

# Labour law violations, wage fraud and dismissals: Indefinite strike at Godoy Hortalizas in Almería, Spain

Almería, 5th of September 2019

Agricultural workers in Almería, Andalusia, have gone on an indefinite strike. On Thursday 29 August 2019, the workforce of Godoy Hortalizas\* walked off the job. The employees are protesting against the illegal dismissal of union members.

---

## Violations of labor rights at Godoy Hortalizas

Instead of the legally binding minimum wage (salario mínimo interprofesional) of 6.90 euros per hour, the workers receive only 5.33 euros. Before the start of trade union organising, the wage was only just over €4.

At the beginning of the new season, the management sacked eight workers in spite of their contracts as fijos-discontinuos. "Thirty of the fijos-discontinuos were called back to work," says one of the dismissed, "but not us. The bosses determined that we were the leaders of the January strike." All eight were unionised and had taken part in the strike earlier this year. Two of them were going to run for the SOC-SAT in the upcoming works council elections.

---

## Chronology of the conflict

Already in the second half of 2018, workers of the two greenhouse companies Invernatur and AJVF contacted the trade union SOC-SAT to defend themselves against various violations of labour law: Instead of the prescribed wage of 5.78 euros per hour (from January 2019: 6.90 euros), the company paid only 4.13 euros, overtime hours were not paid and break times were not complied with. Although the core workforce had been working for the company for three to twelve years, they only had short-term employment contracts as temporaries. In order to deny them due wage increases (antigüedad), the companies change their names over the years and the workers\* were moved between different subcompanies. The company's headquarters, however, has always remained the same. SOC-SAT filed a complaint with the Labour Inspectorate (Inspección de Trabajo) against the irregularities in the company and applied for arbitration (SERCLA). The arbitration rounds were unsuccessful.

---

\*Godoy Hortalizas, Paraje Lote de los Rodriguez, 04711 El Ejido, Almería, Spain

In January 2019, around 30 Invernatur and AJVF workers entered into indefinite strike. After three strike days, the company gave in and pledged to meet the demands of its workforce. From then on, the break times were respected and 15 contracts were converted from temporales to fijos-discontinuos. Management increased the wage to €5.33, but still failed to pay the minimum wage. In addition, union activists were subjected to harassment and some were forced to carry out humiliating and dangerous work. Insufficiencies regarding work safety (protective equipment when spraying chemicals) as well as access to restrooms, drinking water and space to have lunch).

As a result of the partial success of the January strike, workers began to collect signatures for the establishment of a works council (comité de empresa). However, the request to set up a works council was challenged by the management due to a formal error. Shortly afterwards, at the beginning of August, the union activists were not called back to work in spite of their fijo-discontinuo status: "After the first strike, the conditions improved - that's why they don't want us back," says one of the workers. Both the workforce and SOC-SAT see the dismissals as a clear attempt to get rid of the conscious, organised core workforce and replace it with new workers. In the newly convened SERCLA round, the company's lawyer did not respond to any of the demands of the workforce. After that, the strike was declared.

The company is currently trying to intimidate the striking workers by unannounced visits to their homes. Two workers were also hit by a foreworker's car when he tried to sneak in external strikebreakers without contract through the factory gate in the early hours of the morning - an illegal but widespread practice to deprive strikes of their economic effectiveness.

## The demands of the employees

1. Reinstatement of all six dismissed workers
2. Compliance with the legally binding minimum wage
3. End the repression of trade union members and the free exercise of trade union activities
4. Improvement of sanitary conditions and work safety



