

**Making the Seasonal Worker  
Scheme safer and fairer  
Report two**

**FOCUS ON  
LABOUR  
EXPLOITATION**

# **Bound to work: Improving access to redress on the UK's Seasonal Worker Scheme**

**May 2024**



Please cite as **Focus on Labour Exploitation. 2024. Bound to work: Improving access to redress on the UK's Seasonal Worker Scheme.**

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

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## Acknowledgements:

This report was written by Oliver Fisher, Olivia McAuliffe, and Jacob Bolton, and edited by Kate Roberts and Lucila Granada. Outreach to workers and data collection was primarily done by Rosmini, CASL and SEEAC. The FLEX research team that worked on this research over the course of design and data collection included Eleonora Paesani, Matthew Parsfield, Meri Åhlberg, Oliver Fisher, Olivia McAuliffe, and Jacob Bolton. We are grateful to everyone that made this report possible including all the workers that agreed to share their insight and knowledge for this research project.

We would also like to thank Anita Grodkiewicz, Sergejus Janulis, Mikelis Zemdega, Alex Toteva, and Simona Cismasu from Rosmini Centre Wisbech, Armins Morozs, Rebecca Lyon, and Simon Richards, from Citizens Advice South Lincolnshire, Nova Fransisca Silitonga, Mariko Hayashi and Endang Priyatna from SEEAC, Jamila Duncan-Bosu and Kate Elsayed-Ali from ATLEU, Shayne Tyler from TylerBladon Practical Ethics, Iryna Petkevica, Margarita Permonaite, IOM, Tesco, David Camp from the Association Of Labour Providers, Justin Emery from Fruitful Jobs Ltd, Jan-Willem Naerebout from Agri-HR, Sam Zubaidi from Pro Force Limited, James Mallick, and Quintin Lake from 50 Eight.

**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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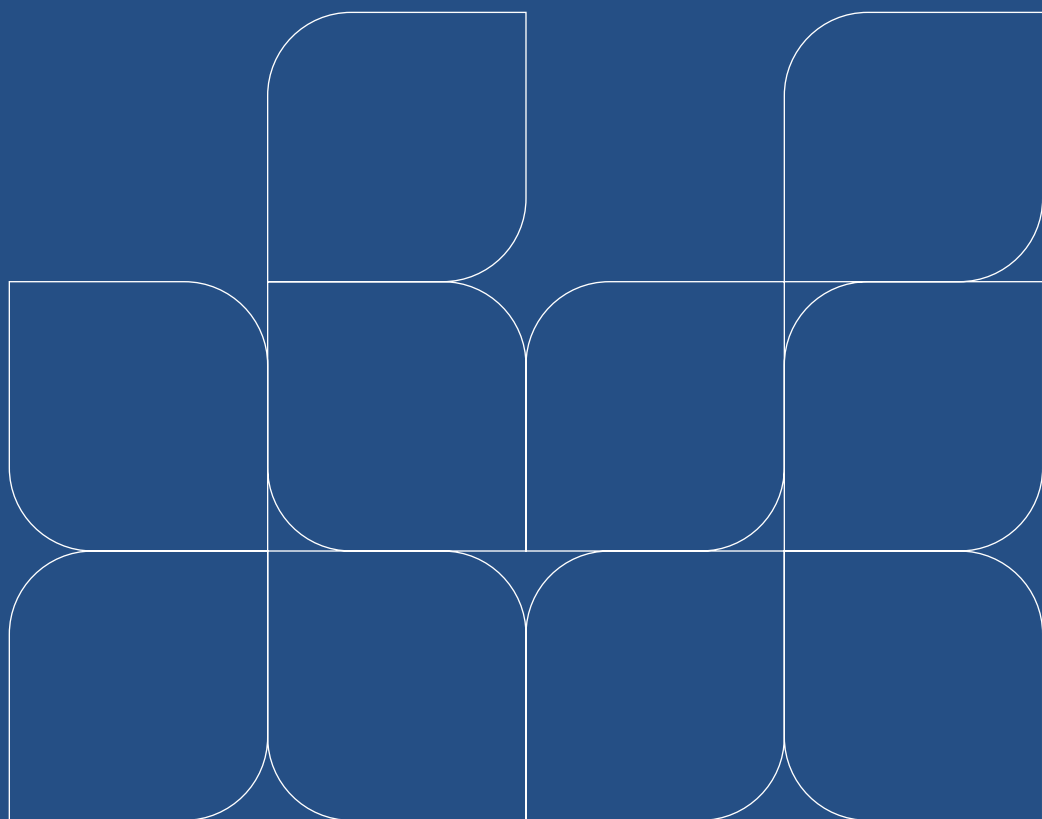


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**“It’s pointless. Our scheme operator - [redacted], they don’t do any transfers at all. We also tried to get transferred last [year] and we were told to book a flight and to go back home if we didn’t like it here. That’s what we were told. Imagine?”**

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



# 1. Introduction

**This report focuses on the experiences conveyed through 399 surveys and 83 interviews with workers on the UK's Seasonal Worker Scheme (SWS), as well as key stakeholder interviews.**

Data was collected between June 2022 and October 2023 as part of a project aimed at improving the fairness and safety of the route. This research was conducted by FLEX in collaboration with Citizen's Advice South Lincolnshire (CASL), Rosmini Centre Wisbech and the Southeast and East Asian Centre (SEEAC) and was fully funded by foundation grants. This report presents findings from these surveys and interviews, aiming to investigate barriers to SWS workers leaving exploitative conditions and/or their employer as well as access to complaints mechanisms. Finally, it looks at how to mitigate and address the identified risks.

This report is the second in a series of publications by FLEX on the SWS, building upon the first report *Bearing fruit: Making recruitment fairer for workers* (FLEX, 2024). It also follows on from FLEX's ongoing policy and research work on the route, including an *Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot* (FLEX & FMF, 2021) which was based on 146 responses from seasonal workers on Scottish farms.

This report is based on the understanding that labour exploitation exists as part of a spectrum, from decent work through to progressively serious labour law violations culminating in extreme exploitation, including offences that fall under the Modern Slavery Act. This research does not aim to identify specific cases of Modern Slavery, but instead, focuses on identifying the systemic factors present in the design of the route that can increase risk of labour exploitation for workers in order to inform mitigations and prevent these risks, so that the route works better for everyone.



# 2. Background

## 2.1 Overview of the Seasonal Worker Scheme

The SWS is a temporary visa route that facilitates the recruitment of workers to the UK to work in horticulture or poultry production. The route, which first started as a pilot in 2019, is a joint initiative from the Home Office and the Department of Environment Food and Rural Affairs (DEFRA). At the time of writing, the route is confirmed until the end of 2024 (ICIBI, 2022).

The Home Office has the overall responsibility for the operation of the SWS, however, responsibilities concerning worker welfare have largely been delegated to scheme operators, who are charged with recruiting workers to bring to the UK (ICIBI, 2022). Scheme operators must be endorsed by DEFRA and licenced by the Gangmasters and Labour Abuse Authority (GLAA) (Home Office, 2024a). Home Office guidance for sponsors stipulates that it is the responsibility of the scheme operator to ensure workers can work safely, are paid properly, and are treated fairly among other welfare-related requirements (Home Office, 2024a). At the time of writing, there are seven scheme operators for the route.

There are very few formal requirements for workers to be eligible for a SWV. Workers must be 18 or over, hold a certificate of sponsorship from a scheme operator, and have evidence that they have enough personal savings to support themselves in the UK (unless their certificate of sponsorship shows that their sponsor can support them). Workers on the scheme can stay in the UK for a maximum of 6 months in any 12-month period if employed in horticulture, or can stay no longer than 2 October to 31 December each year if employed in poultry production.<sup>1</sup> The SWS does not provide a route to settlement, workers have no recourse to public funds, they cannot apply for visa extensions<sup>2</sup> and they cannot bring family with them to the UK. Workers can only work in certain agricultural roles (with the exception of workers on the poultry scheme, who can only work in a set of roles related to butchering, processing and packing), and only at farms that their scheme operator places them (Home Office, 2024a, 2024b) (see figure 1 for a summary of the recruitment pathway for the scheme). Workers must make a request to their scheme operator if they want to be transferred to another farm.

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<sup>1</sup> In 2023 there was a one-off exemption for workers employed in 2022 to return to the UK after 5 months rather than 6 months.

<sup>2</sup> While not a direct extension of the SWV, Ukrainians that had permission to be in the UK on or between 18 March 2022 and 16 November 2023 or previously had permission to be in the UK and that permission expired on or after 1 January 2022 can apply to switch onto the Ukraine Extension Scheme.

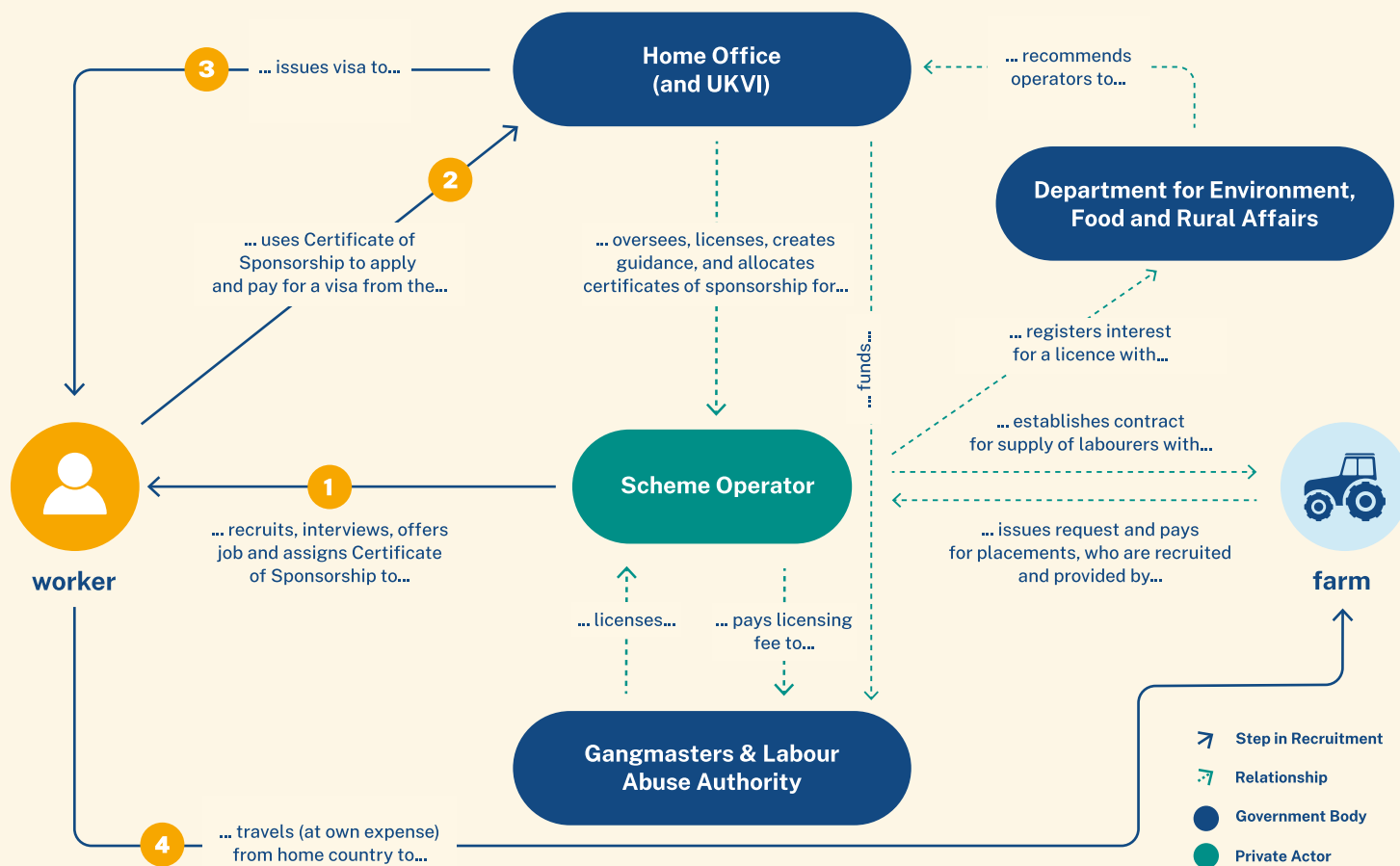


Figure 1. Overview of recruitment pathway for the Seasonal Worker Scheme.

From April 2022 until March 2023, workers on the route were required to be paid £10.10 per hour, with no guaranteed weekly hours (except for those working in poultry production). From April 2023 workers are required to be paid at least the national living wage and are guaranteed 32 hours per week averaged over their pay period, regardless of if work is available (DEFRA, 2024).

Enforcement of immigration rules and scheme regulations is the responsibility of the Home Office, and the GLAA, with the Home Office having the responsibility of conducting farm inspections (through the UKVI division). The GLAA monitors scheme operators but does not monitor conditions on farms under the licensing scheme. They only inspect farms in England and Wales independently from UKVI in situations where there are indicators of Modern Slavery.

Other enforcement agencies regulate other aspects of work on farms in the UK, with the Department for Business, Energy, and Industrial Strategy (BEIS) covering minimum wage compliance and enforcement, HMRC enforcing the National Minimum Wage Act on behalf of BEIS, and the Health and Safety Executive (HSE) being the regulator for workplace health and safety. However, their approach is to conduct targeted campaigns rather than check compliance at the farm level (HSE, 2022; ICIBI, 2022).

## 2.2 Transfer process on the SWS

It is required that operators “establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such request”

(Home Office, 2024a).

Workers on the SWS can request that their scheme operator transfers them to another farm (see figure 2 below for a summary of the transfer process on the SWS). Under Scheme Operator guidelines it is required that operators “establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such request” (Home Office, 2024a). This should be communicated to workers before they start work. Further, this guidance also states that workers can change employers if they wish unless “there are significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical)” (Home Office, 2024a).” Additionally, under section SE3.6 of this guidance, if the Home Office or relevant agency (for example the GLAA or the Health and Safety Executive) identifies issues with a grower that impacts the safety or wellbeing of a worker, scheme operators must, as appropriate, transfer workers to an alternative grower.

### Workers Requesting a Transfer on the Seasonal Worker Visa

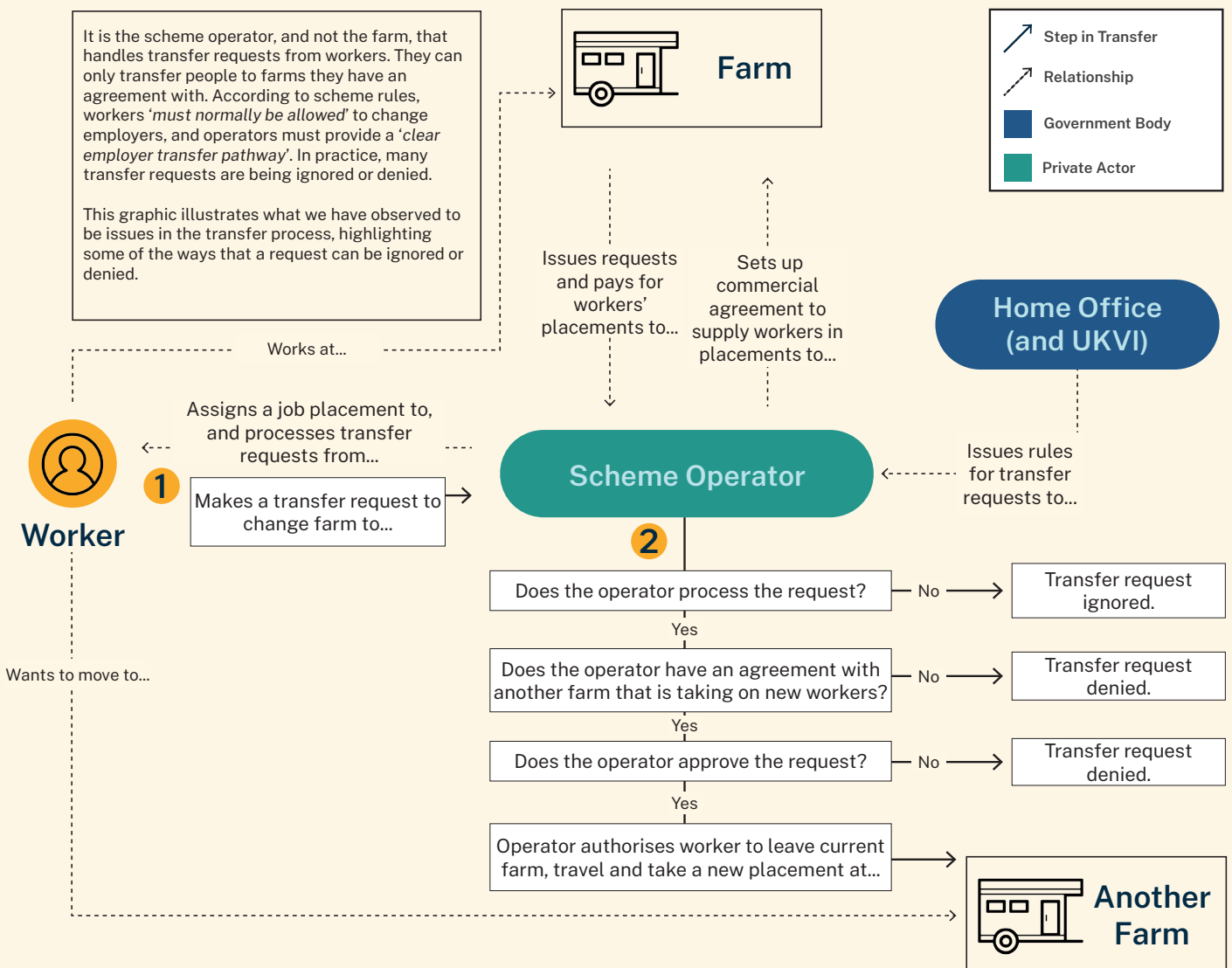


Figure 2. Observed transfer process on the Seasonal Worker Scheme.



