

**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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**FOCUS ON  
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Working to end labour exploitation

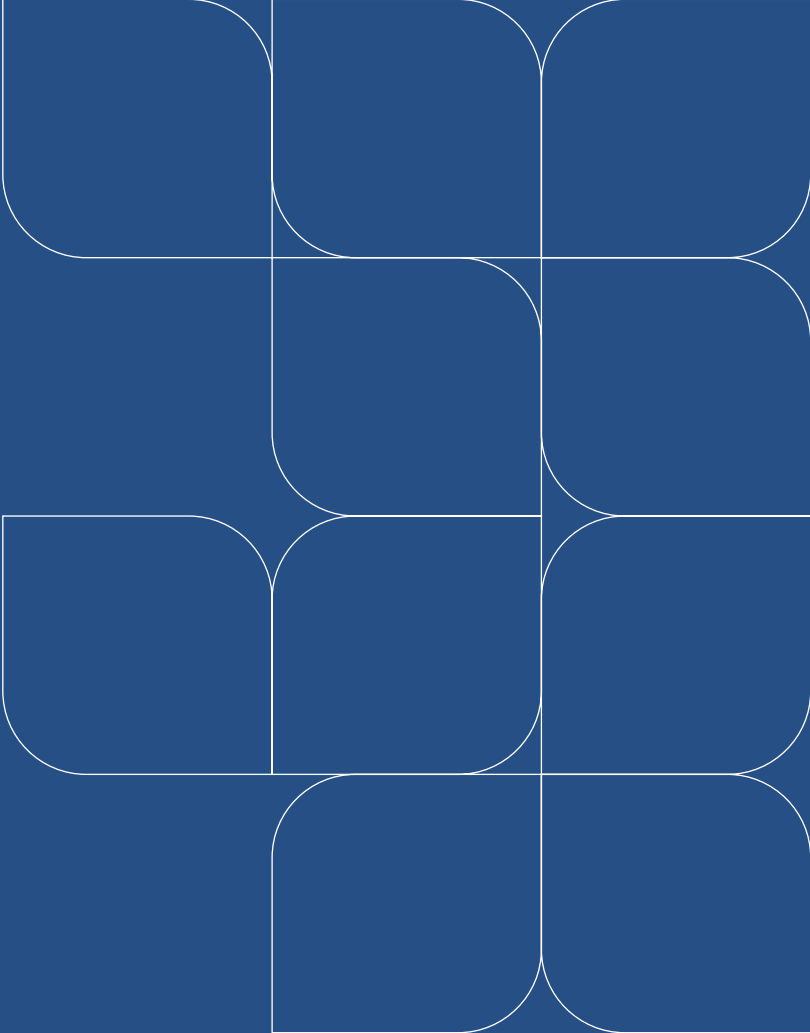


**JUSTICE  
TOGETHER**



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**“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.

# 1. Introduction

**This report focuses on the experiences conveyed through 399 surveys and 83 interviews with migrant farm workers – the largest independent sample to date of people on the UK’s Seasonal Worker Scheme (SWS)<sup>1</sup> – as well as 15 key stakeholder interviews.**

Data was collected over a period of 17 months of fieldwork, between June 2022 and October 2023, conducted both via physical outreach, mainly in South Lincolnshire and Cambridgeshire, as well as online, as part of a project aimed at improving the fairness and safety of the route. This report presents findings from these surveys and interviews, aiming to investigate adverse working and living conditions stemming from the design of the SWS. Finally, it looks at how to mitigate and address the identified risks.

This report is the third in a series of publications by FLEX on the SWS. It follows *Bearing fruit: Making Recruitment Fairer for Migrant Workers* (FLEX, 2024a) and *Bound to work: Improving access to redress on the UK’s Seasonal Worker Scheme* (FLEX, 2024b). 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).

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.

*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.*

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<sup>1</sup> Workers’ names in this report have been changed to protect the identities of participants.

# 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 2029 (DEFRA, 2024).

The Home Office has been granted the overall responsibility for the operation of the SWS, however, in practice, 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, 2023a). 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, 2023a). DEFRA (2022) lists seven scheme operators as managing the recruitment of seasonal workers for 2023. This list has not been updated for 2024. The Grocer (Duncan, 2024) has reported that one scheme operator has had its government license temporarily suspended, but there has been no statement from the Home Office on this matter. At the time of writing, the government's list of organisations licensed to sponsor workers on worker and temporary worker immigration routes only includes six operators (UKVI, 2024).

There are very few formal requirements for workers to be eligible for a Seasonal Worker Visa (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 states that their sponsor “will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270”). 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>2</sup> The SWS does not provide a route to settlement, workers have no recourse to public funds, they cannot apply for visa extensions<sup>3</sup> and they cannot bring family with them to the UK. Workers

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2 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.

3 While not a direct extension of the SWV, Ukrainians that had permission to be in the UK on or



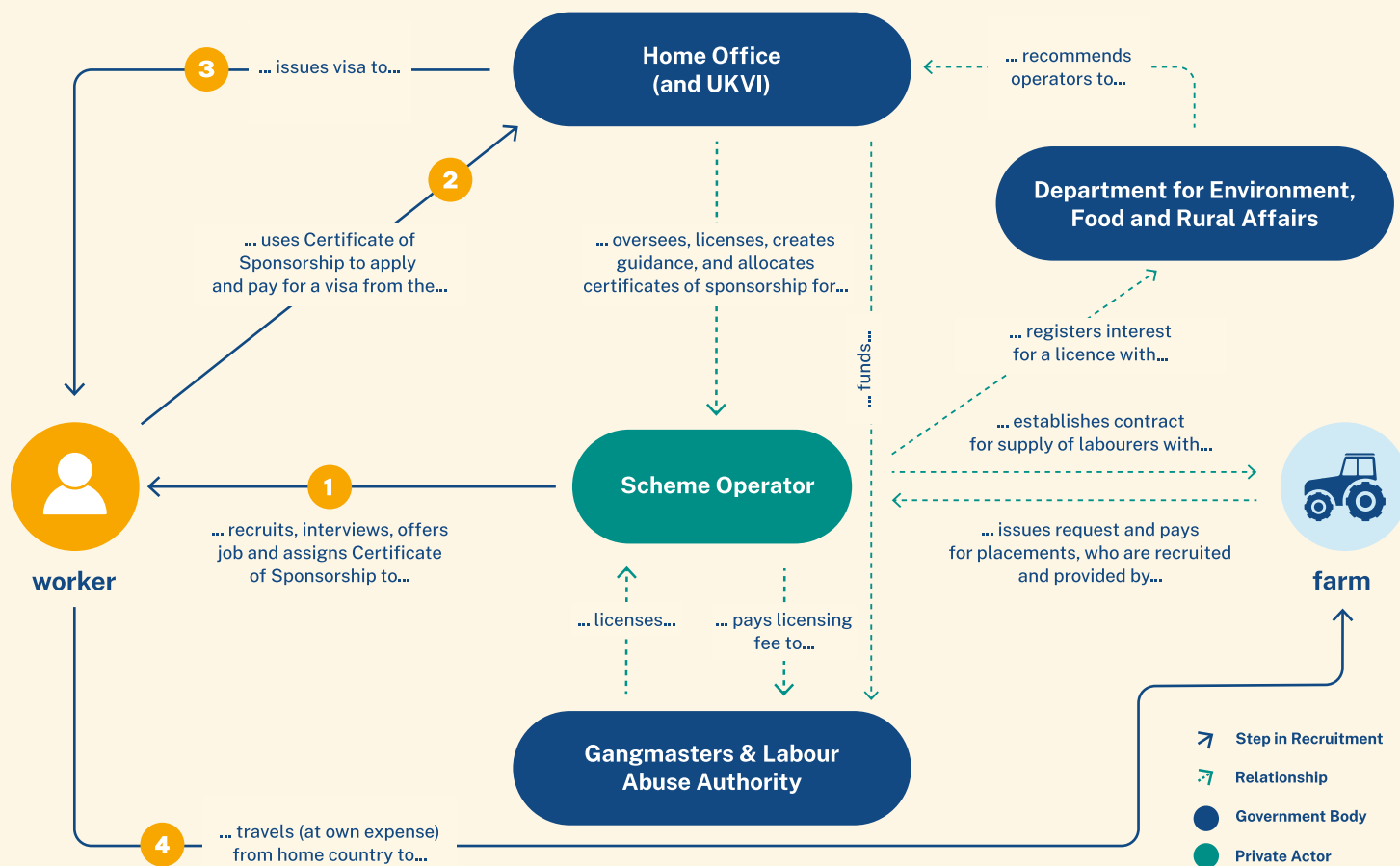


Figure 1. Overview of recruitment pathways for the SWS.

are tied to the scheme operator that issues their certificate of sponsorship and are not permitted to engage in any other type of work in the UK. They can only work in certain agricultural roles, and only at farms that their scheme operator places them at (Home Office, 2023a, 2023b). Workers must make a request to their scheme operator if they want to be transferred to another farm. Figure 1 provides an overview of the recruitment chain for the route.

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 until March 2024 workers were required to be paid at least the national living wage (£10.42 per hour) and are guaranteed 32 hours per week averaged over their pay period.

The Home Office are responsible for enforcement of immigration rules. Enforcement of 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. The only

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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 for the Ukraine Extension Scheme.

farm inspections that take place are conducted by immigration enforcement personnel whose remit is not labour enforcement and to whom workers may be unwilling to raise concerns due to fear of losing their immigration status.

Although DEFRA are a key actor on the scheme, they do not bear any formal responsibility for the enforcement of scheme regulations. This is despite a government report highlighting that farmers have little communication with the Home Office, and tend to raise issues with DEFRA (ICIBI, 2022). The same report also highlighted the lack of clarity around DEFRA's role, citing that the Home Office maintained that "it was the responsibility of DEFRA to 'own' stakeholder engagement, though it was unclear to inspectors why this was the case, given that agriculture is the only sector with its own specific immigration route, and that DEFRA has a limited and specific role."

Further, the ICIBI (2022) highlighted that they did not find clear evidence as to how roles and responsibilities were divided across the Home Office, government departments, and devolved administrations and local authorities. This resulted in confusion around overlaps in responsibilities and handoffs between the Home Office and other actors, as well as a lack of clarity about who is holding growers and scheme operators accountable.

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).



# 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 third report in a 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 aims to assess risks related to working and living conditions that stem from the design of the SWS and identify actionable recommendations to mitigate these risks. Other publications in the series focused on other aspects of the route, including on recruitment (FLEX, 2024a) and the ability of workers to seek redress and leave exploitative conditions (FLEX, 2024b).

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, Citizens Advice South Lincolnshire, and the Southeast and East Asian Centre (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 and support organisations has been randomised from the first and second reports 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 and support organisations to assist with this anonymisation. Quotes from the international organisation are listed as support organisation. 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 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 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 working and living conditions, 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).

Under 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.

Indicators from the work and life under duress category have been used, with the other two categories analysed in other publications from FLEX's *Making the Seasonal Worker Scheme safer and fairer* series, that are based on the same data set.

Work and life under duress focuses on adverse working or living conditions that are imposed on a person by use of force, penalty or menace of penalty. Work under duress includes an excessive volume of work or tasks that are beyond what would be reasonably expected within frameworks of national law. Life under duress covers situations where degrading living conditions, limitations on freedom or excessive dependency are imposed on a worker by their employer.



**“Interviewer: If you could provide recommendations to the UK government to improve working conditions for seasonal workers, what would you say to them? What do you think needs improvement or outright changed?”**

**Worker: Well, I would like to say to everyone to carefully study the employment contract before signing it. If it says hourly rate then they should insist on getting paid hourly. If it’s a piece rate, it should say that in the contract. Let’s say, strawberry target should be a fixed weight per hour. It should contain all details. Raspberry, the specific variety of raspberries and its price. To the very last detail and farms should sign it. Contracts say hourly rate, but when you get here, farms set their own rules.”**

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

### 3.3 Limitations

The UK Government does not publicly release much disaggregated demographic data on workers on the route. The public data that is available is mainly limited to the nationalities of workers. 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

As shown in figure 2, three-quarters of participants surveyed were men (71.4%), one-quarter were women (28.1%), and 0.5% preferred not to say.

Surveyed participants held nationalities from 16 different countries (see figure 3). Workers surveyed were aged between 19 and 58 with a median age of 31 ( $\pm$  7.15).

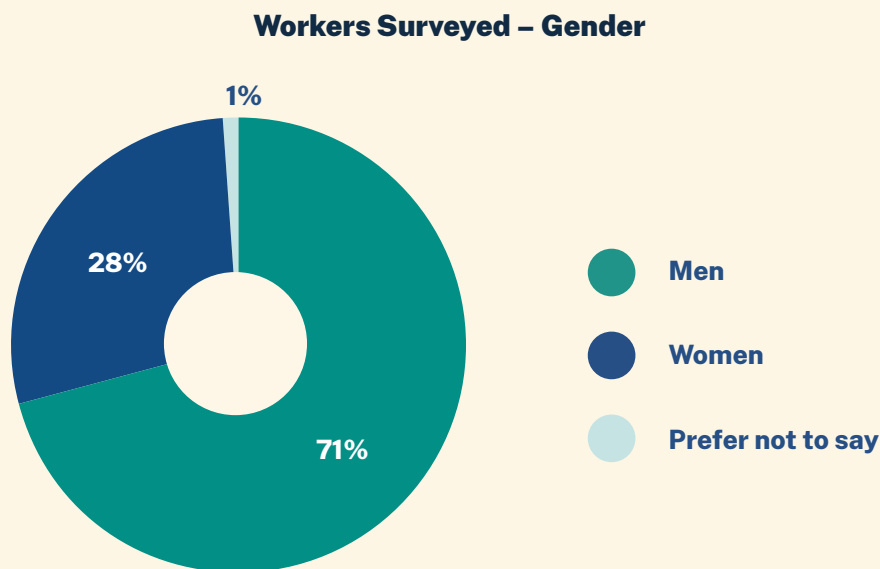


Figure 2. What is your gender? (n=398).

