour turnover, especially in camps with poor working and living conditions.
- The elimination of discrimination in respect of employment and occupation is identified as one of the four fundamental principles and rights at work. Women, young workers, indigenous and tribal peoples and migrants are among the groups of workers that are vulnerable to infringements of ILO labour standards, including being more prone to discrimination and over-represented in non-standard and new and emerging forms of employment. (ILO 679806)
- Migrant workers tend to be concentrated in physically demanding and labour-intensive manual tasks, such as planting, cutting and weeding or collecting and selling wood-fuel or charcoal, often facing poor working conditions. 139 In addition, migrants may encounter challenges such as language barriers, limited

access to protection, lack of contracts, isolated workplaces, workplace abuse and higher levels of informality. 140 Many migrant workers move to work temporarily in another country or region on a seasonal basis. (ILO 679806)

Concepts

- Green Jobs: Green Jobs are decent employment in “agriculture, manufacturing, research and development (R&D), administrative, and service activities that contribute substantially to preserving or restoring environmental quality” (UNEP et al. 2008). This definition highlights that Green Jobs are only ‘green’ if they are decent. Decent jobs are those that “are productive, provide adequate income and social protection, respect the rights of workers and give workers a say in decisions which will affect their lives” (ILO 2013b).
- The traditional forest sector encompasses forestry and logging (A02), manufacture of wood products (C16), manufacture of paper products (C17), printing (C18) and the manufacture of furniture (C31).
- There is also a “new forest based sector”, outside of the traditional forestry.