

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

**FOCUS ON
LABOUR
EXPLOITATION**

Bearing fruit: Making recruitment fairer for migrant workers

April 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
LABOUR
EXPLOITATION**
Working to end labour exploitation



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“I can tell you that a lot of people in Kazakhstan have sold their belongings or their assets just to have enough money to come here. Hoping that it would be better here and can earn more money. Can you imagine? Sold everything they owned! There are some people who leave their jobs to come here, because they are told that it would be better here. They see it on Tik Tok, Telegram or Instagram videos and everything looks perfect and beautiful. But once they arrive here, it’s completely different. It is just an image, a deception.”

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



Executive summary

1. Introduction and background

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

This report focuses on 399 surveys and 83 interviews from migrant workers on the SWS¹, as well as 15 key stakeholder interviews that were collected between June 2022 and October 2023, including four scheme operators, three retailers, one international organisation, five staff from organisations that provide support to SWS workers (support organisations), one trade association, and one factory.² FLEX also visited one farm in the UK to observe how farm work and operations happen in practice. Similarly, staff from FLEX attended information sessions and pre-departure orientation sessions provided to workers in Bishkek, Kyrgyzstan. Surveys and interviews were carried out by caseworkers/researchers from our partner organisations, Rosmini Centre Wisbech, Citizen Advice South Lincolnshire, and the Southeast and East Asian Centre (SEEAC).

This research aims to investigate and assess recruitment-related risks stemming from the Government's design of the SWS, as well as highlight cases of good practice. Finally, it looks at how to mitigate and address the identified risk. This is the first in a series of planned reports by FLEX, with future publications focusing on other aspects of the route, including working and living conditions, and the ability of workers to leave exploitative conditions.

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 informed by this work.

1 Workers' names in this report have been changed to protect the identities of participants

2 FLEX also reached out to more than 40 growers, none of which accepted requests for an interview. 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.

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

2. Findings

2.1 Demographics

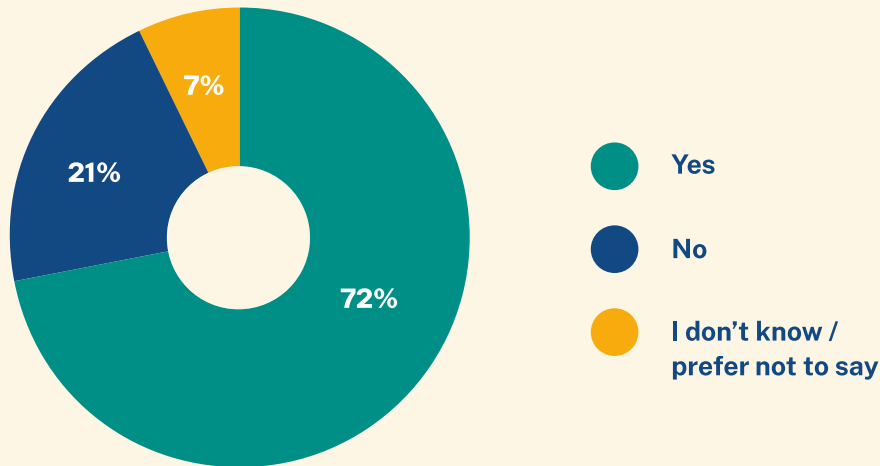
Three-quarters of participants were men (71.4%), one-quarter were women (28.1%), and 0.5% preferred not to say. Participants held nationalities from 16 different countries, mainly from Indonesia (9.4%), Kazakhstan (31.9%), Kyrgyzstan (18.0%), Uzbekistan (18.5%), Tajikistan (4.8%), and Moldova (4.8%). With a small number of workers from Belarus (1.6%), Bulgaria (1.3%), Germany (0.3%), Iran (0.3%), Macedonia (0.3%), Nepal (1.0%), Poland (0.3%), Romania (2.3%), Russia (2.3%), Ukraine (1.8%). Further 6 workers (1.5%) reported other nationalities. Workers were aged between 19 and 58 with a median age of 31 (\pm 7.15).

2.2 Recruitment linked to debt

Most workers reported taking out a loan to cover the costs of coming to the UK (72%), with a higher proportion among women (76.8%) compared to men (69.9%) and with large variations in country. Workers in Ukraine (47.9%), Kyrgyzstan (47.9%) reported the lowest percentage in the sample, with those in Belarus (66.7%), Kazakhstan (73.6%), Moldova (73.7%) falling close to the average, and higher reported rates from nationals from Uzbekistan (80.8%) and Indonesia (91.7%).

Workers surveyed in this study reported paying between £0 – £5,500 in total to come to the UK to work before even earning a wage, with a median amount of £875 (\pm 962) and a mean of £1,231 (overall average). As shown by the large standard deviation, there was a lot of variance in the data. Men in the study had a higher median of £950 (\pm 1,017) compared to women (£800 \pm 711). The median amount for workers from Romania (£490), Ukraine (£600), Belarus (£631), and Bulgaria (£690), were at the lower end of the sample, followed by Moldova (£775), Kyrgyzstan (£780), Russia (£800), Uzbekistan (£850), Kazakhstan (£900), Tajikistan (£1,000), and Nepal (£1,500), with Indonesia (£3,547) at a

Took out a loan to cover costs of coming to the UK (%) (n=396)



Took out a loan to cover costs of coming to the UK (%) (n=396)

much higher amount.

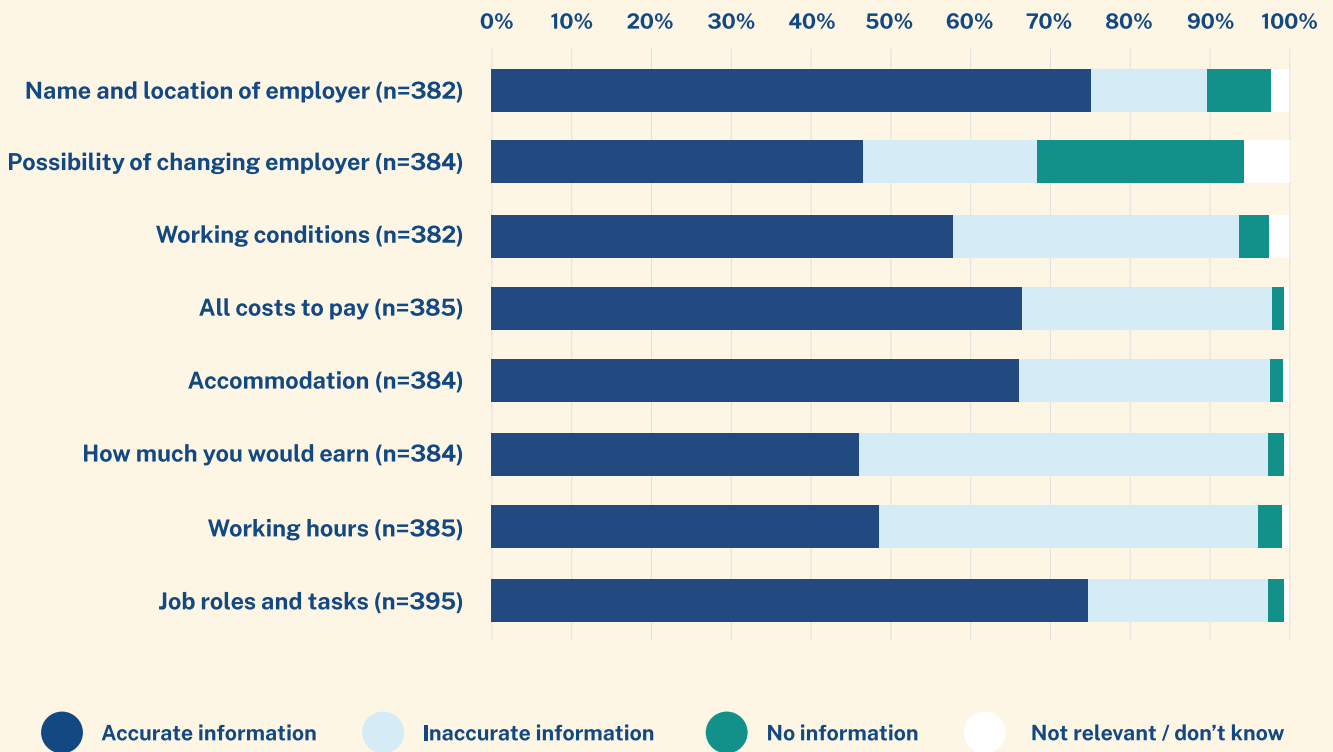
One retailer also suggested that the Government could remove visa fees for workers to help avoid people falling into debt. At present the SWV costs workers £298, but costs the Home Office just £137 to process (UKVI, Visa Fee Transparency Data, October 2023). This means that they make a profit of £161 on each visa.

Resolving the level of debt caused by legitimate costs on the route (e.g. travel costs, visa fees) would require careful consideration of the distribution of profit across the supply chain. Concerning the possibility of shifting the costs of recruitment and associated fees away from workers, for example through some form of employer pays principle, scheme operators and retailers were generally open to the idea, dependent on a few conditions, including that any switch would require a change in scheme rules applied by the UK Government, rather than specific scheme operators deciding to do this on their own accord, and suggesting that it could be phased in over time.

2.3 Risk of deception about nature of the job

Three quarters of workers surveyed reported receiving accurate information concerning their job roles and tasks (Total:74.9%; Men:75.1%; Women:74.1%), and two thirds accommodation (68.1%). Men (69.1%) were more likely than women (60.7%) to report receiving accurate information on accommodation. Regarding financial aspects and pay, two in three reported receiving accurate information on all the costs they would need to pay (T:66.5%; M:64.6%; W:70.5%) and half on working hours (T:48.8%; M:50.0%; W:45.9%) and on how much they would earn (T:46.1%; M:47.6%; W:43.2%). Concerningly, about one in four (T:26%; M:24.0%; W:31.5%) said they received no information about the possibility of changing employers in the UK.

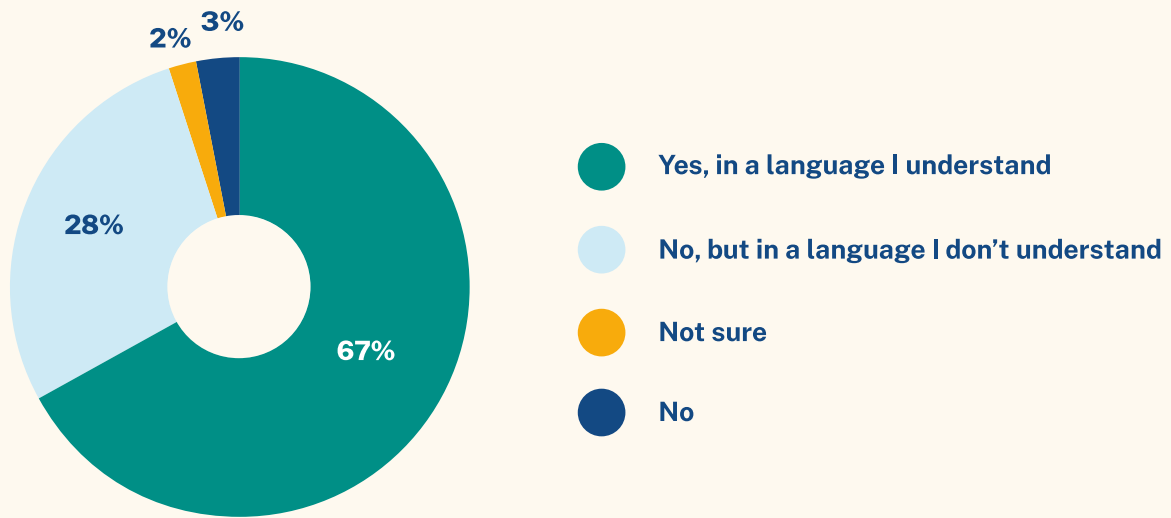
Received accurate information prior to departure (%)



Received accurate information prior to departure (%)

Only three in five workers reported receiving a contract in a language they understood, on or before their first day of work (T:67.4%; M:68.1%; W:65.2%), which may have contributed to workers receiving inaccurate information on the factors mentioned above. There were also large degrees of variation across nationalities, with nationals from Kyrgyzstan (87.3%) reporting higher rates, with those from Uzbekistan (60.3%), Kazakhstan (63.7%) and Indonesia (73%) close to the overall sample average, and at the lower end Moldova (47.4%) and Belarus (16.7%).

Received contract prior to or on first day of work (%) (n=396)



Received contract prior to or on first day of work (%) (n=396).