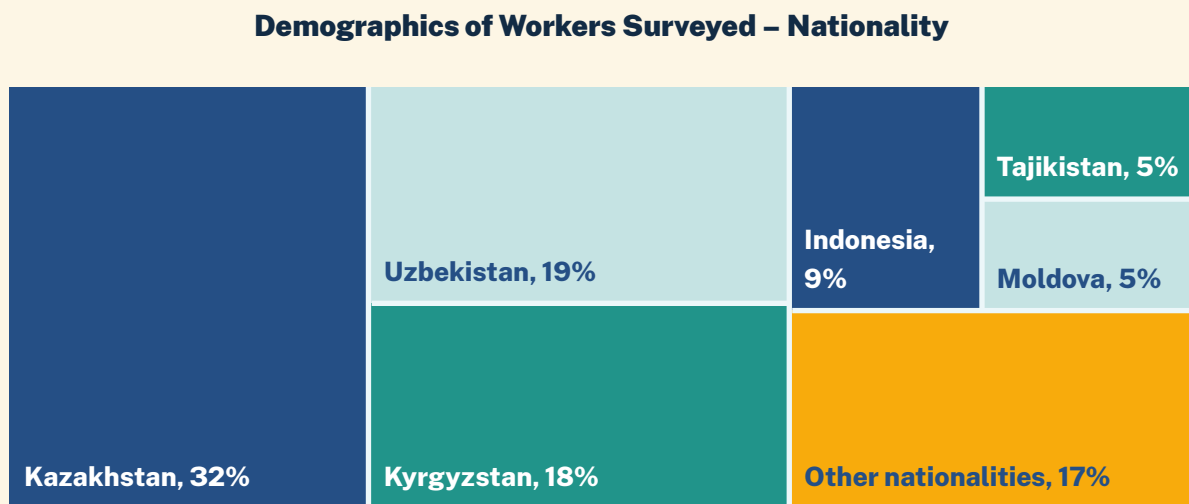


Figure 3. What is your nationality? (n=394).

## 4.2 Employment and working conditions

### 4.2.1 Worker perspectives

#### 4.2.1.1 Pay (hours, underpayment, piece rates)

##### 4.2.1.1.1 Hours

Between April 2022 and March 2023 workers on the SWS were required to be paid £10.10 per hour, with no guaranteed weekly hours (except for the relatively smaller number of people working in poultry production). During this time, scheme operators could set their own minimum weekly hours, but it is not clear how these would have been guaranteed or enforced. From 1 April 2023, changes to scheme rules means that workers are required to be paid at least the national living wage (£10.42 between April 2023 and March 2024) and are guaranteed 32 hours per week, averaged over their pay period.

Across surveys and interviews, working hours were a consistent theme. Issues with working hours intersect with and underlie many other issues faced by those on the scheme, including the ability to pay off debts, punishingly high productivity targets, exhaustion and even underpayment. Many workers reported receiving less hours than they expected, which impacted their ability to recover their recruitment-related costs and earn a decent pay. This persisted beyond the introduction of a minimum 32 hours of pay (averaged across their pay period) introduced in April 2023, with one in twenty workers surveyed (6.3%) reporting that they weren't always paid the 32 hours they were entitled to.<sup>4</sup> Others reported issues of working too much – up to 70 hours a week. Variable shift patterns at short notice also caused problems for some people.

In our survey, people reported working on average 38.5 hours per week (mean) and a median of 40 hours ( $\pm 9.70$ ), with a range of 4 to 70 hours per week. Women reported a slightly lower median ( $37.5 \pm 9.32$ ) compared to men ( $40.0 \pm 9.37$ ). Kazakh ( $40 \pm 6.47$ ) and Kyrgyz ( $42.0 \pm 7.89$ ) nationals reported a higher median hours of work per week compared to the study population, with Moldovan workers slightly below the study population ( $36.0 \pm 7.89$ ). Indonesian ( $40.0 \pm 17.9$ ) and Tajik (10.6%) nationals were also above the study median, however, both had a high standard deviation, indicating a higher degree of variation in hours.

The majority of individuals worked between 32 and 48 hours per week (Total (T):78.5%; Women (W):75.9%; Men (M):80.1%). Around one in six worked on average less than 32 hours per week (T:14.1%), with women (21.3%) more likely than men (10.7%) to report this.<sup>5</sup> Out of those who worked less than 32 hours per week, two thirds worked between 20 and 31 hours per week (T:66.7%;

The majority of individuals worked between 32 and 48 hours per week. Around one in six worked on average less than 32 hours per week (T:14.1%), with women (21.3%) more likely than men (10.7%) to report this.

<sup>4</sup> Please note, the survey question on whether or not workers were paid at least 32 hours a week (averaged over their pay period) was added after the change in guidance in April 2023. Only responses after this guidance was put in place were included in this finding.

<sup>5</sup> This covers workers employed both before and after the minimum of 32 hours of paid work per week averaged over a workers pay period came into effect.

## How many hours per week do you work on average?

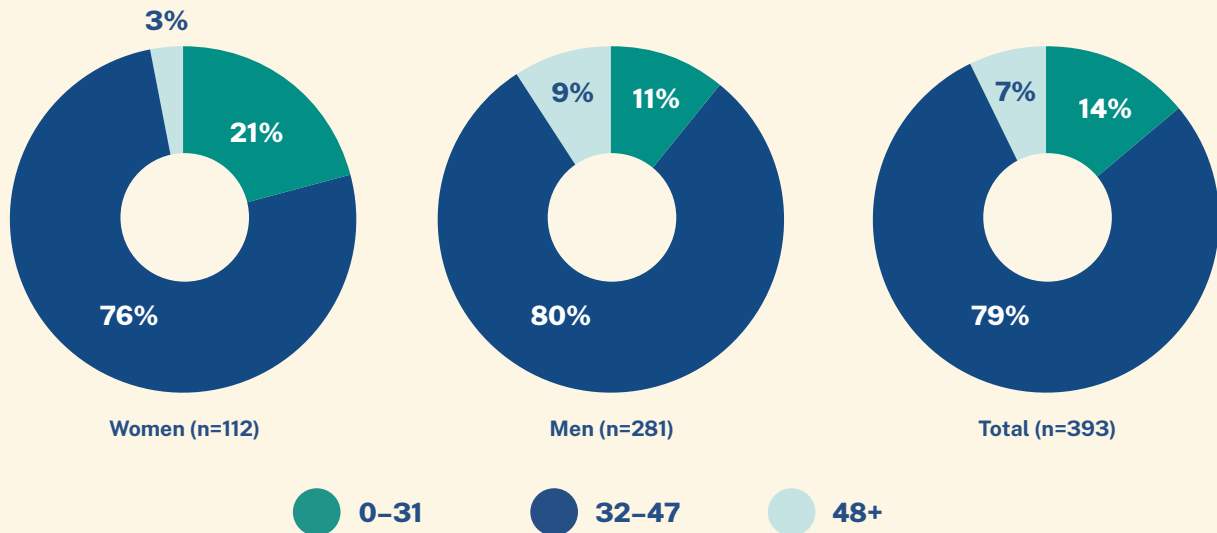


Figure 4. How many hours per week do you work on average? (n=393).

W:78.3%; M:62.1%), one in twenty-five between 10 and 19 hours (T:3.7%; W:4.3%; M:3.4%) and three in ten (T:29.6%; W:17.4%; M:34.5%) less than 10 hours. A small percentage of people worked 48 hours per week on average (T:7.3%; W:2.8%; M:9.2%), which may have required them to opt out of the UK's 'working time directive' – the law that restricts people working more than 48 hours a week.

Of the 83 workers interviewed, 30 raised the issue of not being given enough hours.

Of the 83 workers interviewed, 30 raised the issue of not being given enough hours. Despite this, it seemed that in some instances growers kept taking on additional workers, whilst dismissing those already in their employment:

**“Other colleagues have heard that there would be a large number of workers dismissed because the farm has to provide work for new arrivals. They anticipate that. Why take on so many people if there is not enough work for everyone? Our friends on other farms said they had the same problem. Not enough hours. I haven’t met anyone who was satisfied with their farm.”**

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

At the other end of the spectrum, some people reported working long and exhausting hours, sometimes for seven days a week.

At the other end of the spectrum, some people reported working long and exhausting hours, sometimes for seven days a week. Speaking about her colleagues, one interviewee told us about exhausting hours in which people barely had time to rest, alongside issues of not being paid for all the containers that they were picking:

**“People in the caravan, six of them, I spoke to all of them. I told them about this. Two of them kept completely silent saying let them steal our containers, what can they do. They are scared. The other two shouted at me saying that I am putting their jobs at risk because if I speak to someone outside about this, they may get**



**kicked out too because of me. The rest of them say that they barely leave the farm. They work, [go] back to caravan, some cleaning and bed. They don't care if they get only 3-4 hours sleep."**

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

Another said that they worked "very long hours," 6 or 7 days a week, and often spent their one rest day arranging food shopping, which was difficult given the remote location of the farm (Sofia, Woman, 26, from Bulgaria. 16th April 2023). There appeared to be very few adjustments or accommodations made for those who found the working hours and conditions particularly strenuous. As one worker told us:

**"It's very hard work here. My age was not taken into consideration. I had to work at the same speed as twenty-year-olds. I am sorry, but I am already 44 and I was expected to perform as good as younger workers. Working 12 hours a day with 2 half an hour breaks only. It feels like you don't have any breaks."**

Safiya, Woman, 44, from Kazakhstan. 5th October 2022.

We heard multiple accounts of variable working hours with little notice, including one report of workers being told to get up at 04:30 to start a shift without knowing when that shift would end (Emil, Man, 37, from Kyrgyzstan/Russia. 24th August 2023), and another who reported occasions of starting work at 6am only for everyone to be sent home after 2 hours, finishing their working day at 8am (Daryna, Woman, 30, from Ukraine. 7th June 2023).

Finally, we also heard that work shortages may also be due in part to the instability of produce contracts between retailers and growers. Current arrangements allow retailers to cancel or amend contracts, which may be creating additional challenges for growers to plan for staffing:

"When there's an inspection, then everybody is running around and making a fuss. Then we are told not to work fast but very slow. To make sure everything is clean and nice."

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

**"...spinach used to be the main produce for [supermarket] and they cancelled the contract. People are working very few hours because of work shortage and one line is not operating. Normally there are two lines operating. When there's an inspection, then everybody is running around and making a fuss. Then we are told not to work fast but very slow. To make sure everything is clean and nice."**

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

#### 4.2.1.1.2 Underpayment

Workers surveyed indicated that they did not always get paid for all the work they did, or were paid lower amounts than promised. Over one in twenty said that they were sometimes (5%) or regularly (1.3%) expected to work overtime without pay. Around one in thirty reported having their wages withheld (T:2.9%; W:1.8%; M:3.4%), and one in fifty (1.8%) reported not being paid at all. In addition, almost one in five (19.3%) said that they were paid lower than they were promised, with women (27.0%) reporting much higher rates of this compared to men (16.4%).

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. 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).

This is also reflected in interviews, in which we heard multiple reports of workers receiving less than this, and having to escalate this with management in order to get what they are due. However, as one worker pointed out, barriers around language and ties to sponsor may limit certain groups' ability to do this:

**“Main problem is low hours of work, [if] we know English we can demand what is ours, but people who don't know English well and they been promised a minimum of 32 hours, but here they are month without work unpaid, and they don't say anything because they afraid to lose their job or they will not be invited for next year. And there are people who are complaining and asking for work or at minimum what is on contract even when there is no work, and they get their money.”**

*Dilovar, Man, 26, from Tajikistan. 12th October 2023.*

In interviews, it became apparent that underpayment often resulted from workers not being paid for all the hours that they worked, particularly for those who were working long shifts. One worker we spoke to said that they were now working shorter hours because of a lack of produce to pick, but before that they were being given extremely long shifts but not getting paid for all the hours that they worked:

**“Before that, there was a time when we had plenty of work, we worked up to 15 hours a day but got paid only for 12 hours. Sometimes 11 hours or even 9 hours. But we worked on these fields for 15h or even 16h. Sometimes we started at 3am, 4am 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 6 hours. Mondays used to be 13 hour work days.”**

