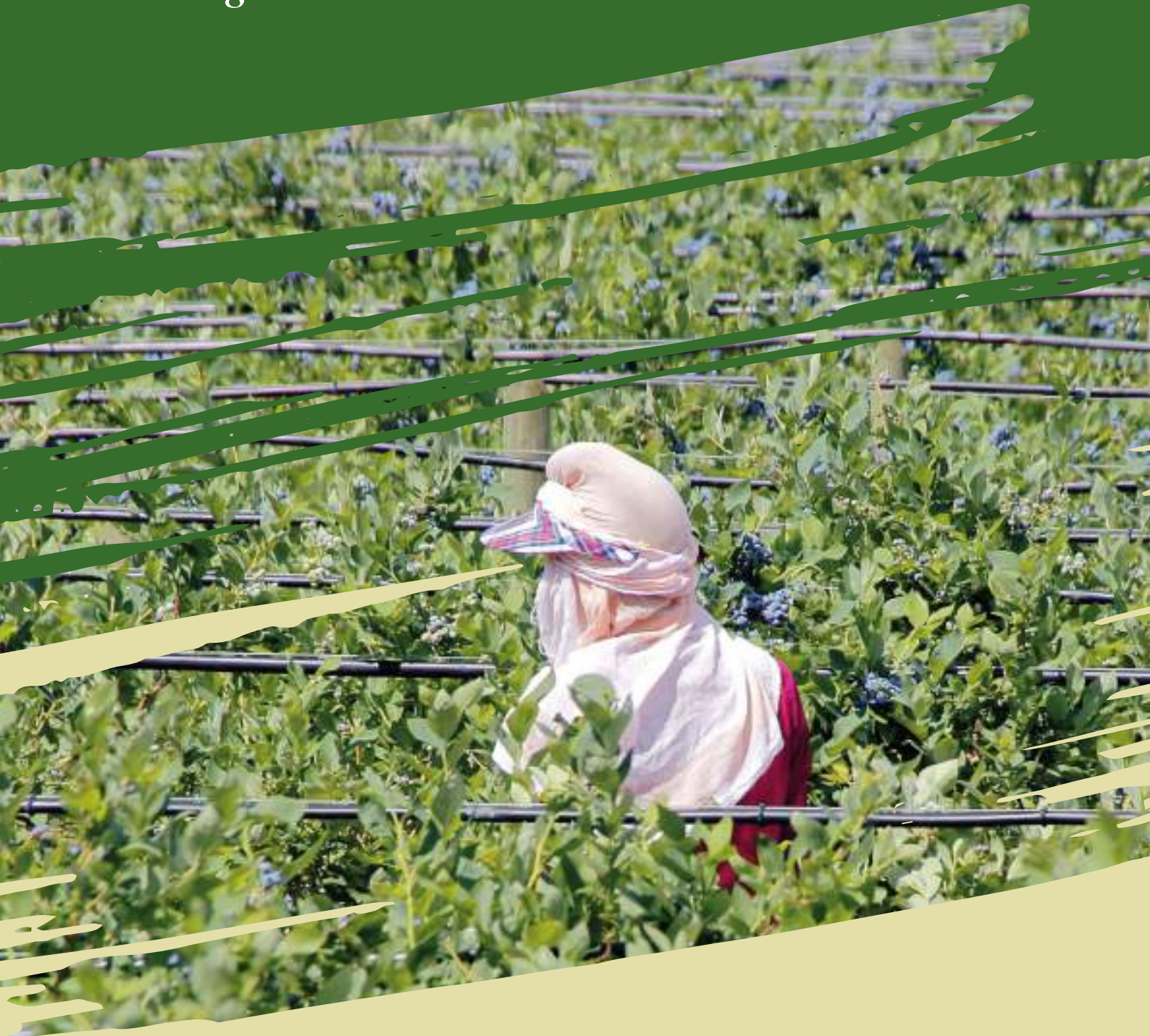


Debt, Migration, and Exploitation

The Seasonal Worker Visa and the Degradation
of Working Conditions in UK Horticulture



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By Catherine McAndrew, Oliver Fisher, Clark McAllister, & Christian Jaccarini (2023)

Contents

The Collaboration	4	Resistance	24
Acknowledgements	4	A Significant Meeting	26
Introduction	5	Looking Forward	27
Food Sovereignty and Farmworker Struggles	5	3. A Workers' Reflections on the UK Seasonal Worker Visa: Debt and Recruitment	28
Summary of outputs	6	4. An analysis of financial value in a seasonal worker supply chain	35
1. Risks faced by workers on the Seasonal Worker Visa route	7	Context of the Analysis	35
Context of the seasonal worker visa route	7	Findings	35
Risks of exploitation on the route	8	The distribution of financial value with consistent working hours	35
Recruitment	8	The impact of recruitment fees and unclaimed income tax	38
Pay	11	Scenario 1: Unclaimed income tax and illegal recruitment fees of £1,700	39
Sponsor tied visas	13	Scenario 2: Unclaimed income tax and illegal recruitment fees of £5,000	39
Governance, compliance and access to justice	13	The impact of early contract termination	40
Conclusions	15	Conclusions	41
2. A Workers' Inquiry into Seasonal Agricultural Labour in the UK	16	5. An Examination of Worker led Social Responsibility Approaches in Florida	43
Introduction	17	Market Concentration and the Degradation of Work	43
Debt and Recruitment	17	Campaigning For Fair Food – Building the Fair Food Program	44
The Workplace	19		
The Organisation of Work	20		
The Length of the Working-Day	21		
Pay, Piece Work and Lay-Offs	22		
Bullying and Intimidation	23		
Transfers	24		

The Birth of a Farmworkers' Organisation	44
Switching targets	45
Building Alliances With Consumers	45
Farmers and Workers	46
Making Fair Food A Reality	47
Results of the Fair Food Program	48
Wages and Wage Theft	48
Temporary Migrants and the Fair Food Program	48
Conclusion	48
Conclusions and recommendations	49
Tied Visas	49
Debt and Broker Fees	49
Rights Enforcement and Worker Led Social Responsibility (WSR)	50
Supermarket Dominance and Low Farmworker Pay	50
Establishing a Farmworkers' Organisation	51
Bibliography	52
Appendix 1: Value Chain Analysis Methodology	56
Farm analysis	56
Packer-distributor analysis	56
Retailer analysis	57
Seasonal worker analysis	57



The Collaboration

This collaboration brings together six organisations concerned about the mounting issues facing agricultural workers in the UK:

- **The Landworkers' Alliance**, a union of farmers, foresters and land-based workers affiliated the international peasants' organisation La Via Campesina
- **Focus on Labour Exploitation**, a research and policy organisation whose mission is to end labour exploitation by challenging and transforming the systems and structures that make workers vulnerable to abuse
- **The New Economics Foundation**, a research and policy organisation which seeks to transform the economy so it works for both people and planet, producing original research shaped by lived experience
- **Sustain**, an alliance of organisations and campaigners advocating for a better system of food, farming, and fishing
- **The Joint Council for the Welfare of Immigrants**, is a national migrants' rights organisation, which has been leading the fight for migrants' justice for over 50 years, through advocacy, strategic communications, and providing direct legal advice and representation to people affected by immigration controls
- And a **farmworker solidarity network** speaking in their own right.

This collaboration is funded by **Farming the Future**, an organisation which exists to strengthen the movement for an agroecological farming system. It takes a strategic and experimental approach, rooted in deep cooperation within and across the whole food system, from how food is produced and distributed to who is included and excluded from access to good food and the land.

Acknowledgements

We give our thanks to Chaitanya Kumar (NEF), Alex Chapman (NEF), Sam Tims (NEF), Poorva Prabhu (NEF), Fernanda Balata (NEF), Paulo Yunda (NEF), Kate Roberts (FLEX), Lucila Granada (FLEX), Eleonora Paesani (FLEX), Henry Roe (University of Sheffield), Caitlin Boswell (JCWI), Vicki Hird (Sustain), James Woodward (Sustain), Roz Corbett (LWA), everyone involved in the ECVC Migrants & Rural Workers Working Group, Jasmine Owens (Ethical Consumer), and Lydia Medland (Bristol University) for their support and input in this process.

Introduction

Food Sovereignty and Farmworker Struggles

Catherine McAndrew, *Landworkers' Alliance*

The Landworkers' Alliance is grassroots union of farmers, foresters and land-based workers in the UK. Our organisation is affiliated to La Via Campesina, an international coordination of peasant and agricultural workers' unions involving 200 million members in 81 countries. Central to La Via Campesina's mission is the concept of food sovereignty, defined as "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and puts those who produce and consume food at the heart of our food systems instead of the demands of market and transnational companies" (LWA, 2023).

In Europe, the traditional peasant food system has been degraded by centuries of enclosures of common lands and state policies geared towards encouraging larger landholdings. The food producers in Europe are now primarily migrant workers on agroindustrial farms providing produce to large supermarkets, who shape the food system in order to extract as much value from workers as possible.

It is migrant farmworkers who experience the agroindustrial system's worst injustices. The farmworker's health is degraded in order to extract profit from the land; they are expected to work in inhuman conditions, beyond normal limits, for extremely low pay; and they are bonded to their employers via the immigration controls system.

Farmworkers therefore have a unique incentive and ability to end these injustices and transform the food system

through their struggle for a better life. When farmworkers fight these injustices, they come into direct conflict with the corporations who control the food system. Their struggles, if they are to be successful, will also build alternative structures which aim to manage farms in the interest of their workers – interests which contradict the agroindustrial exploitation of both the land and the people that work it.

This document aims to lay bare the legal and economic structures that facilitate the exploitation of farmworkers by the industrial food system, and demonstrate strategies for the mobilisation of farmworkers against the systems that oppress them. It also aims to give a platform for farmworkers to give their own account of life on the UK's farms and develop solutions to the abuses they have faced.

To do this, we have focused on the UK's horticulture sector, with a spotlight on soft fruit. The UK's soft fruit farms require 29,000 workers each growing season. 99% of these workers come from overseas (McEwan, 2020). The role of migrant workers has helped fuel a 130% expansion in production levels between 1996 and 2015. Due to the nature of the product and work, an automation based solution to labour issues in this sector is unlikely (Pelham, 2017). Therefore, migrant farmworkers are essential to the production of soft fruit farms, meaning close attention must be paid to how these workers are recruited, paid, and impacted by new policies.

Seasonal work plays a significant role in UK agriculture. The government estimates that between 50,000 and 60,000 seasonal workers are needed annually to bring in the wider harvest across the UK (UK Parliament, 2022), and these workers are almost entirely recruited from outside the UK (DEFRA, 2021). Many of these workers are recruited via the new Seasonal Worker Visa scheme, a temporary migration programme introduced in 2019 to alleviate post-brexit labour shortages. A series of media exposés have revealed visa holders facing mounting issues including low wages, wage theft, and excessive hours (Mellino, 2023a), debt bondage (Dugan, 2022), and abuse by supervisors (Mellino, 2023b).

Summary of outputs

This report includes a review of the Seasonal Worker Visa (SWV) route produced by Focus on Labour Exploitation. The route has undergone rapid expansion in recent years, rising from 2,500 visas in 2019 up to 57,000 in 2023. At the same time, there have been widespread concerns around worker welfare. The review explores the different risks of exploitation present in the design of the SWV route. Workers must cover the majority of the costs for moving to the UK. This, combined with the short-term nature of the route, and workers having no path for extending their stay, has resulted in some workers taking on high levels of debt to participate, putting them at risk of debt bondage. Further, gaps in labour market enforcement have resulted in barriers to accessing justice for some workers, including difficulties with accessing reporting mechanisms and being able to leave exploitative conditions.

The report also includes a first hand account of life and work on a fruit farm by a former farmworker and researcher. This account demonstrates how issues described in the previous chapter translate into labour exploitation inside workplaces themselves. It provides a breakdown of the work process for a fruit picker, and shows how workers endured debt bondage, long hours, abuse by supervisors, and systematic wage theft. It details moments of resistance by farmworkers in the form of attempted strikes and collective actions, and suggests a path forwards for organising workers in this sector into trade unions.

This is followed by an extended interview with a Nepalese worker recruited to work in the UK via the Seasonal Worker Visa. The worker recounts how a third party broker applied to the visa scheme on the worker's behalf using a fake email. The broker took hold of the worker's passport during the process. Due to the debt incurred to pay the

broker's fee, the worker lost money coming to work in the UK. Drawing from the worker's own experiences in Nepal's recruitment sector and comparisons with the approaches of other countries, the interviewee advocates for the establishment of a government-to-government migration route as an alternative to the recruitment agency based approach of the SWV.

The New Economics Foundation has explored how the exploitation experienced by farmworkers translates into monetary benefits distributed between the supermarket, the farm, and the worker, using a case study of a farm based in Kent. We estimate that seasonal workers receive an average of 7.6% of the retail price of this farm's produce. The supermarket receives 54.7% of the value, while the farm receives 26.2%. The share retained by the worker is reduced further if they cannot reclaim overpaid income tax and pay broker fees of £1,700 (2.3%), and if they have to leave the UK soon after arriving (2.2%). If workers are charged broker fees of £5,000, they lose money coming to the UK and retain -5.5%. Compared to UK poverty thresholds, we find the average pay of migrant farmworkers is below the absolute poverty threshold.

The final chapter, produced by the LWA, explores alternative approaches to labour rights using the Fair Food Program (FFP) in Florida as a case study. The FFP is based on empowering workers to enforce conditions on farms and agreements with buyers to fund wage increases and not source from farms which violate standards. This section examines how the FFP responded to wage theft and broker fees affecting Florida's tomato workers while showcasing campaigning tactics used by farmworkers.

The report concludes with a series of recommendations developed by our collaboration for the UK government, labour market enforcement (LME) bodies, supermarkets, and for trade unions and social movements who want to campaign for better conditions for farmworkers.

1. Risks faced by workers on the Seasonal Worker Visa route

Oliver Fisher – *Focus on Labour Exploitation*

Abstract: The SWV route has undergone rapid expansion in recent years, rising from 2,500 visas in 2019 up to 57,000 in 2023. At the same time, there have been widespread reported concerns around worker welfare. This chapter explores the different risks of exploitation that are present in the SWV route, many of which are the result of how the route has been designed. Workers are required to cover the majority of the costs for moving to the UK. This, combined with the short-term nature of the route, workers having no path for extending their stay in the UK, and there being no minimum period of guaranteed income, has resulted in some workers having to take on high levels of debt, putting them at increased risk of debt bondage. Further, gaps in labour market enforcement has resulted in barriers to accessing justice for some workers, including difficulties with accessing reporting mechanisms, and being able to leave exploitative conditions.

Context of the seasonal worker visa route

The Seasonal Worker Visa (SWV) route enables the recruitment of migrant workers to the UK to be employed in the horticulture or poultry production sectors. The route was introduced as a pilot in 2019, partly as a response to concerns around acute labour shortages after the end of freedom of movement (McKinney et al., 2022). Workers employed in horticulture work can stay for a maximum of six months in any 12 month period (Home Office, 2023a).¹ The route is currently guaranteed until the end of 2024 (Home Office et al., 2022).

The SWV has undergone a rapid expansion since its introduction, rising from a quota of 2,500 workers in 2019, to 10,000 in 2020, 30,000 in 2021, 40,000 in 2022 (38,000 for horticulture, and 2,000 for poultry production), to an announced 47,000 (45,000 for horticulture and 2,000 for poultry production) for 2023, with a further 10,000 visas available that are contingent on sponsors and growers improving and abiding to worker welfare standards (Home Office et al., 2022). At present, there is no published information on what the exact requirements are for the 10,000 additional visas to be released. This is despite there being widespread reported concerns around worker welfare. The short term and restricted nature of the visa combined with the need to maximise earnings in the UK to pay off migration debts means that workers are not likely to see complaining about poor conditions as being in their best interest, and instead are likely to focus on earning what they can for the period they are in the UK.

