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### Seasonal Workers in Agriculture

*The Cases of Spain and the Netherlands in Times of Covid-19*

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# Chapter 11

## Seasonal Workers in Agriculture: The Cases of Spain and The Netherlands in Times of Covid-19



Jeroen Doomernik, Blanca Garcés-Mascareñas, and Berta Güell

### 11.1 Introduction

A key debate in migration studies has been around the conditions that account for the emergence of different immigration and integration policy models as well as the factors that explain recent trends of convergence in discourses, policies and practices. Since the early 2000s, part of this discussion has focused on the South-North divide. As countries such as Greece, Italy and Spain went from being emigration countries to becoming (all of a sudden and intensively) immigration countries, a distinction started to be made between old immigration countries in Northern and Western Europe and new immigration countries in Southern Europe (Bruquetas & Doomernik, 2014). The former had received guestworkers and – in some cases such as the Netherlands and France – migrants from the former colonies in the 1950s and 1960s, and family migrants and refugees from the 1970s onwards. The latter were seen mostly as labour immigration countries, with high labour demands in low productivity sectors eminently covered by “spontaneous migrants” that legalised their situation in one of the numerous regularisation campaigns of the early 2000s. As mentioned in the introduction of the book, over the last 25 years, the image of Southern European countries as weak guardian of borders with precarious admission systems has contributed to forge the “negative exceptionality” of the Southern European model in comparison with the rest of Europe.

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All figures from Statistics Netherlands (CBS) StatLine: <https://opendata.cbs.nl/#/CBS/nl/>

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In the last decade, nonetheless, research on Southern European countries has shown that the reality is much more complex than that. For instance, on the basis of the Italian case, Finotelli and Sciortino (2009) challenged this bipolar perspective and what they called “the Southern regime stereotype” by arguing that the unsatisfactory outcomes of Italian mechanisms of immigration controls are not necessarily the epiphany of a weak policy apparatus but the result from a much more complex mix of factors, including unrealistic policy goals, contradictory international pressures, structural internal constraints and fragile party coalitions. Regarding the Spanish case, Garcés-Mascareñas (2012, 2022) similarly concluded that what was presented as a policy gap (non-working entry policies followed by periodic regularisation campaigns) was instead a policy in itself that made possible to reconcile contradictory imperatives, first and foremost between a restrictive entry policy designed at the EU level and expansive domestic labour demands. More recently, research on the effects of the Great Recession in immigrants integration in Southern Europe has shown that countries such as Greece, Italy and Spain were indeed vulnerable to economic shocks, which affected negatively immigrants’ socioeconomic integration, but somewhat resilient to “integration crises”, with no relevant consequences or even positive results in migrants’ legal status and public perceptions about immigration and immigrants (e.g. Finotelli & Ponzo, 2018; Ponzo, 2019).

In this chapter, we come back to this debate on the South-North divide by comparing the cases of Spain and the Netherlands with regard to migrant seasonal workers in agriculture and with a particular attention to their situation before and during the Covid-19 pandemic. The relevance of this research is fourfold. First, migrants’ work in agriculture – though thoroughly studied – has hardly been included in the debate on the South-North divide. Second, agriculture is an essential economic sector and yet labour conditions tend to be rather poor and precarious. This cannot be disentangled from the processes of agri-food globalisation and productive flexibility, where farmers (especially on the small and medium scales) have little room to manoeuvre when it comes to adjusting prices in line with high production costs. Third, given the seasonal nature of a large part of the jobs associated with agriculture, this sector is the example per excellence of many circular migration programmes (within Europe but also including third countries) implemented at the national level but also promoted directly by the European Commission. Though it remains a national policy, it is one of the most europeanised (at least in discourse and stated goals) in the field of labour migration. Fourth and finally, agriculture has been particularly hit by the Covid-19 pandemic: because of the closedown of the hotel/restaurant sector and because of the introduction of mobility restrictions, which directly affected the supply of (mobile) workers.

With regard to the comparison, the cases of Spain and the Netherlands allow us to revisit some of the features attributed to different immigration and integration models. In his seminal article on “early starters and latecomers”, Arango (2012) refers to the role of different factors such as the “age effect”, meaning the stage of the migration cycle in which each country finds itself; the “generation effect”, that is the historical context in which the initial and formative phases of immigration take place; “historical precedence”, which means the influence that forerunners

exert on those that follow; and structural characteristics, with different types of economy and social systems. Coming back to Arango's factors, the Netherlands and Spain seem to differ in everything: while the Netherlands is a "senior" immigration country and therefore a forerunner with a rather formal labour market and (originally at least) robust welfare state, Spain is a "junior" immigration country, thus among the late runners and with a labour market much more dependent on low-skilled and informal labour and with a much limited but more inclusive (particularly for those undocumented) welfare regime. The question is whether, despite all this, the Netherlands and Spain are as different as expected in their response: first, to the labour needs of seasonal agricultural workers and, second and more specifically, to the "stress" generated by having to cope with seasonal labour demands (and ensure proper work and housing conditions) in times of Covid-19.

