



Worker Support Centre

ANNUAL REPORT 2023





Who we are

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The WSC reaches and represents migrant workers in high-risk labour sectors and works to ensure workers' lived experiences inform policy change.

We work with and for people who face intersecting inequalities, building leadership and solidarity to increase individual and collective power. We seek to prevent abuse and exploitation, offering direct support and building knowledge and awareness of the experiences of workers in high-risk labour sectors.

The WSC draws on best practice examples from around the world to deliver a unique model of worker-driven support and representation. We work with and for individuals based on their needs, at work and in their communities. Our work is led by Outreach Caseworkers who speak the languages of those with whom we work and have lived experience of the issues they face.

Through our advocacy expertise the voices and experiences of migrant workers feed directly into policy formulation as well as the national and global debate.

WSC Achievements

In 2023, the WSC engaged with 405 individuals from at least 12 countries, 208 of whom were working as UK seasonal agricultural workers, 167 in Scotland. We have engaged with workers in a common language where possible, predominantly Russian, spoken fluently by the Outreach Team, or in their native language where this has not been possible for them. In over half of all cases, we have helped workers to find at least partial resolution to the issues they face. We have shared seven briefings with the Scottish Government, including recommendations for policy improvements to ensure resolutions are possible. Specific policy change outcomes are detailed below. Workers have told us how important it is to have someone who listens to what they have to say and is interested in them.

“it’s very important that we’re not left alone, most workers are afraid to talk and it’s important that there’s someone who listens to our problems”

QUOTE FROM WORKER ON SWV TO WSC OUTREACH CASEWORKER

THE WSC REGISTERED AS AN ORGANISATION IN

2023



The WSC provides outreach and casework across Scotland

OUR TEAM IS COMPRISED OF

2 Outreach Caseworkers, 1 Centre Manager and 1 Policy Advisor



People contact the WSC by messaging the Outreach Caseworkers through

OUR HELPLINE, BY EMAIL AND THROUGH OUR SOCIAL MEDIA CHANNELS

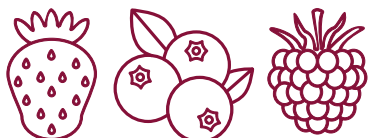


From June to December 2023 the WSC directly supported

2.5%

of all workers in seasonal horticulture in Scotland

167 workers supported in Scotland of an estimated 6,570 workers in seasonal horticulture in Scotland ¹



9 languages spoken by the WSC team

UKRAINIAN
RUSSIAN
LITHUANIAN
HUNGARIAN
KURDISH KURMANJI
ITALIAN
SPANISH
FRENCH
ENGLISH

The WSC operates a

HELPLINE

Monday and Tuesday
4pm-8pm

Thursday and Friday
1pm-8pm

Saturday 9am-4pm



¹ Scottish Government 2023, Seasonal migrant workers in Scottish agriculture: research report.

Understanding the need

The WSC seeks to address three factors that increase the risks of labour abuse and forced labour: ² the nature of the work environment, the dynamics of supply chains, and the structure of the immigration system. The risks to workers are increased in:

- Labour sectors where workers have limited power or representation, and abuses are left unaddressed.
- Supply chains characterised by extensive outsourcing, irresponsible practices, concentrated power, and poor governance. ³
- Immigration systems that are highly restrictive of workers' movement, prevent integration and limit access to services.

In 2023 our services were targeted at workers in seasonal agriculture, one of two UK labour sectors characterised by a high risk of modern slavery and labour exploitation as identified by the UK Director of Labour Market Enforcement (DLME). ⁴ This risk has been intensified by the sharp increase in people coming to work in UK agriculture from around the world since 2019 when the UK Seasonal Worker visa (SWV) was introduced.

The SWV is a 6-month visa in horticulture and 2.5 months in poultry where workers are sponsored by a licensed Scheme Operator and employed by a farm. In 2023 the UK government set a quota of 47,000 workers on the SWV. ⁵ Between January-September 2023 the Home Office recorded 28,946 approved applications for the SWV from 64 different countries. ⁶ In this time, workers came in substantial numbers (over 400) from ten main countries: Kyrgyzstan (7089), Tajikistan (5014), Kazakhstan (4309), Uzbekistan (3802), Ukraine (2294), Moldova (2004), North Macedonia (875), Romania (699), Bulgaria (698) and South Africa (461).

In 2020-21 the WSC founder carried out research with seasonal agricultural workers. ⁷ Worryingly we found that in more than 70 years of migrant workers filling jobs in the sector no one had ever sought their views on their experiences. ⁸ This absence of representation not only means workers are at greater risk of abuse and exploitation, but critically that it has not been possible to develop worker led solutions to the problems faced.

There are a range of labour sectors, like agriculture, where the risks to workers are heightened by the nature of the work, the supply chain and the immigration system. These include the care sector, where workers are underrepresented, supply chains are complex and where many workers on the tied Health and Care Worker visa are restricted from leaving exploitative workplaces. The fishing sector too includes many workers on the Seafarers' Transit visa, who are excluded from UK employment law and intensely isolated. In 2024, the WSC will engage workers in at least one further high-risk labour sector, seeking to understand primarily the needs of workers and the actions they would like to see.

² Forced labour is understood to relate to the definition of Forced Labour as established in international law, and referenced in UK and Scottish law:

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (ILO Forced Labour Convention No. 29, 1930 Article 2.1).

³ See LeBaron, G. 2021. The role of supply chains in the global business of forced labour. *Journal of Supply Chain Management*, 57 (2). pp. 29-42. ISSN 1523-2409.

⁴ DLME 2021. UK Labour Market Enforcement Strategy 2020-21.

⁵ House of Commons Library 2023. Seasonal Worker visas and UK agriculture.

⁶ Home Office 2023. Entry clearance visa applications and outcomes detailed datasets, year ending September 2023.

⁷ FMF & FLEX 2021. Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers pilot.

⁸ *ibid* p.8.

What we do

In a short space of time, the WSC has built strong systems and a strategy and delivery plan which are rooted in the experience and expertise of workers themselves and the WSC team. Our work commenced in May 2023 in seasonal horticulture, and since then we have built a service that is trusted by workers. We conduct intensive outreach and casework, raising strong awareness of our service through diverse means, ensuring even very isolated migrant workers hear of the WSC, know how to make contact and are aware of the support we offer.

Issues are reported to the WSC by workers, in many cases supported by documentation and evidence. We are guided by those with whom we work in how we understand their experiences and in what actions we take. Additionally, the WSC's Outreach Caseworkers draw on their expertise and experience of seasonal agricultural work ensuring a deep understanding of the issues workers raise. Our support includes mediation with farms, or Scheme Operators, translation and support with completing forms and escalation to labour market enforcement. Most often workers will seek our help to understand and tackle their most pressing issue(s) whilst further problems persist, and even more workers are too fearful to come forward at all. Therefore, our data represents just the tip of the iceberg.

Alongside our outreach, solidarity, support and casework, we build power to bring about policy change. This work draws on 15 years of practical experience and research conducted by Caroline Robinson, WSC founder who has expertise in preventing human trafficking for labour exploitation in the UK and globally. We create spaces for worker discussion on concerns and document reflections and lessons shared. We develop mechanisms to engage workers directly in policy change and share workers' experiences with key decision makers in Scotland, the UK, and international institutions. The Scottish Government has supported this model, and as a result our work has been linked to monthly policy reports to officials which have had immediate impact on issues ranging from healthcare to housing. Beyond this, we have engaged the UK Government to influence their understanding of workers' experiences and to call for changes to the visa system. This work enables us to tackle those issues that cannot be addressed through direct support and to seek to change the structures driving labour abuse and exploitation.

This report looks back on how much we have achieved in our first year with an organisation established on principles driven by those with and for whom we work. We so look forward to building on these promising beginnings in 2024.

Thank you for reading.

The WSC Team,

Margarita, Iryna, Valeria and Caroline



Direct support and advocacy

This year, the WSC has engaged 405 individuals around the issue of seasonal agricultural work. The information they have provided comprises the largest independent database of information about seasonal agricultural worker experiences in the UK ever produced.

Individuals Assisted by Nationality

WSC DATA JUNE-DECEMBER 2023

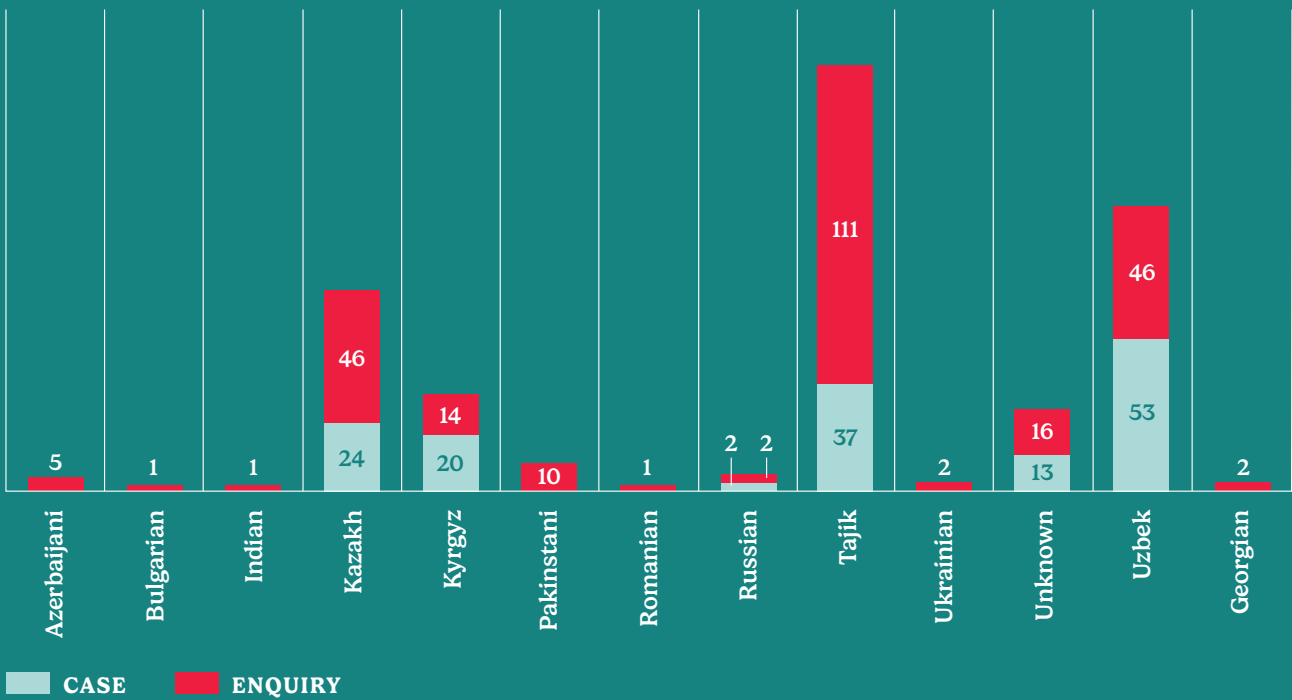


Figure 1, Individuals assisted by nationality represented by cases and enquiries, Worker Support Centre Data Jun-Dec 2023.

