

Executive Summary

**FOCUS ON  
LABOUR  
EXPLOITATION**

# Bearing fruit: Making recruitment fairer for migrant workers

April 2024



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Focus on Labour Exploitation (FLEX) is a research and policy organisation working towards an end to labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy.

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Designed by Let's Dance.

**FOCUS ON  
LABOUR  
EXPLOITATION**  
Working to end labour exploitation



**JUSTICE  
TOGETHER**



**“I can tell you that a lot of people in Kazakhstan have sold their belongings or their assets just to have enough money to come here. Hoping that it would be better here and can earn more money. Can you imagine? Sold everything they owned! There are some people who leave their jobs to come here, because they are told that it would be better here. They see it on Tik Tok, Telegram or Instagram videos and everything looks perfect and beautiful. But once they arrive here, it’s completely different. It is just an image, a deception.”**

Amina, Woman, 32, from Kazakhstan. 5th August 2023.



# Executive summary

## 1. Introduction and background

The Seasonal Worker Scheme (SWS) facilitates the recruitment of migrant workers on temporary visas to the UK to work in horticulture or poultry production. There is no route to settlement for those on the SWS, workers have no recourse to public funds, they cannot apply for visa extensions and they cannot bring family with them to the UK. Workers are tied to the Scheme Operator that issues their certificate of sponsorship and they are not allowed to engage in any other type of work in the UK. They can only work in certain agricultural roles, and only at farms that their scheme operator places them at.

This report focuses on 399 surveys and 83 interviews from migrant workers on the SWS<sup>1</sup>, as well as 15 key stakeholder interviews that were collected between June 2022 and October 2023, including four scheme operators, three retailers, one international organisation, five staff from organisations that provide support to SWS workers (support organisations), one trade association, and one factory.<sup>2</sup> FLEX also visited one farm in the UK to observe how farm work and operations happen in practice. Similarly, staff from FLEX attended information sessions and pre-departure orientation sessions provided to workers in Bishkek, Kyrgyzstan. Surveys and interviews were carried out by caseworkers/researchers from our partner organisations, Rosmini Centre Wisbech, Citizen Advice South Lincolnshire, and the Southeast and East Asian Centre (SEEAC).

This research aims to investigate and assess recruitment-related risks stemming from the Government's design of the SWS, as well as highlight cases of good practice. Finally, it looks at how to mitigate and address the identified risk. This is the first in a series of planned reports by FLEX, with future publications focusing on other aspects of the route, including working and living conditions, and the ability of workers to leave exploitative conditions.

FLEX has engaged in active advocacy work on a range of issues related to the design and monitoring of the SWS since its announcement, liaising with a range of stakeholders including industry bodies, government departments, parliamentary groups, and non-governmental organisations providing direct support to workers. This report is informed by this work.

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1 Workers' names in this report have been changed to protect the identities of participants

2 FLEX also reached out to more than 40 growers, none of which accepted requests for an interview. Several Government departments relevant to the scheme were also contacted including the Home Office, DEFRA, the HSE, and the GLAA, with all declining a request to be interviewed. The three remaining scheme operators not interviewed either did not reply to requests or declined to be interviewed.

This research also builds on FLEX's previous research on the scheme, as well as on academic, non-academic, and official reports, which have all highlighted risks of labour exploitation for workers on the route, many of which relate to recruitment-related factors.

## 2. Findings

### 2.1 Demographics

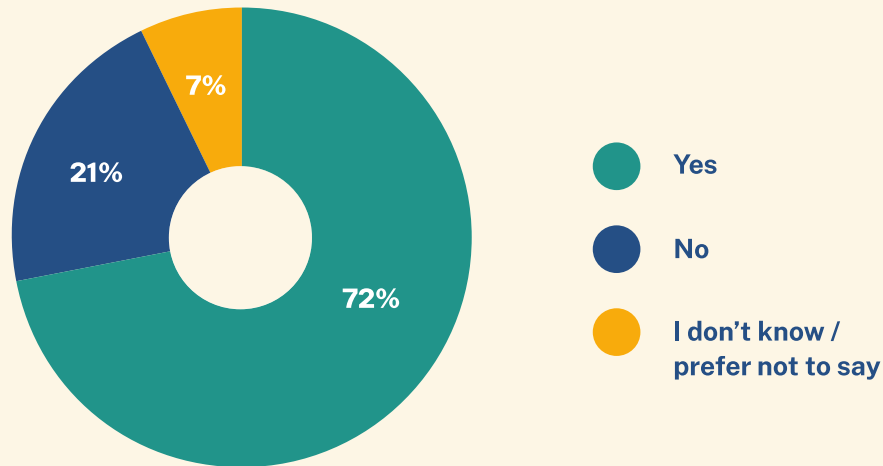
Three-quarters of participants were men (71.4%), one-quarter were women (28.1%), and 0.5% preferred not to say. Participants held nationalities from 16 different countries, mainly from Indonesia (9.4%), Kazakhstan (31.9%), Kyrgyzstan (18.0%), Uzbekistan (18.5%), Tajikistan (4.8%), and Moldova (4.8%). With a small number of workers from Belarus (1.6%), Bulgaria (1.3%), Germany (0.3%), Iran (0.3%), Macedonia (0.3%), Nepal (1.0%), Poland (0.3%), Romania (2.3%), Russia (2.3%), Ukraine (1.8%). Further 6 workers (1.5%) reported other nationalities. Workers were aged between 19 and 58 with a median age of 31 ( $\pm$  7.15).

