



Horticultural Sector Committee

Corrected oral evidence: The horticultural sector

Thursday 11 May 2023

10.30 am

Watch the meeting

Members present: Lord Redesdale (The Chair); The Earl of Arran; Baroness Buscombe; Lord Carter of Coles; Lord Colgrain; Lord Curry of Kirkharle; Baroness Fookes; Baroness Jones of Whitchurch; Lord Sahota; Baroness Walmsley; Lord Watson of Wyre Forest; Baroness Willis of Summertown.

Evidence Session No. 9

Heard in Public

Questions 100 – 112

Witnesses

[I](#): Caroline Robinson, Human Rights Consultant; Adis Sehic, Policy and Research Officer, Work Rights Centre; Kate Roberts, Head of Policy, Focus on Labour Exploitation (FLEX).

Examination of Witnesses

Caroline Robinson, Adis Sehic and Kate Roberts.

Q100 **The Chair:** Good morning and thank you very much for coming. Welcome to the committee. I would like to kick off by asking you to introduce yourselves and your organisations, and to say how reliant the UK horticultural sector is on seasonal workers.

Kate Roberts: I am head of policy for an organisation called Focus on Labour Exploitation, or FLEX. We are an anti-trafficking organisation, but we very much recognise that exploitation takes place on a continuum or a spectrum. Our work is to identify structures that create risks of exploitation and to look to address those early on before exploitation reaches the situation where it equates to trafficking.

Certainly from our perspective, we do not have a clear picture of the UK horticultural sector's reliance on seasonal workers. We hear a lot about labour shortages and the difficulties with recruiting workers. On the other hand, certainly in the autumn of last year, there were a lot of reports from workers that they had been left without work after only a short period in the UK.

We know that they are seasonal visas, but they are issued all year round. Last year, there was a quota of 38,000 visas available, with an additional 2,000 for poultry, and fewer than 35,000 were issued. The entire quota of visas was not used and there were reports of workers being left without work. It is a mixed picture. The industry is very clear that there is a high reliance, but there are questions around work always being available for workers who are arriving on the visa.

Adis Sehic: Good morning. I am a policy and research officer at the Work Rights Centre. We are a small charity based in north-west London. We focus on employment justice and on improving social mobility, predominantly for migrant communities in the UK but also for disadvantaged Britons.

I would build on what Kate has said by saying that we have had some estimates and figures from various sources. In September, Lord Benyon estimated that the figure of seasonal workers required to bring in the harvest in the UK was between 50,000 and 60,000. I am aware that the National Farmers' Union places that figure at 70,000. As Kate says, the precise figure of what the UK needs is unclear to us at the moment. My organisation has heard from plenty of clients who have had their employment terminated half way, or even earlier, during the period of their visa.

It is not clear to us nationally what that precise figure is or would be. The scheme has grown exponentially since 2019. The figure this year could reach 57,000, which is growth of over 2,000% in a period of four years. The main takeaway is that it is unclear to us right now.

Caroline Robinson: Good morning. I am an independent expert on labour exploitation. I do research in this area. I also established an

organisation called the Worker Support Centre in Scotland, which has an outreach and support role for workers on the seasonal worker visa in horticulture. We are supported by the Scottish Government to do that work. We engaged with workers last season and will do so this year to support and provide advice and information to those on the seasonal worker visa. I have also recently done research for the Scottish Government on safeguarding workers on temporary migration programmes.

Colleagues have answered the question about the reliance on seasonal workers. In terms of the numbers, we also saw last year that workers' contracts were being terminated before the end of their visa, so they were being left without work and had to return home more quickly than they had anticipated, which was concerning. It presents a risk to workers, because, as we know, many of them take out quite large debts to come to the UK.

Workers' contracts being terminated has also meant that it is hard to understand the picture of demand for workers. As we do not have information from the Home Office about the hours and the months that workers work on each of the visas, it is hard for support organisations to understand the level of need for support for workers who are in that situation.

So, yes, I would underline what colleagues have said about the level of need, but also about the picture that we are seeing on the ground of workers being left without work.