Prior to the SWS, the UK Seasonal Agricultural Workers Scheme (SAWS) was in operation between 1943 until early 2014 when it was discontinued. Similar to the SWS, the SAWS facilitated the movement of people to work in the UK agriculture sector. Under the SAWS, operators could recruit workers for one sole or multiple farms, they could also employ them themselves if they were growers. In contrast, on the SWS, scheme operators are not permitted to recruit workers for their own labour needs. This change was aimed to tackle the higher risk of exploitation associated with visas that are tied to an employer (FLEX & FMF, 2021; MAC, 2013). While this change can in theory reduce some risks for workers in that they are not tied to a specific grower, several studies and investigations, including by FLEX, have highlighted risks present within the implementation and design of the current transfer process.

FLEX and FMF's (2021) research into the SWV pilot in Scotland found that the majority of workers interviewed reported making unsuccessful attempts to transfer. Workers from the study also noted that they had been told at the point of recruitment that transfers were not possible. Similarly, the ICIBI (2022) in their investigation of the scheme, found that not all workers on the scheme are advised of the right to transfer and that some requests are not granted when they could have been, with some workers reporting having to pay for the costs of transfers. Moreover, out of those that requested a transfer, almost half of workers surveyed (44.9%) as part of DEFRA's seasonal workers survey results for 2022 reported having their request denied. A recent report by the Worker Support Centre (WSC) (2024) noted that caseworkers that supported SWV holders had identified a low understanding of how to request transfers among workers. Further, the report also noted that 41% of workers that the WSC assisted with accessing transfers were refused. An evidence submission from Work Rights Centre (2023) also found transfers to be a common concern: 12% of seasonal workers that they supported reporting issues with changing employer. A first-hand account of seasonal work in the UK noted an imbalance in the transfer system arising from the ability of operators to relocate people at short notice, whilst requests from workers can be ignored in practice (McAllister, 2023). A study from the Modern Slavery and Policy Evidence Center also found that workers were not adequately informed about their rights to request a transfer, or who to contact to instigate the process of changing employer (Thiemann et al., 2024).

Another concern for workers is the lack of protections in scheme rules if a scheme operator loses their licence. In 2023, one scheme operator had their SWS licence revoked, while another had their licence downgraded from an A-rating to a B-rating. Companies with a B-rating are unable to issue new certificates of sponsorship until they have made improvements based on a UKVI action plan, and been upgraded again to an A-rating (GOV UK, N.D). Section C10.10 of the Workers and Temporary Workers guidance for sponsors states that if a worker was not actively or knowingly involved in the reasons for the revocation of the licence the Home Office "will normally cancel (shorten) their permission so they" (Home Office, 2024c). Responding to a Parliamentary Question, the UK Government stated that "in the event that a scheme operator for the Seasonal Worker routes became unlicensed for any reason, the Home Office will consider each case on its own merits and tailor its

response accordingly” (UK Parliament, 2024a). The Home Office managing a significant number of workers on a case-to-case basis in combination with the lack of written guidance can result in uncertainty for workers. Further, it may discourage workers from raising complaints due to fear of losing their job if their operator loses their licence as a result.

# 3. Methodology and framework

This is a condensed version of the methodology, for a full methodology please refer to Appendix 1.

## 3.1 Design

This is the second report in a planned series of publications from a project focused on making current and future short-term work visas fairer and safer for workers, with a particular focus on the SWS. This report aimed to assess barriers to SWS workers leaving exploitative conditions and/or their employer. Other publications in the series focus on other aspects of the route, including one on wider working and living conditions and one on recruitment related risks (see *Bearing fruit: Making recruitment fairer for workers* (FLEX, 2024)).

This publication is based on 399 surveys and 83 interviews with agricultural workers on the SWS, as well as on 15 stakeholder interviews, which included 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. FLEX also reached out to more than 40 growers, but none were available for interviews or declined requests to be interviewed. 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. Surveys with horticultural workers on the SWS were collected between August 2022 to the end of October 2023, while stakeholder interviews were conducted between June 2022 and October 2023. Overall, the fieldwork period lasted 17 months.

Surveys and interviews with workers were carried out by caseworkers/researchers from our partner organisations, Rosmini Centre Wisbech, CASL, and SEEAC, with one interview carried out by a FLEX staff member.

Interviews and surveys collected by partner organisations were conducted in person, over the phone, or via video call, with a focus on workers currently employed in England. A small number of surveys were collected through online dissemination by FLEX. Stakeholder interviews were conducted by FLEX staff members.

Names of participants have been changed to protect anonymity. Workers' names have been replaced with a pseudonym. Key stakeholders are listed by job title, type of organisation and a letter to distinguish between organisations in the same category. Lettering for scheme operators has been randomised from the first report in this series to help prevent people from matching quotes

between reports. Dates of interviews and job titles have also been removed from scheme operators to assist with this anonymisation. Where a quote has been used in more than one report, the letter has been removed.

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

## 3.2 Conceptual framework

The objective of this research was to analyse risks of exploitation on the SWS related to the ability of workers on the scheme to change employers and to access justice, rather than to identify actual cases of human trafficking or forced labour. To assist with identifying and conceptualising these risks, this report uses indicators of forced labour from the ILO guide, *Hard to see, harder to count: Survey guidelines to estimate forced labour of adults and children* (2011).

Within this framework, forced labour can be broken down into three categories:

1. Unfree recruitment;
2. Work and life under duress; and
3. Impossibility of leaving an employer.

This report focuses on indicators from the impossibility of leaving an employer category, with the remaining two categories covered by other publications from FLEX in this series of reports.

Under this framework, impossibility of leaving an employer is classified as a characteristic of forced labour when leaving poses a penalty or risk to the worker. In this sense, deliberate retention of wages is classified as a form of coercion, due to the worker having to stay because outstanding wages will be lost if they leave.

Indicators covered include:

- Reduced freedom to terminate labour contract after training or other benefit paid by employer
- No freedom to resign in accordance with legal requirements
- Forced to stay longer than agreed while waiting for wages due
- Forced to work for indeterminate period in order to repay outstanding debt or wage advance

### 3.3 Limitations

The UK Government does not publicly release much disaggregated demographic data on workers on the route. This is mainly limited to the nationalities of workers and number of visas issued. Further, there is minimal information on the areas where workers are located. Consequently, it is difficult to determine if this sample is representative of the experiences of seasonal workers in the selected regions. However, seasonal agricultural workers, particularly those on tied and temporary visas are a notoriously hard-to-reach research population. To the best of our knowledge, this report includes the largest independent sample of SWS workers surveyed and interviewed to date, therefore contributing to the body of work seeking to understand and evidence the experiences of seasonal agricultural workers.

By conducting field work through a range of channels, reaching out to a large number of workers during their placements in UK farms, across two seasons and in different counties, this project provides important insights into how the SWS works from the workers' perspectives and aims to support efforts in the identification of actionable solutions that also work for them.

# 4. Results and analysis

## 4.1 Demographics

Three-quarters of surveyed participants were men (71.4%), one-quarter were women (28.1%), and 0.5% preferred not to say (see figure 3).

Participants surveyed held nationalities from 16 different countries, mainly from Indonesia (9.4%), Kazakhstan (31.9%), Kyrgyzstan (18.0%), and Uzbekistan (18.5%). With a small number of workers from Tajikistan (4.8%), Moldova (4.8%), 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%), and Ukraine (1.8%) (see figure 4). Further, 6 workers (1.5%) reported other nationalities. Workers were aged between 19 and 58 with a median age of 31 ( $\pm 7.15$ ).

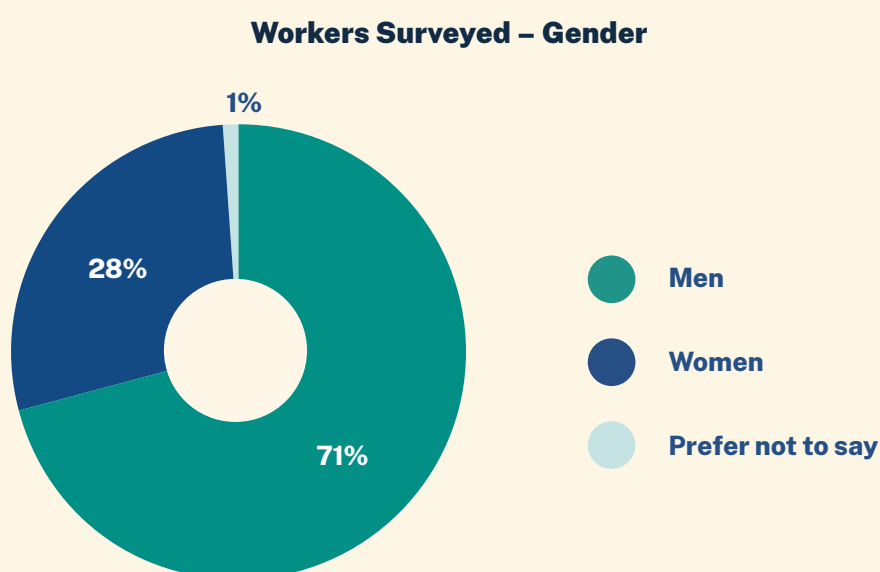


Figure 3. What is your gender? (%) (n=398).



## Demographics of Workers Surveyed – Nationality

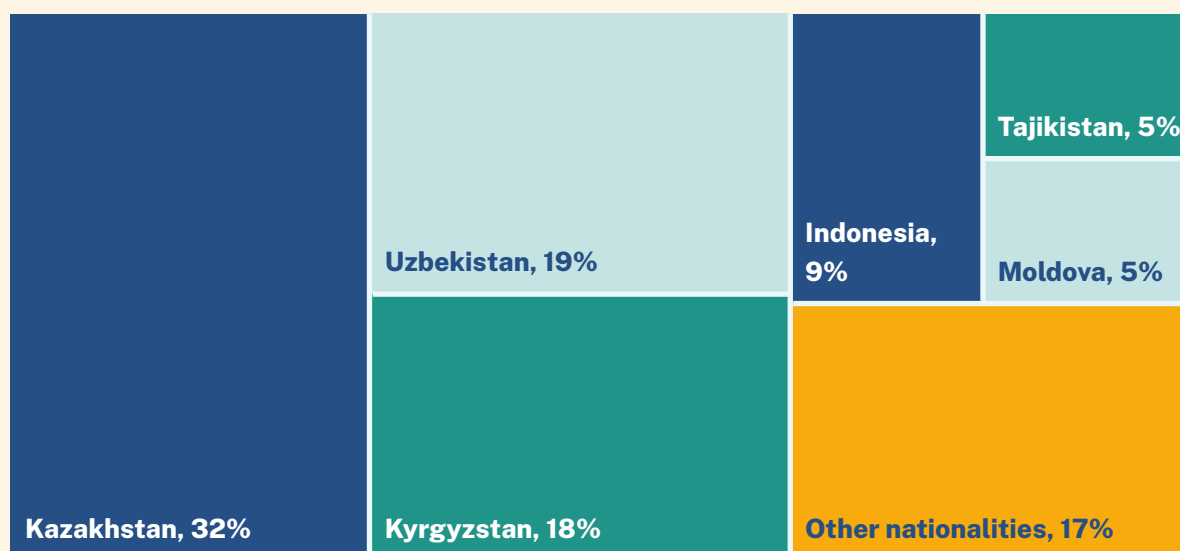


Figure 4. What is your nationality (%) (n=394).

## 4.2 Changing Jobs

### 4.2.1 Workers' experiences of requesting transfers

Under scheme rules, workers can request to be transferred to another farm. One third of those surveyed reported requesting a job transfer (33%), with men (35%), slightly more likely than women (28%) to make a request. To request a transfer workers normally ask their visa sponsor, the scheme operator that handled their recruitment. According to scheme rules, workers should be able to request and receive a transfer unless there are “significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical).”

In practice however, many workers we heard from reported having their transfer requests denied or ignored. In our survey of workers, 55% of those who made a request for a transfer were refused (see figure 5). A further 16% had some requests accepted and some refused. A limitation on or uncertainty about changing work could be trapping workers in subpar employment, heightening the risk of exploitation.

Interviews with workers indicate similar rates of refusal. It was more common for requests to be refused, delayed or ignored than accepted. Of those whose requests were accepted, not all were accepted promptly. One person told us that they had to wait a month before being transferred, during which time they remained in a demanding environment:

It was more common for requests to be refused, delayed or ignored than accepted.

**Have you ever made a request to your sponsor/scheme operator to change your employer or work site?**

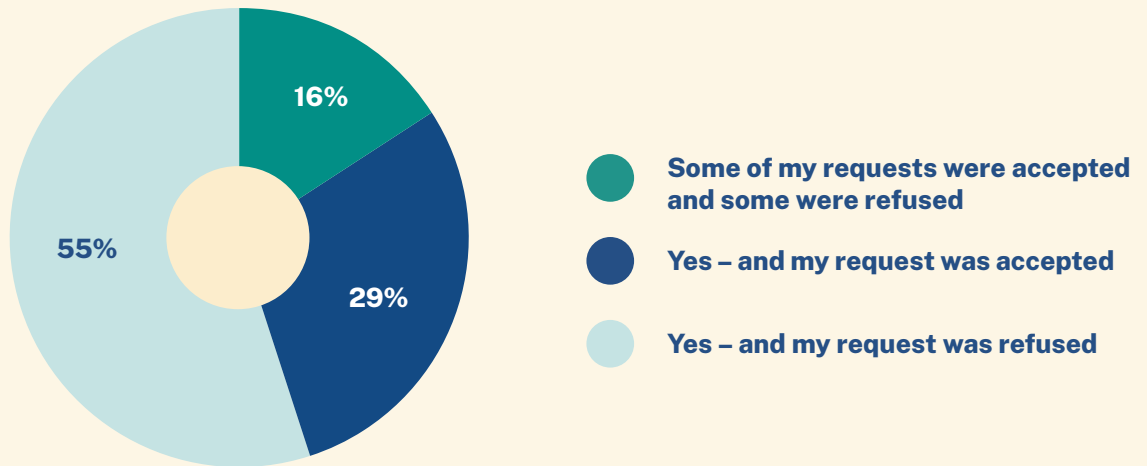


Figure 5. Have you ever made a request to your sponsor / scheme operator to change your employer or work site? Filtered by those that had requested a transfer (n=128).

