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Report for the House of Lords Horticultural Sector Committee Working Conditions and Exploitation in the Horticultural Sector

Introduction

The following report has been written for the consideration of the Horticultural Sector Committee. An account of the realities experienced by migrant workers on the Seasonal Worker Visa, it is also a first-hand testimony, as the author has experience of working and living on a farm as a seasonal labourer. I have tried to keep this account short and direct, so that it can be considered in full alongside other contributions.

Previous contributors to the committee's sessions have emphasised that migrant workers felt like 'chattel' on farms, that they were treated like 'numbers' and 'prisoners', and 'not human beings.' Throughout my time working in the sector, workers of various nationalities, most of them recruited through the Seasonal Worker Visa, told me, in striking similarity to these previous comments, that they felt like 'slaves' in the UK. One worker told me he felt like 'a half-slave', and that all he could do was try not to become a 'full slave', as he saw it, after being transferred from farm to farm without any choice and with little notice provided. He explained to me that, after his first day in the UK, he wanted to scream, but he felt that nobody would hear him.

This scream of agony characterises innumerable migrant workers' experiences across the horticultural sector: reflecting crushing debt incurred within the recruitment process for the Seasonal Worker Visa and severe exploitation endured on large farms themselves. The system fails workers to such an extent that critiques of labour apartheid are appearing amongst investigators and researchers with intimate knowledge of workers' conditions and situations (McAndrew et al, 2023). Comparisons with the Kafala System used throughout the Gulf Cooperation Council are also increasing, including by workers themselves (Pattisson, 2022). I have heard a former co-worker compare his experience of the Kafala System in the UAE, where the state withheld his passport, as a far preferable experience to working on the UK's Seasonal Worker Visa.

These realities are not isolated incidents. They are industry-wide issues which reflect the broader organisation of work in the horticultural sector. Such realities have been documented here not in order to shock or to paint a bleak picture, but to convey the serious effects of this peculiar organisation of work as accurately as possible. I hope the following

report, which begins with an account of experiences in farmwork and concludes with some recommendations, will increase our shared understanding of these serious issues, and that it can contribute towards finding a remedy to them.

Experiences of Farmwork

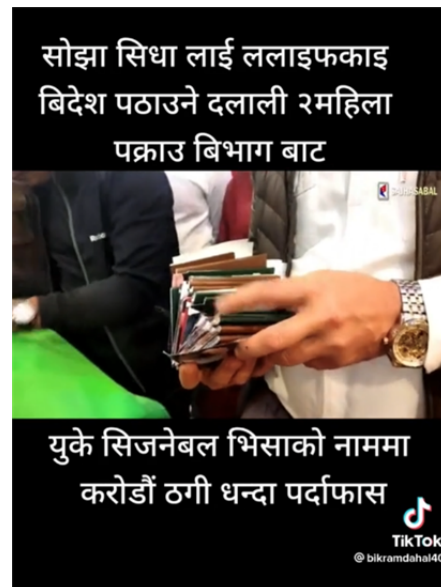
Over the 2022 summer harvest, I worked in the horticultural sector, living alongside workers who were mostly employed through the Seasonal Worker Visa. Before starting work, I was informed at an induction that working-days would usually last for nine hours, that training would be provided, and that there would be a period of several weeks for us to learn how to meet the minimum piecework targets onsite (the number of trays of fruit you must collect per hour). On the first shift itself, contrary to these expectations, we were aggressively shouted at by a senior manager who told us they did not care if we were new; who pressured us to work harder and faster; and who threatened to cut our hours if we failed to do so. They sarcastically mocked us, asking rhetorically if we thought we were 'on holiday', while we worked for a total of twelve hours.

I learned from other co-workers about the wider prevalence of this disciplinarian culture across the horticultural sector, hearing accounts of racist abuse and discrimination from workers who had experience working on multiple other farms across the UK. Some of these workers described bullying and intimidation from managers, whilst others provided accounts of farm owners themselves stepping into the fields and making physical 'kicking motions' towards workers, threatening to 'kick them' out of the farm (and the country) if they did not work harder. These experiences were compared to 'slavery' by different groups of South Asian workers, as well as workers from Central Asia: one of whom described feeling like a 'half-slave', as mentioned above.

The majority of these workers had also incurred enormous debts in coming to work in the UK. Groups of workers from Indonesia, Nepal, and Uzbekistan paid fees to third-party labour brokers in their home countries. Most Nepalese workers reported paying between six and seven lakhs (600,000-700,000 Nepalese rupees, or over £4,000) in order to secure work in the sector, taking out loans at high interest in order to afford this. The prevalence of these instances of fees has been estimated by workers themselves to be extremely high. According to a worker interviewed in a recent report published by the Landworkers' Alliance, they estimate that between 70-80% of all Nepalese workers recruited to work on the UK's Seasonal Worker Visa paid extortionate recruitment fees (McAndrew et al, 2023: 28-34).¹

¹ An extensive account of the prevalence of labour-brokers in countries like Nepal, and an explanation of how they control and monopolise the labour-market for overseas recruitment, is also provided in this report (McAndrew et al, 2023: 28-34).

