



MID-YEAR REPORT

January – July 2024



SUMMARY

The Worker Support Centre (WSC) provides support, advice and advocacy to isolated and marginalised workers, guided by our understanding that where people's employment rights and basic needs are met, labour exploitation can be prevented. This mid-year report of WSC's casework supporting seasonal agricultural workers between January and July 2024 includes data from 411 individuals, spanning 212 cases and 199 enquiries. We have highlighted four key safeguarding risks posed to workers on the UK Seasonal Worker visa in agriculture: dismissals and pay related pressure; poor housing; health and safety hazards; and inaccessible transfers away from poor employment. Drawing on data from our cases we have set out the specific issues faced by workers, the actions WSC has taken to tackle them and our recommendations to government for policy change.

This report has been compiled by the team at the WSC, who are experiencing their hardest season of work yet, with more daily contacts for assistance than at any other point in the history of our service. Please do [contribute to our work](#) if you can.

OUR WORK



The Worker Support Centre (WSC) engages, supports and empowers marginalised and isolated workers in labour sectors where there is a high risk of abuse and exploitation to secure and advance their workplace rights. WSC provides support, advice and advocacy to workers, ensuring their daily experiences directly inform policy change. We engage with workers to develop a worker-led programme of services and support, and to increase representation in work and policy spaces. To learn more about work, visit www.workersupportcentre.org.uk.

WSC works to prevent human trafficking for forced labour by acting to reduce the risks of exploitation for those we support. The prioritisation of our cases is closely connected to risks articulated in the ILO forced labour indicators,¹ including: abuse of vulnerability; restriction of movement; isolation; intimidation and threats; and abusive working and living conditions.²

In 2023 and 2024, WSC 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.³

¹. <https://www.ilo.org/publications/hard-see-harder-count-survey-guidelines-estimate-forced-labour-adults-and-0>

². For example see <https://labourexploitation.org/publications/assessment-of-the-risks-of-human-trafficking-for-forced-labour-on-the-uk-seasonal-workers-pilot/#:~:text=Drawing%20on%20primary%20data%20collected,deception%20about%20the%20nature%20of>

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

SEASONAL AGRICULTURAL WORK

In 2019, the UK Seasonal Worker Pilot (SWP) was introduced to tackle reported labour shortages in seasonal horticulture. This pilot led to the Seasonal Worker visa (SWV), valid for six months in horticulture (eg soft and tree fruit, vegetables, flowers) and 2.5 months in poultry. On this visa, workers are sponsored by a licensed Scheme Operator and employed by a farm. Workers on the SWV have no recourse to public funds and very low unionisation rates, meaning there is limited worker representation in workplaces and policy discourse.



METHODOLOGY

Between January and July 2024, WSC provided advice, support and information to 411 individuals with 212 cases and 199 enquiries. 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 staff, such as support with translation or completion of forms, mediation with farms or Scheme Operators, or escalation to enforcement authorities.

The data in this report 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. WSC provides the following person-centred support:

- Provision of information.
- Advice and assistance with escalation of issues to Scheme Operators.
- Advice and assistance with escalation of issues to enforcement bodies.
- Signposting.
- Anonymous reporting to enforcement bodies.

It is important to highlight that most often workers experience a number of issues rather than a single one. The data below is broken down by issue and the number of workers who have reported that specific issue.