There were mixed practices from scheme operators as to when workers are provided contracts, with some workers seeing a sample of their contract before coming to the UK, then signing the actual contract at the farm during inductions, others would sign the contract online before coming to the UK and others just at the farm, depending on the farm's onboarding process. In a best-case example, one operator explained that they provided all elements of the contract to the worker, including on the location, financial aspects, type of work, and accommodation prior to the worker applying for a visa. With an emphasis on making sure that the worker can get a better understanding of what they are signing up for.

3. Recommendations

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

The analysis contained in this report not only supports the evidence first presented by FLEX and FMF in 2021, but also provides further evidence indicating that there are mismatches in expectations around the nature of work in the UK. Further, most workers took out a loan to cover their costs of coming to the UK, with some paying thousands of pounds in total fees and costs. Seasonal workers, despite the important work that they do for the UK's agricultural sector continue to shoulder the majority of financial risks on the route. Without significant changes to the route by the UK Government seasonal workers will continue to face risks of exploitation in the UK. To address the issues identified above, and to make the SWS safer and fairer for workers, the following recommendations should be considered.

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

- 1. Data should be available on a timely basis:** the official review of the first year of the SWS (2019) was published at the end of its third year of operation, when the scheme had already gone through a significant expansion in workers numbers, sourcing countries, and scheme operators. The DEFRA surveys or reviews for 2020 and 2021 were only produced in August 2023. A Home Office review of the scheme has not been published since 2021. In order to provide useful and timely data to effectively monitor this scheme, the monitoring and evaluation should be more proactive, regular, and transparent.
- 2. Gaps in data must be addressed:** Recruitment practices, illegal charging and incidence and level of debt should be actively monitored closely, as well as the availability of work and evidence to support assertions of labour shortages, particularly in light of recent expansions of this route.
- 3. Given the risks associated with scheme operators being able to open and close recruitment routes from any country at any particular point in time, the UK Government should consider options for regulating the list of countries that operators can recruit from, make this public and identify steps to mitigate evidenced risks arising from these transitions.**

Access to rights

- 4. Ensure that as per scheme guidelines, information about labour rights in the UK as well as key terms and conditions of employment 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, duration of employment, remuneration, accommodation costs and other deductions, etc.) and signed by employers and workers prior to travel.

Enforcement and redress

- 5. Given the short term and restrictive nature of employment for workers on the route, workers who migrate to the UK on the Seasonal Worker visa should not be responsible for the costs of their journey.** Consideration should be given as to how the sector funds the costs for workers to address labour shortages, with the financial risks of migration moved away from workers.
- 6. Strengthen the GLAA licensing scheme by actively monitoring overseas labour providers.**



“[The UK government should] 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.”

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

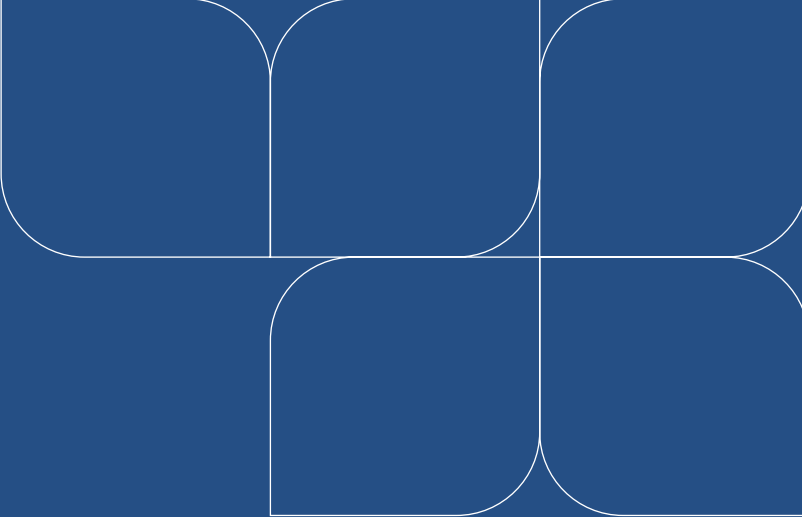
1. Introduction

This report focuses on the experiences conveyed through 399 surveys and 83 interviews, the largest independent sample to date with workers on the UK's Seasonal Worker Scheme (SWS), 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 in the areas, 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 recruitment-related risks stemming from the design of the SWS. Finally, it looks at how to mitigate and address the identified risks.

This report builds upon 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 (Focus on Labour Exploitation (FLEX) & Fife Migrants Forum (FMF), 2021), which was based on 146 responses from seasonal workers on Scottish farms.

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



“[We need] more checks by employer or agencies. Because I’m lucky enough, but there are people who generally lived and worked in terrible conditions and who were deceived. And because they did not know where to go or didn’t speak English well, they did nothing about it, they lived in caravans with holes in the roofs... So these agencies who are responsible to check seasonal workers should do more thorough checks, to ensure compliance with working conditions and living conditions.”

Vadim, Man, 29, from Russia. 19th April 2023.

2. Background

2.1 Overview of the Seasonal Worker Scheme

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

The Home Office has the overall responsibility for the operation of the SWS, however, responsibilities concerning worker welfare have largely been delegated to scheme operators, who are charged with recruiting workers to bring to the UK (ICIBI, 2022). Scheme operators must be endorsed by DEFRA and licenced by the Gangmasters and Labour Abuse Authority (GLAA) (Home Office, 2023c). 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, 2023c). At the time of writing, there are seven scheme operators for the route.³

There are very few formal requirements for workers to be eligible for a SWV. Workers must be 18 or over, hold a certificate of sponsorship from a scheme operator, and have evidence that they have enough personal savings to support themselves in the UK (unless their certificate of sponsorship 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 production⁴. The SWS does not provide a route to settlement, workers have no recourse to public funds, they cannot apply for visa extensions⁵ and they cannot bring family with them to the UK. Workers 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

³ Concordia, Pro Force Limited, Fruitful Jobs, HOPS Labour Solutions, Agri-HR, Ethero Ltd, and RE Recruitment.

⁴ 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.

⁵ While not a direct extension of the SWV, Ukrainians that had permission to be in the UK on or between 18 March 2022 and 16 November 2023 or previously had permission to be in the UK and that permission expired on or after 1 January 2022 can apply for the Ukraine Extension Scheme.

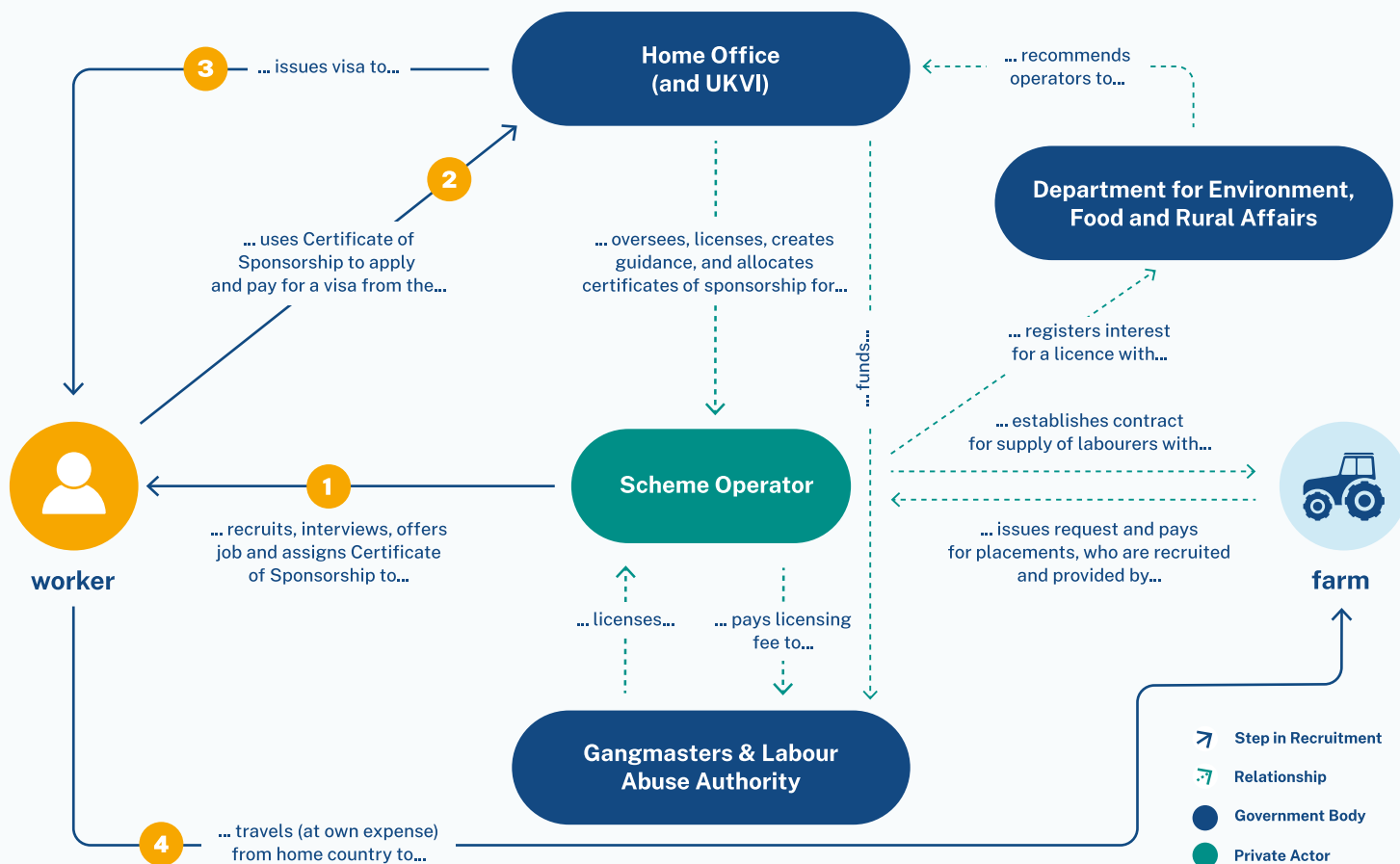


Figure 1. Overview of recruitment pathways for the SWS.

farms that their scheme operator places them at (Home Office, 2023a, 2023c). 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 1 April 2023 workers are required to be paid at least the national living wage (currently £10.42 per hour) and are guaranteed 32 hours per week averaged over their pay period.

Enforcement of immigration rules and scheme regulations is the responsibility of the Home Office, and the GLAA, with the Home Office having the responsibility of conducting farm inspections (through the UKVI division). The GLAA monitors scheme operators but does not monitor conditions on farms under the licensing scheme and is only able to do so in England and Wales independently from UKVI where there are indicators of Modern Slavery. Other enforcement agencies regulate other aspects of work on farms in the UK, with the Department for Business, Energy, and Industrial Strategy (BEIS) covering minimum wage compliance and enforcement, HMRC enforcing the National Minimum Wage Act on behalf of BEIS, and the Health and Safety Executive (HSE) being the regulator for workplace health and safety. However, their approach is to conduct targeted campaigns rather than check compliance at the farm level (HSE, 2022b; ICIBI, 2022).

2.2 Recruitment on the SWS

The SWS has seen rapid expansions since first introduced, with maximum visa allocations rising from 2,500 workers in 2019, to 10,000 in 2020, 30,000 in 2021, 40,000 in 2022 (38,000 for horticulture, and 2,000 for poultry production), and 47,000 workers (45,000 for horticulture and 2,000 for poultry production) in 2023, with the option for a further 10,000 visas to be made available based on meeting certain worker welfare standards, which have yet to be published. This is shown in more detail in figure 2 below.

The Home Office does not release information on which countries workers are recruited from, just their nationalities, making where recruitment is taking place difficult to track. In the first year of the route (2019), Ukrainians made up 91% of approved visas, with only four other nationalities represented (Moldova, Russia, Kazakhstan, and Georgia). Owing to the reduced availability of Ukrainian workers due to the Russian invasion, scheme operators diversified their recruitment practices in 2022. Whilst in 2022 Ukrainians still accounted for the largest proportion of approved visas on the scheme (21.19%), a further 68 different nationalities were represented, including Kyrgyzstan (13%), Uzbekistan (12.26%), Tajikistan (11.28%), Nepal (7.95%), Kazakhstan (7.74%), and Indonesia (4.21%) (Home Office, 2023b) (see figure 2 for an overview of recruitment changes). In 2023, recruitment largely concentrated by nationals from countries in Central Asia, including Kyrgyzstan (24.32%), Tajikistan (17.31%), Kazakhstan (15.32%), and Uzbekistan (12.50%). The proportion of Ukrainians decreased in 2023 compared to previous years, accounting for 7.75% of total visas issued.

