



WORK RIGHTS CENTRE - EVIDENCE SUBMISSION

MIGRATION ADVISORY COMMITTEE - SEASONAL WORKER SCHEME (SWS) VISA INQUIRY (REPRESENTATIVE ORGANISATIONS)

JULY 2023

ABOUT WORK RIGHTS CENTRE

Work Rights Centre is a registered charity dedicated to supporting migrants to access employment justice, and improve their social mobility. We do this by providing free and confidential advice in the areas of employment, immigration, and social security, and by mobilising frontline intelligence to address the systemic causes of migrants' inequality. The charity was founded in 2016. Ever since, we have advised over 5,000 people, helped recover over £200,000 in unpaid wages and fees, and supported hundreds more to make job applications and secure their immigration status.

Our frontline service consists of two multilingual teams of advisers who operate in London (5 days a week) and Manchester (on Saturdays). Together, the advice team assist an average of 20 beneficiaries a week, with issues which range from nonpayment, insecure immigration status, and career advice. You can support their work at <https://www.workrightscentre.org/support-us>

CONTACT

For any queries or for further information relating to this submission, please contact Olivia Vicol (CEO & Head of Policy & Research - olivia.vicol@workrightscentre.org) or Adis Sehic (Policy and Research Officer - adis.sehic@workrightscentre.org).



CALL FOR EVIDENCE - EXPLANATORY NOTE

This submission is based on the '*responding as a representative organisation*' version of the questionnaire issued by the Migration Advisory Committee (MAC).

Though we have endeavoured to respond to as many questions as possible, some questions are aimed precisely at labour users/businesses that incorporate the SWS as part of their seasonal worker recruitment strategy. In light of this, we have **not** provided responses to the following questions: 8, 15, 16, 17, 20-21, 24, 28 - 35, 36-39, 40 - 45, 50 and 58.

CALL FOR EVIDENCE - SUBSTANTIVE QUESTIONS

1. What is the name of your representative organisation?

Work Rights Centre

2. What is your email address?

For any queries or for further information relating to this submission, please contact Olivia Vicol (CEO & Head of Policy & Research - olivia.vicol@workrightscentre.org) or Adis Sehic (Policy and Research Officer - adis.sehic@workrightscentre.org).

3. How many organisations or members do you represent?

Our organisation has assisted a total of 69 clients with status under the Seasonal Worker Scheme at the point at which they sought our assistance. Most clients have either been Ukrainian nationals (43%) or Kyrgyz nationals (31%). The remaining pool of SWS clients have originated from a wide range of other countries like South Africa, Kazakhstan, Tajikistan, Nepal, Belarus, Uzbekistan and Bangladesh. Out of these clients, recorded client issues were as follows:

- Those who had issues with the amount of work being given (too much or too little) and pay issues - 35 (47%)
- Those seeking general advice or information - 16 (22%)
- Issues with transfers - 9 (12%)
- Issues with accommodation/living standards - 5 (7%)
- Issues with bullying/discrimination - 5 (7%)



- Issues with injury/sickness - 4 (5%)

Separately, we have also assisted a total of 31 clients who sought advice in relation to seasonal work, but did not have status under the SWS at the time they contacted us. These clients either had a different form of immigration status in the UK or they were undocumented, with some having previously been on the SWS but their visa had now lapsed. A large proportion of the cases here involved Ukrainian nationals, who had previously arrived under the SWS, but could no longer return home due to the conflict with Russia.

Out of these 32 clients, recorded client issues were as follows:

- Those seeking general advice or information - 27 (64%)
- Those who had issues with the amount of work being given (too much or too little) and pay issues - 7 (17%)
- Issues with accommodation/living standards - 5 (12%)
- Issues with injury/sickness - 2 (5%)
- Bullying/discrimination - 1 (2%)

It is worth noting that the **figures above are likely to be an underestimate of the number of SWS workers affected by workplace issues on their respective farms**. In our observation, issues tend to affect groups of workers, but it is often the case that only one or two individuals report these situations to our organisation on behalf of the wider group. The case study below, involving a Nepalese client, is an example of this in practice:

CASE STUDY #1

In 2022, a Nepalese SWS worker approached us to make a complaint about the lack of continuity of employment offered for the duration of their visa. The client alleged that they had been offered just two months of employment, then told that no further work was available. Subsequently, they were told to vacate their caravan on-site and to change their return flights home (so they would leave the UK earlier than anticipated). **The client alleged that they were one of approximately 180 SWS workers in the same position.**

There is good reason for the apprehension that some workers have in reporting complaints on the SWS. Please refer to our response to question 53 for further information regarding the hurdles that seasonal workers face when attempting to make complaints about poor treatment on farms in the UK.

4. Which of the sectors below best describes the organisation/members you represent? Please select all sectors that apply.

- Agriculture, Forestry and Fishing
- Manufacturing (including poultry processing)



- Other¹

5. Can you give us some more detail about what the organisation/members you represent do?

The vast majority of SWS beneficiaries that we have advised have been picking fruit and/or vegetables at farms across the UK.

6. In which region / country of the UK are organisations/members you represent concentrated? Please select all that apply.

Though our organisation is based in Brent, London, our team advises beneficiaries that reside and work in all parts of the UK. This is also true for the population of SWS beneficiaries whom we have previously assisted.

7. Do the organisations/members you represent use the Seasonal Worker route?

The Work Rights Centre specialises in providing employment and social mobility advice to migrant workers and disadvantaged Britons. As a result, seasonal workers represent a relatively small proportion of the overall clientbase that our Service Provision team advises on a regular basis.

9. What has the retention of employees during the 6-month period of the Seasonal Worker visa been like for the organisations/members you represent? Where possible, please cite dropout rates and reason, e.g., people let go, and/or choosing to move on.