405
individuals
supported



149
cases



256
enquiries



Workers the WSC supported came to the UK from at least **12 different countries**. We have engaged with workers in a common language where possible, predominantly Russian, spoken fluently by the Outreach Team, or in their native language where Russian is not spoken.

Individuals contacted the WSC from across the UK at **24 different locations** – 14 of which were in Scotland, where our direct support work is focussed.

We have worked with people who have sought our help, finding at least some resolution to issues faced in over half of all cases. Where no resolution has been possible, or people have not wanted to proceed, we have worked to understand the reasons for this and evidence has informed **policy engagement** that has highlighted the barriers workers face to resolution and how to tackle them.

Data Breakdown

WSC DATA JUNE-DECEMBER 2023

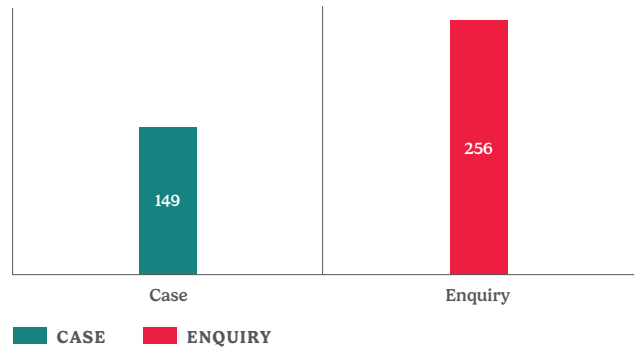


Figure 2, Breakdown of cases and enquiries received by the WSC from Jun-December 2023, from 405 individuals in total.

Case Results

WSC DATA JUNE-DECEMBER 2023

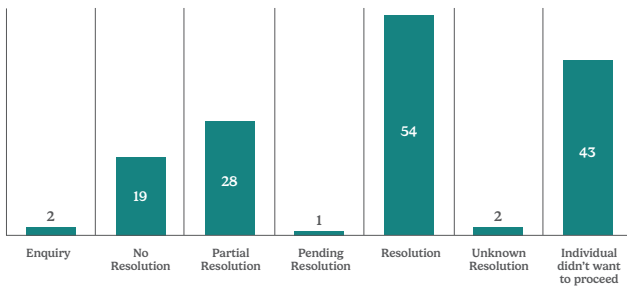


Figure 3, Case Results, Worker Support Centre June-December 2023.



Figure 4, Spread of locations across the UK from which individuals made contact with the WSC, Jun-December 2023.

Quality of service

The WSC has strived to provide a service that is tailored to and responds to workers' needs as they present them.

We respond to workers' main concerns, engaging with them in a way that builds trust and confidence, and ensures accountability.

When workers have required actions from our side, we have sought further documentation in order to help workers to best evidence the situations they face. We have constantly adapted our internal processes and procedures to ensure they are agile and respond to the needs of workers and how they want to make contact and communicate with us. We respond promptly to workers' requests as we know that in many cases immediate action is needed. We are registered with Advice UK, as a Living Wage Employer, and have made a strong Fair Work First commitment.





SUPPORT TO MIGRANT WORKERS ON THE SEASONAL WORKER VISA IN SCOTLAND

БЕСПЛАТНАЯ, КОНФИДЕНЦИАЛЬНАЯ ИНФОРМАЦИОННАЯ ПОДДЕРЖКА РАБОТНИКОВ ФЕРМ ПО СЕЗОННОЙ ВИЗЕ В ШОТЛАНДИИ

 ШОТЛАНДИЯДА СЕЗОНДУК ВИЗА БОЮНЧА ФЕРМА КЫЗМАТКЕРЛЕРИН АКЫСЫЗ, КУПУЯ МААЛЫМАТТЫК КОЛДОО

 ДАСТГИРИ ВА ТАВСИЯҲОИ РОЙҒОН БАРОИ КОРГАРОНИ ХОЧАГИҲОИ ДЕҲҚОНИ БО РАВОДИДИ МАВСИМИИ ДАР ШОТЛАНДИЯ

 SHOTLANDIYADA MAVSUMIY VIZA BO'YICHA FERMER XO'JALIGI ISHCHILARI UCHUN BEPUL, MAXFIY MA'LUMOTLARNI QO'LLAB-QUVVATLASH

 ШОТЛАНДИЯДАҒЫ МАУСЫМДЫҚ ВИЗА БОЙЫНША ФЕРМА ҚЫЗМЕТКЕРЛЕРІНЕ АҚЫСЫЗ, ҚҰПИЯ АҚПАРАТТЫҚ ҚОЛДАУ

 workersupportcentre.org.uk

 0800 058 1633

 support@workersupportcentre.org.uk

 [Worker Support Centre](https://www.facebook.com/WorkerSupportCentre)





Figure 5, WSC outreach leaflet informing workers about our services in their languages.

403

Actions taken



2 Outreach Caseworkers with expertise in support and the agricultural sector

and lived experience of working in seasonal agriculture and of temporary migration



1 Centre Manager

WITH EXPERTISE IN DIRECT SUPPORT AND HUMAN TRAFFICKING AND LIVED EXPERIENCE OF MIGRATION TO THE UK



306

Outcomes achieved



1 Advisor

ON POLICY AND EXPLOITATION WITH EXPERTISE IN HUMAN TRAFFICKING AND HIGH-LEVEL POLICY CHANGE



5 in person outreach events to engage workers



15 FARMS IN SCOTLAND

contacted with details of our services

6 Scheme Operators

contacted with details of our services and to request cooperation agreements

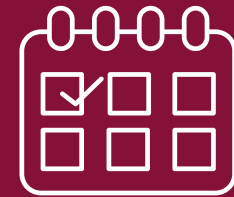


9

languages spoken



UKRAINIAN
RUSSIAN
LITHUANIAN
HUNGARIAN
KURDISH
KURMANJI
ITALIAN
SPANISH
FRENCH
ENGLISH



1 day response rate to enquiries

5 OPERATING AGREEMENTS

with partner support organisations, in Scotland, England and Kyrgyzstan



4 Service standards and agreements

entered with Scheme Operators

2 meetings with the Gangmasters and Labour Abuse Authority (GLAA),

INCLUDING A ROUNDTABLE WITH THE CEO AND SENIOR TEAM TO REFINE REFERRAL AND ENGAGEMENT PROCESSES WITH THE GLAA



Engagement with the Health and Safety Executive (HSE)

TO DEVELOP REFERRAL AND SAFE REPORTING SYSTEMS

CONCERNS RAISED WITH THE HOME OFFICE, UK VISAS AND IMMIGRATION SAFEGUARDING TEAM

On worker safeguarding and welfare risks



Ongoing discussions with industry

on key issues faced by workers



Impact and recognition for the WSC's work

In a very short space of time the WSC has made a significant impact in terms of recognition for our work and interest in our model. In both the UK and worldwide governments, inter-governmental organisations, non-governmental organisations, trade unions and industry have shown an interest in what we do and how we do it. The WSC has also had a direct influence over policy outcomes in both Scotland and across the UK. Many of those interested in our work have recognised the Scottish Government's support as an important means of addressing the safeguarding risks in tied and temporary migration programmes.

Meetings to share the work and model of the WSC have been conducted with stakeholders across the world.



From June-November the WSC has produced 7 monthly policy briefings for the Scottish Government.

These have directly influenced Scottish Government policy development in 3 key areas:

healthcare, immigration and housing

- Scottish Government review of healthcare information to health boards and general public to ensure seasonal workers are aware that they can access all healthcare, and are able to do so.
- Scottish Government commenced housing standards for work related accommodation.
- Scottish Government have recognised the importance of migrant worker safeguarding in conjunction with the establishment of a future Scottish immigration framework.

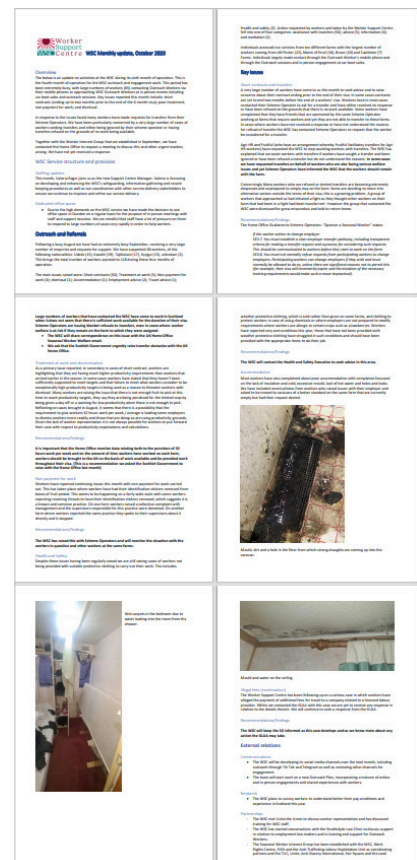


Figure 6, Example of monthly WSC services and policy briefing to the Scottish Government from 2023.