There is at present little oversight of overseas recruitment practices on the SWS. Under GLAA licensing, licence holders are required to not use the services of unlicensed persons or business, whether they are based in the UK or overseas, doing so is in breach of licensing standard 8.1, which can risk licence revocation and investigation for offences under section 12 of the Gangmasters (Licensing) Act 2004. In a labour user provider webinar in June 2023, the GLAA stated that within their licensing act, if a government agency is involved in recruitment processes the GLAA can apply their discretion to not require them to have a licence.

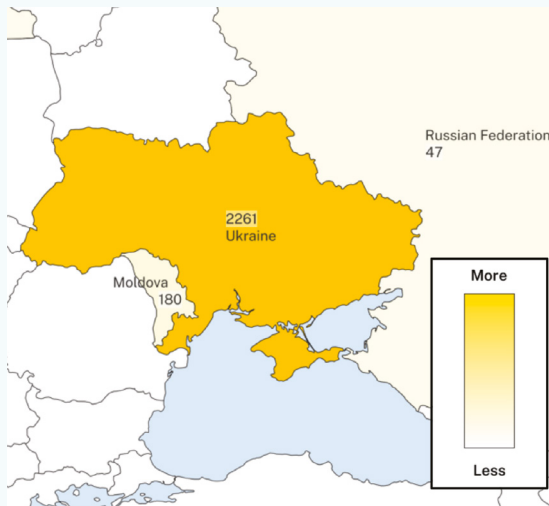
In May 2023, the GLAA signed Memoranda of Understandings (MoUs) with the Governments of Kyrgyzstan and Uzbekistan (GLAA A, 2023). These agreements established several areas of mutual cooperation on information sharing about recruitment agencies. However, the contents of these MoUs have not been publicly released.

Nationalities of Seasonal Workers: Shifts from 2019 - 2023

All data here comes from the Home Office's 'Entry clearance visa applications and outcomes detailed datasets, year ending December 2023.'

This section shows the shift in nationalities of people on the Seasonal Worker Visa year by year, from January 2019 to December 2023. Note: the data indicated a person's nationality, not necessarily the country they are based in or the one they departed from to come and work in the UK.

2019. Visas Granted: 2,493



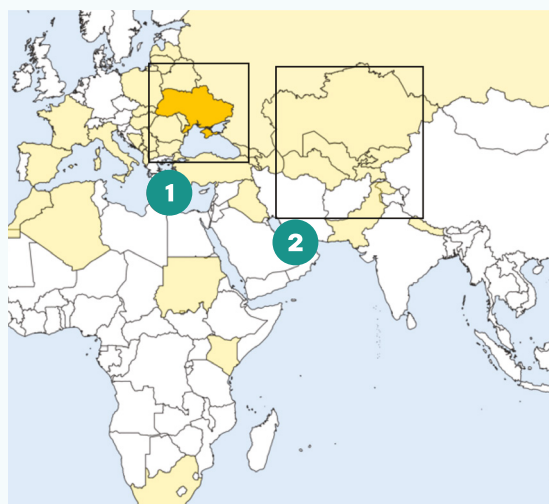
In the first year of the scheme, 2,500 visas were made available. Almost all (2,493) of these were taken, the vast majority by Ukrainian nationals (90%). Small numbers also came from Moldova, Russia and Kazakhstan.

2020. Visas Granted: 7,211



In the second year, the visa allowance was increased to 10,000. 7,211 visas were granted, mostly to Ukrainians (87%). People from Moldova, Belarus, Russia and Georgia also came to the UK to pick. A total of 14 nationalities were represented on the scheme.

2021. Visas Granted: 25,597



In 2021, 30,000 were made available. 29,597 were taken. This is also the year that free movement from EU and EEA nations ended.

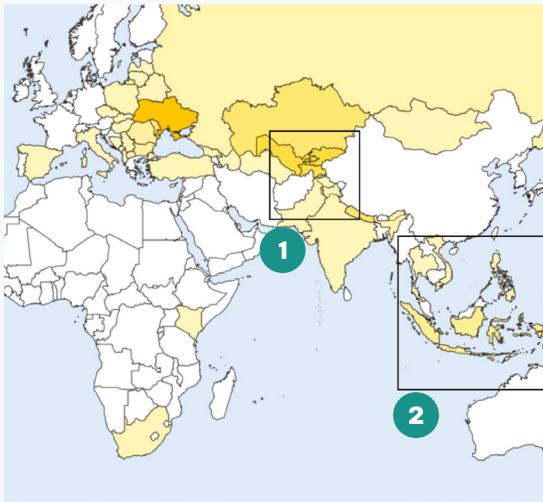


Ukrainians still formed most of the seasonal agricultural workforce (67%), but people of many more nationalities began to be granted visas. People from 60 countries were granted visas, many to Russian (8%), Bulgarian (4%) and Belarusian (3%) nationals.

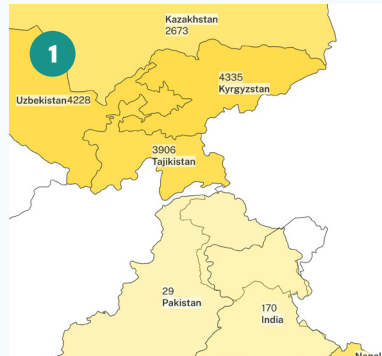


In 2021, a growing number of workers began to be recruited from Central Asia, particularly Tajikistan (3%), Uzbekistan (2%), Kazakhstan (1%) and Kyrgyzstan (1%).

2022. Visas Granted: 34,412



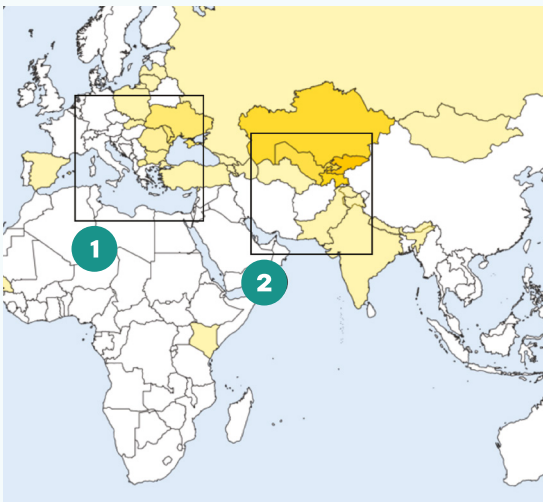
In 2022, 30,000 remained available, with an additional 10,000 contingency visas. 34,412 were granted. During this year, Russia invaded Ukraine. This made Ukrainian workers less available, pushing scheme operators to recruit from further afield. This led to a shift in the countries of origin of pickers, with proportionally less coming from Ukraine than in previous years.



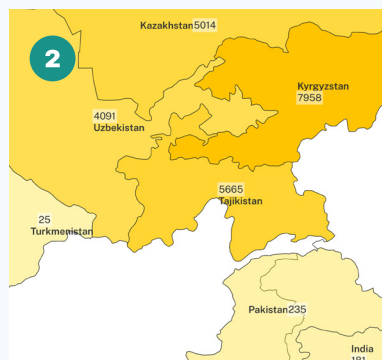
In 2022, more workers came from Central Asia than all of Europe. In an interview with a scheme operator, we heard that many of these workers may have formerly carried out seasonal work in Russia.

In this year, many SE Asian nationals were granted visas for the first time. The next year, this almost entirely dropped off, following widespread reports of illegal recruitment fees in Indonesia and scheme operators halting recruitment there.²

2023. Visas Granted 32,724



In 2023, 45,000 visas for horticulture were made available, plus 2,000 for poultry. 10,000 contingency visas remained available. 32,724 were granted. The trend of recruitment moving further and further from UK continues. With this often comes increased flight costs, lack of labor market enforcement, and lack of regulation.



The shift out of Europe continues: as of September 2023, the number of seasonal worker visas granted to European nationals in 2023 is 8,382, about 25% of the total. In 2022, it was around 40%, and in 2021, it was 90%.

Recruitment from Central Asia is now almost three times higher than in Europe, with Kyrgyzstan emerging as the leading nationality amongst seasonal workers.

¹ ICIBI, an inspection of the immigration system as it relates to the agricultural sector, 2022, p20.

² Ibid

Figure 2: Nationalities of Seasonal Workers: Shifts from 2019 - 2023

The GLAA does not conduct licence or compliance inspections of overseas labour providers, with scheme operators responsible for vetting these organisations (Director of Labour Market Enforcement, 2021; FLEX & FMF, 2021). If workers experience issues related to their recruitment overseas, for example in cases of workers being charged recruitment costs or associated fees that fall outside of the compulsory fees for the route, there is no clear information on how they would be compensated for these fees.

Because of how the route has been designed, Home Office officials do not have the power to limit recruitment from any particular country. In the ICIBI's inspection of the route (2022), they noted that Home Office officials reported using "soft powers" in the form of "pulling a face" to try and persuade scheme operators to consider which countries they were recruiting from. The potential for an ever expanding list of countries recruited from on the SWV risks putting a strain on the GLAA's ability to effectively monitor overseas recruitment.

Further, the ICIBI's (2022) review of the scheme identified that scheme operators recruiting workers from further afield exacerbates the risk of workers going into debt. Hiring workers where there have been limited historic work ties or where scheme operators have had previous limited engagement can make it more difficult to gain in-depth knowledge about labour laws in those countries, especially when there is a rapid expansion of countries recruited from. This may make it more difficult to hold labour providers and agencies to account (The Independent Anti-Slavery Commissioner (IASC), 2022), further compounding the risk of illegal recruitment fees being charged to workers in countries of origin by labour intermediaries. Scheme operators have also raised frustration at repeated occurrences of short-notice announcements by the Home Office concerning amendments to the SWS, with these late announcements making it difficult for operators to plan for the changes (ICIBI, 2022).

On recruitment fees and associated costs, in 2018, the UK co-developed principles for tackling modern slavery in supply chains. This included the principle that "Governments should advance responsible recruitment policies and practices", including by supporting initiatives such as the "Employer Pays Principle" (Home Office & The Rt Hon Victoria Atkins MP, 2018). However, under the SWS, workers are generally required to cover the majority of their costs to be recruited to the UK. At the time of data collection, the cost of the visa was £259 (GOV.UK, 2023). Flight costs will vary, though recruitment from further afield or from countries with less historic working ties to the UK generally result in higher flight costs than from other countries. There is currently no commitment from the Government on shifting the financial burden away from workers.

Several research investigations and reports on the scheme (Focus on Labour Exploitation (FLEX) & Fife Migrants Forum (FMF), 2021; Thiemann et al., 2024; Worker Support Centre, 2024; Department for Environment Food and Rural Affairs (DEFRA) & Home Office, 2021; ICIBI, 2022; Dora-Olivia Vicol, Emma McClelland, & Andrei Savitski, 2022) have highlighted concerns around the potential risks of labour exploitation for workers on the route, many of which relate to recruitment related factors. These include but are not limited to some

workers not receiving employment contracts in their primary language or being provided with accurate information about the route, workers taking on high amounts of debt to be recruited to the UK.

2.3 UK Food Supply Chains


Discussions of pressures on horticultural labour in the UK must be understood in the context of the wider domestic food supply chain. The UK grows 55% of its vegetables and 17% of its fruit (Horticultural Committee, 2023). The majority of this produce (50-60%, in the estimates of one supermarket manager interviewed) goes to supermarkets, usually via an intermediary supplier (Jack et al., 2018). Much of the remainder goes to wholesale suppliers, who then sell it on to restaurants, caterers and the food processing industry. Sometimes fruit is packed and processed on the farm, whereas in other cases it may be transported to a third party for processing. Although still relatively short, the supply chain is not as simple as it may seem in popular depictions of the agrarian economy: a given box of strawberries on a UK supermarket shelf was likely purchased from a third-party supplier, who in turn purchased them off a group of farms before packing and transporting them. They could have been grown in a plastic polytunnel in Scotland and picked by a seasonal worker who flew to the UK from Kyrgyzstan on a visa sponsored by a scheme operator based in Hereford.

Despite rising costs of energy and fertiliser, the ‘farm gate prices’ (cost of a unit of produce from a farm) have remained fairly static (Horticultural Committee, 2023). This is despite notable increases in supermarket pricing: the retail price of apples rose by 17% between 2021 and 2022, but growers only received a 0.8% increase in returns (ibid). These figures must be understood in the context of the narrow margins on produce. According to food charity Sustain, for a bag of 6 apples retailing for £2.20, only 3p of profit will go to a grower, whilst 2p will go to the retailer (Sustain, 2022). The New Economics Foundation, in their analysis of the value chain of strawberries, blackberries, raspberries, plums and apples found similar margins. In their study, 26.2% of the retail price before costs go to the grower (from which they draw a profit equivalent to 2% of the retail price), whereas 54.7% goes to supermarkets (from which they draw a profit equivalent to 5.9% of the retail price) (Jaccarini, 2023).