Q101 Lord Carter of Coles: Good morning. Adis, on the pressures the UK has faced in recruiting an adequate supply of labour in recent years—obviously we have had a changing pattern of supply since the war—will we always be able to get enough? It is hard to know from earlier comments that we do not quite know what we need anyway, because we cannot know peak to trough with the seasonal worker labour force, but we have had to move further and further to recruit.

Adis Sehic: There are a few headline factors that have certainly affected the supply of seasonal workers in the UK, which have been discussed at previous sessions. They include the end of free movement, and the returnee rate of EU nationals doing this type of work has certainly waned. The war in Ukraine has undoubtedly had an incredible impact on the composition of workers who apply and are working under the scheme.

In 2021, seasonal workers from Ukraine, Russia, Bulgaria and Belarus made up over 80% of the seasonal workers under the scheme, and that has changed dramatically. I am sure the committee will also be aware of pressures with domestic recruitment. The EFRA Committee has commented previously on the efficacy of the Pick for Britain campaign.

On the future supply, I agree that the trend has been to move further and further away in terms of source countries. We might address these points later in the session, but the concern for us is that if certain aspects regarding worker welfare, standards of accommodation and how the

scheme is generally run are not addressed in the long term, there will be issues with how workers from different countries view the scheme and what their alternatives are internationally. That is a real concern for this area, but, as you pointed out, it is quite hard to speculate and come to a black and white answer to this question.

Q102 **Lord Sahota:** Kate, how effective is the Government's approach or policy to recruiting seasonal workers for the UK horticultural sector?

Kate Roberts: As I said, the full quota was not reached last year, but it does seem that workers currently are willing to travel to the UK. I would agree with the qualifications that Adis just made.

On the longer-term effectiveness, we need to think about how effective the current approach is to recruiting workers to the UK in a way that we are ethically happy with, because it requires workers to take quite a high risk. As has already been said, we are recruiting from fairly far afield. Workers, as others have said, are borrowing quite large amounts of money just to pay the costs. On 1 April, there was an announcement that workers would be guaranteed 32 paid hours of work a week, which can be averaged, as we understand it, over a pay period, but there is no guarantee of that work for any particular duration. Basically, we are asking workers to carry quite a lot of financial risk to travel here without any certainty about their earnings in the UK.

Our research has found that there is also quite a lot of confusion among workers about what the costs in the UK will be once they get here, so we may begin to see a problem in future years, with wariness about the scheme, unless we can address some of those risks. At the moment, there is a problem with the sustainability of the scheme, because it creates real risks for those workers if they end up indebted and return to their countries having borrowed large amounts of money that they cannot repay. We need to think quite carefully about how we can offer workers a safe and fair route to come here, and options in the UK, without undercutting the domestic workforce or creating two tiers of workers.

Lord Sahota: The issue is always the agents in the home countries to whom workers have to pay high fees in order to get their work permits for six months or whatever it is. They end up paying that fee for the rest of their lives. I was in India a couple of months ago, where they were saying that the agents were charging £25,000 just to get it. On top of that, there are the tickets, you have to live and feed yourself, and so on. There is a big issue there for the Government too.

Kate Roberts: I agree that that is a significant issue. It is really not okay for us to be setting up a system that would allow or create a risk of that type of exploitation. I am sure we will explore that in more detail. There are massive risks for those workers, as you say, but that also creates a risk for the industry and its ability to recruit.

Q103 **Lord Colgrain:** Just following up on that point, clearly you are right in saying that it is unfair and unreasonable for workers to have these financial liabilities. They should not come here on the basis of six months'

work and only get three months, by way of example. At the same time, if a producer is growing a vegetable crop that is susceptible to the weather, and the weather is so bad that the crop is not there to be picked, or the volume is so small that he or she need only half of the working hours that they were anticipating, they should not be taking the risk either. This is a really difficult circle to square. Do you have any suggestions on that point?

Kate Roberts: I do not think there is a silver bullet. We have, as you say, a sector where there is uncertainty about the levels of work. There is a need for labour, but the work is not reliable. There are several factors coming together to create this risk. Short-term visas have risks of their own, which increase if the workers are being recruited from further afield and having to pay higher costs.

There is no simple solution, but you could look at a combination of things. Who pays the migration costs, where is money being made in industry and are there ways of spreading those costs? Are there ways of ensuring that there is enough flexibility in the scheme that workers can go to where there is work? If workers are experienced and there is ongoing work, are there options to extend the visa beyond six months, thereby reducing the relative migration costs?