The route is a joint initiative between the Home Office and the Department for Environment Food and Rural Affairs (DEFRA). Workers on the scheme are sponsored by scheme operators, which must also be endorsed by DEFRA and licenced by the Gangmasters and Labour Abuse Authority (GLAA) (ICIBI, 2022). Scheme operators are allocated a set number of certificates of sponsorship, which can then be assigned to a worker, allowing them to apply for a visa to enter the UK. There are few formal requirements for workers to be eligible to be on the scheme. Prospective workers need to have a job offer and certificate of sponsorship from a scheme operator that was issued to them no more than 3 months before the date of application and be 18 years old or older (Home Office, 2023a).

¹ Workers that had their visa expire in 2022 can re-enter the UK after only five months. This one-off exemption was introduced to enable workers to return at the beginning of the 2023 harvesting season. Normal rules will apply to any leave granted from 2024 onwards (Home Office, 2023b).

Workers on the route are subject to several immigration restrictions. These include a mandatory six-month cooling off period between visas for horticulture work, not being able to extend their visa, not being employed in other work while in the UK, or being accompanied by family members, and having no recourse to public funds² (Home Office, 2023a). Workers are also limited to employment arranged by the scheme operator that issues their certificate of application.

In April 2023, seven scheme operators held a sponsorship licence for the scheme (UKVI, 2023). To become a scheme operator and gain DEFRA's endorsement, operators need to go through a request for information, which measures the operator's ability to score in three areas, including delivery of the visa route, meeting the immigration control criteria the Home Office requires, and providing an effective service to the sector (DEFRA, 2022).

Guidance for sponsors states that scheme operators are responsible for ensuring the welfare of workers on the route and for undertaking comprehensive and robust monitoring of all workers they sponsor (Home Office, 2023b). This guidance covers a wide range of welfare-related matters. This includes but is not limited to: ensuring that workers have a safe workplace that complies with relevant health and safety requirements, are treated fairly by their employers, given an employment contract in their first language, paid properly, provided with appropriate equipment to do their job safely, housed in hygienic and safe accommodation that is in a good state of repair, not subjected to discrimination, not threatened with or subjected to violence, and that there are procedures in place to enable workers to report any concerns (Home Office, 2023b).

Investigations into the scheme (FLEX & FMF, 2021; DEFRA & Home Office, 2021; Vicol et al., 2022) have highlighted concerns around the welfare of workers on the scheme and potential risks to labour exploitation. These include workers being discriminated against, receiving incorrect pay, living in poor quality or unsafe accommodation, facing barriers to accessing healthcare, not receiving employment contracts in their primary language or being provided with accurate information about working conditions at the point of recruitment. These workers are often unaware of rights they are entitled to or feel unable to exercise their rights in practice, and are at risk of going into high amounts of debt to come to the UK.

Risks of exploitation on the route

Recruitment

The demographics of workers on the scheme have changed significantly since its inception. Ukrainians made up 91% of approved visas in 2019, with only four other nationalities represented (Moldova, Russia, Kazakhstan, and Georgia). Due to the reduced availability of Ukrainian nationals in 2022 following the Russian invasion of Ukraine, scheme operators diversified requirements practices. In 2022, 69 different nationalities were approved for visas on the scheme. While Ukrainians still accounted for the greatest proportion of workers in 2022, there was increased recruitment of workers from further afield, including Kyrgyzstan, Uzbekistan, Tajikistan, Nepal, Kazakhstan, and Indonesia (see table 1) (Home Office, 2023c).

² Having NRPF means that you will not be able to claim most benefits, housing assistance, or tax credits that are paid by the state (GOV UK, 2014)

Table 1. Position of the proportion of approved visas for the scheme by nationality and year

Nationality	2019 Position (% of total workers)	2020 Position (% of total workers)	2021 Position (% of total workers)	2022 Position (% of total workers)
Ukraine	1 (90.69)	1 (87.32)	1 (67.24)	1 (21.19)
Kyrgyzstan	None	= 12 (0.01)	11 (1.03)	2 (12.57)
Uzbekistan	None	= 10 (0.03)	8 (1.88)	3 (12.26)
Tajikistan	None	= 10 (0.03)	5 (3.31)	4 (11.28)
Nepal	None	None	9 (1.75)	5 (7.95)
Kazakhstan	4 (0.16)	7 (0.15)	10 (1.32)	6 (7.74)
Moldova	2 (7.22)	2 (4.00)	6 (2.92)	7 (6.46)
Indonesia	None	None	None	8 (4.21)
Romania	None	None	7 (2.23)	9 (3.29)
Bulgaria	None	None	3 (3.75)	10 (2.98)

Source: Entry clearance visa applications and outcomes – Vis_D02 (Home Office, 2023c)

Extensions of the scheme have often come with little warning from the Government (ICIBI, 2022; McKinney et al., 2022). The pilot of the scheme was initially launched in April 2019 and was planned to run until December 2020. In December 2020 the route was extended for another year (McKinney et al., 2022). Likewise, in December 2021 it was announced that the route was once again extended, this time until the end of 2024 (Home Office et al., 2022). The number of visas available for each year have also been announced relatively shortly before the start of the season (ICIBI, 2022). For growers, the short notice provided has made it difficult to plan for crops, expected yields and workforce requirements for the coming year. Moreover, for scheme operators, the short time frame for recruitment has the potential to result in less time available for due diligence checks in countries recruited from (ICIBI, 2022).

Debt is one of the most widely recognised factors that increases the risk of labour exploitation, as workers may be unable to leave exploitative conditions due to needing to pay off their debt (FLEX & FMF, 2021). Under the scheme, workers are responsible for shouldering the majority of the cost of moving to the UK, including paying for flights and visa costs (£259 as of April 2023), with costs often funded by personal debt. Moreover, there have also been reports of workers having to pay for services that are not official requirements of the route, including third party broker fees. Two-thirds of respondents (62 per cent) in research conducted by FLEX and FMF (2021) during the SWV pilot in Scotland reported entering into debt in order to come to the UK. Respondents reported paying for travel costs, clothing, initial living expenses, and language courses. This debt placed a high mental strain on individuals, due to the lack of certainty that they would be able to pay back the costs. This mental strain is



clearly articulated by the following quote from a worker from the study: “I think we are all trapped. We have no choice, we paid money in order to come here, and now we must get this money back. Our families cannot pay our tickets back, simply because they have no money. We all have debts; therefore, we all feel trapped” (FLEX & FMF, 2021). Likewise, workers may also be unable to raise issues due to fear of losing work. Respondents also noted that their recruitment-related debt reached up to €1,000 (approximately £869), with many having to get this money from informal sources. Likewise, there have also been several media reports since the scheme opened of workers having to pay high fees to come to the UK, indicating that this is an ongoing issue (Dugan, 2022; Mellino et al., 2022; Mellino & Das, 2022; Mellino & Pangeni, 2023).

Many workers recruited in 2022 were from far away countries where there had been limited previous recruitment into the SWV. There are multiple potential risks associated with this, including scheme operators not having sufficient time to ensure compliance with local labour laws and practices (Vicol & Savitski, 2022). Recent news articles highlighted that some workers have had to pay illegal recruitment fees to come to the UK. This included workers from Indonesia paying upwards of £5,000, with some workers reporting that unlicensed brokers offered them enrolment in an English language programme for a fee in exchange for a job (Dugan, 2022). This is despite there being no English language requirement for the route (Home Office, 2023a).

Scheme operators can recruit workers from any country. Due to how the route has been designed, Home Office officials do not have the power to limit recruitment to any particular country or to ban recruitment from a specific country. However, the ICIBI’s inspection report (2022) of the route noted that Home Office staff reported using “soft powers” in the form of “pulling a face” to try to

persuade scheme operators to consider which countries they were recruiting from. The GLAA, which licences UK-based scheme operators, does not conduct in-country licence or compliance inspections of overseas labour providers, with the scheme operators solely responsible for vetting these organisations (Director of Labour Market Enforcement, 2021; FLEX & FMF, 2021). There is no clear information available on if and how workers can be compensated for any recruitment costs or associated fees that fall outside of the compulsory fees for the scheme.

Pay

Until recently, there were no guaranteed minimum hours for workers on the scheme. Many SWV workers interviewed by FLEX and FMF in Scotland reported receiving zero-hour contracts, despite the government stating that this would not be the case (FLEX & FMF, 2021). Some workers reported being penalised or withdrawn from work for not meeting piece rate targets and noted that targets set by their employer were too difficult to achieve. Workers also identified that piece rates resulted in uncertainty in pay, as evidenced by the following quote from a worker: “Every day is like a lottery, like a roulette. We don’t know how much we will earn in a day, we want to work and we work honestly.” Around one in five SWV workers (22 per cent) said that had not been paid for pieces they had picked and about two-fifths (41 per cent) said they were paid lower than promised. About half of the workers (47%) said they were paid less than the agriculture minimum wage (FLEX & FMF, 2021).

Similarly, an investigation by the Bureau of Investigative Journalism and VICE World News (Mellino & Pangeni, 2023) highlighted that it was common practice for workers to be sanctioned for failing to meet picking targets or for making mistakes. The most common punishment reported by workers was having their hours reduced, with workers

sent back to their caravans after only a few hours of work. Drawing on a year of casework with workers on the SWV, the Work Rights Centre (Vicol et al., 2022) noted that some workers were subjected to verbal abuse for not meeting picking targets, received payslips that did not meet the hours guaranteed in their contracts, and had work withheld for being viewed as reluctant or problematic.

A joint DEFRA & Home Office (2021) review of the performance of the pilot in the first year of operation found that 16 percent of respondents were not fully paid for their work and 4 per cent were not paid on time. All workers reported being paid at least minimum wage, with the average pay at £8.77 per hour, which was higher than the minimum wage at the time of £8.21 for people aged 25 or older. The mean hours worked per worker per week was 25.3. The mean earnings per placement were £2,498. However, there have been recent concerns around workers' pay. Home Office compliance inspections conducted between February 2021 and February 2022 included reports that workers had received incorrect pay (ICIBI, 2022).

Zero-hour contracts were banned after the 2019 review of the route (ICIBI, 2022). In April 2021 the hourly wage for workers was set at £10.10 per hour, 6.3% over the national living wage (NLW) at the time. However, when employers provide accommodation to a worker, which is common on the SWV route, some of the value of the accommodation can count towards the NLW or national minimum wage (NMW). This is referred to as the accommodation offset (GOV UK, 2023a). With the accommodation offset measured against NLW or NMW and not the £10.10, employers can in theory increase the cost of accommodation to workers, provided that the worker's salary does not fall below NLW or NMW. Consequently, the increase in salary to £10.10 may not have led to an actual increase in take-home

pay relative to before the increase in the hourly rate.

From the 12th of April 2023, all workers on the SWV must be paid at least the national living wage, which is currently set at £10.42 per hour. Workers can be employed using a piece rate system, however, even when piece rates are used, workers must still be paid the NLW (Home Office, 2023a). There is, however, a lack of written guidance regarding how this is being monitored and enforced.

Workers employed in poultry production were the first on the route to get a minimum number of hours, which was set at 30 for the 2022 season. As of 1 April 2023, workers in both horticulture and poultry production are guaranteed a minimum of 32 hours a week (Home Office, 2023a). Where a worker is paid over a longer period than a week, scheme guidance states that "some reasonable averaging of hours is permitted" (Home Office, 2023b). It further outlines that UK Visas and Immigration (UKVI) will be "monitoring this closely and workers must not be required to work excessive hours at the end of their pay period in order to achieve the 32 hour average" (Home Office, 2023b). However, there is no clear written guidance on how this will be enforced.

Further, there is no minimum number of guaranteed weeks of pay for workers. Consequently, there is a risk that workers will arrive in the UK and then have to leave the country shortly after if there is no work available to them. The Guardian reported in 2022 that some Nepali workers that had taken on thousands of pounds of debt to come to the UK were told they had to leave less than two months after arriving (Mellino & Das, 2022). Likewise, the Guardian also reported that in 2022 as many as 200 Indonesian workers sought diplomatic help from the Indonesian government after arriving late in the season and being left without enough work (Dugan, 2022).

Sponsor tied visas

Workers on the SWV are tied to a specific scheme operator and are not able to transfer to another operator. There is clear evidence that tied-visas can result in exploitation, because of the threat that leaving will result in immigration enforcement action (FLEX & FMF, 2021). Workers on the SWV in theory can request to be transferred to a different farm once in the UK, and sponsor guidance dictates that scheme operators must establish a clear employer transfer pathway that is communicated to workers before they start work. Transfers must not normally be refused unless there are “significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical)” (Home Office, 2023b). However, recent evidence by the ICIBI (2022) has shown that not all workers on the scheme are advised of this right and that some requests are not granted when they could have been, with some workers having to pay for the costs of transfers.

Similarly, FLEX and FMF’s research into the SWV pilot (2021) found that the majority of workers interviewed reported making unsuccessful attempts to transfer. Many workers stated that their requests had been denied because their employer had refused to let them leave. One worker from the study stated that: “people asked for a transfer but [names Pilot Operator] ignored this, cancelled their request. We were told by [names Pilot Operator]: if we transfer you, everybody will want to be transferred. Therefore, we cannot transfer you.” Workers from the study also noted that they had been told at the point of recruitment that transfers were not possible. Without access to alternative employment options, some workers facing high debt may have no choice but to continue to work in exploitative conditions.

Another concern to worker welfare is the lack of protections available to workers if a scheme operator loses its licence. One scheme operator was removed from the list of SWV sponsors in 2023, with another having their

licence downgraded from an A-rating to a B-rating rating due to not meeting sponsor responsibilities. Companies with a B-rating are unable to issue new certificates of sponsorship until they have made improvements based on a UKVI action plan, and been upgraded back to an A-rating (GOV UK, 2023b). Section C 10.10 of the Workers and Temporary Workers guidance for sponsors states that if a worker was not actively or knowingly involved in the reasons for the revocation of the licence, UKVI will normally shorten the worker’s remaining permission to stay to 60 calendar days (Home Office, 2023b). Moreover, workers may be fearful of speaking out about workplace issues if they think it will result in an operator losing their licence and consequently a loss or shortening of their employment period.

Further, in response to a Parliamentary Question, the Government has stated that “in the event that a scheme operator for the Seasonal Worker routes became unlicensed for any reason, the Home Office will consider each case on its own merits and tailor its response accordingly” (UK Parliament, 2023). The lack of written guidance on this issue, and the Home Office managing this on a case-to-case basis can result in uncertainty for workers, and difficulties in monitoring outcomes for workers. As mentioned, workers must often take on high fees to move to the UK, and if forced to leave earlier than planned can face serious financial consequences.

Governance, compliance and access to justice

Providing appropriate channels for reporting abuse is critical for ensuring compliance with existing legislation and rules of the route. However, the ICIBI’s inspection report of the route (2022) noted that compliance inspectors received contradictory information about the distribution of responsibilities from Home Office staff and other government departments.