Oral evidence delivered to the House of Lords Parliamentary enquiry

INTO THE HORTICULTURAL SECTOR, CONTRIBUTING TO AT LEAST 10 OF THEIR RECOMMENDATIONS

8 meetings with parliamentarians -

across political parties - leading to input into 2 current parliamentary bills



MET 2 SCOTTISH GOVERNMENT MINISTERS

to raise key issues raised by workers on the SWV



ROUNDTABLE WITH SENIOR SCOTTISH GOVERNMENT OFFICIALS

on fair work, worker representation and voice for temporary migrant workers



3 meetings with the UK Department of Environment, Food and Rural Affairs (Defra),

DIRECTLY CONTRIBUTING QUESTIONS TO THEIR SWV WORKER SURVEYS



2 meetings with the UK Government Migration Advisory Committee (MAC)

and 1 written briefing for their inquiry into the seasonal worker scheme, including 1 evidence and experience sharing roundtable between Outreach Caseworkers and MAC researchers

2 meetings with the Director of Labour Market Enforcement (DLME)



ON THE WSC MODEL AND DATA, FOR THE WSC TO BE INCLUDED AS A MODEL OF GOOD PRACTICE IN THE NEXT DLME ANNUAL REPORT

Input into 2 reports being produced by United Nations agencies on the WSC's unique model



CONTRIBUTING TO ACADEMIC AND EXPERT DEBATE,

writing a chapter for an edited book directed at experts in the anti-trafficking field, focussed on the WSC, our approach and model



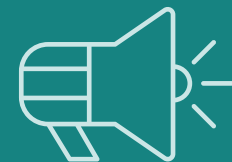
Established policy network on seasonal workers with 4 other NGOs,

which now has 9 member organisations, NGOs and Trade Unions



Speech to the Westminster Policy Forum

ON THE WORK OF THE WSC AND RISKS OF EXPLOITATION ON THE SWV



Data from our work

June-December 2023

The work of the WSC in 2023 was highly targeted at migrant workers in seasonal horticulture on the UK SWV. On this scheme, UK based recruiters receive Home Office licences to operate as ‘Scheme Operators’, sponsoring applicants for visas to work in UK agriculture.

Whilst workers on the SWV have their visas sponsored by a Scheme Operator, they are largely employed by farms and may make a transfer request to switch employers in case of problems. Due to the nature of this visa scheme, the workers the WSC has supported have been recruited from around the world. This Annual Report and figures relate solely to workers or, in the case of enquiries about visas, potential workers on the SWV. Data reported relates to work carried out during the 2023 season, June to December 2023. By focussing on the horticultural sector during this key period of peak seasonal labour the WSC has been able to work to build trust and connections with temporary migrant workers on the SWV, and ensure workers have a broader understanding of their rights and entitlements. This work has meant the number of individuals contacting the WSC has grown sharply through the growing season as workers have shared details about the organisation when the WSC has made a difference in their lives.

REPORT METHODOLOGY

This data comes from our Advice Pro case database, provided by Advice UK, where we log demographic details of people who have contacted us, the issues raised and evidentiary documentation provided.

Individuals raise issues with the WSC that are either logged as enquiries or cases. Contacts are classified as enquiries if they are simple requests for information, signposting, or a desire on the part of individuals to share information with no requirement for WSC action. Cases relate to those individuals that have required more action from the WSC outreach staff, such as support with translation or completion of forms, mediation with farms or Scheme Operators, or escalation to enforcement authorities.

DEMOGRAPHICS OF INDIVIDUALS CONTACTING THE WSC IN 2023

During the seven months in which the WSC offered services and support in 2023, the Outreach team worked with a total of 405 individuals, encompassing 149 cases and 256 enquiries.

The WSC was contacted by individuals from 12 different countries (Figure 1): Azerbaijan, Bulgaria, Georgia, India, Kazakhstan, Kyrgyzstan, Pakistan, Romania, Russia, Tajikistan, Ukraine and Uzbekistan. The nationality group most represented in these contacts was Tajik (148), with many enquiries about accessing the Seasonal Worker visa from this country. The WSC dealt with a very large number of cases and enquiries for Uzbek nationals (99) many of whom were placed at farms with significant welfare issues. Kazakh nationals comprised the next highest number of

cases and enquiries (70), which were particularly related to their length of contracts as compared to the visa length. The final significant country group was Kyrgyz nationals (34), who contacted the WSC about a wide range of issues.

Where gender was declared, individuals making contact were overwhelmingly men, 76%; in many enquiries the gender of individuals contacting the WSC was undeclared (see Figure 7).

Individuals assisted by gender

WSC DATA JUNE-DECEMBER 2023

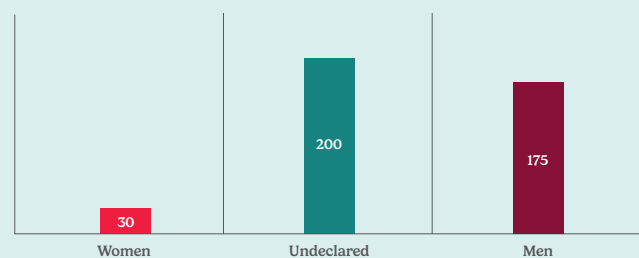


Figure 7, Individuals assisted by gender, Worker Support Centre data Jun-Dec 2023.

Workers contacted the WSC from a wide range of farms (24). These were predominantly farms in Scotland, with all cases taken forward from workers on Scottish farms (14) and some enquiries from workers on English farms (10). The map in Figure 3 indicates the geographical spread of locations from which workers made contact. Workers who contacted the WSC had been placed by all the main SWV Scheme Operators, with a slightly lower representation of workers sponsored by Pro-Force .

CASEWORK OUTCOMES ACHIEVED BY THE WSC

The vast majority of contacts with the WSC during June-December 2023 were from individuals seeking information.

This is significant as so many workers are unaware of avenues for support, processes affecting their lives or how to access services. In many cases workers sought information and assistance to request a transfer to an alternative place of employment. Transfers are a vital part of the SWV scheme as they enable workers to move to alternative employment, meaning they are not trapped on a particular farm for any reason. Workers have the ability under the terms of the SWV to request a transfer and this request *should not normally be denied*.

Transfers are also felt, by many workers, to be the only solution to problems faced where they otherwise fear reporting the issues they face. These cases relate both to workers not having information about how to request a transfer, where they needed help to request a transfer, or where workers had tried to access transfers and had not received any response. Finally a significant proportion of the support the WSC offered related to how to escalate welfare or workplace concerns to labour market enforcement authorities, in this case the Agricultural Wages Enforcement Team (AWET) and the Gangmasters and Labour Abuse Authority (GLAA). However, very few workers subsequently decided to escalate cases, as will be set out in more detail below.

WSC actions and outcomes – Cases and enquiries

WSC DATA JUNE-DECEMBER 2023

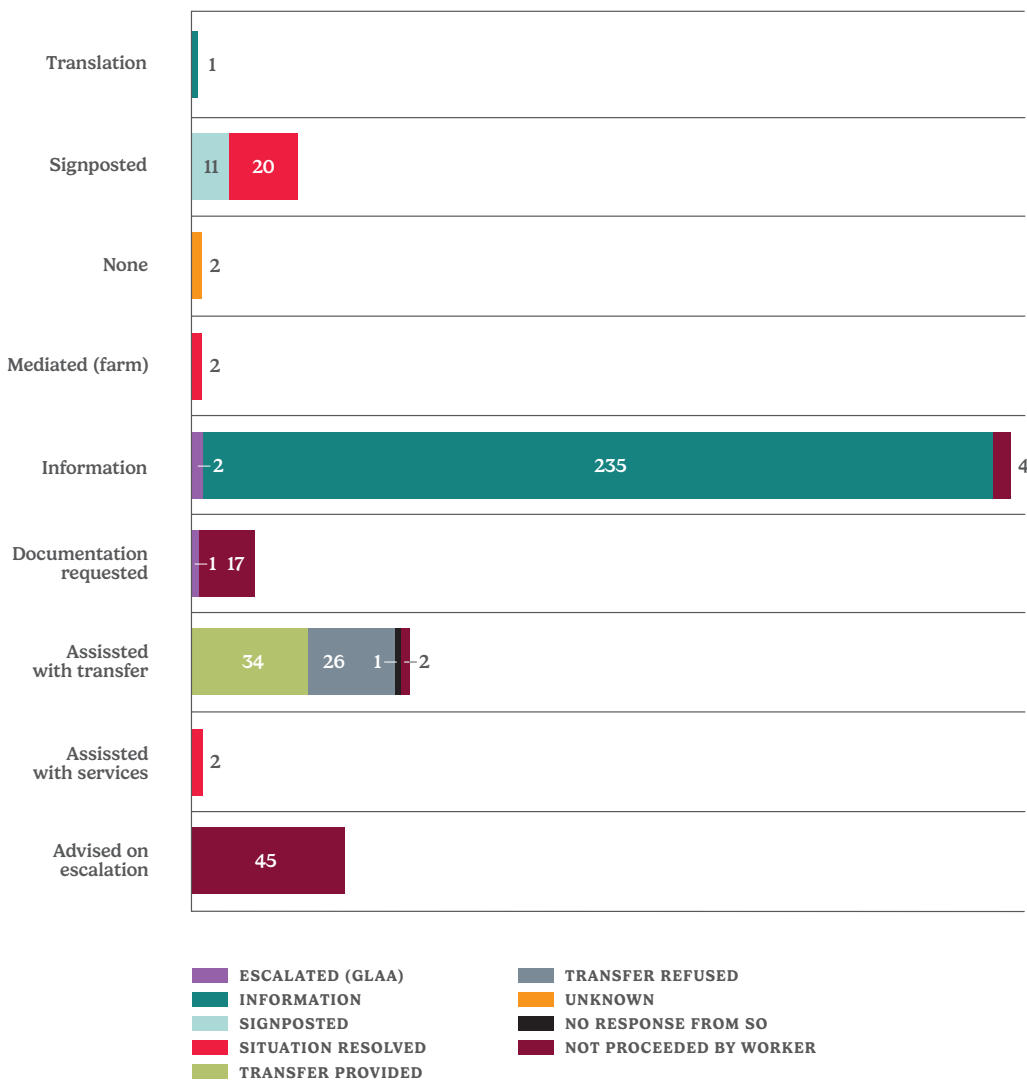


Figure 8, Actions taken and outcomes achieved Jun-Dec 2023, WSC.

Key issues reported to the WSC

June-December 2023

The WSC responds to all issues raised by individuals, from a community focussed approach, seeking to ensure the people who seek our help feel supported in all aspects of their life in Scotland. The issues that have been raised and responded to from June-December 2023 (see Figure 8) span a very broad range of areas.

These range from work related pay, contracts or treatment to issues with the SWV itself including transfers to alternative places of employment and fees at point of recruitment. Overwhelmingly in 2023, workers raised issues regarding their working conditions and pay, including health and safety at work (371 issues raised by 134 workers), with SWV related matters the second highest grouping, including the relationship between workers' employment contract length and length of visa, fees for services and travel, and transfers between farms (284 issues raised by 231 workers).