This chapter makes use of the qualitative research conducted in the framework of the EC H2020 project ADMIGOV. Apart from reviewing relevant reports from key stakeholders, newspaper articles, official documentation, statistics and academic publications, 30 in-depth interviews with key informants were conducted in Spain (mostly in the regions of Huelva and Lleida) and 13 in the Netherlands. Following the theoretical framework discussed in this book, we understand that "migration regimes" are a mix of factors playing in complex constellation of actors. Therefore, for each case, we will not only pay attention to migration policies but also to a range of factors such as the history of migration, the immigration policy phase, the functioning of the labour market in this specific economic sector and, finally, the impact of Covid-19, which we understand as a "stress test" to reveal the inherent and previous contradictions and shortcomings but maybe opportunities as well. Before we delve into each of the two cases, in the next section we will briefly discuss the concept of "migration regime" and explain why, in this case it has to be complemented by what Pastore (2014) has called the "governance of migrant labour supply".

## 11.2 Migration Regimes in the Light of the Governance of MLS

If we understand "migration regimes" as a constellation of political principles, norms and practices, thus a world full of gaps, ambiguities and strains resulting from this "work through practices", the next question is to what this work (and the public and private actors involved in it) responds to. To answer this, in this chapter we make use of Pastore's (2014) concept of the governance of Migrant Labour Supply (MLS), which goes beyond migration policies *stricto sensu* and captures the way through which states mobilise alternative tools in order to match and reconcile the different and often conflicting sets of interests. According to Pastore, common to this "complex and constantly evolving policy mix" is the state's need to find the "paths of least resistance", meaning ways that allow to maximise fulfilment of labour immigration demands while minimising resistances to it.

In finding these “paths of least resistance”, Pastore argues that states draw on labour migration policies *stricto sensu* and the management of intra-EU labour mobility. In parallel, beyond migration regulation policies, states may also choose to respond to labour demands in two ways: first, by giving access to domestic labour markets to immigrants originally admitted for reasons other than work (humanitarian, family, study, etc), what Pastore calls “functional equivalents”; and two, by reducing the dependency on immigrant labour by increasing the presence of native workers in given employment sectors, what he terms “functional alternatives”. While Pastore puts the state (or, more broadly, complex and dynamic structures of multilevel governance still centred on states) at the heart of his analysis, basically by recognising its role in determining channels of entry and access to the domestic labour market, this chapter will address the same questions but shifting the focus from the state to the regime, thus from government decisions to actors and practices.

Finally, these questions will be analysed in the context of the Covid-19 pandemic, which in the agricultural sector affected both the demand side (with the closedown of the hotel/restaurant sector) and the supply side (with severe mobility restrictions, particularly in 2020). Again, following Pastore (2014, p. 386), our assumption is that all crises can be analysed as a “revealer” or “lens” to understand reality, in this case the working of the above mentioned “policy mix” in the specific sector of seasonal agricultural work. What did the constraints imposed by the pandemic reveal us regarding these different policy options and contradictions? Given similar constraints, were responses in Spain and the Netherlands similar? What do these similarities and/or differences tell us about the governance of MLS in both countries? Though it may be too early to respond, were changes induced by the Covid-19 pandemic superficial and transient or did they come to remain? Did they reinforce former trends or open unexpected new arrangements?

## 11.3 Spain

### 11.3.1 *Becoming an Immigration Country*

In the mid-1980s, Spain unexpectedly went from being a country of emigration to having a positive balance in migratory flow (Izquierdo, 1996). The main factor triggering immigration to Spain was the growing imbalance between an autochthonous labour force that had slowly been raising its “job acceptability level” and the persistent demand for workers in low productivity sectors with high levels of informal economic activities requiring a cheap and flexible labour force. After the 1990s, this imbalance on the labour market was further aggravated by two other factors: economic growth from 1995 to 2001 with an increased demand for labour involving almost 670,000 new jobs per year; and the decline by approximately two million people of the new native workers entering into the job market after 1992 due to the

demographic decline of the cohorts of those born after 1976 (Garcés-Mascreñas, 2012, p. 112).

