



Office of the Director of Labour Market Enforcement (ODLME) - Labour Market Enforcement Strategy 2025/26: call for evidence

Seasonal Worker Interest Group submission - The UK's Seasonal Worker visa route

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About the Seasonal Worker Interest Group (SWIG)

The Seasonal Worker Interest Group is an alliance of key organisations that provide support to, or advocate for, migrant seasonal workers. As the only group working exclusively in the interests of migrant seasonal workers, the coalition seeks urgent action in response to growing evidence of incidences of poor treatment of workers on the Seasonal Worker Visa identified by its members. The Organising Committee members are Anti Trafficking and Labour Exploitation Unit (ATLEU); Focus on Labour Exploitation (FLEX); Work Rights Centre; and Worker Support Centre. Associate members are: Trades Union Congress; Unite the Union; FairSquare; Anti-Slavery International; and The Landworkers' Alliance.

Summary of key points

- As organisations that advise, support and represent seasonal workers, we have firsthand experience of the serious levels of exploitation that workers are facing. Including:
 - ATLEU** provides legal advice and representation to survivors of trafficking and modern slavery. In 2023 alone, ATLEU supported 285 survivors of trafficking and modern slavery including workers on the Seasonal Worker Visa, and workers on other tied and restrictive visas such as the Overseas Domestic Worker Visa. As a result, ATLEU has brought a legal challenge to the Seasonal Worker Visa asserting that the scheme is in breach of Article 4 of the European Convention on Human Rights (ECHR).
 - The **Work Rights Centre** supports migrants and disadvantaged workers to access employment justice and social mobility through the provision of free and confidential advice in areas of employment and immigration. From January - November 2024, WoRC supported 70 individuals with casework on the SWV, 56 being in relation to employment matters and 14 in relation to immigration matters. This has included an ongoing employment tribunal matter, believed to be the first of its kind. This is an increase from the 39 cases supported in 2023 (25 employment matters, 14 immigration).
 - The Worker Support Centre** supports marginalised and isolated workers in labour sectors where there is a high risk of abuse and exploitation. We work in partnership with workers to build power to secure and advance workplace rights. From [January - November 2024](#) WSC provided advice, support and information to 626 people in relation to the SWV. Issues include non-payment of wages, short-notice dismissals, unsafe accommodation, transfer issues, severe injuries, health and safety hazards and poor treatment. WSC saw an increase in contacts during 2024, with a total of [405 people engaged in 2023](#).
- Government and independent reviews of the Seasonal Worker Visa highlight that the scheme as currently designed puts workers at risk of serious exploitation and abuse, including trafficking, debt bondage and forced labour.

- We welcome the ODLME's continued focus on risks of non-compliance emerging in the agricultural sector, and of some of the recommendations identified in the recently published labour market enforcement strategy for 2024/25. However, we disagree with the ODLME's assessment that the risk of non-compliance in the agricultural sector is reducing.
- Many of the risks experienced by workers stem from scheme design and are reflected in immigration rules and guidance, lack of regulatory oversight or enforcement and coordination on various issues between government departments, and insufficient clarity on core issues and indicators of worker welfare.
- Though some changes have been made to the scheme ostensibly to try and address worker welfare issues, they have generally been implemented without adequate consultation of workers or worker welfare organisations. To date the government has shown little interest in making the wholesale reforms of the SWV required to substantially improve worker welfare.
- The headline finding from the DEFRA survey of workers' satisfaction with their time in the UK masks other serious issues, and not enough significance is being placed on these findings by other relevant external stakeholders. The prevalence of these issues makes it hard to understand why the exploitation risk for the agricultural sector has been interpreted as reduced in the latest labour market enforcement strategy published by the ODLME.
- Despite extensive scheme guidance and reporting requirements for Scheme Operators there is a lack of safeguards in place for workers. These include the absence of: proactive labour market enforcement inspections of farms employing workers on the scheme; oversight of accommodation standards; a public list of farms employing workers on the scheme; an independent body to handle worker complaints; and provisions for workers on the scheme who find that their job is cancelled.
- Other issues faced by workers on the SWV include: indebtedness as a consequence of paying recruitment / migration costs; ongoing issues around underpayment of wages and a lack of clarity around how wages are calculated; unsafe accommodation; difficulties accessing healthcare; and restrictions on movement.