In our experience, retention of employees during the 6-month period of the SWS visa has been poor and is a worrying feature of the SWS (our response to question 3 indicates that over 1 in 10 of our clients with status under the SWS report issues with transfers). The main reason for this has been the inability of labour users to provide SWS beneficiaries with continuous employment on farms throughout the whole duration of the visa. Though earlier this year the Government announced that workers would be guaranteed 32 hours of paid work a week², a development we welcome, there is no parallel guarantee that workers will

¹ Generally we assist and advise beneficiaries that work in a wide range of sectors including cleaning, construction, hospitality, agriculture, delivery, care, retail, services, education and more. For further information on the types of beneficiaries we serve, please visit our Impact page: <https://www.workrightscentre.org/impact>

² Dugan, 'Farm workers on UK seasonal visas to be guaranteed 32 hours a week', *The Guardian*, 22 February 2023, available at : <https://www.theguardian.com/politics/2023/feb/22/farm-workers-on-uk-seasonal-visas-to-be-guaranteed-32-hours-a-week#:~:text=Organisations%20supporting%20seasonal%20workers%20have.the%20conditions%20for%202023%20visas.>



have opportunities to work for the entire duration of their stay in the UK. This has meant that some workers, such as the large group from Nepal referenced in our case study, have been told by their employers to leave their farms early, while others have made that decision independently. The ongoing need to work/earn money is often driven by workers' attempts to repay debts or fees incurred at the start of the recruitment process (see our response to questions 10 and 11 below). For example, previous research has identified that 62% of workers had reported entering into debt in order to come to the UK under the scheme.³

This issue has been exacerbated by a lack of realistic transfer pathways experienced by SWS beneficiaries. Though in theory scheme operators are required to '*establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such requests*⁴', transfers have been relatively scarce, including during busier months in the summer. Where transfers have been available, on some occasions, the distance between a worker's existing farm and the new farm has been considerable, with workers required to pay for their own transport to facilitate the transfer. Therefore, particularly where workers have been let go/sought a transfer shortly after their arrival to the UK, this financial burden imposed on workers has had a chilling effect on their ability to successfully transfer.

We have also observed other factors relevant to dropout rates amongst SWS beneficiaries:

- **Disputes over productivity and picking targets** - on some occasions, workers have alleged that picking targets have been unfair/revised upwards, making it difficult to meet the standards imposed by employers. Where this has escalated, some workers have taken steps to request a transfer/leave their current farms.
- **Standards of accommodation**⁵ - some workers opt to request transfers/leave their current farms owing to difficulties around standards of accommodation. Common

³ Focus on Labour Exploitation (FLEX), & Fife Migrants Forum (FMF), 'Assessment of the Risk of Human Trafficking for Forced Labour on the UK Seasonal Worker Pilot', March 2021, available at: <https://labourexploitation.org/publications/assessment-of-the-risks-of-human-trafficking-for-forced-labour-on-the-uk-seasonal-workers-pilot/#:~:text=Drawing%20on%20primary%20data%20collected,deception%20about%20the%20nature%20of>

⁴ UK Visas and Immigration, 'Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker', updated 12 April 2023, available at: <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker-accessible-version>

⁵ Mellino, 'It's almost the same as living on the street': this is how people picking your vegetables have to live', *The Bureau of Investigative Journalism*, 13 April 2023, available at: <https://www.thebureauinvestigates.com/stories/2023-04-13/its-almost-the-same-as-living-on-the-street-this-is-how-people-picking-your-vegetables-have-to-live>



complaints include accommodation being too cramped, damp, dirty and kitchen/toilet facilities either being too far away or shared by a large number of other workers.

- **Allegations of bullying and intimidation**⁶ - in a handful of cases, workers have tried to leave their farms due to incidents of bullying and/or intimidation. In these circumstances, we have observed that the allegations tend to be directed at farm supervisors tasked with overseeing the work and productivity of seasonal workers. We have also observed that incidents of bullying/intimidation tend to be orientated around differences of ethnicity and/or nationality.

10. Thinking about the costs involved with bringing a worker to the UK, do organisations/members you represent commonly pay for any of the following? Please select all that apply.

- Travel from country of origin
- Travel in UK
- Accommodation
- Visa cost
- Other: illegal recruitment fees

11. Do you have any views on the costs of using the Seasonal Worker visa? In your response, please specify which costs, how much and who pays these.

General commentary

Workers are asked to pay a number of different layers of fees just to secure a SWS visa. In our experience, this includes:

- Pre-departure costs (this includes travelling to interviews with operators, pre-departure orientation, fees to labour ministries and pre-departure medical tests/screening) - varies, but these can extend past £100
- Visa fee - £259
- Visa processing cost - £70-150
- Return flights - a few hundred pounds to over a £1000
- Certificate of sponsorship (though usually paid by the operator): £21
- Travelling to farm once arrived in the UK: up to around £80-100 (where applicable)
- Potential payment of illegal broker fees - into the thousands of pounds

⁶ Mellino and Pangeni, 'They treat you like an animal': how British farms run on exploitation', 27 March 2023, *The Bureau of Investigative Journalism*, 27 March 2023, available at: <https://www.thebureauinvestigates.com/stories/2023-03-27/they-treat-you-like-an-animal-how-british-farms-run-on-exploitation>



Collectively, conservative estimates suggest that seasonal migrant workers paid £35m in fees in 2022 alone.⁷ Even after seasonal workers arrive in the UK, they are faced with further costs or deductions for things like accommodation, bills, household items, transport, but also, importantly, tax. Analysis by the New Economics Foundation has suggested that after National Insurance contributions, accommodation costs, subsistence costs and visa and travel costs are deducted, seasonal workers can be left with as little as 7.6% of the retail price of the product that they pick e.g. for a punnet of strawberries retailing for £2.30, workers would keep around £0.18 on average. This percentage of retained earnings can be reduced further by the impact of unclaimed tax rebates and illegal broker/recruitment fees - to 2.9% (where recruitment fees are set at £1,700) or even -4.9% (where recruitment fees are set at £5,000). This analysis has suggested that the *'average experience of migrant agricultural workers in the UK is absolute poverty'*.⁸

In our view, some of the costs and/or deductions to workers' pay are completely illogical, and the tax rebate process that workers encounter is perhaps the best example of this. Seasonal workers are registered under the Pay As You Earn (PAYE) system, meaning that income tax is deducted from their pay. However, in most cases it is extremely unlikely that a seasonal worker will earn more than the current Personal Allowance of £12,570 in a given tax year under the SWS. As a result, to recoup these funds, seasonal workers are forced into making an application for a tax refund to HMRC. This can be incredibly difficult to action in practice, as workers return to their countries of origin after the end of their work placements. Another illogical cost facing seasonal workers is pension auto-enrolment. Workers should not face pension related deductions when, at present, there is no route for extension or long term settlement in the UK under the SWS.

The costs associated with access to the SWS scheme can also dissuade workers from reporting labour non-compliance. Indeed, research into the SWS has noted that *'the short term and restricted nature of the visa combined with the need to maximise earnings in the UK to pay off migration debts means that workers are not likely to see complaining about poor conditions as being in their best interest, and instead are likely to focus on earning what they can for the period they are in the UK'*.⁹

⁷ CCLA, 'Investors unite to ask firms to address plight of migrant seasonal workers', 19 December 2022, available at: <https://www.ccla.co.uk/insights/investors-unite-ask-firms-address-plight-migrant-seasonal-workers>

⁸ McAndrew, Fisher, McAllister and Jaccarini, 'Debt, Migration and Exploitation, The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture', 10 July 2023, available at: <https://landworkersalliance.org.uk/wp-content/uploads/2018/10/LWA-Debt-Migration-and-Exploitation-2023.pdf>

⁹ Ibid.