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

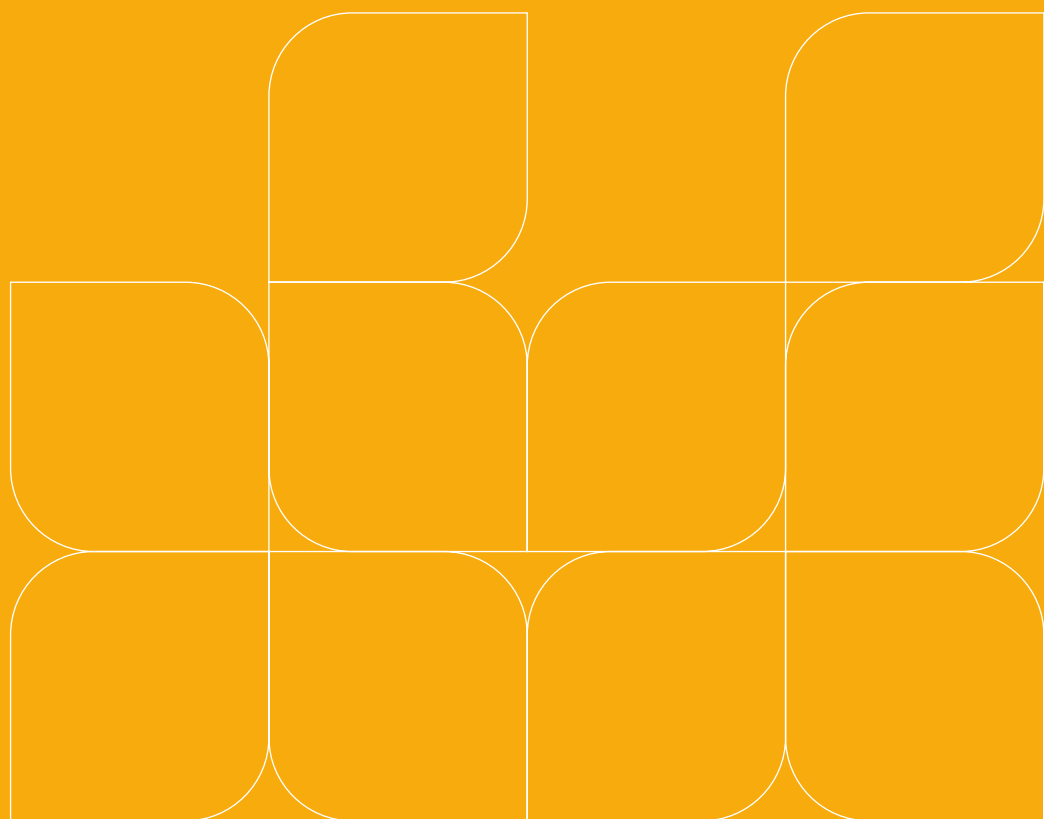
#### **4.2.1.1.3 Piece rates (targets)**

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). How piece rate targets (or 'fair rates') are set varies across England, Wales, Scotland, and Northern Ireland. In England, to work out the average rate of work per hour, the employer must carry out a fair test to find out how many tasks or pieces an average worker completes in an hour. To do this, employers need to test some workers to work out how many pieces have been completed in a normal working hour, and then divide this by the number of workers to work out an average rate. To then work out a fair rate, the employer should divide

**“Interviewer: What would you like to tell the UK government? How they could help you?”**

**Worker: Well I would say, appreciate our work here. And, somehow, protect more vulnerable people who can't say anything back.”**

Marina, Woman, 29, from Moldova. 21st April 2023.



this average by 1.2 so that new workers are not disadvantaged. This rate should be communicated to workers in a written form before they start work, and if employers do not give workers a complete notice, then they are entitled to hourly pay instead (GOV.UK, n.d.a). Work is not classified as piece rate work if the employer sets either the minimum or maximum time the worker must work or the start and finish times for a period of work. It is therefore not clear how the above calculations relate to outputs by workers on the SWS. On the SWS, regardless of whether a piece rate is in place, workers are still entitled to the national living wage as a baseline.

Approximately half of workers within the study sample reported being 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%; W:31.9%; M:37.1%) 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 from workers from Kyrgyzstan (44.7%) and Kazakhstan (46.3%).

“Before we arrived here no one mentioned any targets, they told us it will be paid by the hour, as soon as we start working, they told us that there is target.”

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

Lack of understanding of the pay system around targets was also present in interviews, with workers arriving at farms and being surprised to find a targets system in place: “Before we arrived here no one mentioned any targets, they told us it will be paid by the hour, as soon as we start working, they told us that there is target” (Rasul, Man, 28, from Kazakhstan. 27th June 2023). We were told that in some instances this system does not appear to be included in picker’s labour contracts. This is in breach of the guidance around piece rates, which stipulates that employers must give workers a complete written notice of the fair rate prior to them starting work.

More than one worker identified the piece rate system as a tool to push people to work harder, under constant threat of dismissal:

**“...I just started and we were on the field and I was not among the best workers there. I was not achieving my targets and I was given a slow picker warning. I received 2 warnings a month and then I was invited to the office to attend a meeting about my performance. I was told that if I didn’t improve my speed within two weeks’ time, I would be released. I think that’s how they scare people to make them work faster.”**

Aziza, Woman, 38, from Kyrgyzstan. 11th August 2023.

Only one in four workers (24.9%) said that they were always able to meet these targets.

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 (T: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%). Similarly, one in four (23.3%) said that they were never able to meet these targets, with women reporting higher rates (30.4%) compared to men (15.2%).

In order to meet these targets, pickers are pushed to extreme lengths that often left them exhausted. Survey data highlights the physically demanding nature of the job, with four in five workers reporting that they were either always (T:25.7%; W:26.1%; M:25.7%), usually (T:29.4%; W:39.1%; M:26.4%), or sometimes (T:24.6%; W:26.1%; M:24.3%) physically exhausted in order to pick the number of piece units required by their employers. As one interviewee put it:

**“I don’t think it’s possible to reach them 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 to home and you pay for medical bills.”**

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

Workers frequently expressed that these targets were unrealistic and unattainable, particularly for newer employees who were expected to reach the targets, without adequate training. As one interviewee put it, “they never care about whether you are a new starter or with experience, old or young” (Victor, Man, 47, from Moldova. 9th August 2023). Targets also seemed to sometimes be decoupled from the actual volume of available produce, which resulted in workers “running around looking for strawberries” (Miras, Man, 32, from Kazakhstan. 19th June 2023). Another also commented on the inflexibility of targets in conditions when they cannot be met due to factors out of the workers control, saying that “I could understand that the targets should apply in cases when there is plenty of raspberries. They don’t have berries, but they are setting a minimum hourly amount to harvest” (Oybek, Man, 32 from Uzbekistan. 8th August 2023). This too could be in breach of government guidance on fair rates for piece rate work, as the rate must be recalculated when the nature of the work ‘changes significantly’.

Those that cannot meet targets were reported by workers to be routinely punished and humiliated, with people being labelled as ‘slow picker’. Multiple ‘slow picker’ warnings (in some cases, three) resulted in workers being fired. We heard many instances of people being sent home early, denied work or dismissed as a result of not meeting targets that many found unattainable:

**“I used to argue with them about it and once even asked them if they can be a [ballerina],<sup>6</sup> because some people can. To which they replied that I did not make any sense and I was being rude. I explained to them that if somebody can do something better or faster, it does not mean they should expect everyone to be able to do it and run a test on them that results in people being given a ‘slow picker’ warning. The system they have here absolutely infuriates me.”**

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

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<sup>6</sup> Type of profession has been changed to assist with anonymity

Survey results also showed that those on piece rates were sometimes not paid for work done. More than half of those on piece rates reported not always being paid for all the pieces they picked (see figure 5). Further about one in five reported that they either sometimes, usually or always had to do additional cleaning work that was unpaid (see figure 6).

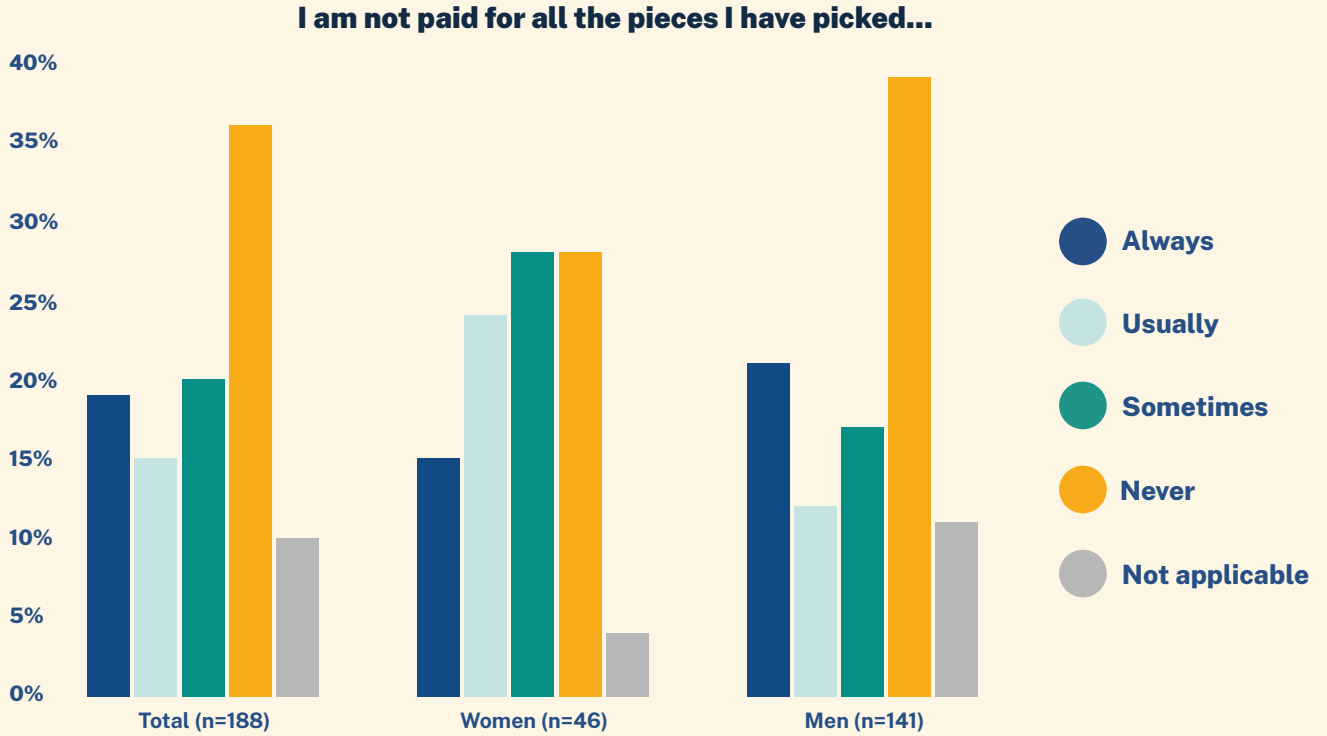


Figure 5. I am not paid for all the pieces I have picked (n=188).

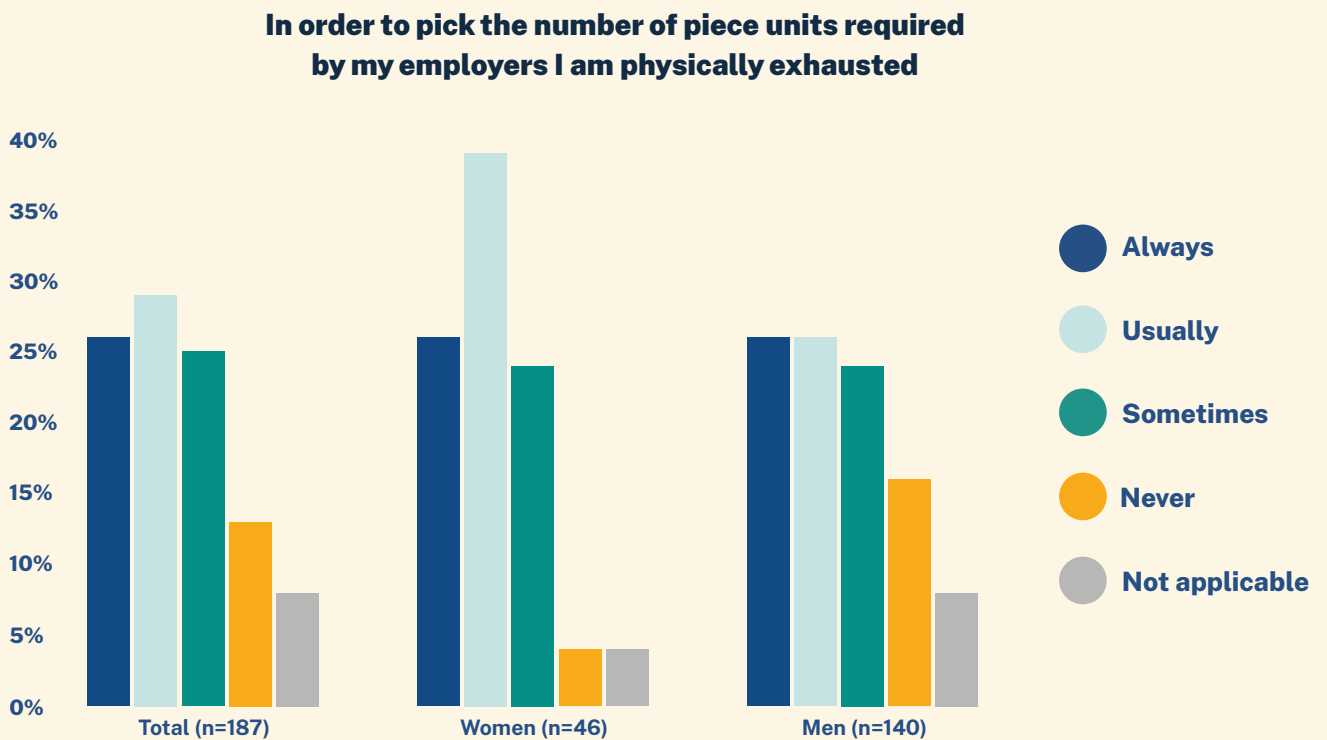


Figure 6. In order to pick the number of piece units required by my employers I am physically exhausted (n=187).

#### 4.2.1.2 Entitlements and access (healthcare, annual leave)

SWS workers' access to healthcare in the UK varies depending on if they live in Scotland or England, Wales, or Northern Ireland. In the latter, workers can access primary healthcare and emergency healthcare through the NHS free of charge. Secondary care is usually not free. Workers in Scotland can access both primary and secondary care free of charge through the NHS (GLAA, 2024).