As a result of these transformations, the number of legal foreign residents in Spain went from 250,000 (0.75% of the total population) in 1985 to almost 900,000 (2.18%) in 2000, 1.9 million (4.48%) in 2004, three million (6.7%) in 2006, 3.9 million (almost 10%) in 2007 and 5.5 million (12%) in 2008. This phase of growth was interrupted in 2008 due to the economic crisis, which led to rising unemployment reaching 25% in 2012. As a consequence, net migration became negative in 2011 and so did population growth from 2012 onwards, with Spain losing more than 200,000 inhabitants in 2013 (Oliveau et al., 2019). This trend changed in 2015, when immigration started to increase again. As of 2020, there were 7.2 million foreign-born residents (more than 15% of the total population), including five million (10.57%) born in a non-European country and 5.4 million (11.45%) without Spanish citizenship. In 2019 the main countries of origin were Morocco, Rumania, UK, Italy, Colombia, China, Venezuela, Germany, Ecuador and Bulgaria (INE, 2021).

### ***11.3.2 Labour Migration Policies***

Though Spanish economic growth depended on migrant labour, entry policies were rather restrictive: the first Foreigners Law (1985) was promulgated to block entry to immigrants en route to Western European countries via Spain and, even more important, entry policies were restrictive in actual practice, with long and very complex procedures. This restrictive entry policy did not mean, as we have seen, that low numbers of immigrants were entering Spain. Most arrived with a tourist visa, found work and subsequently legalised their situation. This mismatch between legality and reality – between a particularly restrictive policy and a reality notable for large numbers of people entering the country – made it possible to comply with contradictory demands: on the one hand, demands for closure by the EU but also by the trade unions who did not look kindly on the entry of new workers into a job market characterised by high unemployment figures; and on the other, demands for openness by employers but also by an increasing middle-class who rapidly became dependent on female migrants care work.

While regularisations have frequently been interpreted as the best illustration of the “failure” of immigration policies and, more generally, the state’s loss of control, regularisations in the Spanish case should be understood primarily as a de facto entry policy. Basically, because the end result was deferred “entry” – deferred since the condition for every regularisation is a period of illegal status – of however many immigrant workers were required by the employers. As González-Enríquez (2009) noted, this is nothing more than a cheap recruitment model in the place of destination. Cheap because the costs and risks of the migratory process were shouldered by the immigrant and because in political terms it was possible to have a high-numbers policy without putting it in writing and thus without needing to justify it.

If we look at recent years, it is unavoidable to mention the increase in the number of asylum applications: from 2588 requests in 2012 and 5947 in 2014 to 14,881 in 2015, 31,120 in 2017, 55,668 in 2018 and 118,264 in 2019 (CEAR, 2020). After being at the bottom of the list of numbers of asylum seekers in EU Member States, Spain has now become one of the first destination countries. Beyond the global context, two major changes in Spain explain this shift: first, with the new Asylum Law of 2009 the number of inadmissibility applications decreased extraordinarily; second, the job offer, which was the key entry door through regularisation before the economic crisis, became harder to get. Those who previously entered the country via the job offer from 2009 onwards had the option of doing so by means of requesting asylum. However, as most asylum seekers (between 60 and 80% depending on the year) do not receive any kind of protection, in the mid- and long-term their chances to be recognised as legal residents depend again on regularisation, thus again on the availability of the job offer.

### ***11.3.3 Agricultural Seasonal Work: Past and Present***

Spain is the first European Union's market garden, representing 23% of the total production. Many of the tomatoes, peppers, cucumbers, and also strawberries and other red fruits consumed in the EU come from Spain. Unsurprisingly, then, Spain is the EU's leading exporter of fruits and vegetables and one of the world's top three, alongside China and the United States. Fruit and vegetable production represents a quarter of all the value produced by the agricultural sector. Spain is also the largest producer of olive oil, accounting for 50% of world production.

As the agricultural sector (especially in its exports dimension) grew, it became more and more difficult to find seasonal workers, also due to the increase in the job acceptability level of the autochthonous labour force. As a result, the demand for seasonal agricultural workers was mostly covered by migrants. The first arrived in Spain in the 1980s, especially from Morocco and West Africa (Senegal and Gambia). At the end of the 1990s, programmes of recruitment in origin began, seeking labourers in Morocco and, subsequently, in countries of Eastern Europe (like Poland, Rumania, and Bulgaria) and in Latin America, as well. Nevertheless, in the 1990s, recruitment in the agricultural sector remained mainly at destination, with a considerable amount of contracting that was irregular or formalized *ad hoc* by means of the many processes of regularization. It was not until the 2000s that recruitment programmes in origin began to mobilize a certain volume of workers.

Indeed, after few pilots, the first circular migration programmes (with a national framework but managed in practice by each Autonomous Community) were launched in 2001. The leading regions were Huelva and Lleida, which is no coincidence as their crops (above all red and seed fruits respectively) are highly seasonal, meaning that employers need high numbers of workers for limited periods. This programme (called *Gestión Colectiva de Contrataciones en Origen*, GECCO) functioned thus as a way to guarantee the availability of workers from a particular origin

and in a particular moment in time. In the case of Lleida, the whole system was led by the *Fundación Pagesos Solidaris*, which centralised the recruitment process and even reception and training at destination. In the campaign of 2007–2008, which is when the highest number of workers came through GECCO, employers in Huelva recruited about 40,000 workers and in Lleida about 7000 (Díaz et al., 2014).

