



## **Protecting workers on the UK's Seasonal Worker Scheme: A call to action for the next government**

**June 2024**

This plan sets out the urgent need for structural reforms to the Seasonal Worker visa scheme to better protect workers, who currently bear most of the risks embedded within the scheme and who face ongoing abuses and exploitation. It has been prepared by the Seasonal Worker Interest Group.

### **About the Seasonal Worker Interest Group**

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.

## 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. This includes risks at the point of recruitment, such as deception, illegal fees and high debts, and risks in the UK, encompassing violations of employment rights, unsafe accommodation, insufficient provision of work, issues around use of piece rates and productivity targets, barriers to transferring employer, and a lack of effective complaints and labour rights enforcement mechanisms.

**The Seasonal Worker visa scheme requires wholesale reform - many of the issues for workers on the scheme are complex and interrelated, meaning it is not conducive to worker welfare to reform it on an incremental basis.**

**Our principal recommendation is to review the Seasonal Worker visa scheme in its entirety to uphold the rights of workers. However, in the context of the recent announcement that the scheme has been extended for five years in its current form, we have listed recommendations below to mitigate the risks the scheme creates for workers. Principally, there is an urgent need for robust state-led rights protections, and monitoring and enforcement which rise to the challenges of this scheme and ensure accountability of private sector actors.**

## Recruitment

- The ***UK Foreign, Commonwealth and Development Office*** (FCDO) should convene stakeholders to develop a roadmap for the rapid implementation of the Employer Pays Principle and a remedy scheme for workers who are found to have paid illegal recruitment fees. The ILO General principles and operational guidelines for fair

recruitment state that '[n]o recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers'. It is critical that the financial burden of EPP is distributed across the supply chain, with those with the greatest profits contributing the most. For example, the highly price-competitive supermarket sector may need to cooperate with farms and Labour Providers to meet the cost of bringing workers into the country.

- As an interim measure, the **Home Office** should remove the visa fee currently required of workers (currently £298), to reflect their vital contribution to the UK's horticulture industry and the limited timeframe of, and wages available on the SWV. Workers who applied for visas but were then told that they were no longer required and did not travel to the UK should have the visa fee reimbursed and be provided compensation by Scheme Operators.
- The **FCDO should establish** government-to-government agreements with origin countries before workers are recruited. These agreements should focus on protections for migrant workers and ensure clarity around conditions, and duration of work and likely earnings.
- **The Department for the Environment, Food and Rural Affairs (Defra) and the Home Office should ensure** all workers are provided with information in their own languages on employment rights in the UK and how to access support and assistance when abuse and/or exploitation occurs.

### Pay and access to work

- **Defra and the Home Office should establish** an independent, centrally managed application process for transfers with clear criteria for transfer requests, so that workers can move between farms and Scheme Operators. Home Office guidance should clarify who is responsible for paying workers during transition periods, as well as responsibility for any transfer costs (transport etc).
- **Defra and the Home Office should ensure Scheme Operators guarantee** work for the full duration of the visa, or a minimum of six months, to avoid the risks of early termination of contracts. Where work is unavailable, workers should be paid the minimum 32 hours a week (a practical income guarantee). Compensation should also be paid to workers whose start date was delayed.

- **HM Revenue and Customs** should introduce a scheme-specific tax code so workers are not charged income tax and national insurance below earnings thresholds, which they might later struggle to reclaim.

#### **Worker safeguarding - visas**

- **The Home Secretary** should make the SWV extendable subject to ongoing employment, with a pathway to settlement. The Scottish Rural Visa pilot is an example of good practice in this area, and includes the potential for the route to offer a pathway to settlement. Workers who extend their visas should be able to access public funds.
- **The Home Secretary** should Create a safeguarding visa to give workers who are at risk of, or in situations of abuse the opportunity to urgently switch to an open visa, permitting them to seek work elsewhere in the labour market and providing recourse to public funds.
- **The Home Office** should ensure workers can switch sponsor without submitting a new visa application.

#### **Worker safeguarding - welfare**

- **Defra and the Home Office** should ensure workers are able to raise concerns and complaints with independent support providers and trade unions without fear of reprisals, including the introduction of penalties for any such reprisals.
- **Defra and the Home Office** should ensure information about the role of, and contact details for trade unions and independent support organisations is clearly advertised in SWV workplaces, in a language workers can understand. Independent trade unions should have a right to access workplaces to recruit and organise workers, and help them to resolve workplace disputes.
- **Defra** should develop multi-stakeholder regulations governing seasonal workers' accommodation, establish and clarify which public sector department or agency is responsible for enforcing such regulations.
- **Defra should establish** a scheme-specific dismissal process which enables workers to access independent representation, to provide safeguards in light of workers being unable to accrue two years' employment and gain protection from unfair dismissal under the current scheme setup.

## Government oversight of labour standards

- **HM Treasury** should increase resources for monitoring and enforcing labour standards ensuring that the UK reaches the ILO target of one labour inspector per 10,000 workers.<sup>1</sup>
- The **Office of the Director of Labour Market Enforcement** should clarify the roles of separate enforcement agencies with regards to the scheme, and seek to improve coordination between government departments and agencies with responsibility for monitoring and enforcing standards on the scheme.<sup>2</sup>
- **The Home Office** should end the current approach of effectively outsourcing enforcement of worker rights and welfare standards to Scheme Operators.
- **The Department for Business and Trade** should introduce a registry of employers of workers on the SWV to provide labour market enforcement authorities and support organisations with a clear understanding of which farms are employing seasonal workers, and in what numbers. Details of worker accommodation should be included.
- **Defra** should ensure comprehensive data about the scheme, including worker surveys, is independently collected, and made publicly available in a timely manner. Data available should include: average weekly hours worked and pay received; transfers requested and processed; complaints made to enforcement bodies and outcomes of complaints.
- **Defra** should commission independent research (independent of industry) into how to maximise the protection of the rights of migrant workers employed on a seasonal basis in agriculture.

For further information, please contact [research@workrightscentre.org](mailto:research@workrightscentre.org)

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<sup>1</sup> ILO 2006 Labour Inspection, Report III (Part 1B), International Labour Conference, 95th Session, Geneva, 2006, ISBN 92-2-116606-6.

<sup>2</sup> These include the Home Office, DEFRA, HMRC, GLAA, SAWB, AWB (NI), the Employment Agency Standards Inspectorate, HSE and HSENI.