**“So, the first company [...] there was a psychological stress, because in addition to heavy physical exertion, there was constant pressure from the owners. But we just called and wrote that we would like to change the farm, because it was impossible to work here. A month later, they changed it. On the second farm, where we were sent, there were too few hours.”**

*Myroslav, Man, 27, from Ukraine. 17th April 2023.*

One reason reported for the refusal of a transfer was because there was a lack of work on other farms, but in most interviews reasons for refusals were not given:

**“** **Interviewer:** How many times you asked about a transfer and how many times you got a refusal?  
**Worker:** You mean the boss of the farm?  
**Interviewer:** Yes.  
**Worker:** How to explain that easily. Basically, everyone has asked and he has refused everyone [...].  
**Interviewer:** Did you contact [Redacted: Scheme Operator] about this?  
**Worker:** Yes, we did contact them. But we did not receive a positive answer.”

*Oybek, Man, 32, from Uzbekistan. 8th August 2023.*

From the same person, we heard a concerning report that transfers were not being facilitated as a way to keep workers in exploitative conditions:

**“You know what? Look, our managers don’t want to let us go. They want to keep us here. There’s no point asking them. We wanted to**

**leave on our own accord. They want to keep us here for daily 5 hours of work. We work all day for 12 hours and we get paid half of that time. They don't want to let us go."**

Oybek, Man, 32, from Uzbekistan. 8th August 2023.

One worker we spoke to experienced issues because they did not speak English, and therefore could not provide reasons for requesting a transfer. Others seemed to not be aware that they could request to change farms:

**“** **Interviewer:** How do you think could you change your employer?  
**Worker:** I don't know, could I?"

Madina, Woman, 19, from Kazakhstan. 4th September 2023.

The widespread practice of refusing or ignoring transfer requests seemed to be building up a culture amongst some workers in which they no longer asked to change farms, as they had no confidence that their requests would be acted on. This was the most commonly reported experience related to transfers in our interviews. As one worker said:

**“It's pointless. Our scheme operator- [redacted], they don't do any transfers at all. We also tried to get transferred last [year] and we were told to book a flight and to go back home if we didn't like it here. That's what we were told. Imagine?"**

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

This same scheme operator was mentioned in another interview, in which the worker also reported that they do not facilitate transfers:

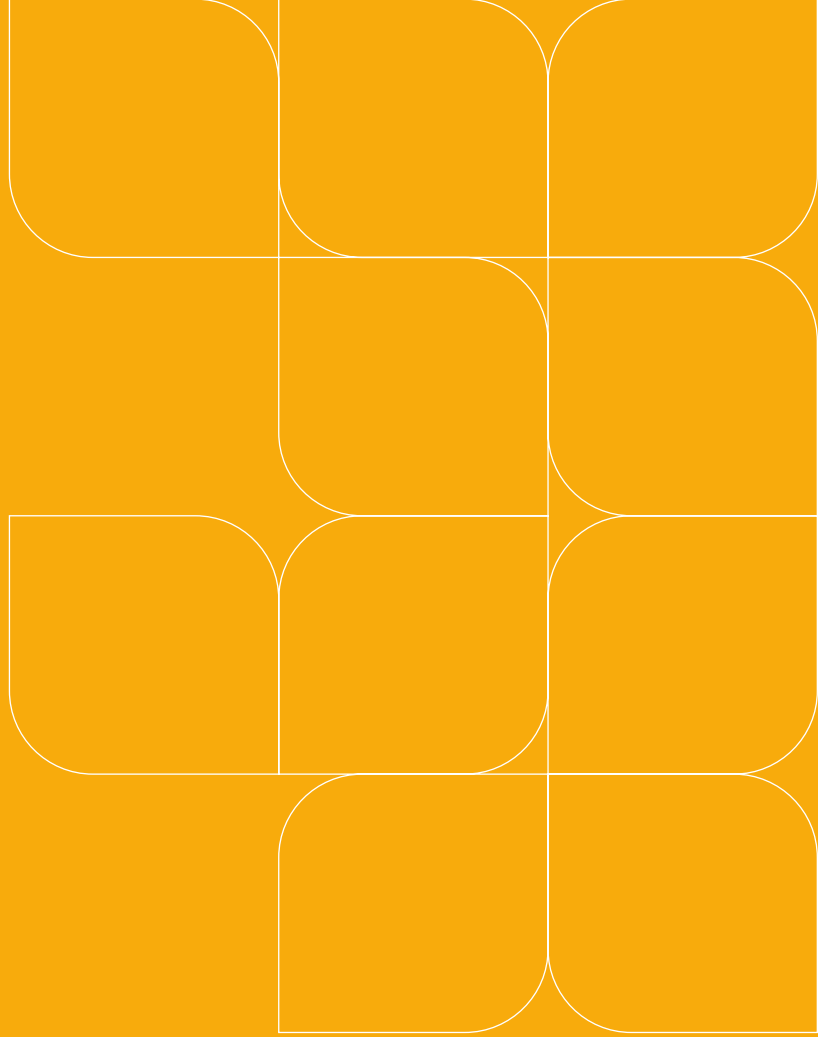
**“We haven't asked yet, because others have been saying that there's no chance of getting transferred anywhere. [Redacted – name of Scheme Operator] says they don't do transfers.”**

Mansur, Man, 32, from Kazakhstan. 5th August 2023.

Another reason for the lack of faith in transfer requests being acted upon is related to the duration of the visa. Scheme rules give the example of a visa set to 'imminently expire' as the only example of a valid 'significant reason' to deny a transfer. No specification is given on what counts as 'imminent' expiry, but one worker told us that workers with 'two or three' months left would be less likely to have a transfer request acted upon:

**“Well, basically, I could, yeah, if I had an option, I think. And if it's not too late, because they no longer want to hire employees who have two or three months left before their visa expires.”**

Daryna, Woman, 30, from Ukraine. 7th June 2023.



**“Interviewer: So if you could change anything about your work, what would you change?”**

**Worker: Better conditions for employees when they work, not so much long hours. Better pay for employees. That’s all.”**

Vera, Woman, 32, from Albania. 23rd April 2023.

## Duration of Stay for People on Seasonal Worker Visa, 1 Jan 2021 – 30 May 2023

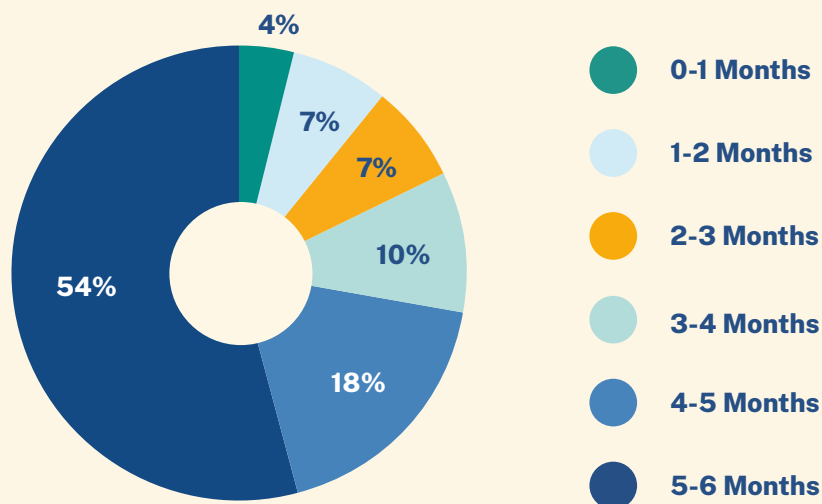


Figure 6: Duration of Stay for People on Seasonal Worker Visa, 1 Jan 2021 - 30 May 2023.

We found the average period of stay for someone on the seasonal worker visa in the UK between January 2021 and May 2023 within the six month validity period is 4.5 months (see figure 6).

This is a concern, as ‘two or three’ months of remaining visa validity would cover a large proportion of seasonal workers in the UK. According to data obtained from the Home Office on entry and exit dates to and from the UK of people with a visa, we found the average period of stay for someone on the seasonal worker visa in the UK between January 2021 and May 2023 within the six month validity period is 4.5 months (see figure 6).<sup>3</sup> Their actual working period would be even less than this, when non-working time (such as travelling to and from the airport, between placements, or time waiting for transfers) is factored in.

We also heard of issues arising from working arrangements between scheme operators. Whilst most operators work independently, with limited collaboration and data sharing, two scheme operators have started working in partnership.<sup>4</sup> On their website, Operator 1 states that “we recruit candidates for the Seasonal Worker Scheme (SWS) for both [Operator 1] and [Operator 2].” Operator 2, meanwhile, reportedly handles the arrangements (including welfare) for workers in the UK, for those employed with both Operator 1 and 2. This arrangement has caused issues for some workers about who to contact regarding different matters:

<sup>3</sup> This is based on entry and exit data of people on the seasonal worker visa, obtained from the Home Office through a Freedom of Information Request. We excluded all data that fell outside of the maximum six month validity period (above 184 days), and all data in the last six months of the data collection period, to minimise skewing.

<sup>4</sup> These scheme operators are referred to in this section as Operator 1 and Operator 2. This bears no relation to the system of identifying operators (A, B, C...) used elsewhere throughout this report.



**Interviewer:** Do you have anyone there you can speak to if you have a problem or a question?

**Worker:** No, no one. No one cares. Even [Operator 2] didn't care. If I send them a message via email, they don't reply.

**Interviewer:** You mentioned you came here from [Operator 1] but then you mentioned [Operator 2].

**Worker:** No, they work together. They told us they were [Operator 2] and [Operator 1]. I came here with [Operator 1] but if I need something I need to contact [Operator 2]. I don't know why. I don't understand what this means.”

**ErasyI, Man, 36, from Kazakhstan. 1st August 2023.**

#### Case Study: Aidos, Man, 30, from Kazakhstan. 1st August 2023.

This worker is a man from Kazakhstan in his 30s. He came to the UK in June 2023, for his second season picking produce on UK farms. Talking about his previous experience on farms, he reported issues of discrimination and underpayment: there were instances of containers that he and other workers from Central Asia had picked being taken away by European supervisors and instead assigned to workers from Europe, so that they did not receive any bonus pay for the extra fruit they had picked. Workers who do not pick enough also risk being fired, or denied work as punishment.

When he arrived again in 2023, the farm's on-site caravan accommodation was full, so he was instead housed in a hostel that he described as very small, with one toilet between ten people. He shared a small kitchen with 25 people. He shared a room with two other men and one woman. He asked to be transferred to other accommodation, but this was not acted on.

He was working picking fresh herbs, and developed bad back pain, also reporting issues with his head that got worse with bending down over and over many times a day, as a result of a long-term health condition stemming from a childhood head injury. After five days of work, He asked his employer if he could change farms to find more suitable work. 3 days later, he was fired. A letter said this was due to health reasons.

After 10 days of waiting, living off his savings, he received a response to his transfer request. It was denied. He found a greenhouse that was hiring on Telegram, and asked again for work. He was put in touch with an agent of his scheme operator in Ukraine. However, this also fell through, as his operator did not have a contract with that greenhouse.

At the time of interview, he had still not been paid in full for the farm work he carried out.



## 4.2.2 Support organisations' views on transfers

In interviews with support organisations, the main reasons raised as to why workers requested transfers were lack of hours, though there was also a mention of discrimination and poor accommodation:

**“Well, I think one of the major reasons that we hear of the workers were they weren't given [enough] work [...] a lot of requests for the transfer of farms is the treatment. Where they feel they are de-valuated. They feel discriminated. And, some of them, they don't feel as human beings. So, they just don't want to be in that place anymore. And they want to look for a better place for them to work. Where they can be regarded as farm workers.”**

Caseworker, Support organisation B. 21st February 2023.

**“The main reason appeared to be around the hours - how many hours they were being given.”**

Staff member, Support organisation C. 22nd February 2023.

**“It's the conditions of the accommodation. Or the nature of the work, for example. Someone came as strawberry picker, and they wanted to move as it was really bad for their back [...] And the accommodation [...] but was staying in the [...] cargo box-type metal container. Converted into a sleeping arrangement. That kind of place was full of damp and it's awful. They're getting unwell, aggravating asthma.”**

Staff member, Support organisation E. 22nd February 2023.

Support organisations interviewed were mainly familiar with situations where workers had transfer requests denied. This included situations where it was reported that a request for a transfer was denied due to the scheme operator saying that the worker was receiving enough hours, despite these being less hours than what the worker's contract said:<sup>5</sup>

**“I have seen some cases, last year, when workers requested to be transferred. The main reason was the working hours, because they didn't work enough. And they didn't earn enough. So, on workers' request, what the labour provider [scheme operator] said, okay, send me your pay slips. We will check how many hours you work, how much you earn, and we will decide if we're gonna give you [a] transfer to another farm [...] and in the end of the story, workers never got the transfers. And the reason why was because they work twenty-four hours a week. And the labour provider [scheme operator] said that's enough for you. Although, in their contracts, they had forty hours.”**

Caseworker, Support organisation A. 17th February 2023.

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<sup>5</sup> This example was before the introduction of the minimum of 32 hours per week averages over the workers pay period.

“In some cases, that current employer is, you know, basically he doesn’t give the permission for them to leave. Or, at least, the workers are told so.”

Support organisation B. 2023.

**“And, again, you know, in some cases, that current employer is, you know, basically he doesn’t give the permission for them to leave. Or, at least, the workers are told so. [...] I remember a few cases, where workers were told there were a lot of work on the farm, so they’re not allowed to leave. Because that farm needed workers. But, when it came to working hours, the workers weren’t given enough hours. So, they stay there. And, again, the labour provider [scheme operator] rejects the request to be transferred to another farm because there’s no work enough available for them.”**

Caseworker, Support organisation B. 21st February 2023.

Support organisations also highlighted that some workers do not request transfers because they feel they will be penalised by the grower or supervisor for doing so, for example being fined or given less hours. Further, they felt that raising a request to their scheme operator may lead to them being removed from the UK:

**“If they approach the farmer or supervisor, they feel they’ll be penalised even more. Be fined, or like given even less hours. So, they’re afraid to approach the supervisor. The second area would be to go to [...] [scheme operator redacted] but they were afraid to do that. They felt they’d be deported, or immigration would be involved, or they could end up with no work. And those who did actually go and request were told no, they had to go and find their own work. Now, as they can only work for who they’ve been brought in by, without the agency [scheme operator] giving them details of other farms, or what have you, they’re not able to find other work.”**

Staff member, Support organisation C. 22nd February 2023.

**“I remember some workers told us they were scared. They wanted to ask for a transfer, but they were scared because of the attitude of the farmer towards them [...] it’s not easy, no, it’s not easy to change that place for them. It’s not easy.”**

Caseworker, Support organisation B. 21st February 2023.

### 4.2.3 Industry views on transfers

Scheme operators interviewed were asked the most common reason as to why workers request transfers, with most operators highlighting workers reporting not getting enough hours or not earning enough. One operator also mentioned that farms sometimes request transfers of workers when they don’t need as many workers anymore.

Scheme operators were also asked under which circumstances transfer requests for workers could be denied. As mentioned above, under scheme operator guidelines, the only example provided from the UK Government as to why operators can reject a request is when there are “significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical.”

Two operators stated that they may deny transfers for situations of gross misconduct from a worker, continued poor performance leading to transfer options running out, and not having enough time left on their visa. Further, one operator stated that they may deny transfers where the reason for the request is because the worker wants more hours:

**“The situation I just explained where there was no other work or you have a situation where they’re asking for a transfer because a field down the road’s doing 60 hours, they’re working 45 hours a week. They’re living in safe accommodation, it’s been audited, there’s no other people complaining. There’s no issues, we can see that they’re being paid 45 hours a week. As an example. What is your reason for transfer? The reason for transfer is because he’s doing 60 hours a week or somebody told me the grass is greener down there. That is not [an] acceptable answer. You came here, you signed a contract for that placement. That placement is giving you beyond your 32 hours [...]. In some cases where the season is different like last year, we might offer them a transfer because actually the farmer will go, they don’t want to be here. I don’t want them here, they’re just upsetting the rest of the camp, transfer them. Nine times out of 10. They then ask to go back to that farm. And we have to say, sorry, you’re now there. Or think about what else you want to do. Because the reality is that farm runs a different system to that system.”**

Scheme Operator C. 2023.