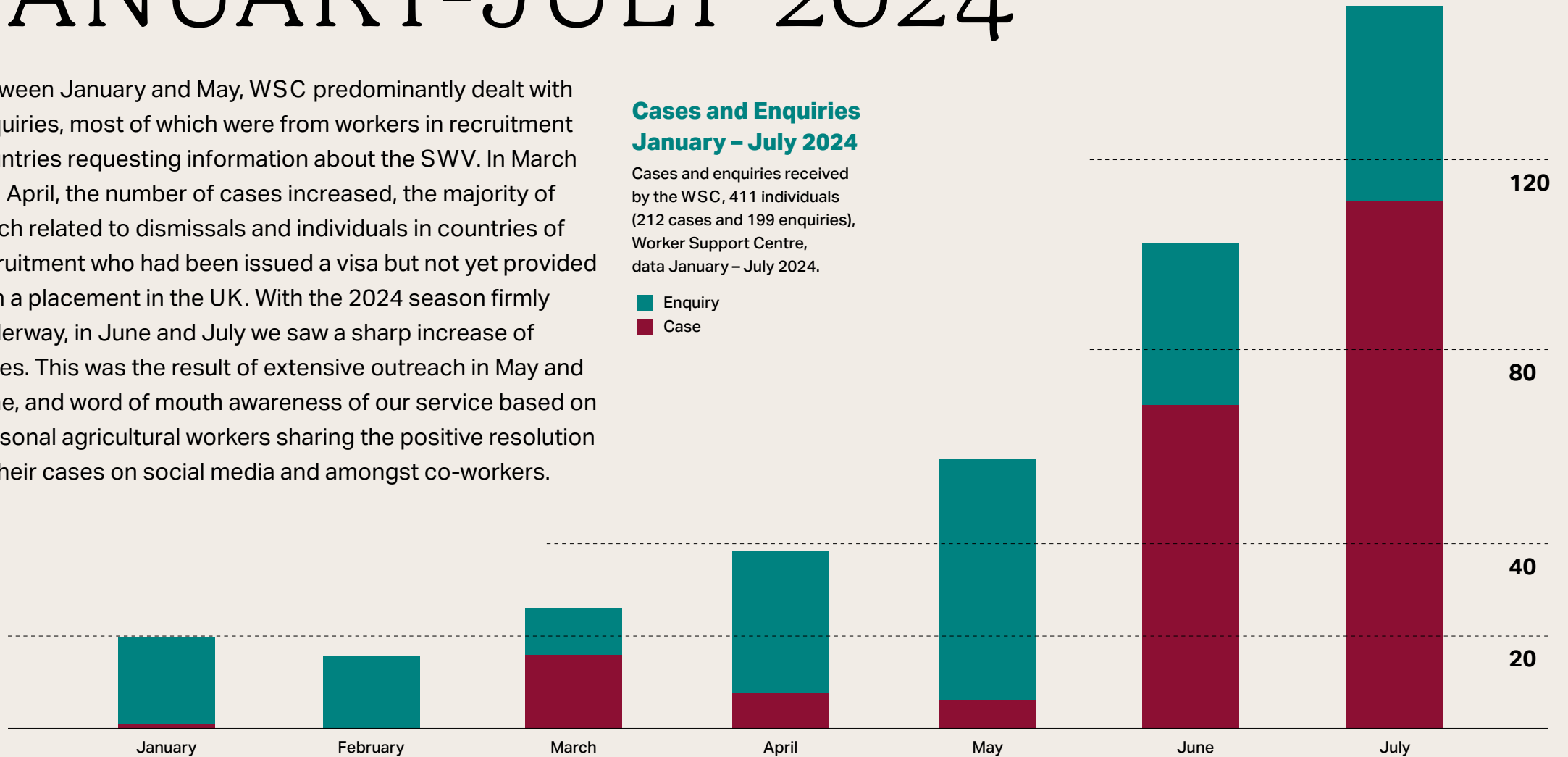
WSC DATA FROM JANUARY-JULY 2024

Between January and May, WSC predominantly dealt with enquiries, most of which were from workers in recruitment countries requesting information about the SWV. In March and April, the number of cases increased, the majority of which related to dismissals and individuals in countries of recruitment who had been issued a visa but not yet provided with a placement in the UK. With the 2024 season firmly underway, in June and July we saw a sharp increase of cases. This was the result of extensive outreach in May and June, and word of mouth awareness of our service based on seasonal agricultural workers sharing the positive resolution of their cases on social media and amongst co-workers.

Cases and Enquiries January – July 2024

Cases and enquiries received by the WSC, 411 individuals (212 cases and 199 enquiries), Worker Support Centre, data January – July 2024.