### 2.2 Recruitment linked to debt

Most workers reported taking out a loan to cover the costs of coming to the UK (72%), with a higher proportion among women (76.8%) compared to men (69.9%) and with large variations in country. Workers in Ukraine (47.9%), Kyrgyzstan (47.9%) reported the lowest percentage in the sample, with those in Belarus (66.7%), Kazakhstan (73.6%), Moldova (73.7%) falling close to the average, and higher reported rates from nationals from Uzbekistan (80.8%) and Indonesia (91.7%).

Workers surveyed in this study reported paying between £0 – £5,500 in total to come to the UK to work before even earning a wage, with a median amount of £875 ( $\pm$  962) and a mean of £1,231 (overall average). As shown by the large standard deviation, there was a lot of variance in the data. Men in the study had a higher median of £950 ( $\pm$  1,017) compared to women (£800  $\pm$  711). The median amount for workers from Romania (£490), Ukraine (£600), Belarus (£631), and Bulgaria (£690), were at the lower end of the sample, followed by Moldova (£775), Kyrgyzstan (£780), Russia (£800), Uzbekistan (£850), Kazakhstan (£900), Tajikistan (£1,000), and Nepal (£1,500), with Indonesia (£3,547) at a

## Took out a loan to cover costs of coming to the UK (%) (n=396)



Took out a loan to cover costs of coming to the UK (%) (n=396)

much higher amount.

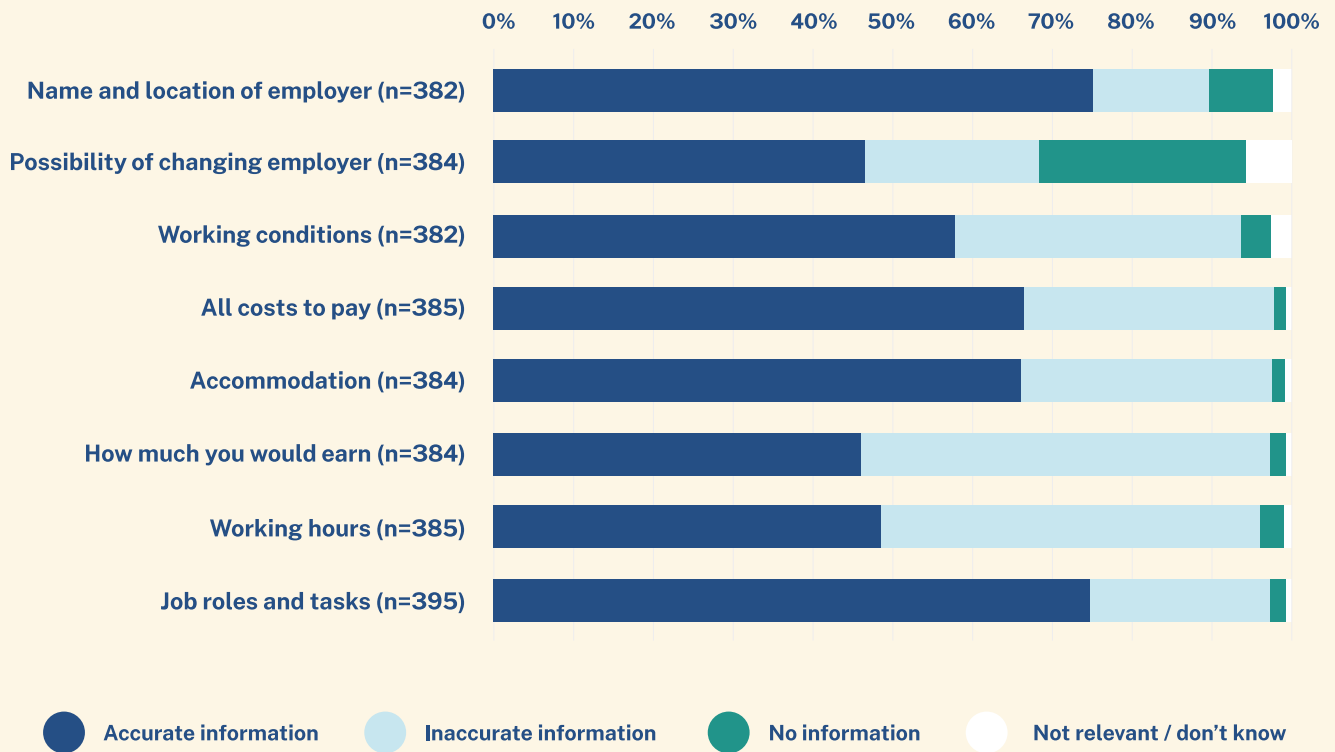
One retailer also suggested that the Government could remove visa fees for workers to help avoid people falling into debt. At present the SWV costs workers £298, but costs the Home Office just £137 to process (UKVI, Visa Fee Transparency Data, October 2023). This means that they make a profit of £161 on each visa.