Workers on the SWS are entitled, at minimum, to statutory sick pay. It is unclear how sick pay interacts in practice with the minimum of 32 hours per week averaged of workers' pay periods. Further, workers may be risking their employment by taking sick leave, as stated by David Camp in an EFRA committee session (2024): "If an individual cannot work then the farm could make the decision to terminate their contract. The scheme operator would then be in a situation where if they could not find them alternative work, then that would be the end of their period."

Survey results show a high degree of confusion about access to paid leave among workers, with more than half of those surveyed indicating that they did not know if they get paid sick leave (T:55.9%; W:52.7%; M:56.8%) (see figure 7). One third of workers reported not getting any paid sick days (T:33.9%; W:39.3%; M:32.0%). Only one in ten reported getting any type of sick pay, with one in twenty reporting full pay (T:5.9%; W:4.5%; M:6.5%) and SSP (T:4.4%; W:3.6%; M:4.7%). There were also large discrepancies between nationalities, indicating differences both in terms of knowledge of entitlement, as well as differing practices among farms and scheme operators. Indonesian workers (28.6%), reported a lower percentage of not knowing if they get paid sick leave compared to those from Kazakhstan (64.5%), Kyrgyzstan (64.8%), Moldova (57.9%), and Tajikistan (52.9%).

Many people we interviewed were not clear as to whether or not they could take time off when they fall ill. Multiple interviewees stated that they are not paid on days where they are off work due to health reasons. One worker told us that he had to use his annual leave allowance in order to get paid time off when he was ill (Rasul, Man, 28, from Kazakhstan. 27th June 2023). Another worker from Ukraine told us that on his farm, they would not receive sick pay unless they had been to the doctor – despite a doctor's note only being required after seven days of being absent from work in the UK (Myroslav, Man, 27, from Ukraine. 17th April 2023). Many others told us that they still had to pay for their accommodation when they were off sick.

Due to the location of work, SWS workers often live in isolated areas. To be able to access the healthcare they are entitled to, this will often require accessing transportation. 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%; W:41.1%; M:34.2%), three in ten (T:29.3%; W:25.9%; M:30.2%) reported having access to free transportation from their employer, one in five by their employer at a cost (T:18.9%; W:22.3%; M:17.6%), and a small number had access to their own or friend's form of transport (T:12.5%; W:12.5%; M:12.6%). Around one in six (T:15.6%; W:14.3%; M:16.2%) said they cannot easily get around, something that could limit workers' ability to get medical assistance and care.



## If you do take time off work because you are sick, do you get paid?

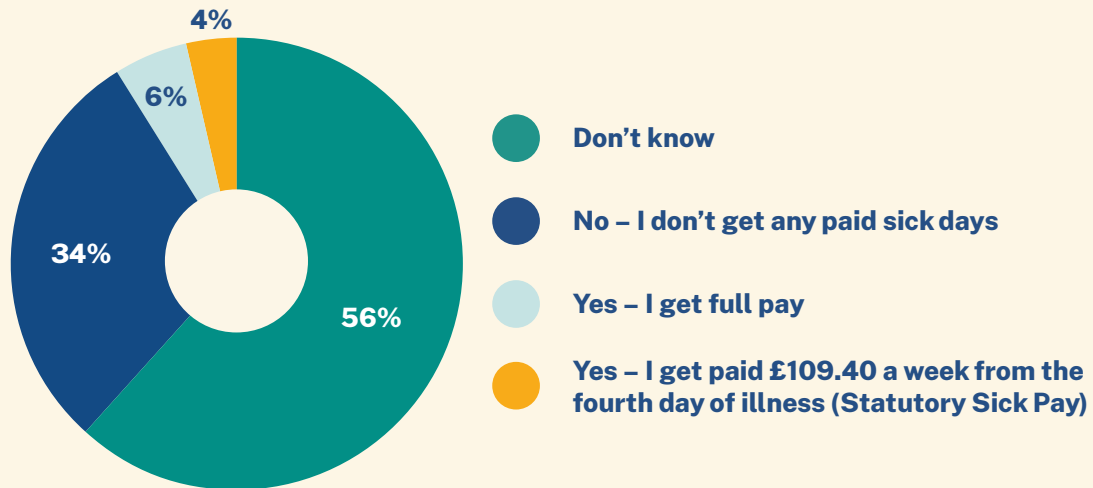


Figure 7. If you do take time off work because you are sick, do you get paid? (n=392).

In interviews, many workers told us that they had limited options to leave the farm, and that these were often dependent on their employer:

“**Worker:** ...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.**

“We have to pay someone to take us to the supermarket or to the doctor.”

**Nicu, Man, 39, from Romania. 23rd April 2023.**

Multiple other interviewees shared that the nearest shops and healthcare facilities were too far away to walk, and that public transport was unavailable. Some people were reliant on taxis to get around – which they said were expensive. A worker told us that “we have to pay someone to take us to the supermarket or to the doctor” (Nicu, Man, 39, from Romania. 23rd April 2023). Frequency of transportation off the farm varied: some had transportation arranged twice a week, some just once a week, and one person we spoke with was only able to leave the farm once every two weeks:

“**Worker:**...can't get to the shop. Once in a fortnight we go shopping.  
**Interviewer:** How far is it?  
**Worker:** Quite far. By car it takes 20 to 25 minutes to get there. Can't walk there.  
**Interviewer:** Who is providing a car?  
**Worker:** We share the costs ourselves. And then someone takes us there once in 2 weeks. Can't get there on foot and nowhere to walk here.”  
**Olga, Woman, 28, from Belarus. 19th December 2022.**

Concerning annual leave entitlements, as per other workers in the UK, SWS workers are entitled by law to a minimum number of weeks of paid holiday a year. This is calculated based on the days or hours worked (GLAA, 2024). There was a low degree of knowledge on access to paid leave, with more than half of workers interviewed saying that they did not know if they got paid time off (T:53.5%; W:56.1%; M:52.5%). One in three reported getting paid time off at full pay (T:31.0%; W:29.0%; M:31.7%), 6.7% at less pay (W:10.3%; M:5.4%) and about one in ten did not get any paid holiday days (T:8.8%; W:4.7%; M:10.4%). Similar to paid sick leave, there were large differences across nationalities, once again highlighting the different access to information and practices on the scheme. Workers from Uzbekistan (76.7%), Kazakhstan (63.9%), Moldova (61.1%), and Belarus (100%) reported higher rates of not knowing if they are entitled to paid leave, with lower rates from Indonesian (33.3%) and Kyrgyz (31.0%) nationals.

### 4.2.1.3 Working Conditions

#### 4.2.1.3.1 Nature of work

On the Seasonal Worker Visa people can perform a limited number of roles, most of which are related to picking and packing fresh produce during the UK's growing season. As part of our survey, we asked workers if they had been expected to perform/provide/commit a series of tasks/activities that would be in violation of their employment rights in the UK or scheme guidelines. This included a small number of workers who said they were expected to work for another employer without their consent, despite this being in breach of scheme guidelines (Regularly: T:0.8%; W:0.9%; M:0.7% and Sometimes: T:2.6%; W:1.8%; M:3.0%). One in five said they either regularly (T:4.3%; W:3.6%; M:4.7%) or sometimes (T:13.6%; W:6.3%; M:16.5%) were expected to conduct tasks that were not part of their contractual obligations.

We heard from several workers who were being asked to perform tasks outside of their job description, including one report of someone being asked to perform dangerous work at height or with live electrics, that they were not qualified for (Yehor, Man, 42, from Ukraine. 25th April 2023). Other interviewees told us that they went into the job with little to no training, leading to health and safety concerns:

**“I remember that I was not explained anything about how to do it. I just followed the group, picked up the blunt knives for the field in the open air and work for 12h regardless of the weather. It may be hot sun or rain. Some people had worked for longer, but I had just arrived and did not know what to do. I had only seen this cabbage in supermarkets before.”**

Safiya, Woman, 44, from Kazakhstan. 5th October 2022.

#### 4.2.1.3.2 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. These risks are heightened by the lack of access

One in five [workers] also reported being expected to regularly (T:3.6%; W:2.7%; M:4.0%) or sometimes (T:18.3%; W:19.8%; M:17.9%) perform tasks without adequate protection or training.

We heard multiple accounts of people becoming exhausted or even passing out from working in heat in the plastic tunnels in which fruit is grown – particularly in Summer 2022, a period of extreme weather that broke UK temperature records.

to health facilities some workers face, difficulty accessing paid time off to recover, and the difficulties changing employers that can leave people stuck in unsafe jobs.

On safety related aspects, 2.4% (W:2.8%; M:2.2%) reported that they were regularly expected to go without treatment for an accident or illness that required medical treatment, with 5.2% saying they were sometimes expected (W:5.6%; M:5.2%). Moreover, around one in ten workers said that they were either regularly (T:1.8%; W:1.8%; M:1.9%) or sometimes (T:7.9%; W:10.1%; M:7.1%) expected to perform tasks that felt unsafe or dangerous, and about one in five were expected to sometimes (T:14.8%; W:17.7%; M:14.0%) or regularly (T:3.6%; W:4.5%; M:3.3%) perform work without proper equipment. One in five also reported being expected to regularly (T:3.6%; W:2.7%; M:4.0%) or sometimes (T:18.3%; W:19.8%; M:17.9%) perform tasks without adequate protection or training (see figure 8).

Some of the work carried out by people we interviewed seemed to be dangerous or unsafe, and we heard reports of injuries sustained as a result of this. One worker we spoke with<sup>7</sup> fell from a tractor whilst harvesting hops, after one of the ropes that the hops was growing on ripped. According to him, in the hops harvest at the farm he worked at “no safety measures were taken” and that he was not the first person to sustain an injury after falling from a tractor at height. When the farm owner saw him limping, he did not offer the worker medical treatment or the opportunity to go home and rest, but instead just asked if he could change role for the day and go and do something else on the farm. We heard a similar story in another interview, in which we were told that “on one farm we collect hops on tractor – it is very high there and people fall sometimes, so basically all work there is unsafe. The guy who fell, he hurt his leg and elbow; they asked him to continue to work” (Rustam, Man, 29, from Tajikistan. 14th September 2023).

We heard multiple accounts of people becoming exhausted or even passing out from working in heat in the plastic tunnels in which fruit is grown – particularly in Summer 2022, a period of extreme weather that broke UK temperature records.

**“A very bad day was when we worked in the greenhouses with rotten strawberries. We had to wear overalls, masks and gloves. There were flies everywhere, dust and 44 degree Celsius weather [...] Last year we refused to work there because of the conditions. Another group of workers also refused to work in the same place. It was impossible to work there. People were losing consciousness.”**

Rinat, Man, 33, from Kazakhstan. 2nd August 2023.

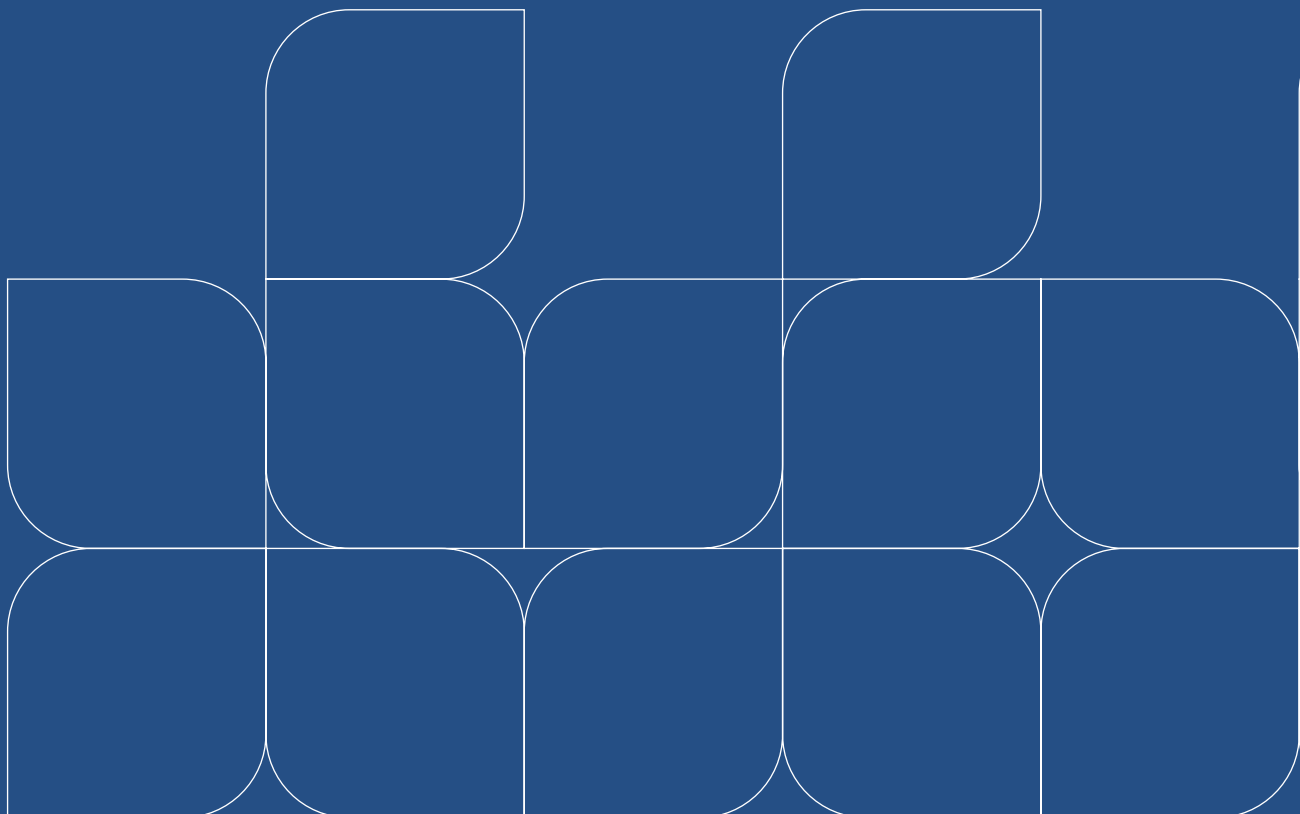
At the other extreme, we heard accounts of exposure to rain, wind and cold without proper equipment. Based on interviews, it seemed that some people were provided with rain gear by the farms, whereas others were not. The isolated conditions of many farms would also make acquiring such gear

<sup>7</sup> Demographic data is not shown for this individual due to the specific nature of the incident.