Introduction

In 2019 a pilot scheme was opened for migrant workers to come to the UK on the 'Seasonal Worker Visa' (SWV) to work in horticulture. The visa means each worker is tied to a single labour provider ('Scheme Operator') and restricted to work in either poultry for up to three months, or horticulture for up to six months. Temporary migration programmes such as the SWV are known to have a range of risks associated with their short-term nature, the visa

sponsorship tie to a single labour provider, and the limited rights afforded to migrant workers. Agriculture is also considered a labour sector at high risk of worker abuse and exploitation. The UK has expanded the scheme from just 2,500 visas in the 2019 pilot to up to a potential 47,000 visas in 2024 (including poultry). On 9 May 2024 the government announced the scheme would be extended for another five years from 2025 to 2029, with the number of visas available for the horticulture sector in 2025 set at 43,000, with another 2,000 visas for poultry.

Both government and independent reviews highlight that the scheme as currently designed puts workers at risk of serious exploitation and abuse, including trafficking, debt bondage and forced labour. Though not an exhaustive list, this notably includes:

- **SWIG member and external reports** - please see a comprehensive list at the end of this submission.
- [The Migration Advisory Committee's \(MAC\) review of the SWV published this year](#) - which confirmed that workers' "migration status can put them at additional risk" because the visa is a "temporary, short-term visa scheme in rural areas which usually relies on the employer for accommodation." Risks to workers are present "throughout the process, from the time before workers come to the UK during the recruitment process and until they leave".
- [The Independent Chief Inspector of Borders and Immigration review of the immigration system as it relates to the agricultural sector](#) - which outlined that there was no "clear picture as to how responsibilities were divided across the Home Office, other government departments, devolved administrations and local authorities". The review found this had complicated how communication and engagement worked in practice for stakeholders, and led to a lack of clarity about who is holding farmers and scheme operators accountable.
- [The Special Rapporteur on contemporary forms of slavery, including its causes and consequences](#) - who in June 2024 expressed alarm at the "systemic exposure of migrant workers in the UK to protection risks related to deception, exorbitant recruitment fees, debt bondage, undignified living conditions, and potential deportation".
- **Various accounts of worker mistreatment covered in the media** - including in [the Guardian](#), [The Bureau of Investigative Journalism](#) and the [Financial Times](#), among others.
- [Recent research by the University of Nottingham Rights Lab](#) - which outlined a number of inadequacies and safeguarding issues in the present setup of grievance mechanisms.

The risks on the SWV are widespread but include the following risks of exploitation that connect closely to the International Labour Organization (ILO)'s forced labour indicators:

1. **Risks at the point of recruitment**, such as deception about contractual terms, illegal recruitment fees, and substantial travel costs largely or fully borne by workers; and
2. **Risks in the UK**, encompassing violations of employment rights, unsafe accommodation, health and safety hazards, threats and discrimination, sexual harassment and violence, barriers to transferring employers, barriers to access to justice and state enforcement mechanisms that lack the resources or scope to effectively respond to workplace threats.

These risks are compounded by a lack of clarity around potential earnings in the UK, and no guarantees for a minimum income or minimum period of employment in the UK. Nor are there guarantees for workers who are dismissed even soon after arriving in the UK, or [whose Scheme Operator's license is suspended or revoked](#).

SWIG response to ODLME enforcement strategy 2024/25

The SWIG welcomes the ODLME's continued focus on risks of non-compliance emerging in the agricultural sector, as reflected in the recently published labour market enforcement strategy for 2024/25. Similarly, we are supportive of some of the recommendations identified in the strategy, including sharing intelligence amongst relevant stakeholders, maximising opportunities for public messaging and a greater focus on assessing the impact of the work of the Gangmasters and Labour Abuse Authority, the HMRC National Minimum Wage Team and the Employment Agency Standards Inspectorate.