It is important to note that employers were key in the well-functioning of these programmes. Not only because they led part of the process but also because without their collaboration these programmes amounted to virtually nothing. This was clear with the bilateral agreements signed with Gambia (2006), Guinea Conakry (2006), Cape Verde (2006), Mali (2006) and Senegal (2007). In exchange for these countries' collaboration in the struggle against illegal immigration and, above all, with the condition that they agree to the repatriation of their citizens, the Spanish government promised to facilitate legal immigration from these countries. However, employers were not so keen to comply. They argued that they preferred workers from Latin America. This meant that legal ways of entering remained barred in practice.

The economic crisis of 2008 represented a turning point. With unemployment rising quickly, the Spanish government decided to freeze the programme in order to promote employment of those workers (national or not) already in the country (López-Sala, 2016). It was a freeze rather than a ban, as workers (particularly those repeating and working in the fields rather than in the packaging) continued to come. According to Gualda (2012, p. 635), this measure sought to keep the “machine greased” so as to be able to reactivate it in case labour demands increased or labour supply (of those already in the country) turned not to be enough. Interestingly, the economic crisis did not reduce jobs in the agricultural sector and migrant workers continued to be dominant (slightly more than 50% in Huelva and between 80–90% in Lleida).

Following Molinero Gerbeau (2018), the dominance of migrant workers in agriculture, even after the freeze of GECCO, should be explained by two parallel processes. First, as shown by previous research, migrant workers – already resident in Spain and who the economic crisis left unemployed – turned (back in many cases) to agriculture (López-Sala, 2013; Gadea et al., 2015). In contrast to national workers, who are mostly reluctant to work in this sector even when they are unemployed, they probably did not have many other alternatives (e.g., support from the family). Second, employers continued to recruit in the countries of origin but without going through the GECCO programme. Two factors facilitated this “individual”, “spontaneous” or “private” (meaning not state driven) recruitment in origin: Eastern European countries (of special importance here, Rumania and Bulgaria) had entered the EU, thus recruitment in these countries was possible outside GECCO and without having to go through the national employment agency; and also in these countries previous networks of former workers and their respective friends, family and acquaintances fed the system with concrete workers to be employed every year.

Molinero Gerbeau (*ibid*) wonders whether the end of the 2008 economic crisis led these migrant workers residing in Spain back to other (better paid) economic sectors and therefore meant the reactivation of the GECCO programme or the rise



of this “individual”, “spontaneous” or “private” recruitment system in Eastern Europe. The answer is probably both. Both the GECCO programme and recruitment of Romanian and Bulgarian workers in their countries of origin raised considerably in the last years. The next question, addressed as well in this chapter, is what happened in 2020 in a context of pandemic and therefore of high mobility restrictions.

In terms of labour conditions, foreign workers recruited in origin countries through the GECCO programme have a full-time job during their whole stay in Spain. A clause in their contract includes some exceptions (e.g., bad weather) that allow to cancel working days up to 25%. In practice, this means that seasonal workers under GECCO come to Spain assuming that they will earn a salary corresponding to at least 75% of the whole duration of the contract. Workers recruited directly by employers (either in origin or destination) have their labour conditions regulated by the collective bargaining agreements, which may differ from region to region. In general, these collective agreements set up around 40 working hours per week and a maximum number of extra hours. In 2020, with the increase of the minimum wage (*Salario Mínimo Interprofesional*, SMI), salaries in agriculture raised up to 7.41 euros/hour.

With the 2008 economic crisis and the 2012 labour reform, temping agencies became key in the recruitment of agricultural workers. According to our interviewees, this was due to their capacity to respond to several employers’ needs: first, by funding campaigns, which became more difficult after 2008 as banks put more restrictions to financially support employers; second, by complying with all the paperwork and payments to the Social Security and the Tax Office; third, by selecting workers and thus facilitating the whole recruitment process; and fourth, by introducing more flexibility according to the sudden and changing production needs. Not all are advantages though. Temping agencies have also been highly criticised, specially by trade unions and social organisations that argued that some temping agencies do not respect the collective bargaining agreements neither in terms of salaries nor regarding workers’ accommodation. Moreover, it is also claimed that the subcontracting of workers may foster employers’ lack of involvement in the wellbeing of workers and that the lack of coordination between temping agencies and employers may end up leaving workers unprotected.

