

**Executive Summary**  
**Making the Seasonal Worker**  
**Scheme safer and fairer**  
**Report three**

**FOCUS ON**  
**LABOUR**  
**EXPLOITATION**

# **Not here for the weather: Ensuring safe and fair conditions on the UK's Seasonal Worker Scheme**

**June 2024**



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

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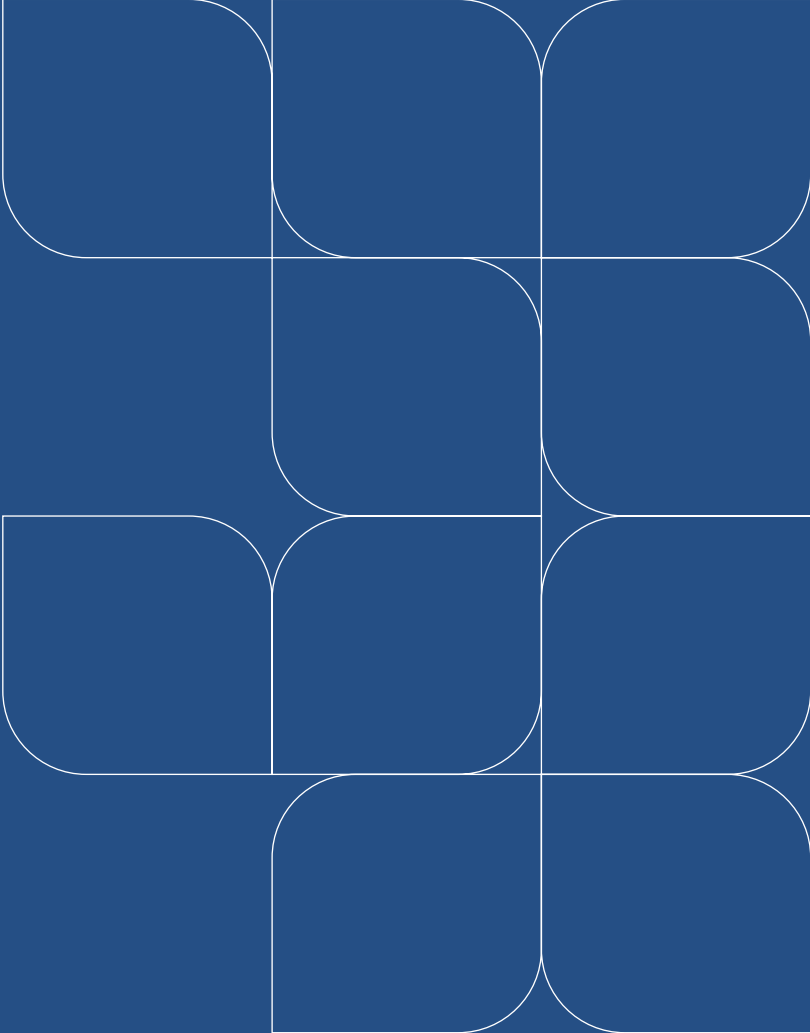
*Warning: this report contains some accounts of incidents that people may find distressing or traumatic. This includes incidences of bullying, threats, discrimination and sexual harassment and other forms of violence.*

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



**JUSTICE  
TOGETHER**





**“I don’t think it’s possible to reach [targets] every day. You know, they’re very, very hard. You need to work like a robot, and what’s the point in breaking your back if after that you go back home and you pay for medical bills.”**

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

# Executive summary

## 1. Introduction and background

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

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

This research aims to understand and assess work and accommodation related risks stemming from the Government's design of the SWS, as well as highlight cases of good practice. Finally, it looks at how to mitigate and address the identified risks. This is the third report in a series of reports by FLEX aimed at making the SWS safer and fairer, with other reports covering recruitment (report 1), and transfer processes (report 2).

FLEX has engaged in active advocacy work<sup>3</sup> on a range of issues related to the design and monitoring of the SWS since its announcement, liaising with a range of stakeholders including industry bodies, government departments, parliamentary groups, and non-governmental organisations providing direct support to workers. This report is informed by this work.

