

CONFERENCE
OUTCOME REPORT
Autumn 2024



Introduction

Meeting on safeguarding workers on tied and temporary migration programmes with current workers on the UK Seasonal Worker visa and the United Nations Special Rapporteur on Contemporary Forms of Slavery (UNSR CFS).

In Autumn 2024 the Worker Support Centre held a meeting in partnership with seasonal agricultural workers and the United Nations Special Rapporteur on Contemporary Forms of Slavery to consider how to safeguard workers on tied and temporary migration programmes.





What does the WSC do?

The Worker Support Centre (WSC) promotes decent work and prevents exploitation. We engage and support marginalised and isolated workers in labour sectors where there is a high risk of abuse and exploitation in Scotland. We work in partnership with workers to build power to secure and advance workplace rights; preventing human trafficking for forced labour by acting to reduce the risks of worker exploitation. The prioritisation of our cases is closely connected to risks articulated in the ILO forced labour indicators, including: abuse of vulnerability; restriction of movement; isolation; intimidation and threats; and abusive working and living conditions. WSC support includes advice, mediation, advocacy and assisted reporting to enforcement agencies. Both this direct support and worker power work inform our policy change activity to address harms faced by those in high-risk work. In 2023 and 2024, WSC activities were targeted at workers in seasonal agriculture on the UK Seasonal Worker visa (SWV) when we provided advice, information and support to over 1000 people. To learn more about our work, visit www.workersupportcentre.org.uk

What is the UK Seasonal Worker visa?

Workers on the SWV are sponsored by a licensed Scheme Operator and employed by a farm, the visa is valid for six months in horticulture and 2.5 months in poultry. Workers on the SWV have no recourse to public funds and very low unionisation rates, meaning there is limited worker representation. Almost all workers live in tied accommodation in rurally isolated locations and have limited connection to external support and services. Seasonal agriculture is one of three UK labour sectors characterised by a high risk of modern slavery and labour exploitation by the UK Director of Labour Market Enforcement.¹

¹. DLME 2024 Labour Market Enforcement Strategy 2023-24

Why did we hold this meeting?

During 2024, through WSC's 'Worker Power' project, we conducted 5 participatory workshops with 58 seasonal agricultural workers to document experiences, positive and negative, individual and collective, and priorities for change. This meeting is one of many in which WSC has supported workers to connect their priorities and experiences to decisions made about their lives, authoring their own stories, and creating their own spaces for power.

What happened at this meeting?

This meeting took place in Glasgow in Autumn 2024, convening 60 attendees and **for the first time in the UK bringing current workers on the UK Seasonal Worker visa together with people with power to influence their lives.** Due to the risks workers felt were associated with their attendance at this meeting and engagement in these discussions, and to create a trusted environment where people felt comfortable expressing their views, this meeting was held under the Chatham House Rule, ensuring speaker identities remain anonymous. Meeting support was provided to workers in advance, simultaneous interpretation was provided throughout.

We heard keynote speeches from a current worker on the SWV, the Scottish Government Minister for Equalities, Kaukab Stewart and the UNSR CFS followed by four main discussions:

1. Experiences of the UK SWV and priorities for change;
2. Representation of workers on temporary migration programmes;
3. Tied-worker accommodation standards and enforcement; and
4. Access to justice for workers on temporary migration programmes.

All discussions featured workers along with contributions according to theme from government officials, academics, lawyers and representatives from trade unions, NGOs and national human rights institutions.