- Enquiry
- Case

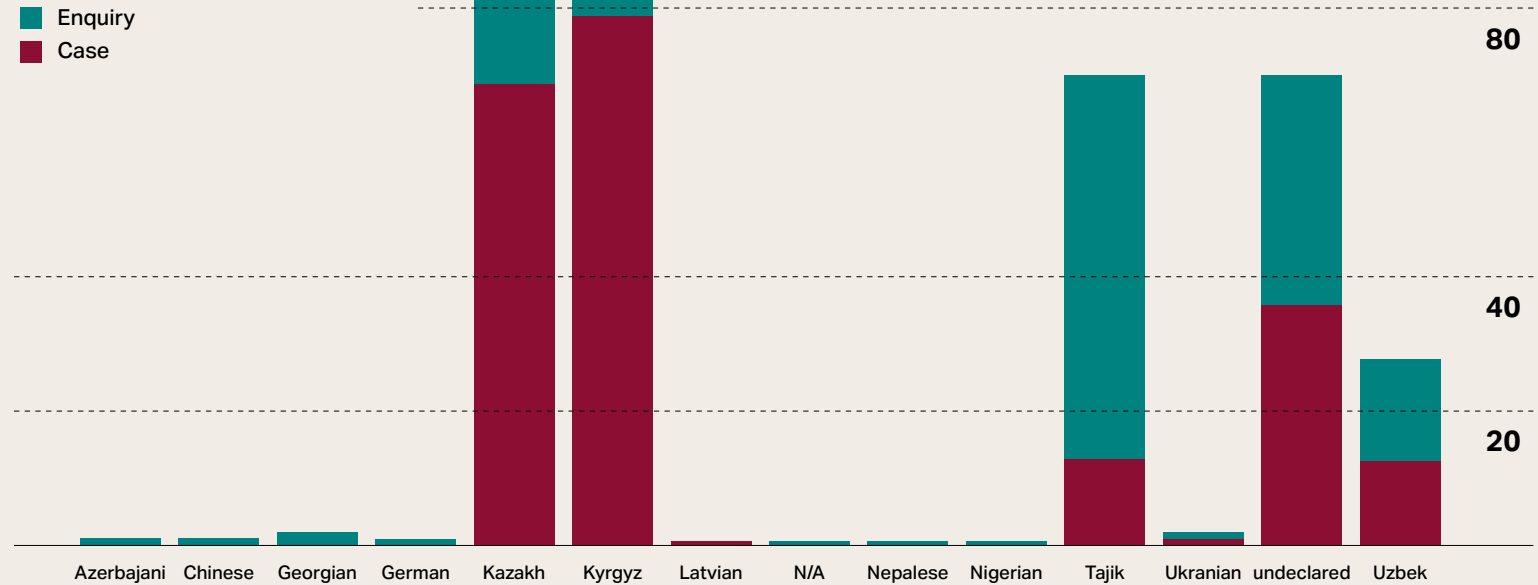


Where declared, the main nationalities of workers who contacted us are Kazakh, Kyrgyz, Tajik and Uzbek.

Where gender was declared, the majority of workers that contacted WSC were men.

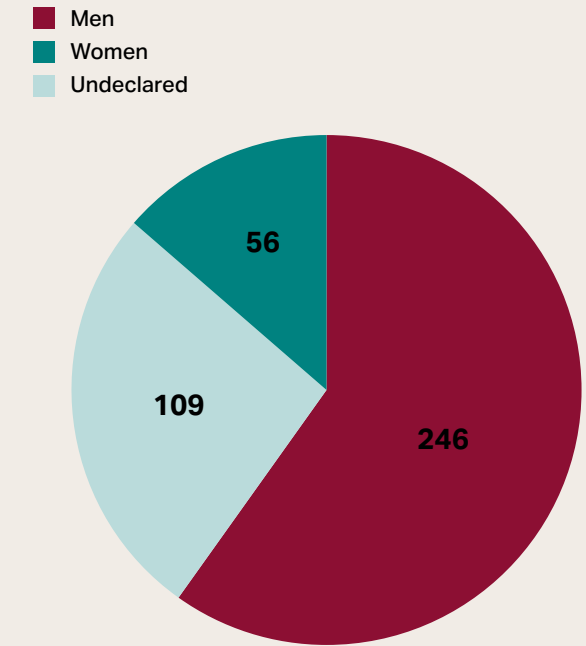
Nationalities assisted January – July 2024

Individuals assisted by nationality represented by cases and enquiries, Worker Support Centre, data January – July 2024.



Individuals assisted by gender January – July 2024

Individuals assisted by gender, Worker Support Centre, data January – July 2024.



WSC was contacted
by seasonal
agricultural workers
from 53 different
farms across the UK.



KEY ISSUES REPORTED TO WSC

The issues raised and to which WSC responded from January to July 2024 span a range of areas. While the full overview of issues will be provided in our annual report, below we highlight four of the most pressing and commonly reported issues at present, requiring urgent action to ensure workers' rights are upheld and risks of exploitation are reduced, namely:

- Dismissals and pay related issues;
- Accommodation;
- Health and Safety; and
- Transfers.

Dismissals and Pay-Related Issues

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. Between January and July 2024, 55 workers contacted the WSC in relation to dismissal-related issues, with 51 cases and 4 enquiries. WSC is concerned that the number of reports we have received on this issue has increased, and in June – July 2024 saw a near doubling of cases and enquiries (41) related to dismissal as compared to the same period in 2023, (22). Issues raised by workers predominantly relate to either being threatened with dismissal for not meeting productivity targets (12) or fearing dismissal due to active workplace threats (12). Worryingly, a high number of workers (12) were dismissed when a complaint was raised and others (the exact number cannot be disclosed to ensure workers' anonymity) for gross misconduct or were forced to resign.