**“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.



## In your job, have you been expected to do any of the following?

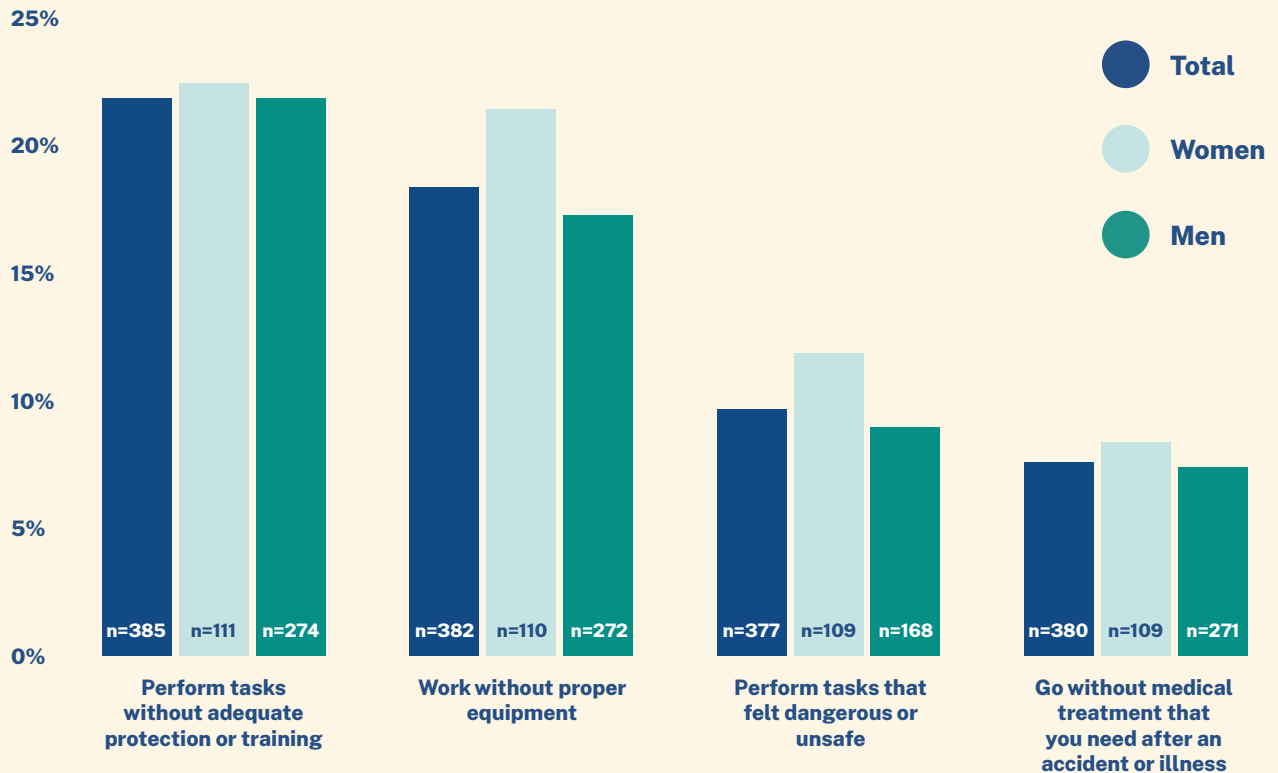


Figure 8. In your job, have you been expected to do any of the following?

“Because of the cold your teeth chatter in your mouth. Often we have to wait a very long time, very often like 2 hours we stay in the rain, the wind is blowing until a minibus comes there, to put us all in like potatoes in a sack.”

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

difficult in many situations, if a farm is a considerable distance from a suitable clothing shop. A worker that we interviewed in April 2023 told us that “when it rains, when the wind blows, we get cold, maybe we are not dressed properly, we eat or you don’t even feel like eating anymore, because of the cold your teeth chatter in your mouth” (Alexandra, Woman, 41, from Romania. 24th April 2023). The same worker also told us of long waits for transportation in the rain: “often we have to wait a very long time, very often like 2 hours we stay in the rain, the wind is blowing until a minibus comes there, to put us all in like potatoes in a sack.”

Other issues around lack of access to proper equipment impacted worker’s ability to carry out their job well, which in turn impacted their ability to meet targets. Someone we spoke to told us that they arrived at work early every day in order to secure a working cart for collecting fruit, as many were broken (Dilovar, Man, 27, from Kyrgyzstan. 12th October 2022).

Across surveys and interviews, we heard accounts of long shifts and overtime that were not always paid. One in twenty people surveyed (T:5.0%; W:1.8%; M:6.3%) said they were sometimes expected to work overtime without pay, and 1.3% were expected to regularly (W:0.9%; M:1.5%). The sheer physical intensity of the work also came up in interviews, with long, demanding shifts: “They put you here in a difficult place right away, then you stay to the end. And until, relatively speaking, your back breaks, you’re just not going to stop working” (Vadim, Man, 29, from Russia. 19th April 2023). In addition to this, a culture of

threats and shouting 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 (Oybek, Man, 32, from Uzbekistan. 8th August 2023). Another reported that the amount of overtime left them with “not enough time to sleep and rest, not even to go somewhere” (Alinur, Man, 30, from Kazakhstan. 25th August 2023).

#### 4.2.1.3.3 Shift Patterns and the working day

Working hours of those we interviewed were sometimes unpredictable or highly changeable. Farm work does often tend to start and finish relatively early, to avoid the high temperatures in the middle of the day. For those working longer hours, a fairly typical working pattern observed across interviews was a 6am start, a half hour break around 9am, and then continuing to work until the early afternoon, usually with one or two additional 15 minute breaks. People we interviewed reported a lot of variance in working patterns. One reported pattern was 6 days work followed by one rest day (Aidai, Woman, 24, from Kyrgyzstan. 17th October 2023). Another was 4 days on, 4 days off (Bohyan, Man, 40, from Ukraine. 1st December 2022). Others were more unpredictable, including accounts of people working for their ninth day straight (Azamat, Man, 23, from Kyrgyzstan. 12th June 2023), or one person who told us that they simply did not get days off (Alinur, Man, 30, from Kazakhstan. 25th August 2023).

Interviews also revealed three incidents in 2023 of people being sent around the country with little notice, in what seemed to be an irregular pattern of working for different farms, akin to a recruitment agency style labour provision structure.



**Interviewer:** What time [do] you wake up for example?

**Worker:** We're like an agency, it depends on what list you are on, it can be at 5am or at 4am, it depends where we are going to.

**Interviewer:** So this list, they tell you before?

**Worker:** Yes, it can be for a week.

**Interviewer:** So, you have list one week ahead?

**Worker:** Not a whole week, it can be for 2-3 days or a week. Sometimes they can send us somewhere for the whole month.”

**Dilovar, Man, 26, from Tajikistan. 12th October 2023.**

#### 4.2.1.3.4 Bullying, harassment, and threats

Our study revealed a deeply concerning environment of bullying, humiliation, harassment and threats that seems pervasive throughout seasonal farm work.

Of the 83 seasonal workers we interviewed, 13 people 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.

**“ Worker:** Do you know what we are hearing almost every day when we pick strawberries and raspberries? Shall I tell you what they say to us?

**Interviewer:** Yes, please do.

**Worker:** I would say that in front of live TV and journalists. I will prove to everyone what we are being told. “F\*\*\*\*\*g idiots, b\*tches”.”

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

**“Yes, I have been telling you it’s a problem and no one will listen to us. To be honest they don’t even see us as humans over here. I haven’t experienced such a hostile attitude even in my own country.”**

**Sanzhar, Man, 32, from Kazakhstan. 8th August 2023.**

Some interviewees described “constant yelling” as a part of working life on farms (Nurken, Man, 32, from Kazakhstan. 11th August 2023). This kind of behaviour clearly takes its toll: we heard an account of a worker passing out from the extreme stress of being shouted at whilst at work:

**“There are some supervisors who will pick on you and will give you hard time. Sometimes it feels as if slavery is legal again [...] Supervisors should relax and stop giving us hard time. We had a situation here with a female worker. One supervisor came to her, then another one and she could not bear the stress and fainted.”**

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

Workers were subject to threats connected to their insecure immigration status:<sup>8</sup> Twelve workers surveyed (T:3.2%; W:4.6%; M:2.6%) reported experiencing threats of deportation, five reported threats of being reported to the police or government authorities (1.3%), and one reported threats against family members. Further, one in ten said they were spied on (T:8.7%; W:10.1%; M:8.2%). Thirteen reported being punished at work (T:3.4%; W:1.8% M:4.1%).

On top of this, six workers reported that they were sometimes expected to commit illegal/criminal activities (T:1.6%; W:1.8%; M:1.5%) and three to do so regularly (T:0.8%; W:0.9%; M:0.7%). Two workers reported experiencing physical violence (T:0.5%; W:0.0%; M:0.7%). One worker that we interviewed reported that they were “kicked in the leg, but I was told, it’s okay, you can work” (Ecaterina, Woman, 41, from Romania. 24th April 2023).

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<sup>8</sup> ‘Insecure immigration status’ refers to migrants, both documented and undocumented, who face restrictions around their right to work in the UK, and barriers to support or enforcing their rights. It can include people who are lawfully in the UK but are banned from working as a result of visa restrictions (e.g. tourist visas), have limitations to their ‘right to work’ (e.g. students), are subject to other conditions that restrict their access to employment in the UK (e.g. asylum-seekers, some potential victims of modern slavery offences who are currently in the National Referral Mechanism), European nationals and people on work-visas who face barriers reporting issues at work due to a limited understanding of their rights and entitlements in the UK. It also includes those with undocumented status, such as people who have irregularly entered or stayed in the country, whose leave to enter or remain has expired or has been denied (e.g. negative asylum claims) (FLEX 2020).





**“Interviewer: What if you could say something UK government, how they can help you?”**

**Worker: I would ask for proper visa for a year or more, because it not worth it especially if you get here not in a season, there is a lot of us who came here for few months and then forced to go back, and then visa is ends and we will have to wait for another year to be able to come.”**

Ulanbek, Man 27, from Kyrgyzstan. 16th October 2023.

#### 4.2.1.3.5 Sexual harassment and violence

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

On the higher end of the spectrum of labour rights violations, seven workers said they were sometimes (T:1.8%; W:0.9%; M:2.2%) expected to provide sexual services for their employer or their associates, and two said they were expected to do so regularly (T:0.5%; W:0.9%; M:0.4%). Eight received unwanted sexual attention or touching (T:2.1%; W:3.7%; M: 1.5%). Further, two people we interviewed reported harassment from other workers living on the farm.

People in precarious jobs are more likely to experience sexual harassment compared to those in more stable forms of work (BBC, 2017; Reuter et al., 2020). Previous FLEX research has illustrated how an enabling condition of workplace sexual harassment is stark power imbalances; one of the clearest factors that compounds power imbalances at work is the risk, either real or perceived, of losing future work in retaliation for complaining about or reporting issues at work (FLEX, 2022).

One woman we interviewed made reference to inappropriate behaviour from her male colleagues. When asked if she had ever been threatened at work by a colleague or manager, she replied “Not really, not management. But the other male workers when they get drunk, they behave inappropriately (Safiya, Woman, 44, from Kazakhstan. 5th October 2022).”

In a second case, a farm worker received threats of multiple perpetrator rape from a group of men on the farm she was living and working on. She reported these threats to farm management, and they were not initially acted upon. Rather than seek to ensure the safety of the worker in question, some time later the farm management called a meeting with both the worker and a group of eight men making rape threats, in the same room. This is in clear breach of ACAS (2021) guidelines in the UK on handling sexual harassment allegations, which stipulate that employers must ensure people who have experienced sexual harassment should be spoken with privately, and in an environment where they feel safe and protected. Speaking about this meeting, the interviewee told us:

**“Manager got scared. I told him that he did not punish the culprits and that they had started behaving even worse now. The manager said that it was not practical for him to move eight people to another team. It’s easier to get rid of me than eight workers.”**

*Aigerim, Woman, in her 40s, from a Central Asian Nation.*

This experience is consistent with reports we heard in a 2022 study of sexual harassment in low-paid work, in which investigative or disciplinary action was not taken against people accused of harassment: half the women we interviewed reported their employer’s solution was to relocate them to a different work site, with no consequences for the perpetrator (FLEX, 2022).

The woman receiving threats on the farm was hesitant to escalate the issue to authorities, as she was concerned that if farm management found out they “might get scared and may decide to get rid of me.” When asked what recommendations she would have for the scheme, she advised that farms should take more proactive steps to safeguard against sexual violence:

**“Having experienced all this nightmare. Someone on the farm should be tasked to ensure the safety of lone female workers. Supervisors to monitor campsites and caravans with single female occupants.”**

Aigerim, Woman, in her 40s, from a Central Asian Nation.