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1 Names of workers have been changed in the report to protect their identity.

2 FLEX also reached out to more than 40 growers. 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.

3 Including as a member of the Worker Interest Group. For more information on the group and membership see <https://labourexploitation.org/news/announcement-new-seasonal-worker-interest-group-launched-to-tackle-exploitation-in-agriculture/>.

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

## 2. Findings

### 2.1 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 1).

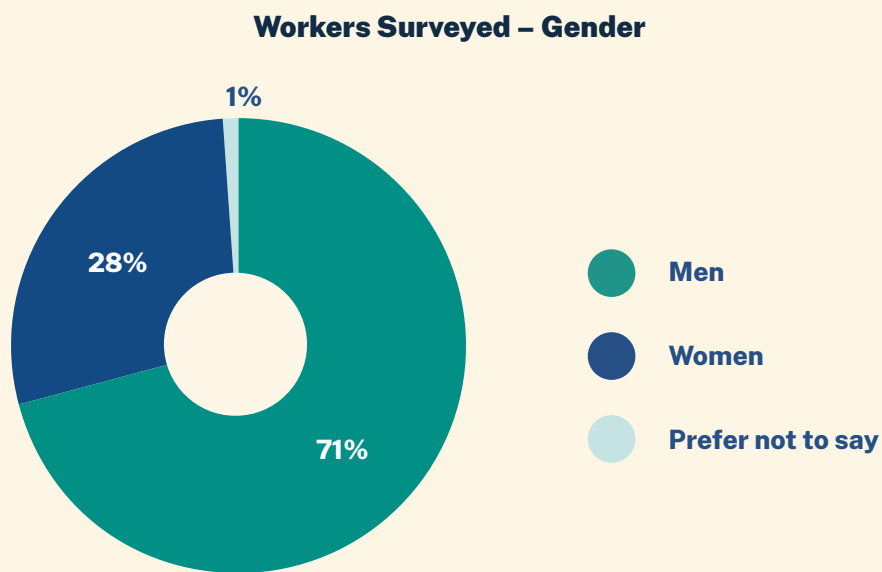


Figure 1. What is your gender? (%) (n=398).

## Demographics of Workers Surveyed – Nationality

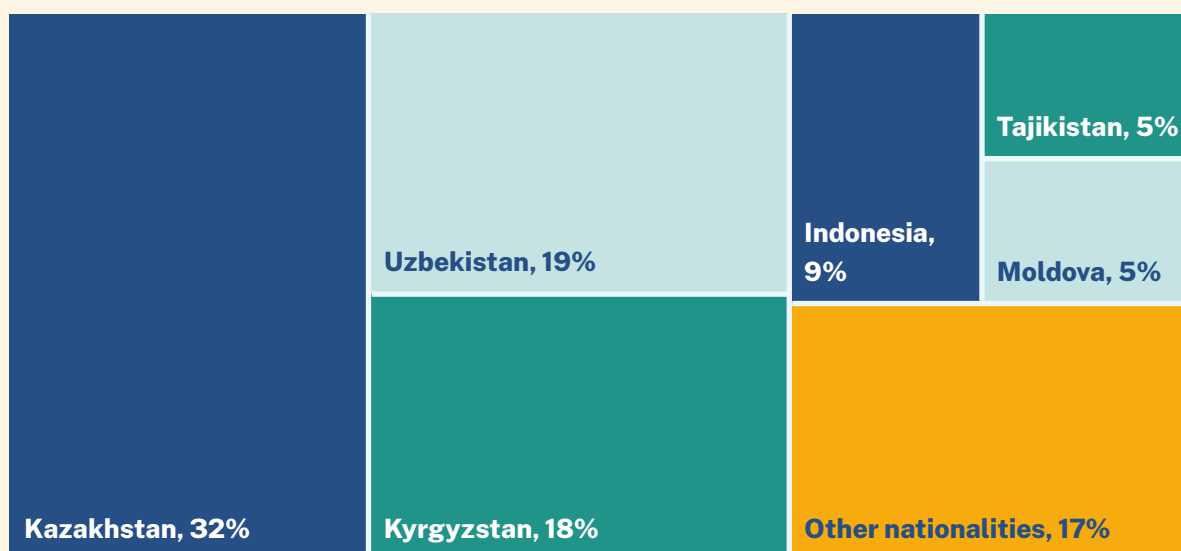


Figure 2. What is your nationality? (%) (n=394).