When it comes to supermarket’s profits – particularly in light of recent food inflation – there are conflicting accounts. Although one commentator has pointed out that supermarket reported net profits are roughly in line with how they have been for the previous five years – between £900m - £1bn (Pratley, 2023) – Unite have pointed out that these figures are deceptive, and that their gross profits indicate that supermarkets are in fact gaining from climbing food prices (Unite, 2022).

Ali Capper, Chair of British Apples & Pears, has remarked on how farms in the UK suffer a “power imbalance” against supermarkets (Horticulture Committee, 2023). The recent trend of price-matching, in which retailers match their prices

to whichever competitor is currently offering the lowest, is exerting pressure on UK growers, whilst pushing suppliers to instead source from overseas (ibid). This not only damages UK food security by failing to give farms the security they need to plan in the multi-year cycles of horticulture, but also puts extra pressure on farmers to reduce their running costs; a race to the bottom on pricing of a product can all too often translate to a race to the bottom on the working conditions for those who produce it.



“I would love for them [the UK government] to change how taxing is working. For some people, they don’t take taxes, for others only after some earned amount, and for most straight away. So, it should be fixed. And [the visa should be] not 6 months, but for 9 months, and guaranteed working time. People are coming here to earn. If British people don’t want to do this job, that’s why they hire us. It would be nice if we get promised work.”

Aliya, Woman, 37, from Kyrgyzstan. 10th December 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 first report in a planned series of publications from a project focused on making current and future short-term work visas fairer and safer for workers, with a particular focus on the SWS. This report aims to assess recruitment-related risks stemming from the design of the SWS and identify actionable recommendations to mitigate these risks. Upcoming publications will be focused on the other aspects of the route including on working and living conditions and the ability of workers to transfer.

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, none of which accepted requests for an interview. 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, Citizen 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.

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 the recruitment-related risks of exploitation on the SWS, 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.

As this report focuses on recruitment, indicators from the Unfree Recruitment category have been used, with the other two categories to be analysed in upcoming FLEX publications from the same data set.

Unfree recruitment includes both forced and deceptive recruitment. Forced recruitment is when during recruitment, constraints are applied that force the worker to work for a particular employer against their will. Within this definition it is understood that poverty and their family's need for income are not classified as an indicator of coercion. Further the coercion or constraints must be applied by a third party. Deceptive recruitment is when an individual is recruited using false promises about their work. This is classified as involuntariness, as if the worker had knowledge of the true working or other conditions, they may not have accepted the job.

3.3 Limitations

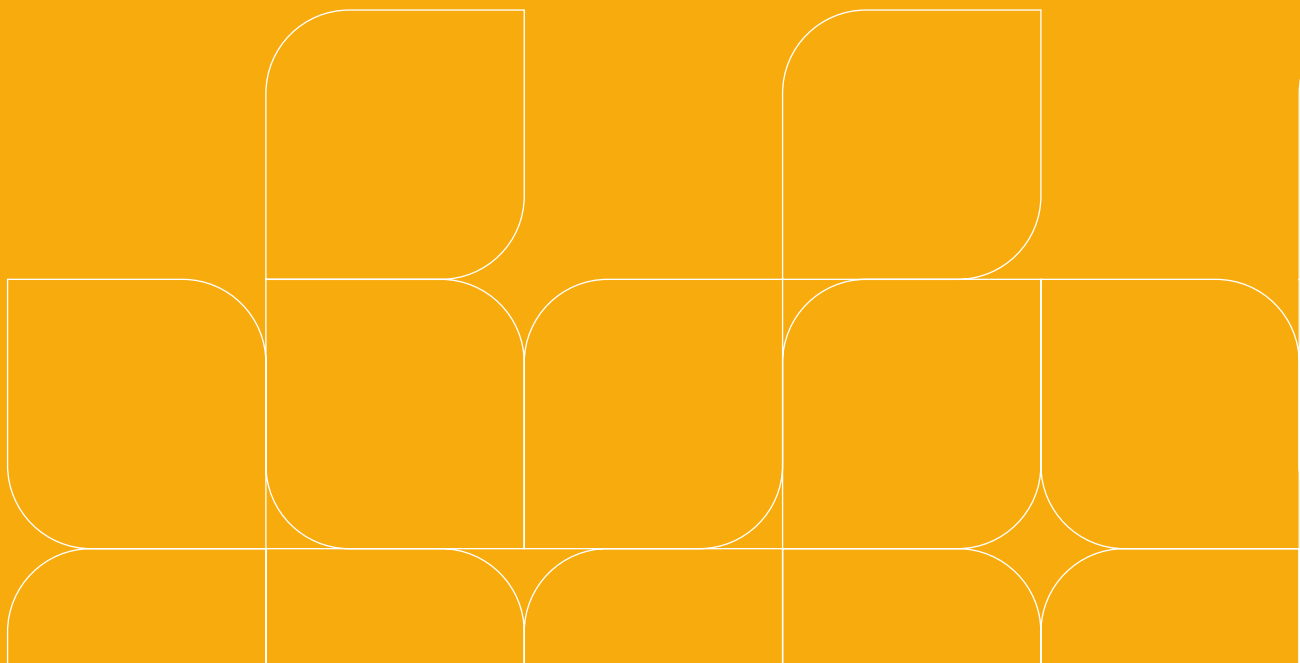
The UK Government does not publicly release much disaggregated demographic data on workers on the route. This is mainly limited to the nationalities of workers. Further, there is minimal information on the areas where workers are located. Consequently, it is difficult to determine if this sample is representative of the experiences of seasonal workers in the selected regions. However, seasonal agricultural workers, particularly those on the seasonal worker visa 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.

“I would appreciate if we were told the truth before coming here. Otherwise, people will stop coming here for work. Usually people arrive, work for a bit and then trying to leave to a different farm. Even if they have transport, but people can get physically and psychologically tired if they have been overworked.”

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



4. Results and analysis

4.1 Demographics

Three-quarters of participants were men (71.4%), one-quarter were women (28.1%), and 0.5% preferred not to say. Participants held nationalities from 16 different countries, mainly from Indonesia (9.4%), Kazakhstan (31.9%), Kyrgyzstan (18.0%), and Uzbekistan (18.5%). With a small number of workers from Tajikistan (4.8%), Moldova (4.8%), Belarus (1.6%), Bulgaria (1.3%), Germany (0.3%), Iran (0.3%), Macedonia (0.3%), Nepal (1.0%), Poland (0.3%), Romania (2.3%), Russia (2.3%), and Ukraine (1.8%). Further, 6 workers (1.5%) reported other nationalities. Workers were aged between 19 and 58 with a median age of 31 (± 7.15).

4.2 Risks of recruitment linked to debt

4.2.1 Workers' views on risks of recruitment linked to debt

4.2.1.1 Items/services paid for and costs of recruitment

Workers surveyed in this study reported paying between £0 – £5,500 in total to come to the UK to work before even earning a wage, with a median amount of £875 (± 962) and a mean of £1,231 (overall average). As shown by the large standard deviation, there was a lot of variance in the data. Men in the study had a higher median of £950 ($\pm 1,017$) compared to women (£800 ± 711). The median amount for workers from Romania (£490), Ukraine (£600), Belarus (£631), and Bulgaria (£690), were at the lower end of the sample, followed by Moldova (£775), Kyrgyzstan (£780), Russia (£800), Uzbekistan (£850), Kazakhstan (£900), Tajikistan (£1,000), and Nepal (£1,500), with Indonesia (£3,547) at a much higher amount.

Workers surveyed for this report were asked which items/services they had to pay for before coming to the UK. As shown in **Figure 3**, the most common item/service workers reported paying for was their visa fee (Total (T):93.9%; Men (M):94%; Women (W):93.8%). About half of workers reported paying for travel costs (T:41.7%; M:39.4%; W:46.4%), a surprisingly low percentage given that there is no information in the public sphere or accessed through our research about an industry or governmental scheme covering workers' travel costs. These figures may also indicate that the question was interpreted differently by respondents than the question intended, for example some may have thought that it referred to travel costs within the UK, rather than flight costs to the UK, since this was not specified in the question.

Costs paid by workers prior to coming to the UK

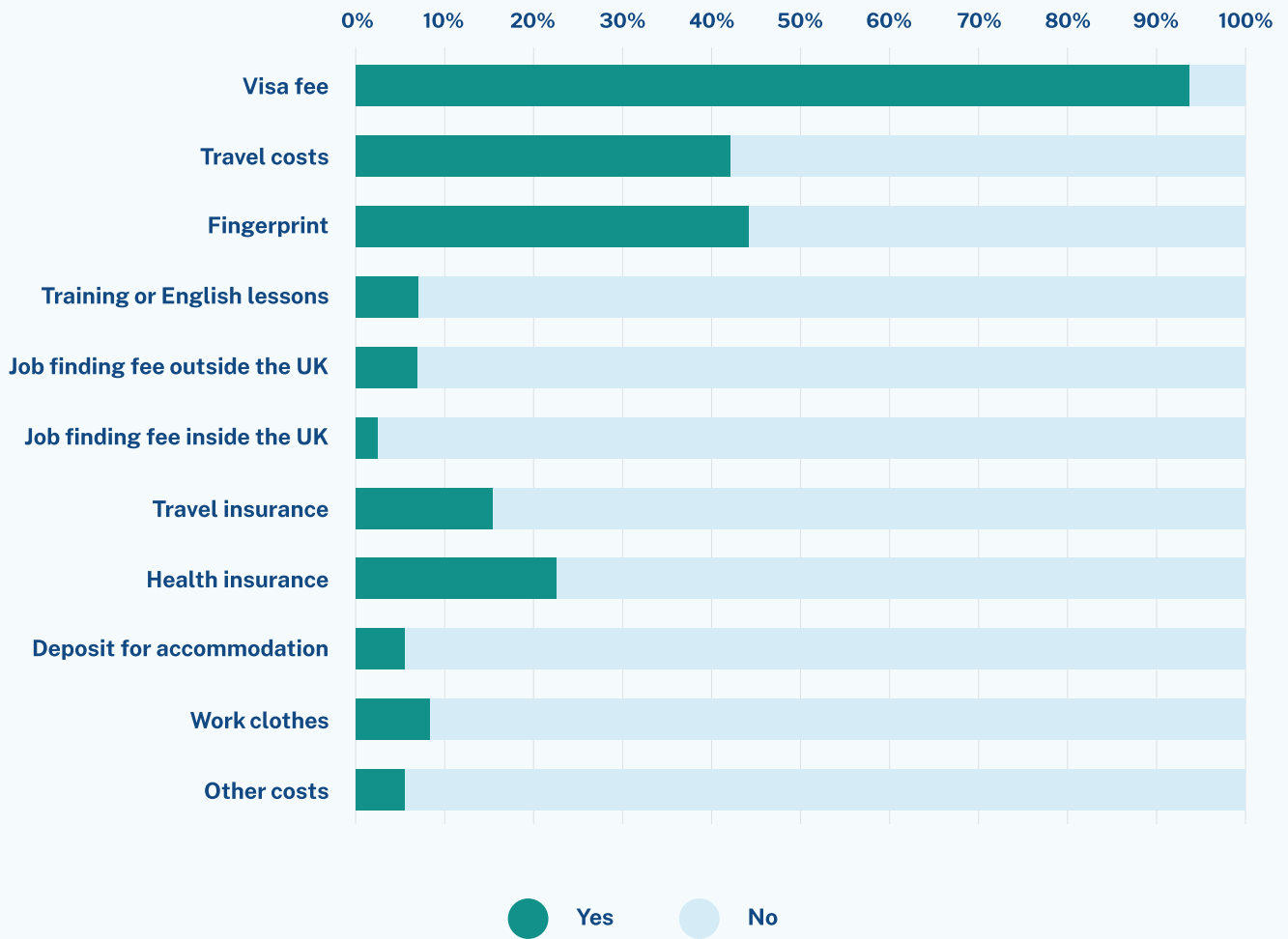


Figure 3. Costs paid by workers prior to coming to the UK (%) (n=396).

6.3% (M:7.8%; W:1.8%) reported paying for English classes or other training courses. This group was mainly Indonesian nationals (44% of the Indonesian sample). This is despite there being no English language or training requirement to get a SWV. One worker interviewed described being pressured by their scheme operator to take English lessons as a way to increase their chances of getting a job.

“Immediately the next letter from [the Scheme Operator] asking me to take English lessons explaining that it will increase my chances and I have to pay for them”

Vadim, Man, 29, from Russia. 19th April 2023.