Working conditions and pay spans the treatment of workers, a range of matters related to pay, health and safety in workplaces and dismissal processes. The most common issue reported was lack of overtime payment, with a large number of workers (43) from two particular farms reporting this issue. The second most common issue raised was workers being dismissed following a complaint, which was raised across a few farms largely related to situations where workers had taken collective action in response to issues that had been left unresolved. Despite the mandatory 32-hour week that was introduced for workers on the SWV by the Home Office in April 2023⁹, a large number of workers reported lack of work (35). Whilst a limited number of workers reported knowingly receiving less than 32 hrs average per week, a larger number of workers reported working on farms where their colleagues were either dismissed in suddenly increased numbers on low productivity grounds, or where they had been told work would cease sooner than they'd hoped. In these cases workers were seeking assistance with transfers to ensure they would be able to work to earn as much money as they'd anticipated during their visa period.

SWV related matters span issues with transfers, short-contracts compared to the length of the visa, fees for travel and logistical services paid at point of recruitment or in the UK. Workers particularly sought help from the WSC in the case of transfers, when Scheme Operators had not replied to or had blocked workers from making a request to switch employer (20). Significant numbers of workers also sought help where their contract was ending much in advance of their visa, or they felt employment would soon end due to lack of work (89). Finally the WSC has assisted in cases of illegal or excessive fees charged to workers, particularly related to fees at recruitment. In the following sections some of the key issues reported by workers will be explored in more detail to better understand the experiences of workers on the SWV in Scotland from June-December 2023.

Issues reported to the WSC by individuals

WSC DATA JUNE-DECEMBER 2023

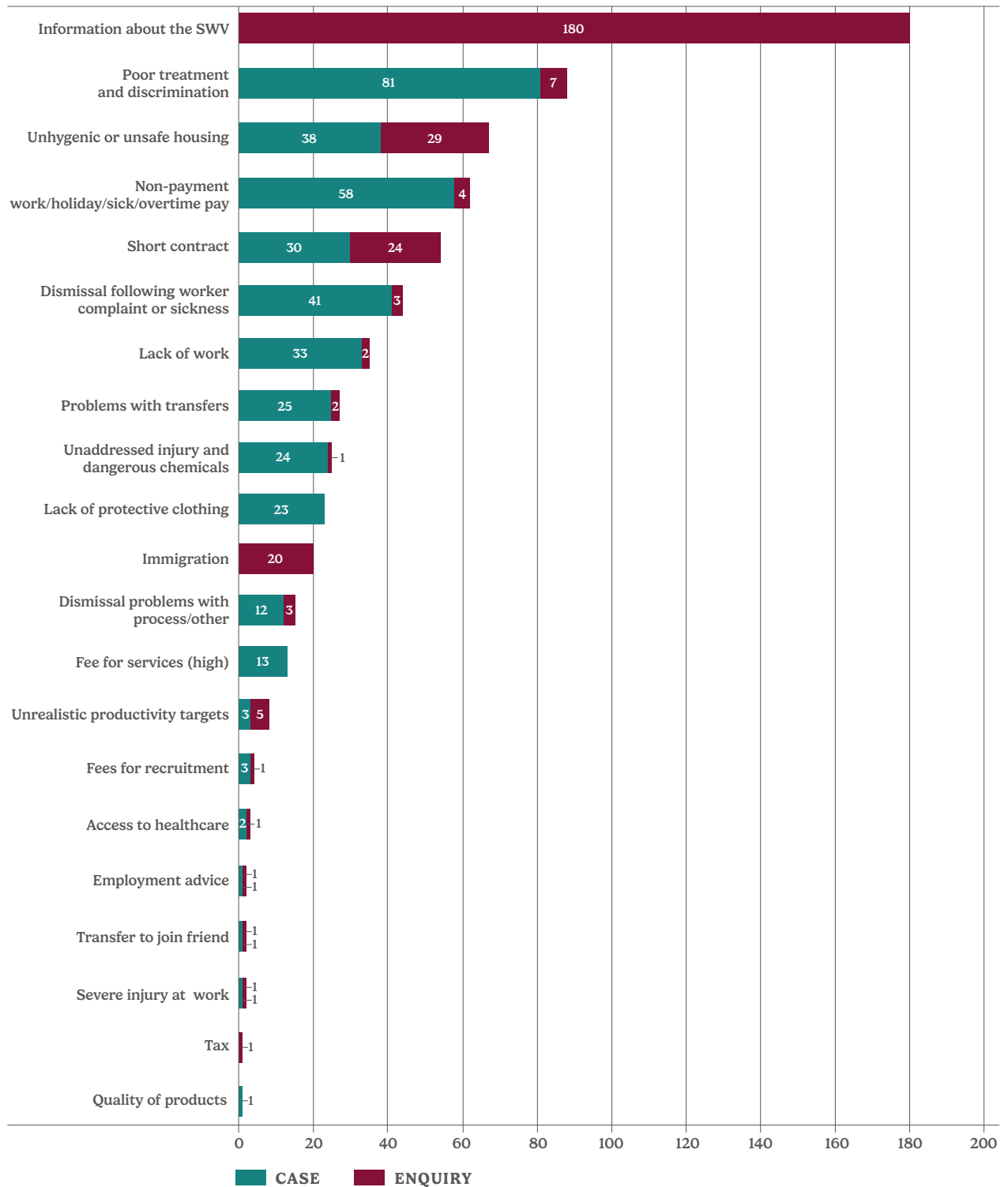


Figure 9, All issues reported to the WSC during June-December 2023.

Working conditions and pay including health and safety

These issues were raised by 134 workers as 107 cases and 27 enquiries. Nearly half of all workers raising workplace related issues (64) decided not to proceed with actions to remedy the situation.

The high number of workers deciding not to proceed reflects the fear many workers report of raising issues in workplaces, which in some cases relates to direct threats made by management of repercussions. In other cases, workers' fears relate to concerns about potential dismissal, of an early end to their time in the UK, and of not being invited to return in subsequent years - many workers have reported high debts and fees to come to the UK; therefore any early termination of their contract has significant consequences.

WORKER TREATMENT IN THE WORKPLACE

A large number of workers raised their treatment in the workplace as an issue (64), 58 sought assistance with cases, and 6 as enquiries. In 44 cases the WSC advised workers on escalation, to either the Gangmasters and Labour Abuse Authority (GLAA) or the Agricultural Wages Enforcement Teams (AWET); however in all cases workers decided not to proceed. In 13 of these worker treatment cases workers sought transfers to address the issues faced, with mixed outcomes - in 6 cases transfers were provided, and in 6 they were refused or not provided, with 1 worker deciding to return home.

Across the range of issues reported, discrimination is reported in the highest numbers, followed by verbal abuse and lack of breaks, then poor treatment by managers. Obviously these issues are hard to distinguish one from the other for workers and so are important to understand as a group.

Case Study

Risks of Discrimination

A group of workers that had recently arrived in Scotland reported being asked to pick at a much faster rate than workers of another nationality, who had been working on the same farm for some time, or being sent as a group to fields with poorer crop than that allocated to workers of other nationalities that had been at the farm for longer.

Workers of one nationality report being given worse accommodation than workers of another nationality. These workers asked to be moved to better quality and empty caravans on the same site and yet were refused.

Treatment issues reported

WSC DATA JUNE-DECEMBER 2023

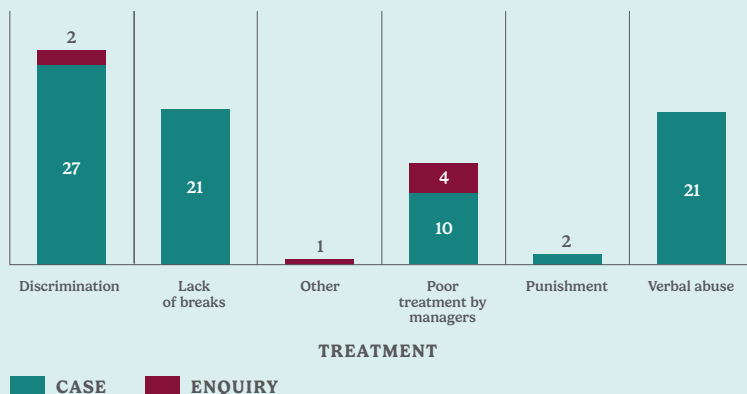


Figure 10, Treatment issues reported by workers to the WSC between June-December 2023.

PAY RELATED ISSUES IN THE WORKPLACE

Pay was raised by 62 workers in total and in 38 cases taken up on behalf of workers. The most significant issues raised were lack of overtime payment, which in Scotland – as set out in the Agricultural Wages Order – should be paid at 1.5 times the hourly rate of pay, when a worker works for more than 8 hours in any day or 39 hours per week.¹⁰

In most cases of lack of overtime payment other poor workplace standards were reported by workers from the same farms. In some cases, workers provided evidence of business overtime pay avoidance practices. Similarly breaches of the Agricultural Wages Order were identified in relation to worker reports of insufficient holiday or sick pay.

Case Study

Sick Pay

A worker was badly injured at work and experienced a long delay in accessing medical treatment. When they did see a doctor, they were prescribed medicine and an extended period of time off work, which was not paid for by their employer.

Case Study

Holiday Pay

During an extreme weather incident in Scotland workers were told it was not possible for them to work. These days of enforced work stoppage were then taken from workers' holiday pay.

Pay issues reported

WSC DATA JUNE-DECEMBER 2023



Figure 11, Pay issues reported by workers to the WSC, June-December 2023.

¹⁰ Scottish Government 2023 Agricultural Wages in Scotland: Twenty Seventh Edition: A Guide for Workers and Employers. Available at <https://www.gov.scot/publications/agricultural-wages-scotland-twenty-seventh-edition-guide-workers-employers/documents/>

HEALTH AND SAFETY CONCERNS IN THE WORKPLACE

Issues related to health and safety were raised by 27 workers, in 26 cases and 1 enquiry. The main course of action sought by workers was an outlining of the role of the GLAA and advice on escalation – which was ultimately a course of action with workers which chose not to proceed. The most common issue raised was unaddressed injuries at work, which workers reported in high numbers, with some severe injuries also left unaddressed for extended periods.