However, the SWIG disagrees with the ODLME's assessment that the risk of non-compliance in the agricultural sector is reducing. In particular, we disagree with the following statement:

"There are concerns with fees paid overseas for visas, travel and illegal recruitment fees by Seasonal Worker Visa Scheme workers, lack of the work they were promised before they came and accommodation issues. The disruption in finding new recruitment sources caused by the Russian evasion (sic) of Ukraine has reduced with lessons learnt, meaning the risk has reduced but the underlying risk remains high."

Many of the risks experienced by workers stem from scheme design and are reflected in immigration rules and guidance, lack of regulatory oversight or enforcement and coordination on various issues between government departments, and insufficient clarity on core issues and indicators of worker welfare. These are compounded by the very low/no unionisation of workers in this sector, driven by sector hostility towards trade unions and practical challenges with organising temporary workers, lack of transparency as to the whereabouts of workers employed via the scheme, and the multiple risks of exploitation created by the visa. Despite this group's efforts, we have seen virtually no progress on these matters since 2019. We underline that workers will remain reluctant to raise grievances with employers and/or scheme operators and retailers in operational level grievance mechanisms, as the SWV as currently designed means

their immigration status, employment and accommodation is at the mercy of employers. To understand worker experiences and raise labour standards around the SWV, Scheme stakeholders must therefore take account of the findings reflected by independent worker support organisations and trade unions.

Though there have been some changes made to the scheme ostensibly to try and address worker welfare issues, these changes have generally been implemented without adequate consultation of workers or worker welfare organisations, and have had knock on negative impacts on workers (e.g. introduction of the 32 hours requirement - see section on Pay below). Aside from these limited changes, there has to date been no interest or attempt by government to make the wholesale reforms of the SWV that are required to genuinely and substantially improve worker welfare. It therefore does not follow that risks to workers on the SWV have reduced, and in fact the Worker Support Centre saw a considerable increase in enquiries from workers in vulnerable positions during 2024.

Issues with DEFRA worker surveys

It is important to restate some of the pertinent methodological considerations when understanding the findings of the DEFRA worker surveys.

The survey is distributed by scheme operators on behalf of DEFRA to workers who previously held Seasonal Worker visas. It is not independent of the UK government or the operators who secure workers for the scheme. When responding to the survey in this context workers will inevitably be mindful that responses may impact opportunities for themselves or colleagues to return to the UK on the route. This is not an abstract risk, and we understand one scheme operator closed a recruitment route from Indonesia this year due to complaints and/or allegations raised by workers.

As the survey itself finds, a large majority of workers state they would like to return to work in the UK. Members of the SWIG find in their work with workers that reasons for return are extremely complex and do not provide any indication in isolation of satisfaction with conditions. There are a range of reasons for return, the most common being the absence of alternative employment or migration opportunities, as well as the significant debt that workers have accrued from their first time on the SWV. Therefore, workers' responses must be read in context and in conjunction with other underlying findings from the survey that indicate more granular issues in the workplace. Ultimately, we would like to see the methodology for distributing the survey reconsidered in future years.

We are concerned that the headline finding of workers' satisfaction with their time in the UK is masking other serious issues included in the DEFRA survey results, and that not enough significance is being placed on these findings by other relevant external stakeholders. Similarly, the prevalence of these issues makes it hard to understand why the exploitation risk for the

agricultural sector has been interpreted as reduced in the latest labour market enforcement strategy published by the ODLME. Issues raised include:

- **Transfers** - 2,912 workers (23.5% of all survey respondents) requested a transfer to another farm during their time working in the UK. Of those, 1883 (64.9%) were transferred, while 862 (29.7%) were not and 157 (5.4%) respondents were unable to move even though the transfer was granted. In 32.2% of refused transfer cases, workers were not given a reason why their request was refused. The survey does not examine whether workers who did not request a transfer knew about the possibility of a transfer or how to make a request.
- **Costs incurred by workers** - 40.8% of workers are taking out some form of loan to fund pre-arrival costs, while another 57.5% are relying on savings. This is important because the risk of becoming indebted is therefore greater because of costs imposed by the scheme on workers.
- **Access to redress** - Over a fifth of workers still do not know how to raise a complaint if they are unhappy with their employment (21.7%). 10.5% of workers had experienced a grievance but had not raised a formal complaint, while 3% had. When explaining why they had not escalated complaints, 68.8% of workers cited fears of losing their job, losing their right to stay in the UK or the belief that no action would be taken. Of those that had raised grievances, only 5 cases were raised with external bodies like the GLAA and the Home Office, while the rest were discussed with colleagues, farm managers or operators only. This is incredibly significant because it suggests that seasonal worker cohorts that do experience grievances during their time in the UK are reluctant to report problems, particularly to state enforcement bodies and regulators. This tallies closely with findings of members of the SWIG that see extreme fear of reporting from workers on the SWV, the vast majority of whom wish to remain anonymous in raising complaints and for these to be raised in almost all cases outside of the workplace for fear of repercussions.
- **Length of work and consistency** - 29.1% worked for less than their contract specified. 12.1% reported not being paid for all the work that was done, including setting up and cleaning. 11.5% reported working for less than 4 months. Similarly, 37.8% of workers reported that not having enough hours on their current farm as the reason for requesting a transfer, the most popular response from the options available. More than a fifth of workers also reported that the information they had been given on working hours during the recruitment process was “not accurate” (20.3%).
- **Access to healthcare** - 32.9% of workers who required medical treatment reported not receiving any. 18.5% of workers cited being told that they had to continue working as the reason for not receiving healthcare treatment. 14.6% of workers felt that they could not afford to take time off work to receive healthcare treatment. This is a serious issue considering the prevalence of health and safety incidents in the agricultural industry and

the large numbers of workers that report healthcare inaccessibility as an issue to the Worker Support Centre.

Effects of the short-term and restrictive nature of the scheme

The UK's Seasonal Worker visa permits visa holders to work in agriculture in the UK for up to the 6 month duration of their visa. They are restricted to employment secured by the Scheme Operator who sponsored their visa. Workers cannot apply to renew their visa in the UK even if work is ongoing, and those who wish to return and work in the UK once their visa expires must first stay out of the UK for at least 6 months – known as the 'cooling off period'. Workers have no recourse to public funds and cannot apply to bring dependents to the UK. Workers generally pay their migration costs and have no guaranteed work or income while in the UK. Costs borne by workers once in the UK, including for transport, accommodation, equipment, can vary considerably, as can possible earnings.

Visa quotas do not appear to be directly linked to availability of work and workers can pay to travel to the UK only to find insufficient work to cover their costs, leaving them with debt they will struggle to repay. Workers carry the financial risk of paying to migrate without guarantees of work or earnings, and there are a lack of safeguards against the multiple dependencies this creates; for work and income, immigration status, information about the UK, accommodation and often even transport to shops or for access to essentials like laundry.

Despite extensive scheme guidance and reporting requirements for Scheme Operators there are a lack of safeguards in place for workers on the scheme, as follows:

- There are no proactive labour market enforcement inspections of farms employing workers on the scheme.
- There is no central, comprehensive list of farms using the scheme which is publicly accessible.
- There is no oversight of accommodation standards.
- Workers are generally advised to raise grievances or queries directly with their employer or scheme operator yet there is no independent body or arbitrator who can mediate in any dispute, secure access to healthcare or owed wages, or place the workers in alternative work or accommodation for which workers are currently dependent on scheme operators and employers.
- There is no safety net for workers on the scheme if a job is cancelled and they are prevented from travelling if they arrive to no work. Given the highly restrictive nature of the visa (lack of access to public funds, lack of ability to find alternative lawful work unless permitted by the Scheme Operator) the lack of safety net could lead to a risk of human rights violations if workers are legally prohibited from finding ways to prevent potential destitution. In the second instance they may incur further losses as they pay for living costs in the UK while waiting for work to begin.

- There is no clarity around options and support in the event of a scheme operator's licence being suspended or revoked.