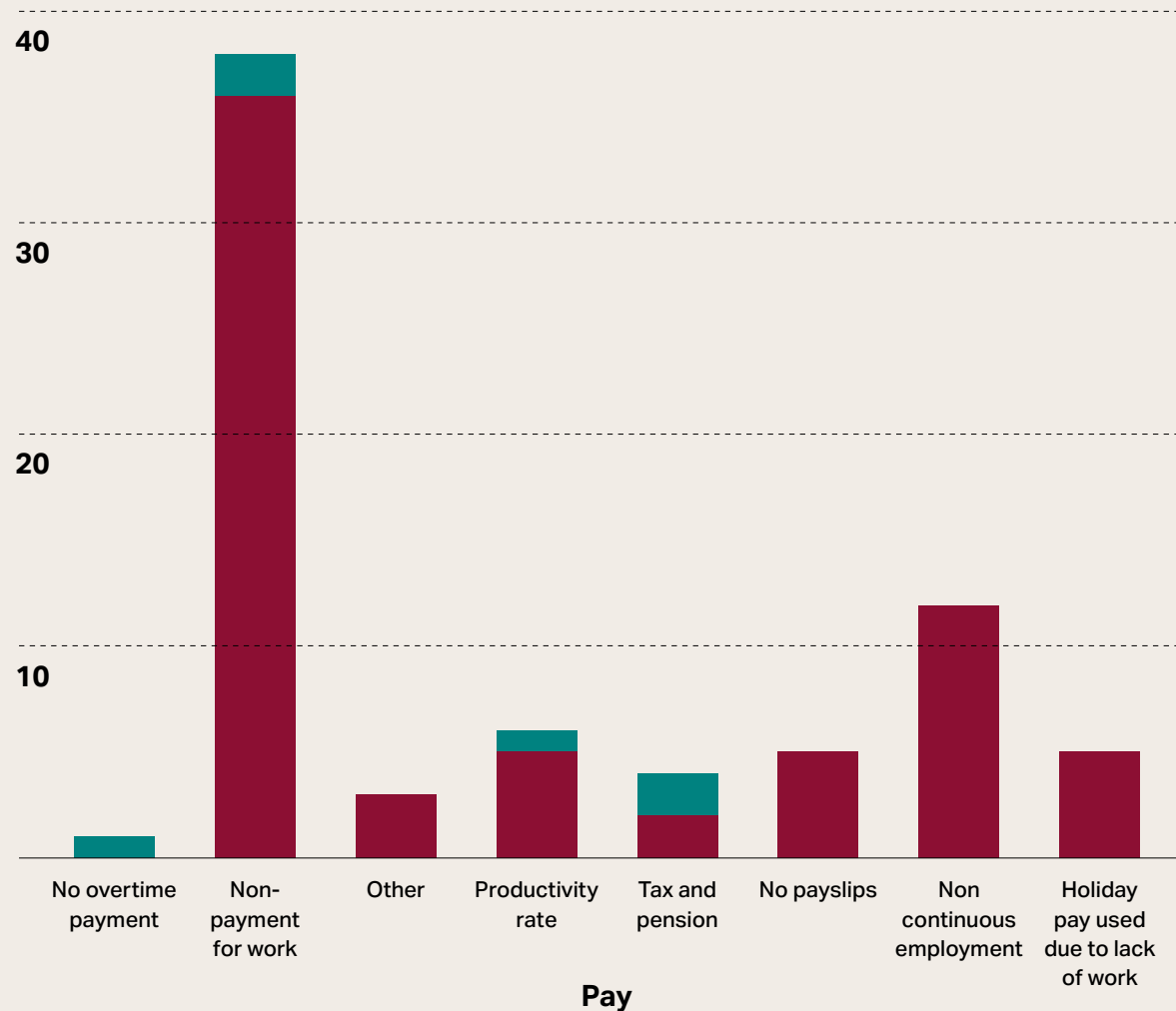
Six workers were dismissed for not meeting productivity targets. This connects to a larger, more concerning trend in relation to productivity targets. Similar to last year, large numbers of workers (60) raised concerns about high productivity targets. These workers were based on farms where we also received reports of poor treatment from supervisors, the use of unsafe equipment or lack of equipment, non-payment for working time (more information below) and, in some cases, poor living conditions.

All workers must be paid the National Minimum Wage (England) or Agricultural Minimum Wage (Scotland). However, workers frequently report to the WSC that they are paid in relation to what they pick and are penalised for not having picked enough. Penalisation includes being sent back to their caravan for not meeting targets and being issued warning letters, with successive warnings triggering a dismissal.

Pay issues reported January – July 2024

Pay issues reported by workers to Worker Support Centre, data January – July 2024.