Workers reported being told not to access healthcare in some cases, and where healthcare proved essential some workers reported being told not to give a reason for their injuries. These findings are particularly concerning given some of the injuries reported by workers meet the threshold for reporting under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). Whilst the number of severe injuries reported is low (2) these reports relate to amputations or near-death accidents at work. This number is therefore significant in the context of the Health and Safety Executive documenting “27 farming or other agriculture related fatalities” across Great Britain in 2022/23.¹¹

The absence of protective clothing was reported as an issue by 22 workers, mainly in relation to the lack of waterproof clothing to wear whilst picking in wet and cold weather conditions. Personal protective equipment is to be provided by employers where workers may be exposed to health and safety risks at work, except where these risks can be controlled.¹² In some cases workers reported being asked to purchase their own waterproof clothing from the farm, which they said was being sold at an inflated price. Whilst this may not seem like a large expense, the fact that workers bear it prior to receiving any pay and immediately upon arrival in the UK makes it more significant for them.

Health and Safety issues reported

WSC DATA JUNE-DECEMBER 2023

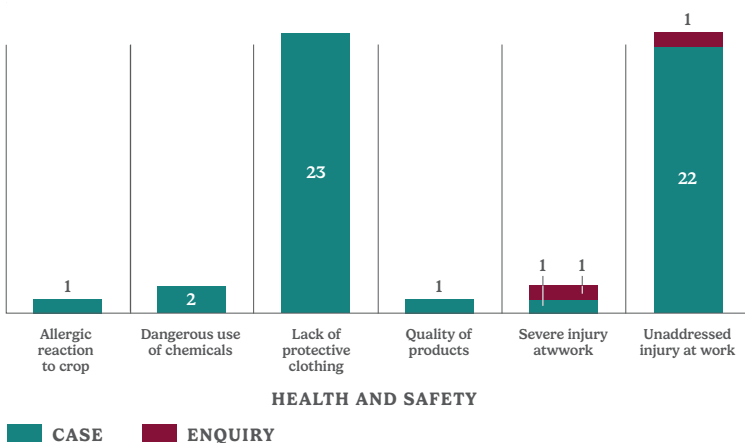


Figure 13, Health and safety issues reported by workers to the WSC, June-December 2023.

Case Study

Health and Safety

A large group of workers from a particular farm raised a series of issues related to their farm, including health and safety matters such as a range of work-related injuries that had been left unaddressed and high-risk unsafe farm infrastructure.



Figure 12, Image of worker amongst dangerous farm infrastructure.

¹¹ Health and Safety Executive 2023. Fatal injuries in agriculture, forestry and fishing in Great Britain 2022/23. Available at https://www.hse.gov.uk/agriculture/resources/fatal.htm?utm_source=press.gov.uk&utm_medium=referral&utm_campaign=corporate-push

¹² See the Personal Protective Equipment at Work Regulations 1992. Available at <https://www.legislation.gov.uk/uksi/1992/2966/regulation/4>

DISMISSAL RELATED ISSUES AT WORK

It is important to note that workers are extremely fearful of being dismissed, particularly fearing not being invited to return to the UK or not being able to repay debts incurred to come here.

Given the SWV is only valid for six months, workers are not covered by many dismissal rights that apply after two years of service in the UK. Issues raised by workers relate to either being threatened with dismissal, or fearing dismissal due to active workplace threats or cases where workers have been dismissed. A total of 58 workers raised dismissal issues with the WSC during this time, 52 of which were cases and 6 enquiries. A range of actions were sought, including mediation with farms or Scheme Operators to either seek job reinstatement or a transfer if the circumstances of the dismissal were not thought to be fair.

Concerningly a high number of workers (43) raised that they had been dismissed or received a threat of dismissal when a complaint was raised. These cases had a knock on effect on other workers, who were then fearful of being dismissed if they should raise complaints. No workers mentioned having been represented in dismissal processes, and a significant number of workers raised issues related to the dismissal process itself – the lack of process, or very short notice dismissal or where a first or second dismissal warning letter was used as a threat in order to increase worker productivity. Many workers that reported threats of dismissal on low productivity grounds felt this was unfair as they had previously been recognised as very fast and productive workers. There is no regulation of productivity rates in Scotland, as all workers must be paid the Agricultural Minimum Wage. However, in response to questions about calculation of pay put to workers (30) by WSC Outreach Workers, over 50% of workers asked said their pay related to how much they picked and 40% said they were penalised if they didn't pick enough. Workers reported the most common penalty for low productivity was poor treatment.

Dismissal Issues Reported

WSC DATA JUNE-DECEMBER 2023

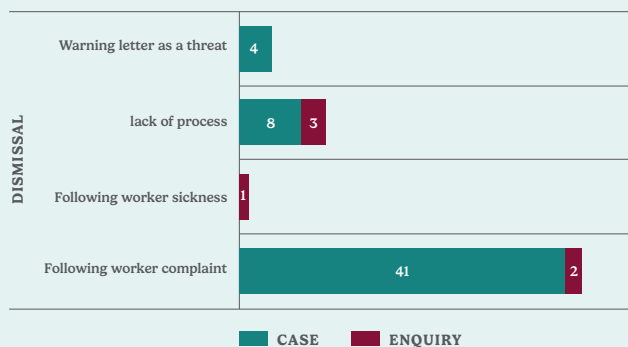


Figure 14, Dismissal related issues reported by workers to the WSC, June-December 2023.

Case Study

In country recruiter describes relationship between worker productivity and pay

Information shared on recruiter's website to inform workers of how productivity rates work in the UK:

"A farmer sells his products to supermarkets every day, and the prices he is offered for them are directly related to the rates for piecework. For example at the beginning of the season, when strawberries are scarce, supermarkets give a high price for strawberries, while in the peak season they can buy them from farmers for 2 times cheaper because of the glut of the market!

That's why a farmer can pay, for example, GBP 2 for a box of strawberries you pick at the beginning of the season in the spring, and GBP 0.8, GBP 1 for the same box in the summer!

Employees must, during shift work, have an hourly minimum, for example GBP 10.42, per hour and the payment amount for one box of strawberries collected will be from GBP 0.80 to GBP 1.50-2.00. The farmer makes money by selling this box at GBP 5 or GBP 6. However, if you pick that box for a whole hour then when you sell it,

the farmer will have to pay you GBP 10.42 (by law) and he won't cover the costs of growing the strawberries and won't make anything, so in effect he'll pay you out of his own pocket.

Therefore the worker must collect an hourly rate of GBP 10.42, while earning money for himself and the farmer.

Otherwise, your work on the farm may end after two weeks of the training period."

Translation by WSC staff, from recruiter website

Seasonal Workers Scheme UK

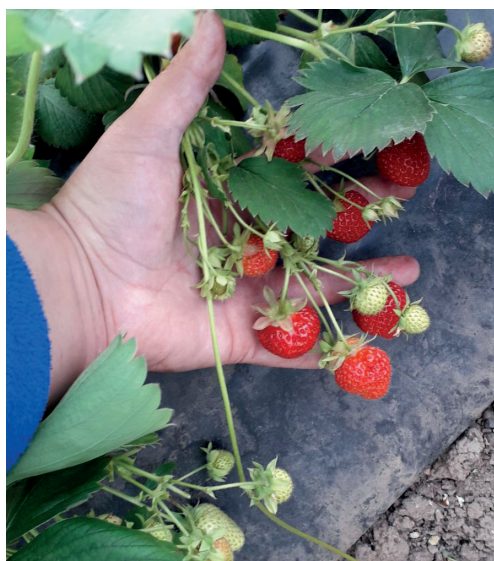
Фермер щодня продає свою продукцію в супермаркети, та ціни, які йому за неї пропонуються, безпосередньо пов'язані з розцінками за відрядну роботу. Наприклад, на початку сезону, коли полуниці мало, супермаркети дають велику ціну за полуницю, тоді як у пік сезону вони можуть купувати її у фермерів у 2 рази дешевше через пересичення ринку! Тому-то фермер на початку сезону навесні може платити наприклад GBP2 за зібрану вами скриньку полуниці, а влітку - GBP0.8 - GBP1 за ту саму скриньку! Працівники повинні обов'язково під час відрядної роботи виробляти погодинний мінімум. Наприклад, погодинний мінімум становитиме GBP10,42 на годину, а сума оплати однієї зібраної скриньки полуниці становитиме від GBP0,80 до GBP1,50-2,00. Фермер, продавши цей ящик по GBP5 - GBP6, заробляє гроші. Однак якщо ви будете збирати цей ящик протягом усієї години, тоді, продавши його, фермер повинен буде заплатити вам GBP10,42 (за законом) і при цьому він не покриє витрати на вирощування полуниці і нічого не запрацює, тобто, фактично, він заплатить вам з своєї власної кишені. Тому працівник повинен зібрати за годину норму на себе та для фермера. Інакше ваша робота на фермі може закінчитися через два тижні тренувального періоду.

SUMMARY WORKING CONDITIONS AND PAY

The issues outlined above relate to the conditions and pay for those on the SWV when in seasonal agricultural work in Scotland. The fact that the most significant number of workers contacting the WSC did so in relation in to work related issues is instructive for a range of reasons.

Firstly we know that workers are much more likely to contact us when in Scotland at work about immediate concerns for which they would like to see urgent resolution. This means it is very unlikely that workers contact us about less immediate concerns, for example, loan related services in their country of origin. Further, we find that many workers who contact us have reached a point at which they feel very isolated, alone and threatened in their workplaces and therefore are seeking support often just through someone listening to their problems and making them feel respected. Thirdly, many potentially quite avoidable issues on farms are occurring due to poor workplace cultures or hierarchies which are passed down and embedded by management and supervisors. Finally, economic instability is apparent in many of these cases, whether through squeezed productivity rates, absent PPE, or holiday pay used to cover unavoidable weather events. It is critical that any industry response to worker welfare concerns recognises and seeks to address the market related pressures which impact working conditions and pay.

It is important to note that the route to resolution for many of these cases lies with labour market enforcement authorities. However, the WSC data shows that, where Outreach Caseworkers have explained the process for reporting to key labour market enforcement authorities to workers, the vast majority have decided they do not wish to proceed. This relates to workers' fear of reporting, stories shared of enforcement activity leading to repercussions on farms, and to the fact that most workers wanted immediate resolution to their problems so they could continue to work in the UK. The WSC has been working with labour market enforcement authorities to ensure routes to raise issues anonymously, and to develop improved procedures for inspections to protect workers.



Issues related to the Seasonal Worker Visa (SWV)

Issues related to the operation of the SWV were raised by 231 individuals; workers raised 24 cases and we received 207 enquiries. The significant number of enquiries relate to individuals seeking to access the SWV from overseas.