ATLEU has brought a legal challenge to the Seasonal Worker Visa Scheme on the grounds that it breaches article 4 of the ECHR, which states that “No one shall be held in slavery or servitude” and “No one shall be required to perform forced or compulsory labour”. The legal challenge asserts that there are inbuilt risks of exploitation and abuse within the Scheme, including trafficking and other forms of modern slavery, without adequate or appropriate safeguards. Further, that despite widespread warnings of the risks inherent within the Scheme design and evidence that such abuse and exploitation is occurring, the numbers of visas issued under the Scheme has increased. We are seeking compensation for our client, who has received a positive reasonable grounds decision that he is a victim of trafficking and modern slavery, and a declaration that the Scheme breached his Article 4 rights.

[In August, SWIG published a statement calling again for the scheme to be overhauled](#) in the context of a second licence revocation of a scheme operator. We maintain that the government must learn the lessons from the two revocations to avoid further detrimental impact to workers on the scheme and to avoid deterring workers from raising grievances. Though we have been told efforts were made to ensure affected workers in the UK were rematched to other licenced operators, the revocation of a labour provider's licence without a specific, published mitigation plan to protect workers whose visas have been sponsored by that provider has potentially wide-ranging consequences. For example, migrant workers who have paid to apply for the visa may be unable to travel to the UK and workers in the UK undergo a stressful period of uncertainty and limbo due to a lack of clarity around their status or options. Similarly, in the period following licence revocation, worker support organisations have been limited in the support they can give workers, due to lack of government transparency. In addition the inaccessibility of the Home Office to respond to queries raised, compounds this issue. Many workers, as a result, were left in significant periods of limbo - not knowing who their visa sponsor was, despite facing deeply challenging workplace threats. This is a microcosm of the arbitrary nature in which the scheme has generally been regulated to date.

Our organisations have previously pressed the government to put in place a publicly accessible plan to deal with the fallout of licence revocation for workers, and asked for information to share with workers to no avail. The [correction of an answer to a written parliamentary question regarding sponsorship revocation](#) suggests confusion as to the process even within government. This uncertainty undermines safeguarding and reporting and is yet another systemic failure in the governance and operation of the Seasonal Worker visa.

Finally, there is a lack of clarity on options for redress for workers on the scheme. As set out above, there are clear practical and pragmatic barriers. Even raising complaints carries significant risks for workers and may result in immediate dismissal leading to destitution, unemployment, increased debt and loss of immigration status. This is compounded by a lack of access to independent advice or support to enable workers to know their options, as well as language issues, bureaucracy and a lack of clarity regarding responsible bodies and how to access these, meaning workers are being sent around in circles.

[A recent report by the Nottingham Rights Lab on grievance mechanisms and access to remedy for migrant seasonal workers in the UK](#) found that the majority of worker grievances are raised informally and not logged making it difficult to identify any trends. Also, with few exceptions, the report found that farm managers, labour providers and retailers consider the migrant workforce in UK agriculture to be at low or no risk of gender-related abuses. This is a notable finding because the DEFRA survey suggests that a lower percentage of women said that they know how to raise a complaint (73.7%, compared to 79.4% for men). Similarly, women were more likely than men not to raise a complaint due to believing no action would be taken (33.6% compared to 25.9% for men), fear of losing their job (23.2% compared with 21.9% for men), and due to fear it would impact their right to stay in the UK (20% compared with 18.9% for men). It is also a stark finding because serious safeguarding issues have previously been identified by worker support organisations (e.g. women being placed in male-only caravan accommodation).

Ultimately even if workers are able to negotiate the UK's systems and raise a complaint they face difficulties in terms of remaining in the UK and working to support themselves while the complaint is pursued or enforced. Without clear redress options the risk of raising a complaint significantly outweighs any potential benefit, resulting in underreporting and labour market non compliance issues remaining unaddressed while labour standards are driven down.

Ongoing issues for workers in the scheme that are enforcement issues

Recruitment and migration costs/ debt

[FLEX research based on information collected between June 2022 and October 2023](#) found that most workers who responded reported taking out a loan to cover the costs of coming to the UK (72%). Workers surveyed in the same study reported paying between up to £5,500 in total to come to the UK to work before even earning a wage, with an overall average of £1,231.