#### 4.2.1.3.6 Discrimination

Around one in six workers surveyed reported experiencing racist comments of behaviour at work (T:16.7%; W:18.3%; M:16.1%). This was most prevalent for Indonesian (24.0%), Uzbek (23.3%), Ukrainian (28.6%) and Romanian (44.4%) nationals – the sample sizes for the latter two, however, were limited (n=7 and n=9 respectively).

In our interviews we observed similar rates of discrimination, with one in six workers raising the issue of receiving different treatment based on their nationality. Discrimination was exercised through the differential allocation of working hours, pay rates, the likelihood of being sent home from work early, and the underpayment of piece rates. It was perceived as being exercised by supervisors who reportedly treated those of the same nationality as them favourably, at the expense of workers from other countries.

**“This is what is going on here - Romanians and Bulgarians have been working here for 10 or 15 years. Whereas Asians from Central Asia, namely, Kazakhs, Uzbeks, Tajiks. Who else? Nepalese used to come here; Russians were here previously. Ukrainians, but they were treated fairly. But Asians are treated very badly. If you are an Asian and want to receive a bonus, supervisor will show up trying to find reasons to make you feel you have done something wrong. ‘It’s dirty around here, this is not right here etc. You cannot hit your target.’”**

Rinat, Man, 33, from Kazakhstan. 2nd August 2023.

Some workers reported that certain groups of workers were given more working hours than others. We heard seven different accounts of supervisors allocating more hours to particular groups of workers based on their nationality, or consistently sending some groups of people home early.

**“...there were some conflicts among the workers, as some Bulgarian supervisors seemed to give more hours of work to other Bulgarians, while workers from Ukraine, Kazakhstan, and Belarus were given fewer hours, which caused some tensions.”**

Olek, Man, 27, from Ukraine. 21st April 2023.

We also heard more than one report of workers being underpaid based on their nationality. In some cases this was connected to piece rate systems, in which supervisors are responsible for counting up the containers that workers pick at the end of the day and awarding pay based on the weight, whereas in other cases the reason for underpayment was unclear.

**“ Worker:** 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 1h break. They got paid £93 for 10h shift. This is not right.

**Interviewer:** For 10h, 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 10h shift. But other nationalities got £93 for the same hours. This is not fair”

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

## 4.2.2 Support organisations’ perspectives on working and employment conditions

### 4.2.2.1 Pay and earnings

Support organisation staff who were interviewed highlighted several areas related to pay and earnings where workers faced risks, including the use of piece rates to dismiss workers, a lack of guaranteed income, and claiming back income tax.

One organisation explained it is not guaranteed that workers will be employed for the duration of their visas, as their employment can be terminated if there is no work available. This was reported as something that was not clear to all workers:

**“They don’t know, for example, that work could just run out [...] it’s not very clear that that could just dry up several weeks into the contract. that’s not particularly clear to them [...] They think they’re getting six months of employment.”**

**Support organisation B. 2023.**

On piece rates, one support organisation raised concerns that piece rates were being used as a way to dismiss people, with farms setting targets too high and then telling workers they aren’t picking enough, so they have to leave:

**He questioned them about [...] pay and then the next thing, he was put onto the piece-rate. And then they said, you’ve not picked enough, you need to stop working, you need to go back, and we’ll check again tomorrow and see how you’ll do [...] when the husband told her [his wife] what was happening, and she went and asked about it, the next thing she’s on that rate as well. And then both of them were told you’re not earning enough, you’re not meeting**

**the quota, so we can't continue to keep you here. And it's a way of getting rid of people. And that's what we've seen. There's a lack of clarity, that we've been asking, what is the bar? The reasonable measure that you put on whatever item, on whatever piece, fruit, or vegetable? What's the capacity of the punnet or the basket you need to fill? And the time of the year when they're required to do that? But it's more of a calculation than just a random figure that gets picked out. And I think there is no standardised thing. And, in that way, it's very difficult. And, also, it's about a reasonable person being able to do that. The reasonable person being able to pick that in the normal circumstances."**

Support organisation A. 2023.

Reclaiming income tax was also identified as an issue that workers commonly face. Workers on the route are liable to pay income tax, but due to the visa being limited to six months it is very unlikely that they will have earnings above the tax free threshold (£12,750 at the time of writing). Workers are therefore entitled to claim back overpaid tax. One organisation explained that workers are not always sure about how to claim back overpaid tax and that some workers face difficulties in claiming back tax. Workers were described as often relying on each other for information on how to do this, including from workers that had previously worked in the UK. It was also reported that sometimes farms receive the refund directly on behalf of the worker and then the worker gets it back the next season when they return:

**"It was seen on this farm last week that they were helping each other to do that. Sometimes at a cost. But also, tax agents [are] sometimes used to do that [also at a cost]. And, [on] other occasions, [...] if they're pretty confident they're coming back [...] the farm receives the refund [cheque], and then they go back to the same farm. Get the refund [cheque] the next season."**

Support organisation B. 2023.

Based on government guidelines for appointing an agent to deal with HMRC on someone's behalf, it is not clear how farms can perform this role: guidance states that workers 'must authorise your agent before they can deal with HMRC on your behalf,' and that this appointed person or body 'must meet HMRC's standard for agents' (GOV.UK, n.d.b). These standards are specifically for specialist tax agents and advisors, which, it is unclear if farms engaged in this practice are (HMRC, 2023).

Due to the design of the scheme, operators can stop recruiting from any country at any point in time. There is therefore no guarantee that workers will be able to return the following season. Consequently, if an operator(s) did stop recruiting from a particular country or if they have their licence suspended, this could cause difficulties for workers in getting back their overpaid tax once they have returned home. While workers can submit applications from outside the UK, GOV.UK guidance (n.d.c) states that refunds are sent to a UK account, or if refunds are not claimed online within 21 days, HM Revenue and HMRC will

send a cheque. Consequently, workers who did not still have a UK bank account, or are sent a physical cheque, may struggle to receive the money owed. This is a situation that has already occurred, with a recent study by Thiemann et al., (2024) detailing that some Indonesian workers had been unable to reclaim overpaid tax due to challenges with claiming money themselves, and not having a UK-based agent to support them in their claims and being unable to seek help directly from their former employers in the UK.

#### 4.2.2.2 Safety

Support organisations highlighted that a lack of training and access to PPE equipment can lead to workers getting injured on the job:

**“There were a few who said they were asked to do things that they didn’t feel they’d received induction training [...] being asked to do something that they didn’t feel was safe, or that they hadn’t been given any PPE.”**

Support organisation F. 2023.

**“[A] lot of workers told [us] that they haven’t received health and safety training. This is one of the major issues in the agricultural sector [...] They have not been given any training. And some injuries occurred as a result of this. I remember there was one case where a worker got injured because, basically, they didn’t know how to use that equipment. Actually, the employer didn’t take any responsibility for it.”**

Support organisation C. 2023.

One support organisation also highlighted that some workers reported getting back injuries from harvesting heavy pumpkins:

**“You know how big some of the pumpkins can grow. You know, very, very heavy pumpkins. It’s extremely hard work, and you’ve got to be really fit and able to do it. So, some of the people saying to me that their back was really bad afterwards. And what have you. There didn’t seem to be any matching up. So, if I was an employer, for instance, there didn’t seem to be any matching up of somebody who is strong and capable of doing that to all workers being sent to do a job, regardless of their physique, or capability, or skill. Yes, so I just think employee concerns about employee health and safety wasn’t there. Doesn’t appear to be there. As far as I can see.”**

Support organisation F. 2023.

#### 4.2.2.3 Entitlements

Workers’ contracts should state what payment they will receive if they are ill and cannot work, with the minimum entitlement in the UK being Statutory Sick Pay. However, additional paid sick leave is left to the discretion of the employer. One support organisation interviewed explained that levels of entitlement for

sick pay vary by farm. They also shared that some workers were required to pay for accommodation costs whilst unable to work – an experience also reported to us in interviews with workers.

**“It simply depends on a good gesture of the farmer. So, if a farmer is an honest, good guy, they get sick pay. In some cases, they don’t pay for the caravan. In some cases, they pay, and not so good cases, they pay for everything, and they don’t get any sick pay or get whatever. [...] So, it really depends on that employer.”**

Support organisation C. 2023.

Another support organisation mentioned situations where workers had to chase farm management/HR in order to receive their statutory sick pay:

**“Another quite significant issue, I would say, that was mentioned by the farm workers, is Statutory Sick Pay. Some people who was off from work for more than five days in a row, they weren’t paid the sick pay. So, they had to chase the top, the HRs or a farmer, in order to be paid even the Statutory Sick Pay.”**

Support organisation D. 2023.

Support organisations interviewed explained that workers are not always able to access healthcare they are entitled to. As one support organisation explained, this is due to the short term nature of visas, and the need to earn money:

**“They can’t afford to be sick because they wouldn’t be able to afford, you know. They need that money. That’s what they’re here for, so. We asked about statutory sick pay, but no one’s taken any time off sick.”**

Support organisation F. 2023.

Another support organisation explained that some workers are too scared to communicate that they are sick or to check what they are entitled to, highlighting the power imbalance between workers and employers/scheme operators:

**“I never heard anyone sick before. But even when there was one who’s sick when he arrived, he didn’t check on whether he has access or not to the free health service. Because they were too afraid to ask for it. They want to perform... And where people don’t want to feel like, oh I cannot work, I cannot be sick. So, yeah. Even though they are sick, they are probably like, you know, they don’t dare to communicate their condition.”**

Support organisation E. 2023.



## 4.2.3 Industry views on working conditions

### 4.2.3.1 Industry views on piece rates

Workers on the SWS should be paid, at minimum, the NLW – regardless of whether they are on a flat hourly rate or have picking targets. As described by one operator, this should effectively mean that piece rate payments act as a bonus system rather than an actual piece rate system, as would be used by workers that are not on the SWS:

**“The reality is piece-work is just a word these days. It’s a bonus. You’ve still got to pay the minimum wage. So piece work is used as a bonus scheme. All it’s done is increase ... farmers don’t really want to work only 32 hours. We personally as operators, well definitely us two, we want them to work 45 to 55 hours a week, because in that time, people don’t complain anymore.”**

Scheme Operator A. 2023.

Scheme operators mentioned that from their perspective, piece rate systems generally work in the favour of the worker, due to them being able to earn higher wages than a flat system. One operator stated that it can be difficult to recruit workers for farms that only pay a flat rate.

**“We have one client that only pays a flat hourly rate, doesn’t pay any bonuses, nothing. And they’re the hardest person to recruit for. People have no more chance of making more money.”**

Scheme Operator A. 2023.

One operator highlighted that practices around piece rates can differ by crop, with workers sometimes getting bonuses based on individual picking, and other times based on a team:

**“Different farms work differently also. So cabbage farm, has a team of six. So they get a bonus for six people. So the productivity is based on an average over six people because they can’t do that on an individual basis. Mushroom pickings is very much an individual part, but some mushroom farms work on what they call houses. So it depends a bit on the crop. But ultimately, everything is designed for people to work as hard as possible. And those people who are doing more than average they get rewarded for it.”**

Scheme Operator B. 2023.

One retailer mentioned that they would investigate any alleged unfair targets, but also said that the process of setting a target would be led by farms:

**“Of course, wherever there is an unfair picking target alleged we would immediately look into it and, you know, how those standards are set, but there isn’t sort of one good like, ‘this is what picking target should look like’. And it will always have to be led by the farm in terms of, you know, what’s fair against our international expectations.”**

Manager, Retailer C. 2nd October 2023.

The reported lack of a standardised system for determining fair picking targets may indicate that the government guidance on fair rates is not being followed. This guidance, discussed above, is based on employers monitoring a quantity picked by a group of workers in an hour to determine an average rate, and then dividing this by 1.2 so as not to disadvantage newer workers (GOV.UK, n.d.a). This fair rate should then be recalculated if the nature of the work changes significantly. This same retailer highlighted the importance of amending picking rates to match weather conditions, including extreme weather:

**“We do get more extreme weather now in the UK, making sure those break times are enhanced, picking targets are amended to reflect that.”**

Manager, Retailer C. 2nd October 2023.

Another retailer pointed out the risks of new starters without training being unable to reach targets, and how that could impact their ability to earn.

**“I think there have been some issues where their [targets] quite unrealistic, we’ve heard some worker grievances of them being unrealistic [...] this is more previous years than this year, wages have been, you know, have been low because people haven’t met their picking targets. But I think the more responsible farms or farms I’ve spoken to, are quite careful about making sure that they are setting more realistic pick rates. And, you know, a lot of them have years of experience of knowing how to do that. But I think in some cases, some of the workers that are new to the scheme, haven’t always had the kind of training that they would need to, certainly in their first few weeks or months, to get the pick rate that they are needing to work to.”**

Manager, Retailer A. 5th September 2023.

Finally, a third retailer said that setting targets too high can exert negative pressure on productivity. This retailer also highlighted that workers newer to the scheme may have difficulties in reaching targets, and how this could impact their earnings – particularly in light of an observed practice of denying workers shifts as a punishment for not meeting targets.