Travel from country of origin

Currently under the SWS, there is no official limitation on the number of source countries for the purposes of recruitment. On the contrary, in recent years the number and prevalence of different source countries has been increasing, including those which are many hours away from the UK (in 2022, 69 different nationalities were approved for the visa scheme).¹⁰ For example, while in the years 2019-2021 seasonal workers from Ukraine made up the vast majority of the SWS workforce, in 2022 there was a large increase in workers arriving from Central Asian territories, including Tajikistan, Uzbekistan, Kyrgyzstan, Kazakhstan and Nepal.¹¹ Similarly, in Q1 of 2022, 1,885 SWS visas were issued to nationals of these five countries, while in Q1 of 2023, the figure was 4,131, representing an increase of 119%.¹²

In order to arrive in the UK to commence work under the SWS, workers from these territories and others must book expensive flights, often costing many hundreds of pounds. This represents a significant capital investment for most workers under the SWS. Moreover, many workers book their return flight ticket at the same time that they book their initial flight to the UK. In some cases, we have observed that this has been problematic for workers who have been required or told to leave the UK early, whether due to a lack of work being provided or otherwise. Aside from not earning enough to recoup the price paid for their initial flights, workers can incur an additional fee for changing the date of their return flight booking, plunging them further into debt or financial difficulty.

Travel in UK

Our observation of workers' costs related to travel in the UK is mixed. Our understanding is that, particularly for groups of workers that arrive together, employers often pay/organise for the initial transportation of workers to the relevant farm. Upon arrival however, we have observed mixed reports from workers. Due to the rural location of some farms, some workers have complained about a lack of access to supermarkets and local pharmacies/health facilities, being completely reliant on their employer to undertake these

¹⁰ Ibid.

¹¹ Independent Chief Inspector of Borders and Immigration, 'An inspection of the immigration system as it relates to the agricultural sector', 19 December 2022, pg. 19, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125411/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf

¹² Home Office, Managed migration datasets, Entry clearance visas granted outside the UK, updated 20 June 2023, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1156803/entry-clearance-visa-outcomes-datasets-mar-2023.xlsx



trips. Other workers have reported using public transportation for such trips, the cost of which is paid for by workers themselves. This further reduces the earning capacity of seasonal workers under the SWS.

Accommodation

Our general observation is that most workers pay for caravan accommodation (which is usually located on-site) through deductions made to their payslips. The precise cost to workers is difficult to pinpoint because this tends to vary across individual farms/circumstances. It has been reported that some workers have also faced ancillary costs related to accommodation i.e. one off purchases made available on site.¹³

Visa cost

The application fee for the SWS is £259, a cost which is borne by workers. However, the latest visa fees transparency data ¹⁴indicates that the 'estimated unit cost' (i.e. the calculated estimate of the full financial cost for providing the relevant service) to the Home Office is only £129. This means that the fee that workers pay is over 100% more than the estimated unit cost. Given the importance of the SWS in providing the UK's horticultural sector with an adequate supply of labour and the other fees that are already imposed on workers (either directly or indirectly), we believe that there is an opportunity for this fee to be reduced/removed. This would alleviate some of the financial pressures that workers face when accessing the scheme. Alternatively, if the reduction/removal of the visa fee is not possible, we believe that there may also be an opportunity for part of the fee to be ring fenced for worker redress and compensation (please see the 'Other' section below for further detail).

Other

A relatively common phenomenon experienced by workers is the charging of illegal recruitment fees or broker fees by rogue actors/agents purporting to be officially involved in the SWS recruitment process. Research has identified that the charging of such fees is not just present in isolated cases, but they are '*embedded in the infrastructure of labour recruitment in many countries, to the extent that they function as an unavoidable layer in the*

¹³ Mellino, 'It's almost the same as living on the street': this is how people picking your vegetables have to live', *The Bureau of Investigative Journalism*, 13 April 2023, available at: <https://www.thebureauinvestigates.com/stories/2023-04-13/its-almost-the-same-as-living-on-the-street-this-is-how-people-picking-your-vegetables-have-to-live>

¹⁴ UK Visas and Immigration, Visa fees transparency data, last updated 29 June 2023, <https://www.gov.uk/government/publications/visa-fees-transparency-data>



recruitment process'.¹⁵ In cases that our organisation has dealt with, the amount of these fees can total thousands of pounds/dollars. To afford these exorbitant sums, often workers opt to take out loans, with some secured on personal assets. This adds an additional layer of pressure on seasonal workers to have a continuous pipeline of work/income in order to pay back loans and eventually remit money home/to family members.

CASE STUDY #2

Earlier this year, we were made aware of a Tajik SWS worker who had been charged fake broker/recruitment fees to access the SWS. Allegedly, the client had paid \$5,000 to an agency in Russia to arrange a job for them in the UK under the SWS. The client arrived in the UK in the summer of 2022 and was sent to pick fruit and vegetables in the south of England. Later on, the client's friends from Tajikistan informed the client that the Russian agency had now started charging workers an increased amount of \$12,000 in order to secure a role in the UK under the SWS.

The methods used by those looking to exploit seasonal workers are becoming increasingly sophisticated. Historically, we have observed how workers were exploited by agents/intermediaries located in countries outside the worker's country of origin (e.g. workers from Central Asian countries exploited by individuals located in Russia). Increasingly, social media is being used to facilitate the charging of fake/illegal recruitment fees. For example, we have observed how fake 'copycat' Telegram accounts have been created in order to dupe prospective workers into thinking that they are communicating with one of the licensed scheme operators. These accounts often mirror the descriptions and information contained on operators' own websites, and only those with a relatively sophisticated understanding of how the SWS recruitment process is meant to be undertaken are able to detect that these accounts are in fact fraudulent. In one recent case (which our organisation reported to the Gangmasters and Labour Abuse Authority (GLAA)) we were made aware of a small UK registered company, not officially involved in the SWS recruitment process, charging prospective seasonal workers from Kyrgyzstan fees for job searching/job finding services.