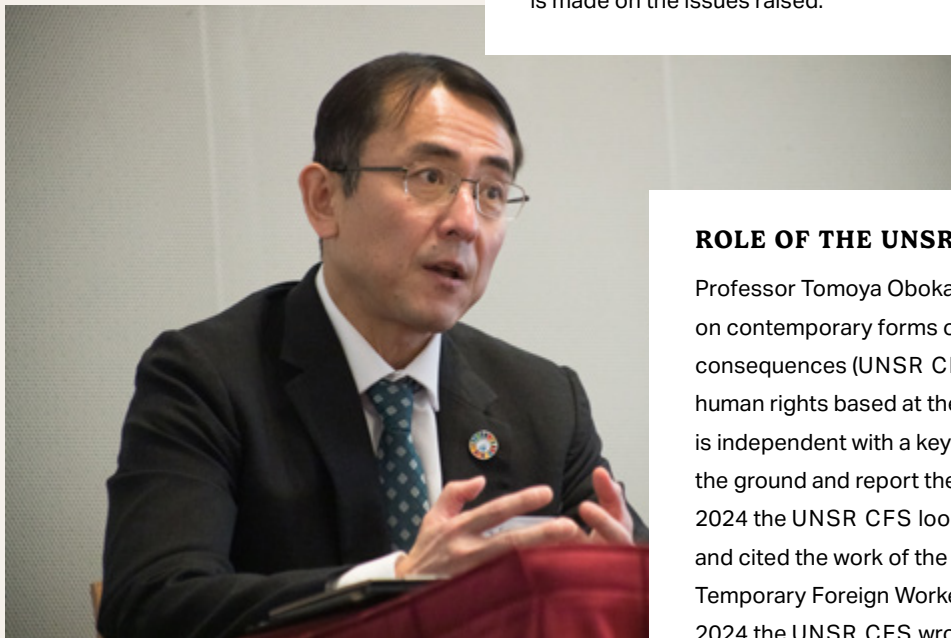
ROLE OF WORKERS IN THE EVENT

Workers took time away from their agricultural work to join this day to share their experiences with those present. They felt that whilst issues are reported in the media they wanted to share individual and collective experiences in person. Workers wanted to recognise colleagues that had been too fearful of consequences to join the event, and wanted to raise issues on behalf of those that could not be there. Above all workers share a sense of hope that change is made on the issues raised.



ROLE OF THE SCOTTISH GOVERNMENT IN THE EVENT

A Scottish Government Minister and officials joined the event. The Scottish Government adopts a human rights based approach to migration that incorporates fair work principles. They believe that people with lived experience should be at the table in discussions to create improvements in policy. Whilst immigration is a reserved policy issue, the Scottish Government can apply pressure to the Home Office for improvements, and make changes in devolved areas including housing. The Scottish Government is currently looking at housing and will seek to address issues faced by workers with respect to **poor accommodation**.