Enforcement of immigration rules and scheme regulations are carried out by the Home Office Compliance Network,

part of UKVI, and the GLAA, with UKVI holding the responsibility of conducting farm inspections (FLEX & FMF, 2021). The GLAA supports this role and may, but are not required to join farm inspections. The GLAA's remit focuses on human trafficking, forced labour, and illegal labour provision, as well as offences under the National Minimum Wage and Employment Agencies, but only in England and Wales, where they have police-style powers to tackle modern slavery and labour exploitation (GLAA, 2023b). In Scotland, the responsibility of investigating Modern Slavery lies with Police Scotland, with GLAA supporting activities (GLAA, 2023a). The GLAA, under the GLAA licensing system, can inspect licence holders, which in the case of the SWV route is scheme operators and not the farms. The GLAA cannot directly inspect farms under the licensing scheme and is only able to do so in England and Wales, independently from UKVI, in cases of Modern Slavery. The GLAA, therefore, does not proactively inspect farms under the SWV route or cases below the threshold of Modern Slavery.

The UK falls short in meeting international standards on labour inspections. International Labour Organisation's Convention No.81 includes a suggested threshold of one labour market inspector per 10,000 workers. Research by the Trade Union Congress (2021) highlights that the UK is failing to meet this benchmark, with only 0.45 inspectors per 10,000 workers.

In 2019, there were a total of 15 farm inspections carried out by the Home Office (DEFRA & Home Office, 2021). In reference to these inspections, the Government noted that several issues were reported to the competent authorities and/or to relevant scheme operators, however, no details were provided about how or whether issues were resolved. Only 9% of workers interviewed as part of FLEX and FMF's research on the SWV (2021) indicated that someone from outside of their workplace had asked to talk to them about their working conditions. There is currently no official data on inspections for 2020. Between February 2021 and February 2022, Home Office

compliance staff undertook 25 farm visits. Out of those visits, 19 reports were drafted and shared with the Home Office's compliance team. It is unclear what the findings of the remaining six compliance checks were, as no reports were published. In about two-fifths of the compliance checks (42 per cent) Home Office compliance officers identified significant welfare issues. Of particular concern was that reports were only fed back to scheme operators months later or not shared at all. By the time reports were fed back to scheme operators, the workers that had raised the complaints had often left the UK.

The Home Office stated that no further action was taken from these visits as they did not corroborate if allegations were accurate (ICIBI, 2022). No allegations were investigated by the Home Office, scheme operators, or by other government departments. The ICIBI indicated in their report that the Home Office had not shown that they have the mechanism or capabilities in place to check that scheme operators are meeting compliance requirements. During interviews, senior Home Office staff indicated that "guidance" and not law underpinned the compliance requirements that have been set, and that there was, therefore, discretion that could be applied when deciding to take action against operators that did not comply with the scheme rules (ICIBI, 2022).

Other enforcement agencies regulate aspects of work on farms. The Department for Business, Energy, and Industrial Strategy (BEIS) is responsible for minimum wage compliance and enforcement, while HMRC enforces the National Minimum Wage act on behalf of BEIS. Data from HMRC highlights that they have relatively small numbers of enforcement cases in agriculture, with HMRC noting that it can be difficult for them to enforce the NMW in the sector due to not being able to action intelligence with enough time to reach workers while they are still at the farm (Taylor, 2021). Likewise, the Health and Safety Executive (HSE), which is the regulator for workplace health and safety, noted in their 2020/2021 annual report that they had not conducted any inspections between 1

April 2020 and 31 March 2021 (HSE, 2021). The HSE did conduct over 200 inspections of farms in the period of 1 April 2021 to 31 March 2022, however, their approach is to conduct targeted campaigns rather than check compliance at the farm level (HSE, 2022; ICIBI, 2022).

Workers also face barriers to reporting exploitation. SWV holders are tied to a single scheme operator, are in the UK for a maximum of six months at any one time, and often take on debt to be recruited to and migrate to the UK. This combined with the potential risk or perceived threat of losing work and/or being deported can result in workers being coerced into carrying out tasks that were not part of what was agreed or not feeling able to report issues at work (FLEX & FMF, 2021). The Home Office being the lead enforcement agency for the route may also deter people from reporting, due to workers not wanting to speak to officials from a department that is also in charge of the UK's immigration enforcement. Further, personal data is routinely shared between labour inspectorates/police, and Immigration enforcement, with joint inspections taking place on occasion (Focus on Labour Exploitation, 2020). This makes it difficult for workers to cooperate with labour inspectors, due to the fear of being brought to the attention of the Home Office.

While workers on the SWV have the right to stay in the UK for the duration of their visa, workers may still be hesitant to speak out if they think it will jeopardise their immigration status. This is especially relevant in the context of the SWV, given that previous research, including by FLEX and FMF (2021), and the Work Rights Centre (Vicol et al., 2022) has highlighted that some employers threaten workers with loss of work or deportation if they report issues. The majority of SWV workers surveyed (66 per cent) by FLEX and FMF (2021) reported threats of loss of work and a significant amount (17 per cent) reported receiving threats of deportation. This was the experience of one of the workers interviewed, who stated: "I asked questions about my national insurance and the targets, then I started getting letters from the office with the warnings to leave

the farm." The study also found that SWV workers often struggled to progress requests through scheme operators, with some workers that raised problems with their farm reporting that they were regularly not being listened to.

Similarly, the Works Rights Centre (Vicol et al., 2022) highlighted that some workers also did not feel comfortable reporting issues to the farm they were working on, as they thought the farm would not take complaints seriously. One worker from the study that had been beaten up, was told that they would be banned from future work if they reported what had happened, while others were prevented from reporting issues due to being told that they would be dismissed if they reported unsafe conditions (Vicol et al., 2022). Some workers from this study also reported feeling hesitant to speak to the GLAA due to a combination of most workers being unfamiliar with the role of the GLAA, language barriers, and the fear that the GLAA might expose them.

Conclusions

Workers on the SWV route should be provided with decent working opportunities that deliver fair income, security in the workplace, access to social protection systems and justice mechanisms, and prospects for personal growth (International Labour Organization, 2023). However, decisions on the design and structure of the SWV has resulted in workers facing a high level of risk of exploitation. Workers are required to cover the majority of the costs for moving to the UK. This, combined with the short-term nature of the route, workers having no path for extending their stay in the UK, and there being no guaranteed minimum period of guaranteed income in the UK, has resulted in some workers having to take on high levels of debt, putting them at increased risk of debt bondage. Further, gaps in labour market enforcement have resulted in barriers to accessing justice for some workers.

2. A Workers' Inquiry into Seasonal Agricultural Labour in the UK

Clark McAllister - Open University

Over the summer of 2022, I secured work on a fruit-picking farm in order to gain experience and insight into the realities of the agricultural sector, and to facilitate building contacts with seasonal workers. My first shift on the farm – a gruelling twelve-hour introduction to farmwork – set the tone for the rest of the season. It was marked by three distinct events. The first: a wildcat strike coordinated by a group of Bulgarian workers, who walked off the job in protest against underpayment and discrimination. The second: a collective disciplinary meeting, where a senior manager subjected us to an intimidating barrage of insults and mockery, threatening to cut our hours if we failed to work faster. And the third and most significant, facilitated by a collective disdain towards this boss: an immediate forging of solidarity between a group of Nepali workers.

Over the course of the season, I fell in with these workers, and together we formed a tight-knit group of comrades with a shared understanding of exploitation and struggle. As the weeks drew on, we mapped out the issues and grievances on different farms;

shared stories and reflections of workers' experiences of the recruitment and migration process; and met up with a comrade from the trade-union movement to seek advice on strategies for building leverage and exercising resistance. The following report, split into two parts, grew out of this experience. It constitutes a workers' inquiry: an expression of direct experience of work and struggle in the agricultural sector.

The first part of this inquiry provides some introductory context explaining the Seasonal Worker Visa, labour recruitment practices, and the labour-process on British farms: with a specific discussion of some of the strategies employed in the exploitation of workers in agriculture. The second part consists of a migrant workers' testimony outlining the scams and debt-engineering practices that are endemic in international labour recruitment for the Seasonal Worker Visa. This inquiry is one part of a greater project, involving collective political work through our farmworker solidarity network. We encourage anyone interested in sharing information or supporting our efforts to get in touch with us here: farmworker.inquiry@gmail.com

Introduction

The UK agricultural sector, and the wider food industry, relies heavily on migrant workers. In the interval between the Brexit referendum in 2016 and the end of EU free-movement in December 2020, an estimated 75,000 workers were seasonally employed in fruit and vegetable picking each year – 98% of these workers recruited from Eastern Europe (McGuinness & Grimwood, 2017).³ Alongside seasonal workers, 27,000 additional EU nationals were based in the UK as permanent workers in agriculture, supplementing a further 116,000 EU workers employed in related food-manufacturing. This brings the total estimated number of workers from the EU employed in UK agriculture and agricultural-related industries to 218,000 on the eve of Brexit – not including hundreds of thousands of workers in related supply-chains (McGuinness & Grimwood, 2017: 5).

In order to prepare for the recruitment of workers post-Brexit, a new visa scheme was created in 2019: the Seasonal Worker Visa (SWV). Tying workers to licensed recruitment agencies ('scheme operators'), whose permission they need to change employers; preventing them from working outside the agricultural sector; and limiting their right to live in the UK to six months, the Seasonal Worker Visa is one of the strictest visa schemes in Europe: a reflection of the contemporary anti-migrant political climate in the UK. When the research for this inquiry began (in 2020-21), there were four recruitment agencies hiring for the SWV, each of them licensed

by the UK government: AG Recruitment, Concordia, Pro-Force, and Fruitful Jobs. Initially, the vast majority of workers recruited were from Ukraine, Russia, and Belarus. However, since the outbreak of war in Eastern Europe, some of the UK's licensed recruitment agencies have started to operate in areas they have no pre-existing history with. In 2022, after Ukraine, the majority of workers recruited through the SWV came from Kyrgyzstan, Uzbekistan, Tajikistan, and Nepal (Home Office, 2022).

In the course of my time working in the sector, most of the workers I met were from Nepal, Indonesia, Uzbekistan, and Kyrgyzstan: all recruited through the Seasonal Worker Visa. For the majority of these workers, their time in the UK was invariably described in negative and extreme terms, and frequently compared to 'slavery'. There are many reasons for this: the severity of exploitation within agricultural workplaces themselves, and the peculiar nature of these workplaces; the strict conditions of the SWV; and the powers of recruitment agencies to whom workers are 'tied' for the duration of their visa. All of these overlap to create a particularly vulnerable class of workers relegated to the periphery of UK society. 'Not just a lower class visa, but a lower class of people': this is how one Nepali worker expressed his feelings about this to me. In order to understand this reality better, to grasp the extent of exploitation – engineered not just by employers on farms, but by the state itself – we need to consider migrant workers' situations in greater detail. For so many, this begins with the creation of debt.

Debt and Recruitment

To travel from Nepal to the UK, you have to pay a *lot* of money. It costs, on average, between £1,100 and £1,500 for a return flight ticket from Kathmandu to London. There's also the visa fee for the SWV, which costs £259 (as of 2023). And, of course, workers need

³ Not accounting for labour-shortages since 2018.

even more money for subsequent travel within the UK, for food, for incidentals, before any earnings. None of these costs are required to be covered by the recruitment agencies. Workers provide this money themselves. This immediately puts employers in a convenient position: with workers having paid so much money to travel to the UK, the balance of power is stacked entirely against them. This has been considered at length by scholars of the global fruit industry, who explain that this imbalance is what fuels employers' drives towards recruiting the *right kind* of labour-power: 'the good migrant', as it were, in global hiring queues (Scott & Rye, 2021: 474-75).

But this is not the full picture. Not even close. In addition to these costs, innumerable workers also pay fees – *extortionate fees* – to third-party brokers in their home countries. Whilst recruitment agencies themselves are not necessarily officially complicit in this, it is a process common in international labour recruitment, especially in the countries SWV recruiters have increasingly decided to operate in. Third-party brokers function like middle-men, placing themselves between individual workers and the licensed recruitment agencies. Running widespread scams to deceive workers by claiming that applicants have to pay fees to secure their visa, and that they must apply through them, these brokers control and monopolise the labour market for overseas recruitment.

The extent of these scams, and the details deployed in executing them, is startling. It is not simply the case that some unfortunate workers fall victim to these brokers. On the contrary, labour brokers are embedded in the infrastructure of labour recruitment in many countries, to the extent that they function as an unavoidable layer in the recruitment process. As one worker with extensive experience of agency work in Nepal told me: 'it's so deep, this scam. It's deeper than the sea.' To put it simply, for most Nepali workers seeking jobs

overseas, you *have to* deal with these brokers.

When I first started working on a farm in 2022, I was shocked at how many of my co-workers had been scammed and tricked into paying these fees. Out of sixteen Nepali workers, only one explicitly managed to avoid dealing with brokers. For the others, most of these workers reportedly paid six or seven lakhs in total (£3,716 - £4,316).⁴ I soon learned that workers of other nationalities, recruited through the SWV, had also paid fees to third-party brokers, including around fifteen Indonesian workers who paid similar amounts. Several Uzbek friends told me that many of their compatriots paid \$6,000 [£4,800] to secure a visa: meaning that at least half of the workforce had likely been severely indebted in the recruitment process.

Again and again, I tried to wrap my head around the material dynamics propelling this process. In order to present a clear account of this broker system, I agreed with a friend and comrade who had experienced one of these scams to sit down together and outline the process. Presented below are some detailed extracts from his testimony, the full transcript of which is included below as an accompaniment to this chapter.

‘The brokers have connections to manpower agencies, local recruitment agencies in Nepal, and these brokers have years of experience of arranging documents for workers to go to places like Qatar and Dubai, for work. Legally, manpower agencies should hire workers directly. It is illegal for them to use third-party brokers. But in reality, they rely on these brokers... They control the whole labour business, the whole labour market. In some rural parts of Nepal, these brokers hold so much power.

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⁴ Seven lakhs is 700,000 Nepalese rupees (NPR), which, at the time of writing (April 2023) was worth around £4,316. All further conversions are from the time of writing.



They hold all these peoples' passports. They apply for whatever they want, and they can ask whatever they want from candidates. They can totally extort them. This is the system in Nepal! This is the route! This is the main problem for coming to the UK for Nepalese, and for many others in other countries...

The broker tells them to pay fast to secure a visa, and that they can quickly advance their documents to the recruitment agency. And they tell them that if they pay later, if they pay last, then they'll miss out, they won't get the opportunity. They spread competition, they say to every candidate that there are lots of people applying, queueing. Candidates get afraid. They think, 'if I don't give them money, I'll be last, I won't get a job, I won't get a place on the visa.' They play this trick on candidates. The candidates only think about the UK and money. They don't care at that moment how much they have to pay, because they trust they will make good earnings in the UK...

Most Nepali workers paid around 6 or 7 lakhs in total [7 lakhs = 700,000 Nepalese Rupees = £4,316]. Some paid more. I told you, one girl paid £12,000. But most people paid around 6 or 7 lakhs.'

It should be pointed out that this kind of debt-engineering is not a new feature of the recruitment process for farmwork in the UK. There exist a concerning number of reports, pre-SWV, detailing similar scams in recruitment practices from Eastern Europe (Scott, Craig & Geddes, 2012: 40-41, 51-54). But where there has existed an established and regular flow of migration from Eastern Europe to the UK, mass recruitment from countries like Nepal, Indonesia, and Uzbekistan are distinctly new features in the composition of the British agricultural sector. Considering the prevalence of fees and debt-engineering from these countries, the extent and magnitude of these scams should be considered in an even more serious light. The noted prevalence of this practice should sound alarm bells for anyone concerned about debt-bondage in the Seasonal Worker Visa: both as regards the contemporary widespread existence of manufactured-indebtedness, and the likely continuation of this into the future as the scheme expands into new areas for recruitment.