### ***11.3.4 Working in Times of Covid-19***

In the early months of the Covid-19 pandemic employers’ associations in Lleida announced in the press that they were in need of around 35,000 workers and that they feared not being able to cover these demands due to mobility restrictions. In parallel, partly as a result of the announcement of a regularisation campaign in Italy and the parliament petition led by many immigrant and activist groups for a major regularisation in Spain (the so-called #regularizaciónYA! campaign), rumours started to circulate about a possible regularisation through a job contract in

agriculture. All these led many people from different parts of Spain and even from outside the country to move to Lleida: some were nationals or legal residents who had been expelled from other economic sectors, mostly from the catering and hospitality sector which were severely affected by the lockdown; others were immigrants working in the informal economy (e.g. street vending), who saw a chance to work and regularise their situation. The early arrival of so many people in Lleida created important problems in terms of accommodation and many of them were not finally employed.

Based on our interviews, labour demands during the first year of the Covid-19 pandemic were covered in different ways. First, many foreign workers from abroad (though not all of those expected) did come anyway. This was the case of 7000 female Moroccan workers who arrived under GECCO in the early months of the campaign (between December 2019 and March 2020), thus just before mobility restrictions were introduced. While 7000 arrived, another 10,000 expected female Moroccan workers did not. In Lleida, employers' associations put pressure on the government to organise a cordon sanitaire to facilitate the arrival of seasonal workers from Eastern Europe (mainly Rumania). While their arrival by plane was denied, it was finally allowed by land. According to the sub delegation government's office in Lleida, half of the expected Romanian workers (around 2500 out of the usual 5000 or 6000) did finally manage to come. Employers' association organised several buses, for instance AFRUCAT brought in this way around 600 people.

In 2020 seasonal labour demands in agriculture were also covered by facilitating the mobility of workers within Spain despite severe mobility restrictions. Again, due to the pressure put by employers' organisations, the government issued a "certificate of mobility" to allow individuals with a work contract (previously sent by email) to move across provinces. In this way, for instance, ASAJA was able to employ 1660 temporary workers that usually concatenate campaigns across Spain. The state offered as well the possibility to transfer Moroccan female workers (those that had arrived before the lockdown) from Huelva to other regions, eminently Lleida. The argument was that it was a win-win solution as in this way new labour demands would be fulfilled while Moroccan female workers already in Spain (and who could not return to Morocco due to the closure of borders) could be employed. In practice, however, most employers rejected this possibility by arguing that they needed "their" workforce (with specific knowledge and skills) from previous years (especially from Romania). Another argument was that they were obliged to employ previous workers first as they were holders of a permanent seasonal employment contract.

In general terms, employers were rather successful in ensuring the mobility of those workers (either from Eastern Europe or the rest of Spain) required by the sector. Their argument, almost a slogan, was that "the fruit needed to be harvested at any price". The priority given to employers' demands posed tensions not only between employers and public health representatives but also, in a later stage, between employers in agriculture and those in other sectors that were substantially affected by the severe lockdowns following the first outbreaks of the summer, particularly in Lleida. As one of our interviewees stated: "This lack of control of how

they came, how they were and how they circulated later is one of the reasons for the outbreak of the summer in Lleida. (...) The fruit had to be harvested at any cost. (...) I think that the right to public health has been violated. And here, the administrations were all warned” (ST-LL8a).

In the initial scenario of perceived labour scarcity of early 2020, the Spanish government approved a decree-law (*Real Decreto* 13/2020) to attract other potential groups to work in agriculture. These included: young migrant aged 18–21 that used to be under protection as unaccompanied minors and who did not have a work contract; migrant workers whose residence permit run out of period between March and June 2020; asylum seekers; and unemployed people that with this decree could combine unemployment benefits with a job contract in agriculture. This strategy, however, did not work very well. In the case of young migrant, there were several documentary restrictions that made it difficult in practice. For national workers coming from other economic sectors, work and living conditions in agriculture led many of them to drop out even before or immediately after taking the job.

Finally, particularly during the peaks of the campaign, some employers also drew on irregular workers, mostly males from Maghreb and Sub-Saharan countries. Although employers and public administrations systematically deny the employment of irregular workers, there is an implicit consensus that informal arrangements may happen sometimes. One of our interviewees stated it as follows: “In general, we can say that undocumented people do not work. It doesn’t mean that a man doesn’t tell someone, ‘listen, brush it off and I’ll give you 25 or 40 euros’. I’m not telling you this doesn’t happen” (ST-LL2).

## 11.4 The Netherlands

### 11.4.1 *Three Origins of Immigration*

As a result of post-World-War II immigration, the Netherlands has become an ethnically highly diverse society. Immigration had broadly three origins: (post) colonial, labour and asylum. Indonesia was a Dutch colony until 1949 and Surinam a part of the Dutch Kingdom until 1975. These countries’ independence caused many of its inhabitants to resettle in the Netherlands. On January first, 2020, 356,000 residents were of Indonesian descent and the same number of Surinamese origin (defined as being born in that country of origin or having at least one parent for whom this was the case).<sup>1</sup> The Dutch Antillean islands and Aruba are still part of the Kingdom. The number of people whose roots lie in these islands stood at 166,000.