We need to take a long, hard look at how the scheme is working for everyone and how it can be adapted. We are concerned that, at the moment, the risks are being pushed on to the workers and are perhaps not being fully recognised.

Q104 **Baroness Fookes:** Could we now get down to brass tacks? How could this seasonal worker scheme be improved? What are your key suggestions for doing so?

Caroline Robinson: As Kate said, there is no silver bullet, and there are quite a lot of ways in which it could be improved.

Baroness Fookes: We need a few brass bullets, if not silver ones.

Caroline Robinson: I have done quite a lot of research looking at schemes in other countries that are the same or similar to this one. For example, there is the seasonal agricultural worker programme in Canada, which has 12 participating countries. That restriction in countries enables the Canadian Government to provide governance to the scheme, which means that they can then establish bilateral agreements with sending countries that have clear worker protections in them, that have oversight of recruitment in country of origin, and that have standards, established in Canada, which are determined and discussed with the sending country and then made clear to workers in countries of origin.

Those bilateral agreements with the Governments of sending countries, and the fact that that scheme is more tightly regulated in terms of the sending countries, provide not only oversight in country of origin, but a much greater opportunity for those workers to develop support communities in Canada, because they are coming from the same

countries year in, year out. Each year, those same workers, with the same languages, will come back to similar communities in Canada, which means that you can build support like that. For a support organisation such as the Worker Support Centre, if the languages, nationalities and cultural backgrounds of workers are changing all the time, it is very difficult to provide consistent support and engagement with them. That narrowing of countries has certainly provided that opportunity in Canada.

In a similar vein, at the point of recruitment, having a standardised contract, as the Canadian system has, where the Government have input into the terms and conditions, and which is shared with workers in the country of origin, provides certainty to workers as well as consistency. You set the employment terms and conditions that are required in Canada at point of recruitment, and you determine in those contracts the period that workers will be employed for when they are in-country.

That clarity is provided, which greatly reduces the risk, as been mentioned before. At the point of recruitment, if workers who are taking out large debts to pay for travel and for visas, and possibly to pay illegal recruitment fees, know what to expect when they arrive, that can help to mitigate the risks of that debt, because they know that they will be able to repay it through the work.

Baroness Fookes: Do the 12 countries overlap with the ones that we recruit from?

Caroline Robinson: At the moment, I do not think so. It is very much related to South America and to Caribbean countries. Over 60 countries last year were part of our scheme, so it is possible that there were very small numbers from some of those countries, but this scheme, as you will know, is predominantly going to the "stans" at the moment.

Adis Sehic: I will try to be concise, because, as Caroline says, we could debate this topic for the entire session. I will stick with three points. The first is better data. We need better information about the average amount of work that each seasonal worker is currently undertaking on the scheme. It would also be useful if the 2020 and 2021 worker surveys, which looked at and gave us information about worker welfare and standards in previous years, were published imminently.

Enforcement is an area for improvement. We would advocate for separation between the notion of labour enforcement and immigration enforcement, because our service provision team quite regularly see that this is a big factor that stops clients from reporting either to their direct employer or, indeed, to the authorities.

An additional point is costs. We have been discussing how we can reduce costs for workers, not just initial migration costs but those related more directly to the scheme. The latest visa transparency data suggests that it costs around £129 to process a single seasonal worker visa application, but the application fee is around £259, which is just over a 100% profit. There is cross-subsidisation across our immigration system and

applications, but if this scheme is so important to food supply in the UK, that is an area where we could look to reduce some of those costs tangibly for workers.

Kate Roberts: I will be brief and try not to duplicate, but I would like to underline Adis' point about enforcement of our existing employment laws and standards. These are workers in the UK, but the short-term nature of their visa, as well as maybe not speaking English or being unfamiliar with their rights as workers in the UK and how to enforce them, make it very difficult for workers to improve their conditions or to challenge anything that they are unhappy with in practice.