The Workplace

As workers on the farm explained: it was only after they arrived in the UK and started working that they realised the full extent of this situation. At this point, seeing in real terms how much it is actually possible to earn, workers have to contend with the fact they will be spending the entirety of their time in the UK working off debt, essentially receiving *less than nothing* for their time and labour. Recuperating money, aiming to minimise losses rather than earning as promised: this is the best-case scenario for many workers. Not only is this complicated due to the magnitude of the

fees paid, but the pain of recuperating this money is further exacerbated by specific obstacles in the arrangement and organisation of work on British farms. Having first reckoned with exploitative and deceitful brokers in their home countries, migrant workers next face a new challenge: dealing with employers in the British agricultural sector.

At the farm I worked, conditions were, according to most workers, markedly better than other sites. Yet, even at this comparatively good farm, the drive to maximise production, to pressure everyone to exert themselves to the extreme, was routine. One of the overarching reasons for this is the intense pressure farmers face in producing for supermarkets. With huge monopolies in the retail sector, supermarkets facilitate a race to the bottom in terms of prices. In their own declarations, the owners of the farm admitted to being unable to sustain their business in the long-term due to the paltry amounts offered by supermarkets for their crops (an estimated £1.59 per kilo of fruit during a glut at the height of the season).

These serious concerns have led to recurring narratives of farmer victimisation in the media (Clarke, 2022b). What is missing from these accounts is the fact that the pressures faced by farmers are passed on to workers, who are in turn 'squeezed' through the implementation of various strategies for the extraction of maximum quantities of surplus-value: the value produced by workers above the value of their wages. What employers face in declining profit margins, workers experience in the aches and pains of damaged bodies, sweating for over twelve hours a day to meet the minimum piece work 'target' inside scorching polyethylene tunnels. In order to better understand these strategies employed by the bosses, it is first necessary to outline the day-to-day rhythms of work on a farm.

The Organisation of Work

A normal day begins early, at the crack of dawn. At the height of the season, workers usually have to be up at 4am, in order to start work for 5am. Sometimes, in the haste to maximise production, work would begin ridiculously early, while it was still pitch dark, so that we had to sit around in the field and wait for the sun to come up. Until this point, there would not be enough light to properly see in front of you: not enough light to pick. In spite of all this preparation, nobody is paid for this time. You only 'clock-in' (or 'scan-in') after everything is set up: after the Quality Control (QC) Station where the fruit is inspected is ready, once trays and punnets and carts (trolleys) are in the field. Sometimes it could take fifteen minutes just to collect a cart and haul it to the relevant field. And this time is prolonged because most of the carts have busted, punctured tyres, so you have to spend a lot of time searching for a suitable cart and hope that it doesn't buckle later under the weight of hundreds of kilograms of fruit. In this way, there is a lot of wasted time and a lot of unpaid preparatory work before the day really begins.

Once you are finally scanned-in and on-the-clock, there is a scramble to collect trays from the QC station. Everyone fills their trays with punnets, then fills their cart with trays, before heading to pick the fruit, which grows in rows inside huge polyethylene tunnels. With four rows per tunnel, there is enough room for five workers to pick inside each tunnel. Once you have filled your trays with fruit, you then label these with your employee barcode and take them to the QC station, where the fruit is weighed and loaded onto trailers, and where supervisors scan your barcode labels, recording how much you have produced. Once these trailers are full, the fruit is transported elsewhere to be processed and prepared for delivery to supermarkets.

Each worker is expected to pick at least five trays of fruit – about twenty kilograms worth – every hour.⁵ This is the

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⁵ Depending on the time of the season and the yield, this can change.

piece work target. There is no scope or allowances for experience or ability. Workers are initially told that there will be a training period of two weeks, during which we will learn the rhythm and pace, so that initially we are exempt from the target. However, not only was practically no training actually offered, but on my first shift we were even told, in blatant contradiction to the induction, that if we didn't improve our picking speeds, we'd have our hours cut. 'I don't care if it's your first day', the field manager shouted at us: 'this is not a holiday... you are here to work.'

The work, of course, is incredibly difficult. Your back aches, constantly, being stuck performing repetitive motions over and over again, with no variation in movement except for when you haul your cart full of trays to be collected. Inside the polyethylene tunnels, the temperature becomes so hot you often get a headache. Every worker carries their own stories and anecdotes from different farms about the effects of the work. Back pain is the most common, as well as cuts to hands and fingers. Some workers recount extreme realities, like seeing co-workers faint and lose consciousness from the heat and the conditions.

The Length of the Working-Day

The length of the working-day also varies. Often you are in the fields picking for twelve hours. Sometimes even longer, with some shifts lasting for almost fourteen hours. Others are shorter. What is particularly excruciating about this is that you never know when the work will end: if you will be finished after ten hours, or after eleven, or after twelve. One shift, I was sent home *early* for failing to meet the piece work target after twelve hours of work. An exhausted co-worker tried to join me, but a supervisor shouted after him telling him he couldn't leave yet.

Not only can farms increase the length of the working-day at will, but the length of the normal working week

can also be stretched to its maximum possible limit. For example, my first week on the farm lasted seven days in a row (for most workers) before a day off, with no clear indication to workers that they are entitled to 24 hours uninterrupted rest every seven days (that is, within a seven-day period, not afterwards). One worker recounted to me how, in previous years, the working week could continue for up to thirteen days in a row without any days off, at the peak of the season.

Some employers believe (or, at least, they claim) that they are exempt from normal working time regulations because agricultural work is seasonal. This is not the case. A manager told me, when I highlighted these problems, that they know the law better than me. Whether they know the law or not, the important thing to emphasise here is that they are able to get away with this. In this way, employers extract quantities of absolute surplus-value from workers, through increasing the length of both the working-day and the working-week.

At the other extreme, sometimes there will not be enough work to go around, due in part to the fluctuating and seasonal nature of agricultural production: but more so due to the failings of the state and the recruitment agencies to create a system that works *for workers*. For example, many workers are recruited mid-way through the season, or even after the peak of the season, so that they arrive in the UK when fruit and vegetable production is at an unavoidable lull. With no work, these workers are still liable for rent, gas, and electricity, and many farmers are happy to 'employ' them as such, exploiting their status as trapped victims of an absurd system.

This happened to many workers I know who left the farm to find work elsewhere when the season dried up. Employers would accept them, and their agency facilitated the transfers, only for these workers to end up paying for the privilege of unemployment.

Reporting the situation to their agency, they told me that the recruitment agency had simply told them to better manage their own finances. Struggling to eat, let alone pay off debt, these workers had to rely on fragile interpersonal networks for money and support.

Pay, Piece Work and Lay-Offs

On the farm, everyone was paid hourly: either the National Minimum Wage, which in 2022 was £9.50 per hour, or else the £10.10 per hour rate fixed by the Seasonal Worker Visa. However, these are merely nominal figures. The farm employed a piece work system, allowing them to set high targets, and in order to be kept on shift, and not sent home midway through the day, you have to meet the minimum target. In this way, even though workers are paid hourly, piece work drives the whole labour-process, and the use of lay-offs allow farmers to undercut minimum wage in real terms. Indeed, the command '*back to the caravan*' was the farmers' greatest weapon. It was used relentlessly. After a month of work, groups ranging from seven to fourteen of us would regularly be sent back to our caravans after having only worked a few hours each shift. Subsequent disciplinary days off for slower pickers were also common, all the while workers are still required to pay rent, gas, and electricity costs to the employer. With weekly payslips regularly showing measly earnings of less than £200, you can imagine the toll this has on workers who paid thousands of pounds in fees.

Recently, the government has introduced new legislation which requires farmworkers employed through the Seasonal Worker Visa to be guaranteed a minimum of 32 hours of work per week (Dugan, 2023). If followed, this could alleviate some of the worst effects of these lay-offs. Yet, the letter of the law only goes so far in isolated rural workplaces. What guarantee is there that this will be effectively implemented? It is also the law that employers

must pay workers for their labour time, yet this often proves to be a consistent oversight in the agricultural workplace: not only are some workers laid-off and deprived of work, but many also experience blatant acts of wage-theft. This too is closely connected with piece work.

To take one example: over the course of several weeks in August 2022, groups of workers began to complain that they were not receiving their piece work bonuses. The bonuses they had earned had been calculated and publicly posted, for all to see, on printed lists detailing workers' performances – which acted as a means to motivate (and, by extension, to shame) workers into increasing productivity. These lists, and the bonus figures, were drawn up by the farm owners themselves, with each individual daily bonus carefully highlighted next to each successful workers' name. Yet, these bonuses never found their way into workers' payslips.

Initially, a group of Azerbaijani workers complained to the farm office about this. They told me that the manager simply sent them away, apologising for the lack of payment, claiming 'no bonus this week'. A couple of us insisted on speaking with the owner to demand they rectify this issue on behalf of these workers (whose poor English no-doubt contributed to their being swindled). The owner just made a list of excuses, ultimately shirking us off, and never sorted the problem. Employers can easily have recourse to plausible deniability in these instances: often blaming some accident or oversight. Despite bringing these particular issues up directly with the owner, these workers' bonuses remained unpaid, and no corrections were made for them. Yet, extra value was created: pocketed entirely by the farm.

For other workers, whatever the total hours worked per week, this would regularly be misrecorded on our payslips. Often a few hours of overtime would be missing, sometimes many hours, and for some workers

even whole days of work would be missing. On almost every payslip I received throughout my time at the farm, the hours recorded were significantly fewer than those I recorded myself, each day, in my diary. Comparing the two data sets reveals a significant under-recording of hours forming a distinct pattern. This is not one or two mistakes. It is reflected on almost every payslip.

Over the course of six weeks, my average earnings amounted to £204.80 per week (after deductions for rent): reflecting regular lay-offs and disciplinary days off. I decided to compare this with a co-worker, one of the top pickers on the farm, who was willing to share his payslips with me. Over the same six-week period, he earned on average £401.53 per week: a reflection of what it is possible to earn with consistent work when you are not laid off. Comparing these together, an average worker therefore might expect to receive around £303.16 per week on average, assuming regular hours (which, over the course of a season, most workers will not receive). Furthermore, as demonstrated in the following chapter, even the higher average of £401.53 is an altogether insufficient sum for workers to be able to recuperate the debt accrued at the point of recruitment. This means that, even with the introduction of 32 hours minimum work, this would not be enough for workers who paid such fees to recuperate their debt.

Bullying and Intimidation

Another common feature of the labour-process involves managers pressuring workers. Sharing stories together after our first shift, the Nepali comrades told me about their previous farm, where the owner (a man known to everyone simply as 'the bastard') would scream at workers and make physical kicking motions with his legs, threatening to 'kick them' out of the farm if they didn't work fast enough. He would make everyone line up in the morning, the workers told me, like a military drill, even in the rain, before allowing them to

go into the fields. This kind of treatment was compared to 'slavery' by the Nepalis, who, after refusing to work in such an environment, had to repeatedly pressure their agency to arrange a transfer.

You can build a little rapport with some supervisors. Being close to the workers, living onsite in the caravans, some of these guys are capable of great solidarity. But just as most workers have experience of decent supervisors, of people who offer their advice and support, so too do just as many encounter despotic bosses who have no qualms with shouting, threatening, insulting, and intimidating. On one particular shift, I witnessed a European supervisor aggressively scream in a young Uzbek worker's face, simply because he tried to submit his trays at the beginning of a break. It was his first shift, and he was confused. The supervisor then proceeded to push him, and the worker ran away.

A few of us, enraged, confronted this supervisor, but he only became more aggressive. 'You cannot show them your weak side', a co-worker confided in me: 'first they will take advantage with their words, then physically. Better to break their noses, say 'fuck your job!' and quit.' 'For us, honour is more important than money', he added. This same worker would later tell me of a confrontation he witnessed between a worker and a supervisor on another farm. Teased and insulted, a young Central Asian worker reportedly broke the supervisor's nose.

One day, feeling sick, I told my roommate to inform the supervisor that I wouldn't make it into work. Within an hour, the field manager was banging on my door: pounding the sides of the caravan with their fists. I explained I felt sick, only for them to try and intimidate me with warnings, and tell me that, because I was from the UK, I should know about 'the law'. Later that day they issued me with a disciplinary letter. These kinds of threats are used by managers to try and intimidate migrant workers who rely on visa sponsorship and are unfamiliar with their rights in the UK. An Indonesian friend

told me a similar story, about how he too decided to take a day off from work whilst working at a farm in Kent. It was the seventh day of working in a row, and his back was killing him, he explained, after working thirteen-hour shifts with no breaks. Yet a manager at that farm also aggressively pounded on his door, intimidating him, telling him he had 'five minutes to get to the field' – which he admitted he did, in a state of duress.

Transfers

Above, I mentioned how some Nepali workers were able to arrange a transfer from one farm to another, by refusing to work and pressuring their agency to find them another placement. The fact that workers had to pressure their agency to do this reveals a fundamental failing of the duty of labour-providers, the scheme operators themselves, to look after their sponsored workers' welfare: a recurring problem documented at length by investigative journalists (Mellino, 2023). Yet, it also reveals the power and leverage workers have: by refusing to work, and standing up for themselves, the workers were able to change their situation.

For many workers on the SWV, this process is experienced in reverse, as workers are also regularly transferred to different farms without having a choice. An Uzbek friend recounted how, on one farm, he and a group of other workers were called into their manager's office after their shift. The manager told them to pack their things, that they'd be leaving for another farm the next morning. With no choice offered in the matter, and with no notice given, he described feeling like a 'slave' in the UK, trafficked around to different workplaces as and when it suited employers. He once also told me he felt like a 'half-slave', and that all workers could do was try their best not to become 'full slaves', as he saw it.

This kind of treatment is facilitated by the strict conditions of the Seasonal Worker Visa: allowing workers to work solely

in agriculture, this not only isolates workers, suturing them to rural workplaces, but the terms of the visa do not even allow workers freedom in applying for jobs to different farms. It is for the farmers and agencies to decide if transfers can be permitted, severely limiting workers' ability to exercise control over disposing of their own labour-power. Tying workers to agencies in this way has recently led to comparisons of the Seasonal Worker Visa to the Kafala system used by states in the Gulf Cooperation Council like Qatar and the UAE: a migration system underpinning some of the world's worst contemporary labour abuses (Cholewinski, 2023; Pattisson, 2022). Assessments like this might horrify readers into thinking: *could things possibly be so bad on UK farms that it is like the Gulf states?*

Ironically, many of the workers recruited through the SWV actually have extensive experience working in these countries. On the farm, workers deployed similar comparisons themselves. One Indonesian worker told me that working in the transport industry in Dubai, where the state withheld his passport, was ultimately a far greater experience than working in the UK. And, as a Nepali worker recounts below, to go to work in Qatar today, there are established visa centres in Kathmandu which pay for both your visa and your flights, thus avoiding the notorious debt-bondage that accompanied most Nepali workers travelling to the UK. So, for workers, often the comparison is the reverse: work on British farms is not compared to slave-like conditions in the Gulf states, but the brutal reality of the SWV is used to measure what, in some migrant workers' own declarations, are comparatively better standards of life and labour in Qatar and the UAE.

Resistance

In contemporary accounts of farmwork in the UK, workers are portrayed almost exclusively as victims of the system, reduced to a passive role. This is true of mainstream media coverage, investigative journalism,

and academic studies. Every year, we hear stories about cramped and unsanitary living conditions, about pitiful wages, and about exploitation. Yet, nowhere has it been asked: to what extent do these conditions facilitate solidarity and resistance amongst the workforce?