As the list of source countries for the SWS continues to expand and diversify, it will become harder for scheme operators and/or the UK's enforcement agencies to regulate and combat this fraudulent activity, particularly given gaps in resources. For example, in a recent House of Lords Horticultural Sector Committee session, the Director of Labour Market Enforcement, Margaret Beels confirmed that the UK's enforcement agencies are '*probably*

¹⁵ McAndrew, Fisher, McAllister and Jaccarini, 'Debt, Migration and Exploitation, The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture', 10 July 2023, available at: <https://landworkersalliance.org.uk/wp-content/uploads/2018/10/LWA-Debt-Migration-and-Exploitation-2023.pdf>



not going to receive more resources/funding to expand their activities.¹⁶ We are also concerned that despite multiple reports of workers being charged illegal recruitment fees¹⁷, there is no worker remediation scheme that has been put in place by the government or the private sector to compensate individuals who have suffered these losses. Therefore, a lack of mitigation persists at both the pre-recruitment (enforcement activity) and post-recruitment (worker compensation) stages.

12. To what extent, if at all, do you think the organisations/members you represent would be able to pay some of the costs associated with using the Seasonal Worker visa that are currently paid by the employee, or additional costs to support external monitoring/oversight of the scheme, if they had to do this to be able to continue to access the Seasonal Worker Scheme?

We do not represent labour users/businesses, so we cannot comment on the extent to which they would be able to pay for some of the employee borne costs associated with the SWS.

However, in this context, we note the relevance of the Dhaka Principles for Migration with Dignity, specifically principle 1¹⁸ which incorporates the Employer Pays Principle (EPP). The EPP states that '*no worker should pay for a job - the costs of recruitment should be borne not by the worker but by the employer*'.¹⁹ In addition, principle 1 states that 'the employer should bear the full costs of recruitment and placement'.²⁰ It also states that:

¹⁶ House of Lords, Horticultural Sector Committee, Corrected oral evidence: the horticultural sector, Thursday 11 May 2023, pg. 14, available at: <https://committees.parliament.uk/oralevidence/13225/pdf/>

¹⁷ Mellino, Pangenì and Pattison, 'Migrant fruit pickers charged thousands in illegal fees to work on UK farms', *The Bureau of Investigative Journalism*, 27 May 2023, <https://www.thebureauinvestigates.com/stories/2022-05-27/migrant-fruit-pickers-charged-thousands-in-illegal-fees-to-work-on-uk-farms>

¹⁸ Institute for Human Rights and Business, 'Migration with Dignity: Implementing the Dhaka Principles', December 2017, available at: <https://www.ihrb.org/dhakaprinciples/implementation-guidance>

¹⁹ Available at: <https://www.ihrb.org/employerpays#:~:text=No%20worker%20should%20pay%20for,worker%20but%20by%20the%20employer>.

²⁰ Institute for Human Rights and Business, 'Migration with Dignity: Implementing the Dhaka Principles', December 2017, available at: <https://www.ihrb.org/dhakaprinciples/implementation-guidance>



*'Employers should check with migrant workers on arrival that migrant recruiters have not charged any fees for recruitment or placement, and should take remedial action if fees have been levied. Confidential channels for reporting complaints about fees should be available to migrant workers. **Any fees found to have been paid by the migrant worker to secure employment should be refunded to that worker.**'²¹*

As explained in earlier questions, workers under the SWS incur a wide range of costs in order to access the scheme. At the same time, there is currently no remediation scheme in place to compensate workers that are charged unlawful or exploitative fees by rogue actors. Therefore, the entities that are legitimately engaged in the SWS recruitment process are, as it stands, falling well below the practice and standard that the EPP necessitates.

13. To what extent are the organisations/members you represent able to guarantee employees work for the full duration of their visa?

Please see our response to question 9. Both a lack of hours and the lack of continuity of employment are some of the biggest issues that the SWS currently faces. For example, Pro-Force, one of the SWS operators, has recently published results of its worker surveys conducted in 2022. These results indicate that 32.6% of respondents disagreed or strongly disagreed that they were provided with enough hours each week.²² The situation is further complicated by the fact that, by the time some workers actually arrive in the UK pursuant to their SWS visa, a number of weeks have already passed from the point at which the visa was valid/runs from. Again, this limits the amount of money that workers can earn during their time in the UK.

14. What happens when there is not enough work to give Seasonal Worker visa employees?

Please see our response to question 9. When workers are told by their employers to leave the farm on short notice, and to go back to their country of origin, there is a real risk that, saddled with debts and under pressure to recoup their investment, some of them will resort to working illegally on the black market, where they are vulnerable to exploitation. It is very important to understand that this is not a situation where workers come to the UK with the intention to overstay or break the conditions of their visa. On the contrary, this is a situation where people are pushed into working illegally in extremely precarious conditions, as the work they are expected to conduct comes to an abrupt end, and they are under pressure to recoup the costs they incurred coming to the UK (including visa fees, long haul flights, and accommodation).

²¹ Ibid.

²² Pro Force Limited, '2022 SWS Associate Survey Results Report', April 2023, <https://www.pro-force.co.uk/blog/2023/04/2022-sws-associate-survey-results-report?source=google.com>



18. The maximum visa length for the Seasonal Worker visa is six months for horticulture and 18th October - 31st December for poultry. How well/not well do you find the Seasonal Worker visa length works for the organisations/members you represent?

Too short.

19. Why do you say this?

As mentioned in our response to question 13, by the time some workers have arrived in the UK, a number of potential working weeks have already been wiped away, limiting the amount that workers can earn throughout their stay. If workers are indebted at the point of arrival, then it is crucial that they are given the greatest possible opportunity to remedy this situation, putting any form of official worker remediation to one side. For the most productive workers who find themselves at a farm that is compliant with the SWS rules, the six month duration of the visa limits their ability to earn more, while employers are not incentivised to invest further resources into their training and supervision.

Though it is arguably in both the interests of SWS employers and workers for the duration of the visa to be extended, this needs to be reconciled with existing problems around the continuity of work opportunities. It is important to understand that extending the duration of the visa will only improve worker welfare if the scheme addresses the issue of continuity of employment. Without continuity of employment, even with a 12 month visa workers would face the same risks: they plan and invest significant resources into an economic opportunity that doesn't materialise, putting them under pressure to recoup costs some other way, including by working precariously on the black market.

22. How easy/hard is it for the organisation/members you represent to find out information about the scheme or ask questions if they need to? Please select one.

Fairly difficult.

23. Which months in the year do the organisations/members you represent currently use seasonal workers? Please select all that apply.

Although we do not represent labour users/businesses, in our experience workers are used in some capacity throughout the entire year, though peak months are in the summer. Again, this means that the extent of peaks and troughs in work opportunities varies across workers depending on the time of the year that they enter the UK.