The same research found a risk of workers being deceived about the nature of the job they were going to and only three in five workers reported receiving a contract in a language they understood, on or before their first day of work.

There appears to be a lack of enforcement of the Scheme Operator responsibilities as outlined in the Immigration Rules and Sponsorship Guidance. For example, Immigration Rule SAW.5.1 provides that a Scheme Operator certifies that they will maintain and accommodate, if necessary, an applicant Seasonal Worker up to the end of the first month of employment. ATLEU knows of at least one case where workers were not given any work for the first 11 days after arrival due to bad weather, and were instead offered a loan from the farm to cover accommodation and subsistence costs, to be later deducted from their salaries. This resulted in further debt being incurred from the outset.

If no or infrequent work is available for migrant workers on arrival in the UK, whether due to climatic changes or other situations beyond the worker's, employment intermediaries or employer's control, [such individuals cannot pay off their debt, which subsequently increases day](#)

by day. Such workers may then [find themselves unable to leave an employer](#) as they need to earn enough to repay their debt t.

We also note that the payment of high levels of recruitment fees and costs, and issues of subsequent debt bondage, has significance well beyond the farming sector, affecting workers in other visa categories spanning several other [high-risk supply chains in the UK](#).

The requirement for SWS workers coming to the UK to meet many if not all of their recruitment related costs, and the [limited monitoring of recruitment channels to detect unethical or irresponsible recruitment](#), marks the scheme out from similar visa systems in other countries where these costs are mostly or entirely met by employers or a combination of employers and the state. In the US, [workers are not liable for any recruitment fees or related costs](#). In [Australia](#) and [Canada](#), official fees are limited and shared with employers and the state. It should be noted that such schemes do not address the issue of unofficial fees or payments nor the power imbalance between worker and employer, which is why, in addition to working towards the Employer Pays Principle, wider change is additionally needed to address issues on the scheme.

Given the risks of forced labour resulting from payment by workers of high levels of recruitment related fees and costs, the International Labour Organisation (ILO) recommended in Guidelines published in 2019 that '[No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.](#)' This is referred to as the Employer Pays Principle (EPP). Investors groups representing £800bn in assets have already [called for retailers to take action to implement the EPP in across their supply chains](#). The Landworkers' Alliance has been exploring ways of sharing these costs across the supply chain, and issued a [call for these costs to be met by retailers](#).

Whilst members of the SWIG are supportive of efforts to explore the Employer Pays Principle (EPP), we are concerned about this work happening in isolation of addressing other issues on the scheme. In particular, given the pay related issues we outline below, we are concerned that many workers are not being paid in full for their work whilst on the scheme, and therefore any further costs that would be incurred by employers or other stakeholders in the scheme supply chain risk being passed on to workers via non-payment of wages. Additionally, as the SWIG has raised previously, the UK's SWV, unlike many other temporary migration programmes globally, does not have a strong State governance system including bi-lateral agreements between the UK and sending countries. This means that, whilst some recruitment risks can be addressed through EPP, the wider risks of intermediary charges and services may not be addressed without much stronger governance systems.

Pay

All workers on the seasonal worker visa must be paid the National Living Wage (England) or Agricultural Minimum Wage (Scotland). In April 2023, the Government confirmed that workers on the visa would be guaranteed 32 hours of paid work per week during their stay in the UK. In April 2024, this requirement was clarified with the effect that workers are to be paid for 32 hours a week for every week they are in the UK, and not just the weeks that they are employed by a farm. The Migration Advisory Committee commented in their recent review of the scheme that

the 32 hour requirement “is yet to be fully implemented in practice”. Worryingly, we have seen recent cases of farms trying to artificially meet the 32hr requirement by topping up workers’ pay through the use of holiday pay. Without resolving underlying issues related to the use of piece rates and the regulation of productivity targets on farms (discussed below), we are concerned that there could be an increase in grievances related to early dismissals as farms look to recoup costs.

Piece rates and productivity

We have submitted evidence to the ODLME of payslips from a range of workplaces and a range of workers that show the use of **items/product picked** to determine hours worked rather than **workers’ time at work** being calculated on an hourly basis (apart from certain tasks such as de-leafing or weeding). In addition to showing how confusing payslips that seasonal workers receive are, it also shows that it is common practice to use a “mark up” to connect the amount accrued through product picked with the hourly rates.