Enquiries on accessing the SWV were raised mainly through social media and provided the WSC with the opportunity to share rights and entitlements on the SWV with workers. Further work will be carried out in 2024 to engage workers in countries of origin to enhance information available at this point.

The second most common issue raised by workers relates to contract length (24), with many workers reporting their employment contract was substantially shorter than their visa length, by up to two months. Workers in this situation were often very anxious about the risks if they did not earn sufficient money before returning to their home country. Whilst data is set out below on issues faced by workers when seeking transfers between places of employment, many more workers demonstrated a very low understanding of the transfer process. Finally a small but important number of workers reported issues related to fees paid either at recruitment or for travel in the UK. The data related to these fees mask a much larger problem explored by the WSC Outreach Caseworkers through pro-active communication on worker information networks. Through this research Outreach Caseworkers have identified significant fees charged to workers at point of recruitment, for travel in the UK and to receive special treatment whilst in the UK.

The UK SWV differs from its predecessor visa, the Seasonal Agricultural Workers Scheme (SAWS), which operated until 2013, in connecting visa sponsorship to a licensed Home Office Scheme Operator rather than the workers' employer. This change recognised the high-risk of workers being tied to a specific employer on this scheme. The ability of workers to switch between places of employment is established in the Home Office guidance for SWV Scheme Operators.¹³ In this guidance an 'employer transfer pathway' is established and Scheme Operators must "establish a clear pathway, including transparent criteria for making a transfer request and a process for considering such requests." This transfer route provides an essential safeguarding mechanism for workers to move out of potentially exploitative work. According to the guidance transfers should not normally be refused "unless there are significant reasons not to permit this."¹⁴



¹³ UKVI April 2023 *ibid.*

¹⁴ *Ibid.*, SE 3.8

WORKER 'TRANSFER' BETWEEN PLACES OF EMPLOYMENT

Workers have reported issues related to transfers in significant numbers this year, with workers reporting either not knowing how to request a transfer (5), not receiving any response when they requested a transfer from their labour provider (20) or being penalised for requesting a transfer (2).

Whilst our data show just five people reporting lack of knowledge on how to request a transfer, WSC Outreach Caseworkers have identified a general low understanding amongst workers of how to request workplace transfers. As a result WSC Outreach Caseworkers have spent considerable time explaining how to access transfers to workers.

In addition, of those workers that the WSC assisted to access transfers the outcome rates were not high, with 41% of workers assisted with transfers being refused (see Figure 15). In many cases, as is shown in Figure 16 below, workers were requesting transfers to get away from farms on which they faced poor treatment or conditions and yet still for a number of these workers their transfers were refused. In fact the WSC didn't find a correlation between the reasons for which workers were seeking transfers and their rates of success in obtaining one; rather the reasons given by Scheme Operators for refusals normally related to the lack of alternative employment at that time, or a disbelief in the reasons given by workers for seeking a transfer.

Reported problems with transfer requests

WSC DATA JUNE-DECEMBER 2023

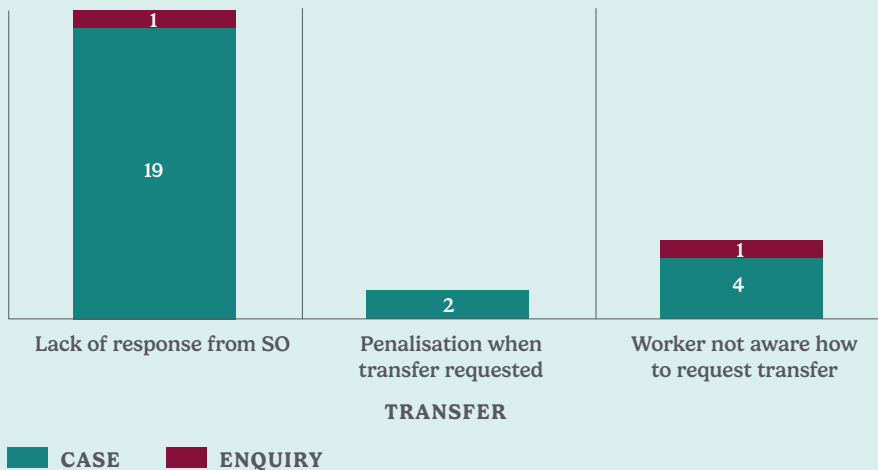


Figure 15, Transfer related issues reported by workers to the WSC, June-December 2023.

Workers assisted with transfers and outcomes

WSC DATA JUNE-DECEMBER 2023



Figure 16, Worker outcomes after WSC assisted with transfers, June-December 2023.

Worker's reasons for requesting transfer & outcomes

WSC DATA JUNE-DECEMBER 2023

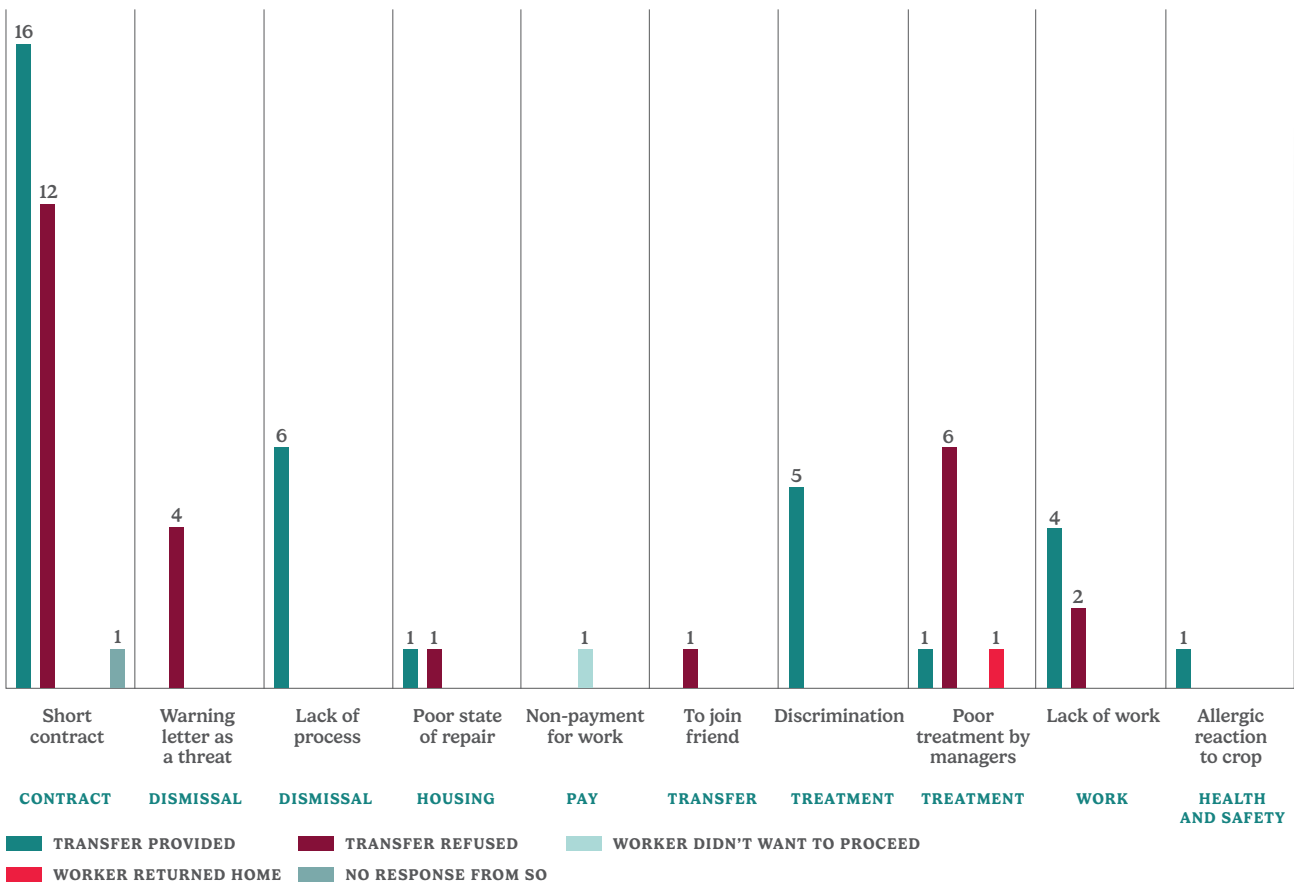


Figure 17, Workers' reasons for requesting transfers and outcomes after WSC assisted with transfers, June-December 2023.

CONTRACT LENGTH AND LACK OF WORK

A large number of workers contacted the WSC (54) with respect to having short contracts as compared to the length of their visas. In the main this related to workers with contracts for 4 or 5 months whereas their visas were valid for 6 months.

These workers all came to Scotland through two specific Scheme Operator and did not seem to be aware that the length of time they would work here would be shorter than their visa length. As a related issue, 40 workers reported a fear, perceived or real, of work ending on a farm. In these cases workers had seen many other workers dismissed on poor productivity grounds and felt that there was a bigger issue related to lack of crop to pick. In many of these cases workers were seeking transfers to alternative farms, which were sometimes granted and sometimes not (see Figure 16 above).

This relates to a broader question about how workforces are regulated through the SWV, whether there is coordination between Scheme Operators about how many workers each are bringing in vs the real picture of labour shortage in the UK.

Workers do not seem to be clear that their work in the UK could end far sooner than their visa, and therefore the risks are high of people taking out substantial debts to travel to Scotland anticipating 6 months work, yet finding much lower remuneration and therefore being unable to repay debts.

Short contract and lack of work related issues

WSC DATA JUNE-DECEMBER 2023

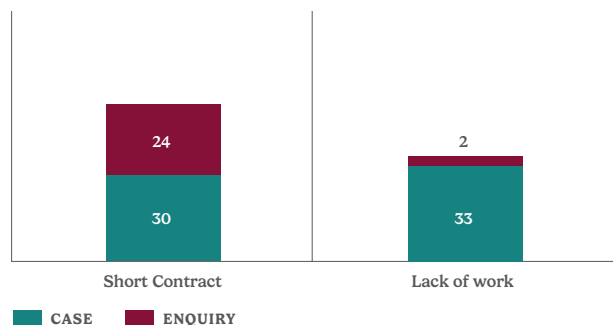


Figure 18, Short contract and lack of work related issues reported by workers, Jun-Dec 2023.