Resolving the level of debt caused by legitimate costs on the route (e.g. travel costs, visa fees) would require careful consideration of the distribution of profit across the supply chain. Concerning the possibility of shifting the costs of recruitment and associated fees away from workers, for example through some form of employer pays principle, scheme operators and retailers were generally open to the idea, dependent on a few conditions, including that any switch would require a change in scheme rules applied by the UK Government, rather than specific scheme operators deciding to do this on their own accord, and suggesting that it could be phased in over time.

### 2.3 Risk of deception about nature of the job

Three quarters of workers surveyed reported receiving accurate information concerning their job roles and tasks (Total:74.9%; Men:75.1%; Women:74.1%), and two thirds accommodation (68.1%). Men (69.1%) were more likely than women (60.7%) to report receiving accurate information on accommodation. Regarding financial aspects and pay, two in three reported receiving accurate information on all the costs they would need to pay (T:66.5%; M:64.6%; W:70.5%) and half on working hours (T:48.8%; M:50.0%; W:45.9%) and on how much they would earn (T:46.1%; M:47.6%; W:43.2%). Concerningly, about one in four (T:26%; M:24.0%; W:31.5%) said they received no information about the possibility of changing employers in the UK.

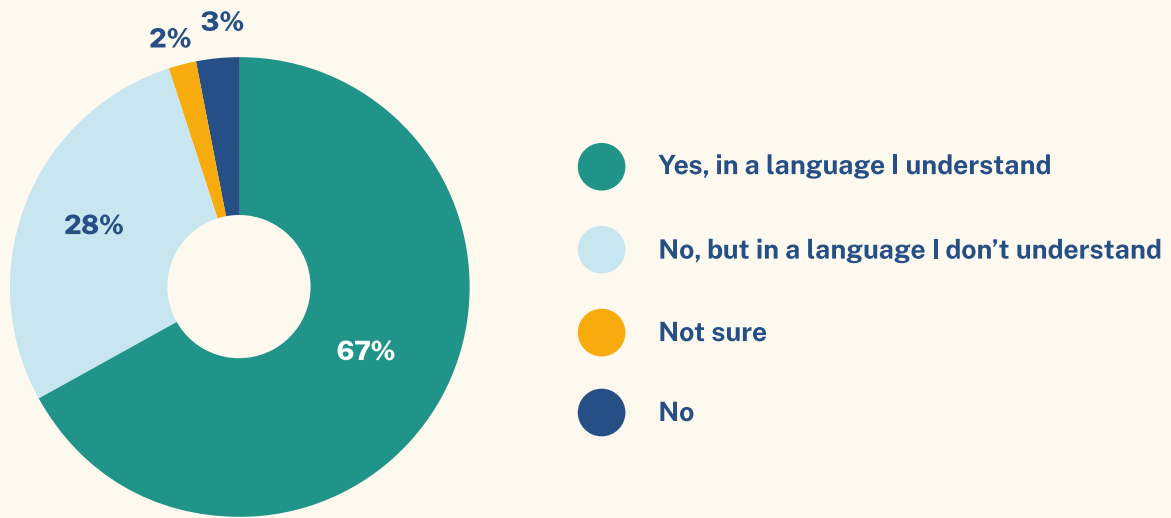
## Received accurate information prior to departure (%)



Received accurate information prior to departure (%)

Only three in five workers reported receiving a contract in a language they understood, on or before their first day of work (T:67.4%; M:68.1%; W:65.2%), which may have contributed to workers receiving inaccurate information on the factors mentioned above. There were also large degrees of variation across nationalities, with nationals from Kyrgyzstan (87.3%) reporting higher rates, with those from Uzbekistan (60.3%), Kazakhstan (63.7%) and Indonesia (73%) close to the overall sample average, and at the lower end Moldova (47.4%) and Belarus (16.7%).