25. How accurately are the organisations/members you represent able to plan ahead when using this scheme?



Please see our response to question 9. As there is no guarantee that a worker will have continuity of employment throughout the duration of the visa, the SWS workforce are not able to plan ahead at all. Indeed, we have observed cases where workers have been told that there is no work/further work available for them with little to no notice period whatsoever.

26. How has the experience of using the scheme been for the organisations/members you represent? Please select one.

Most organisations/members have not found it positive.

27. Why was this their experience?

Our response to question 26 is only reflective of the SWS clients that we have assisted (i.e. around 78% of workers with status under the SWS who sought our advice did so because they were experiencing an issue, rather than merely seeking information). In general, the observation from our affected client base is that the SWS involves a confusing, lengthy and expensive process, where the expectations of workers prior to recruitment do not necessarily match the reality of life after arriving and working in the UK.

Though we understand further work is currently being done by scheme stakeholders to regularly acquire feedback from seasonal workers (in particular through the Just Good Work app), further evidence is required in order to make any wider observations about worker experiences under the SWS. Notably, in our view it is extremely important that this evidence is gathered proactively by the government departments which oversee the SWS, in conjunction with the GLAA, and that the government does not rely on the visa operators to self-regulate. Self-regulation carries an inherent risk of bias and positive self-representation, which the government must mitigate.

We note that the Department for Environment Food & Rural Affairs (DEFRA) conducted a SWS pilot review in 2019, including interviews of migrant workers under the SWS. That review identified that:

- 16% of respondents were not paid in full for the work that they had carried out.
- 4% of respondents had not been paid on time.
- 15% of respondents said that their accommodation was neither safe, comfortable, hygienic nor warm.
- 10% of respondents said their accommodation had no bathroom, no running water, and no kitchen.



- 22% of respondents alleged that they were not treated fairly by farm managers, with respondents noting incidents of racism, discrimination, mistreatment by managers on grounds of worker nationality.²³

The 2020 and 2021 DEFRA surveys were also published recently. Some of the key findings relating to worker welfare are summarised below:

2020 DEFRA SURVEY ²⁴	2021 DEFRA SURVEY ²⁵
14% of respondents said that they did not feel that farm managers treated them equally to other workers.	11% of respondents said that they did not feel that farm managers treated them equally to other workers.
24% of respondents said that they did not feel supported by farm managers in their work.	16% of respondents said that they did not feel supported by farm managers in their work.
8.1% of respondents said that farm support staff were unhelpful or very unhelpful.	7.5% of respondents said that farm support staff were unhelpful or very unhelpful.
4% of respondents were not paid in full for their work.	5% of respondents were not paid in full for their work.
9% of respondents stated that employers did not adhere to their contractual arrangements.	7% of respondents stated that employers did not adhere to their contractual arrangements.
4% of respondents stated that they had paid recruitment fees in their home countries.	6% of respondents stated that they had paid recruitment fees in their home countries.
13.6% of respondents stated that their accommodation did not match their description.	11% of respondents stated that their accommodation did not match their description.
9.3% of respondents identified their general physical working conditions as bad or very bad.	Around 5% of respondents identified their general physical working conditions as bad or very bad.

²³ Department for Environment Food & Rural Affairs, 'Seasonal workers pilot review 2019', published 24 December 2021, available at: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019>

²⁴ Department for Environment Food & Rural Affairs, 'Seasonal workers survey results 2020', published 18 July 2023, available at: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-survey-results-2020>

²⁵ Department for Environment Food & Rural Affairs, 'Seasonal workers survey results 2021', published 18 July 2023, available at: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-survey-results-2021>



19.9% of respondents indicated that they received none of the supplies necessary to do their work.	12% of respondents indicated that they received none of the supplies necessary to do their work.
7.1% of respondents indicated that Covid-19 regulations were not followed.	4% of respondents indicated that Covid-19 regulations were not followed.
45% of respondents who gave information on their treatment after they had become injured or sick on their work placements said that farm managers did not ensure they received treatment.	51.3% of respondents who gave information on their treatment after they had become injured or sick on their work placements said that farm managers did not ensure they received treatment.
Of respondents who made complaints during their time in the UK (10.7%), working conditions, treatment by management, and illness and injury were the most common issues identified. Other issues identified included the number of working hours available, workers having to provide their own equipment and how complaints were handled.	Of respondents who made complaints during their time in the UK (12%), living conditions, treatment by managers and working conditions were the most common issues identified. Other issues identified included leave allowance and payments for transportation.
39% of respondents said that it was not easy to file a complaint if they needed to.	40% of respondents said that it was not easy to file a complaint if they needed to.
48% of respondents said that their complaints were not followed up by farm managers.	44% of respondents said that their complaints were not followed up by farm managers.
4% of respondents were unlikely or very unlikely to return to do seasonal work in the UK.	3% of respondents were unlikely or very unlikely to return to do seasonal work in the UK.

It is also worth noting some of the self-stated limitations in the methodology of the 2020/21 surveys. In particular, surveys were distributed through scheme operators on whom workers rely for access to work, meaning that some workers may have been reluctant to provide negative feedback or respond at all. For the 2021 survey, it is worth noting that this survey was not distributed to the 18,800 Ukrainian seasonal workers who were issued with a SWS visa but had returned home. This meant that survey respondents constituted only 3% of the total cohort of seasonal workers in that year. The survey notes also indicate that reading or comparing across various years of the scheme is made difficult owing to some of these methodological limitations and the changes to the scheme year-on-year.



The 2020 and 2021 DEFRA surveys were published after a lengthy delay. This severely impacted the ability of stakeholders to understand scheme-wide compliance and worker satisfaction on the SWS on a contemporaneous basis. In future, we would advocate for the timely release of such information, as referenced in our response to question 47.

46. How efficiently do you think the scheme is organised by the government, which sets the overall rules and numbers for the Seasonal Worker visa route? Please select one.

Very inefficiently.