There needs to be enforcement, but also proactive monitoring so that the onus is not always on the workers to speak out or to make complaints when it may not be very clear for them how to do that and they possibly risk losing work or income that they very much need. If a worker is here only for a short duration and is already worried about not getting enough work to repay their debts, they will likely just keep their head down, work as hard as they can and not complain even about poor conditions that we would not want, such as underpayment of wages or unsafe working conditions.

On that point, the options for making complaints or improving their conditions need to be far clearer for workers, because the responsibility for the scheme is not clear. It is not clear to me, and I have worked on the scheme for years. There is the Home Office and there is Defra; there are scheme operators who are responsible for welfare standards; there are local authorities that are responsible for accommodation. It is just very unclear who is responsible for what and who is accountable for what, and where complaints can be made in practice.

As Adis said, we need clarity on enforcement, but also proactive monitoring and responsibility for different elements of the scheme and how complaints can be followed through, so that it works out well for the worker. Adis made the point about a separation with immigration enforcement so that workers know that they are not risking their livelihoods, or their opportunity to earn money and repay their debt while in the UK, by speaking out and trying to improve the situation for workers.

Q105 **Lord Carter of Coles:** Do you have a sense of the sunk cost or the breakeven point of somebody coming from Uzbekistan? What would they have committed to before they start work? Since they will be earning £360 pounds a week, at £10.42 an hour for 32 hours or whatever that works out to, what are the economics? Perhaps you could write to us. We keep hearing about this number, but what is it?

Caroline Robinson: In terms of debt, in research that I led in 2020-21, workers were citing about £1,000 as the amount they were paying to come, but at that time they were coming from closer countries. The further away they come from—we now have workers coming from South Africa, for example, to the scheme—the higher their travel costs are. Bear in mind that, when they are receiving that pay in the UK, they also

have their accommodation outgoings. In other seasonal work schemes, workers do not have to pay for that accommodation. In the US seasonal worker scheme and the Canadian one that I cited, the accommodation is paid for by the employer. Workers here will pay for that accommodation weekly, so that will come out of their pay.

There is the upfront debt. There is travel in the UK. If they have to change farms, for example, during that visa period, they will pay for that travel between farms and between the airport or port of arrival to the farm. They will pay for the accommodation. There are those outgoings at the same time as that upfront debt.

Lord Carter of Coles: Perhaps you would write to us. The committee would like to see a profile of what people are offered when they are recruited and what they get.

Kate Roberts: There are calculators. There are huge differences, depending on how far people are traveling, whether they are being charged illegal fees and what the fees are. There might be something that is explicitly called a fee, and we hear of these shocking fees that Lord Sahota mentioned, but we also regularly hear of people being charged several hundred pounds for an obligatory training course. The costs add up very quickly, plus there is uncertainty about transport costs within the UK, as well as the accommodation, which Caroline mentioned. We hear about workers being told that if one job ends and they want to take up the offer of another, they have to pay the costs of transferring.

There are other unknowns. Do they have to buy cooking equipment for the caravan? Do they have to buy bedding and towels? Certainly, in interim findings from research that FLEX started in January 2022, the lowest reported amount paid by Indonesians in our sample was £3,500.

Lord Carter of Coles: That is a lot of weeks' work.

Q106 **Baroness Willis of Summertown:** Caroline, I was interested to hear that you have been comparing and doing research into other countries as well. I would really appreciate it if you could frame the answer to this question in comparison to other countries. How would you characterise the treatment of our seasonal workers on UK horticultural farms? What are we doing wrong and what are we doing better?

Caroline Robinson: The treatment of workers is different for different workers. Some have good experiences. They have accommodation that they are happy to pay for. They are treated well. They are able to earn good money and take that home. There are other workers who, as support organisations, we see more often, who are struggling.

In comparing with other countries, the main difference is that it is often left more to chance. The accommodation is good for some workers and not others, not because there is a regulation on accommodation that is being adhered to in some places and not others, but more as a practice of the farm. Some of the farms that we know rely more on returnee workers would have better accommodation, because they would like to

encourage workers to return to that accommodation. They would treat their workers better, because they want to encourage returnees. Farms that move through the seasonal worker countries and recruit more through the seasonal worker visa might have less reason to have enhanced and improved accommodation, because they are not so dependent on returnees. That is a major difference with some of the other schemes.