■ Enquiry
■ Case



Productivity targets closely related to pay-related issues. Between January and July, 71 workers contacted the WSC with issues related to pay (65 cases and 6 enquiries). Of these, 44 related to workers being paid based on what they picked and not for the whole time spent at work. Many workers raised the issue of not being paid when travelling between fields, or having to wait for others to finish work before they could go back to their caravans, even if they were sent to their caravans for not meeting productivity targets. Generally speaking, WSC has found that workers' understanding of their pay is in relation to what they pick rather than the overall time spent at work. Payslips often include a breakdown of quantity picked and the quality of what they have picked (which is paid at different rates). Where other jobs were undertaken throughout the working day, these are calculated by the hour (for example, cleaning plants). In these cases, it is difficult to understand if time at work, outside picking, is paid (for example, to travel between fields or from the accommodation located on the farm to the fields, for team meetings, or toilet breaks).

Under the terms of the SWV, workers are guaranteed a minimum of 32 hours' pay for each week of their stay in the UK, regardless of whether work is available, yet in practice it is hard for workers to understand whether this is implemented, with cases reported to WSC suggesting this guidance is not being met. Workers have reported a lack of continuous employment, with some (10) providing evidence that they have not received 32 hours' pay per week for each week of their stay in the UK.

CASE STUDY

A worker's contract states that from week two of employment: "It is your responsibility to ensure you meet these targets every hour that you are working. You must be motivated from the minute you start work in the morning as it is difficult to make this up during the day. These targets will be checked at each break and anyone who has not met the target will be sent home and not offered work for the rest of that day." It continues: "If you continue to fail to reach the target we will use the disciplinary procedure, which may end with termination of work with [name of farm]."

No workers mentioned having been represented in dismissal processes, and a significant number of workers raised issues related to the dismissal process itself, including the lack of process, the lack of worker representation, and the use of first or second dismissal warning letters as a threat in order to increase worker productivity with limited training or measures taken to support the worker. Many workers who reported threats of dismissal on low productivity grounds felt this was unfair and that it kept them in a constant state of fear of losing their livelihoods. In cases where workers reported very high productivity targets (53 cases and 2 enquiries), workers also reported there not being enough fruit to pick. Most workers in this group were hoping to be able to transfer farms.

WSC is working with colleagues in the Seasonal Worker Interest Group to ensure workers on the SWV and all others on temporary visas are afforded basic individual rights from day one, which include basic rights of protection against unfair dismissal, in the forthcoming UK Government Employment Bill.

We also recommend that the UK and Scottish Governments: Commission research to inform a new UK-wide Fair Work Agency and the Scottish Agricultural Wages Board about how productivity rates are being used and what their practical impact is on workers, in order to provide direction to the regulation and enforcement of standards in the sector.

Accommodation

Workers contribute a considerable proportion (approximately 20% on average pay at maximum rates of accommodation costs) of their pay in accommodation deductions, with the cost of a caravan shared by six people reaching up to £1800 per month. However, it is unclear what workers' status is in relation to accommodation and therefore whose responsibility it is to ensure it is habitable and safe. WSC is unclear if seasonal agricultural workers are classified as tenants, occupiers or have no classification in law in relation to the housing for which they pay a high price relative to the local market. It is also unclear who holds statutory responsibility for inspecting accommodation.

Between January and July 2024, the WSC engaged with 81 workers on issues related to their housing, with 76 cases and 5 enquiries, across 16 different farms. As in the previous year, workers raised issues related to poor housing standards, including damp, black mould, cold and draughts, holes, broken and stained furniture, and extremely small rooms shared with one or two strangers, often on mattresses that are below standard single

sizes. Some workers have expressed the detrimental impact such conditions have on their physical and mental wellbeing.

In addition, on certain farms seasonal workers continue to be housed in uninsulated portacabins without internal sanitary facilities. WSC has been informed that such farms have passed Scheme Operators' audits, yet we question the suitability of such accommodation given workers have shared multiple issues connected to portacabin housing, including severe cold and damp, and long queues to access shared toilets, showers and facilities.

Whilst the WSC has supported workers to raise housing issues with farms and Labour Providers, there is limited scope for redress through this route. Findings from WSC's review of accommodation regulation and legislation indicates a general absence of regulation of temporary caravans on agricultural land for accommodating seasonal workers.

WSC will continue to work with the UK and Scottish Governments to seek:

- New housing standards for temporary caravans on agricultural land that address the exemption of seasonal worker housing from regulation.
- Labour market enforcement authority inspection and enforcement of such standards.
- The clarification of workers' status in law with respect to their housing, and for their rights to be asserted so that they may uphold them in cases of malpractice.



Health and Safety

Issues related to Health and Safety were raised by 33 individuals, in 31 cases and 2 enquiries. The most common issue raised was the type of equipment used on farms, which caused, in some cases, injuries. Lack of equipment for all workers to carry out their work and lack of sanitary facilities on the fields were also raised by workers who felt they could not meet basic health and safety standards due to the lack of provisions. Four individuals required access to healthcare and were informed of their rights accordingly.