Workers are asked to pick a certain amount of product within a certain amount of time. These are referred to as ‘targets’ or ‘productivity targets’. Many workers receive information about these productivity rates and picking expectations when they arrive on the farms. In some cases, these are outlined in their contracts, also shared in evidence. Some workers also report not receiving any information in their agreements at point of recruitment about such rates, instead being told they would be paid hourly, which they feel is deceptive based on this evidence and their accounts. Workers also receive threats of dismissal and dismissal letters in relation to their failing to meet these productivity rates, also shared in evidence. This evidence demonstrates this widespread use of productivity rates/targets for workers on the SWV.

There have been a range of cases in 2024, also shared with the ODLME in this evidence, of workers reporting a disconnect between the hours on their payslips that relate to product picked, and the hours they spend working. This evidence has also been shared to provide background of these types of cases and the common types of work and workplace activities for which workers report not being paid. The SWIG asks the DLME to:

- ❖ Formally respond to this evidence and to inform this group if further evidence is required to advance these issues; and
- ❖ Ask HMRC NMW team to investigate the sector to understand the relationship between product picked, productivity rates and actual hours worked by workers. In particular, we would like HMRC to produce:
 - A comprehensive and clear guidance document on issues around piece rate methodology and how this interacts with workers’ rights under minimum wage legislation and guidance
 - Advice on the lawfulness of using holiday pay to top up workers’ pay in line with the 32hr requirement without prior agreement with the worker
 - Advice on the lawfulness of costs charged to workers for services, transport and utilities

This evidence pack has been shared with the DLME and the Chair of the Low Pay Commission for their input and to make recommendations to the Government.

Accommodation

Whilst issues related to unsafe accommodation for seasonal migrant workers have been highlighted as an enforcement gap as [far back as 2009](#) these gaps remain today. As the Worker Support Centre has [highlighted](#), despite many workers each paying £300 per month plus services charges to share caravans with up to 5 other people, there are no standards relating to tied-seasonal worker accommodation. Connected to this lack of regulation, there is no responsible enforcement body inspecting worker accommodation, and workers suffer from a lack of legal clarity around their status with respect to their accommodation. ,

Standards of accommodation are very vague in Home Office guidance to scheme operators - workers are required to be “housed in hygienic and safe accommodation that is in a good state of repair”. The Home Office also says that accommodation is ultimately the remit of local government but there is little that councils can do in practice, particularly around licensing. Under Schedule 1, paragraph 7 of the Caravan Sites and Control of Development Act 1960, a site licence is not required for caravan sites on agricultural land if it is being used to accommodate persons employed in farming operation on the land. However, Schedule 1 also permits local authorities to apply to the relevant Minister to have this and other similar exemptions contained in Schedule 1 withdrawn, allowing them to licence sites. [After submitting a Freedom of Information Request to the Department of Housing, Levelling Up and Communities](#), it was disclosed that the department did not hold any information to suggest that any local authority across England and Wales had made such an application. In Scotland, we are aware that only Angus Council has applied for and been granted a relevant order and has operated a licensing system since 2012. Angus Council licenses caravan sites in accordance with the Model Standards for Residential Mobile Home Site Licenses. These Model Standards relate solely to site infrastructure including sanitation, layout and parking rather than the internal state of caravans.

Healthcare

In England, Wales and Northern Ireland, workers on the visa can access primary healthcare free of charge, [according to the GLAA](#). However, secondary healthcare is usually not free. Our understanding is that some scheme operators provide workers with private health insurance during their time in the UK, and workers are encouraged to make a claim to the insurance company to pay for their required treatment. Some workers raise concerns about the exclusions in such policies meaning not all workplace related issues are covered. In Scotland all migrant workers can access healthcare free of charge from the National Health Service (NHS). This includes primary care, secondary care and emergency care, while dental treatment or eye care are not included. All services that are free to people resident in Scotland are also free to workers on the SWV in Scotland. If a worker is not registered as an NHS patient, they are still entitled to emergency care in a hospital (in the accident and emergency department, casualty department or minor injury unit), emergency care at a GP surgery, emergency transport in an

ambulance, sexual health services, treatment for some infectious diseases and sexually transmitted infections in the best interests of public health.