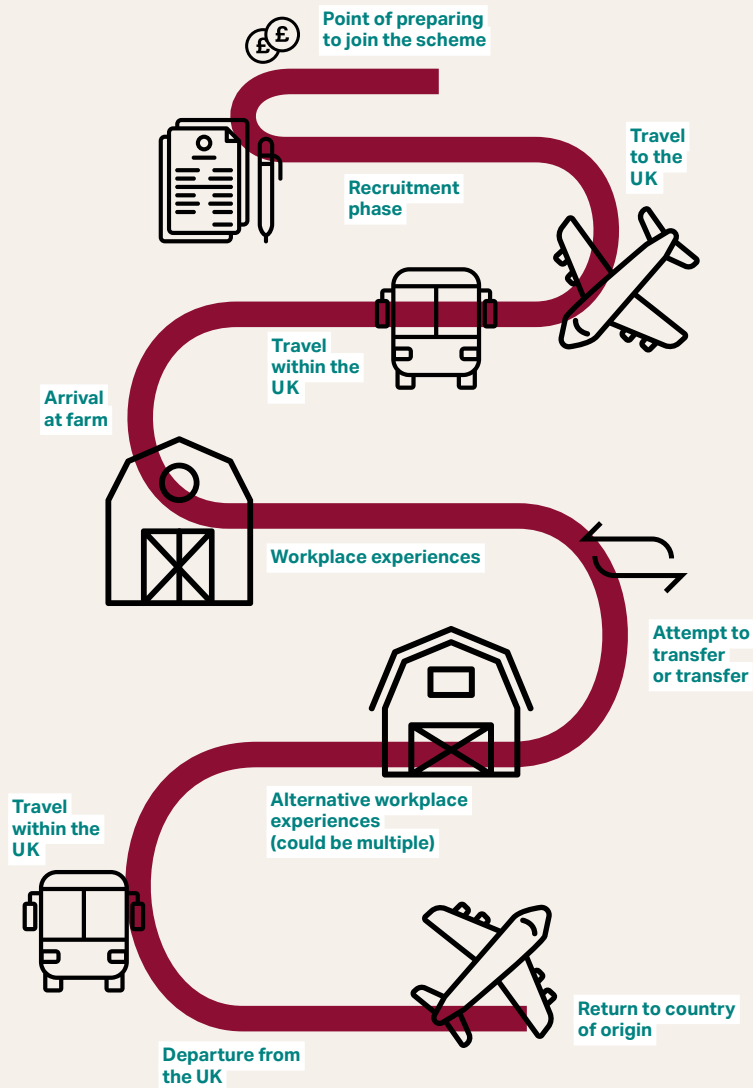
ROLE OF THE UNSR CFS IN THE EVENT

Professor Tomoya Obokata, United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences (UNSR CFS) is a scholar of international law and human rights based at the University of York. The UNSR CFS is independent with a key role to fact find about experiences on the ground and report them to the UN Human Rights Council. In 2024 the UNSR CFS looked at the role of worker organisations and cited the work of the WSC. He has also looked at the Temporary Foreign Worker Program in Canada. In February 2024 the UNSR CFS wrote to the UK government raising serious concerns about the UK SWV.

“People are happy to work for money but they need to be treated like humans.”

What did we learn?

1. SWV worker experiences



Preparation and Recruitment

Workers report high fees from agencies and debts with recruitment costs ranging from £1000 – £2300. One contribution to mounting debts is the annual recurring payment for the visa.

Travel within the UK

Workers report high fees for travel within the UK, sometimes exceptionally high when taxis are the only option because there is no public transport.

Workplace experiences

- The work is **hard**, intense, physical work outdoors carrying heavy loads in what are often difficult environmental conditions.
- Where there is a full six months work properly remunerated then it makes a significant and positive contribution to workers' **economic outcomes**.
- If **contracts** are not provided in hard copy in workers' native languages then terms and conditions can be very hard to understand.
- There is common fear of raising **complaints**, with workers fearing being considered troublemakers and being prevented from working in the UK again. Some workers that have raised concerns or complaints have not been invited back again.
- Some workers are **isolated** and travel far to get food, particularly if they have halal or other dietary requirements, and feel segregated from the general population.

- There can be very **poor treatment** by supervisors and limited support for workers to do the job well.
- Some workers report **not being paid** for all the hours they work, instead being paid solely for the time they are picking or packing crop. Some workers report up to five hours daily unaccounted for, amounting to large sums of unpaid work.
- Some workers incur **wounds** from using poor equipment, and navigating a hazardous workplace, including mud, holes or ditches.
- Some workers become **desperate** because of very poor workplace conditions and are faced with a choice whether to stay or leave the farm and become undocumented. At this point they need urgent support from WSC.

Departure and Length of Work

Many contracts were reportedly cut short or curtailed because of poor harvest, workers time in the UK was reportedly cut short and contracts curtailed because of poor harvest. Workers plan for the income on the scheme, and therefore if they do not receive many weeks work, many face serious risks.

Dismissals

Workers feel disposable in some cases, and if they cause problems or do not meet expectations report being dismissed.



“We repeatedly raised issues on our farm but no action was taken so we had to transfer to another place.”

What is the problem?

Seasonal agricultural work is hard and made all the harder if workers are not treated with fairness and respect, if they don't have access to representation and if they feel disposable. The SWV places significant power in the hands of the employer and labour provider with many workers terrified about losing their job or not being able to return.

“It was completely a slave-master relationship and I wasn't happy with it at all.”

What are the priorities for action?

For the UK Government

- to ensure workers are covered by dismissal rights.

For UK and Scottish Governments

- to ensure labour standards are enforced on farms, including pay – recognising the use of pay associated with productivity targets – and ensuring sufficient training and supervision of workers.