To go back to the seasonal agriculture worker programme in Canada, there are very clear standards on accommodation. The Government in Canada did research into the seasonal agriculture worker programme and temporary migration programme, looking at the risks to workers. They recognise that there are risks, as has been recognised by a number of Governments. The New Zealand Government have also done research into temporary migration programmes, and recognised that the two main risks—the fact that it is very short-term and that you are tied to a visa sponsor—greatly enhance the risk to the worker. Therefore, they took proactive measures to address that risk.

In Canada, one of the measures was to invest in proactive monitoring and enforcement of standards, so they not only have these accommodation standards, but proactively enforce them. With the seasonal worker visa here, we did not have an associated investment in enforcement capacity. In fact, although the Gangmasters and Labour Abuse Authority was cited at the start of the programme as the main safeguarding body, we now know that it is not leading on enforcement in the seasonal worker visa. The enforcement of standards has not been a major focus of our scheme, whereas it was looked at and addressed in Canada.

In the report that I mentioned, which was conducted by the New Zealand Government, one proposal that has been taken forward is the introduction of a migrant exploitation protection visa, which means that, if a worker is at risk of or faces abuse, they can move from their tied visa into this open visa to seek alternative employment. That has also been introduced in Canada, again in response to the known and identified risks to workers. The open work permit for vulnerable workers has been introduced in Canada, so that workers can leave that tied visa sponsorship situation and go on to an open work permit in order to break the tie with the abusive employment.

Although it is a different picture for some workers than others, one thing we have seen at the Worker Support Centre is that, where workers in our scheme face abuse, they struggle at times to get transfers to alternative employment. If workers are being treated very poorly or are in unsafe accommodation, they are repeatedly trying to contact their labour provider and are not able to make a transfer to another employer, which places the worker at a real risk of further abuse and exploitation.

Baroness Willis of Summertown: In the examples you are giving, is there an evidence base that there is less exploitation as a result?

Caroline Robinson: Yes. The open work permit for vulnerable workers in Canada was first trialled at a provincial level in British Columbia. They found that workers were using that permit to move into alternative work, and often alternative accommodation, in the agriculture sector, and similarly in horticulture. The turnaround for those visas is very rapid, so workers were using it to move very quickly from an abusive situation into a more beneficial and less abusive one.

Q107 **Lord Curry of Kirkharle:** It is very helpful to hear what changes have been introduced in Canada and New Zealand. I know this question is tricky and subject to interpretation, but what are the main types of exploitation being faced by UK seasonal workers?

Adis Sehic: The most common forms of exploitation that we see are in relation to incorrect pay and continuity of employment. They seem to be affecting a greater number of workers than anything else. Tied into that is the charging of illegal recruitment fees, but that is before the work that happens on the farms. We get frequent complaints about standards of accommodation, discrimination on the basis of nationality, and lack of a realistic pathway for transfers. We have had some clients for whom transfers have not been possible. For others, they have, but they have been conditional on factors including having the right amount of cash available to get to the next farm, which is difficult if that worker has already incurred a lot of costs prior to that point.

These are examples of exploitation that our organisation has seen, but similar themes have also been identified in the independent chief inspector's report in December on the immigration system as it relates to the agricultural sector. Those are the broad areas.

Kate Roberts: I do not have much to add; my colleagues have been very comprehensive. I completely concur that the main concern from workers' perspectives is lack of work, not getting as much work as they expected, or not being paid what they expected for the hours of work.

The need to earn money to repay migration debts, together with the short-term nature of the visa, has a freezing effect on challenging poor conditions of work or, as others have said, accommodation. Just to underline what we mean by poor standards of accommodation, FLEX's current interim findings from our research that started in January last year is that only 73% of workers reported having access to a working toilet. I was astounded when I saw this. Only 39% of them said they felt safe in their accommodation, so a very large percentage did not. Compounding this are the barriers to seeking help, as my colleagues have said, and 28% of people just did not know where to get help. These factors combine to create a very risky situation and one that really needs addressing, which is why we are talking about very proactive enforcement of standards.

Q108 **Baroness Jones of Whitchurch:** You have all given different examples of exploitation, and we have received a lot of written evidence to back that up. I just want to understand what it feels like for workers who want to make a complaint and how they go about it. First, do you have

evidence that anyone who makes a complaint does not work in this town again? Do they face further exploitation if they come forward to make a complaint about the working conditions?