On my first shift at the farm, I witnessed a group of around twenty Bulgarian workers take strike action against the bosses. Angrily shouting and complaining about pay, they walked off together in protest against discrimination and paltry wages. Due to language barriers and a general division between nationalities, most of us were unaware of what was actually happening, and assumed they were being sent to work in another field. Unwitting strike-breakers, it was only towards the end of the shift that we realised what had transpired, when a manager went around complaining about the Bulgarians and their strike.

A deliberate attempt was made to isolate these workers. Two separate supervisors had complained about Bulgarians, calling them 'Gypsies', and smearing them as aggressive and hostile. These kinds of racist stereotypes seemed to be a specific prejudice amongst Eastern European managers, and I did not have the impression it was deliberately stoked by the employers. Nevertheless, racist discrimination, disgusting in and of itself, serves to divide workers, and functions in the interest and to the advantage of the employer. At this farm, it did not work. With the Nepali workers, we would regularly attempt to build solidarity with the Bulgarian workers, overcoming language barriers by using auto-translate voice apps on our phones, and regularly drinking and sharing food together in our caravans.

Asking about their strike, how they coordinated it, and what could be done to support them, I was sad to learn how discriminated against these workers felt, and how ineffective their attempts to resist this proved. Later, the majority of Bulgarian workers left the UK altogether, citing poor pay and conditions

as the main reason for their early departure.

This would not be the last attempt at strike action on the farm. About a month later, a group of Indonesian workers staged a similarly spontaneous action. They explained it all to me over dinner. After being told to wait at the back of the line to scan-in, behind everyone else, despite arriving at the field first, a large group of these workers immediately walked off the job and returned to their caravans. They decided this amongst themselves, right there on the spot: to refuse to work. They also developed a plan, a solidarity pact, that if one worker was laid off and sent back to their caravan, then all the other Indonesian workers would join them. This later failed, but it is important to document these conversations and plans, and to emphasise the dignity with which these workers attempted to stand for their rights. The fact that, within a month, two separate strikes had occurred in a single workplace, is a significant reflection of resistance, and hints at the possibilities for coordinated struggle in the sector. Unfortunately, these Indonesian workers also later decided to leave and return to their country, citing the conditions and the lack of respect they had received during their time working in the UK.

Other acts of resistance were common. In response to the non-payment of bonuses, as described above, workers staged a deliberate slow-down, refusing to exceed the minimum target. Many workers would also sacrifice their piece work bonuses in order to help out slower pickers, by giving out extra punnets of fruit they had collected in order to 'top-up' friends and ensure they were meeting the minimum target. Alongside consistent camaraderie outside of working hours, these small moments in the labour-process – these moments of solidarity and cooperation – offer a glimpse into the possibilities for organising with workers in the sector.

Resistance is not simply a potentiality; it was practised day-in and day-out on the farm. Just as capital relies on specific moments to extract value from workers, so

too do workers create their own moments, out of which grow the possibilities of a different way of organising production: one that works in the interests of workers, of people in general, and not of profits and capital. This is not to say that organisation is straightforward or simple. Far from it. Reflecting on these moments of resistance, workers recognised they could only go so far, mainly due to the limiting and authoritarian nature of their visas.

A Significant Meeting

Many workers invariably spoke of their desire to fight back against exploitation, frustrated only by their visa status and the threats of disciplinary action and even deportation by their agency if they caused trouble or spoke out. So, for trade-unionists and other organisations in the UK, what should be done to support these workers? In the middle of the season in 2022, a group of militant workers met up with a comrade from the trade-union movement with a long-standing history of supporting migrant workers' struggles. Together we came up with a set of ideas for exercising leverage and fighting against lay-offs, based entirely on the position and experiences we already had within the workplace.

Reflecting on some of the actions already undertaken that secured workers small victories – like refusing to work until the agency facilitated a transfer, or going as a group to complain about underpayment at the farm's office – we considered how this unity could be expanded. For example, if the farmer regularly sends seven workers back to the caravan, what will they do if, one day, twenty-seven other workers join them? At the peak of summer, when yields are high, fruit has to be picked and sent to supermarkets quickly. By demanding that either all of us pick the fruit, regardless of pace and ability, or else none of us pick, then workers can exercise significant leverage. Within days of our meeting, other workers would try this (as mentioned above): developing the same

strategy on a smaller scale, and entirely spontaneously, without our interventions. By uniting together across nationalities, all that is needed is a critical mass.

Every day, workers pick tonnes of crops. Submitting your trays before each break, you stand there before these massive stacks of crates, overflowing with produce: mountains of fruit, representing mountains of value. What appears as a crushing symbol of exploitation can also be flipped into a tool of our strength. Before appearing on any supermarket shelf, before having a price-tag, before transforming into a single iota of 'value': crops have to pass through the fists of workers. On farms, with so many grievances and problems, there are a million opportunities to demonstrate common interests and organise for workers' power. This is not to say that it is a simple matter of turning up and 'organising the workplace' – as if anyone can just do this. But workers are already resisting at an immediate level, and need the support of other organised workers across the trade-union movement. It is the purpose of workers' inquiry to highlight these moments, which are the basis for organising.

Outside of workers' own efforts and the solidarity that could be shown by the trade-union movement, there are really no sources of support. One of the sobering points established in our meeting was that all official channels are essentially useless. For example, the Gangmasters and Labour Abuse Authority (GLAA), ostensibly existent to prevent labour exploitation in agriculture, has in recent years received less funding than the Home Office has spent on printing, publishing and stationery (Mellino, Pageni & Patisson, 2022). Since the Immigration Act 2016, they have also increasingly collaborated with UK Visas and Immigration and Immigration Enforcement, so migrant workers don't really trust them (Noble, 2020). There are effectively no straightforward routes, no safe official channels, to help and support workers.

Looking Forward

Despite these bleak realities, following our meeting with the trade-union comrade, workers had a bit more confidence that someone outside the isolated farm, someone in the UK, was actually there listening to them and offering support. The only way real and effective change will emerge is through similar acts of solidarity, through coordination and organisation with workers themselves. This is not to say that other political realms should be ignored. Indeed, it is essential that those concerned about this exploitation direct their attention towards reform of the Seasonal Worker Visa: to enable workers to have a minimum of freedom and flexibility during their time in the UK, to organise freely and advance their interests. At the same time, struggles in the workplace, of which the agricultural sector contains an extreme variety, represent struggles over the organisation of work: and this is a question for trade-unionists and socialists to consider as much as anyone in established positions of power.

So, for these comrades, what should be done? Workers on farms need to know that there exist networks that can offer their time and resources without charging and ripping them off. A farmworker bulletin – circulated digitally and physically to different farms – could establish a useful means for communication: urging workers to share information about working conditions and grievances on different farms. This could also help to unify workers, and to point them in the direction of migrant solidarity networks that can give solid legal advice. Trade-unions should work with these groups and organisations, and offer workers their time and resources: to establish trust, give advice, and represent workers on disputes on farms. By regularly reaching out in this way, more networks can be built, like the one started in the course of this inquiry. Whilst there is no model for organisation in the sector, the building of such networks can act as an experiment in finding that model.

Unions in the retail sector could also follow Unite's model of pursuing leverage campaigns, utilising their resources and power within the retail sector to support workers' rights and struggles in agriculture. Farms, after all, are only one factor, though a central one, in a greater supply chain of food commodities. Too often, supermarkets shirk responsibility for driving exploitation in the sector. They oppose this in name only, while refusing to pay a decent price for crops picked and planted by migrant workers and sold by farmers. A crucial element in any future organising effort in the agricultural sector, the crushing monopolies in the retail sector have to be challenged. Over the next growing seasons, we are planning to campaign to raise awareness about these issues: to encourage other movements, organisations, and the public to support our efforts and get involved in the struggle.

This report has attempted to convey the most pressing issues experienced by workers on the SWV, and in the agricultural sector in general. It offers, necessarily, only a glimpse of the sector, but one which conveys the realities, as I see them. There are many other stories to tell from the 2022 season, and more will emerge as we enter the picking season for 2023. It is hoped that this report will be considered by comrades across the trade-union movement, and that we can work together to support workers' struggles in one of the most intensive, and important, sectors in the country. A particular regime, offering workers the strictest rigidity and employers the greatest flexibility – a form of labour apartheid, a *British Kafala* – has to be challenged. This begins by bridging the apartheid gap that separates tens of thousands of migrants from the trade-union movement and wider UK civil society.

3. A Workers' Reflections on the UK Seasonal Worker Visa: Debt and Recruitment

Every year, innumerable articles appear in the UK media documenting widespread labour abuses and exploitation in the agricultural sector. One of the most recurring problems highlighted by investigative journalists regards illegal fees which workers are reported to have paid in the recruitment process for the Seasonal Worker Visa: leading to concerns and accusations of debt-bondage. Yet, despite these articles, there are no concrete accounts of how these fees, and the scams that underpin them, actually function. There is no real discussion about the widespread and central role they play in the international recruitment of migrant labour, especially for the UK's agricultural sector.

Sitting down together, two former farmworkers – one, a Nepalese worker defrauded into paying fees, the other an investigative researcher – decided to outline this process as part of a wider workers' inquiry project. The following workers' testimony is the first of a series of accounts, proceeding from workers' first-hand perspectives, about the realities of the Seasonal Worker Visa and the labour-process on UK farms.

Editor's note: This is an extended testimony of a worker recruited from Nepal via a third party broker to take part in the SWV. The worker wishes to remain anonymous, and identifying characteristics (such as the name of the recruitment agency) have been redacted.

How do we explain the fees workers paid?

'Most workers we know paid fees in coming to work on farms in the UK. It all starts at the point of recruitment. If you want to break the chain, you have to get to the roots. You can talk about farms, conditions. This is all important. But this research, if it is to be effective, has to consider the roots, and this begins with fees. The main problem is that 'agents' – brokers, middlemen – sell fairy tales to people about the UK, giving people a false dream. We must send information to new applicants, from Nepal, from anywhere, to not believe these scammers. Don't listen to anyone who spreads fairy tales. Only you yourself can apply to the Seasonal Worker Visa. If they say they have representatives in official companies, don't believe them!

I have faced this problem. Later on, after applying, I came to know this: that I was a victim of fraud. I trusted that broker who sold me a lie. They told me they have a person in [the recruitment agency] already, an official employee, that they would arrange everything. They say this everywhere, not just in Nepal. In India, too, and Indonesia. Everywhere. Every broker says the same thing: they have their representative at the licensed recruitment company...'

Who are these brokers? Why do people go to them in the first place?

'Nepal is a country where lots of people are willing to go abroad for work, to achieve their dreams, to look after their family. In 2022, in just 7 months from January to July, over 200,000 Nepalese workers migrated overseas for work.⁶ For many years, the way people do this is through brokers. The brokers have connections to manpower agencies, local recruitment agencies in Nepal, and these brokers have years of experience of arranging documents for workers to go to places like Qatar and Dubai, for work. Legally, manpower agencies should hire workers

⁶ In 2021, over 600,000 Nepalese workers migrated overseas to the Gulf States for work. See Rai, Diwakar, Nov. 2022: 'Why Nepal sends so many migrant workers to the Middle East', in DW. Why Nepal sends so many migrant workers to the Middle East – DW – 11/01/2022

directly. It is illegal for them to use third-party brokers. But in reality, they rely on these brokers, these agents. The brokers go around advertising opportunities, and they bring candidates themselves to the manpower agencies. Most workers cannot go direct. They are busy, they have to work, or to farm. But these brokers spend their time doing this, spreading the word, and charging candidates fees. It's just how it happens. Lacking education, many people trust them, for their information and because of their education level. And people are desperate for the opportunity of a better future, of better earnings.

In rural Nepal, candidates are forced by their own families to go through the broker because they are living in poverty. The broker gives fake news: only 10% true and 90% false. They manipulate peoples' desperation and dreams. It's all because of poverty, all because of a lack of opportunity, of poor living standards, of family situations. That's why they do this. That's why workers give their passports and pay fees. They are desperate.

Some brokers have been caught out by more educated candidates. They have exposed the brokers, and some have been arrested, and even money returned to candidates. But most of these brokers are not afraid. They still carry on doing this. They are used to it. It's their business. The government has officially given notice that there should be no brokers working in the manpower field. They should be arrested. But if you go outside the manpower offices, you will see brokers like ants! Manpower agencies will never fulfil their demand without them.'

So, in a way, these brokers control the labour market?

'Of course, they control the whole labour business, the whole labour market. In some rural parts of Nepal, these brokers hold so much power. They hold all these peoples' passports. They apply for whatever they want, and they can ask whatever they want from candidates. They can

totally extort them. This is the system in Nepal! This is the route! This is the main problem for coming to the UK for Nepalese, and for many others in other countries.

The brokers have so much experience sending people abroad, people just go to them. They know how to say the right thing at the right time, so candidates are forced to believe them. They work out these tricks and use them for years. It's their strategy. They control and manipulate information, spreading fake news about great opportunities. 'In my nearest Manpower, there is demand, come fast!', they say things like this. The brokers manipulate each and every candidate. They don't speak to groups. They don't get candidates together in a room and talk. They target people individually. Easy for them to manipulate.

So, those poor candidates who go through them, they are forced to trust them, because in the mind of the candidate they only think of the good things: the good opportunity, good earnings, good job, good life. They just think how to get good work and a better life. How to get money for their families. The brokers, they take advantage of their emotions, of their feelings.

Trust is a big thing. If one candidate knows a broker, and this broker is a well-known person to them, like a close friend or family member, which often happens, then everyone they know follows them. There is a kind of blind trust. For example, one girl we knew, she paid approximately £12,000 to come to the UK through a broker – this broker was her cousin. For some of us, many of us, it was our friend. This one friend, his family said that they could apply to the UK Seasonal Worker Visa through their connections to a local agency, so we went through them.

So, these are the problems, and the main thing is to break the chain of these brokers. We need a solution to this, to make the process reliable and easy, so no one has to go through these brokers.'

How exactly does this process work for recruitment to the UK's Seasonal Worker Visa?

'Everyone hears about the Seasonal Worker Visa. It comes on the news. Brokers and candidates hear about it. But brokers, their first thought is 'now is our opportunity to make money'. Many people do not know how to use the internet for applications, how to use it properly, how the process works. There is a lack of information everywhere about recruitment, and a lack of education. The brokers are ten steps ahead of the candidates. The brokers make them victims, they take people for fools.

The broker tells them to pay fast to secure a visa, and that they can quickly advance their documents to the recruitment agency. And they tell them that if they pay later, if they pay last, then they'll miss out, they won't get the opportunity. They spread competition, they say to every candidate that there are lots of people applying, queueing. Candidates get afraid. They think, 'if I don't give them money, I'll be last, I won't get a job, I won't get a place on the visa.' They play this trick on candidates. The candidates only think about the UK and money. They don't care at that moment how much they have to pay, because they trust they will make good earnings in the UK.

So, candidates take loans and pay the money to the broker, and they also give the broker their passport. Then the broker applies online, to the official recruitment agency, simply by 'being' that candidate. They pose as the candidate. If one broker has ten candidates, then they make ten individual Gmail accounts and apply through them, acting as if they were that candidate, by posing as them. Later on, if the visa doesn't arrive and they have paid, the broker tells them not to worry, that they will have a place next year...