For the UK Government

- to review the SWV to address the risks and power imbalance and to make it easier for workers to stay longer and settle in the UK.



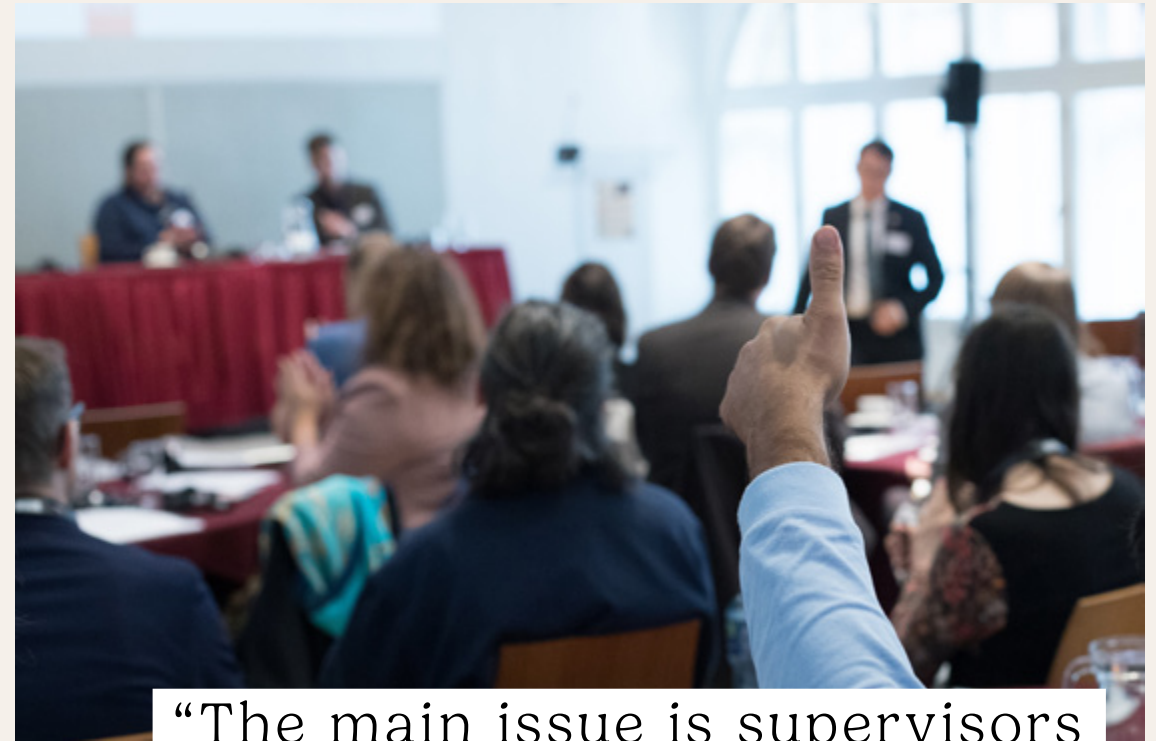
What did we learn?

2. Worker Representation

Speakers shared that worker representation is important to ensure workers are supported to tell their side of the story and to re-balance workplace power.

Discussions focussed on the current absence of seasonal agricultural worker representation and the barriers that exist including the length of visa, industry hostility, geographical and social isolation.

Examples of efforts to overcome barriers to representation from Scotland and international contexts include trust building, worker language led engagement, outreach in places workers go and trust including in fields and workplaces, connection to services, providing essential items needed by workers, listening to workers' stories in their own words and creating alternative trade union models that better suit temporary migrant workers.



“The main issue is supervisors and line managers, especially when the worker is blamed for an issue. This is the worst situation as the worker cannot prove their innocence and this is their main concern.”

What is the problem?

Seasonal agricultural workers do not have independent worker representation through trade unions. Whilst WSC is bridging this gap, workers often feel alone in workplaces where they are unable to have their side of the story heard.

What are the priorities for action?

For UK and Scottish Governments

- to ensure independent worker representation is a criteria for subsidies to the sector.