FEES AND RECRUITMENT RELATED ISSUES

Finally, issues relating to the structure of the SWV reported by workers relate to very high fees paid for services both at point of recruitment, in transit and when transferring to new employment.

These issues are complex and hard for workers to understand, and whilst with other issues the need is very immediate for workers, in this area it is often something that happened some time before a worker contacts the WSC. Therefore, for a worker to raise these issues requires time and trust and many workers who raised these matters did so in association with other matters raised with the WSC. In this area, the WSC has been documenting the problems workers have faced in order to collate evidence for sharing with UK authorities.

Recruitment and fee issues reported

WSC DATA JUNE-DECEMBER 2023



Figure 19, Fees and recruitment issues reported by workers to the WSC June-December 2023.

SUMMARY

The wide range of issues raised by workers that relate to the design and delivery of the SWV are particularly relevant for policy makers. The fact that the transfer guidance set out for Scheme Operators by the Home Office seems so hard to apply in practice raises serious questions about how workers can urgently escape abusive or potentially exploitative workplaces.

It is unclear for the WSC how each Scheme Operator processes urgent and welfare related requests for transfers (however we are grateful to Pro-Force for explaining their own process for doing so). Furthermore, once workers have left a farm, it is unclear how much effort is made to learn from their feedback, to ensure that they are not simply replaced by more workers who in turn seek transfers to alternative employment.

Short contract and limited work-related issues have come up each year but this year, the WSC has seen a particularly acute issue with workers facing risk of dismissals when the level of crops diminished on farms towards the end of the season. If workers are provided a six-month visa, and yet it is not felt that six months work will be available, it is critical that they are informed of this well in advance so that they might assess the cost benefits of work in the UK accordingly. Many of the workers that approached the WSC about contracts that ended one or two months prior to the end of their visa were surprised and very anxious about this, increasingly desperate for work.

Finally the WSC has seen some issues relating to fees for travel and recruitment services, some of which are unlawful and others significantly inflated. In these cases we have sought to gather documentation and to better understand what has happened in order that we might engage with labour market enforcement authorities to address this risk to workers. As SWV recruitment commences for 2024 it is imperative that all stakeholders come together to understand and address this risk to workers.

Accommodation and other matters

Finally, the WSC received a range of complaints on other matters beyond the workplace or SWV. These primarily relate to accommodation cases (63). However, workers also raised cases related to access to healthcare and enquiries on reclaiming overpaid tax and accessing the SWV from overseas.

ACCOMMODATION ISSUES REPORTED

The WSC engaged with 63 workers on issues related to their housing, through 46 cases and 17 enquiries.

Workers mainly raised issues related to poor housing standards, including windows that wouldn't open, holes in caravans, damp, black mould, cold and draughts, and broken sanitary facilities, including toilets. However some workers also spoke of very poor hygiene standards, including rodent infestations.

Case Study

Housing

A worker reported being accommodated in caravans without working lighting or hot water. They asked the farm to address the issue but after weeks of waiting the problems had not been resolved.

Workers reported not receiving 32 hours work per week, whilst being made to pay for their caravan plus gas and electricity to the farm. This cost was therefore felt to be very high to the workers, coupled with the fact that the caravans were unsafe and unhygienic



Figure 20, Rodent infestation in caravan.



Figure 21, Damp and mould in caravan.

The WSC has been working towards improvements in accommodation standards and oversight in Scotland, recognising that seasonal worker accommodation currently falls outside most regulation. In addition, the WSC has been seeking to understand what status workers on the SWV have with regards to their accommodation, given the relatively high costs of renting caravans from employers – currently set at £9.10 per day in the AWO – yet unclear responsibilities on the part of the owners of the accommodation. Furthermore, whilst costs for fuel and other services should be minimal and not bring workers’ pay below the AMW, we have found some workers paying for the majority of their fuel on top of the daily accommodation payment. These matters have been discussed with the Scottish Agricultural Wages Enforcement Team.

SUMMARY

This section has highlighted the issues identified by workers with their housing. Workers have primarily raised housing as a secondary issue to those felt more urgent at the time. This means housing is not often viewed as a primary reason for workers contacting the WSC; however when workers have shared feelings of despair, often their home, the caravan, is raised as an issue of acute distress to them.

Without appropriate regulations or any clear status for workers housed in caravans, it is very hard for workers to achieve resolution for the problems they find with their living conditions. It also seems that when workers face high-risk housing conditions, few state inspection and enforcement actions are taken to raise standards.



Housing issues reported

WSC DATA JUNE-DECEMBER 2023

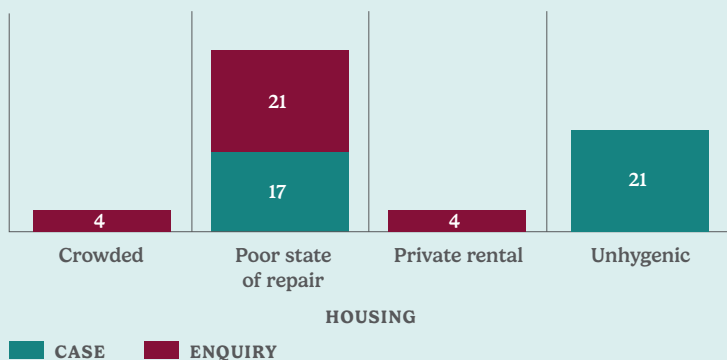


Figure 22, Housing issues reported by workers to the WSC, June-December 2023.

WSC reflections and analysis on the year

The following section includes analysis from the WSC team of key concerns and questions identified in the reporting period. We've grouped these issues into themes, but underline that they are all interconnected, combining to create conditions for worker exploitation.

WORKPLACE REPRESENTATION AND SUPPORT

In 2023, the Outreach Caseworkers identified significant concerns about the lack of support and representation of workers on farms. In particular the absence of independent representation poses a high risk of misunderstanding on the part of workers and farms.

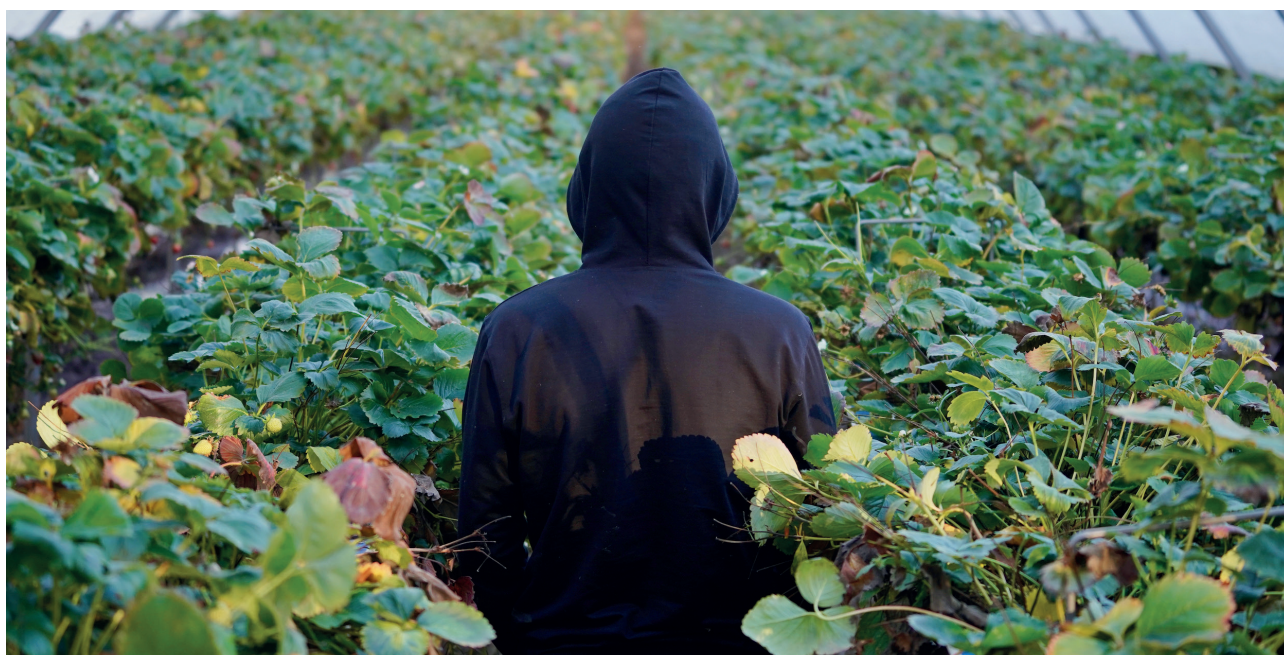
Outreach Caseworkers have not identified any workers that have been represented in the workplace, for example at dismissal hearings, disciplinaries or when contract terms and conditions are set out. Additionally, workers have reported very few avenues for support. In practice this means where workers need information or do not understand key rights and entitlements they often feel lost and do not know where to turn. In addition the WSC Outreach Caseworkers have noticed a worrying increase in Telegram groups with administrators that have sought to prevent information sharing about worker rights and entitlements. We have found that this worker support and representation vacuum creates opportunities for intermediaries

to enter – offering support or services for a fee to workers.

This practice has been normalised by workers, to the point that WSC Outreach Caseworkers have regularly had to explain to workers that our services are free, independent and centred on the needs of workers. Workers raise concerns that *“free help could be a trap”* or *“I should pay you if you help me”*.

Key areas in need of urgent address based on this analysis are the following:

- **Industry, UK and Scottish Governments must guarantee protection for workers seeking independent support and representation, ensure there are consequences for anyone who penalises workers for doing so.**
- **Industry, UK and Scottish Governments should ensure workers have independent workplace representation, particularly in disciplinary and dismissal proceedings.**



FEAR OF REPORTING

Strongly connected to the absence of representation and support is a growing fear amongst workers of reporting concerns, particularly to farm management.

Just two workers agreed to the WSC providing mediation with their farm during June-December 2023, and as highlighted in the data, almost half of all workers reporting workplace problems decided not to proceed with actions to remedy the situation. Many of these workers said they wanted someone to hear their case, and/or to receive information, but did not want action to be taken for fear of repercussions. This fear relates both to perception and reality. Workers report fearing consequences of causing “problems” by raising even the smallest issues, simply because the impact of any potential consequences on their lives would be too great. Many workers have entered into high debts to come to the UK and have limited alternative employment options. Many such workers fear that reporting could mean loss of work, early termination of contract, cancellation of visa and not being invited back to work in the UK.