**“It’s not in the interest of any farm to be making it impossible for workers to hit their rates, it’s not good for morale, it’s not good for productivity. So if they know that they can increase that yield, and the workers can deliver on their expectations, then they should be able to earn more. And that’s the feedback that I’ve seen. Yes. The counterpoint to it, we’re seeing concerns around workers who are new to the process. I know we saw some issues last year with workers who were coming in from Southeast Asia who were not used to picking UK crops that were struggling at first. And again, I think some of the cases last year that were investigated around workers being sent back after two, three hours because they weren’t hitting the rate and they weren’t then going to get paid. Obviously, this year is different with a 32 hour commitment.**

**But we wouldn't expect to see those sort of practices at all. And we wouldn't accept it if it was, if it was uncovered. So it kind of goes against the principles of the scheme, but it also goes against worker welfare and conditions on farms [...] there should be some flexibility in there to allow for workers to get up to speed with that rate."**

Manager, Retailer B. 2nd October 2023.

#### 4.2.3.2 Industry views on discrimination at work

Two scheme operators talked about receiving complaints from workers around discrimination. They held the view that recruiting from an increasingly diverse set of nationalities (5 in 2019, 14 in 2020, 47 in 2021, 61 in 2022, and 63 in 2023) combined with communication issues had led to some conflict between supervisors and workers.

**"...that communication problem created a lot of conflict. And particularly the last two years, we've seen massive politics on farms, you know, where people saying well I'm being discriminated, I'm being shouted at, you know, where the frustrations clearly spill over."**

Scheme Operator B. 2023.

Some scheme operators noted that since they have been recruiting from Central Asia for multiple years, they now have returnee workers from those countries who can take the role of supervisors, and that this has resulted in less reports of discrimination. One operator highlighted that they provided training to supervisors as a way to help avoid conflicts and discrimination.

#### 4.2.3.3 Industry views on guaranteed pay

Prior to April 2023, the minimum number of hours per week in contracts varied by scheme operator. One operator explained that since the introduction of the scheme, there have been large variations among operators on hours:

**"Each scheme operator has slightly different rules – we've seen some significant variations of that. Everything from as low down as 0 hours [...] all the way up to 32 hours per week with [Name of operator redacted]."**

Scheme Operator C. 2023.

This operator also explained that there was very little notice from the UK government that they would introduce the guarantee of 32 hours paid work per week. Consequently, whilst this may not impact their operations, as they already reported issuing workers with contracts for 32 hours per week, other operators and growers that did not have the 32 hours may face difficulties:

**"[We] absolutely agree that the minimum of not 0 hours is not enough. The current scheme rules is not sufficient. That's why we have a 32-hours per week. But our growers have signed up to that."**

**Many of them two years ago, and they based their business on that [...] This is not an industry that is deciding what it does tomorrow. It's deciding what it does, let's say in the most extremes and saying like top fruit, they're deciding six years ahead what it is that they're going to be harvesting."**

Scheme Operator C. 2023.

This operator, as well as another, explained that this change can/has resulted in growers cancelling placement orders. Cancellation of placements may come when workers have already paid for flights, visa fees and other costs. Consequently, this may result in some workers being out of pocket and without a job:

**"All of a sudden, they [the grower] potentially finds out that they now have to give them 32, I suggest that may not be financially viable for the grower, because you can't sustain a head count, particularly in agriculture where margins are so fine. And there may be a situation where the grower finds they need to reduce their head count. [...] The knock-on effect of that is that there could be workers that are already in the visa process who are now not needed because growers need to reduce the number of workers they have because they've now got this obligation to deliver 32-hours."**

Scheme Operator C. 2023.

**"We've got a lot of farms at the moment cancelling orders, because they're going, well I haven't got enough work for them. So it's easier for them to cancel with us there. They have to cancel four weeks before the order date. Otherwise they have to pay it and in some cases they're even paying the visa and the flight cost back."**

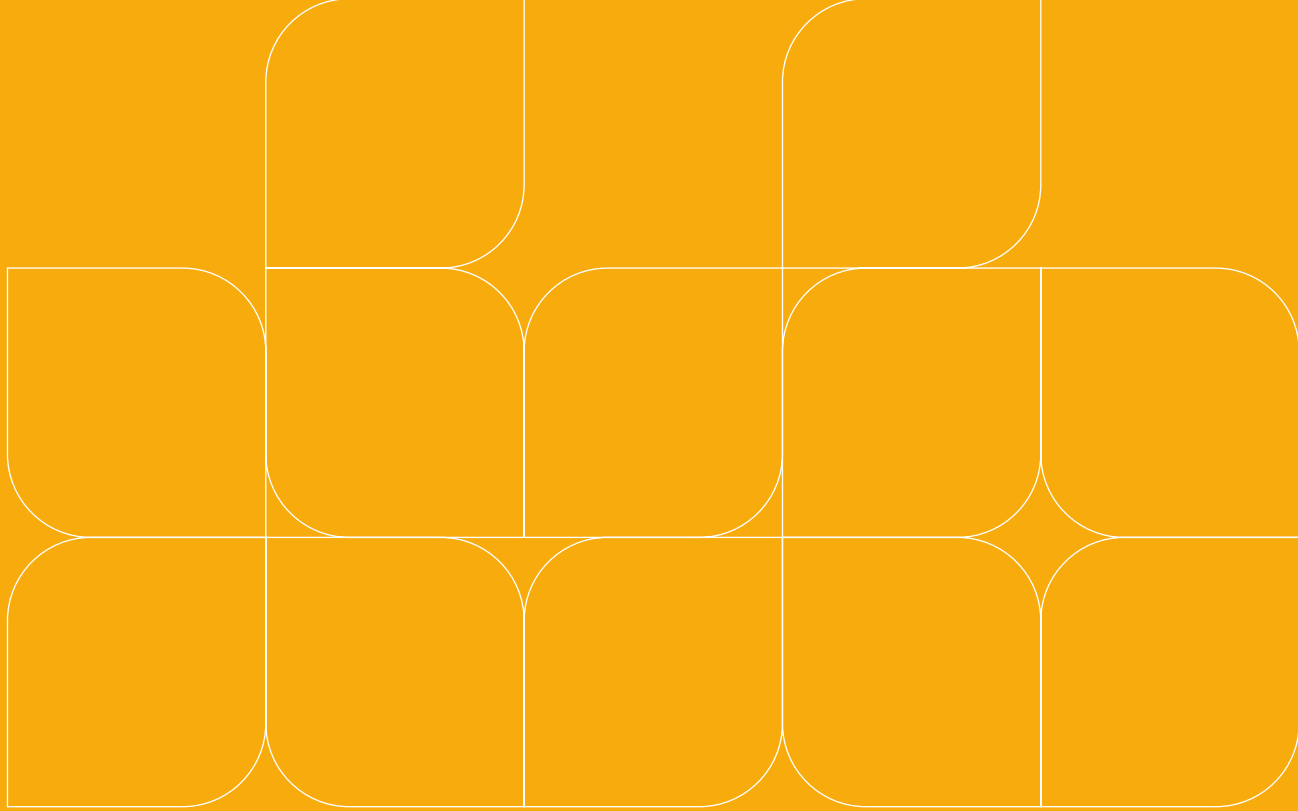
Scheme Operator A. 2023.

One operator explained that the introduction of the 32 hours in the scheme guidance may also lead to situations where instead of a worker being paid for example on a weekly basis, in order to guarantee the 32 hours per week, which can be averaged over a pay period, workers may instead get paid less frequently:

**"We may see the industry go into a four-week pay reference period. Which is not in the interest of worker welfare because they will be arriving and not be paid for five weeks. So, you know, that's an example of where, with collaboration, things can be at least considered. May not change the outcome, but the impact is not being assessed."**

Scheme Operator C. 2023.

Practices varied among scheme operators on how they guarantee that workers get paid at least 32 hours per week after April 2023. This included speaking with growers to investigate any discrepancies in hours, using payroll data, and employing data analysts or support workers focused on welfare:



**“Interviewer: If you could ask government how they could help you in agriculture what would you ask for?”**

**Worker: Strengthen control over hiring processes. The law is good in England, but no one controls it. To check workplaces – and health and safety too – at the farms.”**

Zamirbek, Man, 26, from Kyrgyzstan. 26th September 2023.

**“They [growers] have to write to us each week and tell us how many hours each worker and the pay-rate. So, every week we have a really good view. A conclusive view of any issues, any problems.”**

Scheme Operator C. 2023.

**“We enforce that by communicating to the workers that they know their rights first of all. Second of all, we get payroll data imported into the software we use weekly. We’ve got two former police data analysts that work for us, who drag that data out and scrutinise it. So, we analyse this payroll data. And we’ve got a worker support, worker welfare function. [...] We also undertake workers’ surveys. So, we do these worker surveys because the data is in our system right from when they register. We can take random samples of people and shoot short surveys at them. And if we shoot short surveys at them through their journey right to when they’ve gone home. During the employment, one of those key questions is, how many hours a week are you getting? And you can see it from gross earnings. You can see it from the payroll data coming in. And as long as you’re an operator doing that routinely and regularly, you can see it.”**

Scheme Operator D. 2023.

This last operator explained that prior to the introduction of the 32 hours, if workers were getting less than their contractual entitlement, growers may first use the worker’s holiday entitlements to make up hours:

**“Work is scarce because the weather wasn’t great. And actually, the farm will probably top them up with half a day’s holiday pay. If they haven’t got holiday pay, we will probably insist that they top them up the four hours that they are missing. And the farmer will have to pay it.”**

Scheme Operator D. 2023.

In contrast to what workers told us in interviews, there was a perception among some operators that the most likely reason as to why workers are not getting 32 hours is because they are refusing work or failing to turn up to work.

**“If a worker chooses to not attend work for a week, they won’t get paid 32-hours. So, we’re then investigating, well, why did that happen? Well, the worker failed to attend. Oh, okay, which shifts were they offered? So, we’re investigating why did it not happen. Because it will happen. There will be individuals with less than 32-hours. Typically, the worker elected not to take the work that is on offer. But then, there’s a process to establish that and make sure that is the case.”**

Scheme Operator C. 2023.

**“For example, the most common would be they’ve only done 27 hours, why are they not being paid the 32 hours. Actually, they’ve been offered work, they chose not to go to work that day, which is a common problem when it’s pouring down with rain and they’re supposed to be out in a veg field that’s not covered or sheltered and they think, I’d rather not do that, those five, six hours work today, I’ll stay inside.”**

Scheme Operator A. 2023.

## 4.3 Living conditions

### 4.3.1 Worker perspectives

#### 4.3.1.1 Accommodation costs

Of those surveyed for this study, 98.5% said they lived in accommodation provided by their employer, with the remaining 1.5% reporting that they did not know. Workers interviewed reported paying between £0 and £150 per week on average for their accommodation, with a median of £67 ( $\pm$  26.5) and a mean of £74.6.

If workers are provided accommodation by their employer then this can be taken into account when determining the National Minimum Wage (NMW), or National Living Wage (NLW) (known as the accommodation offset). The accommodation offset is the maximum daily or weekly amount which can be counted as deducted for accommodation against the National Minimum Wage or National Living Wage. This rate changes every April. In 2022 the rate was set at £60.90 per week and in 2023 it was £63.70 per week. Accommodation offset guidance states that rent, gas, electricity, furniture and laundry are included in accommodation charges (GOV.UK, n.d.d).

From April 2022 until March 2023, workers on the SWS were entitled to a pay of at least £10.10 an hour, regardless of age. This was above NMW and NLW at the time. However, as the accommodation offset only covers deductions for accommodation against the National Living Wage or National Minimum Wage, employers during this time period were able to deduct more for accommodation than if workers were on the NLW. Consequently, while workers during this time period were paid above the NLW, this premium may have been eroded for some workers, leaving them no better off than if they were paid at NLW (£10.10 at the time) (Barbalescu & Robertson, 2024).

Although gas, electricity, furniture and laundry ought to be included in the accommodation charges, where workers are earning the NLW, we heard multiple reports of workers having to pay extra for utilities. Due to cold conditions, one worker reported “buying heating cards every day” (Marina, Woman, 29, from Moldova. 21st April 2023). Other workers were charged separately for the rental of bedding, and for use of washing machines (Ali, Man, 31, from Kyrgyzstan. 19th September 2023). Whilst some workers arrive to



caravans that have basic provisions such as bedding and cooking equipment, other workers have to buy all this themselves or pay the farm to hire it (Elzat, Man, 26, from Kyrgyzstan. 14th June 2023). One worker described the furniture that they did have as ‘rotten all over’ and had to pay for their own heater, as one was not provided in the caravan (Amir, Man, 48, from Kazakhstan. 31st July 2023).

Issues with accommodation costs intersected with issues of working hours and underpayment. A young worker from Kyrgyzstan that we spoke to was, for a period, charged for his accommodation despite not being given any work – a move that appears to be in breach of the rules mandating that those in employment must be given a minimum of 32 hours a week of work, rules that were in place whilst he was in the UK. He told us that upon arrival he spent 15 days not working, during which time he was asked to pay accommodation costs. When he told them that this did not seem right, the farm allegedly said that they “do not agree.” (Adashbek, Man, 24, from Kyrgyzstan. 17th October 2023).

#### 4.3.1.2 Additional costs

In addition to accommodation costs and extra charges for utilities, we heard reports that workers were being charged for other essential amenities. It was not always clear if doing so abided by scheme rules, and workers were also not always clear about what they were paying for and why.

Some workers were paying mandatory additional travel costs to get to the field from their caravans, on employer-provided transport. For one worker, this was “£7 both ways” (Madina, Woman, 19, from Kazakhstan. 4th September 2023). Other workers were being charged for their employer-provided bus to stop at the shop on their way home from work, even if it was on their route (Rustam, Man, 29, from Tajikistan. 14th September 2023). We heard from someone who was being charged for an insurance policy that they did not understand.