And once you start the process, they have more power. Whatever emails come and go between their accounts

(pretending to be us) and the official recruitment agency – all of this is kept from us. We are kept in the dark. The broker then has all the information: where we need to go and what we need to do. But they only tell us when we need to do something. For example, attending the visa service appointment, where they take our fingerprints and photograph. When the date arrives for this scheduled appointment, only the broker knows it, because they created the fake email accounts. And so, at this stage, to reveal the date of our appointment, they ask even more money. Another one or two lakhs [1 lakh = 100,000 Nepalese rupees = £616].⁷ Then, after the appointment, if the application is finally successful and we receive our visa – again it is the agent, the broker, who receives it, and they charge us more money still to give us our visa and return our passport. They control you at every step.

So the official, licensed recruitment agency, they think it's me applying direct! But it's a broker! And they only give us the email and password they created after we pay everything and when the process is successful. Along the way, they threaten candidates: 'if you don't pay, your documents won't go anywhere.' People are desperate for this opportunity, so they will pay. There is so much unemployment in Nepal. Brokers also spread lies, lots of nonsense, like they say to people that if you work in UK through the Seasonal Worker Visa, and then return a second time, then you get a five-year visa. They fool people with these lies. They have so many years of experience, playing with peoples' minds, using manipulative words.

It's so deep, this scam. It's deeper than the sea. I know how it works. I've worked in jobs through manpower agencies for eight years. So, there must be a better system, an authorised application system that can be properly controlled, with proper information. Otherwise, this will continue to happen. Not just in Nepal, but everywhere.'

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⁷ Conversion rate at time of interview (April 2023).



A viral 2023 Tik Tok video in Nepal shows two brokers being questioned by officials from the Ministry of Labour. These screenshots show Nepalese passports and applications for the UK Seasonal Worker Visa, taken by brokers as part of a scam in advance of the 2023 season (from user Bikram Dahal 40).⁸

Do people dealing with brokers know they are using fake emails?

‘We didn’t even know they had done this! They kept us in the dark about it. We trusted them, like most people, because of family and friendship connections. Many people are scammed in this way, through trusted friends. Until the process was finished, we thought they were doing everything the correct way. We trusted they wouldn’t take advantage of us. Only after did we realise you have to do it individually. Before that, we thought that this was the way to do it. It’s how everybody does it.

They told us they had connections with people in [Recruitment Agency], and that this was how to apply. Only later, after our visas arrived and our passports were returned, did we get access to the emails, which we then needed to communicate with [Recruitment Agency] in the UK. Only then we saw that they have

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⁸ The full video can be found here: Bikram Dahal (@bikramdahal40) | TikTok.

done it this way, applying like they were us, individually. We pieced it together afterwards, and realised ‘oh, this is not good’. Before, we trusted them.

So, we realised all this the day before we travelled to the UK. That it was all fake. All a lie. That we had been scammed. We thought at that stage there’s no point arguing. What could we do? Let’s just go and see what happens.’

In the UK, how many workers do you think were recruited like this, by having to pay fees?

‘In the UK, easily 70% or more of Nepali workers paid fees. Maybe even 80% of Nepali workers paid fees. I haven’t met many people who applied by themselves, or who did not pay fees. It’s the most common problem for farmworkers in the UK. We also came to know that other workers paid fees. We talked with them: Indonesian workers, Indian workers, Uzbek workers... When Indonesian workers arrived on our farm, they all came from one single company, one single recruitment agency. I asked them if they paid fees. They all paid more or less the same amount as Nepalis.’

How much, on average, did these workers pay?

‘Most Nepali workers paid around 6 or 7 lakhs in total [7 lakhs = 700,000 Nepalese Rupees = £4,316]. Some paid more. I told you, one girl paid £12,000. But most people paid around 6 or 7 lakhs.’

You mentioned before that workers have to take out loans to pay these fees. Where do they take these loans from?

‘They are forced to take out loans, often high interest rate loans. Most people take these loans from

moneylenders. They will pawn their goods, their gold, at high interest, in order to take these loans. Everybody does it. Everybody takes loans to be able to afford these fees and come to the UK.

The moneylenders are the rich people in the village. The landlord who owns lots of land and leases his land to tenant farmers. We call it 'zamindar' ('landlord') – moneylender who gives loan. Like brokers, they are very clever at manipulating candidates. Some moneylenders, they know where candidates live, so they arrange the paperwork for the candidates to sign over their houses, and their land, as collateral. The paperwork says that if they don't pay back the loan in time, then after a certain point the interest will increase. And if they don't pay back still, then they'll take the house and the land of the candidate. They force candidates to sign these documents. Poor people are the easiest for moneylenders to manipulate. To go to a bank, you need lots of documents, lots of paperwork. But a moneylender will easily give these people a loan because they know they can take advantage.

I know lots of that stuff. I haven't done it. But I know people who have fallen victim to this. They are people living in poverty, poor people. It's hard for them to arrange one lakh or two lakh in one or two months, so they are forced by circumstance to go and take a loan from that kind of lender.'

Did people do this to pay fees for the Seasonal Worker Visa?

'Not signing over houses. I haven't met anyone who did that for the Seasonal Worker Visa. But I have seen many innocent people do that kind of thing to work overseas in the past. But people have still taken lots of money for SWV. Most of them have taken loans in different ways from different people. I was able to take a loan from the bank. I put my wife's gold in the bank as collateral. I took three lakhs of loan, at interest of 8.5%, now increased to 12%. And I took 2 lakh loan

from one neighbour, and just under 2 lakh from another. So overall 7 lakh (£4,316) to pay the broker's fee.'

Have you been able to pay it back?

'Of course not man! How can I? Workers have to survive here, paying rent, paying for food. We also need to send money back to our families to support them, to provide them food, and to provide for our kids, for their school. So I send some for paying back loan, some for my household, while paying a lot to survive here myself. At the root of all this is the money paid to the broker. That's how it all started. That was the beginning. I am still in this debt. If I haven't paid all that money to the broker for the SWV, I would not be in this situation of debt.'

How much money is it possible to earn working on the Seasonal Worker Visa? We know most workers do not receive continuous work for six months, and are subject to particular obstacles on farms themselves (like wage-theft and regular lay-offs), which further depress their earnings. But assuming regular, consistent work and a decent wage: is it possible for workers to recuperate their losses and repay these loans?

'It depends. We can calculate this. I worked on one farm for twenty weeks: a full five months, with regular work. Overall, I earned £11,200. Over £1,000 of this was deducted for tax, and £700 for National Insurance. So £9,500 after tax. In that amount, the farm deducted £1,000 for rent. So £8,500. Then gas, electricity, we also had to pay a lot for this. And we have to eat, for five months, we have to buy all that. That's easily £50 or £60 per week for each individual, probably more. Say average £60 per week. So overall spending £1,200 on food for the entire time for twenty weeks, this gives us £7,300. Then taking the bus to supermarket: this cost almost £5 each time. Then, of course, we also need to

pay for other things, like clothing, footwear, and jackets. And weekend gatherings, money for tobacco, alcohol. Everybody does this. So take £1,000 overall for that. So now £6,300. And of course travel costs to get to the farm. One trip cost us £110 each. So, in my calculations, I have earned overall around £5,000-£6,000. That is, I have saved approximately £5,000-£6,000. So, if you consider these necessary expenses, and then look at the fees and loans: overall, there is no saving. I had to pay 6 lakhs to the broker in Nepal, then spend another 1 lakh for things to bring here, so 7 lakh in total (£4,358). So overall, no savings, because we all have to pay off all this – the loan for the broker's fee, and also money for our families to support them, money for our children's education.

So, if someone comes to work via the SWV *without* paying fees to a broker, they could earn approximately 9-12 lakh. This would be their gross income. After expenses, grocery expenses, transportation, and other costs, they will surely be able to save 6 or 7 lakh, but only if they come at the right time and have full work. Most people will never get the chance to work regularly for the full six-month period.

The overall cost of living on a farm is between 3-4 lakhs. If someone earns 10-12 lakh, they will save 6-8 lakhs. But if someone pays 6-7 lakhs to the broker, how will they save anything? Nobody comes here just to work and pay a loan. They don't come here just to see the UK. They came here to earn money. And people need to send money to their family. Everybody has in their mind at the beginning – *I will go to UK and work and save some money, and I will send money back to my home, my family, then I'll come back home, and again I'll apply next year.* That's what all people think. But when the broker has already taken 6 or 7 lakhs from you, then how will you save money? How will you look after your family? If my living cost is 3.5 lakh here, then surely my family's living cost will be more than 3.5 lakh back home, because it's a whole family. So if the broker takes 6 or 7 lakh, how can you save money? How can you send money to your family? How can you repay the loan? So, for many people on SWV, they say

we have just come here to pay off our loans. We won't earn any money. We are just paying off our loans.

I want to say: whose fault is this? Who do we blame? The recruitment agency? The government? The brokers? Who is taking responsibility for workers being robbed in broad daylight? This is the question we must ask clearly and in bold. We have to criticise the whole sector. We must put one big question mark here: who is responsible? We need to look at the whole system. If there was one simple system that applied to everyone, with clear instructions and a good information-providing service, then this kind of situation would never have arisen.

Do people want this to continue? If not, if people care about this, then we need a new system. If nobody cares, if nobody wants to know, if people want to let us fall into this situation, then it will continue. If not in Nepal, then in other countries. We need NGOs, protests. We need a solution.'

What should be done to solve these problems?

'The UK government, if they want to hire people for the Seasonal Worker Visa, could give the opportunity via one authorised department of the country they are recruiting from. Whether it be Nepal, India, Indonesia... Everywhere. They must give a trusted authority, an official organisation, the ability to sponsor workers. If licensed recruitment agencies had connections with the Nepalese Department of Labour, they could hire people through that department, with clear information provided. This official public organisation, they could check to make sure people have not been scammed along the way: a regulated and safe way to recruit.

They should also establish an information centre to go alongside this, to spread the correct and accurate information: to make it clear that people can only apply through the official department. They should advertise how many places there are, and make it a fair process.'

What about those who have already been scammed? Is there anything that can be done to help them?

‘If the recruitment agencies really want to help these people get their money back, they could simply do one thing: send one email to the authorised labour department of Nepal, detailing lists of people who had reported being scammed. They could encourage an investigation of those incidents, of what happened to their workers. Maybe in this way people could be helped. But I don’t think this will happen.

For the next season, and for the wider future, they *must* establish a trusted and official communication centre so that everyone who wants to apply receives the correct information and applies via that official centre. Only after visiting such a centre, after collecting the documents from that official centre, only then should applicants be processed and accepted. There also has to be more effort for spreading clear information, an information campaign, before recruitment. They have to give workers in each country a clear chance, so that everyone has a chance, so everyone can proceed directly without fear of scams, without fear of missing out if they don’t pay money.

If they really care about looking after the wellbeing of workers who come here to the UK, they must do these simple things. They only have to establish one centre, with clear lines of communication between the official recruitment agencies and the governments of each country.

This is how it works for going to Dubai, or Qatar, from Nepal. There is an official visa centre in Kathmandu for this. Everyone who wants to go to these places for work has to go through that visa centre to receive their application form, to do the biometric appointment. Centres like this have solved a lot of problems: in the past, people would go to Qatar and fail medical tests, then be sent home,

losing lots of money. Now, they do everything like this in the official visa centre, so it’s better for those workers going to Qatar now. It’s such a simple thing, not complicated.⁹

Surely they could do something similar for recruitment to the UK. Official centres where applications are accepted, and any instance of fraud can be reported, those brokers could be stopped and caught. Some guidance to walk through, step-by-step, for the candidates, would be very helpful.

If they want to hire workers in the future from other countries, they must establish a trusted branch in that country where people can be hired safely. This would also help the UK, to stabilise the worker shortages, to create a fair system and put food back on the shelves.

If they want to help their own farming sector, they must listen and take our advice. Otherwise, these fees and scams will simply continue everywhere they go to recruit. It’s all a circle – if recruitment agencies take just one simple action, it will impact the whole system: for farmers, for workers, for the economy. If the system is fair and clear, workers will come to the UK with a fresh mind, a positive attitude, and contribute to the economy, solve the problems of food and labour shortages. And they will return as well, reliable for all parties.

We have to look after labour. The recruitment agencies need to look after labour, and not ignore us, like they did.’

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⁹ Editor’s note: ‘Free-Visa, Free-Ticket’ programmes have also been introduced between Nepal and the GCC to facilitate fairer recruitment of migrant workers, although their effectiveness has been called into question (Pandey, 2023).

4. An Analysis of Financial Value in a Seasonal Worker Supply Chain

Christian Jaccarini
– *New Economics Foundation*

NEF analysed how the value created for UK consumers in the production, processing, and distribution of fruit is shared among those in supply chains. This has allowed us to estimate that seasonal workers receive an average of 7.6% of the retail price of certain fruit grown in the UK. We examine how these wages compare to UK pay and poverty thresholds and find that the average pay of migrant agricultural workers in the UK is below the absolute poverty threshold.

Context of the Analysis

To understand the financial outcomes of the current system, NEF undertook an analysis of a supply chain for fruit grown in the UK. This analysis illustrates how the value created in the production, processing, and distribution of fruit is shared among those in the chain. The results illustrate how the current economic and migration systems and the economic power of different actors result in an uneven distribution of value among groups within the supply chain. In addition, they show how the current immigration system further reduces the share of value retained by seasonal workers.

The first subsection looks at the case where seasonal workers work a consistent and high number of hours a week (36 hours on average) for a season (17.3 weeks) and do not face any fees to third-party brokers.

Then we expand this to examine how illegal fees paid to brokers and overpaid income tax can impact our value chain analysis. In the last section, we look at the impact of early contract termination and we discuss some of the limitations of our analysis. Unfortunately, our analysis does not account for farm workers being underpaid or wage theft, as by definition this does not appear in farm accounts. Testimonies of workers in this report indicate this practice is rampant, and figures on worker pay may be even worse than our analysis suggests.

Findings

The distribution of financial value with consistent working hours

To inform our illustrative modelling we examined an English fruit farm based in Kent, using publicly available accounts and other supporting evidence. We have cross corroborated the accounts of this farm with others to ensure it is broadly representative of the sector. This farm produces strawberries, raspberries, blackberries, plums, and apples using a combination of 1,200 seasonal workers and some permanent workers and is a significant producer for UK supermarkets. In total, the farm produces 24,000,000 punnets of fruit for retail each season. By looking in detail at the way costs are borne and profits delivered along the whole chain, we estimate how the retail price is distributed among different costs and profits.