To be able to effectively facilitate transfers, one operator mentioned that it is important that they have the right mix of farms on their client book with different types of crops. For example if one type of crop is failing due to high temperatures across the UK, and they don’t work with farms that have other crops that might be less affected, then they won’t have places to be able to transfer workers. On this topic, one retailer mentioned that workers being tied to a specific scheme operator can limit workers ability to transfer as they can only move to farms where their operator has an agreement with a farm. This can lead to situations where work may be available on other farms, but workers are left without work as their operator doesn’t have an agreement with those farms:

“So we had issues last year where there were clearly farms that needed workers but the workers couldn’t transfer to another scheme operator.”

Manager, Retailer B. 2nd October 2023.

**“The number of scheme operators, now you’ve got up to sort of six or seven scheme operators, it decreases, I think, in some cases, the flexibility for workers because they can only move to farms within the scheme operator that are supplied by that person. So we had issues last year where there were clearly farms that needed workers but the workers couldn’t transfer to another scheme operator. They couldn’t go and do that work. There were no farms under that scheme operators sort of banner and relationships that they could move to. So I think that’s what needs to be considered first of all, but that probably implies a level of planning and oversight above the scheme operator.”**

Manager, Retailer B. 2nd October 2023.

One operator explained that workers would generally cover the costs of transfer unless the transfer is planned by the scheme operator.

At the time of writing this report, scheme guidelines allow workers to be charged transportation costs when transferring to another farm. One operator explained that workers would generally cover the costs of transfer unless the transfer is planned by the scheme operator:

**“We have a sort of policy on it – and typically, that is if the worker is requesting a transfer because they wish to move farms for whatever reason, then the worker covers the cost. If the worker has failed to perform – so if the farmer is asking them to move – then the worker pays the cost. If it’s something [that] is driven by [name of scheme operator redacted] or the client – we haven’t got enough work, you’ve done nothing wrong, but we’re moving you – then, quite often, that cost is covered by not the worker.”**

Scheme Operator D. 2023.

On improving access to transfers for workers, one operator highlighted that they had been working on software that allows workers to see which farms they work with so that workers have a better understanding of where they can be transferred to:

“Wouldn’t it be better that – if a worker wasn’t very happy on a farm – they could see what transfer opportunities were available. And where they were.”

Scheme Operator A. 2023.

**“You get workers on a farm – they’re not happy, they don’t like it. Okay. [...] A worker can apply for a transfer in our system and provide a name of a farm where they would like to move to. The operator then rings that farm. Well, first of all, does the operator work with that farm? Which is one of your points. If we don’t work for that farm, we can’t supply the worker to the farm [...] The other thing is, that farm doesn’t need workers. So, it’s finished a crop, its demand is dropping, and actually, it’s probably got some people coming to the end of the contract. They might be transferring people out. The worker is offered a transfer to somewhere else if available. So actually, we’ve got a group of workers on a farm that aren’t very happy, that think that actually, they can go over there because they’ve spoken to a friend. Where, in reality, they can’t go. Wouldn’t it be better that – if a worker wasn’t very happy on a farm – they could see what transfer opportunities were available. And where they were. And they could think for themselves by getting better information. Say, I’m on Farm A, I’m picking strawberries, I don’t like strawberries, and actually, there’s ten farms that need workers here. Six of them are strawberry farms – so, I’m not going to move to this farm because it’s the same. But these four are vegetable farms, and I’d like to have a go at that. So actually, they can then apply for that because they know what’s available. Does that make sense? At the moment, they can apply. They cannot see what’s available.”**

Scheme Operator A. 2023.

## 4.3 Debt as a Barrier to Leaving an Employer

### 4.3.1 Workers' perspectives on ability to pay back debt

#### 4.3.1.1 Loans/borrowing money

Around 70% of seasonal workers surveyed in our data said that they had to borrow money to come and work in the UK (see the first report in this series for more information). Although most workers who took out a loan reported that they borrowed from family and friends, we also heard reports of people taking out bank loans. It ought to be noted that average lending rates are much higher than the UK in many migrant workers' home countries. In December 2023, the UK lending rate (set by the Bank of England) was 5.25% (Bank of England, 2024). Whereas the lending rate in 2023 in Kyrgyzstan was around 20%, in Ukraine it was around 23%, and in Uzbekistan it was around 24% (CEIC 2024a, 2024b, 2024c). This debt – and the need to pay it off to avoid consequences – can lead to workers being vulnerable to coercive arrangements that reduce their freedom to leave an employer.

Workers surveyed were asked if they thought they would earn enough money to cover their costs of coming to the UK (see figure 7 below), with only seven in 10 (T:70.8%; M:69.8%; W:73.0%) indicating that they would. Workers from Bulgaria (60.0%), Indonesia (59.5%), Kazakhstan (61.0%), Moldova (36.8%), Nepal (50.0%), and Romania (11.1%), were less likely proportionally to think they would cover their costs compared to those from Belarus (100%), Kyrgyzstan (88.7%), Tajikistan (83.3%), and Ukraine (100%).

#### Pay will cover costs spent to come to the UK (n=396)

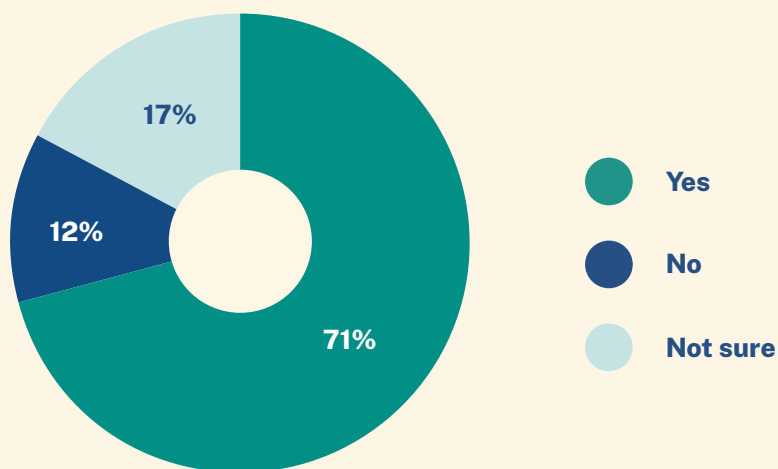


Figure 7. Pay will cover costs spent to come to the UK (n=396).

Late payment or underpayment combined with mounting debts and a lack of a reliable system for changing employers can lead to workers becoming trapped.

More than half of those on piece rates reported not always being paid for all the pieces they picked.

### 4.3.1.2 Late payment/underpayment

Late payment or underpayment combined with mounting debts and a lack of a reliable system for changing employers can lead to workers becoming trapped in a vicious cycle of seeking to increase the intensity of their work to meet bonus targets and/or becoming coerced into accepting poor conditions of work as this is their best chance of recovering their debts.

Workers on the route can be paid either a flat hourly rate, or be paid an hourly rate with the possibility of bonuses based on meeting shifting targets (piece rates). Approximately half of workers within the study sample were paid on a piece rate system (49.7%). Survey data shows that there was a high degree of confusion among workers on how piece rates are calculated, with only one in three (T:36.0%; M:37.1% W:31.9%) saying they always understood how these rates were calculated. There were large variations across nationalities on this, with those from Uzbekistan (16.7%) and Moldova (27.3%) falling below the study average, with slightly higher rates of understanding about piece rates from workers from Kyrgyzstan (44.7%) and Kazakhstan (46.3%).

More than half of those on piece rates reported not always being paid for all the pieces they picked (Sometimes:T:19.1%; M:20.6%; W:15.2%; Usually:T:14.9%; M:12.1%; W:23.9%; Always:T:19.1%; M:20.6%; W:15.2%) (see figure 8). Further about one in five reporting that they either sometimes (T:10.8%; M:12.9%; W:4.3%), usually (T:3.8%; M:3.6%; W:4.3%) or always (T:7.5%; M:9.4%; W:2.2%) had to do additional cleaning work that was unpaid.

**I am not paid for all the pieces I have picked (%)**

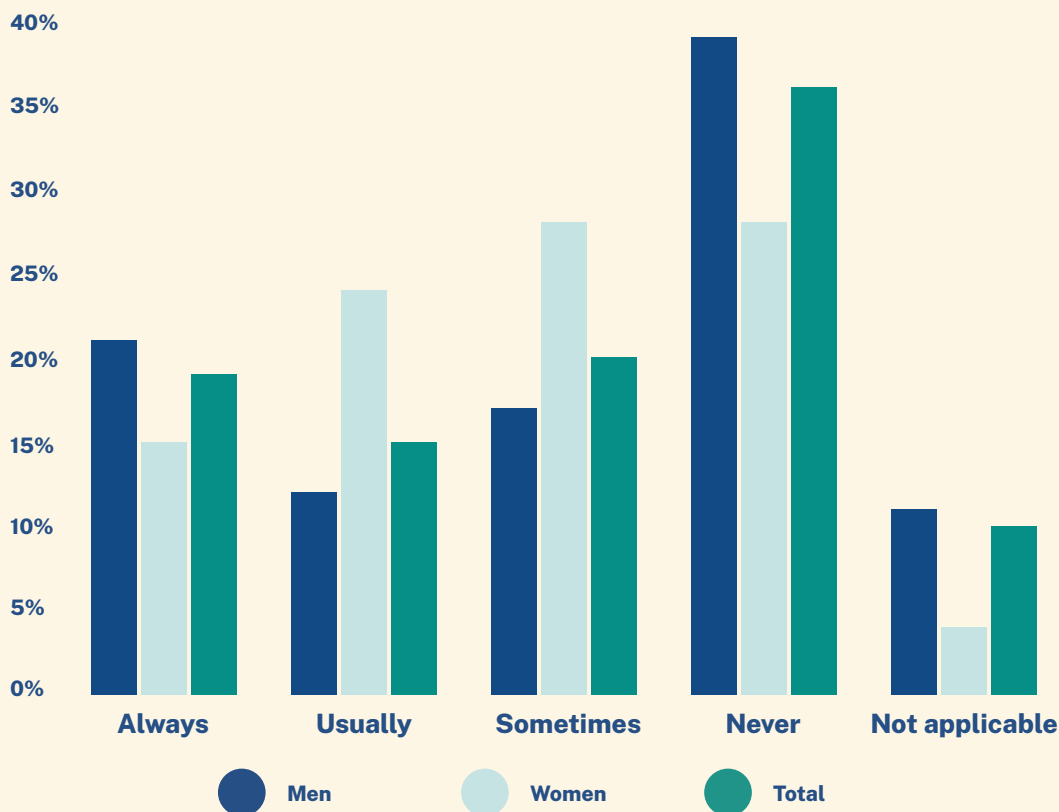


Figure 8. I am not paid for all the pieces I have picked, Filtered by those that reported being on a piece rate (n=186).



Underpayment or withholding of wages was frequently mentioned in interviews: 1 in 5 workers we spoke to brought up issues of underpayment. We heard several reports of workers not being paid for all hours that they worked. Similar to survey results, we were also told of many instances of underpayment occurring when workers who were paid piece rates were not paid for the full quantity of produce that they had picked. There were widespread allegations of supervisors undercounting containers, or taking containers that one group of workers had picked and assigning them to another group, usually someone of the same nationality as the supervisor. Based on our interview data, workers from Central Asia overwhelmingly reported issues of underpayment, often reporting that their supervisors (who were mostly from Europe) were undercounting containers or assigning their containers to someone else:

**“I don’t really understand the piece rate, how they pay for it. I picked 50 containers but the papers say it’s 42 or 44. Supervisors are stealing the containers. I raised this subject with them. I was told to prove it. But at the same time, it is forbidden to have my phone on me during working hours. We are not permitted to take photos and make videos of anything on the farm. How can I prove it then?”**

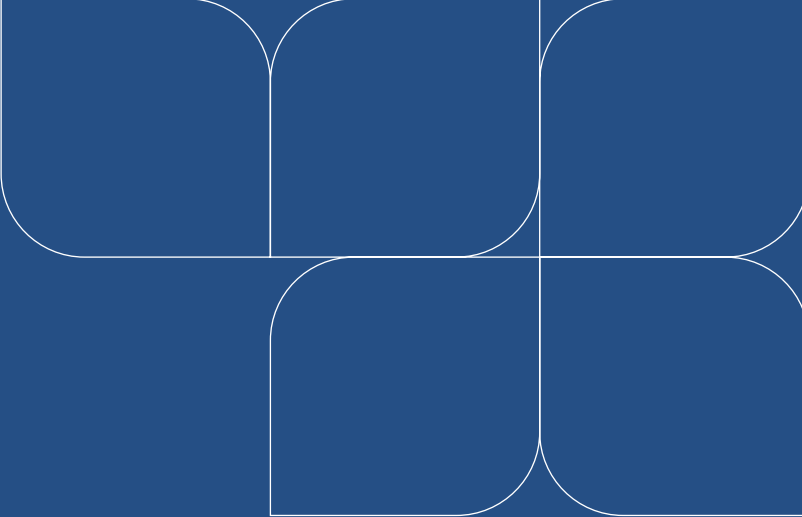
Amir, Man, 48, from Kazakhstan. 31st July 2023.

A staff member from an international organisation highlighted that because farm work is remote, it gives supervisors more power, which can make it easier for them to discriminate:

“ There’s feedback that like supervisors – well, they have a lot of power in some ways. They’re out on the site, they’re out in the fields. Very remote. The supervisors tend to be – again – from nationalities more established. Various years on the route. And the central Asians say they felt a bit of discrimination from the supervisors. As in they don’t feel like things are always fair. So, if work was being distributed, they would give preferential situations to their own nationals. And the Central Asians would get something less preferable. Either less comfortable, or a more harder to achieve piece-rate.”

Staff member, International Organisation. 24th March 2023.

Further, some surveyed workers (sometimes:5.0% or regularly:1.3%) reported that they had been expected to work overtime without pay and 2.9% (M:3.4%; W:1.8%) had experienced having wages withheld. Similarly, 7 workers (1.8%) reported not being paid at all, with almost one in five (19.3%) saying that they were paid lower than promised, with women (27.0%) reporting much higher rates of this compared to men (16.4%).



**“... to check the quality of the work itself, the living conditions provided there, and so on. Is it possible to somehow check the qualifications of those workers who are already there, supervisors and managers. Who are hired to work with people. It is not the best supervisors, because they shout... like you don't want to work, you go home, even if you don't understand English well, maybe you're wrong about something, you just don't know it.”**

Artem, Man, 30, from Ukraine, 20th April 2023.

The majority of workers (76.6%) reported earning less than they had been told they would earn... Around one in six workers (16%) said that they had experienced being paid less than the hourly rate that they were entitled to.

As highlighted in the first report in this series by FLEX (2024), surveyed workers were also asked how much they were told they would be paid per week in the UK (prior to arriving), and then how much they were earning on average per week. The majority of workers (76.6%) reported earning less than they had been told they would earn, with a small amount earning more (14.8%). Women (82.8%) were more impacted in comparison to men (75.1%) in terms of reporting earning less than they were promised. Workers from Uzbekistan (89.9%), Moldova (87.5%), and Kazakhstan (84.3%) reported higher rates of earning less than they were promised compared to other countries. While still affected, workers from Kyrgyzstan (57.4%) reported much lower rates.

From April 2023, workers on the route are required to be paid at least 32 hours per week averaged over their pay period. Despite this, about one in twenty workers surveyed (6.3%) reported that they were not always paid at least these 32 hours.<sup>6</sup> Moreover, around one in six workers (16%) said that they had experienced being paid less than the hourly rate that they were entitled to (£10.10 prior to April 2023, and £10.42 since April 2023).

One worker interviewed also highlighted a situation where workers were being paid less than the 32 hours per week and less than their contractual hours:

**“...I’m personally doing well. But I see guys in groups who earn very little money there. And although their contract says 36,42 hours a week, they only work 20 a week. Their salaries are very low, and more time should be spent there to ensure that the company gives a decent salary and provides more jobs.”**

**Abdyzhapar, Man, 27, from Kyrgyzstan. 6th June 2023.**

There were reports from workers interviewed of payslips not matching the actual hours worked. This, combined with a lack of robust mechanisms for people to make complaints, is leading to workers being forced to accept less pay than they are entitled to:

“We just don’t want to; we don’t want problems. If it would happen in our country, then we would talk about it but now we try to avoid problems.”