For trade unions

- to consider alternative membership models for temporary migrant workers engaging with workers themselves in the design of such models.

For the WSC

- to engage further with the agricultural industry and to demonstrate the significance of our work in preventing exploitation

“An internal investigation should take place involving the trade union to discuss what will be done about any issue.”



3. Tied worker accommodation

Speakers shared experiences of very poor accommodation and the impact of this on workers' physical and mental health, as well as the legal and practical barriers to achieving improvements to tied housing.

Discussions considered the rising costs of accommodation, reaching over £300 per month per worker paid by 4-6 workers per unit, which is a much higher rate than the local market. High charges for heating and additional costs for bedding or kitchen utensils and charges for alleged breakages put further financial pressure on workers. Despite these charges, some workers feel the accommodation is very poor quality, cramped and cold, with many holes in the caravan, and broken furniture. Shared facilities also have an impact on workers' sense of security and mental health, with long queues for communal facilities and a lack of privacy.

Workers are often isolated on farms, living and working in fields, away from bus stops, train stations, shops, or other facilities, without the possibility of integrating into local communities. Given workers often work and live in fields

in cold, damp conditions this is particularly difficult as it provides no respite from the harshness of life.

Worker's status with respect to their accommodation is currently not clear in law and so tenancy rights are not understood nor enforceable. There are a range of possible legal avenues that could be explored for better enforcement: Houses of Multiple Occupancy licensing, by-laws established in the Housing (Scotland) Act 1987, inspecting nuisances under the Environmental Protection Act 1990, or by establishing licensing of caravan sites under the Caravan Sites and Control of Development Act 1960.

“Every year when we come to the UK, we see that the tenancy costs are rising and we have to pay more for the caravan, in the first year £59 and now £70”

What is the problem?

Poor housing standards can have a huge impact on worker physical and mental health. There is no clarity around workers' status with respect to tied accommodation, no accommodation standards nor state enforcement.

What are the priorities for action?

For UK and Scottish Governments

- to develop understanding of workers' status with respect to tied accommodation, establish standards and task an authority with enforcement.

For the WSC and workers

- to promote better standards of accommodation and to share best practice.

“My suggestion would be to pay attention to the accommodation so that people feel comfortable and are treated as humans – so that we don't feel ourselves being treated as slaves”



What did we learn?

4. Access to justice for workers on temporary migration programmes

Speakers shared the injustices workers face including non-payment for working time and unaddressed injuries.

Discussions focussed on the barriers to access to justice, including the lack of understanding of legal rights, lack of native language services and information, short-term nature of the visa, difficulties accessing the legal aid system and the insecurity of workers' status.

Solutions presented include state enforcement which was described as being preferable than relying on individual clients to raise cases in court given the barriers. State enforcement was cited as positive where it has a proactive inspection role to identify issues and where the authority itself can pursue remedies on behalf of workers through the employment tribunal.

“There were many rabbit holes in the polytunnels, many workers had accidents and nothing was done.”



What is the problem?

Workers face a range of workplace injustices and significant practical barriers to access to justice.

What are the priorities for action?

For UK Government

- to ensure that legal aid is accessible for all vulnerable workers.

For UK Government

- to facilitate a direct connection between the new Fair Work Agency and the pursuit of employment tribunal cases on behalf of workers, or another mechanism such as compensation orders to ensure it facilitates access to remedies for workers.



“At the farm, the counting is different, when you arrive at the field, work hours begin only when the actual work is begun, and time in between counts as a break, meaning you need to spend 10-13 hours at work to achieve 8 hours of pay.”



OUR FINAL THOUGHTS...

WSC is proud of all those we've worked with this year to build worker power. This meeting was one step on a journey towards a better understanding of seasonal agricultural workers' stories. As we move into 2025 and hopefully see many workers again and welcome others, we will build on this work, seeking spaces for change that are created by workers, and supporting workers to author their own stories.

WSC is grateful to students from the University of Glasgow School of Law that assisted with this event: Beth Page, Eva Jackson, Marc Allan Campbell and Neil Foster.

This event was supported by