Where workers have reported actual threats for raising issues the following examples have been given:

- **One group of workers said farm management had told them if they didn't like the conditions they should just go home.**
- **Many workers reported being told by their recruiters that if they complete their work in the UK without breaking any rules and return home that they will be invited back the following year. This has been interpreted by large numbers of workers as meaning they should not report issues or concerns.**

FARM UNDERSTANDING AND TREATMENT OF WORKERS

Many workers have raised issues relating to how they are understood, linguistically and culturally, on farms.

A range of cultural norms are reportedly ignored, for example religious observations of workers and mixed gender facilities. Iryna, WSC Outreach Caseworker, reflected on her own time working on a farm in Scotland in 2020, during which she was asked to interpret into Russian for her colleagues, without recognition in pay or role. She was not remunerated for this role and yet there were no other Russian speakers, including no one in farm management that could communicate or understand workers from Central Asia. In addition the WSC is concerned that some workers may not be comprehensively trained in languages they understand. During June-December 2023 the WSC dealt with two workers that had incurred severe,

life threatening and permanently debilitating injuries, which the WSC is concerned may not have occurred with proper training.

- **Farms and labour providers should provide all training, contracts, and details of rights and entitlements to workers in their native languages, with independent support services such as the WSC advertised and available at workers' places of work to help interpret, mediate and provide information when needed.**
- **Farms should train management to understand the cultural needs of workers recruited, and should ensure management staff speak languages understood by workers.**

ISSUES WITH THE SEASONAL WORKER VISA

Finally the WSC has identified significant risks in the design of the SWV during 2023, in particular the transfer pathway providing an option for workers who do not wish to stay on a particular farm to move to another within the terms of their visa. This safeguarding pathway does not always work as the Home Office guidance says it should.

Many workers that WSC Outreach Caseworkers have supported did not understand that the transfer process exists, which WSC Outreach Caseworkers believe relates to how information is presented to workers about the SWV. In addition, significant numbers of workers are confused about who is responsible for transfers, not realising that their in-country recruiter may not be their visa sponsor. In some cases workers report being very scared to ask to transfer workplaces, for fear of causing problems with their recruiter in their country of origin. Finally, Iryna, Outreach Caseworker, has identified a range of unauthorised recruitment taking place in countries of origin. She has been gathering evidence of this to bring to UK enforcement authorities and the WSC hopes that action will be taken.

- **The Gangmasters and Labour Abuse Authority should take urgent action against licensed labour providers connected to unauthorised recruitment.**
- **The UK government must ensure the transfer pathway is available to workers without obstacles.**

Summary of policy recommendations, outcomes and next steps

RECOMMENDATIONS MADE BASED ON OUR WORK JUNE - DECEMBER 2023

ON WORKER REPRESENTATION		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > Industry, UK and Scottish Governments must guarantee protection for workers seeking independent support and representation, and repercussions for anyone who penalises workers for doing so. > Industry, UK and Scottish Governments should ensure workers have independent workplace representation, particularly in disciplinary and dismissal proceedings. 	<ul style="list-style-type: none"> > The WSC has drastically increased its reach in 2023, from just over 100 workers reached in 2022 to over 400 in 2023, improving the support and representation for workers. 	<ul style="list-style-type: none"> > The WSC will continue to seek to better understand the representation needs and priorities of workers.
ON TRAINING, SUPPORT AND DISMISSALS		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > Farms and labour providers should provide all training, contracts, and details of rights and entitlements to workers in their native languages, with independent support services such as the WSC advertised and available at workers' places of work to help interpret, mediate and provide information when needed. > Farms should train management to understand the cultural needs of workers recruited, and should ensure management staff speak languages understood by workers. > The Scottish Agricultural Wages Enforcement Team should provide clear guidance to farms on dismissal processes and grounds. > Labour Providers and farms should not use dismissal warning letters as a form of motivation. 	<ul style="list-style-type: none"> > The WSC has written to 15 farms and all Scheme Operators informing them of our services and has ensured the Just Good Work App details the support we provide. 	<ul style="list-style-type: none"> > The WSC will seek to support farms to better understand workers' needs. > The WSC will work with parliamentarians to consider possible legislative amendments in this area.
ON PAY AND HOURS		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > The WSC should seek to build knowledge and understanding of how productivity rates relate to hourly wage to inform standard setting bodies such as the Scottish Agricultural Wages Board (SAWB). > The SAWB should ensure all farms are adhering to the Agricultural Wages Order (AWO) in relation to pay, overtime, holiday and sick pay. > The Home Office should record data on hours provided to workers, and weeks/months of work to better understand the level of demand and ensure workers receive a full 6 months' work. 	<ul style="list-style-type: none"> > The WSC has reported issues related to breaches of the AWO to the AWET and will continue to follow these cases. > The WSC has conducted a survey of workers on the issue of productivity rates, to provide evidence to the SAWB, via representatives Unite the Union. > The WSC has contributed to Defra's survey of workers for 2024 which seeks to understand better hours and length of work of individual workers, and productivity rate questions. 	<ul style="list-style-type: none"> > The WSC will systematically collect information from workers during 2024 regarding pay and productivity rates.
ON ACCESS TO HEALTHCARE		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > The WSC recommends Scheme Operators and farmers clarify workers' healthcare rights, with particular attention to the different entitlements across the UK. > The WSC recommends the Scottish Government clarify with health boards and via its information distribution sites workers' comprehensive entitlements. 	<ul style="list-style-type: none"> > The WSC raised greater awareness of access to healthcare by promoting clarified information through Scheme Operators and online messaging. > The WSC achieved enhanced information sharing via the Scottish Government. 	<ul style="list-style-type: none"> > The WSC plans to provide information sessions in the 2024 season, including access to healthcare.

ON TRANSFERS		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > The UK government must ensure the transfer pathway is available to workers without obstacles and that workers are able to switch Scheme Operators if no work is available. > Scheme Operators should provide more transparency around transfers. > All Scheme Operators should provide a named contact for the WSC to contact to ensure transfer issues can be swiftly resolved. 	<ul style="list-style-type: none"> > The Home Office has reviewed cases of refused transfers provided by the WSC. > Some Scheme Operators have started to collaborate on transfers, but we are yet to see positive results from this for workers. > Some Scheme Operators, Pro-Force, Concordia, Hops and Agri HR have provided the WSC with a named contact for resolving issues, which has aided swifter resolution in some cases. 	<ul style="list-style-type: none"> > The WSC will collect information related to workers' awareness of the transfer process and ability to access it during 2024.
ON PAY AND HOURS		
Recommendation	WSC Action	Next Steps
<ul style="list-style-type: none"> > GLAA License standards and Agricultural Wages Order breaches on non-payment of wages and non-payment of holiday pay should be followed up by the GLAA and AWET. > The GLAA should take urgent action against licensed labour providers connected to unauthorised recruitment. > GLAA License Standards on recruitment fees breaches should also be followed up. > Health and Safety breaches should be followed up by the Health and Safety Executive (HSE). 	<ul style="list-style-type: none"> > The WSC has reported issues thematically to the GLAA, AWET and HSE with extensive documentation. 	<ul style="list-style-type: none"> > Further issues will be reported based on these data and the WSC will follow cases to their conclusion.

Looking ahead to 2024

In 2024, the WSC will work to build on our strong beginnings. We will deepen our contact with workers, through in person and online events and forums, and partnerships with organisations in workers countries of origin. This will include social events, and partnering with organisations to deliver information and education workshops on key areas including immigration, housing and employment rights.

We will continue to refine how we build solidarity and participation of workers, deepening our engagement with workers and processes for embedding workers' needs and priorities in all our work. The WSC will move beyond the seasonal agricultural sector to engage workers in other high risk labour sectors, such as care and fishing. All our work will follow the same model of working with and for workers, to develop solidarity and leadership for greater power. By broadening our work into other sectors we will improve our understanding of the immigration system-related drivers of abuse and exploitation.

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Conclusions

By documenting in detail the experiences of workers that have come to the UK to work in seasonal agriculture in 2023, the WSC hopes to build enhanced understanding and to motivate those in power to take action. With greater knowledge comes increased responsibility to act on what we know, to take steps to ensure abuses are stopped and to ensure risks are addressed.

We have set out our priority recommendations based on this years' work, and would stress how important it is to keep listening to workers, day in, day out. Workers' experiences are affected by many variables including events in their home countries and globally, worker backgrounds and networks, the nature of their workplaces, and the UK economic environment to name just a few. The past four years this seasonal work scheme has been in operation, these variables alone have shifted hugely, and as a result problems faced by workers and priorities have changed dramatically too. For our part, the WSC will keep listening to, partnering with and supporting workers in seasonal agriculture in 2024 and beyond.

Glossary of terms and acronyms used in this report

AWET: The Agricultural Wages Enforcement Team are Scottish Government officials responsible for dealing with complaints and enforcement of the AWO.

AWO: The Agricultural Wages Order sets out rates of pay and terms and conditions for agricultural workers in Scotland.

Defra: UK Department for the Environment, Food and Rural Affairs, one of two UK Government departments with responsibility for the SWV scheme.

GLAA: Gangmasters and Labour Abuse Authority, a UK labour market enforcement authority with responsibility for enforcing license standards in food and farming sectors, designed to protect workers from poor treatment and exploitation.

Home Office: The second UK Government department with responsibility for the SWV scheme.

HSE: The Health and Safety Executive, an authority with responsibility across Great Britain to ensure workplace health and safety.

Labour provider: A UK-based recruitment company that recruits and provides workers to employers.

SAWB: The Scottish Agricultural Wages Board, a tripartite non-departmental public body comprised of 6 worker representatives nominated by trade union Unite the Union, 6 employer representatives nominated by the National Farmers Union Scotland and the Scottish Land and Estates, and 5 independent members appointed by Scottish Ministers. The board meets twice a year to update the AWO.

Scheme Operator: Labour provider who is licensed by the UK Home Office to sponsor applicants for Seasonal Worker visas.

SWV: The Seasonal Worker Visa, a restrictive short-term visa route that facilitates the recruitment of migrant workers into horticulture and poultry production jobs in the UK.

Transfer: The process of moving from one place of employment to another on the Seasonal Worker Visa, facilitated by Scheme Operators.

UKVI: UK Visas and Immigration, a division of the UK Home Office with responsibility for enforcing the terms of the SWV.



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