**Rasul, Man, 28, from Kazakhstan. 27th June 2023.**

**“ Interviewer:** And they pay for all hours. Or does it happen, for example that some hours are missing sometimes?

**Worker:** There are such moments.

**Interviewer:** Sometimes it disappears for a couple of hours?

**Worker:** Yes. For example, work is 9.5 hours, and they write 8, sometimes 7.5 hours. As a result, 1,5 or 2 hours disappears of our time.

**Interviewer:** Do you do anything about this?

**Worker:** No.

**Interviewer:** You didn’t try to go talk to them? So why does this happen?

**Worker:** We just don’t want to; we don’t want problems. If it would happen in our country, then we would talk about it but now we try to avoid problems.”

**Rasul, Man, 28, from Kazakhstan. 27th June 2023.**

<sup>6</sup> Please note, this question on whether or not workers were paid at least 32 hours a week (averaged over their pay period) was added to the survey after the change in guidance in April 2023. Only responses after this guidance was put in place were included in this finding.

“There was a time when we had plenty of work, we worked up to 15 hours a day but got paid only for 12h. Sometimes 11 hours or even 9 hours. But we worked on these fields for 15 hours or even 16 hours.”

Oybek, 32, Man, from Uzbekistan. 8th August 2023.

“We spent 12 hours on the fields and driving from field to field but got paid for 6 hours only.”

Oybek, 32, Man, from Uzbekistan. 8th August 2023.

“We compared their payslips with Bulgarian neighbours and they got £104 for 10 hour shift. But other nationalities got £93 for the same hours. This is not fair.”

Surayyo, Woman, 30, from Uzbekistan. 23rd July 2023.

“There was a time when we had plenty of work, we worked up to 15 hours a day but got paid only for 12h. Sometimes 11 hours or even 9 hours. But we worked on these fields for 15 hours or even 16 hours. Sometimes we started at 3am, 4 am and 5am and got back to the caravan as late as 9pm. On the days we spent 16 hours on the field, they put down that we had worked only 12, 11 or 10 hours. For the last 10 to 12 days, we worked for 5 hours a day only. Even on Mondays we get 6h. Mondays used to be 13 hour work days.”

Oybek, 32, Man, from Uzbekistan. 8th August 2023.

We also heard of instances of breaks not being paid, or of working days being punctured with multiple gaps for necessary but unpaid travel time. This is somewhat similar to the experiences of people on zero-hour contracts working in multiple locations – for example visiting homecare professionals, or app-based couriers (Houghton, 2023; FLEX, 2021). The same worker who told us about only receiving 10 hours of pay for 16 hours of work also reported that they were routinely paid for only half of their actual working day, implying that this was due to unpaid travel time moving between fields:

“We have a meeting every day at 5am after we have woken up. Starting work at 6am. Walking up and down the field, picking 2 containers of raspberries. Then we are taken to another field to pick another 1 or 2 containers of raspberries. Then we go yet to another field where there are more raspberries to pick (I mean an hour). Then we get home about 6pm. Excluding lunch, we have spent about 12 hours on these fields but we are told that we have done only 5 hours to 6 hours of work. And it happened all the time – we spent 12 hours on the fields and driving from field to field but got paid for 6 hours only.”

Oybek, 32, Man, from Uzbekistan. 8th August 2023.

One interviewee from Uzbekistan told us that workers were receiving less than the minimum wage for their work, and that on their farm the pay rate seemed to be different between nationalities:

“**Worker:** Another thing. The men from our caravan get taken to hourly work that starts at 6am. They get paid hourly rate. When they work 10 hours, 11 hours minus 1 hour break. They got paid £93 for [a] 10 hour shift. This is not right.

**Interviewer:** For 10 hours, yes, that’s less than a minimum hourly rate. It should be £10.42 per hour.

**Worker:** We compared their payslips with Bulgarian neighbours and they got £104 for 10 hour shift. But other nationalities got £93 for the same hours. This is not fair.”

Surayyo, Woman, 30, from Uzbekistan. 23rd July 2023.

Additionally, being denied work as a punishment ('sent to the caravan') also seemed to result in growers paying workers less than they are entitled to – despite this being prohibited under scheme rules:



**Interviewer:** Does it happen that you work less than 32 hours?

**Worker:** Yes, it is when we are ill or they send us to [the] caravan. Then it's less."

**Meder, Man, 31, from Kyrgyzstan. 6th July 2023.**

#### 4.3.1.3 Denial of Working Hours as a Punishment

Over one in five workers surveyed reported experiencing threats of loss of work while in the UK (T:22%; W:24.8%; M:21.0%). While sample sizes were relatively small for these countries, those from Moldova (47.1%), Russia (44.4%), Nepal (50%) and Romania (33.3%) reported the highest rates of this happening, with Kazakhstan (27.9%) also reporting slightly higher rates than the study average. The introduction of the 32 hours of paid work per week does not appear to have stopped threats of loss of work. Within this study, these threats were reported across the entire fieldwork period.<sup>7</sup>

Migrant farm workers that we spoke with reported a culture on farms of denying people working hours as a punishment for speaking up about issues on the farm. During times when working hours are scarce, this can leave workers earning far less than they calculated, impacting their ability to pay off any debts they may have accrued.

Scheme operator guidelines stipulate that sponsors have a duty to ensure that "workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate." However in interviews, we heard of working hours being denied to people for things such as not meeting hourly targets, picking fruit that was not deemed high quality enough, complaining about containers that they have picked going missing, going to the bathroom, being caught with a phone, and talking to colleagues.

We also heard of hours being denied to someone for asking a manager about basic details of their working day:

**"I was asking some questions to the person in charge, the one who is in charge about who, and where we will go to work, and he did not like the question and therefore did not let me go to work the next day."**

**Stoyan, Man, 30, from Bulgaria. 16th April 2023.**

Scheme operator guidelines stipulate that sponsors have a duty to ensure that "workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate."

<sup>7</sup> The percentage of those that reported threats of loss of work was higher among those that were surveyed post April 2023 compared to before April 2023. As workers may have been talking about prior experiences, it is not possible to conclusively say when these reports occurred. However, it is highly unlikely that all reports occurred prior to April.

**“ Interviewer:** Do you have the feeling that you are dependent on your employer?

**Worker:** Yes, he can say you are not working tomorrow and that's it. There was a time when a supervisor sent us home in the middle of work or at the beginning of the day if they didn't like something, two - three days off for you as a punishment.

**Interviewer:** What do you get punished for, is it if you don't meet targets?

**Worker:** No, if you went to the toilet for long time, or you get caught with phone.

**Interviewer:** But what if I am a good worker and already made my target?

**Worker:** Violation is made and that's it...”

**Azim, Man, 28, from Kyrgyzstan. 5th October 2023.**

This also seems to be building up a culture in which people do not complain about exploitative conditions in their workplace, for fear that they will be denied the ability to earn:

**“My friend had 3 containers missing and her husband had 4 containers missing. And another friend had 6 missing, they are all from the same caravan. He had noted 50 but supervisors had written down 47. I asked my friend why he is not saying anything about it. He replied that it's pointless and what can he do about it. The supervisors say that the person is lying and hasn't picked that many. The only thing supervisors say in defence of missing containers is to go back to the bus, return to the caravan or to go back to work.”**

**Surayyo, Woman, 30, from Uzbekistan. 23rd July 2023.**

“Even if they are not happy with it, they won't complain and stay silent. Most people are scared to say anything.”

**Victor, Man, 47, from Moldova. 9th August 2023.**

**“Even if they are not happy with it, they won't complain and stay silent. Most people are scared to say anything. They think that any complaint will have dire consequences and their working hours will be reduced. I have tried talking some sense into them but unsuccessful.”**

**Victor, Man, 47, from Moldova. 9th August 2023.**

#### **4.3.1.4 Threat of Deportation/ to authorities**

People on the seasonal worker visa can only work in certain roles in horticulture or poultry, and only on a farm that their scheme operator has a contract with. If work is denied to workers, or if they are dismissed and their operator does not find them new work, then they have no other safe and legal options to earn an income.

Given the structure of the visa and the difficulty of transferring employers previously discussed, threats of dismissal can be tantamount to a threat of destitution or even sometimes deportation. 12 workers surveyed (T:3.2%; M:2.6%; W:4.6%) reported experiencing threats of deportation, 5 threats of



being reported to authorities (1.3%), and 1 threat against family members. However, this was more commonly mentioned in interviews with workers. In 10 separate interviews (out of a total of 83), workers told us that people were explicitly threatened with being sent back to their home country:

**“There was one man he couldn’t meet targets; they were sending him always back to the caravan. Then he had been told that if you continue to be slow, [you] will be sent back to [your] home country. But they didn’t give him time to change, and still sent him.”**

**Madina, Woman, 19, from Kazakhstan. 4th September 2023.**

Workers reported being reticent to ask for a transfer out of a fear that they would be denied work or sent home.

In a similar vein to the culture of not asking for transfers as there is no belief that they will be accepted, workers reported being reticent to ask for a transfer out of a fear that they would be denied work or sent home:

**“ Interviewer:** So, you think you couldn’t change farm if for example they threatened you. Or could the company that hired you send you to another farm?

**Worker:** They would send me home.”

**Meder, Man, 31, from Kyrgyzstan. 6th July 2023.**

**“ Interviewer:** If you have a problem at work, do you feel like you can raise it with your employer or supervisor?

**Worker:** I don’t feel like I could because if you look at everybody, they all seem so unhappy there and I don’t think they want my problems or my complaints. You know, probably they will tell me you can go home if you don’t like it.”

**Cristina, Woman, 25, from Romania. 13th May 2023.**

Lack of alternatives to their current employment puts workers at risk of destitution, or even of becoming stranded – although some operators request that all workers have a return flight ticket before coming to the UK, some do not, meaning that people are exposed to the risk of finding themselves in the situation of being unemployed, unhoused and without funds to purchase return travel their home country. Additionally workers that have booked tickets and have to return earlier than planned may not have the funds to pay for changing their ticket or purchasing a new ticket. We heard from one interviewee that this was happening:

**“ Interviewer:** After dismissal can [scheme operator] transfer to another farm? What is the process?

**Worker:** No, we were told that we would not be transferred to another farm in case of dismissal.

**Interviewer:** And what happens after that? What if people don’t have enough money book a flight back home?

**Worker:** It did not concern them. They did not care about it. "Go home!"- they said to us. Many, a lot of people had gone to work in London either in construction or hotels."

**Arlan, Man, 32, from Kazakhstan. 2nd August 2023.**

One support organisation highlighted a situation where a representative from a scheme operator threatened workers that they would be sent back home if they continued to raise complaints to the operator:

“ The labour provider [scheme operator] representative came to the farm. And he was threatening the workers, that they will be sent back home, if they're going to contact their main office of labour provider once again. So, people was threatening, they will be sent back to their countries with debt.”

**Caseworker, Support organisation A. 17th February 2023.**

## 4.4 Barriers to reporting issues and accessing support

### 4.4.1 Workers' views on barriers and gaps in support

Gaps in access to rights and support were some of the most common themes across our interviews with seasonal workers. These included language barriers that prevented communication about concerns between workers and management, workers not knowing who to direct concerns or complaints to, and workers feeling intimidated by farm management or their scheme operator. Workers generally receive pre-departure orientation training before coming to the UK, training which should cover basic rights, transfer processes and who to contact for concerns or complaints. However, there is little oversight of the content of this training, and guidelines for scheme operators do not make any specifications for what kinds of information ought to be included. As such, we have heard reports of varying degrees of quality and thoroughness between countries and providers.

Unlike other work visas in the UK, there is no minimum English language requirement to use the seasonal worker visa. Outside of Health and Safety procedures and workers receiving a contract in their first language, there are also no rules for scheme operators or farms to facilitate communications in a language that their workers would understand. Further, while there is some

additional support avenues available for workers (ie. support organisations/ hotlines, and legal aid/legal advice), level of access for workers will vary greatly based on location, language of the worker, and capacity of organisations. The list of nationalities on the route has grown significantly since the scheme was piloted in 2019. This has also brought an increased number of languages spoken by workers, not all of which are commonly spoken by support organisations in the UK. This can leave workers unable to raise concerns about their working conditions, or even to understand the nature of their work:

**“I don’t have absolutely nobody and I don’t understand them [eyes look teary]. Sometimes they speak to me and I can’t reply back and it makes them angry or at least I think they act angry because they shout at me.”**

**Olga, Woman, 28, from Belarus. 19th December 2022.**

We also heard that this can hinder attempts to request a transfer:

**“** **Interviewer:** Have you tried to change your employer or find work on another farm in England?

**Worker:** Me, from my personal point of view, I would change, but I don’t really know English and I don’t really know what my rights are here and also with this visa for 6 months....”

**Alexandra, Woman, 41, from Romania. 24th April 2023.**

In interviews with workers, we identified many gaps in their understanding of what few support structures are available to them, as well as reports of issues within these structures. These gaps ranged from not being aware of who to contact in case of work-related issues, low knowledge of employment rights, not having a knowledge of trade unions, not having any faith that complaints would be acted upon, trust issues, and lacking a knowledge of the transfer process.

In many cases, the first port of call for an issue of work would be a supervisor or farm management, but several workers described poor relationships with their managers:

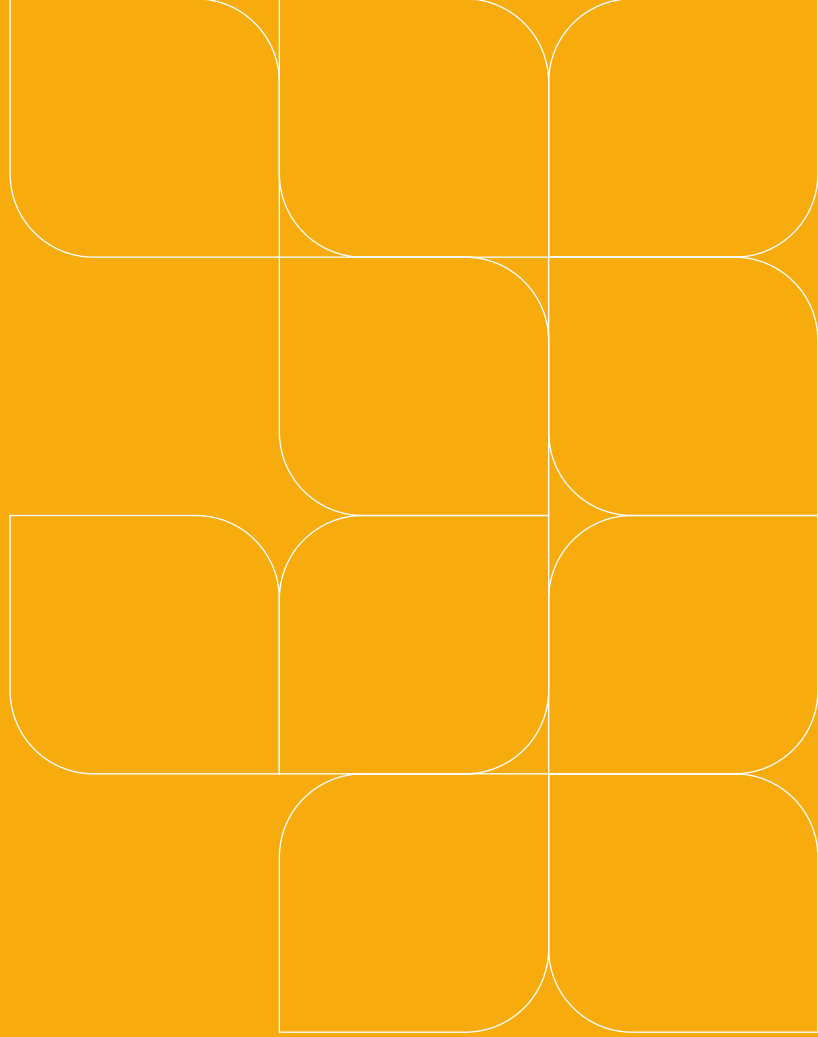
**“** **Interviewer:** Good. If you had any problem, can you raise this problem with supervisor?

**Worker:** You mean if I can’t come to work?

**Interviewer:** For example, something happened at work, can you talk to our supervisor about this problem?

**Worker:** Yes, but it depends on what problem, if its related to health issues or I need to [go back to the] caravan then yes, but if something else I doubt it.”