WSC has reported these matters to the Health and Safety Executive (HSE).

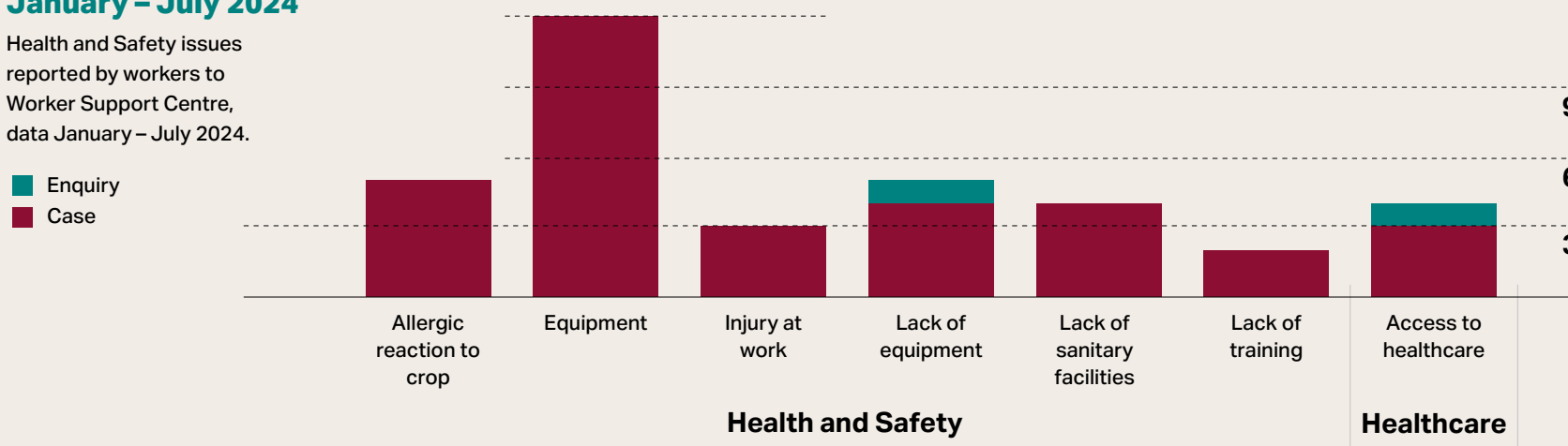
However, WSC is concerned about reports shared by the BBC in July that the HSE is no longer conducting routine safety inspections on farms.⁴ We would like to see this decision reversed given the extreme isolation of many of those with whom we work.

WSC has been working to build awareness amongst healthcare providers of the rights of workers on the SWV to register with a GP and access healthcare, and has started distributing Scottish Government-provided **access to healthcare cards** to workers.

⁴ BBC, 21 July 2024, Countryfile: Chew Valley. Available at <https://www.bbc.co.uk/iplayer/episode/m0021d0b/countryfile-chew-valley>

Health and Safety issues January – July 2024

Health and Safety issues reported by workers to Worker Support Centre, data January – July 2024.