**Worker:** I pay for my caravan £95 every week.

**Interviewer:** Well at least you know that you are paying for it

**Worker:** Yes, we live in a caravan, but I pay for some kind of insurance I did not know about

**Interviewer:** And how much is it?

**Worker:** (silence, unable to answer) Honestly I don't...they said health insurance, that's what I was told.

**Interviewer:** And how much is it?

**Worker:** I did not know about it; they gave me the paperwork, I don't understand any English.”

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

#### 4.3.1.3 Accommodation conditions

Scheme operator guidelines (Home Office, 2024a) state that workers must be housed in “hygienic and safe accommodation that is in a good state of

repair.” However, no further information is provided on what constitutes safe and hygienic accommodation. GLAA licence holders who provide or effectively provided accommodation must also ensure that the property is safe for occupants, including that “The accommodation must be maintained in a good state of repair, must contain adequate kitchen, bathroom and toilet facilities for the number of occupants and must not be overcrowded. Any category 1 hazards as assessed under the Housing Health and Safety Rating System must be properly resolved” (GLAA, 2020).

Survey data shows concerning results on reported accommodation standards. Only half of workers surveyed reported that their accommodation was clean and comfortable (T:52.0%; W:53.6%; M:51.1%), about one in five said it was mouldy (T:18.8%; W:17.9%; M:19.3%), two in five that it was warm enough (T:40.6%; W:47.3%; M:38.2%) and only three in ten felt like they had enough space (T:29.2%; W:34.7%; M:27.1%). On access to facilities, only one in two reported having easy access to adequate bathing facilities (e.g. a shower) (T:51.8%; W:58.9%; M:48.6%), two in three easy access to a working toilet (T:64.0%; W:68.8%; M:61.8%), and two in three had easy access to clean running water (T:66.8%; W:75.0%; M:63.6%). Further, only one in three had access to wifi (T:31.2%; W:33.9%; M:30.4%) – a concern given that internet connectivity is an essential part of staying in touch with friends and family, finding out their rights and entitlements, and communicating issues they are facing at work with relevant bodies.

In interviews, the state of the accommodation was one of the most frequently raised issues, brought up in 45 out of 83 interviews. The problem was not necessarily the fact of staying in caravans or static homes – as a handful of workers reported positive experiences with newer caravans – but the conditions of those that they were staying in, combined with overcrowding and a lack of amenities. Speaking about the caravans that workers lived in, one person told us:

**“They are substandard, smelly and not fit for human occupancy. Toilet keeps breaking and it is very hard to prevent the smell from coming inside the bedrooms. When we have strong winds at night, the sound is terrible, creaking and howling. Feels like the caravan will collapse or will be blown away. Can’t imagine anyone staying in there over winter period. God be with them.”**

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

We heard reports of mould and damp throughout caravans, holes in exterior walls letting wind through, and broken showers.

**“The caravan was horrible. Rubbish. It deserved to be towed away and disposed of in the recycling field. There was a leak from the windows in the bed. And also, the fungus, the mould was everywhere. Toilets and bathrooms were together, but the shower was very freezing. These caravans are for the summer, not for winter. There was a heater that was not even working. We reported it many times, it was looked at, fixed temporarily. But the fuses were going out and it stopped working again.”**

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

The temperature of caravans was a recurrent issue, with workers reporting freezing temperatures inside at some times, and overheating at others. One interview told us that “It’s cold, yes. There are some holes. we do turn on the heater, If it’s not on during nighttime we would freeze” (Abakir, Man, 28, from Kyrgyzstan. 22nd May 2023). Another said “In the morning, 3 a.m. from 3 a.m. to 4 p.m. This cold air is coming in, we can live but it is not comfortable” (Ajbek, Man, 27, from Kyrgyzstan. 24th May 2023). One person was apparently not allowed to use a heater, despite waking up from the cold at night:

**“Personally, I have a dental problem and I am freezing all night, I am waking up with toothache because of cold. I wanted to have a heater here in the caravan. I got one and it was taken away from me because they were prohibited.”**

Sanzhar, Man, 32, from Kazakhstan. 8th August 2023.

Due to the age and condition of the caravans, workers reported not feeling safe:

**“The caravan itself is simply over 20 years old, over 20 years old, old caravan. I don’t know how safe it is, as the water that is heated when we take shower is gas-heated. I can’t say if it’s safe. I don’t feel safe taking a shower and having the water heated by gas.”**

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

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). People not only commonly shared rooms with strangers, but even beds:

**“ Worker:** Well, it is cute and comfortable, but it appears that they are for couples, and sometimes it happens that they put two guys to sleep together.

**Interviewer:** But in separate beds, I guess.

**Worker:** No, two guys in one bed. It turns out that there is a caravan with six places and some with five. Three rooms. In one room, two single beds, another room, two single beds, but the last room is for a couple, two guys in this family room.”

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

#### 4.3.1.4 Privacy

Concerning privacy and safety aspects within accommodation, only one in five workers surveyed said that they had enough privacy (T:20.6%; W:21.4%; M:20.4%). Three in ten reported having enough space (T:29.2%; W:34.8%; M:27.1%). However, conversely about one in four reported that their accommodation was too crowded (T:27.2%; W:33.0%; M:25.0%), indicating that, for most, it may fall in between being too crowded and having enough space. Just over a third of people surveyed said that they felt safe in their accommodation (T:37.1%; W:41.1%; M:35.7%).

One worker shared their concern that their mixed gender bathrooms and showers did not have locks on the doors (Safiya, Woman, 44, from Kazakhstan. 5th October 2022). Another shared that “you can hear everything people are saying” in their caravan, and that they often had long waits to use the bathroom (Cristina, Woman, 25, from Romania. 13th May 2023). She also explained how a lack of privacy meant she felt she could not comfortably or safely talk in their own home: “If I need to call home, I’m going somewhere on a field. Like somewhere far away, you know, to have a normal conversation that I don’t want other people to hear. But at least, yeah, there is a toilet, shower.”

Across interviews, we heard of one account in which workers were living in private, rented accommodation. For this, they each paid £90 a week, but reported that “there was no day without work, as promised” at their farm, so that this was less of a concern. On the reason for their decision to move, they said “because it is very bad isolation, and too many people — we didn’t like living in a container.”

We heard from another worker about a hostel room in which three men and one woman were put together – who also shared a bathroom with ten people and a kitchen with 25 (Aidos, Man, 30, from Kazakhstan. 1st August 2023). Issues of overcrowding exacerbated issues of lacking access to adequate bathing facilities, with reports of long waits to use the bathroom. We heard that limited hot water also meant that many workers could not take a hot shower (Nurken, Man, 32, from Kazakhstan. 11th August 2023). These long waits also delayed people from washing after their day’s work, which as one person told us, left their skin exposed to irritants from farming labour:

**“There’s a shower and one toilet. And after work we have to ... do you know how we do the cleaning with strawberries? After that we get very itchy skin. We have to wait until everyone uses the shower, there are no portable bio-toilets outside. Our farm is very big and we have to wait and hold, suppress our physiological needs until everyone finishes showering.”**

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

### 4.3.2 Support organisations’ views on accommodation

Multiple support organisations raised concerns about safety for workers on farm accommodation, with women workers in particular having increased safety risks. This included a report of women feeling afraid of going out at night due to men getting drunk in caravans in front or next to their caravans:

**“Those are like lines of caravans. Where the men are in front of them. There will be like a caravan full of men. When the caravans are within the same communities, it’s easier and safer for them because they know like the culture. But the caravans, when they’re in front of them, like other people coming from other countries. And those were like drinking a lot, or they drunk in the night. [Long pause] they didn’t tell me that they got harassed, but they just feel afraid of going out in the evening. Because some people are drunk. Just in front, or next to their caravans.”**

Support organisation E. 2023.

Similar to concerns raised directly by women workers, one support organisation was aware of a situation where a woman was placed in a caravan with all men, a situation she was not comfortable with:

**“I did hear about issues down in England. A person kind of contacted us randomly. And they were put into an accommodation with all men – a woman.”**

Support organisation A. 2023.

It is important that growers and scheme operators have an understanding of the cultural, political, and social norms and histories of the countries that workers are recruited from. This can be especially important in relation to housing arrangements for workers. One organisation explained that farms are not always aware of political situations in the countries where workers are hired from, or potential tensions between workers of different nationalities. This staff member explained that they were aware of situations where workers from countries with historical disputes were being housed together, leading to clashes among workers.

A poor standard of accommodation was raised by multiple support organisations, with one support organisation questioning the lack of health and safety regulations for renting caravans, compared to renting apartments/flats:

**“And, again, I think about accommodation, this is very big issue. With accommodation. We know there is a lack of policies on the regulations [...] For example, I am always questioning, for example, if a landlord have to ensure there is a fire alarm in a caravan. Like, where it’s installed in a house or a flat, or whatever, where he intends to rent. Why there is no such requirement for a farmer, when he rents out his caravan. Even though it’s a temporary area, some flats on the renting market are temporary as well. So, what is the difference? And what is the difference between the safety of the people who come to rent the flat, and people who come to rent a caravan, you know. So, for me, it’s discriminatory kinda thing, you know. Because I don’t see the difference between workers and tenants in a flat, who can rent out a flat for the six months. Or workers who rent the caravan for six months, you know. But the requirements are different and why is that? I mean, what is the rationale?”**

Support organisation C. 2023.

**“We were getting complaints [...] staying in the old cargo [...] 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.”**

Support organisation. 2023.

### 4.3.3 Industry views on accommodation

One retailer highlighted the importance of providing accurate information to workers on what their accommodation standards will be. They referenced the use of videos and pictures as an effective way to show workers what their accommodation will be like. However, they also acknowledged that further work is needed on setting expectations:

**“Expectation versus reality for workers is a challenge, I think, and we can do more to do that [...] i’ve seen some of the videos that [scheme operator redacted] have produced this year they’ve been very helpful. And I think that the retailers and the task force fed into that. I think original versions might have sugarcoated it slightly, I think we were keen to make it clear. To make it more realistic, I think, for workers.”**

Manager, Retailer B. 2nd October 2023.

On standards of accommodation in the UK, two scheme operators stated that they have previously received feedback from some workers that their accommodation was too cold. In these instances, one operator mentioned that growers may not be aware of this, as workers do not always talk directly with the grower. In these instances, this operator stated that they speak directly with the grower telling them that they need to provide heaters, and threatening to remove staff if they did not.

**“As a stakeholder, you’ve got to put more power in, and go and say look, if you’re not going to give them a heater, we’re gonna have to remove them. Because they should at least have a warm area, a warm sleeping area, most farmers will do that, some will put in extra heating. But once they make you aware of it, you go talk to the growers, a lot of growers don’t know. They don’t talk directly to the grower, they’ll come and complain or they’ll go on site and complain to somebody else. If we, for example, found a farm that isn’t doing that, we will just remove the staff. The farm needs the staff. As soon as you threaten to remove the staff, they will do nearly anything you need.”**

Scheme Operator A. 2023.

**“I’m not sure if the UK government knows those kinds of farms - If they keep workers, I mean, legally. I would say some part of my work was really illegal. For example, I didn’t know my finishing time. So that kind of thing I think it’s illegal, I think. So those kinds of things. And also they never gave us gloves, I mean, for uniforms. I mean, that was also one of the... I didn’t expect that. I was keep asking, actually, from the supervisor about the gloves as well. So that’s why also he didn’t like me. I would keep asking, keep asking, first day he was ignoring me. The second day I went him, I asked him, What about the gloves? So he didn’t like, then at the end he gave me the old gloves. I mean, it’s good that at least he gave me, but it was an old one. So, I mean, the government should really, really check if they do their job correctly.”**

Emil, Man, 37, from Kyrgyzstan/ Russia. 24th August 2023.



# 5. Conclusion and recommendations

This report, which is based on 399 surveys and 83 workers on the SWS, alongside key stakeholder interviews, analyses risks associated with the working and living conditions of workers on the SWS. These independent findings can assist stakeholders on the scheme, including the UK Government, to address and mitigate risks of exploitation for workers, ensuring that workers on the route have safe and fair conditions. Learnings from the experiences reported by workers can drive positive changes to the scheme as already seen with the banning of zero-hour contracts based on this issue being raised in FLEX and FMF's (2021) report.

This report highlights a number of key concerns regarding the working and living conditions of workers, including underpayment of wages, threats against workers, physically exhausting work, lack of understanding of access to healthcare, safety at work, and poor quality accommodation.

These problems have been reported to be occurring on the route for several years, as FLEX has evidenced both in our research as well as policy and advocacy work. However, there does not appear to have been many practical positive improvements for workers on these matters.

With industry representatives interviewed in this study recognising many of the challenges raised in this report, 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.

## 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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# Appendix 1

## Expanded methodology

### Design

This is the third 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 work and life under duress. It aimed to assess risks related to working and living conditions stemming from the design of the SWS and how to mitigate these risks. Other publications in this series cover the other indicators.

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 did not get any responses or were declined interviews. 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, Citizens Advice South Lincolnshire, and the Southeast and East Asian Centre (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 and support organisations has been randomised from the first and second reports 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 and support organisations to assist with this anonymisation. Quotes from the international organisation are listed as support organisation. 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.

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 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 also informed by this work.

## Conceptual framework

The objective of this research was to analyse risks of exploitation on the SWS related to working and living conditions, 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).

Under 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.

Indicators from the work and life under duress category have been used, with the other two categories to be analysed in other FLEX publications from the same data set.



Work and life under duress focuses on adverse working or living conditions that are imposed on a person by use of force, penalty or menace of penalty. Work under duress includes an excessive volume of work or tasks that are beyond what would be reasonably expected within frameworks of national law. Life under duress covers situations where degrading living conditions, limitations on freedom or excessive dependency are imposed on a worker by their employer.

## 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 it happens 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.

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. 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.

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