**Meder, Man, 31, from Kyrgyzstan. 6th July 2023**



**“I don’t have absolutely nobody and I don’t understand them [eyes look teary]. Sometimes they speak to me and I can’t reply back and it makes them angry or at least I think they act angry because they shout at me.”**

Olga, Woman, 28, from Belarus. 19th December 2022.

These issues could also be escalated to their visa sponsor (the scheme operator), or they could contact them for a request, but some workers reported that scheme operators are often non-responsive or evasive:

**“Yes, they [scheme operator] don’t do anything. They say I have to sort out my problems myself and try very hard. They are just avoiding us. I want this scheme operator to have its licence revoked. It’s not fit for purpose.”**

Amir, Man, 48, from Kazakhstan. 31st July 2023.

“Even if they answered they never provided any explanation or gave any reason for their decision. We were always wrong and they were always right.”

Arlan, Man, 32, from Kazakhstan. 2nd August 2023.

**“** **Interviewer:** Were you aware of your employment rights while working there? Who would you ask for support except your supervisors? And did you have a direct contact with [scheme operator]?

**Worker:** I had a direct contact with them but it was pointless to write to them.

**Interviewer:** Did not get a response from them?

**Worker:** No, not that. Even if they answered they never provided any explanation or gave any reason for their decision. We were always wrong and they were always right.”

Arlan, Man, 32, from Kazakhstan. 2nd August 2023.

Several people we spoke to were not aware of (or lacked faith in) their employer’s channels of possible support, such as farm management or their scheme operator. Instead, they considered their peers to be their strongest support mechanism:

**“** **Interviewer:** Maybe there’s a place where you can always find advice?

**Worker:** No, there’s no such place. We do discuss or ask for advice between each other.”

Azamat, Man, 23, from Kyrgyzstan. 12th June 2023.

In some instances, communication about workplace issues to authorities was hindered by intimidation from farm management, including two examples of farm staff interfering with audits and inspections:

**“All communication is done via [supervisor]. We had anonymous surveys on computers. I was among one of the first respondents and we provided negative feedback as well as few complaints. Most people are scared to tell the truth. Although it was anonymous, we were not alone and there was someone looking over our shoulders. Those who did not provide their anonymous feedback the first time, were given an opportunity to do it again and then [supervisor] was sitting next to them asking why they were providing negative reviews. He sat and watched everything and every answer we provided. He tried to make sure everybody said that everything was ideal and perfect.”**

Anna, Woman, 32, from Ukraine. 4th August 2023.

## 4.4.2 Support organisations' views on barriers and gaps in accessing support

Similar to workers, multiple support organisations interviewed raised language barriers as a hindrance to accessing support:

**“ [...] people, most of them feel trapped. And this came because, first of all, they don't speak English very well. They don't know where to go for the help.”**

Caseworker, Support organisation A. 17th February 2023.

**“Language is the biggest barrier, you know. Knowing where to go, who to speak to.”**

Staff member, Support organisation C. 22nd February 2023.

“Language is the biggest barrier, you know. Knowing where to go, who to speak to.”

Staff member, Support organisation C. 22nd February 2023.

Two support organisations explained that language barriers also varied by nationality/regions. For example, while Russian is a commonly spoken language in some parts of Kazakhstan and Kyrgyzstan, it is not commonly spoken in all regions. Consequently, while Russian is sometimes spoken by farm supervisors/managers - due to historical recruitment patterns from countries where there is a high level of Russian proficiency - workers that do not speak Russian or English may have limited access to support:

**“When we started this project, we assumed that the people from Kazakhstan, Kyrgyzstan, would have some level of Russian. But we actually found from some of the villages that that was not the case [...] So, it's very difficult. They can only communicate within other groups who have got the same language as them.”**

Staff member, Support organisation C. 22nd February 2023.

**“While some work may be more concentrated on some countries and some language. Some language can be left out.”**

Caseworker, Support organisation B. 21st February 2023.

These language barriers also intersected with the isolated areas that workers live:

**“There is a huge gap because they're living in an isolated area. Many of them, they don't want to buy internet credit because they just don't have money. And even if one or two have this internet connection, and they try to find information about their rights or. Even if we can share with them, you know, if you need housing, you can contact this, you can contact that. Or information is actually only available in English, and they cannot read English. So, yeah. And there's not people who come in to, you know, ask them like do you have any issues?”**

Staff member, Support organisation D. 22nd February 2023.

Workers' insecure immigration status, their short stay in the UK, and no access to public funds were also raised as a barrier to accessing support by support organisations. In some instances, these conditions facilitated an environment where workers do not feel comfortable raising complaints, due to fear of losing their jobs:

**“People were scared because, again, as I said, they have families, mouths to feed. So, they just choose to shut up their [short pause] mouths and just go with what they have”**

Caseworker, Support organisation A. 17th February 2023.

One organisation told us that when workers came to them with issues/need for support, they (the support organisation) often found it difficult to get workers the support they needed. It was not always clear where workers should be signposted. This resulted in situations where the support organisations were constantly being passed on to different departments/organisations, with no-one knowing who was responsible:

**“We spoke to the GLA[A]. They told us it was DEFRA [they needed to speak with]. We tried to get through to DEFRA. We contacted [the] local authority. We were told that, oh, it's not their problem, you need to ring – not emergency services but – the police. So, we contacted modern day slavery organisations. So, we spent, just on one person, about three days to, you know, find a way out [...] It's so frustrating. Yeah, and I mean, it's so frustrating. When you spend three days ringing all these different organisations, knowing how vulnerable this person [...]. But, three days down the line, that person has still not been supported. And that was the irony of it. And I just couldn't believe that, you know, you've got GLAA and DEFRA both saying the other person, the other organisation. I mean, how does that work? Do they not know who is responsible [...] There just was no support. Basically, for us trying to support that person, there was no support from any of the statutory organisations. There were no other voluntary organisations that could help. And nobody would accept responsibility for that person, or situation.”**

Staff member, Support organisation C. 22nd February 2023.

“Because I don't feel, at the minute, anything being flagged up is actually being taken up by anybody in a position that is willing or able to do anything about it.”

Staff member, Support organisation C. 22nd February 2023.

This same organisation highlighted the need for clear information on who is responsible for different matters on the route and for supporting workers:

**“I think, if starting from the top, you need to have, you need to be clear which government department is actually taking responsibility [...]. I think there ought to be [...] contacts within those departments, so if organisations like us, or yourself, find that there are issues, that we have somewhere to go. Someone to talk to, to discuss them. So, they can actually be looked at. Because I don't feel, at the minute, anything being flagged up is actually being taken up by anybody in a position that is willing or able to do anything about it.”**

Staff member, Support organisation C. 22nd February 2023.

The design of the scheme, including workers being tied to a specific operator was also flagged as increasing risk of exploitation for workers, due to a lack of oversight on the route. This organisation raised the need for independent support and advice to be available for workers:

**“I think the key issue is the length of the visa for those who are in this short-term visa. The other thing is the flexibility. Because, with [...] seasonal worker [visa], the problem is you’re bound with the [scheme operator]. So, if something happens, and your rights are being violated there, there is no flexibility of moving to another employer. Or to move to another company. And it also creates a situation where people, the workers, they don’t want to report and they just, you know, live with that situation. Because they know they don’t have other options. Or the other option is to run away and become undocumented.”**

Staff member, Support organisation D. 22nd February 2023.

To address gaps in support, one support organisation flagged the need for a dedicated, independent organisation for supporting agricultural workers:

**“Even though we have some services, those services are not accessible twenty-four hours. Or they’re just accessible, not even on request, but when they have the time – let’s put it this way. So, it’s difficult [...] They need a proper representation. And, ideally, it has to be a third-party representation [...] it has to be an independent organisation.”**

Caseworker, Support organisation A. 17th February 2023.

Similar to issues raised by some workers, one support organisation explained that workers are often told to contact agents back in their home country when they need support, rather than being able to speak directly with their scheme operator. However, in some instances, agents outside the UK were not responsive when workers needed help:

**“What I have seen that those representatives from back home, they’re ignoring workers. They’re not answering the calls, they’re not taking any further steps, in order to help those workers. And on a few occasions, we had to [short pause] step in and just say, look, this is the number, just provide the contact details for the UK labour provider to get in touch with, so, the people were able to get in touch with the UK office. Instead of contacting their home country labour provider. So, to me, it looks like there’s a very big miscommunication between UK labour providers and labour providers who are acting from different countries.”**

Caseworker, Support organisation A. 17th February 2023.

Similarly, another support organisation explained that workers are not always sure who to contact when issues arise.



**“There’s been these situations again. Some of the workers, maybe many of them, they are not aware of who they should contact when this issue arise. Or they are not aware if there is any representative of this organisation. Because it seems like, you know, once they’re on the farm, when they start working for them, they start having difficulties, they want to contact someone from a representative from the labour providers. We know there were several cases when people called to us and asked us to step in to help them to reach a person, or to reach someone who they can contact too.”**

Caseworker, Support organisation B. 21st February 2023.

## 4.5 Inspections, labour market enforcement, and monitoring

### 4.5.1 Workers’ views on inspections

Scheme operators have a duty to conduct “robust and comprehensive monitoring” of workers they are sponsoring, including ensuring that workers are treated fairly, have adequate health and safety protections, and are housed in hygienic and safe accommodation.

According to Home Office guidelines, scheme operators have a duty to conduct “robust and comprehensive monitoring” of workers they are sponsoring, including ensuring that workers are treated fairly, have adequate health and safety protections, and are housed in hygienic and safe accommodation. The Home Office has also set up a compliance monitoring team that carries out farm inspections and audits.

However, very few people we surveyed (9%) said that someone from outside their work had asked to talk to them about working conditions (e.g. a labour inspector, auditor) (see figure 9). While the sample demographics and locations are different, these results are the same as highlighted in FLEX and FMF’s (2021) study on the SWS that found that only 9% of people surveyed in their sample had spoken to someone from outside their work about their working conditions.

In interviews, we heard from workers that some inspections were perceived to be not carried out fairly and thoroughly, with multiple accounts of inspection conditions not accurately reflecting workers’ everyday experiences on the farm.

**“Around the end of June, we had a visit from [a] work inspector. Some of the reps were from [scheme operator]. They arrived following an open complaint from a female worker. They came and the workers were taken somewhere. They were given vests, shown toilets and they eventually left [...]. The farm painted a rosy picture of the situation. It is very hurtful to accept that they left thinking everything was perfect while we have been abused and humiliated every single day on the farm. We had been shouted at, treated as animals and we could only see the inspection team in the distance arriving and leaving.”**

Amir, Man, 48, from Kazakhstan. 31st July 2023.

## Has anyone from outside your work asked you to talk to them about your work conditions

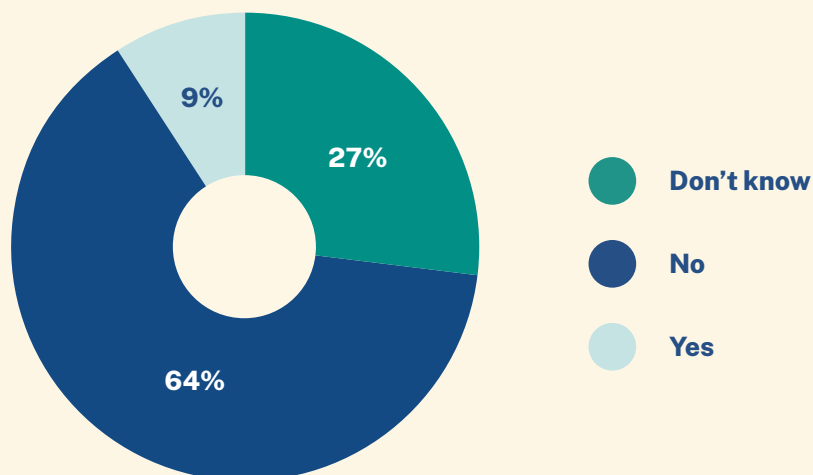


Figure 9. Has anyone from outside your work asked you to talk to them about your work conditions (e.g. a labour inspector, auditor, etc) (%) (n=396).

### 4.5.2 Industry views on inspections, labour market enforcement, and options for redress

#### 4.5.2.1 Industry views on inspections and labour market enforcement

Several scheme operators and retailers stated that they believed there were inadequate/limited proactive inspections on farms in the UK by labour market enforcement agencies, with most inspections happening reactively. This was partially explained as being a result of the underfunding of labour market enforcement systems in the UK which is something that the GLAA themselves have flagged on multiple occasions (GLAA, 2023; GLAA, 2024). Further, the GLAA's budget for 2024/25 has seen a reduction compared to their 2023/2024 budget (UK Parliament, 2024b, 2024c), indicating this may continue to be a problem in at least the coming year:

“I do think there needs to be increased oversight. If I’m completely honest, I’m not convinced that the GLAA, UKVI, Border Force are adequately resourced to address this.”


Manager, Retailer B. 2nd October 2023.

**“I do think there needs to be increased oversight. If I’m completely honest, I’m not convinced that the GLAA, UKVI, Border Force are adequately resourced to address this.”**

Manager, Retailer B. 2nd October 2023.

**“There doesn’t seem to be a huge amount of inspections happening [...] there’s clearly not enough pro-active gathering of data. Yes, there is reactions to issues that are highlighted. And yes, there are investigations that are happening. And yes, the GLAA do take action. And we’ve seen some convictions and some successes over the last twelve to eighteen months. The reality is that that is not happening nowhere near often enough [...]. Even when we do identify things that are within the UK, I’m not sure they’re investigated fully.”**

Scheme Operator D. 2023.



**“It is very hurtful to accept that they left thinking everything was perfect while we have been abused and humiliated every single day on the farm. We had been shouted at, treated as animals and we could only see the inspection team in the distance arriving and leaving.”**

Amir, Man, 48, from Kazakhstan. 31st July 2023.

**“The GLAA then had a massive policy change, and then not only became administering their licences, but they became an enforcement agency [...]. So they took on this massive amount of extra work whilst not having the resources to be able to. And the numbers being quoted about how many licences are being inspected by the GLAA show that clearly they have a massive funding and resourcing issue to operate effectively. So that’s the negative view. That said, the GLAA, we are licenced by the GLAA without the GLAA licence we could not operate. So it is a very, very powerful tool for recruiters to have that licence and hold on to their licence if anything else. So I actually am very pro GLAA. But the way it’s currently operating, I would say, quite ineffective.”**

Scheme Operator B. 2023.

Some operators were also critical of how GLAA licensing works, raising concerns that new licences were given out without adequate due diligence, especially in the case of companies that are located outside of the UK.

“We have seen a large number of companies in overseas territories being approved with a GLAA licence that clearly couldn’t have had due diligence done on them.”

Scheme Operator.

**“There seems to be little or no scrutiny of new approvals. It is very desk-based. And we have seen a large number of companies in overseas territories being approved with a GLAA licence that clearly couldn’t have had due diligence done on them. And, unfortunately, the remit of the GLAA doesn’t extend to much of the problems. It’s outside of the UK. There’s nothing we can do.”**

Scheme Operator. 2023.

**“There are issues that I’ve seen on the funding side of it. I think licences are given out too easy to companies without them being fully investigated. Also giving licences to companies abroad, that have no links to the UK. So there’s no jurisdiction to do anything [...]. What I don’t see is enforcement across all the sector, you don’t see enforcement.”**

Scheme Operator. 2023.

“They’ve met us at airports, they’ve gone on buses with our workers, they’ve literally been dropping in, getting on the bus with workers, going into farms and done the whole check in and induction process.”

Director, Scheme Operator C.

In contrast, despite being overall critical of overseas inspections, there was recognition by one operator that the GLAA had been engaging more:

**“They’ve done a great job this year with us. They’ve met us at airports, they’ve gone on buses with our workers, they’ve literally been dropping in, getting on the bus with workers, going into farms and done the whole check in and induction process. You know, that getting out there and getting an insight to how it is happening. So they are developing.”**

Director, Scheme Operator C. 9th August 2023.

This operator mentioned that because of the lack of labour market enforcement on the route, scheme operators are effectively policing farms. Highlighting that even when they do raise concerns, they often don't know what happens after that:<sup>8</sup>

**“So we are used as policing, for policing farms, making sure these things are happening. We’re reporting it. But we don’t get any information. We don’t know what happens after that. And I understand we’re probably not allowed to because of the way things work. But we’re still seeing those places running. Still seeing those agencies up and running. Yeah, we can actually see what’s really going on the ground. And it’s just not policed. It’s not enforced.”**

Scheme Operator C. 2023.