Participants surveyed held nationalities from 16 different countries (see figure above). Workers surveyed were aged between 19 and 58 with a median age of 31 ( $\pm$  7.15).

## 2.2 Working conditions

### 2.2.1 Hours

Across surveys and interviews, working hours consistently came up as a recurring issue. Problems around working hours underlie or intersect with many other issues faced by migrant farm workers, including targets, exhaustion, underpayment and the ability to pay off debts incurred as part of recruitment.

Shift patterns were often irregular, and workers frequently reported experiences of being denied working hours as a punishment for not working fast enough. Many workers reported receiving less hours than they expected, which impacted their ability to recover their recruitment-related costs and earn a decent wage. At the other end of the spectrum, others reported issues of working too much – up to 70 hours a week, leaving them exhausted and with inadequate time to take care of themselves.

### 2.2.2 Underpayment of wages

Workers surveyed indicated that they did not always get paid for all the work they carried out, or were paid lower amounts than they were told they would be paid. This included some workers reporting that they had sometimes (5%) or regularly (1.3%) been expected to work overtime without pay. 2.9% reported having their wages withheld, whilst 1.8% reported not being paid at all.

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 these minimum 32 hours. Moreover, around one in six (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).

### **2.2.3 Piece rates**

Approximately half of workers within the study sample were paid on a piece rate system (49.7%), in which their pay is based on the amount of produce they pick. Workers on the SWS who are paid according to piece rates are still entitled to a baseline wage.<sup>4</sup> Survey results show that for many workers it was not always possible to meet the piece rate target set for that day: only one in four workers (24.9%) said that they were always able to meet these targets, with women (15.2%) reporting a much lower percentage in comparison to men (28.2%). One in four (23.3%) said that they were never able to meet these targets, with more women again reporting never meeting targets (30.4%) compared to men (15.2%). More than half of those on piece rates reported not always being paid for all the pieces they picked.

Interviews with workers highlighted that some people who were not meeting targets were routinely punished and humiliated, with people being labelled as a 'slow picker'. Multiple 'slow picker' warnings (in some cases, three) resulted in workers being fired. We heard many instances of people being sent back to caravans early, denied work, or dismissed as a result of not meeting targets that many workers found unattainable.

### **2.2.4 Access to sick leave and healthcare**

Survey results show a high degree of confusion about access to paid sick leave among workers, with more than half of those surveyed (55.9%) indicating that they did not know if they get paid sick leave. Further, only one in ten reported getting any type of sick pay. Access to healthcare was also hindered by the remote location of farms, with limited independent transport options available.

### **2.2.5 Annual leave**

More than half of workers interviewed did not know if they had access to the paid annual leave that they are entitled to by law. One in ten said that they did not get any paid holiday days. Some workers also reported that they were asked to use their annual leave allowance to take days off when they were sick.

### **2.2.6 Intensity of work**

The pace and intensity of the work – combined with what seems to be a culture of overlooking health and safety protections – leaves workers exposed to risks of injury and exhaustion. Survey data highlights the physically demanding

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<sup>4</sup> At the time of data collection, this was either the living wage of £10.42 after April 2023, or a £10.10 minimum hourly rate before this.

nature of the job, with four in five workers reporting that they were either always (26%) usually (29%) or sometimes (25%) physically exhausted from working to pick the number of piece units required by their employers. The sheer physical intensity of the work also frequently came up in interviews, with a few workers even reporting being pushed so hard that people lost consciousness.

In addition to this, a culture of threats and constant shouting on some farms led to workers reporting states of “psychological stress, because in addition to heavy physical exertion, there was constant pressure from the owners” (Myroslav, Man, 27, from Ukraine. 17th April 2023). Long overtime hours also added to the physical and psychological burden of this work, with people reporting sustained periods of gruellingly long shifts.