From the 1960s onward migrants arrived from Turkey and Morocco. Initially these came as “guest workers” to fulfil labour demand few Dutch workers were

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<sup>1</sup> <https://www.cbs.nl/nl-nl/nieuws/2020/19/landbouw-droeg-in-2019-evenveel-bij-aan-economie-als-tien-jaar-eerder>

interested in and in industries that were not viable without cheap and undemanding personnel. Even though formally a regime of labour and residence permits applied, implementation was pragmatic: spontaneous migrants arriving as tourists could easily regularize upon finding employment. When the 1973-oil crises sparked a large recession, these industries could no longer survive, at least not based in the Netherlands, which made many of these “guest workers” redundant. Though both these migrants and the Dutch government may have believed that their presence was temporary, the fact was that many of them stayed and brought over their spouses and children. In 1973 Moroccan and Turkish nationals accounted for 28 and 46 thousand inhabitants respectively (Penninx et al., 1994: 12, Table 1.1). Presently, the Netherlands is home to 409,000 people of Moroccan and 417,000 of Turkish origin. The resulting communities have been the subject of the Dutch government’s integration policies as deficiencies have long been and still are in evidence in terms of educational attainments, labour market participation and earnings, and housing. The government, additionally, has pursued restrictive immigration policies towards labour migrants since 1973. From the early 2000’s it also put in place measures aiming to reduce family-based migration from less developed nations (including Morocco and Turkey) (Doomernik, 2017).

From the mid-1980s refugee migration to the Netherlands gained considerably in importance. Notably the end of the Cold War caused considerable displacement within Europe. The Netherlands saw the arrival of asylum seekers from war-torn former Yugoslavia as well as from Iran, Somalia, Eritrea, Afghanistan, Iraq and Syria. People from these countries of origin taken together number 330,000. In political debates, refugees are considered a burden rather than an addition to the (migrant) labour supply. In this regard, a government sponsored cohort survey of Syrian refugees from 2014 to the present shows their welfare dependency to be very high (70% in 2018) and their employment to be precarious (Dagevos et al., 2020).

### ***11.4.2 Labour Immigration Policies***

In 2013 the Dutch government introduced its Law on a Modern Migration Policy with the aim to simplify rules for regular (i.e., non-asylum based) admissions and it also was a paradigmatic change. Whereas earlier labour migration had been considered as something that was anomalous and only exceptionally allowed, it now had been made part and parcel of this Modern Policy. The aim, however, was not to return to the low- and unskilled labour immigration from before 1973. Instead, the policy is geared towards highly skilled (college level) workers and entrepreneurs. The so-called Knowledge Migrant scheme allows recently graduated persons to remain in the country for a year whilst looking for employment, including the option to start a company. This option is also available to someone who has graduated from a selected foreign university (e.g. one of the top 200 as published by the Times Higher Education World University Rankings).

Mid-skilled and lower or unskilled workers had meanwhile freely become available from the Central and Eastern European countries that had joined the European Union in 2004. Its citizens did not immediately have the freedom to work in the Netherlands (this had to wait until January 2007, and for Romanian and Bulgarian workers even 7 years longer, i.e. until 2014). In this respect the Dutch government was more hesitant than those of Sweden, Ireland and the United Kingdom, which had immediately and unreservedly opened up their labour markets for workers from these new Member States. As Kremer (2016) observes, the Netherlands was suffering from a “guest worker” trauma whereas at the same time the demand on the Dutch labour market was no longer for the type of workers who were recruited in the 1960s. Presently the largest numbers of recent labour migrants in the Netherlands stem from Central and Eastern Europe. In 2020 close to 200,000 Poles were registered as well as 40 thousand Bulgarians and about the same number of Romanians (39,000). Next to those there are many more workers from these countries who do not register with a municipality because they do not experience the need to do so or because there is no obligation. The latter is the case when their stay does not exceed 4 months, which typically applies to seasonal workers.

Meanwhile, labour immigration from third countries for other than highly skilled workers remains severely restricted. All such admissions are regulated by the *Wet Arbeid Vreemdelingen* (WAV) (Law on Aliens’ Employment). The general rule is that an admission serves the needs of an employer (i.e. is demand driven). Admissions from abroad must fill a vacancy which cannot otherwise be fulfilled from the labour force already present within the European Economic Area (EEA). Depending on the precise nature, employers may or may not be required to demonstrate they have undertaken recruitment efforts within the EEA. Normally the permit to work and reside is valid for an initial 1 year period. After 5 years, the migrant is completely free to remain and take on any job. Until then the permit limits them to a particular type of employment and employer.