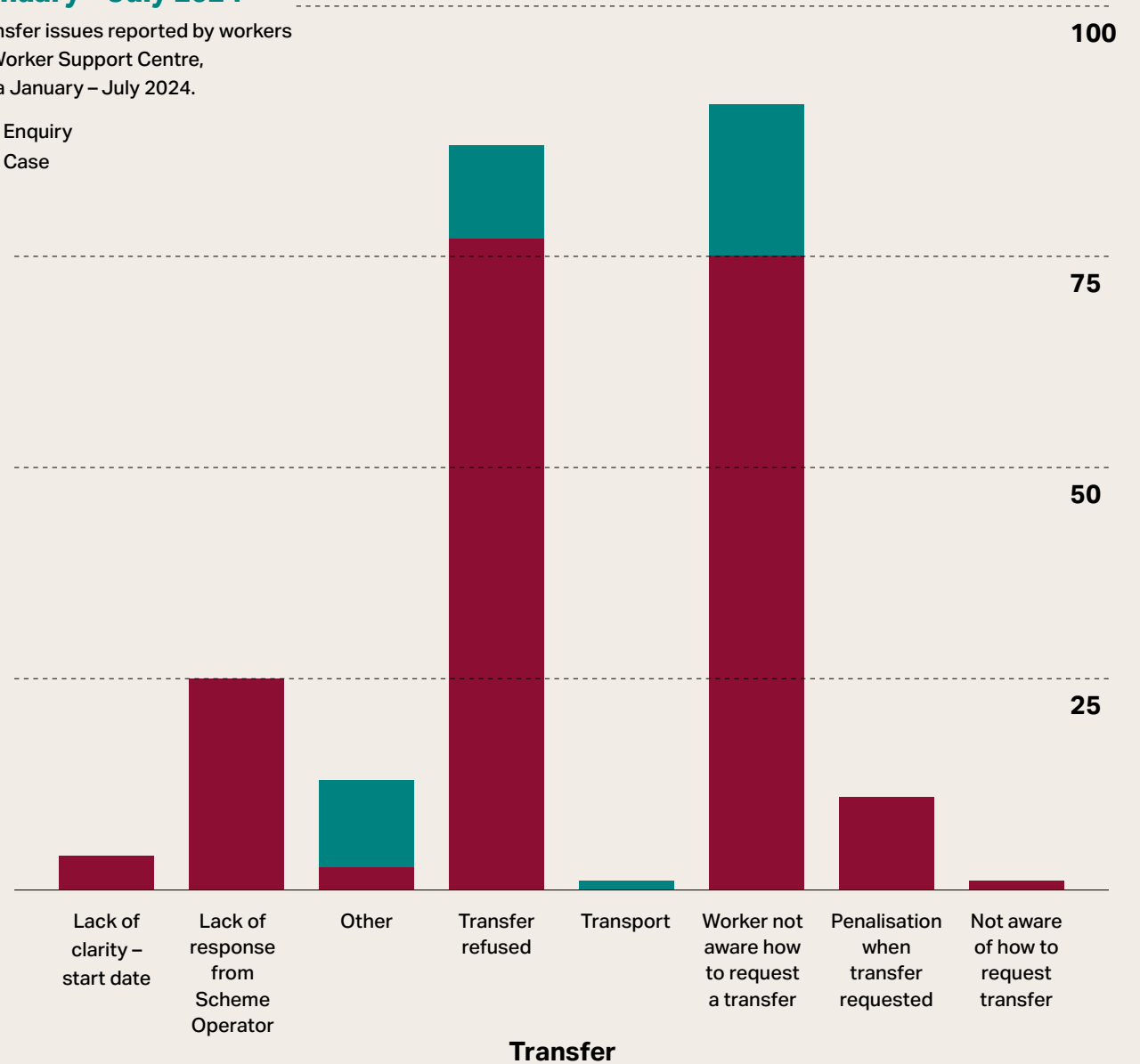
Transfers

201 workers contacted the WSC between January and July in relation to transfers (170 cases and 31 enquiries). The main reasons for transfers are the key issues reported above. Workers reported either not being aware of how to request a transfer or not having had a response from their Scheme Operator. However, more worryingly, 88 workers claimed to have had their transfer request refused by their Scheme Operator and turned to WSC for support and advice on next steps. Reasons given by Scheme Operators for refusal have normally related to the lack of alternative employment at that time or a disbelief in the reasons given by workers for seeking a transfer. WSC offers support to workers to ask their Scheme Operator to prioritise a transfer when welfare issues persist, such as unsuitable living conditions, health and safety-related matters, pay-related issues, threats of dismissals or poor treatment of workers on the farm.

Transfer issues January – July 2024

Transfer issues reported by workers to Worker Support Centre, data January – July 2024.

■ Enquiry
■ Case



WSC is increasingly concerned that the current transfer system limits workers' ability to change employer, terminate their labour contract and freely move to another place of employment.

WSC has contacted all Labour Providers to ask for there to be further clarity around transfer systems and processes for considering requests. Some Labour Providers have developed tools to assist workers to navigate the transfer system. For example, Hops has developed a [video](#) guiding workers through the transfer request process.

WSC recommends, along with members of the [Seasonal Worker Interest Group](#), that the UK Government should establish an independent, centrally managed transfer pathway for workers, separate to the visa sponsor or the employer, to receive representations and make decisions on transfer requests.



ACTIONS AND OUTCOMES

Most of our work has focused on providing information to workers and providing advice and assistance to escalate issues to Scheme Operators. Information provision was mainly related to explaining to workers how to request a transfer through their Scheme Operator - something we have tried to reduce by asking Scheme Operators to clarify or provide guidance of transfer processes. In addition, WSC supported workers experiencing issues to explore their options and make an informed decision about next steps based on the information provided. Options include mediation with farms, which workers usually decline, or escalation of the issues experienced to Scheme Operators. Usually, workers agree to us sharing some or all of the issues they experience with Scheme Operators in the hope of receiving a transfer. We have also informed workers of their right to escalate issues to the Agricultural Wages Enforcement Team, HMRC, the Gangmasters and Labour Abuse Authority (GLAA) and Health and