### **2.2.7 Shift patterns and the working day**

Working hours of those we interviewed were sometimes unpredictable or highly changeable. Whilst some had regular working patterns and hours, we also heard from people who often began their day not knowing how long they would be working. We heard about a farm where people worked for 9 days straight, and another where someone said they do not get days off.

### **2.2.8 Bullying, harassment and threats**

Our study revealed a deeply concerning culture of bullying, humiliation, harassment and threats that seems pervasive throughout seasonal farm work. 15% of those we interviewed reported being shouted at, screamed at or humiliated. This could be for not being perceived to work fast enough, or just as a constant threat to coerce workers into labouring harder. Workers were also subject to threats connected to their insecure immigration status:<sup>5</sup> about one in thirty workers surveyed (3.2%) received threats of deportation, 1.3% were threatened with being reported to the police or government authorities, and one reported threats against family members. Further, about one in ten (8.7%) said they were spied on.

On the higher end of the spectrum of labour rights violations, seven workers (1.8%) said they were sometimes expected to provide sexual services for their employer or their associates, and two said they were expected to do so regularly (0.5%). Eight (2.1%) received unwanted sexual attention or touching. In interviews we heard an incidence of sexual harassment and an incidence of sexual violence on farms.

### **2.2.9 Discrimination**

Around one in six workers surveyed reported experiencing racist comments or behaviour at work (16.7%). In our interviews we observed similar rates of discrimination: one in six workers reported groups receiving different treatment based on their nationality. Discrimination was exercised through the

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<sup>5</sup> Briefly, by ‘insecure immigration status,’ we mean migrants who have restrictions placed on their ability to work, or face barriers accessing support and exercising their rights (FLEX, 2020).



differential allocation of working hours, pay rates, the likelihood of being sent home from work early, and the underpayment of piece rates.

## **2.3 Accommodation standards and safety**

Survey data shows concerning results on reported accommodation standards. We heard reports of mould and damp throughout caravans, holes in exterior walls letting wind through, and broken showers. The temperature of caravans was a recurrent issue, with workers reporting freezing temperatures and overheating. Multiple workers told us that their caravans were overcrowded, that they were “living like sardines in a can, like many people in the same room” (Andrei, Man, 34, from Romania, 13th May 2023). Some workers not only shared rooms with strangers, but even, according to one account, beds.

Only half of workers surveyed reported that their accommodation was clean and comfortable (52%). One in five said it was mouldy (18.8%), two in five said that it was warm enough (40.6%) and three in ten felt like they had enough space (29.2%). On access to facilities, only one in two reported having easy access to adequate bathing facilities (e.g. a shower) (51.8%), and two in three easy access to a working toilet (64.0%) and easy access to clean running water (66.8%).

Concerning privacy and safety aspects within accommodation, only one in five workers surveyed said that they had enough privacy (20.6%). Three in ten reported having enough space (29.2%). Alarming, just over a third of people surveyed said that they felt safe in their accommodation (37.1%).

### 3. Recommendations

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

The analysis contained in this report not only supports the evidence first presented by FLEX and FMF in 2021, but also provides further evidence indicating that workers on the SWS are at risk of experiencing poor living and working conditions. This is despite the important work that they do for the UK's agricultural sector. Without significant changes to the route by the UK Government, seasonal workers will continue to face risks of exploitation in the UK.

To address the issues identified above, and to make the SWS safer and fairer for workers, the following recommendations should be considered.

#### Access to rights

- 1. 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.
- 2. The visa should be renewable subject to ongoing employment.** There should be a route to settlement.
- 3. Ensure that as per scheme guidelines, terms and conditions of employment contracts are shared with SWS workers in their country of origin,** translated into workers' native languages, with relevant information provided (e.g. employers' details, working hours, remuneration, accommodation costs and other deductions, etc.) and signed by employers and workers prior to travel.
- 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.

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

- 6. 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 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.

## Enforcement and redress

- 7. 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.
- 8. Increase the resources for labour market enforcement** to ensure there is capacity to conduct regular proactive inspections of SWS participating workplaces with a focus on compliance with standards and UK laws, rather than only on breaches which reach the threshold of Modern Slavery.
- 9. 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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