25 workers (T:6.4%; M: 5.3%; W:8.9%) reported paying for a job-finding fee charged by an agent outside the UK, most commonly proportionally among nationals from Bulgaria (40.0%), Indonesia (8.3%), Kazakhstan (8.8%), Nepal (25%), and Romania (22.2%). 1.8% (M:2.1%; W:0.9%) also reported paying a job-finding fee by an agent inside the UK, which was most common for nationals from Indonesia (8.3% of Indonesian nationals). Both of these job finding fees are not allowed under GLAA licensing standards.

Several interviewed workers implied that they paid a job finding fee, or were charged by an agency to access application systems that are free to use:

“I was really struggling financially and I had to borrow money from my neighbours and relatives. I paid £600 to the third party who arranged everything for me.”

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

“I paid for visa, airline tickets and 50 euros to [Scheme Operator]. I don’t know what that payment was for [...] Visa was £285, ticket was the same £285. And 50 Euro to [Scheme Operator].”

Mamash, Man, 30, from Kyrgyzstan. 13th August 2023.

“We paid to a third party and then we were put in contact with the recruitment company.”

Bohyan, Man, 40, from Ukraine. 1st December 2022.

Further, 7.6% (M:7.4%; W:8.0%) of those served reported paying for work clothes or equipment needed for their job. This is despite employers in the UK having a legal responsibility to provide personal protective equipment free of charge where the worker may be exposed to a risk to their health or safety while at work, except where the extent that the risk has been controlled by other means which are equally or more effective (HSE, 2022a).

4.2.1.2 Loans and debt

Most workers reported taking out a loan to cover the costs of coming to the UK (72%), with a higher proportion among women (76.8%) compared to men (69.9%) and with large variations in country (see **Figure 4** on next page). Workers from Ukraine (47.9%) and Kyrgyzstan (47.9%) reported the lowest percentage, with those from Belarus (66.7%), Kazakhstan (73.6%), and Moldova (73.7%) falling close to the average, and higher reported rates from nationals from Uzbekistan (80.8%) and Indonesia (91.7%).

Took out a loan to cover costs of coming to the UK (%) (n=396)

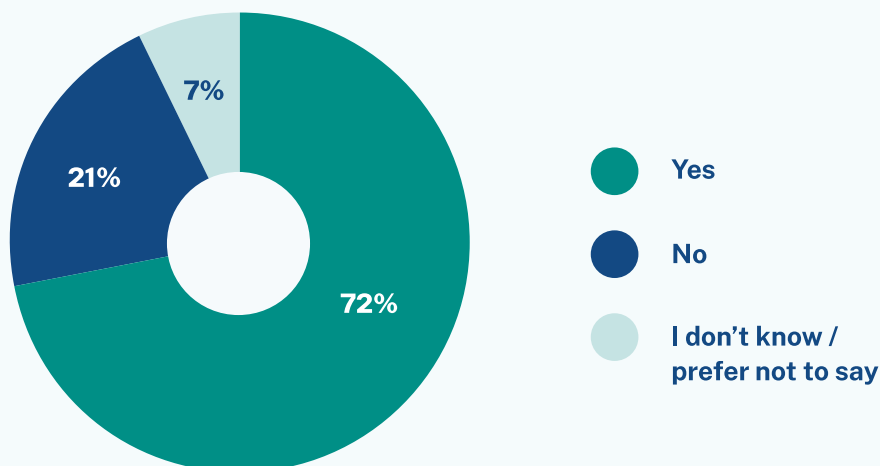


Figure 4. Took out a loan to cover costs of coming to the UK (%) (n=396)

Workers interviewed commonly reported borrowing money from family and friends, with some taking out loans from banks or credit agencies. Further some reported having to resort to selling their belongings to cover costs:

“I took out a loan. From the bank. I haven’t even paid it back yet.”

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

“People are risking their assets and are even selling their belongings or anything they can to be able to come here with a hope to earn more money than they have just invested by selling their stuff. A lot of people have done that, sold their stuff, took out loans. Everyone here on the farm has taken out a loan from the bank in their country of origin to get here.”

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

“I had enough money for the visa. I had to borrow money for my flight and for my initial expenses here in the UK.”

Mihail, Man, 30, from Moldova. 17th August 2023

“I had to take a credit [...] To be honest I am still paying for it, little bit left. Few more wages and should be paid out.”

Aamat, Man, 30, from Kyrgyzstan. 11th September 2023.

“Yes, I had to do this [borrow money] in order to actually pay for the travel. And to have some money at the beginning of the food and accommodation. It was about four, five hundred pounds.”

Dmytro, Man, 42, from Ukraine. 25th April 2023.

Given earning levels on the scheme, these costs to come to the UK were described by one worker as having the potential to have a serious negative impact on workers long term livelihoods:

“I can tell you that a lot of people in Kazakhstan have sold their belongings or their assets just to have enough money to come here. Hoping that it would be better here and can earn more money. Can you imagine? Sold everything they owned! There are some people who leave their jobs to come here, because they are told that it would be better here. They see it on Tik Tok, Telegram or Instagram videos and everything looks perfect and beautiful. But once they arrive here, it’s completely different. It is just a misleading image.”

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

One worker also explained that their expected start date of work was pushed back due to their scheme operator losing their licence, there reducing their earning opportunities:

“We’ve been waiting a long time this year for 2-3 months. The day we applied for visa, the company lost their licence, later they regained their licence, and it was a long waiting time.”

Miras, Man, 32, from Kazakhstan. 19th June 2023



Worker: They [workers] have not even covered their basic expenses for flights and the visa.

Interviewer: You mean they haven’t earned enough to pay back their debts?

Worker: [...] Because they get fired shortly after they start working on the farm. A lot of people got fired from our farm [...] They don’t even have enough money to buy the return ticket.”

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

These findings support the issues raised in the FLEX and FMF’s review of the SWS when it was in its pilot stage, which found that most workers had entered into debt to cover travel expenses and visa fees (Focus on Labour Exploitation & Fife Migrants Forum, 2021). More than three years on from the route’s introduction, the situation for workers does not appear to have substantially improved in these aspects, with a large proportion of the workers reached through this more extensive research taking on high amounts of debt to come and work in the UK without any guarantee of work.

The combination of workers having to take on high migration costs and the insecurity of work on the route due to the short term nature of the visa and workers having no guaranteed income for the duration of their visa, creates a risk of debt bondage for workers. Further, it can also exacerbate the already significant power discrepancy between workers and their employers and scheme operators, making it difficult for workers to raise concerns about their

work due to the risk of losing employment and therefore not being able to pay back loans.

4.2.2 Support organisations' views on risks of recruitment linked to debt

Similar to issues raised by workers, support organisations interviewed frequently mentioned that it was very common for people to get into debt to come to the UK on the SWS, including by borrowing money from third parties. With workers often not earning enough money to pay off debts. This sometimes resulted in workers leaving with higher debts than when they first arrived in the UK:

“You know, most of them are coming with the debts.”

Caseworker, Support organisation A, 17th February 2023.

“From our experience, working with people, there are now a lot of them, they just going back home, as they came in. Basically, with debt, and some of them even with a higher debt.”

Caseworker, Support organisation B, 21st February 2023.

“I think, potentially, some people can go back with a much bigger debt”

Staff, Support organisation C, 22nd February 2023.

Another concern raised by support organisations, were situations where workers had their contract terminated earlier than planned, therefore earning less than expected. This can lead to workers not having money for a return flight and/or being at risk of being pushed into destitution or into informal, unprotected employment:

“Many of them are in debt [SWS workers]. Either, getting the finance from their families, relatives, and others. And when they receive their visa, they come here very late. So, basically, what they understood was that they will work in the UK for six months. So, they calculate their income, and the money they need to pay for the debt they base on that calculation – six months of work. And they are promised, like you will get £500 per week. At the end, they only arrive like two months after they get the visa – one or two months after that. And then, many of them as well, they get fired from the farm after only one or two months of work.... So, basically, they fell into this huge debt situation. And with the remaining money that they have, they need to stay here, waiting for their return ticket to fly home. They still need to pay for electricity, gas, you know. The living costs, basically. In the UK. So, in that way, they are trapped.”

Staff, Support organisation D, 22nd February 2023.

“Going back to the biggest issue is the cost to come here, the promise of lots and lots of hours of work and the ability to earn lots of money. The promise of permanent six months when, in reality, they are paying a high price to come here, they are doing less and being offered less hours because it’s seasonal work, and there’s no guarantee of six month’s employment. And the recruiters are not supporting them when the employment runs out on the farms.”

Staff, Support organisation E, 22nd February 2023.

4.3 Risks of deceptive recruitment

4.3.1 Workers’ perspective on risks of deceptive recruitment

4.3.1.1 Accuracy of information prior to departure

Survey data from workers demonstrates that there were major gaps between SWS workers’ experience of their jobs in the UK, compared to their expectations prior to departure (see **Figure 5** below).

Received accurate information prior to departure (%)

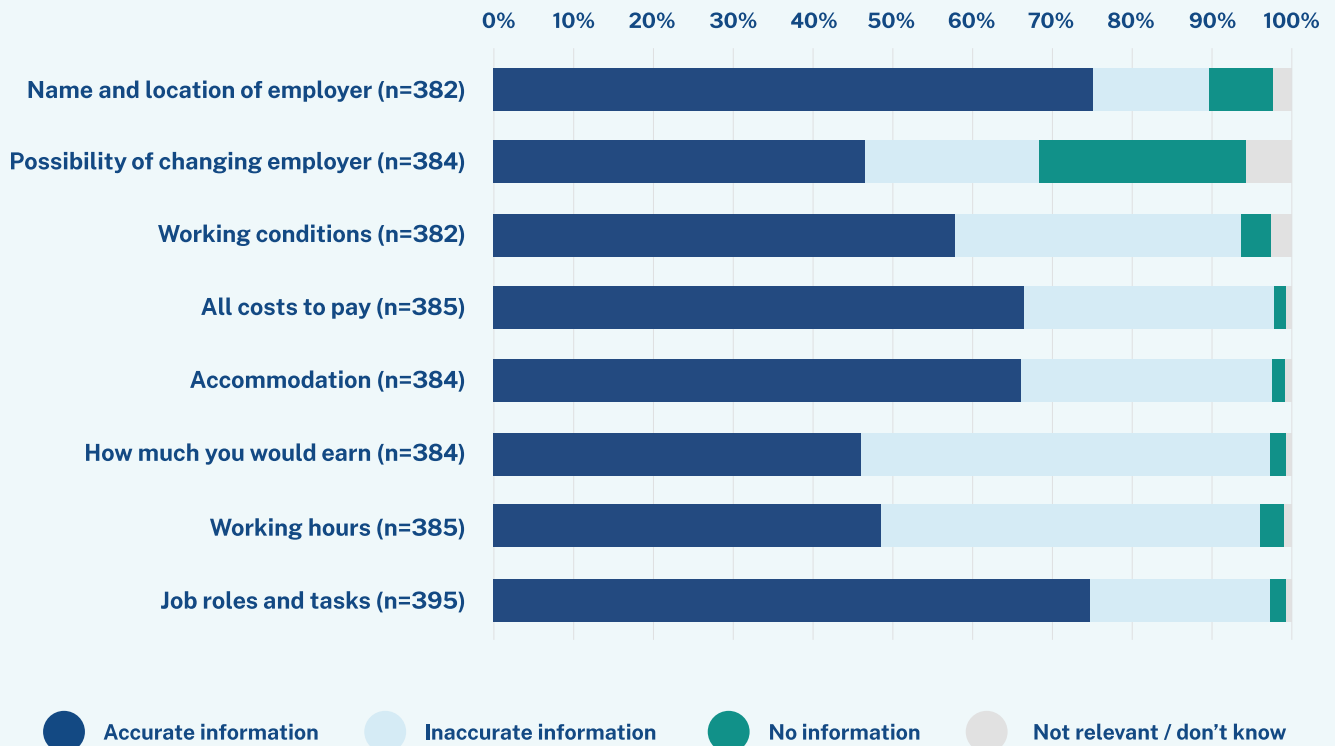


Figure 5. Received accurate information prior to departure (%)

Three quarters of workers surveyed reported receiving accurate information concerning their job roles and tasks (T:74.9%; M:75.1%; W:74.1%), and two thirds accommodation (66.1%). With men (68.1%) more likely than women (60.7%) to report receiving accurate information on accommodation. Regarding financial aspects and pay, two in three reported receiving accurate information on all the costs they would need to pay (T:66.5%; M:64.6%; W:70.5%) and half on working hours (T:48.8%; M:50.0%; W:45.9%) and on how much they would earn (T:46.1%; M:47.6%; W:43.2%). Concerningly, about one in four (T:26%; M:24.0%; W:31.5%) said they received no information about the possibility of changing employers in the UK.