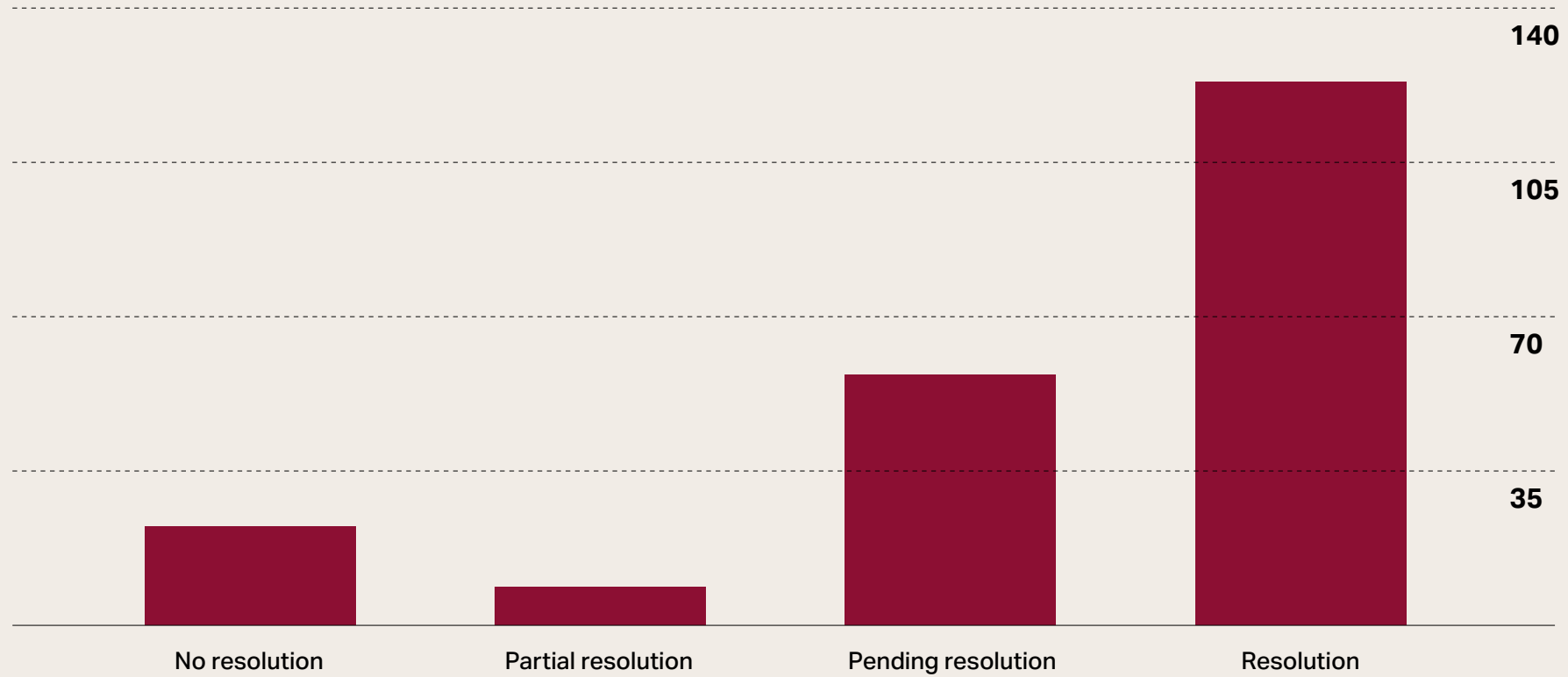
Safety Executive. We are also exploring safe routes to escalate cases with UKVI. However, the vast majority of workers fear reporting the issues they face in the workplace due to the threats made towards them of repercussions, concerns about potential dismissal, of an early end to their time in the UK, or of not being invited to return in subsequent years. For these reasons, only one worker has been willing to escalate their issue to the relevant enforcement body. Nonetheless, WSC reports anonymised information to enforcement bodies to inform their inspections.

WSC's interventions have predominantly achieved positive results for workers, who have seen a resolution of their case. A large number of cases are still pending and 23 have had a negative outcome. In some of these cases workers were dismissed and have either become undocumented or have left the UK prior to their visa ending.

Outcome of all cases January – July 2024

Outcome of issues reported
by workers to Worker Support Centre,
data January – July 2024.

■ Case





CONCLUSION

In July the UK elected a new government that has made promises to reform labour market enforcement and introduce new rights for workers. WSC will work for the experiences and voices of the most marginalised and isolated people in our labour market to be included in such reforms. This report represents a small snapshot into the lives of seasonal agricultural workers, whose experiences, priorities and concerns should be sought and heard in order to achieve a system that delivers for all working people.