### Received contract prior to or on first day of work (%) (n=396)



Received contract prior to or on first day of work (%) (n=396).

There were mixed practices from scheme operators as to when workers are provided contracts, with some workers seeing a sample of their contract before coming to the UK, then signing the actual contract at the farm during inductions, others would sign the contract online before coming to the UK and others just at the farm, depending on the farm's onboarding process. In a best-case example, one operator explained that they provided all elements of the contract to the worker, including on the location, financial aspects, type of work, and accommodation prior to the worker applying for a visa. With an emphasis on making sure that the worker can get a better understanding of what they are signing up for.



### 3. Recommendations

FLEX and FMF's 2021 report on the route was the first independent research documenting the perspectives of migrant seasonal workers in UK agriculture. It was conducted three years ago in Scotland, at a time when the scheme was much smaller in visa numbers, countries of origin of workers and labour providers involved. This report, conducted in partnership with three front-line organisations providing direct support to workers, shows a much more complex picture, in a larger region in England, at a time where the scheme has seen a succession of expansions, both in terms of total numbers of workers on the route, as well as nationalities recruited from.

The analysis contained in this report not only supports the evidence first presented by FLEX and FMF in 2021, but also provides further evidence indicating that there are mismatches in expectations around the nature of work in the UK. Further, most workers took out a loan to cover their costs of coming to the UK, with some paying thousands of pounds in total fees and costs. Seasonal workers, despite the important work that they do for the UK's agricultural sector continue to shoulder the majority of financial risks on the route. Without significant changes to the route by the UK Government seasonal workers will continue to face risks of exploitation in the UK. To address the issues identified above, and to make the SWS safer and fairer for workers, the following recommendations should be considered.

#### **Independent monitoring, sharing of information and proactive enforcement of scheme and licensing rules and UK employment law.**

- 1. Data should be available on a timely basis:** the official review of the first year of the SWS (2019) was published at the end of its third year of operation, when the scheme had already gone through a significant expansion in workers numbers, sourcing countries, and scheme operators. The DEFRA surveys or reviews for 2020 and 2021 were only produced in August 2023. A Home Office review of the scheme has not been published since 2021. In order to provide useful and timely data to effectively monitor this scheme, the monitoring and evaluation should be more proactive, regular, and transparent.
- 2. Gaps in data must be addressed:** Recruitment practices, illegal charging and incidence and level of debt should be actively monitored closely, as well as the availability of work and evidence to support assertions of labour shortages, particularly in light of recent expansions of this route.
- 3.** Given the risks associated with scheme operators being able to open and close recruitment routes from any country at any particular point in time, **the UK Government should consider options for regulating the list of countries that operators can recruit from, make this public and identify steps to mitigate evidenced risks arising from these transitions.**

## Access to rights

- 4. Ensure that as per scheme guidelines, information about labour rights in the UK as well as key terms and conditions of employment are shared with SWS workers in their country of origin,** translated into workers' native languages, with relevant information provided (e.g. employers' details, working hours, duration of employment, remuneration, accommodation costs and other deductions, etc.) and signed by employers and workers prior to travel.

## Enforcement and redress

- 5. Given the short term and restrictive nature of employment for workers on the route, workers who migrate to the UK on the Seasonal Worker visa should not be responsible for the costs of their journey.** Consideration should be given as to how the sector funds the costs for workers to address labour shortages, with the financial risks of migration moved away from workers.
- 6. Strengthen the GLAA licensing scheme by actively monitoring overseas labour providers.**



**“[The UK government should] strengthen control over hiring processes. The law is good in England, but no one controls it. To check workplaces and health and safety too at the farms.”**

Oksana, Woman, 49, from Ukraine. 1st December 2022.

# **FOCUS ON LABOUR EXPLOITATION**

**Working to end labour exploitation**

The Foundry, 17 Oval Way, London, SE11 5RR

[@FocusOnLabour](#)

[info@labourexploitation.org](mailto:info@labourexploitation.org)

[www.labourexploitation.org](http://www.labourexploitation.org)