Concerning mismatches in working conditions, several workers interviewed told us that the work was far more strenuous than they expected:

“ Worker: I didn't believe it would be very bad because, you know, I live in a village and I was always helping my family in a field or something and I was expecting something like that.

Interviewer: So have your expectations been met?

Worker: I don't know it's [...] it's far, far worse than I was expecting to be. It's much harder to work. [...] It's very different, very different [...] it's much harder. You need to work like a robot.”

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

We also heard several reports from workers of people coming to the UK with the understanding that they would be paid a steady hourly rate, but found a system of targets in place instead:

“Before we arrived here [there was] 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 [a] target.”

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

“I will send you the whole contract. There is no mention of a piece rate. It clearly states we would be paid an hourly rate. When we arrived here, the boss told us that we would have problems if we didn't work properly.”

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

Workers we interviewed also reported being misled over pay, earning less than they expected:

“We were told we would work up to 40 hours per week at £10.42 an hour. Over 40 hours we would be paid £15.63 [an hour]. We worked over 40 hours but we got paid only £10.42 an hour because they said we worked for two different farms.”

Maximus, Man, 38, from Uzbekistan. 9th August 2023.

“We are being taken to work and back from work. One day we are being told five hours and then the next day it is 12 hours. There’s nothing in writing.”

Olga, Woman, 28, from Belarus. 9th August 2023.

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

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



Interviewer: What is your average weekly pay? After tax?

Worker: £350 on average [...] we were told we would be earning £500 to £550 per week after tax.”

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

One worker also explained that their shifts, which were 12 hours, were much longer than they were told they would be:



Worker: I was expecting to work around 8 hours a day and somewhere indoors. I was under the impression that the farms in the UK are like farms in my country. At least now I am working in the greenhouse, some shelter in case it rains.

Interviewer: Are you saying that you were told that you’d be working 8 hours a day, but it turned out to be 12-hour shifts?

Worker: Yes, 12 hours

Safiya, Woman, 44, from Kazakhstan. 5th October 2023.

A common theme from interviews with workers was that accommodation standards were much worse than workers were told about prior to arriving:

“I was told caravans would be different, better. When we arrived we were given the worst caravan [...] Heating did not work there [...] We had one heater for all of us. The other heaters did not work.”

Arlan, Man, 32, from Kazakhstan. 8th February 2023.

“We’ve been watching videos same as last year, about how it looks inside, showers in the caravan. When we arrived it is completely different, there are guys living here and working on this farm, they have shower, we live here and work in other farms, so there are no showers in our caravans.”

Rustam, Man, 29, from Tajikistan. 14th September 2023.

“It is different. When they were showing us, they showed [the] best caravans, but didn’t show the bad things. It is different from reality.”

Marat, Man, 28, from Kyrgyzstan. 26th September 2023.

Several workers interviewed reported doing different types of jobs than what they were promised:

“We were promised we would be working in warm greenhouses (laughing); however, when we arrived it was cabbage picking on a field. It was not nice.”

Bohyan, Man, 40, from Ukraine. 1st December 2022.

“Well, how to put it. When I was promised one thing but got something totally different. And the work I was promised, I did not do it at all. I was told I would work in heated greenhouses to pick strawberries, raspberries, blueberries and gooseberries. When I arrived I never saw these berries. When we got here, the job had already finished. There were some strawberries left to pick in greenhouses but it wasn’t us doing it [...] We worked in greenhouses with fruit and berries that were end of the season and had gone off already. And were trimming bushes, discarding the bad ones and leaving the good ones. We were paid hourly; the job wasn’t hard. But it was not what we were told.”

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

There were also some examples of good practice, of workers reporting that they had been warned about difficult elements of the job in advance or that conditions generally met their expectations:

“On the meeting they warned us about working conditions, they told me that [if] it will be raining I will wear a raincoat and keep working, they prepared us for minimum working conditions, so mentally I was prepared for the worse, but when I arrived, I can see that it is not that bad, maybe because it is still warm season and it is not that cold.”

Adiya, Woman, 25, from Kazakhstan. 8th June 2023.

“In general, I would say that about 80% of what we were told was accurate. For example, we were promised longer hours, but ended up working less hours shifts. However, overall, it was fairly similar, with some things matching up and others not”

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

Diving further into the financial aspect of their work, surveyed workers were asked how much they were told they would be paid per week in the UK (prior to arriving), and also how much they currently earn on average per week (see **Figure 6** below). The majority of workers (76.6%)¹ reported earning less than they had been told they would earn, with a small amount earning more (14.8%). Women (82.8%) were more impacted in comparison to men (75.1%) in terms of reporting earning less than they were promised. In particular, workers from Uzbekistan (89.9%), Moldova (87.5%), and Kazakhstan (84.3%) reported high rates of earning less than they were promised. In contrast, while still high, workers from Kyrgyzstan (57.4%) reported much lower rates in comparison.

For migrant workers to make an informed decision about coming to the UK to work, it is crucial that they are provided with accurate information prior to departure on the costs they will have to pay to migrate, the job roles and tasks they will be doing, and how much money they will be earning. Further mismatches in pay expectations may limit workers' ability to make accurate

¹ This result is based on answers to a survey question about actual earnings, separate to the question which asked if workers felt they were provided with accurate information on earnings prior to departure, as cited earlier.

How much workers were told they would earn compared to how much they earn (%).

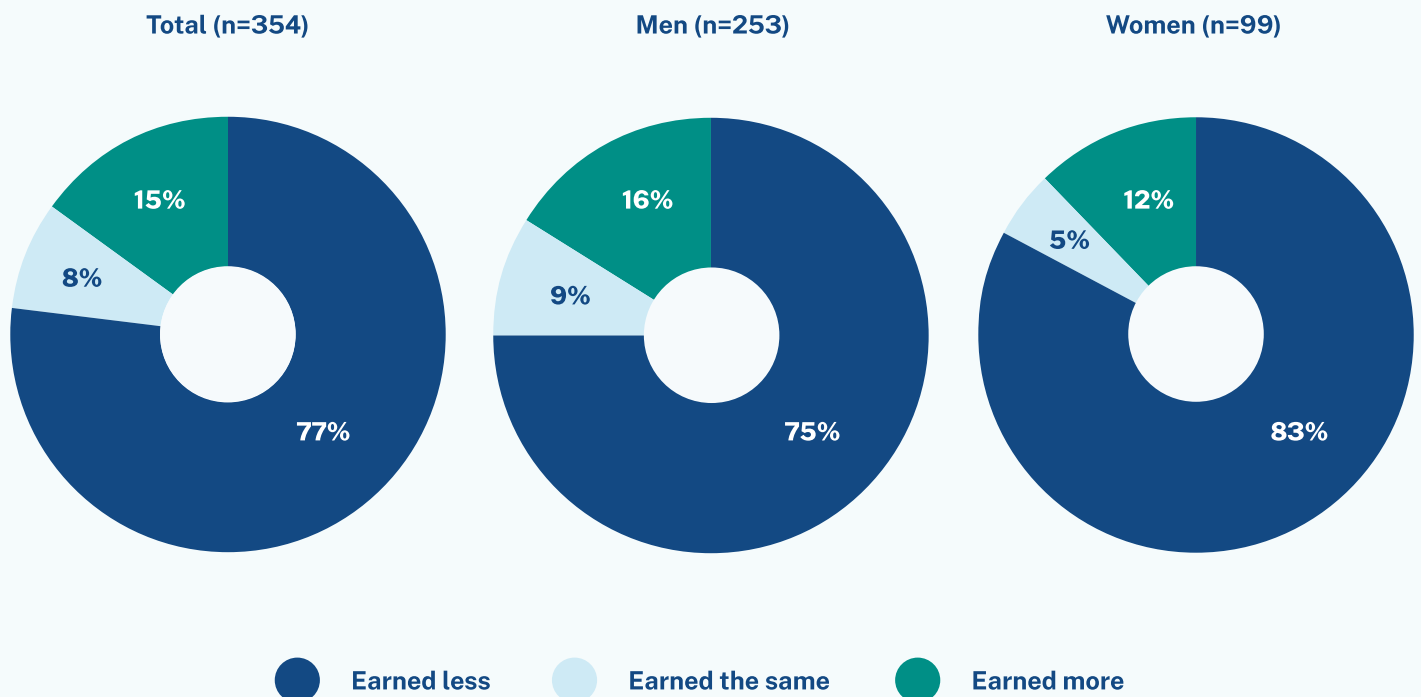


Figure 6. How much workers were told they would earn compared to how much they earn (%).

calculations on how much they will be earning in the UK. This is of particular importance for workers who have taken on debt to come to the UK, as it will impact their ability to pay off debt, therefore putting them at increased risk of exploitation.

“I will send you the whole contract. There is no mention of a piece rate. It clearly states we would be paid an hourly rate.”

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

The findings presented in this section are consistent with the results from FLEX and FMF's (2021) assessment of the SWS pilot, which also found that workers experienced major gaps in expectations in relation to potential earnings, working conditions, hours, and job roles. During the gap in time between this and the previous study there have been few changes to scheme rules or regulations to help reduce inaccuracy of information provided to workers. Consequently, without further changes, it is likely that some workers will continue to be at risk of deception in recruitment practices.

4.3.1.2 Access to contracts

Employment contracts for workers are issued by their employer (ie. growers), usually when workers arrive at farms, with terms and conditions varying from farm to farm. As workers may not be familiar with employment rights and standards in the UK, employment contracts play an important role for workers to get fair treatment.

As shown in **Figure 7**, only three in five workers reported receiving a contract in a language they understood, on or before their first day of work (T:67.4%; M:68.1%; W:65.2%), which may have contributed to workers receiving inaccurate information on the factors mentioned above. There were also large degrees of variation across nationalities, with nationals from Kyrgyzstan

Received contract prior to or on first day of work (%) (n=396)

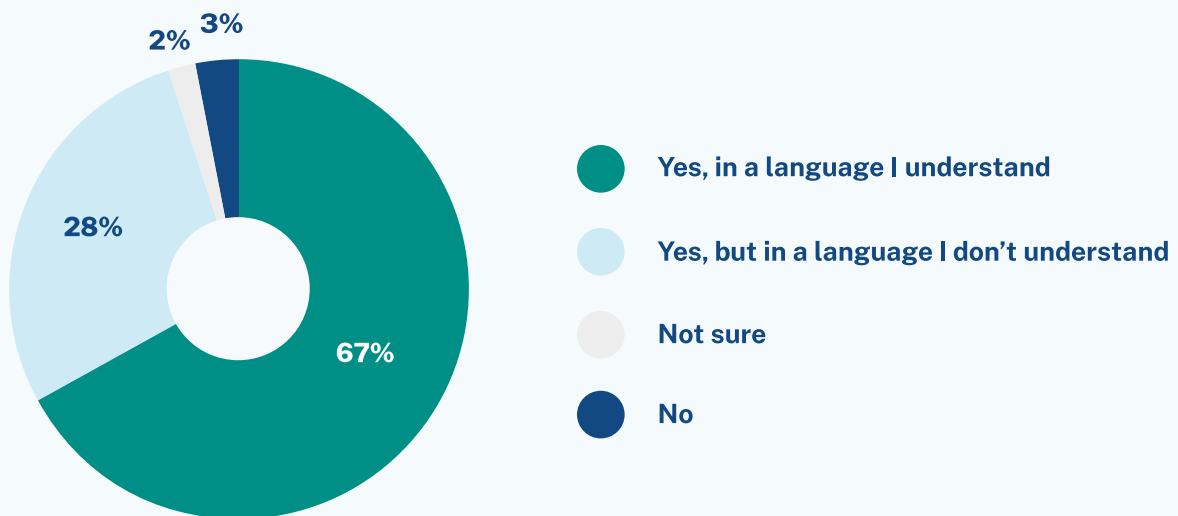


Figure 7. Received contract prior to or on first day of work (%) (n=396).

(87.3%) reporting higher rates of receiving a contract in a language they understood, with those from Uzbekistan (60.3%), Kazakhstan (63.7%) and Indonesia (73%) close to the overall sample average, and at the lower end Moldova (47.4%) and Belarus (16.7%). Under sponsor guidelines, scheme operators must ensure that “workers are given an employment contract in their first language, as well as in English”. These guidelines do not specify when workers are to be provided these contracts.

In interviews, it became clear that some workers were being asked to sign paperwork in a language they did not understand or did not receive a contract:

“**Interviewer:** You signed a contract, right?
Worker: Something I signed; it was all in English.”
Safiya, Woman, 44, from Kazakhstan. 5th October 2022.

“**I don’t think I had a contract; I don’t remember signing anything.”**

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

In one case, a worker appears to have signed a document for insurance without understanding what it entailed:

“**Worker:** I pay for some kind of insurance [...]
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 2022.