It has previously been commented that these represent only 'isolated instances' in the sector. On the contrary, it is likely that the government and other stakeholders have severely *underestimated* the prevalence of fees. Workers are pressured by brokers, under threats of arrest and deportation, not to reveal that they paid recruitment fees. In this way, fear is instilled in the recruitment process, and precarious, vulnerable workers are highly unlikely to trust inspectors or submit truthful answers to surveys in this situation. Indebted workers explained to me that it was only after arriving in the UK that they realised the full extent of their situation: their main goal from this point forward was to minimise their losses. This type of indebtedness engineering has been defined by the Independent Anti-Slavery Commissioner, the Independent Chief Inspector of Borders and Immigration, and innumerable researchers and NGOs, as *debt-bondage* (ICIBI, 2022: 23; Robinson, 2022: 8-9; Thornton, 2022).



Images from a viral Tik Tok video showing Nepalese passports and applications for the UK Seasonal Worker Visa, taken by labour brokers as part of a scam in advance of the 2023 season. The video, from user Bikram Dahal 40, shows the brokers being questioned by officials from Nepal's Ministry of Labour.

Injuries, Lay-offs, and Wage-theft

Work on the farm in general involved regular ten to twelve hour shifts inside scorching polyethylene tunnels, where workers frequently experience headaches and severe back pain. This is exacerbated by the intensity of the work, with supervisors pressuring you to work faster throughout the day. Sometimes this involved workers injuring themselves: for example, cutting their hands when pressured to cut crops

quickly and with little-to-no training.² Some workers had to have fingers bandaged, and they resultingly became unable to engage in the only kind of work available to them through their visa.

No indication is given before shifts as to how long the working day will last. I was once sent away (laid-off) from work for failing to work fast enough after twelve hours. Another worker tried to leave with me and return to their caravan, physically exhausted from the conditions, only to be told by supervisors that they couldn't leave and that they must return to the fields. I also witnessed supervisors bully workers: including screaming in workers' faces. In one instance, I saw a young worker pushed by a supervisor for making a minor mistake while working. The same supervisor proceeded to yell at me for objecting to this, literally screaming in my face and making obscene, vulgar gestures in attempts to intimidate me. A short time after this, I was also confronted by a further attempt at intimidation, with a supervisor pounding on my caravan door because I took a day off work whilst feeling unwell.

Another recurring problem involves underpayment, or wage-theft.³ Over the course of the season, almost all of my payslips were mis-recorded, showing significant underpayments, and not reflecting the hours I had myself recorded working, each day, in my own diary. This also happened to other groups of workers, many of whom, due to limited English-language abilities, felt unable to challenge these underpayments. In one instance, workers reported not receiving their bonuses to the farm office, only to be told by a manager that there would be no bonuses. They had worked harder and produced more value, according to the piecework system, yet were blatantly denied their owed wages.

This is compounded by the frequency of lay-offs (being sent home to your caravan) if you struggle to meet the high targets. Being laid-off was commonly accompanied by further disciplinary days off as punishment. No effective training or support was provided in order to help workers reach the expected targets. Sometimes seven workers would be laid off each day, sometimes fourteen. In this way, the intensity of work is greatly increased for those left in the fields, and the workers who are laid-off are left with paltry wages that can easily fall below minimum-wage standards. While deprived of work, workers are still liable for paying expensive rent, gas, and electricity costs to employers, as well as having to buy expensive food and supplies amidst the wider cost-of-living crisis. This greatly frustrates these workers' efforts to recuperate their debt, leaving them trapped and vulnerable to extreme exploitation.

² Fruit-pickers are expected to perform a variety of husbandry tasks around farms, and often this involves using sharp knives to cut plants. Like fruit-picking, this is treated as a race against the clock, and supervisors will rush workers incessantly.

³ The prevalence of wage-theft is wide but severely under-studied. Extensive research undertaken by Nick Clark (2017: 4) estimates that £1.2 billion in wages is stolen from workers across the UK each year, alongside a further £1.5 billion in unpaid holiday pay.