#### 4.5.2.2 Industry views on monitoring worker welfare and audits

Scheme operators highlighted different practices concerning monitoring worker welfare. One operator explained that they conduct audits at farms before workers arrived to make sure that the farm has the correct systems in place to meet the required rules and regulations of the scheme/UK labour law:

“We produce a corrective action plan after we’ve done the audit, and we are strict in that we identify critical risks. They have to be addressed before we’ll supply. [...] And then, at the end of the season, after departure, about four weeks after departure, they get a follow-up survey.”

Scheme Operator D. 2023.

**“There’s a pre-supply audit, which covers [...] the work environment, the health and safety, pay practices [...] Fire risk assessments. All those kinds of things. Is the work place safe? Are the contracts ethical and in line with UK law? Do they satisfy the needs of the Scheme, i.e., 32-hours [...] Is the pay rate at the level that it should be, both in terms of the minimum rate [...] Is that compatible with national minimum wage legislation? And then we’re also auditing the accommodation itself, both in terms of process and policy, but also physically looking at the accommodation and checking that it meets with – we use the FPC [Fresh Produce Consortium] guidelines as the standard that we audit to [...] if the labour user is providing the accommodation, they have two audits from us. And we produce a corrective action plan after we’ve done the audit, and we are strict in that we identify critical risks. They have to be addressed before we’ll supply.”**

Scheme Operator D. 2023.

This pre-supply audit is then followed up with checks after workers have returned home:

**“And then, at the end of the season, after departure, about four weeks after departure, they get a follow-up survey [...] We take lessons from that. That drives our continuous improvement about,**

<sup>8</sup> Similar to the issue raised above, the ICIBI's inspection of the immigration system as it relates to the agricultural sector (2021) found that inspection reports by the Home Office Compliance team were fed back to scheme operators months later or not at all.

**not just compliance with the rules but also the expectations of individuals. And the two aren't always the same."**

Scheme Operator D. 2023.

Following on from audit checks, on ongoing monitoring of rights, two operators mentioned that they receive weekly reports from farms:

**"They have to report on a weekly basis."**

Scheme Operator C. 2023.

**"We conduct regular, weekly checks on working hours and on pay. So, each farm submits a weekly report on each worker, their working hours, and their pay. And there's also an opportunity there to raise concerns."**

Scheme Operator D. 2023.

Similarly, two operators highlighted that they have staff or external auditors who travel to farms to interview workers about their conditions:

"We got a full time welfare team on the road. Their job is purely to get to farms and interview a percentage of staff, depending on the farm, 10%."

Scheme Operator C.

**"We got a full time welfare team on the road. Their job is purely to get to farms and interview a percentage of staff, depending on the farm, 10%. Every time it's different people. We take the recordings of those interviews, any issues raised will come straight back and they'll report, if it's a serious enough issue they will go to the office then usually, if it's that serious, it comes directly to myself or [name of colleague redacted] actually. And then we will deal with it. The GLAA is always notified by us. We keep the GLAA involved in everything, because actually that's our support mechanism. If we haven't reported it, we could be accused of not reporting it. So we bring the GLAA in if it's serious enough. If it's not, it's usually my welfare team will deal with it on site. And then a report will come back, and then we do a follow up."**

Scheme Operator C. 2023.

"They do telephone interviews with those workers, which are about an hour."

Scheme Operator B.

**"We do have third party audit committee [name redacted] who interview about 5% of the total workers. And they do telephone interviews with those workers, which are about an hour. About everything. Their experience from recruitment, to their work on the farm to their earnings."**

Scheme Operator B. 2023.

On the retailer side, there are a number of independent auditing systems used as part of monitoring. One popular provider is the SMETA audit (Sedex Members Ethical Trade Audit), however this is not mandatory and not all supermarkets require them of farms. One retailer we spoke with told us that at the time of interview they did not require them of UK growers (Manager, Retailer C. 2nd October 2023). Another retailer explained that the farms they source from are usually required to complete a self assessment as well as an audit from an external auditor.

**“We would basically require sites to have either completed [or] usually completed a SMETA audit. So that’s where an external auditor will come in as a Sedex thing. And the audits we ask for are sort of four tiers. So they have elements of social auditing, environmental, health and safety, those kinds of things.”**

Manager, Retailer A. 5th September 2023.

This retailer also explained that they have some staff visiting farms as well as part of their monitoring:

“Although they’re not ethical trade teams directly, they all have a sort of understanding of the signs to look out for in terms of worker exploitation.”

Manager, Retailer A.

**“We would also, in things like fresh produce, our technical team will spend quite a lot of time on the ground as well. So although they’re not ethical trade teams directly, they all have a sort of understanding of the signs to look out for in terms of worker exploitation, or what their working conditions are like and things like that. So they will do those sort of informal checks when they’re on site. Not auditors as such, for ethical trade. I suppose those are the best checks that we’ve got. So the sort of audit and self-assessment processes and the direct farm visits.”**

Manager, Retailer A. 5th September 2023.

These farm visits were mentioned as usually being proactive rather than reactive:

**“They would usually be proactive. So a technical manager would try and get out to a UK farm when they’re starting supply. I mean it doesn’t always happen because we work with a lot of farms. So it might not always happen, But their intention would be to try and get out as much as they could. Bit more challenging in covid. But now it’s back to normal. But if we had specific concerns, from a human rights or from a food safety standard, we might do a reactive visit as well.”**

Manager, Retailer A. 5th September 2023.

Another retailer also mentioned that their technical teams conduct farm visits, working with scheme operators to understand their capability to assess farms. However, these visits were not an assessment of the farm, and varied by farm, with not all taking part:

“They’re not doing an assessment when they’re there, but their eyes are open and they know how to report that back.”

Manager, Retailer B. 2nd October 2023.

**“In terms of oversight at the farm level, we have regular visits by our technical managers, and they’ve been briefed on the kind of incidences that we found last year, the challenges around worker welfare. They’re not doing an assessment when they’re there, but their eyes are open and they know how to report that back. And broadly, we worked with our sort of primary level suppliers to understand their capability to assess farms [...] we don’t audit all those farms. Some do, some don’t. Some choose to, some choose not to. And then we also worked with our labour providers to make sure they’re undertaking the farm checks as well as part of the process.”**

Manager, Retailer B. 2nd October 2023.



This retailer explained that the actions they would take to respond to identified labour rights issues would depend on the type of offence, but would usually involve working with/notifying the GLAA:

**“I think it’s important to recognise that supermarkets do take steps and take action. We have got things for example, depending on the type of the offence, if it’s forced labour, we’ve got the GLAA protocol that we have in place, which gives clarity to growers about how we will respond, we’ll do that on a collaborative basis. We’ll assign a lead, we’ll do it in such a way to reduce the burden of duplication on that farm. But typically, that would lead to an initial conversation with the farm – with our supplier [...] We’d have a discussion around [the] investigation, and how best to commission that. We certainly give them an opportunity to respond. First of all, if we think there’s a need for an external investigation, we’ll fund that and we’ll deliver it, typically. Well again, if the questioning is around labour exploitation, modern slavery, concerns under the scheme, then we’d include the GLAA immediately as well, which is what we did last year. And then we try to understand the root causes of that issue, understand the detail behind it. And then we take steps to remediate and support the supplier to do that. It’s never that straightforward. But there is a process and structure behind it.”**

Manager, Retailer B. 2nd October 2023.

“Our UK growers aren’t required to have ethical audits done, but we do have a range of other human rights requirements for our primary suppliers. And we also have additional requirements that we expect to be cascaded down from our primary suppliers down to our growers below that.”

Manager, Retailer D. 2nd October 2023.

Another retailer had an ethical audit programme for auditing their growers, but they do not use it for their UK growers, instead relying on good practices to be passed down from primary suppliers. However, their technical team conducts farm visits:

**“Our UK growers aren’t required to have ethical audits done, but we do have a range of other human rights requirements for our primary suppliers. And we also have additional requirements that we expect to be cascaded down from our primary suppliers down to our growers below that, in terms of promoting good practice, including things like promoting the independent modern slavery helpline, making sure there’s access to proper grievance mechanisms. But also we work internally really closely with our technical colleagues, who are the experts visiting sites every year, they’re upskilled to a really high degree in human rights standards. And I’ve worked really closely with them around spot-checking the common themes that would come up around wages, workplace treatment, accommodation. And then also, when there’s an emerging risk, like we’re seeing with the Seasonal Worker scheme, really recognising the power of working cross-industry, which is what has been really key to our approach with the Seasonal Worker scheme, underpinning those foundational pieces around our expectations.”**

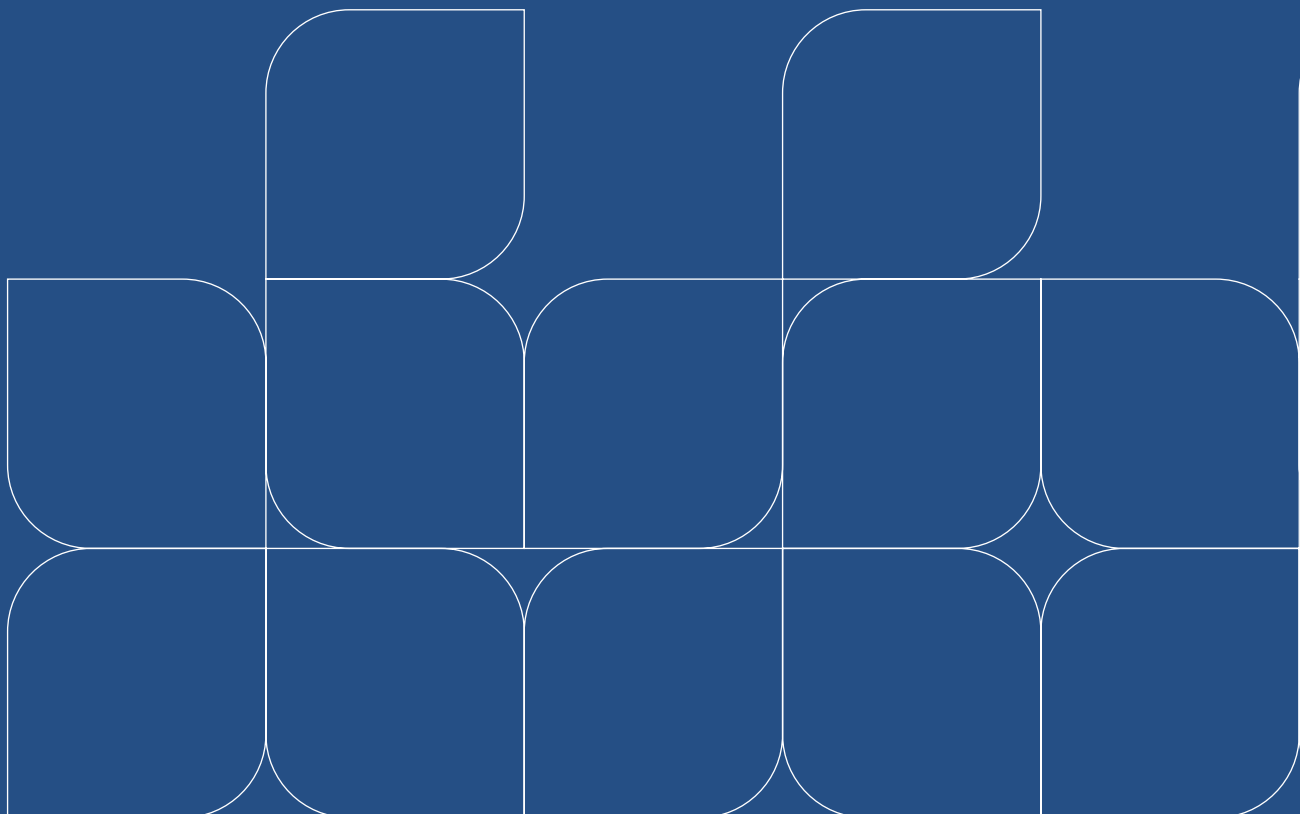
Manager, Retailer D. 2nd October 2023.



**“Interviewer: If you could change anything in agriculture, what you would change?”**

**Worker: [...] all migrants who are working here, 6 months is a very short period of time. In my opinion, they could at least do a year or 9 months. We could have proper work.”**

Sultanbek, Man, 25, from Kyrgyzstan. 2nd June 2023.



## 4.5.4 Industry views on complaints mechanisms for workers

Industry representatives interviewed mentioned a wide range of complaint mechanisms available for workers, with one trade association explaining that workers may have to go through several avenues before getting redress and that there may be a need for an independent hotline for workers to raise complaints:

“You could argue that there should be a central, independently operated service for workers to go to make any calls, seek advice, report issues. That could be run by an NGO, that could be funded by a levy on the scheme. But again, that would need to be built within the scheme rules. Now we’ve seen that in Scotland to an extent, but we’ve not seen it in England.”

CEO, Trade Association. 7th November 2022.

**“There’s a hierarchy, if I haven’t been paid properly, I tell my employer, he puts it right. If he doesn’t put it right, I tell my scheme operator, who tells the employer. There are other routes, you know, via an NGO or other sort of helpline. [...] you could argue that there should be a central, independently operated service for workers to go to make any calls, seek advice, report issues. That could be run by an NGO, that could be funded by a levy on the scheme. But again, that would need to be built within the scheme rules. Now we’ve seen that in Scotland to an extent, but we’ve not seen it in England.”**

CEO, Trade Association. 7th November 2022.

In response to the issues highlighted by FLEX and FMF’s report (2021), the Scottish Government funded the helpline mentioned above, which aimed to assist workers with any issues that they may have while in Scotland (Scottish Government, 2021). Similarly, since 2022 the Scottish Government has provided funding to the Worker Support Centre, which was established to provide outreach and legal support to workers on the route in Scotland (JustRight Scotland, 2022).<sup>9</sup> At present, the WSC provides advice to workers on temporary visas in the UK, including SWV holders, including by running a helpline. In their 2023 annual report (WSC 2024), the WSC highlighted that they were able to assist 167 seasonal agricultural workers in Scotland,<sup>10</sup> helping to at least partially resolve issues in over half of the cases they supported workers on, including transfer related issues. These achievements show the importance of independent support being available to workers, and is a model that could be replicated in other parts of the UK.

Complaints mechanisms from scheme operators included apps, hotlines, encouraging workers to contact their recruitment team in their home country, as well as whatsapp channels, emails, and phone lines, including multilingual support staff:

**“We also promote the Just Good Work app, to give them independent access to information about workers’ rights. And we’re a funder of that project and have been for three years and will continue to do so [...] We promote see, hear, speak up independent helpline that they can access. We then provide things like the GLAA contact details and all those sorts of things. Those things that they’re initially not getting help with.”**

Scheme Operator D. 2023.

<sup>9</sup> The WSC was hosted by JustRight Scotland for the first six months of its operations (May to October 2022 before becoming a standalone centre.

<sup>10</sup> Please note that the report does not break down how many of these workers originally contacted the WSC through their helpline.

**“So, it’s Whatsapp. We call it workers’ support [...] We have complaints. And we have workers’ support. Most stuff comes in on workers’ support. And if it’s a complaint [...] So, normal telephone – we get a lot of calls. And actually, we’ve got to have that multilingual support in our office. It’s critically important. They also – and this has happened throughout the time I’ve worked in this – go back to their home country a lot, and they’ll call the recruitment office. And actually, then those guys are linked in to us almost live.”**

Scheme Operator A. 2023.

Retailers also highlighted several mechanisms for workers to get support, including whistleblowing lines, the Just Good Work App, the Modern Slavery helpline, and for workers to speak directly with their scheme operator:

“Each retailer has its own protected line, all of their sites are required to promote that.”

Manager, Retailer D. 2nd October 2023.

**“Each retailer has its own protected line, all of their sites are required to promote that. So you know, a worker can reach one of us directly through one of our protected lines. Actually, what is much more effective, we find, is those independent grievance mechanisms. So we’ve really been championing across the industry, the Just Good Work App. Not only does it provide workers with the resources around their rights and obligations whilst in the UK, but also gives them access to you know, who they need to go to, for help. We do see things coming through the likes of the Unseen modern slavery and exploitation helpline. Doesn’t mean what’s being reported is always modern slavery, but it’s, you know, an option for workers to reach out to. But actually, the vast majority of workers would go in the first instance, straight to their scheme operator.”**

Manager, Retailer D. 2nd October 2023.