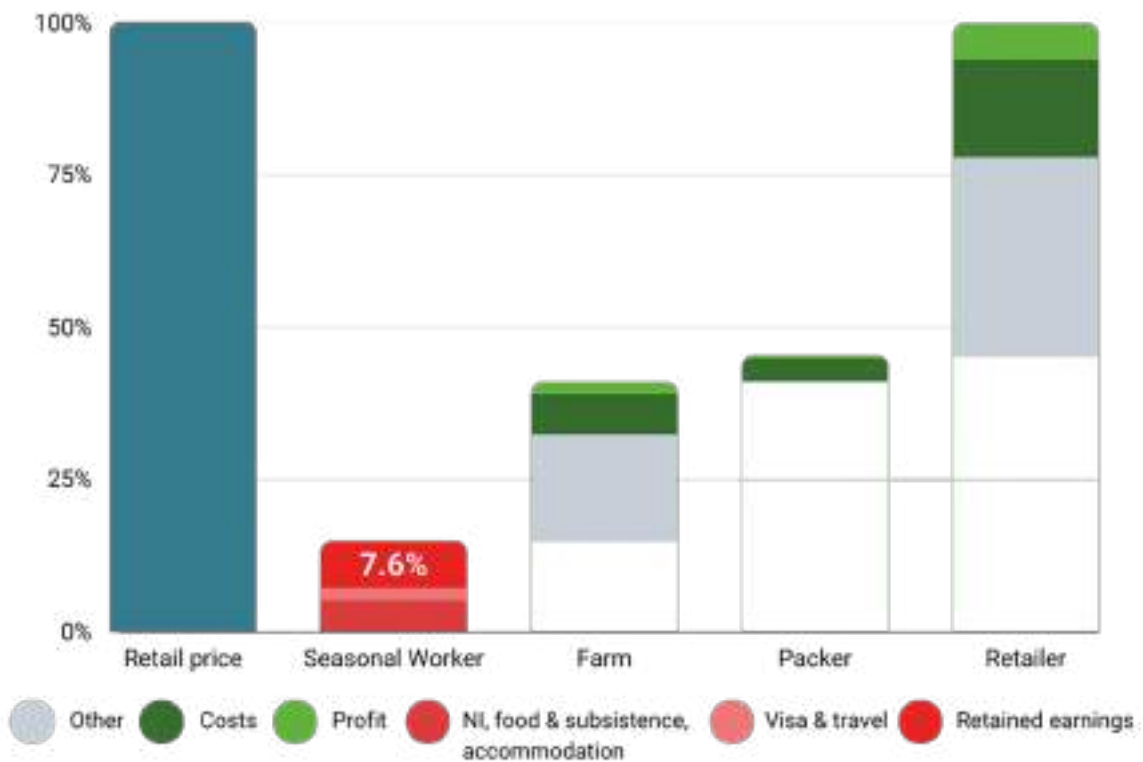
NEF estimates that of the total retail price paid for strawberries, raspberries, blackberries, plums, and apples, the farm receives **26.2% of the retail price before costs**. From this it pays tax (1.7%), directors and permanent staff salaries (1.9%), administrative costs (2.9%) and other costs (17.6%). These other costs include inputs into production, such as fertiliser and equipment and may also include payments made to commercial partners not explicitly documented in our analysis. The farm generates a profit on these operations, equivalent to 2.0% of the retail price of the produce, and the fruit is supplied to UK supermarkets via a packaging and distribution firm.

The packaging and distribution firm receives 4.2% of the retail price before costs. It markets, packs and distributes the produce and bears costs including tax (0.2%), staff and director pay (1.9%), and administrative expenses (1.7%). The firm supplies the produce to the retailer and generates a profit on its operations equivalent to 0.3% of the retail price. The firm works with many UK berry producers, making it a significant player in UK supply chains.

The supermarket receives **54.7% of the retail price**. It bears costs including tax (1.3%), staff and director pay (11.2%), administrative expenses (3.5%), and other costs (32.8%). These other costs likely include transportation, marketing, energy and other operational costs, and payments made to other commercial partners. The supermarket sells the fruit to customers and generates profits equivalent to 5.9% of the retail price of the produce.

For the seasonal workers who harvest the fruit, **an average of just 7.6% of the retail price is kept as retained earnings**. While their gross pay is 14.7% of the retail price, National Insurance contributions (0.7% of r.p.) and on site accommodation (2.4%) are deducted from their pay packet. In addition, workers face subsistence costs¹⁰ (2.0%) and visa and travel costs (2.0%). This means that they are left with just 7.6% of the value of the fruit that they farm in retained earnings.

Figure 1 Analysis of distribution of financial value in fruit production supply chain, percentages



¹⁰ Which we assume to be £50 per week.



Figure 2 Analysis of distribution of financial value in fruit production supply chain, £s per punnet of strawberries

Note that this is based on the production of strawberries, raspberries, blackberries, plums, and apples. Strawberries have been used as an illustrative example.

To make this more tangible, we can translate these figures into per punnet values. For a punnet of strawberries retailing for £2.30, we estimate that the seasonal workers retain just 18p on average. Meanwhile, the farm, packer and supermarket generate profits of 19p between them.

By scaling this analysis up to the level of the farm, we can see what this means for different actors in the supply chain. Over the year as a whole, the farm produces fruit that retails for an estimated £50.7m, of which the farm received £20.8m in revenue. On average, each seasonal farm worker kept just **£3,220** of this over the season. This is equivalent to an average of **just £186 each week**. As discussed in the interview with the worker from Nepal,

much of this is sent back home in remittances to look after family members and dependents. It is important to stress that this is an average based on the financial accounts of one, representative farm. With reports of zero hours contracts¹¹ (Dugan, 2022) having been used in the sector and early termination of contracts, some seasonal workers will work far fewer hours and so earn even less.

Meanwhile, the owner-directors of the privately-owned farm, received an average of **£201,000** in pay, dividends and profit each. From this produce, the large supermarket generates an estimated profit of **£3.0m**. Some of which is distributed to shareholders via dividends. These shares are largely held by

¹¹ As of 2023, the government has required that seasonal workers are guaranteed a minimum of 32 hours paid work a week. Our analysis uses 2021 data, when no minimum hours were required. Regardless, sectoral experts suggest that greater enforcement will be needed to ensure this regulation is respected.

asset management firms – financial intermediaries who invest assets on behalf of ultimate beneficiaries such as pension holders or wealthy individuals.

The impact of broker fees and unclaimed income tax

The analysis in the previous section illustrates the value retained by the worker assuming that they are able to work 36 hours a week for 17.3 weeks. Additionally, it assumes that they do not face any third party fees from brokers in their origin country and that workers are able to reclaim any PAYE income tax that is automatically deducted from their pay packets. Our understanding from conversations with workers is that they struggle to reclaim this tax, as they will likely no longer be in the UK when the refund is calculated.

Third party recruitment fees

Many seasonal workers have had to pay recruitment fees to third party brokers, sometimes totalling thousands of pounds in their origin countries. Despite these fees being illegal under UK law and potentially resulting in labour providers being stripped of their licence, reports suggest fees are widespread:

- Nepalese workers have been reported as paying between RS 300,000 (£1,975) and RS 750,000 (£4,940) in fees to recruitment agents (Mellino, et al., 2022).
- Preliminary research (Focus on Labour Exploitation, 2023) suggests that the lowest total costs¹² paid by Indonesian workers who came to work on farms in the UK was £3,500. If we take a conservative approach and round this down to £3,000 to account for the limited sample, we can use this as the basis for forming a low end assumption for recruitment fees for Indonesian workers.

We estimate other visa and travel costs to be just below £1,300 for Indonesian workers, which would mean a minimum recruitment fee of £1,700

- An Indonesian worker was reported as taking on £5,000 of debt and handing over the deed to his family home as a guarantee to pay third party brokers and other fees (Dugan, 2022). Among six others spoken to by the Guardian, similar debts ranged between £4,500 and £5,000 (Dugan, 2022). The claims have been taken so seriously in Indonesia that the Indonesian government has established a presidential taskforce to investigate (Dugan, 2022).

Unclaimed Income Tax Rebates

Seasonal workers typically are registered as employees and so income tax is deducted from them under the Pay As You Earn (PAYE) system. Workers are normally eligible for a refund on this tax, as the amount earned is within the tax free personal allowance when income is calculated across the year as whole. Our understanding from speaking to workers in the sector is that they sometimes struggle to reclaim this tax, as they will likely no longer be in the UK when the tax refund is calculated. This is particularly an issue if the person is not revisiting the UK in subsequent seasons. The effect of this is that it further reduces the share of the value retained by the worker.

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¹² Including visa and travel costs as well as illegal recruitment fees.

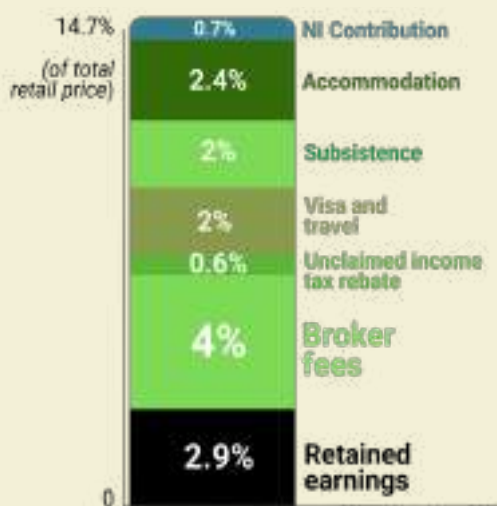
To understand how these additional costs impact upon the workers share of value we examine two scenarios below.

Scenario 1: Unclaimed tax rebates and illegal recruitment fees of £1,700

Unclaimed income tax totals to 0.6% of the retail price, while broker fees (illegal under UK law) of £1,700¹³ reduce the share of the retail price retained by workers by 4.0%.

Taken together, this means that of the total retail price paid for strawberries, raspberries, blackberries, plums, and apples an average of **just 2.9% is kept as retained earnings by the seasonal workers that directly harvest the fruit.**

Figure 3 Analysis of distribution of financial value in fruit production supply chain accounting for unclaimed income tax rebate and broker fees of £1,700

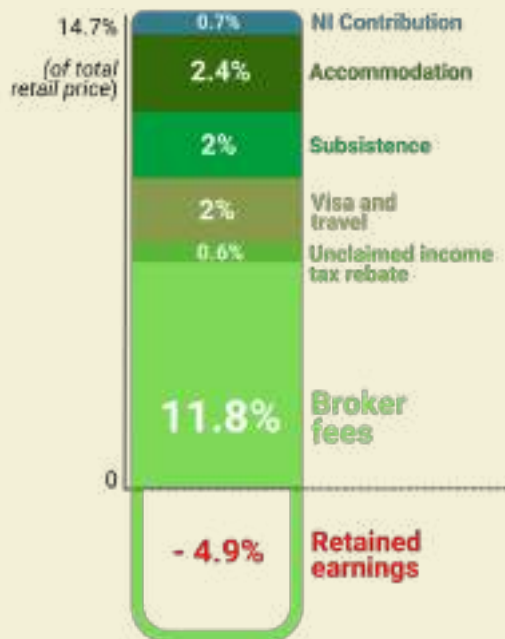


Scenario 2: Unclaimed tax rebates and illegal recruitment fees of £5,000

When recruitment fees are higher, they further reduce the labour share of value. As reported by the Guardian (Dugan, 2022), fees paid to brokers sometimes rise as high as £5,000. This is such a significant cost that we estimate for the typical seasonal worker this would mean that they actually lose money (-4.9% r.p) after accounting for costs.

It is worth noting that there is no comprehensive data on such recruitment fees. This modelling illustrates the precarity of the current system and the potential severity of the negative financial outcomes it enables.

Figure 4 Analysis of distribution of financial value in fruit production supply chain accounting for unclaimed income tax rebate and broker fees of £5,000



¹³ See above for research and reporting that informs this assumption.

The impact of early contract termination

Our modelling assumes that seasonal workers work an average of 36 hours a week for 17.3 weeks. These are not arbitrary assumptions but are implied by the financial accounts of the farm we examined, assuming that workers are paid the minimum legal rate¹⁴. This may be true on average for this farm, but we know from media reports that a number of workers have experienced early termination of their work contracts. For example, a Guardian article describes workers being sent home just over two months (approximately 9 weeks) after arriving in the UK (Mellino & Das, 2022).

NEF estimates that such a scenario would mean that, of the total retail price paid for strawberries, raspberries, blackberries, plums, and apples **an average of just 2.2% would be kept as retained earnings by the seasonal workers that directly grow and harvest the fruit.** Meanwhile, if the worker faced illegal recruitment fees and was unable reclaim overpaid income tax in addition to this, they would end up losing money on balance (-2.2% of r.p. for £1,700 fees).

Figure 5 Analysis of distribution of financial value in fruit production supply chain accounting for early contract termination after 9 weeks

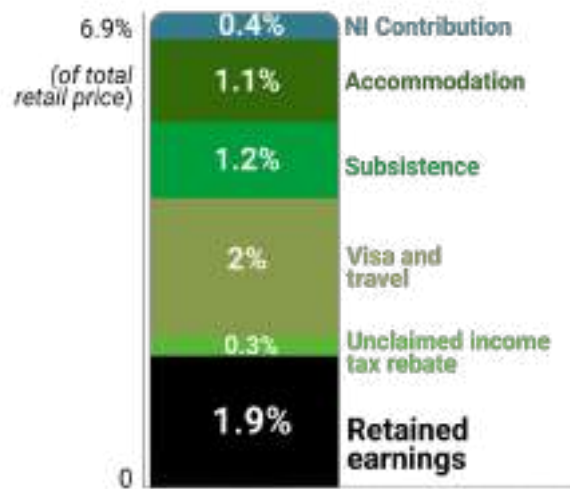
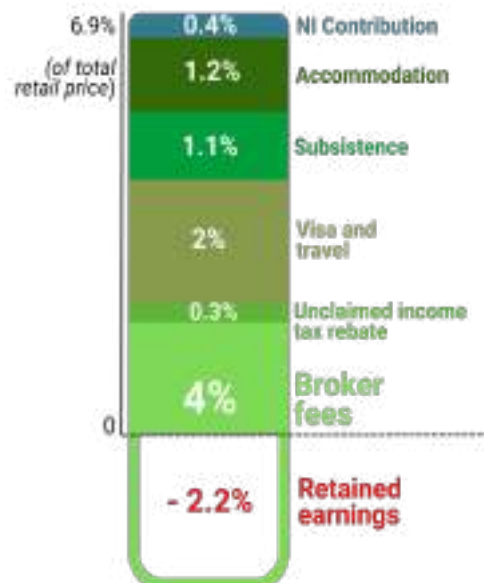


Figure 6 Analysis of distribution of financial value in fruit production supply chain accounting for early contract termination after 9 weeks and broker fees of £1,700



¹⁴ They may earn more than this, or as discussed below they may also be underpaid.

Our analysis has looked at how financial value created in the sale of fruit has been distributed amongst different actors within supply chains. Though illustrative, this analysis was not exhaustive and has certain limitations worth noting.

- Our analysis does not account for farm workers being underpaid. Media reports also identify this as an issue (Mellino, 2023). As we are unable to estimate the average extent of this we have not included it within our analysis.
- Similarly, our analysis does not account for interest on debt. We did not have sufficient information to form assumptions on the number of people entering into debt and the typical rates paid to form such assumptions. This makes our analysis more likely to overstate the share of financial value retained by workers
- Financial value is only part of the picture. Our analysis accounts for the financial profits and costs born across the supply chain in the production, processing, and distribution of fruit. This is an informative account of how consumer spending flows through supply chains but it is not a full account of how value – when viewed most holistically – is created, destroyed and moved around in this process. For a full assessment of this we would need to fully account for social and environmental impacts. For instance, we know that insecure work negatively impacts worker health (Chandola & Zhang, 2017) and that this impacts health costs (Davillas & Pudney, 2020). A full account of value would record the social value destroyed in damaging workers health and in increasing costs for health services. Similarly, a full analysis would need to account for the impact of the fruit production on global and local ecological and climatic outcomes.

- Our modelling assumes that workers work 36 hours each week. We know from other chapters in this research that this is not the case for all, and workers who struggle to meet piece work targets are deprived of hours. In these instances our modelling will overstate the proportion of the retail price that accrues to workers.

Conclusions

Our analysis has looked at how financial value created in the sale of fruit has been distributed amongst different actors within an illustrative supply chain. This has allowed us to estimate that seasonal workers receive an average of 7.6% of the retail price of certain fruit grown in the UK, equivalent to **£3,220 per worker** over the season (after accommodation, national insurance (NI), and visa & travel costs). This translates to an average of **£236 per week**. This falls to an average of **£220 per week** when unclaimed income tax rebates are also accounted for, and to just **£122 per week** for those facing additional recruitment agency fees of £1,700.