Prevalence of Issues

I believe these realities are widespread and common in large workplaces that rely on migrant labour throughout the horticultural sector. The dozens of workers I spoke to every day, who I lived with and worked alongside, had between themselves a collective experience on many different farms across three countries of the UK. All of these, according to the workers themselves, included serious and extreme instances of systematic exploitation. These frequent accounts of wage-theft, bullying and intimidation, excessive work, and indebtedness (amongst other issues) can be considered overlapping indicators of 'forced labour', as defined by the International Labour Organisation (ILO).⁴ In my own appraisal, I was horrified at the realities encountered: yet, in the declarations of many workers I knew, the particular farm we worked on together was considered a comparatively good workplace compared to other farms in the sector.

Whilst I do not claim that every farm contains these problems, nor that every migrant worker in the sector experiences all of these particular issues, it is clear nevertheless that the issues themselves are significant and widespread.⁵ Indeed, the prevalence of these practices across the sector has likely been severely underestimated in accounts of the government, employers, and other stakeholders.⁶ For example, it has been highlighted by the ICIBI (who last year reviewed the Home Office's compliance procedures) that reports from compliance visits which contained 'serious' and 'alarming' concerns from workers were classified as 'not having significant issues' (ICIBI, 2022: 43-44). Similarly, information provided in the same ICIBI report cites that workers were often rushed away and felt uncomfortable talking about their situations and problems to inspectors (ICIBI, 2022: 49). Overworked compliance staff have themselves expressed concerns over the willingness of migrant farmworkers to disclose issues to inspectors, and the ICIBI review concludes that they fail to see any evidence that checks are 'intelligence led', instead being driven by numerical targets, with a lack of clarity as to whether reports are ultimately followed up (ICIBI, 2022: 49).

In my own experience, I personally witnessed a farm audit: inspectors from a particular organisation walked around the fields at the end of a shift, whilst everyone cleared up for the day. Their presence seemed

⁴ See ILO 'Indicators of Forced Labour' (2012).

⁵ Instances of recruitment fees and debt, for example, was so prevalent across the 2022 season that it contributed to the revocation of a major scheme operator's licence. The GLAA have also revoked the license of another recruitment agency operating in the UK food sector in early 2023, after discovering that over 100 Nepalese workers had been made to pay between £12,000-13,000 in recruitment fees (GLAA, March 2023).

⁶ This is especially alarming given that the Director of Labour Market Enforcement rate seasonal agricultural work, alongside car washes, as the most severe sector for extreme exploitation in the UK (Beels, 2022: 48).

awkward, and it was never explained who these people were or what they wanted. Later, a co-worker told me that they had been asked some questions by these auditors, including if they had paid any fees. The worker, who was scammed into paying thousands of pounds, told me they did not tell the inspector this. As mentioned above, workers are threatened by brokers who tell them they will be arrested and deported if they reveal the payment of recruitment fees. In this way, fear is instilled within the recruitment process. Workers are therefore less likely to trust inspectors, especially given that these inspectors might have links to immigration enforcement. This reveals significant deficiencies in the effectiveness of official audits and inspections, other widespread criticisms of the Home Office aside.

Another objection to the prevalence of such issues is that many workers return for farmwork in the UK. I have heard this mentioned by members of the committee in previous sessions. In the same way, workers from countries across South Asia frequently return to countries like Qatar, in spite of the well-known labour abuses, risks, and mortality rates. Hard-working people still take on these risks for their family and for their future, because, in spite of everything, it is an opportunity, and the alternative is often a struggle against poverty. Ironically, in the UK, it is the scheme operators who have decided to prevent the recruitment of returning workers from Nepal and Indonesia: denying thousands the opportunity to do this. In many cases, these workers will have been indebted for the Seasonal Worker Visa, and many will have expected the ability to return for subsequent seasons when initially signing up: this is usually promised at the point of recruitment. This has been highlighted by interviewed workers themselves (McAndrew et al, 2023: 28-24).

Supermarkets

Whilst this report has considered the realities experienced by workers on farms themselves, it is necessary to contextualise this within the wider supply chain of food commodities in the UK. A driving factor in the exploitation experienced by workers rests on the central role of supermarket retailers, and the extremely low value paid to farmers for crops. This low farm-gate value leads to declining profit margins and, in the declarations of farmers I have spoken to myself, serious doubts over the future sustainability of businesses in the horticultural sector.⁷ Where farmers struggle to stay afloat through being squeezed by retailers, these costs are passed onto workers who are in turn overworked, underpaid, and exploited to bear the brunt of supermarkets' excessive purchasing power.

⁷ The Migration Advisory Committee has previously emphasised the likelihood of 'a contraction and even closure of many businesses' in the horticultural sector (EEA migration in the UK: Final report, 2018).