### ***11.4.3 Seasonal Work: Past and Present***

The importance of seasonal work for the Dutch economy is difficult to gauge. However, statistics show the overall importance of the agricultural sector to be modest and declining. In 1995 it contributed 2.8% to the national GDP. In 2019 it had dropped to 1.4% (Afrian et al., 2020). Bakker et al. (2004) surveyed seasonal work in the Westland, an expansive area of green houses near the city of The Hague. They found that the “guest workers” which were attracted to Dutch industries became important for Dutch horticulture as well. For decades Turks and Moroccans were the most significant category of non-native workers. They also facilitated further network-based irregular labour migration of younger cohorts into the Westland. Staring (2001) shows how Turkish “tourists” as they are referred to by their established compatriots, are incorporated in an extensive and largely closed ethnic

network which provides access to work, for instance in the Westland, by Turkish intermediaries.

In the 1980s Poland became a significant additional source of workers for the Westland's horticulture. Among them were German Poles (people living in a part of Poland which was part of the German State before 1945 and in the possession of both a Polish and a German passport), irregulars and workers with a work permit (Bakker et al., 2004, p. 92). It was well known throughout the 1990s that the Westland employed large numbers of irregular workers through the mediation of abusive agents (Siegmann & Williams, 2020). In response a coalition of labour inspectorate, tax inspectors, alien's police and others joined forces in the Westland Intervention Team (WIT) which was created in 1999. This was also inspired by the de-regularization of the temp agency branch in 1998 which took away virtually all thresholds for such agents. The employers interviewed by Bakker et al. (2004) put the blame for abusive and underpaid irregular employment on these agents but admitted that sometimes peaks in demand were such that they could see no alternative, even at the risk of serious fines (*ibidem*, pp. 94–07).

The WIT was disbanded in 2012 because irregular employment ceased to be a serious problem, not least because Polish workers, using their freedom to move as EU-citizens, have become dominant among the seasonal workers in the Netherlands. According to Statistics Netherlands (data for 2017) there are 178,600 Polish, 23,400 Romanians and 12,100 Bulgarians employed in the Netherlands.

In terms of current working conditions, the fact that irregular employment has lost its salience does not mean abusive employment relationships have also disappeared. The liberalization of the temporary employment market of 1998 appears to have created much scope for abusive practices. In 2020, the Dutch government asked an investigative committee – the so called *Aanjaagteam* (loosely translated as boost team) – to critically evaluate the employment conditions of Central and Eastern European workers in the Netherlands. Its findings cover all sectors of employment, many types of which are more or less permanent instead of seasonal in nature.

In the Netherlands most temporary migrant workers are hired through a temp agency (of which there are about 14,000). Legally speaking these workers are this agency's employees who are seconded to the actual employer. This makes the actual employer often oblivious of the living conditions of their workers and unaware of perhaps long travel distances between the accommodation and the place of work. Normal practice is that hirings are on a so-called "zero-hour contract". Even though such contracts do create an employment relationship, they do not guarantee actual work. This means workers are entirely reliant on the demand for their labour in order to receive a wage. Obviously, this means that in case of any disruption in a business operation the worker immediately loses their income. Once temp workers have been employed for a certain amount of time, their position should become more secure and rights are accrued. In order to avoid this from happening, the worker is re-hired through another agency which legally brings them back to square one. The worker remains in phase A, which is the term used for a contract in which one has no income when sick or in the absence of work (Aanjaagteam, 2020, p. 21).

A second issue that emerged from the committee's research was that temporary employment can become a business in and of itself. The agency is obliged to offer housing to migrant workers and is permitted to deduct the expenses for this service from the wages for up to 25%. If sub-standard conditions are offered, which frequently appears to be the case, the agency makes a profit. This is also the case if the employer charges the costs of health insurance for the worker while not having actually paid for it. Also reported are instances of unpaid over-hours and underpayment of workers who do not understand the contract they have signed.

#### **11.4.4 Working in Times of Covid-19**

Unlike some neighbouring countries, the Netherlands has not imposed restrictions on the arrival of seasonal workers who were able to arrive. It seems shortages in labour supply did not take on serious forms and, in fact, many Poles and Rumanians were already present before the pandemic hit in March 2020.

However, some abuses were reported. The daily *De Volkskrant* (Dirks, 2020) reported how the local government of the city of Rotterdam (located close to the *Westland*, as mentioned a region with a high concentration of greenhouses) assisted Polish workers and their families who became homeless because of lacking income and abusively high rents. It was also reported that many migrants had never registered with the municipality. The informal nature of a rental agreement may be one of the reasons why people are not recorded in the population register. The same *Volkskrant* report mentioned working conditions in the greenhouses to be in violation of Covid-19 rules: maintaining a minimum distance of 1.5 meters between workers is largely being ignored. Reports about the working conditions in slaughterhouses, meatpacking and distribution centers showed cramped working conditions resulting in high infection rates. Lack of adequate housing conditions appeared to be one of the biggest problems.