47. Why do you say that? Please be specific about any improvements you would like to see.

In December 2022, the ICIBI made a number of damning observations about the allocation of roles and responsibilities regarding worker welfare and compliance under the SWS, including the following:

- The inspection *'did not provide a clear picture as to how responsibilities were divided across the Home Office, other government departments, devolved administrations and local authorities'*.
- Inspectors received *'contradictory information about the distribution of responsibilities from Home Office staff and other government departments'*.
- There is a *'lack of clarity about who is holding farmers and scheme operators accountable'*.
- The *'Home Office has not demonstrated that it has the mechanisms or capabilities in place to assure itself that scheme operators are meeting compliance requirements. When serious concerns have been raised by workers themselves, it did not act promptly or seriously'*.²⁶

We endorse the ICIBI's findings in this regard. Though the Home Office accepted all three of the ICIBI's recommendations, stakeholders are in practice yet to see the details of the Home Office's response including a communications and engagement roadmap, a document setting out the roles and responsibilities of various Home Office units within the SWS, and the presence of a new team dedicated to monitoring the operational immigration elements of the scheme.²⁷

²⁶ Independent Chief Inspector of Borders and Immigration, 'An inspection of the immigration system as it relates to the agricultural sector', 19 December 2022, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125411/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf

²⁷ Home Office, 'A response to an inspection of the immigration system as it relates to the agricultural sector', 19 December 2022, available at: <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-immigration-system-in-the-agricultural-sector/a-response-to-an-inspection-of-the-immigration-system-as-it-relates-to-the-agricultural-sector>



Aside from the recommendations made in the ICIBI's report, there are a number of recommendations that we would support to enhance migrant worker welfare under the SWS. They include:

1. **Better SWS data** - stakeholders would benefit from more detailed and frequent data releases concerning the SWS and scheme compliance. Given the delays in publishing previous DEFRA worker surveys, we would recommend that data releases follow a prescribed set of regular deadlines, to ensure that information does not become out of date.
2. **A guarantee of employment throughout the duration of the visa** - this may involve an assessment of both the supply and demand of seasonal labour and the current efficiency of existing transfer mechanisms. We also would recommend the proactive monitoring of National Living Wage compliance amongst employers, as well as compliance with the guarantee of workers being given 32 hours of paid work a week. We have observed how the combination of employers using piece rate payment methodology and the consistent under recording of worker hours on payslips leads to a system where workers are paid less than what they are entitled to, something that has been confirmed by recent research into the SWS.²⁸ We anticipate that further inspection in this context will be dependent on additional resources being provided to labour market enforcement bodies (see below).
3. **An active channel of communication with organisations representing and supporting migrant workers.** The Work Rights Centre is one of just a handful of organisations that offer free, confidential, multilingual advice to seasonal workers working in the UK. We strive to collect good case data and to produce evidence-based recommendations for policymakers. We were disappointed to see that our attempts to establish a channel of communication with the Home Office have been unsuccessful - indeed, even when staff at the ICIBI attempted to establish that channel on our behalf. In our view, the absence of this channel is a missed opportunity for the Home Office and DEFRA to spot and address issues with the scheme in a timely and constructive manner. Nonetheless, we remain committed to making our frontline intelligence useful to government and migrant workers.

4. Enforcement:

²⁸ McAndrew, Fisher, McAllister and Jaccarini, 'Debt, Migration and Exploitation, The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture', 10 July 2023, available at: <https://landworkersalliance.org.uk/wp-content/uploads/2018/10/LWA-Debt-Migration-and-Exploitation-2023.pdf>



- a. **Ensure that there is a safe reporting environment for migrant workers under the SWS**, by instituting a firewall between the responsible enforcement agencies and the Home Office/immigration enforcement. As mentioned in our response to question 53, this is one of the barriers that workers face when considering reporting instances of non-compliance. Previous research has identified that the introduction of safe reporting environments is key in protecting migrant workers from labour exploitation.²⁹

- b. **Increased resources for labour market enforcement.** It is vital that the UK's labour market enforcement agencies are provided with further resources in order to expand their remit and role in labour market compliance, including under the SWS. Research by the Resolution Foundation has identified that the UK's total enforcement spend per employed person has flatlined since 2014 and stands at an annual figure of around £10.50 per worker - this is one of the reasons why the UK lags behind international partners in terms of labour inspectors.³⁰ Additionally, one of the SWS' key actors, the GLAA, started 2022-23 with a budget deficit of £500,000.³¹ It is not going to be possible for the GLAA to drive and expand enforcement and licensing compliance under the SWS if it is preoccupied with creating efficiencies. We would recommend that the government tackles the current enforcement funding gap as a matter of urgency.

- c. **Consider the possibility of bilateral and binding agreements between the UK and source countries.** Though in recent times the GLAA has signed agreements with Uzbekistan and Kyrgyzstan³², it is not clear the extent to which these constitute formal agreements on the SWS as a whole, beyond a general agreement between the respective enforcement agencies to share information and co-operate. The UK should consider the possibility of

²⁹ Labour Exploitation Advisory Group, 'Opportunity Knocks: Improving responses to labour exploitation with secure reporting', Focus on Labour Exploitation (FLEX), April 2020, available at: <https://labourexploitation.org/app/uploads/2020/04/LEAG-SECURE-REPORTING-FULL.pdf>

³⁰ Judge and Slaughter, 'Enforce for Good, effectively enforcing labour market rights in the 2020s and beyond', Resolution Foundation, April 2023, available at : <https://www.resolutionfoundation.org/app/uploads/2023/04/Enforce-for-good.pdf>

³¹ GLAA Business Plan 2022/23 available at : <https://www.gla.gov.uk/media/8691/business-plan-20223.pdf>

³² GLAA, 'The Gangmasters and Labour Abuse Authority (GLAA) has signed landmark agreements with the governments of Kyrgyzstan and Uzbekistan in a move to strengthen the protections for workers arriving in the UK.', 30 May 2023, available at: <https://www.gla.gov.uk/whats-new/latest-press-releases/30052023-glaa-signs-landmark-agreements-with-kyrgyzstan-and-uzbekistan/>



introducing bilateral and binding agreements with source countries that delineate processes and responsibilities from start to finish under the SWS. This would allow the UK to develop the mechanisms required to ensure the safe migration of workers under the scheme. It is also worth noting that some of the UK's key international partners adopt this strategy for their own equivalent schemes. For example, France has signed bilateral agreements with Morocco and Tunisia to both attract and regulate the recruitment of seasonal workers³³. In addition, Canada's seasonal worker programme is underpinned by the bilateral agreements it has signed with Mexico and 11 other Caribbean countries.³⁴

5. **Transfers** - the government should update the SWS guidance for sponsors with further details about transfers including:
 - a. The right to request transfers where productivity targets are considered unreasonable or accommodation is inadequate.
 - b. The right to transfer after the termination of workers' contracts but before the end of their SWS visa.
 - c. Clarity on who covers the cost of transferring workers from one farm to another.
 - d. Codifying the process and procedures in place if and where a sponsor loses its licence or has it suspended. This is crucial to avoid uncertainty for workers and to ensure a smooth transition to another SWS operator (if possible).