Overall, in contrast to FLEX and FMF’s previous research on the SWS (2021), almost all workers in this study received a contract in writing, whereas in the previous study a significant minority of workers (27%) had not received information on their work in writing. However, both studies have highlighted that workers sometimes only receive contracts in English and not in the primary language of the worker, as currently required on the SWS.

Workers not receiving contracts in a language they understand puts them at increased risk of contract substitution, a practice where the terms and conditions of their employment at recruitment do not match the terms and conditions on arrival. It is crucial moving forward that all workers on the SWS are provided with a contract in a language that they understand:

4.3.2 Support organisations' views on risks of deceptive recruitment

Support organisations reported workers being misled over videos and images shown to workers prior to departure, which did not always match the situation in the UK:

“People are not getting proper information. Very often, people are misled. Very often, so, once they’re coming here, they’re expecting something else. And it’s fair enough, because this is what they have been told. [Short pause] I have seen a very nice booklet that people were given from the labour provider. It’s very nice and brief information. Yeah, there’s nothing wrong, but, personally, I don’t think it’s enough for people to understand the reality and prepare themselves.”

Caseworker, Support organisation A, 17th February 2023

“Then the issue of the labour providers and different farms having this very friendly image on their website. Smiley, happy people picking strawberries. When the reality is very different. The lack of understanding and expectations – the lack of understanding of the rights, as limited as they are, unfortunately. Which is feeding into the power imbalance because they can exert their rights but then the employer could always just fire the person.”

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

One support organisation raised concerns that workers usually only receive contracts in English and not in the worker’s primary language nor in a language they understand:

“The majority of contracts people are signing is in English. They don’t speak English. They certainly don’t read English or write in English. So, they’re not actually aware of what’s in the contract.”

Community Centre Manager, Support organisation E, 22nd February 2023.

4.3.3 Industry views on risks of deceptive recruitment

4.3.3.1 Information provided to workers prior to departure

Scheme operators interviewed spoke of several ways in which information was conveyed to workers prior to departure, with practices varying by operator. This included several operators running recruitment events prior to pre-departure training, which included information on what workers should and shouldn’t be

paying, how to identify scams, types of work in UK agriculture, and types of accommodation. With one operator stating that they provide information prior to pre-departure training so that workers can make an informed decision about accepting the job prior to any training. Several operators also mentioned that they tell workers about the more difficult parts of the job to get workers closer to reality on the nature of the job:

“That presentation goes through all the knowledge of you know, targets, costs, that it’s hard work, that caravans are cold, you know, all the parts that sort of, you know, that dampen the enthusiasm of their dream to get them close to reality”

Director, Scheme Operator C, 9th August 2023.

“So, the way we recruit is we invite workers to a recruitment event that’s run by [Scheme Operator] employees. It’s done in the source country and it’s done in person. It’s about a forty-minute presentation that talks generally about the Scheme, clarifying what they should or shouldn’t be paying. How to identify any criminal activity or scamming activity – you know, what’s our domain, if you get an email from this email address it’s likely to be real; if it doesn’t end in that domain then it’s not. We don’t telegram – so, there’s an understanding of how we communicate with workers. General information about what to expect in agriculture in the UK, and the types of accommodation, and the type of work.”

Compliance department, Scheme Operator A, 10th March 2023.

4.3.3.2 Providing contracts to workers

Interviews with industry stakeholders highlighted that there was awareness about the importance of providing accurate information to workers. Scheme operators highlighted differences in practices concerning contracts, with one scheme operator saying that workers receive contracts in their native language, another that it would be in the same language that the worker filled in their application. Similarly, two scheme operators mentioned that workers from Central Asia were provided contracts in Russian. One operator highlighted that contracts were in Russian due to the preference of growers, as the growers had the management infrastructure in place to communicate with workers in Russian (among other languages). When prompted on how this would work for workers that do not speak Russian, the operator said that they would not get selected for a job if they did not speak Russian.

There were also mixed practices from scheme operators as to when workers are provided contracts, with some workers seeing a sample of their contract before coming to the UK, then signing the actual contract at the farm during inductions, and others would sign the contract online before coming to the UK and others just at the farm, depending on the farm’s onboarding process:

“ Before the worker applies for a visa, they get a specific job offer. And that specific job offer is effectively all the elements, contractually and work-wise of what the job is, where it is, which farm, which location, the accommodation they’ll be in, the pay rates, the overtime rates, if there’s a piece-rate structure or a bonus structure, what that looks like. We’re working hard to include pictures and videos that workers can access to better understand those things. Real life things on that farm, not a generic picture of a strawberry picker – a strawberry picker at that farm. And, obviously, any contractual elements that they’ll see, the contracts are in their native language. And they get a copy of that before they sign up to their visa. They don’t necessarily sign it, but they do get a copy of it in advance.’ ‘when we know the job, we’re offering is less than the full visa period, they may be offered two or three jobs within that assignment. So, it could be you’re on this farm for the first ten weeks, then you’re moving to this farm for the following fourteen.

Compliance department, Scheme Operator A, 10th March 2023.

”

One operator mentioned that there was a risk of contract substitution for workers, due to other operators provided generic contracts to workers that do not always match conditions in the UK. Something that was not flagged by workers in this study but was identified in FLEX and FMF’s (2021) previous report on the route:

“[...]some people have been providing generic contracts of employment to satisfy the compliance. Which then means someone arrives at the farm, and they’re being given a different contract of employment from the farmer, and then trust is eroded immediately because the contract is different. You know the contract they signed at home, compared to the contract they signed when they arrived, is different. And you’ve travelled half way across the world, you’re a bit nervous – course, you’re going to be, aren’t you? And, actually, on your first or second day, you’ve been given another contract that is different to the one you signed back in your own country.”

Director, Scheme Operator B, 31st March 2023.

4.4 Industry views on reducing risks linked to recruitment models/recruitment chains

4.4.1 Expansion of the route and short term UK government planning

Many of the issues listed above, including high levels of debt, and language barriers can be linked to the rapid expansion of the route. In the initial years of the route, when the route was a pilot, recruitment was concentrated in a small number of countries. The war in Ukraine, alongside short term notices of renewal of the route by the UK government, have resulted in shifts in recruitment practices from operators, with scheme operators now recruiting workers from a higher number of countries.

One scheme operator mentioned that late announcements by the Government on visa allocation numbers negatively impacted their planning:

“The desirable is that we look at a resource country, we spend a number of months assessing that country, understanding the risks, finding legal representation, finding people in the source country that maybe have worker welfare focus as opposed to a commercial one. NGOs, charities, IOMs. Those kinds of organisations. And then we understand the market. We run a small trial. We make sure we’re licensed, or have approval, or have the right legalities arranged. And we run a small trial. Because of the cycle of the Scheme, that trial has to be twelve months, because you have to go through that set up phase, into the recruitment phase, then into the UK arrival six-month placement, and departure from the UK. So, you’re really looking at 12 months before you actually go, that’s where we’re going to go and develop our business. Obviously, the reality last year was that it was weeks.”

Compliance Department, Scheme Operator A, 10th March 2023.

Further, the war in Ukraine was also cited as a reason as to why operators recruited from new countries:

“We wouldn’t be going that far if that event had not occurred. Like I say, it’s not a structured, conscious decision to go and recruit from further afield, it’s a reaction to a global event that’s caused those things to happen”

Compliance Department, Scheme Operator A, 10th March 2023.

4.4.2 Setting up recruitment channels

On setting up recruitment channels and countries recruited from, scheme operators used a wide variety of practices. One operator explained that historical ties play a large part in where they recruit from:

“It was an operator under the old Seasonal Agricultural Workers

Scheme. So, it had a lot of network connections through the Soviet Union and Eastern Europe as a result of that work. So, we still recruit in Romania, Bulgaria. We have rolled that out or gone back to, I suppose, Moldova, Macedonia, and Serbia. And that is by third-party agents – independent businesses that we’ve worked with. One of them for twenty-five years, one of them for twenty years, one of them for fifteen, I think. So, these are all organisations that we’ve worked with for a long, long time now. So, they manage the recruitment from those countries for us.”

Director, Scheme Operator B, 31st March 2023.

This operator also hired returned workers from the scheme for recruitment, as well as using a mixture of direct staff members, and government organisations:

“The recruitment we’ve put in place for each country will depend on the country itself. And we’re quite flexible in regards to using our own team. Our own direct team. Working with, maybe, a government organisation. Or using a third-party agent, with whom we’ve had a relationship for a long time. Or – so, our most successful third-party agents over the years are ones we have almost created ourselves. So, we’ve recruited a worker via a farm – maybe someone who has worked for three or four seasons here. We’ve then approached them and said, listen, would you like to work with us in regard to recruitment? And I’m a very strong believer that the most successful recruiters in this area of work is a person from the country you’re trying to recruit in. Who has been through a similar scheme themselves for two, three, four years.”

Director, Scheme Operator B, 31st March 2023.

Other operators recruit directly without using other third party agents:

“I think in terms of our approach to recruitment, we recruit ourselves. We don’t use agents. That’s the key element to our business. If you take our recruitment in Ukraine. We have a Ukrainian business, which is registered in Ukraine. It’s licensed by the GLAA in the UK, and it employs [Scheme Operator] representatives. And it is those representatives who have been trained and monitored by us, as a company, to do the recruitment and act in line with our policies, procedures, and ethical expectations.”

Compliance Department, Scheme Operator A, 10th March 2023.

“So we’re probably a little unique in that we want to control the recruitment ourselves. So the recruitment done by us is done with our own people, our own teams [...] “They’re no different to the way you’d run a recruitment agency here. It’s the same system except they are literally our employees. So if there’s anything going wrong within that, we’re monitoring”

Director, Scheme Operator C, 9th August 2023.

Collaboration with government agencies and departments was also highlighted as an important factor in successful recruitment, including on understanding rules and regulations in that country.

“We work with the labour ministries – predominantly now – in our source countries. We are effectively recruiting through their migration centres, as opposed to an independent private business that is operating outside of the sight of government.”

Compliance Department, Scheme Operator B, 10th March 2023.

It is worth noting on this point that the GLAA have confirmed in a webinar (2023 b) that where Government agencies are responsible for recruiting workers, the GLAA can make an exemption to the requirement that they are GLAA licensed. Further research is therefore needed on any risks associated with this.

4.4.3 Shifting the debt burden away from workers

There are numerous fees that workers may incur to take part in the SWS, some of which the route currently permits, including:

- Travel costs
- Visa fees and processing service centre costs
- Upfront costs for the first few weeks in the UK before being paid

As shown in the above sections, covering these costs can result in workers going into debt, which was also acknowledged by one retailer:

“But there are still, I’m sure, workers who have gone back to their home country and are in huge amounts of debt. Hopefully, it’s a minority of workers, but I’m sure there are some out there that are still, you know, owe a lot to loan sharks and others.”

Manager, Retailer A, 5th September 2023.

Resolving the level of debt caused by legitimate costs (e.g. travel costs, visa fees) would require careful consideration of the distribution of profit across the supply chain, given that supermarkets/retailers have a high level of power over prices.

Concerning the possibility of shifting the costs of recruitment and associated fees away from workers, for example through some form of employer pays principle, scheme operators and retailers were generally open to the idea, dependent on a few conditions:

“I do know that [Supermarket] and all of the sector – including the other supermarkets – are really looking at how that could be operationalized. And what needs to be done. we think it’s a really important standard for us to keep in mind.”

Manager, Retailer B, 2nd October 2023.

Scheme operators' interviewed were in agreement that any switch would require a change in scheme rules applied by the UK Government, rather than specific scheme operators deciding to do this on their own accord, and suggesting that it could be phased in over time.

However, it was also highlighted by one trade association and one scheme operator that some workers on the SWS that are employed in poultry production have already had their costs paid:

“I know that last year, too, because the poultry visas came out so late, in order to make it a viable position for workers to come over for a few weeks, their expenses needed to be covered.”

CEO, Trade Association, 7th November 2022.

“And the seasonal poultry route, more often than not, the visa cost and the travel to-and-from is being covered by the client. And the reason for that is because the earning potential for that route is far less because the visa is shorter. You're probably looking at a maximum stay of ten weeks. The reality is it's six to eight. At the extreme, in some cases, it's four to six. So, if you take some of our clients who are at the shorter end of work availability, they are actually covering the visa cost, the travelling to-and-from the UK, and providing free accommodation while the worker is here. So, all the worker is paying is their self-sustaining costs of food, and, obviously, any social activities that individual wants to do.”

Compliance Department, Scheme Operator A, 10th March 2023.