Secondly, are there people out there who will do it for you? If it was a normal workplace, it would be a trade union. What are the organisations that will hold the hands of people who feel exploited and help them through the very complicated system if they do want to make a complaint? If someone feels genuinely exploited, or their accommodation is as appalling as you are describing, how do they go about it, and what can we do to improve that complaint system?

Kate Roberts: To answer your second question first, one challenge with support is that, because workers can be recruited from anywhere in the world, we do not necessarily know, as it is happening, where they are being recruited from or where they will be working in the UK. The situation changes very rapidly, so it does not give the opportunity for support services in a certain language to really develop or to be in place to support those workers, who will often, by the nature of the work, be quite isolated. They will not necessarily be anywhere where there is community support in their language that they trust.

My two colleagues will probably be better equipped to expand on that than I am, but moving on quickly to trade union support, these workers are not unionised, to our knowledge, because they are here for such a short time. That does not fit with our trade union structure. They may not have a culture of unionisation, so that is just not there for them.

Baroness Jones of Whitchurch: I was not expecting them all to sign up to one of the established unions. I just wondered whether there were other organisations, maybe from their own country, that were giving them support.

Kate Roberts: We do not know where the workers are exactly, and it changes with each season, so that cannot be relied on.

Caroline Robinson: As I said, the Worker Support Centre is funded by the Scottish Government. We conduct outreach for workers on the seasonal worker visa in Scotland. The Work Rights Centre is also there for workers across the UK and works directly with workers on the seasonal worker visa. Our outreach is very proactive, because workers were not leaving the farm that much, particularly during Covid, so it was very hard to access and engage with workers. That work will happen online, places where workers go to shop and community centres. We need the support of the growers to be able to provide workers with information about accessing that support, if they can.

In one unfortunate incident last year a grower threatened workers if they came to see us in order to access that support. In terms of supply chain monitoring and ongoing understanding of what is happening to workers, you really need worker-led and worker-driven support services, so the outreach we are providing is about understanding workers, providing them with information, clarifying situations where they have

misunderstandings about terms and conditions, and referring them to other services if they need that support.

In Scotland, we have the agricultural wages enforcement teams for the Agricultural Wages Order, or we can support workers to access the Gangmasters and Labour Abuse Authority and other services. The outreach work that we do is about trying to ensure that workers can access information, advice and support when they need it, and we need the engagement and co-operation of growers to be able to do that.

Baroness Jones of Whitchurch: Is there any evidence that, if somebody comes forward and makes a complaint, they are vetoed and have difficulty finding work elsewhere, or does it not get that bad?

Adis Sehic: It is quite difficult to pinpoint in that exact situation, but certainly other extraneous factors make finding other work quite difficult. We have talked about the lack of realistic transfer pathways for workers. If that employment is being terminated at a very early stage, you can see how that feeds into the amount of money they have earned and how that affects their ability to move elsewhere.

The Earl of Arran: Are all the workers paid in sterling? There are no workers from individual countries who are paid in their own denominations.

Kate Roberts: They should be.

Caroline Robinson: I have not heard of that.

Kate Roberts: I am not privy to that, but the stipulation, certainly prior to 1 April, was that they were paid £10.10 an hour and, from 1 April this year, it should be the national minimum wage. I have not heard of it being in a different currency¹.

Baroness Walmsley: This is not cash, but to a bank.

Kate Roberts: It should be paid to a bank, but we do not have oversight of that. Colleagues have already spoken about the need for more transparency. We do not have anonymised data on the number of hours per worker.

Lord Carter of Coles: How does someone from Uzbekistan get a bank account? It is hard enough for British people to get one. To your question, are they paid cash?

Baroness Walmsley: They are supposed to be paid into a bank, are they not?

Kate Roberts: They are supposed to be paid into a bank account.

Q109 **The Earl of Arran:** We have touched on this conversation already, but

¹ The witness has written to the Committee to clarify that from 12th April this year, it should be the national living wage.

what might be the impact of the Government's ambition to introduce a single enforcement body to manage labour market non-compliance? I suspect the answer to that is complex and controversial.