6. **Accommodation** - the government should take the first step of updating the SWS guidance for sponsors with more prescriptive information about accommodation requirements. The current guidance to sponsors confirms that accommodation needs to be '*hygienic, and safe*' and that it is '*in a good state of repair*'. This description is too vague and leaves too much room for interpretation as to the precise accommodation standards that migrant workers should expect. Ultimately, this may be an area in which the government might have to legislate in order to bring up accommodation standards, and we would endorse such action.

7. **Visa flexibility** - the government needs to reform the SWS to ensure that its current inflexibility does not continue to produce situations of exploitation and instability for migrant workers. As a result, consideration should be given to:

³³ European Commission, 'Attracting and protecting the rights of seasonal workers in the EU and United Kingdom', December 2020, Available at: https://home-affairs.ec.europa.eu/system/files/2020-12/00_eu_seasonal_workers_study_synthesis_report_en_1_0.pdf

³⁴ International Labour Organisation, 'Intervention Model: For extending social protection to migrant seasonal agricultural workers', February 2022, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_836459.pdf



- a. **Making the visa less restrictive** so that workers can do other categories of work if they are able to demonstrate that they have been provided with an insufficient amount of work under the SWS.
 - b. **Extend the duration of the visa or operate a multi-entry system**, provided that issues regarding continuity of employment are adequately addressed.
 - c. **Ensure that there is a route to settlement under the SWS**, to incentivise and provide stability for returning workers over a multi-year period. We anticipate that this would have an additional benefit for employers under the SWS too.
- 8. Costs** - to ensure compliance with recognised international standards, the government should ensure that the EPP is adopted as a matter of course for the SWS. This includes initial migration costs, but also visa fees and recruitment costs too. This may require the cooperation and input of larger retailers and businesses in the private sector. As is necessary for a complete adoption of the EPP, we would endorse the introduction of a worker remediation scheme, which looks to compensate workers who have been subject to fraudulent activity and/or scams. Illogical worker deductions and costs like income tax and pension contributions need to be mitigated, perhaps through the introduction of a separate tax code and the removal of auto-enrolment for seasonal workers.

48. How efficiently do you think the scheme is administrated by the scheme providers who allocate workers to employers? Please select one.

Neither efficiently nor inefficiently.

49. Why do you say that? Please be specific about any improvements you would like to see.

As a frontline organisation supporting seasonal workers, it is difficult to be unequivocal in our assessment of the scheme operators' ability to administer the scheme as we do not have complete oversight of their operations.

Nonetheless, we are aware that, historically under the SWS, some scheme operators have encountered difficulties in maintaining scheme compliance and this has had implications on their ability to maintain their licences. For example, in early 2023, AG recruitment had its licence revoked by the Home Office, while Fruitful Jobs had its licence suspended and reportedly downgraded.³⁵

³⁵ McKinney, Coe and Stewart, 'Seasonal Worker visas and UK agriculture', House of Commons Library, 26 June 2023, available at: <https://researchbriefings.files.parliament.uk/documents/CBP-9665/CBP-9665.pdf>



Though we are aware of recent efforts by scheme operators to improve overseas/pre-departure practice, we remain concerned by the scheme operators' use of local agents. Through our engagements with local stakeholders in some Central Asian territories we are aware of unconfirmed, local reports that some scheme operators are still using agents that are not properly licensed/regulated under local law (whether they are GLAA licensed or not). Similarly, we are concerned to hear of local reports that existing scheme operators are using recruitment agents that are remote-only and in any case have their business premises located in territories outside the source countries where workers are recruited from. In our view, both of these factors enhance the risk of worker exploitation. More due diligence needs to be undertaken to understand the role of these local agents and the extent to which they are operating in accordance with local law.

What is clear to us is that the government should not be outsourcing ultimate responsibility for worker welfare to scheme operators, even though they have an important role to play. The Home Office, as the 'owner'³⁶ of the SWS, and the UK's enforcement bodies are, in our view, ultimately responsible for the gaps in worker welfare that have been noted to date.

51. How well do you think the Seasonal Worker Scheme in its current form safeguards the welfare of workers?

Fairly badly.

52. Why do you say that? Please be specific about any improvements you would like to see, for example new rules/requirements or improving the enforcement of existing rules.

Please refer to our response to question 47 for both comments around the lack of safeguarding of worker welfare and a list of improvements to the SWS that we would endorse.

53. Do you have any views on how well/not well the current complaints process for employees works? Please be specific about any changes that could be made (for example to make employees who have complaints more likely to come forward, or to enable problems to be resolved more quickly).

Our view is that the complaints process under the SWS is in need of improvement. This is for two reasons. The first pertains to barriers at individual worker level. As mentioned in response to question 47, to enable employees to come forward with complaints, there needs

³⁶ Independent Chief Inspector of Borders and Immigration, 'An inspection of the immigration system as it relates to the agricultural sector', 19 December 2022, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125411/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf



to be a safe environment for migrant workers to report mistreatment or non-compliance. In our experience, most workers are too scared of 'backlash' that they might receive if they report a complaint. They are concerned that their immigration status under the SWS would be withdrawn (this includes cases where there would be no technical grounds for doing so and where the client has received immigration advice on their current status in the UK). Separately, they are also concerned that word might reach their employer/supervisor, and they will be punished in a different way e.g. bullying, not being given work etc. Finally, our report last year identified that taboos around being a victim of violence, speaking to authorities or being perceived as weak can inhibit reporting. Enforcement agencies also need to be aware of seasonal workers' experiences doing horticultural work in other countries, where exploitation and apathy to workers' concerns are more normalised e.g. Central Asian workers who have previously worked in suboptimal conditions in Russia.³⁷

There are also barriers at systemic levels. The labour enforcement ecosystem in the UK is extremely fragmented, leading to confusion over different agencies' remits. Currently, the GLAA is the only agency that proactively engages with seasonal workers. However, resourcing issues limit its abilities to investigate complaints fully. Similarly, according to the GLAA's latest annual report,³⁸ the number of all cases that result in an outcome is under half of all the cases led by the GLAA. Better resourcing, but also a transparent client charter could make a substantial difference in how complaints are handled, and in workers' trust. In our view, a client charter should tell workers how their reports are handled, when they might expect to hear back from the GLAA, and indeed, what redress is available.

Reporting pathways also vary between scheme operators. In our view it would be helpful to establish a single reporting channel to scheme operators, with standard response times too. This would also assist frontline organisations like ourselves in mediating the communication between workers and their respective scheme operators. Though some scheme operators have reached out and offered to escalate individual cases where required, more structure and consistency needs to be built into the complaints process so that complaint handling and resolution is a consistent experience for all workers.