Second, there was also the desire for the burden to be shared across the supply chain for this to happen. Some scheme operators argued that this could lead to increase costs for consumers, although one retailer highlighted that this could be communicated to consumers in a way that explained that workers were being fairly remunerated for their work:

“In theory, customers like British produce. So, hopefully you could, you could encourage them to have that British produce, pay that premium to make sure that workers are paid in the right way.”

Manager, Retailer A, 5th September 2023.

Additionally, one retailer also suggested that the Government could remove visa fees for workers to help avoid people falling into debt. At present the SWV costs workers £298, but costs the Home Office just £137 to process (UKVI, Visa Fee Transparency Data, October 2023). This means that they make a profit of £161 on each visa. This profit has risen since 2022, when they were making £89 on each visa (UKVI, Visa Fee Transparency Data, November 2022). This increase is due to both the visa fee going up (from £259 to £298, in October 2023), and a reduction in the Home Office's estimated processing costs, from £170 to £137.

4.4.4 Reducing risks of illegal recruitment fees

Due to how the route has been designed, there are a wide range of actors in the recruitment chain. These vary depending on the model of recruitment used by each operator, for example if they recruit directly, form partnerships/ agreement with Government agencies, or subcontract to other recruitment agencies in country. Reducing the risk of workers being charged illegal recruitment fees therefore requires actions by actors across the breadth of the recruitment chain.

This research explored industry perspectives on how operators have been working on reducing the likelihood that workers are charged illegal recruitment fees, as well as options available to workers if they have been charged fees. However, further research is still needed on how other actors can reduce risks of workers being charged illegal recruitment fees, including from the UK Government side.

From the preventative side, scheme operators highlighted multiple ways in which they try to reduce the likelihood of workers being charged illegal recruitment fees. Several operators noted the importance of providing information as early as possible to workers on the costs that are permitted on the route. This included one operator providing information on their website/ social media channels and events around the costs that are allowed on the route. With another hiring a full-time social media person to point out scammers on social media:

“If they visited our webpage, our social media channels, or come to our recruitment events, one of the key messages they receive is that your costs under the Scheme are visa, visa appointment, travel to-and-from the UK.”

Compliance department, Scheme Operator A, 10th March 2023.

“We have a full time social media person, literally on Instagram and so on, saying these are scammers.”

Director, Scheme Operator D, 9th August 2023.

“And what we are finding is that it’s getting information to workers earlier within the process. So, as soon as a worker registers, and is attending one of our presentations ... they are released basic rights information. Details. They have the ability to report challenges.”

Director, Scheme Operator B, 31st March 2023.

Further while practices vary across scheme operators, and it was not possible to verify if information was up to date/accurate, at the time of writing this report, the majority of operators listed which countries they currently/plan to recruit from. A practice that may assists workers with understanding which operators are present in the country they reside in.

Moreover, one operator highlighted the use of legal processes to stop illegal fees, including through the use of trademarking and cease and desist letters.

“We’ve been very pro-active – so, we’re in the process of taking out trademarks. So, we can have actual legal protection over our intellectual property assets, like our name and our logo. So, we can actually send out notifications and solicitor’s letters saying you are operating illegally and breaching intellectual property.”

Compliance Department, Scheme Operator A, 10th march 2023.

“On a daily basis, through one of the many channels that we have, and that we openly advertised, we get an email from someone saying, do you have some called [name redacted] who works for you, because they’ve just asked me for three-hundred odd dollars through telegram? And so, funnily enough, I’ve had two emails pop up from our compliance officer, who is writing cease-and-desist letters right now to the scammers, and then compiling a report to the GLA [GLAA], attaching all this documentation – including the cease-and-desist letter – to say, we have no contact with these people, we have no relation, do everything in your power to stop them operating, So, that is a really common occurrence for us.”

Compliance Department, Scheme Operator A, 10th March 2023.

Concerning access to compensation for workers if they have/are charged illegal recruitment fees outside of the UK, there were various practices and thoughts from scheme operators on who should be responsible for repaying fees highlighted by operators depending on who was seen as responsible for recruitment and how the recruitment chain was set up.

When recruitment was done directly by the scheme operator, one operator described how they had paid back workers in a situation where one of their recruited had charged workers that were not permitted under the route:

“I had a situation in Kosovo. [Workers] ended up being charged by one of our recruiters who was GLAA licensed working from Bulgaria. It was fed through to us. So we did an investigation. Actually the person who did the video recording got it all out. Bank transfers. Supplied it all to the GLAA. We were made aware of the cost [...] So those guys got to come. The rest of them, we cancelled all their visas and paid them all back their money. To them, out of [Scheme Operator name redacted] pocket. Reported it to the GLAA, we have no jurisdiction in those countries to do anything. So that cost [us] just over 70,000 pounds. But that was our recruitment pathway. So, it’s our responsibility to try and keep it clean. And then in Russia, the year before, I think it was, there was a situation where we were made aware there was a possible [...] going on but we couldn’t get it and people wouldn’t put it in writing. So actually, they dismissed the whole team and started fresh.”

Director, Scheme Operator D, 9th August 2023.

This operator also mentioned that they had pulled recruitment from certain countries due to workers being charged third party fees:

“In year one we pulled out of Kosovo, Albania, Tajikistan and Uzbekistan because of 3rd party fees going on at the back.”

Director, Scheme Operator D, 9th August 2023.

“We’ve been watching videos same as last year, about how it looks inside, showers in the caravan. When we arrived it is completely different.”

Rustam, Man, 29, from Tajikistan. 14th September 2023.

From the perspective of operators, stopping recruitment from a particular country can assist in disrupting illegal recruitment activities. However, the ability of scheme operators to stop recruitment from particular countries at any given time can also result in some risks for current and prospective workers. First, as practices vary among operators as well as government’s abroad, some workers will not be able to recover recruitment fees paid, which given the large proportion of workers that have to borrow money to cover costs, can lead to difficulties in repaying debt. Second, it may lead to prospective workers that are currently in the recruitment process no longer being able to come to the UK, which can also be linked to recruitment debt related risks. Third, workers may not be aware that recruitment has stopped in that country. The perception of their being a route into the UK, even if it has already stopped, may be used by unscrupulous recruiters as a way to deceive workers. On this risk, some scheme operators highlight information on their website and social media channels that they no longer recruit from that country. Fourth, while not permitted under scheme rules, there have been documented reports of workers signing agreements and paying fees to recruitment agencies for the guarantee of being able to work multiple seasons in the UK (Thiemann, 2024). When workers have budgeted in multiple seasons of work into their calculations on savings and paying off debt, the sudden stopping of recruitment channels can limit workers ability to cover the costs of being recruited to the UK. Lastly, if recruitment is started and halted in countries, there are less possibilities of returned workers to be able to share their knowledge about the scheme with potential workers, which may limit people’s ability to make an informed decision about coming to the UK. In another instance, an operator described how they would deal with access to remedy for workers in situations where a government department/agency was the one responsible for charging fees, rather than directly by the scheme operator.

“Let’s say that worker reported to us that the branch manager [from Government agency/department] has been collecting \$100 [from] each [worker] to get on the list. Then, first of all, we’d go to the British embassy in their country. And we’d take their guidance of how to report that into the government in that country. Because, actually, that sort of accountability falls on the government of that country. Okay. That is their – we would deem them responsible for that part of that operation. And, well, we would pause recruitment from that branch and say, we’re not going to register anybody until you’ve investigated it and reported through to us. Your resolution of that problem, basically. So, we would not remediate that. We wouldn’t. Because, actually, we see it as the responsibility of that country to remediate it.”

Director, Scheme Operator B, 31st March 2023.

The licensing of recruitment agencies outside of the UK can play an important role in regulating the actions of third-party agencies. However, some operators interviewed were critical of how GLAA licensing currently works, raising concerns that new licences were given out without adequate due diligence, especially in the case of companies that are located outside of the UK.

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

Compliance department, Scheme Operator A, 10th March 2023.

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

Director, Scheme Operator D, 9th August 2023.

Conclusion and recommendations

This report, based on 399 surveys and 83 interviews with SWV holders, as well as key stakeholder interviews presents recruitment related risks on the SWS. Independent research findings, such as the evidence contained in this report, can assist the UK Government and other relevant stakeholders in mitigating risks of exploitation for workers, and ensuring that the route is safe and fair for workers.

“There are still, I’m sure, workers who have gone back to their home country and are in huge amounts of debt.”

Manager, Retailer A, 5th September 2023.

The research findings show that many of the workers participating in this study had to shoulder a high financial burden to come to the UK, with some workers having to pay thousands of pounds in total costs. To cover these costs, the majority of workers had to take out loans. This can increase the vulnerability of workers to debt bondage and restrict their ability to leave exploitative conditions. While further work is needed to analyse how it can become operationalised, both retailers and scheme operators interviewed for this research were open to the idea of shifting the cost of coming to the UK away from workers.

Many workers also reported mismatches in information concerning how much they would be earning, the total costs they had to pay, and their hours of work. Further, many workers also reported receiving contracts in a language they did not understand. These combined factors make it difficult for workers to make an informed decision about coming to the UK, putting them at risk of deception about the nature of work. This may have limited workers ability to accurately calculate if they would earn enough money to cover costs. While practices vary across operators, to reduce these risks, scheme operators interviewed highlighted several ways in which they try set expectations on the nature of work in the UK with workers, including through the use of in-depth information sessions provided to workers before they come to the UK.

All of the issues highlighted above expand on initial findings of the first independent research into this scheme, conducted by FLEX and FMF (2021). While it’s not possible to directly compare percentages across samples, it is disappointing that workers on the SWS continue to be put at risk of exploitation. Further in some instances, including on debt, workers appear at times to be at increased risk compared to previous years.

With industry representatives interviewed in this study supporting/recognising several of the challenges raised in this report, including around the costs borne by workers, the UK Government has a genuine opportunity to action policy changes and make significant improvements for both workers and the sustainability of the UK’s food supply chains. To address the issues identified above, and to make the SWS safer and fairer for workers, the following recommendations should be considered.

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

- 1. Data should be available on a timely basis:** the official review of the first year of the SWS (2019) was published at the end of its third year of operation, when the scheme had already gone through a significant expansion in workers numbers, sourcing countries, labour sectors and pilot operators. The DEFRA surveys or reviews for 2020 and 2021 were only produced in August 2023. A Home Office review of the scheme has not been published since 2021. In order to provide useful and timely data to effectively monitor this scheme, the monitoring and evaluation should be more proactive, regular, and transparent.
- 2. Gaps in data must be addressed:** Recruitment practices, illegal charging and incidence and level of debt should be actively monitored closely, as well as the availability of work and evidence to support assertions of a labour shortages, particularly in light of recent expansions of this route.
- 3.** Given the risks associated with scheme operators being able to open and close recruitment routes from any country at any particular point in time, **the UK Government should consider options for regulating the list of countries that operators can recruit from, make this public and identify steps to mitigate evidenced risks arising from these transitions.**

Access to rights

- 4. 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.

Enforcement

- 5. Workers who migrate to the UK on the Seasonal Worker visa should not be responsible for the costs of their journey.** Consideration should be given as to how the sector funds the costs for workers to address labour shortages, with the financial risks of migration moved away from workers.
- 6.** Strengthen the GLAA licensing scheme **by actively monitoring overseas labour providers.**

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Appendix 1

Expanded methodology

Design

This is the first 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 unfree recruitment. It aimed to assess recruitment-related risks stemming from the design of the SWS and how to mitigate these risks. Upcoming publications will be focused on the other categories of indicators of forced labour.

This publication is based on 399 surveys and 83 interviews with agricultural workers on the SWS, and four scheme operators, three retailers, one international organisation, five staff members from support organisations, one trade association, and one factory. Surveys with horticultural workers on the SWS were collected between August 2022 to the end of October 2023, while stakeholder interviews were conducted between June 2022 and October 2023. FLEX also reached out to more than 40 growers, but 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, Citizen 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.

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

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.

As this report focuses on recruitment, indicators from the Unfree Recruitment category have been used, with the other two categories to be analysed in upcoming FLEX publications from the same data set.

Unfree recruitment includes both forced and deceptive recruitment. Forced recruitment is when during recruitment, constraints are applied that force the worker to work for a particular employer against their will. Within this definition it is understood that poverty and their family's need for income are not classified as an indicator of coercion. Further the coercion or constraints must be applied by a third party. Deceptive recruitment is when an individual is recruited using false promises about their work. This is classified as involuntariness, as if the worker had knowledge of the true working or other conditions, they may not have accepted the job. A summary of indicators

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.

FOCUS ON LABOUR EXPLOITATION

Working to end labour exploitation

The Foundry, 17 Oval Way, London, SE11 5RR

[@FocusOnLabour](#)

info@labourexploitation.org

www.labourexploitation.org