Intensive analysis of a large horticultural producer in England by the New Economics Foundation (NEF) has concluded that workers retain (after rent deductions and other costs) only 7.6% of the total value of crops sold to supermarkets, with the farm receiving 26.2% and supermarkets receiving 54.7% (McAndrew et al, 2023: 41). In other words, workers receive 18p of value from punnets of berries which ultimately retail for £2.30, with supermarkets retaining the vast majority of the total value produced.⁸ This translates to serious economic uncertainties for farmers, and to poverty wages for workers, with NEF arguing that 'the average experience of migrant agricultural workers in the UK is absolute poverty' (Ibid). This does not even take into account the effects of lay-offs, transfers, or debt incurred in the recruitment process: meaning that workers on the whole are likely to be in even worse situations than this already damning analysis suggests.

The downward pressure set by supermarkets necessarily has to factor into any solution to the issues plaguing the horticultural sector. Supermarkets simply have to pay more for crops, so that the farm gate value realised is sufficient for the survival of horticultural businesses. Supermarkets convey an image of tackling exploitation, by cutting ties with farms accused of exploitation in the media. Yet, as this report and countless other research has demonstrated: exploitation cannot be reducible to isolated incidents, and instead exists as a structural reality throughout the sector which is driven by supermarket pressure itself.

The extreme advantage held by retailers over farms needs to be challenged, but it is unlikely that this will emerge from employers themselves or the National Farmers' Union, due to retailer leverage. The government could convene a meeting of retailers and other stakeholders, coordinated between the British Retail Consortium and the NFU with worker representation, in order to discuss these issues, to agree setting a fairer price for farmers' crops. In this way, the declarations of supermarkets' support for domestic British producers could effectively be demonstrated in practice. The necessity for a concrete act of parity like this should also be considered alongside the contemporary economic crisis and the government's recent considerations of the future of food security and domestic food production in the UK (McKinney, Coe, and Stewart, 2023: 29-30).

Final Recommendations

In a previous session of the committee, former seasonal worker Sybil Msezane was asked what recommendations the committee could make to the government. She emphasised the importance of trade-union presence and organisation in the sector. Explaining that she was shocked at the

⁸ Considering the impact of early dismissals, this share of value is reduced to 2.2% (Ibid).

lack of unionisation in the UK horticultural sector, Sybil specifically highlighted that farm workers in South Africa enjoy greater protections and conditions compared to the UK: precisely because of unionisation. I would like to strongly echo Sybil's emphasis on trade-union support here, and highlight that, in the course of my own time working in the sector, the only source of support migrant workers ever received was from a trade-unionist.

One of the main recommendations made in the 2021 Focus on Labour Exploitation report on working conditions in the sector was for greater trade-union presence (FLEX, 2021: 16). This has been continuously emphasised in subsequent reports by Caroline Robinson (2022: 32), the Landworkers' Alliance's Migrant Solidarity Project (2023: 49-51), and the Joint Council for the Welfare of Immigrants' *Work It Out* campaign and Migrant Workers' Pledge. Considering the pervasive threats of dismissal and deportation which the committee heard outlined at last month's session, it is clear that any attempts to unionise on farms would be met with similar disciplinary intimidation by employers and scheme operators. It is therefore necessary for workers to be clearly informed of their rights, including the right to join a trade-union, which in turn would provide workers with the most effective means of enforcing these rights. This information should be disseminated to workers during the recruitment process and upon arrival in the UK, alongside information promoting other sources of support. Similarly, I would like to strongly echo previous emphases on the necessity for labour inspectorates to be separated from immigration enforcement.

The rigid visa conditions should also be relaxed and reformed. Workers' abilities to freely dispose of their own labour-power – a fundamental human right – is not enjoyed by workers on the Seasonal Worker Visa. This is because workers are 'tied' to recruitment agencies (the scheme operators) who control transfers: often transferring workers with no choice offered, and often refusing workers' requested transfers away from exploitative and dangerous environments. This was highlighted by Emiliano Mellino in a previous session. This conflict of interest is built-in to the structure of the scheme, and works to the benefit of power-holders at the expense of the majority of workers.

As a solution to these problems, I would call the committee's attention to the recommendations of the Joint Council for the Welfare of Immigrants and the Landworkers' Alliance: the government should implement a freer visa which provides workers with job-security as well as the freedom to change employers, and which offers straightforward options for renewal as well as pathways to regularisation and permanent settlement.

Ultimately, it is clear that two broad roads exist for the future of labour in the horticultural sector. One involves a reformed and open visa with support for workers' rights, where the future survival of horticultural businesses is determined by employers' abilities to offer improved and

desirable conditions to retain workers, and where farmers receive decent value for their crops. The other road involves renewal without reform of the Seasonal Worker Visa, or the implementation of a similar visa scheme. This would effectively solidify the creation of a Kafala-type labour regime in rural Britain, and increase the already ominous shadow of exploitation currently plaguing the horticultural sector.

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14th July 2023