Kate Roberts: The devil would be in the detail.

The Earl of Arran: That is what I mean.

Kate Roberts: As we have said, it would be helpful to have clarity about the responsibility for different elements of enforcement on the scheme. Having a single enforcement body might provide more certainty about who is responsible, but it would depend on how that single enforcement body was set up and operated. It would be important for any such body to be properly resourced to proactively monitor and enforce rather than rely on workers to speak out. Having a simpler system with some clarity of responsibility and proactive enforcement would be a good thing, if that is what it would be.

The Earl of Arran: Have any efforts been made already to constitute such a body?

Caroline Robinson: We had discussions on the single enforcement body both during and after the consultation. From a Scottish perspective, we have the Agricultural Wages Board, and there are agricultural wages inspectors who relate to that, so the relationship with the existing, and I would say enhanced, oversight of the agricultural sector would be complex. We had meetings and discussions on what that would look like for the devolved Administrations.

I would underline what Kate said about the enforcement body being proactive in its monitoring and enforcement work rather than complaints-driven, particularly for this cohort of workers. As I said about our outreach work, it is incredibly difficult for those workers to access or know where to go for support. They are not members of trade unions and they have very limited contact with community groups, so having proactive monitoring, particularly in this scheme, would be essential for that single enforcement body, if it was established.

Adis Sehic: This concept of a single enforcement body is not a silver bullet or a panacea for resolving all these issues at once. It would also be important for worker voices and representation to form a major part of any new enforcement body. There need to be cultural changes too, including more of a focus on deterrence where particular employers are simply not abiding by their responsibilities. There are areas outside of just an SEB that could be improved, including strengthening the employment tribunals in respect of enforcement. Again, all these factors would assist in the utility of an SEB.

The Earl of Arran: It could be a minefield.

Kate Roberts: It will depend on the detail. The point Adis made earlier about secure reporting is really important. It would need to be very clear to workers that any labour market enforcement body would operate

independently of immigration, so there would be no freezing effect where workers perceive, rightly or wrongly, that if they speak out it could have an effect on their immigration status. It is well known that particularly workers on sponsored or short-term visas, who really need to be in the UK to earn for a duration of time, may perceive that raising a complaint could affect their immigration status.

The Chair: You were talking about worker representatives. If people are here for only six months, which workers are you going to find who could represent other workers, or would it have to be people who come back year after year?

Caroline Robinson: The former agricultural workers who work for the Worker Support Centre are Ukrainian workers who have either transferred to the Ukraine extension scheme or have worked historically in seasonal agriculture. You are right to say that workers cannot continue to support other workers because of the nature of the short-term scheme.

Q110 **Lord Colgrain:** Do faith groups have a role to play at all, inasmuch as they are permanent in the country and could be a point of contact for workers? Have you had experience of that occurring?

Caroline Robinson: Yes. The outreach clinics that the Worker Support Centre operates collaborate with community centres that might be run by churches in the local area to the farms, some of which have had ongoing and established contact with farms in their local area for many years. They play a particularly important role in establishing activities that workers might be able to engage in, which would mean that they could make connections with other workers and generally build trust and support in the local community. You are spot on about the embedded support you could have in a local community for workers.

Lord Colgrain: Adis, how can businesses in the sector ensure that their supply chains of seasonal workers are free from exploitation?

Adis Sehic: This is a really difficult question, because some of the changes that we would like to see or that we have been talking about have been related to the design of the scheme. Businesses can play a role in advocating for change on that front, but there also needs to be better monitoring, better auditing and better research and data on worker welfare, with industry taking an active role in this area. I know it has been doing so in other forums, but it is really about having a holistic effort from industry, as well as government and civil society, to make the environment for seasonal workers work.

Caroline Robinson: On the supply chain oversight, I would underline what I said about the need to engage with worker-led organisations and worker support organisations to build a picture of what is happening on the ground, and to provide that ongoing monitoring lens through constant engagement and outreach with workers to understand the issues they are facing, some of which could be and are quite easily resolved through

conversations with growers or labour providers. That engagement throughout the supply chain is really important.