### **11.5 Conclusion**

The cases of Spain and the Netherlands seem to represent completely different models of immigration. Following the features identified by Arango (2012) in his article on "early starters and latecomers", the two countries are in different "stages of the migration cycle", being Spain in a much earlier phase with most of their immigrant population still without access to Spanish citizenship; present different "generation effects" and "historical precedence", having Spain a clearly labour driven immigration and the Netherlands an initial guestworker phase combined with postcolonial migration and later on with family migration and refugees; and show different structural characteristics, having Spain a persistent demand for workers in low

productivity sectors with high levels of informality and the Netherlands an immigration policy exclusively geared towards highly skilled workers and entrepreneurs.

However, if we focus on seasonal workers in agriculture, differences are not as relevant as expected. In both cases, seasonal labour demands were covered initially by recently arrived immigrants, in a later stage by immigrants (and their acquaintances) already in the country and in the last years also by Eastern European workers that can go back and forth without the constraints imposed by international borders. Interestingly, the Spanish state – together with employers' organisations – was much more active in organising recruitment in origin (through the so-called GECCO programme). However, since the 2007 economic crisis this has become a very limited option in terms of numbers. The privatisation of recruitment, by employing workers directly either *in situ* or abroad (mostly in Eastern European countries), seems to be the rule both in Spain and the Netherlands. The use of temp agencies (and the de-regulation that follows) is also a common feature of both cases, though in the Netherlands it seems to be a much more generalised practice. De-regulation (and therefore deprotection) seems also to go a step further in the case of the Netherlands (at least on paper) with the “zero-hour contract”, which means that business disruption lies entirely on the shoulders of workers.

Despite these minor differences, in both cases we see convergence towards a decreasing public intermediation at the admission stage (which is facilitated by free movement within the EU) and a growing private intermediation through temporary agencies. Both these trends could be framed as fallouts of a liberalising season in the political and economic history of Europe, which has the EU as framework and grandmaster.

Coming back to Pastore's concept of governance of Migrant Labour Supply (MLS), it is not clear whether the way seasonal labour demands in agriculture have been covered in practice in Spain and the Netherlands responds to the mobilisation of alternative tools by the state or rather by employers themselves in different given policy, economic and social contexts. This is not just a nuance. As explained, in the early 2000s the Spanish state organised recruitment in origin in several African countries. While this responded to the state's need to open legal migration channels in exchange to migration control and readmission agreements, in practice these programmes did not work as employers' preferences (in terms of migrants' origin and recruitment procedures) did not match. In the Netherlands, this mismatch between employers' and state's interests is illustrated by the fact that the Dutch government decided to postpone opening the labour market to Eastern European workers despite being these countries a possible key source of seasonal workers.

In addition to this mismatch between employers' and state's interests, the governance of MLS is also shaped in practice by, on the one hand, the global agricultural chains, where farmers (especially on the small and medium scales) have little room to manoeuvre when it comes to adjusting prices in line with high production costs; and, on the other hand, the labour preferences of the autochthonous workers, increasingly away from the harsh working conditions in agriculture. The way for employers to reconcile these conflicting demands is by turning to the cheapest and



most vulnerable labour force: either those recently arrived in the country and whose desirability level has not reached (yet) that of national workers or those who move back and forth from origin and destination countries either across borders (and there the state has more to say) or without borders within the EU (and thus with a more direct role by employers). In this regard, we can conclude that this seems to be the “paths of least resistance” in both Spain and the Netherlands.

Finally, this chapter aimed as well to consider whether the Covid-19 pandemic, which in agriculture affected both the demand and supply sides, induced structural changes in the governance of MLS. The answer is probably no. In Spain structural changes had already been introduced with the economic crisis of 2008. As shown by Molinero Gerbeau (2018), since then labour demands have mostly been covered by migrant workers already resident in Spain (and who the economic crisis left unemployed) and by Eastern European workers recruited outside the GECCO programme, thus through more private (meaning non state driven) channels. In this regard, the Covid-19 pandemic seems to have intensified a tendency that was already there. In the case of the Netherlands, shortages in labour supply did not take on serious forms, as many Poles and Rumanians were already in the country before the pandemic hit in March 2020 and afterwards the government did not impose restrictions on their arrival. What seems to have changed due to the Covid-19 pandemic is the public awareness on the working and living conditions of agricultural seasonal workers. Indeed, in both cases, the media covered several cases of abuses and there were intensive political and public debates. The question, still to be seen, is whether these debates will lead to more protection or will only result on few superficial changes particularly oriented to specific and temporary anti Covid-19 measures. The answer, again, will have to do with these different “paths of least resistance”, defined not only by the state but also by the different actors involved, i.e., workers, trade unions, activists and above all by employers themselves.

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