“I think that all the data that’s needed to do this to run this scheme more effectively, in a way that protects workers better, already exists. But it exists in multiple different silos.”

Manager, Retailer B. 2nd October 2023.

Two retailers mentioned the potential for confusion around whistleblowing to retailers, when workers are on farms or in packing houses that supply a number of retailers. Workers might be overwhelmed by the list of different retailer helplines and may not know which to use. Another retailer mentioned issues around a lack of communication and information between different stakeholders being a barrier when investigating:

**“I think that all the data that’s needed to do this to run this scheme more effectively, in a way that protects workers better, already exists. But it exists in multiple different silos that can’t talk to each other [...] it’s not accessible by all individual parties, who potentially need [to see] see that at any one point. Certainly from an investigation perspective. And from an intelligence piece, if you’re trying to track harm, if there is a specific issue with a subset of workers from a specific country or a region, you could tell that almost immediately. Someone knows that information, it exists. So if there was a better way for that data to be shared in a responsible and safe manner that could help protect workers, then I think**

**there's a case for that to be done as well. But that's really tough. I accept that's tough, but it just feels as if it could be done better."**

Manager, Retailer B. 2nd October 2023.

## 4.6 Multiple Dependencies

### 4.6.1 Worker's views on multiple dependencies

Workers have limited ability to change employers, and cannot work outside of a set number of horticultural roles. The vast majority of seasonal agricultural workers live in accommodation provided by their employer. Of those surveyed for this study, 98.5% said they lived in accommodation provided by their employer, with the remaining 1.5% reporting they did not know who provided their accommodation. Accommodation provided by an employer can be taken into account when calculating national minimum wage (NMW)/NLW (known as the accommodation offset). The accommodation offset sets a limit on what an employer can charge a worker on NMW/NLW. As of April 2024 this is set at £69.93 a week, and should also include utilities (GOV UK, 2024). There are reports of workers facing additional charges for laundry, which is not allowed under the accommodation offset, and for other amenities such as Wi-fi (Barbalescu & Robertson, 2024). If an employer charges more than the offset rate, the difference is taken off the worker's pay which counts for the NMW or NLW (Gov UK, 2024). Between April 2022 and April 2023 workers on the SWS earned 60 pence above the NLW, consequently employers were able to deduct more for accommodation. This left many seasonal workers no better off than if they had been paid NLW (Barbalescu & Robertson, 2024).

Transportation to their place of work is also generally provided by their farm. Given the rural location of most farms and the lack of public transport options in such places, workplaces may also provide transportation for necessary trips such as food shopping. People on the seasonal worker visa also have no recourse to public funding, meaning that they cannot access state support. This set of circumstances leaves workers with multiple dependencies on their employer.

Workers surveyed were asked if they are able to leave their worksite easily for personal reasons (e.g. shopping, leisure, medical appointments). One in three workers had access to public transportation (T:36%; M:34.2%; W:41.1%), three in ten (T:29.3%; M:30.2%; W:25.9%) reported having access to free transportation from their employer, one in five by their employer at a cost (T:18.9%; M:17.6%; W:22.3%), and a small number had access to their own or friend's form of transport (T:12.5%; M:12.6%; W:12.5%). Around one in six (T:15.6%; M:16.2%; W:14.3%) said they cannot easily get around, something that could limit workers' ability to seek help or leave exploitative situations.

18 of the 83 workers we interviewed explicitly said that they felt dependent on their employer. This feeling of dependency stemmed from a range of issues including lack of options to work elsewhere, language barriers with interacting

with wider society outside of the farm, visa status, and the joint provision of work and accommodation.

Of those who said that they feel dependent on their employer, the lack of options to work elsewhere was the most common reason for the dependency. Accommodation was also a recurrent theme, with many workers stating that their housing arrangement limited their ability to look for other work.



**Interviewer:** can you leave this job if you are not treated well?

**Worker:** I would say no, because if I quit my job I would be homeless. I.e., I must firstly look for a place to live, so I can be able to look for another job. I.e., I would rather stay at work, as I have nowhere to live to find another job.”

**Sofia, Woman, 26, from Bulgaria. 16th April 2023.**

Transportation was also in many cases provided by their employer, or in one report, by a scheme operator, which sometimes limited workers’ ability to leave their farm:



**Worker:** it is so difficult to get to the shops. Once a week, we get taken to shops in a minivan.

**Interviewer:** Are you able to walk there?

**Worker:** I don’t think so, it may take 2 or 3 hours walking.”

**Alinur, Man, 30, from Kazakhstan. 25th August 2023.**

## 4.6.2 Support organisations’ views on multiple dependencies

Several support organisations explained that the isolated location of where workers are living and working can limit workers’ ability to leave the farm, with access to transportation varying by location. While some workers may have adequate access to transportation, this was not the case for all workers.

**“It depends on [the] farm. Because some farms are more rural, with less access, or more difficult access to public transport. While other farms, other workers, they have better opportunities to go to town.”**

**Caseworker, Support organisation B. 21st February 2023.**

**“They’ve been walking for [an] hour to the city centre because they need to shop. Because the bus is not available anymore [...] people can only go to city centre or to find help once in the week. Meanwhile, if there was free transport available every day, you can make sure that if anyone is sick, they can go to the nearest hospital without paying taxi. Which cost them a lot.”**

**Staff member, Support organisation D. 22nd February 2023.**

“Because the bus is not available anymore [...] people can only go to city centre or to find help once in the week.”

**Staff member, Support organisation D. 22nd February 2023.**

# 5. Conclusion and recommendations

This study was conducted by FLEX in collaboration with CASL, Rosmini Centre Wisbech and SEEAC and was fully funded by foundation grants. It is based on 399 surveys and 83 interviews with workers on the SWS, alongside key stakeholder interviews. It analyses barriers and risks associated with workers' abilities to leave exploitative conditions, including through transfers to other farms, as well as access to justice systems. These independent findings can assist stakeholders on the scheme – including the UK Government – to address and mitigate risks of exploitation for workers, ensuring that those on the route have safe and fair conditions, and can leave exploitative situations.

The findings presented in this report show that despite scheme guidelines stating that scheme operators should facilitate the transfer of workers to other farms when requested (except in 'exceptional circumstances'), this is not happening in practice. A high proportion of worker surveys in this study reported having transfer requests denied. Further, interviews with workers highlighted that some people are not always told the reasons for transfers, are rejected for reasons not listed in guidelines, or face difficulties in sending requests due to language barriers as well as fear of losing their job. These issues have been ongoing for multiple years on the route, and are issues that FLEX and FMF (2021), as well as subsequent reports have highlighted. Despite this, there does not appear to have been practical positive improvements for workers on these matters. Without the ability to effectively transfer, workers may be unable to leave exploitative conditions, putting workers at risk and harm.

This report also demonstrated that the financial burden that workers shoulder to be recruited on the route, and the restrictive nature of the visa, can limit workers' ability to leave their employer. This is due to the pressing need to earn money in order to pay back debts incurred as part of recruitment, or to save as much as possible in the short time frame of the visa. This is further exacerbated in situations where workers are underpaid or given less hours than promised, something that was frequently raised by workers in interviews.

In our interviews, industry representatives raised a wide range of avenues for workers to seek redress for issues. However, workers often reported barriers to seeking support, including language issues, and fears of losing work as a result of raising concerns. This indicates that current avenues may not adequately protect workers.

Industry also flagged concerns about the lack of proactive monitoring of the scheme by labour market enforcement agencies in the UK. This is backed up by the low number of workers that took part in this study that reported speaking to someone outside of their work about their living conditions.

Industry representatives interviewed in this study recognised many of the challenges raised in this report, including on the need to improve transfer systems for workers. In light of this, the UK Government has a genuine opportunity to action policy changes and make significant improvements for workers. 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. Gaps in data must be addressed:** Recruitment practices, illegal charging, migration costs and incidence and level of debt should be actively and closely monitored, as well as the availability of work and evidence to support assertions of a labour shortage, particularly in light of expansions of this route. The UK government should proactively monitor and publish information on average hours of work and wages received by workers. The UK government should also make clear to workers using the scheme and through published, publicly available information, the avenues which are available for workers to report concerns. This includes independent avenues for workers who do not want to report to their sponsor or scheme operator. The UK government should also collect and publish anonymised information as to what actions are taken in response to any structural issues identified. This includes any provisions to support, accommodate and provide redress to workers who have lost work or accommodation due to raising a complaint.

### **Access to rights**

- 2. Effective monitoring of employer transfer pathways.** As per scheme guidelines, this should include transparent criteria for making a transfer request and the process for considering such request. There should also be an independent complaints mechanism. This should be communicated to workers at the point of recruitment. Workers should not be responsible for paying the costs of a transfer and should be financially supported during gaps between jobs (e.g. transport costs and accommodation costs) and in any period in the UK before work starts and after it ends.
- 3. Short-term work visas should be less restrictive.** Workers should have options to work more widely within or outside of the sector if there is no work available via their Scheme Operator. If an Operator loses their licence for any reason, workers whom they have sponsored should be transferred to a different Scheme Operator.
- 4. Ensure a guaranteed income for six months for agricultural workers who have travelled to the UK on the promise of work.** Compliance with the National Living Wage and the provision of a minimum of 32 paid hours a week needs to be independently monitored.
- 5. As workers have no recourse to public funds, provide an independently managed emergency fund** for workers who have not received the



minimum income required by the rules (32 hours per week, on average). This should be costed into the scheme.

### Enforcement and redress

- 6. Ensure secure reporting mechanisms and a separation between the enforcement and monitoring of working conditions and immigration enforcement**, recognising that people on insecure and temporary immigration statuses are often reluctant to report abuse due to fear of facing immigration consequences.
- 7. Increase the resources for labour market enforcement** to ensure there is capacity to conduct regular proactive inspections of SWV participating workplaces with a focus on compliance with standards and UK laws, rather than only on breaches which reach the threshold of Modern Slavery.
- 8. Establish clear independently run complaints mechanisms** which are informed by the needs of workers to make sure they are accessible and are enforced in practice. Scheme Operators must ensure that workers are aware of this mechanism prior to arriving in the UK.

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# Appendix 1

## Expanded methodology

### Design

This is the second report in a planned series of publications from a project focused on making current and future short-term work visas fairer and safer for workers, with a particular focus on the SWS. These publications are broadly split into the three categories of ILO indicators of human trafficking for forced labour (see section 3.2 for more details), including unfree recruitment, work and life under duress; and impossibility of leaving an employer. This report focuses on the impossibility of leaving an employer. It aimed to assess risks related to the possibility of workers to leave their employer that stem from the design of the SWS and how to mitigate these risks. Upcoming publications will be focused on the other categories of indicators of forced labour.

This publication is based on 399 surveys and 83 interviews with agricultural workers on the SWS, and four scheme operators, three retailers, one international organisation, five staff members from support organisations, one trade association, and one factory. Surveys with horticultural workers on the SWS were collected between August 2022 to the end of October 2023, while stakeholder interviews were conducted between June 2022 and October 2023. FLEX also reached out to more than 40 growers, but we either did not receive a response or the grower declined the request. 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.

Surveys and interviews with workers were carried out by caseworkers/researchers from our partner organisations, Rosmini Centre Wisbech, CASL, and SEEAC, with one interview carried out by a FLEX staff member. The caseworkers/community researchers together spoke Russian, Ukrainian, Bulgarian, Romanian, Bahasa Indonesia, and English, with interviews conducted in these languages. Where interviews were not carried out in a workers' native language, they were carried out in their second language, Russian, or English. The survey was translated and available in English, Bahasa Indonesia, Bulgarian, Russian, Ukrainian, Romanian, and Nepali. Interviews and surveys collected by partner organisations were conducted in person, over the phone, or via video call, with a focus on workers currently employed in England. A small number of surveys were collected through online dissemination by FLEX. As the survey did not specifically ask where the worker was located, a small number of workers may have been working in other parts of the UK. Stakeholder interviews were conducted by FLEX staff members.

Names of participants have been changed to protect anonymity. Workers' names have been replaced with a pseudonym. Key stakeholders are listed by job title, type of organisation and a letter to distinguish between organisations in the same category. Lettering for scheme operators has been randomised from the first report in this series to help prevent people from matching quotes between reports. Dates of interviews and job titles have also been removed from scheme operators to assist with this anonymisation. Where a quote has been used in more than one report, the letter has been removed.

Opportunistic sampling was used to find workers, drawing on the detailed knowledge of the horticultural sector of the three partner organisations. In addition, secondary snowball sampling was used in some cases. This sampling approach was adopted due to the hard-to-reach situation of workers, who were largely living in farm-based accommodation in rural locations with limited mobility. To overcome possible sampling bias, the researchers sought workers from a range of farm settings, spanning a range of different nationalities.

## Conceptual framework

The objective of this research was to analyse risks of exploitation on the SWS related to transfer and access to justice mechanisms, rather than to identify actual cases of human trafficking or forced labour. To assist with identifying and conceptualising these risks, this report uses indicators of forced labour from the ILO guide, *Hard to see, harder to count: Survey guidelines to estimate forced labour of adults and children* (2012).

Within this framework, forced labour can be broken down into three categories;

1. Unfree recruitment;
2. Work and life under duress; and
3. Impossibility of leaving an employer.

This report focuses on indicators from the impossibility of leaving an employer category, with the remaining two categories covered by other publications from FLEX in this series of reports.

Under this framework, impossibility of leaving an employer is classified as a characteristic of forced labour when leaving poses a penalty or risk to the worker. In this sense, deliberate retention of wages is classified as a form of coercion, due to the worker having to stay because outstanding wages will be lost if they leave.

Indicators covered include:

- Reduced freedom to terminate labour contract after training or other benefit paid by employer
- No freedom to resign in accordance with legal requirements
- Forced to stay longer than agreed while waiting for wages due

- Forced to work for indeterminate period in order to repay outstanding debt or wage advance

## Ethical considerations

Interviews and surveys with workers were conducted in line with the FLEX ethical research policy established for the purpose of the research. Caseworkers received training on research methods, ethics and trauma-informed approaches to research at the beginning of the project. This provided them with the knowledge to obtain informed consent from workers by providing details on the research and purpose of the interview to workers, to ensure confidentiality and anonymity and to explain to interview participants that they had a right not to answer certain questions or to withdraw from the interview or survey at any stage. A project information sheet and consent form were provided to workers in their native language or in a language they could understand. Given that this research was conducted alongside outreach work, all outreach needs and referrals were addressed regardless of participation in the research and workers were reassured that their participation was not a condition to receive further support and assistance.

## Limitations

As with any methodology, the one adopted in this research comes with its own limitations. Worker selection bias may exist where workers have been identified or have responded to the survey because of a desire to discuss particular issues they faced while working on farms, meaning the research may have been more likely to engage workers with problems than not. Efforts were made to overcome this bias by proactively approaching a range of workers through different recruitment channels, both online and offline.

Workers were interviewed and surveyed for this project between June 2022 and October 2023. During this time, there were several changes to the scheme, including the introduction of workers being paid at minimum 32 hours of work in April 2023. However, as the data collection period covers both before and after rules changes, it is not always possible to determine if reported issues happened before or after the changes. Consequently, this report does not disaggregate findings from before or after rule changes.

The UK Government does not publicly release much disaggregated demographic data on workers on the route. This is mainly limited to the nationalities of workers and number of visas issued. Further, there is minimal information on the areas where workers are located. Consequently, it is difficult to determine if this sample is representative of the experiences of seasonal workers in the selected regions. However, seasonal agricultural workers, particularly those on tied and temporary visas are a notoriously hard-to-reach research population. To the best of our knowledge, this report includes the largest independent sample of SWS workers surveyed and interviewed to date,

therefore contributing to the body of work seeking to understand and evidence the experiences of seasonal agricultural workers.

By conducting field work through a range of channels, reaching out to a large number of workers during their placements in UK farms, across two seasons and in different counties, this project provides important insights into how the SWS works from the workers' perspectives and aims to support efforts in the identification of actionable solutions that also work for them.



# **FOCUS ON LABOUR EXPLOITATION**

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