54. The scheme is currently guaranteed until 2024. What (if any) are your views on this?

Any extension of the scheme beyond 2024 needs to be conditional on the implementation of at least some of the reforms referenced in response to question 47. Though the ongoing

³⁷ Vicol, D.O. and Savistki, A. (2022) Seasonal work after the war in Ukraine. An analysis of Home Office entry clearance data for Q1 2021 – Q1 2022, and what it means for the fight against labour exploitation. [Available online] <https://www.workrightscentre.org/news/seasonal-work-after-the-war-in-ukraine>

³⁸ Gangmasters and Labour Abuse Authority, 'GLAA Annual Report and Accounts, 1 April 2021 to 31 March 2022', available at: <https://www.glaa.gov.uk/media/8946/glaa-annual-report-and-accounts-2021-22-web-version.pdf>



supply of labour is important for the UK's horticultural sector, it cannot be right for the ongoing issues with the SWS concerning worker welfare to remain unresolved. Given the prevalence of these concerns, reported across the mainstream media, lack of reform of the SWS would result in the government/retailers being effectively complicit in worker exploitation.

55. The rules of the scheme are that you must be over 18 to use the route, and you cannot bring dependants. You must have enough money to support yourself in the UK (usually at least £1,270) and there is no English language requirement. Once Seasonal Worker visa employees return to their home country, they must spend at least 6 months there before they are able to return to the UK. Do you or the organisations/members you represent have any views about these rules?

In our experience, the money required for workers to support themselves in the UK/their maintenance costs are usually certified by scheme operators, though our understanding is that this is not guaranteed in all cases.

Whilst in our view English language proficiency amongst seasonal workers would be helpful so that they can understand the recruitment process and be better placed to make complaints where necessary, the imposition of an English language requirement would likely be an impediment to sourcing labour under the scheme.

Our view on the 6 month 'cooling off' period for workers is aligned with the recommendations as to visa flexibility made in response to question 47. Our view is that there should be the possibility of extension for those workers that could be employed on an ongoing basis. We anticipate that this would help to extend the earning capacity of workers and would soften some of the labour supply issues faced by employers. However, this should again be conditional on there being an adequate amount of work available for the entire duration of workers' stays in the UK.

56. The scheme currently allows employees to change employer over the course of their stay in the UK. Do you have any views on this?

Please see our response to question 9. In theory, the transfer of seasonal workers to other farms/employers is possible, but in practice it is difficult.

Previous research has identified that a majority of workers self-reported making unsuccessful attempts to transfer. Some workers were informed that transfers were not possible, others were refused while others were simply ignored.³⁹ More recent research has

³⁹ Focus on Labour Exploitation (FLEX), & Fife Migrants Forum (FMF), 'Assessment of the Risk of Human Trafficking for Forced Labour on the UK Seasonal Worker Pilot', March 2021, available at: <https://labourexploitation.org/publications/assessment-of-the-risks-of-human-trafficking-for-forced->



also identified that where some workers were able to secure transfers, it was only because they had pressured their relevant scheme operator by refusing to work at all. On the other hand, some workers have reported being transferred without choice and without much notice.⁴⁰

As mentioned in our response to question 47, the process for workers to secure transfers needs to be clear and transparent. The efficiency of worker transfers is key in ensuring both an adequate supply of labour but also an adequate supply of work for individuals under the SWS.

57. To what extent (if at all) do you think it will be possible to fill the jobs currently being done by seasonal workers from the UK workforce in future?

In our view, there is no evidence to suggest that this is immediately forthcoming or likely to happen in the foreseeable future. On the contrary, previous attempts to encourage UK workers into the sector have only had a small or marginal impact on the composition of the overall workforce. For example, in 2020 the government and industry bodies ran a 'Pick for Britain' campaign aimed at getting UK workers into the sector. While the campaign had a positive impact in the first half of 2020 (with the share of the UK workforce jumping from approximately 1% to 11%), this was not sustained, and numbers dropped as other sectors reopened following the Covid-19 lockdowns.⁴¹ The EFRA committee concluded that the campaign 'did not achieve what it had hoped to do: attract a significant number of British workers to pick crops'.⁴²

59. How well/not well do you think the Seasonal Worker visa route currently works for those who come to the UK as a seasonal worker? Please give us as much information about your views as you wish.

[labour-on-the-uk-seasonal-workers-pilot/#:~:text=Drawing%20on%20primary%20data%20collected,deception%20about%20the%20nature%20of](#)

⁴⁰ McAndrew, Fisher, McAllister and Jaccarini, 'Debt, Migration and Exploitation, The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture', 10 July 2023, available at: <https://landworkersalliance.org.uk/wp-content/uploads/2018/10/LWA-Debt-Migration-and-Exploitation-2023.pdf>

⁴¹ McKinney, Coe and Stewart, 'Seasonal Worker visas and UK agriculture', 26 June 2023, available at: <https://researchbriefings.files.parliament.uk/documents/CBP-9665/CBP-9665.pdf>

⁴² Environment, Food and Rural Affairs Committee, The UK's new immigration policy and the food supply chain, HC 231 2019-21, 22 December 2020, available at: <https://publications.parliament.uk/pa/cm5801/cmselect/cmenvfru/231/23102.htm>



While there is potential for the SWS to be beneficial to both workers and the UK horticultural industry, the ongoing prevalence of a number of design issues with the scheme means that the risk of exploitation or mistreatment is too high for the scheme to be considered to work 'well' for seasonal workers. Much reform is needed to ensure that the SWS route and the main stakeholders involved with the scheme (operators, Home Office and enforcement bodies) are adequate and fit for purpose. We would endorse the recommendations mentioned in response to question 47 which are orientated around the primary concerns and welfare of seasonal workers coming to the UK under the SWS.

60. Is there anything else you would like to tell us about your views, or the views/experiences of the organisations/members you represent on the Seasonal Worker visa? For example, if there is anything that could be improved about the scheme.

Please refer to our response to question 47 for a list of improvements to the SWS that we would support.

61. If you have any other documents or information you would like to send us, please attach any files you wish to here, or email these to mac@homeoffice.gov.uk

We have attached further documentation for the MAC's consideration.

62. Would you be happy for us to quote anonymously from your response to this CfE?

Yes.

63. Would you be happy for us to name your organisation in the published report?

Yes.

64. Would you be happy for us or Revealing Reality, who are independent research contractors appointed by the MAC, to recontact you in the next 12 months to invite you to take part in follow-up research regarding similar issues covered in this questionnaire?

Yes.

65. And would you be willing for us to contact you if we needed to clarify or supplement responses you have given in this questionnaire?

Yes.



66. Would you like to be invited to any future stakeholder events the MAC may hold?

Yes.