Despite this, in Scotland Worker Support Centre sees many workers that do not register with a GP and are informed by their employers or Scheme Operators that they need to draw on travel insurance in order to pay for healthcare. This presents a significant barrier to workers accessing assistance in cases of injuries and illness which has an impact on worker welfare and wider public health. In 2024, WSC has seen 10 workers in relation to barriers to healthcare access and 37 workers in relation to health and safety issues, including 7 injuries at work some of which were severe and required personal injury compensation support. The most severe injuries that WSC sees relate to lack of training, workers using dangerous equipment without the requisite training or qualifications, lack of protective equipment and lack of supervision. There are more significant consequences of injuries when healthcare is difficult to access. Other health and safety issues relate to allergic reactions, repeated health impacts of poor equipment or accommodation. Some workers evidence documentation they've been asked to sign to seek to remove liability for their injuries from their employer.

Restrictions on movement

Transfers remain the most common employment issue cited at the Work Rights Centre for migrant seasonal workers. The lack of an independent, centrally managed application process for transfers based on a clear set of criteria means that workers often face a transfer "lottery" as to whether they will be granted a move to a different farm. Recent case studies around transfers chime with some of the transfer findings in the DEFRA survey which suggest that workers are often not given a reason for a refusal of their transfer request or in some cases are simply ignored for weeks on end.

List of SWIG and external publications

SWIG joint documents

- ❖ [Call for the Seasonal Worker visa scheme to be overhauled as scheme operator loses licence](#) - 16 August 2024
- ❖ [Protecting workers on the UK's Seasonal Worker Scheme: A call to action for the next government](#) - 4 June 2024
- ❖ NGO joint statement: Government must act to prevent exploitation on the UK's Seasonal Worker Scheme- March 2023

Focus on Labour Exploitation

- ❖ [Focus on Labour Exploitation. 2024. Not here for the weather: Ensuring safe and fair conditions on the UK's Seasonal Worker Scheme.](#)

- ❖ [Focus on Labour Exploitation. 2024. Bound to work: Improving access to redress on the UK's Seasonal Worker Scheme.](#)
- ❖ [Focus on Labour Exploitation. 2024. Bearing fruit: Making recruitment fairer for migrant workers.](#)
- ❖ [Focus on Labour Exploitation and Fife Migrants Forum. 2021. Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot.](#)
- ❖ [The UK's Future Skills-Based Immigration: Mitigating against the Risks of Human Trafficking for Labour Exploitation. May 2019](#)
- ❖ [The risks of exploitation in temporary migration programmes: A FLEX response to the 2018 immigration white paper. May 2019](#)

Work Rights Centre

- ❖ [Evidence to the Migration Advisory Committee's Seasonal Worker visa inquiry - 26 July 2023](#)
- ❖ [Seasonal work after the war in Ukraine - 18 June 2022](#)
- ❖ [Weed out exploitation: how to protect seasonal migrant workers labouring on British farms - 28 February 2022](#)

Worker Support Centre

- ❖ [Annual Report, 2023](#)
- ❖ [Mid-Year Report 2024](#)
- ❖ [Tied-Accommodation Briefing, September 2024](#)
- ❖ [Conference Outcome Report from Autumn 2024, meeting between UK seasonal agricultural workers and the United Nations Special Rapporteur on Contemporary Forms of Slavery](#)

The Landworkers' Alliance

- ❖ [Debt, Migration, and Exploitation: The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture.](#)

Open Democracy series on temporary migration programmes and exploitation risks:

- ❖ [Article by Jean-Pierre Du Toit, a worker on the SWV scheme in 2024 with three seasons' experience.](#)
- ❖ [Article by Margarita Permonaite, Peer Engagement Officer at WSC, and former seasonal worker comparing her experiences on the Seasonal Agricultural Worker Scheme with that of workers she now supports on the SWV:](#)