The other area of supply chain oversight is trying to tighten and simplify that supply chain. A lot of complexity has been introduced by the scheme. We have talked about it quite a lot, but a huge range of countries are now sending workers to work in the UK on this scheme, which complicates the supply chain and how you engage with those workers, as well as the oversight at point of recruitment and the pathway for a worker to come to the UK and work here. A whole load of risk has been introduced into the supply chain by the scheme.

We can look at simplification measures within the confines of this scheme. I introduced some earlier with regard to the bilateral agreements with Governments maybe reducing while we establish mechanisms in the countries we are recruiting from, so that we know that the mechanisms for recruitment are clear and regulated. This would help to simplify the supply chain and ensure better oversight.

Q111 Baroness Walmsley: I notice that some of the supermarkets—Waitrose and others—are funding an audit carried out by Stronger Together, but their remit appears to focus more on ethical recruitment than worker conditions. What on earth can they do about these illegal fees that are being charged overseas? The supermarkets cannot do anything about that, can they? It is for the Government to do, and the Government of Canada appear to have grasped that particular nettle. What can this audit do to help? Have they done it because they feel that there is a shortfall in the resources available to the government bodies that are supposed to oversee standards for workers?

Caroline Robinson: It has become very difficult to monitor overseas recruitment because of the explosion of countries on the scheme. As we know, the Gangmasters and Labour Abuse Authority has the remit to license overseas labour providers—the participants in this scheme—but it has had to massively intensify its work as the scheme has broadened to this many countries and, as we mentioned earlier, because of the 20-fold increase in workers coming on the scheme.

Limiting the number of countries and having much more transparent oversight of the recruitment pathways might assist the GLAA in the role of monitoring overseas labour providers. You are completely right that it is a government area of oversight, but it is very difficult because this does not happen in our country. Even licensing those labour providers and monitoring their relationship with workers is difficult for a body based in the UK, working with many different jurisdictions at this point, which is what the GLAA also has to get its head around.

It makes a lot of sense for industry to look at what is happening in the UK and the conditions. The industry stakeholder body that we are all part of has talked about regulation of accommodation, for example, which is where we could perhaps put more pressure on government to introduce regulation and enforce accommodation standards to ensure that there are improvements in the basic conditions of the scheme here in the UK.

Baroness Walmsley: Are you hoping that the seasonal workers task force will be able to get a grip of that?

Caroline Robinson: If there were more engagement with the Home Office on the scheme design and implementation by that task force, we might have an opportunity to raise some of the combined issues that we have.

Kate Roberts: One very concrete thing that industry could do is to look carefully at who pays the costs of a migrant's journey to the UK and at how that can be more fairly distributed, so that the burden is not only on the worker.

As Caroline said, the risks in the scheme have been carefully identified, so government should be encouraged to have real clarity around responsibility. There are gaps in the guidance. When one scheme operator lost its licence, there was huge uncertainty for the workers who were in the UK about their status. Just having clarity in the scheme for workers as to who is responsible and what will happen if the unexpected happens would do a huge amount to help.

Q112 **The Chair:** Finally, if there was one recommendation that you would have for government, and I know you could go on for quite some time, what would it be?

Kate Roberts: To name one thing is almost impossible, but it would be taking time to look, from a worker's perspective, at who is responsible at any point for upholding and enforcing standards, and whether at every point workers have somewhere to raise a complaint in a way that will work out okay for them and not result in loss of earnings or a job.

Adis Sehic: I would build on that by referring again to the point about separating [immigration]enforcement from the activity of exploring and investigating [labour] exploitation. I say that, because it has relevance not only to this sector, but to many others where migrant workers form the larger populations. It also feeds into the point about data. We cannot address this problem if we do not understand the true scale of exploitation under the scheme, and this is a factor that affects that.

Caroline Robinson: I would go back to the points that have been raised about transparency of data. A recommendation would be to publish data and information about the schemes, so that we can properly understand lots of the answers to your questions about the numbers of workers who are required. We have also mentioned that the 2020 and 2021 worker surveys and review of the scheme still have not been published. Having data and information about the experience and what the picture looks like for workers, and the need for them, would make a huge difference in building the work of industry and others, as well as preparing for the coming years.

The Chair: Thank you very much. We could have spent another hour on that, but time has come to the end, so we will end that session. Thank you very much indeed.