This is well below the median UK income after housing of £470 per week. Significantly, each of these pay rates are below the absolute and relative poverty thresholds, of £282 and £259 respectively. So, our analysis suggests that **the average experience of migrant agricultural workers in the UK is absolute poverty**. This is a damning indictment of the seasonal workers visa, as currently designed, and the structure of UK agriculture.

NEF estimates that if contracts are terminated after just two months it can reduce the value retained by workers to just 2.2%. This is made even worse when illegal recruitment fees are added – meaning they may lose money on balance.

Even when considered without early termination, illegal recruitment fees of £1,700 reduce the share retained by workers to just 2.9% of the retail price, while fees of £5,000 mean that workers make a loss on balance.

Meanwhile, the owner-directors of the farm received an average of **£201,000** in pay, dividends and profit each and the large supermarket that sells the produce generated an estimated profit of **£3.0m**. For a punnet of strawberries retailing for £2.30, we estimate that the seasonal workers retain just 18p on average.

If these supermarket profits were paid to the seasonal workers instead they would all be brought out of poverty¹⁵, assuming they each face recruitment fees of £1,700. The cost of doing so would be a third of this (£0.9m) if the workers faced no recruitment agency fees at all.

Figure 7 Average weekly earnings of migrant seasonal workers (2021 prices) in relation to UK poverty thresholds - for a full breakdown of figures please see Appendix 1 Tables 7 and 8.



¹⁵ Both relative and absolute. Not accounting for unclaimed income tax rebates.

5. An Examination of Worker-led Social Responsibility Approaches in Florida

Catherine McAndrew – *Landworkers' Alliance*

Since 2021, the Landworkers' Alliance (LWA) has worked with agricultural workers unions via the European Coordination Via Campesina (ECVC) Migrant & Rural Workers' Group to campaign for UK supermarkets to protect workers in their international supply chains. This section builds on these experiences by arguing for an alternative approach to labour rights based on worker-led social responsibility (WSR). This section will use the experience of the Coalition of Immokalee Workers (CIW) and Fair Food Program (FFP) in Florida as a case study. This section aims to both demonstrate how WSR approaches were able to transform conditions for Immokalee's tomato workers, while demonstrating the methods farmworkers and campaigners used to make these changes a reality.

Market Concentration and the Degradation of Work

Analysis conducted by NEF in this report has shown that supermarkets capture 54.7% of the final sale price of a case study soft fruit farm, leaving just 26.2% for the farm. The grocery market in the UK is extremely concentrated, with just eight companies controlling the UK's food supply (Lang, 2020). Faced with few alternative routes to market, farms have little choice but to accept the terms dictated by powerful buyers or be replaced. The result is farms receive only a fraction of the value of the crops they produce, while also shouldering all the costs of production. The result is a systemic degradation of working conditions as farms attempt to alleviate pressure by cutting labour costs (LeBaron et al, 2019).

To counter this, public policy must be oriented towards

the creation of new routes to market for farms that deliver better, values-led and more diverse food retail and trading enterprise growth, and state regulators must take determined action against concentrations of market power (Thompson, 2021). Food must also be priced in a way that reflects the true cost of the effort necessary to produce it. This section explores how tomato workers in Florida organised to hold powerful buyers to account for the malpractice in their supply chain and to demand a living wage for the food they picked. In doing so, they created a pioneering approach to labour rights enforcement that seeks to tackle the systemic issues engendered by concentrations of corporate power known as Worker-led Social Responsibility.

Worker led social responsibility is an alternative approach to worker rights monitoring which has three core planks:

- **Workers create the solution to exploitation:** Worker organisations are the driving force in the creation, monitoring, and enforcement of programs designed to improve their wages and working conditions;
- **Leverage the market power of brands to create the conditions of enforcement:** Brands and retailers must sign legally binding agreements with worker organisations, and those agreements must require the brands to provide financial support to their suppliers to help meet the labour standards established by the program, and to stop doing business with suppliers who violate those standards;
- **Worker led enforcement of rights:** Recognition that workers are the actor with both the ability and incentive to enforce conditions of these programs. Monitoring and enforcement mechanisms must be designed to provide workers an effective voice in the protection of their own rights, including extensive worker education on their rights under the program, rigorous workplace inspections that are effectively independent of brand and retailer influence, public disclosure of the names and locations of participating brands and suppliers, and a complaint mechanism that ensures swift and effective action when workers identify abuses. (WSR Network, 2017)

Agricultural Wages Boards in the UK

Vicki Hird, *Sustain*

Farmworker wages in England were governed by an Agricultural Wages Board, which was abolished in 2013. The Board in England and Wales was set up under the Agricultural Wages Act 1948 and was responsible for setting the minimum rates of pay and other terms and conditions of employment for agricultural workers. The Board consisted of equal representatives of agricultural workers nominated by UNITE; representatives of agricultural employers nominated by the National Farmers' Union (NFU); and five independent members (including the Chairman) appointed by the Secretary of State for Environment, Food, and Rural Affairs and the Welsh Government. Agricultural Wages Boards still exist in Wales and Scotland. English and Northern Irish agriculture workers should have the same protections (Devlin, 2016).

Unions and others campaigned unsuccessfully for a board or similar to be reinstated under the Agriculture Act 2020, seeing a strong need for collective bargaining for rural workers. That need clearly remains, more so as the increasingly competitive supermarket sector drives ever harsher conditions in the supply chain and as we draw in migrant workers and cheap food from ever further regions.

Campaigning For Fair Food – Building the Fair Food Program

The Birth of a Farmworkers' Organisation

Immokalee is a central hub for Florida's tomato industry. Immokalee's farms were infamous for their poor conditions. Crew leaders hired workers by the day, selling their workers to plantations which were described as "ground zero for modern day slavery". Pay rates were extremely low, and had not risen since the 1970s. By the 1990s, Immokalee's farm workforce was made up of young migrants from the Caribbean and Central America. Farmworkers were fragmented across several languages and spent most of their energy on survival (Marquis, 2017: 8).

The Coalition of Immokalee Workers (CIW) began life in 1993 as the South-Western Florida Farmworker Project (SWFFP). The SWFFP aimed to mobilise farmworkers as a group against the systemic drivers of exploitation. This section explores the strategies the CIW used to turn Immokalee's farmworkers into a force capable of advocating for themselves.

Two core principles drove the SWFFP's engagement with farmworkers. Popular education emphasises worker-to-worker learning with little requirement for formal education. Cartoons and theatre skits mocking abusive crew leaders were especially important in these processes (Haedicke, 2021). These practices helped farmworkers build a common understanding of their situation. The second principle was farmworker leadership. The CIW's approach emphasised a principle of "we are all leaders", aiming to equip farmworkers with the ability to take collective action.

After three years, farmworker culture began to shift. In 1995, when a large grower cut wages even further, workers connected to the SWFFP began calling for strike action. 3,000 workers participated in a 5 day strike, resulting in the withdrawal of the proposed cut. The SWFFP reconstituted itself afterwards as the Coalition of

Immokalee Workers. The strike committee elected a staff of key activists, with a salary of \$10,000 a year, fixed to the average wage of a farmworker (Marquis: 27).

Switching targets

The CIW continued to campaign for better wages for workers. The transient nature of farm work meant that traditional union structures, based on negotiations between a fixed membership and employer, were inappropriate. Instead, the CIW sought to negotiate with growers as a whole on behalf of the workforce as a whole (Dias-Abey, 2019).

Towards the end of the 1990s, the CIW realised it needed to change tactics. Yearly strike actions were easily weathered by employers. The use of hunger strikes won the campaign publicity, but were unable to force negotiations. Growers lacked a public image that could be damaged by bad press.

Wages remained extremely low. Farmworkers earned around \$8,000 to \$9,000 a year, but needed \$17,000 to live a dignified life, an increase of 70% (Marquis, 47). To reach that living wage, workers needed a pay increase of a penny per pound of tomatoes they picked in a day. However, grower incomes were squeezed by consolidated buyers who used their weight in the market to force tomato prices down.

When Taco Bell's owner signed an agreement with growers in 2000 to further lower prices, workers began to ask: if Taco Bell could drive prices down, could they force prices up? As Greg Asbed, CIW founder notes, "Taco Bell set prices and set the parameters of our poverty. They also had the power to alleviate our poverty" (Marquis, 50). The CIW had a perfect target in the form of a powerful buyer with a brand that could be damaged by bad publicity.



Cartoon of Taco Bell's supply chain drawn by a CIW worker in 2002 (photo: CIW, featured in Haedicke, 2021)

Building Alliances With Consumers

The CIW launched its Fair Food Campaign in 2001, calling for a boycott of Taco Bell to demand payment of a 'penny per pound' premium to farmworkers and to collaborate with farmworkers on improving conditions. Over the course of the campaign, this second demand grew into the Code of Conduct, a document drawn up in consultation with workers that would form the basis of the Fair Food Program's standards.

To take on Taco Bell, the CIW built alliances with consumers, especially with students. Delegations of workers travelled to campuses for "truth tours" where students could meet the people who picked their food.

These meetings established direct, equitable relationships between farmworkers and students, and helped form campus groups that could take solidarity action. Over the course of the campaign, student protests expelled Taco Bell from 23 campuses. The mobilisation of a core target demographic was key in forcing Taco Bell to sign an agreement with the CIW in 2005. After similar campaigns other fast food companies such as McDonalds and Burger King followed suit.



Workers from Immokalee build a pyramid of picking buckets outside Taco Bell parent company Yum Brands' corporate headquarters in Louisville, Kentucky, in 2003. Photo courtesy of CIW, (via National Farm Work Ministry, 2021)

Farmers and Workers

Over the course of the 2000s, a critical mass of fast food companies and supermarkets signed agreements with the CIW. However, growers were resistant to outside interference in their practices. Growers presented a united front against the CIW through the Florida Tomato Growers Exchange (FTGE) and the Florida Fruit and Vegetable Association (FFVA). In 2005, the FFVA established its own auditing system, Socially Accountable Farm Employers (SAFE). This section will use SAFE as a case study for the failures of traditional auditing approaches.

Farmworkers were not included in the monitoring or

construction of SAFE's code. SAFE's standards were drawn up by a migrant children's charity partly funded by the FFVA and monitoring undertaken by the auditing firm Intertek (Marquis: 90). The motivation behind SAFE's foundation was to insulate supply chains from criticism, with a grower's representative stating "we need to have some kind of mechanism in place to assure our customer base that they are not going to be a target of an outfit like the CIW." (Reiss, 2006). SAFE was quickly adopted by CIW targets such as McDonalds as a standard (WSR Network, 2023b).

Under traditional auditing processes like SAFE, auditors visit companies and interview their workers and management on points of compliance. However, these visits, according to CIW's Steve Hitov, provide only a "point-in-time snapshot" of conditions, as "how a worker is treated on Tuesday may be different from how they were treated on Monday." (Marquis, 127). Auditors typically speak to a small sample of workers, with an emphasis on completing inspections quickly. Employers often coach workers to provide auditors with desired answers, under threat of sanction. The result is that traditional audits often have low levels of threat detection (HRWW, 2021).

The LWA has experienced the pitfalls of these processes first hand in Spain and Morocco. At BioSabor, the LWA viewed a recording of workers threatened with dismissal if they stated their true working hours to Spanish labour inspectors (Owens, 2023). At the Sudaphi tomato processor in Morocco, a SMETA audit was used as a pretext to dismiss union representatives and impose a new contract on its workforce without negotiations (ECVC, 2022).

SAFE was unable to prevent farms from exposure to the Navarrete slavery operation, revealed in 2007 when workers escaped and alerted the CIW to what was happening. Two major growers, Pacific Tomato Growers and Six L's, were named as unknowingly sourcing workers from the Navarretes. These farms broke rank with the FTGE and signed up to the FFP in 2010. The rest of the FTGE signed as a bloc in November 2010, and SAFE was dissolved as a standard.



Workers at Sudaphi protest on May 26th 2022 following imposition of a new contract and dismissal of a union representative following a SMETA audit (ECVC, 2022)

Making Fair Food A Reality

From 2011, growers and the CIW moved into a “post conflict” period of negotiation, focused on operationalising the Fair Food Program. The CIW established its own Fair Food Standards Council (FFSC) to undertake third party monitoring of the program. The FFSC would focus on interpreting the code and responding to complaints, while the CIW would focus on providing worker-to-worker education and campaigning to expand the program to other buyers.

At the start of the season, members of the CIW are invited to farms to run training sessions on the Code of Conduct. Roughly 8,000 workers will participate in these sessions each season. All 30,000 workers on FFP certified farms receive a copy of the CIW’s Know Your Rights And Responsibilities booklet, detailing the Code of Conduct and means of redress. A complaint line run by the FFSC is available 24 hours a day, 7 days a week, available in Spanish, Haitian Creole, and English. The combination of worker education and the hotline provides the FFSC with a real time stream of information.

With the FFSC, the Code of Conduct is backed up by an audit body informed by worker driven standards. Over the course of an audit, FFSC teams will talk to at least 50% of workers on a farm, and conduct in-depth interviews with growers and crew leaders. The FFSC’s

specialisation in the tomato industry allows it to provide correction plans to growers for violations on their farms. These correction plans often involve apologies from offending supervisors in front of workers.

Enforcement is given teeth through market sanctions. Participating buyers agree to only source tomatoes from certified growers. If the FFSC finds growers violating the Code of Conduct, they potentially face suspension. Participating buyers cannot buy from suspended growers until they meet the code and can be readmitted to the program.



CIW’s Nely Rodriguez (right) and two farmworker volunteers display a Fair Food Program education drawing in August 2018. The drawing depicts a supervisor scolding a worker for speaking to Fair Food Standards Council auditors. (Via CIW, 2018).

The threat of sanctions is a strong disciplinary tool, and compliance has steadily increased from an average FFSC compliance rating of 10 in 2011 to 90 in 2021 (FFSC, 2021). Over the life of the FFP, 26 growers have been put on probation, requiring a correction plan, and 7 have been suspended. No grower has ever been suspended twice.

Results of the Fair Food Program

Today, the Fair Food Program encompasses 14 major buyers and 90% of Florida's tomato growers. This next section will explore how the Fair Food Program has responded to issues raised by workers in this publication, namely guest worker fees, low wages, and wage theft.

Wages and Wage Theft

Since 2011, \$38,716,007 has been paid out in Fair Food Premium bonuses to workers (FFSC, 2023), resulting in a 25 to 50% pay increase for workers. Currently, only 50% of buyers participate in the program. If 100% of the market signed up to the FFP, the premium would match the 70% increase demanded at the start of the campaign (Marquis, 169). The CIW continues to campaign for Publix and Wendy's to sign up to the program.

To tackle wage theft, growers must keep accurate records of a worker's time on the farm. Workers control their time cards and clock on and clock off themselves. The FFSC compares timekeeping records with payrolls to ensure that workers are paid at least the minimum wage. This accounts for things that cannot show up in payroll records, such as waiting times before work begins. As of 2021, \$496,939 of unpaid wages have been recovered via FFSC audits (FFSC, 2021).

Workers are paid per bucket, while crew leaders are paid by the volume their crew picks. Crew leaders would therefore require workers to overfill, or 'cup', their buckets and pocket the difference. The pace of work meant that weighing buckets was not an appropriate solution to the

problem (Marquis, 105). To eliminate this, workers are trained with visual aids not to accept this and how to report violations. At the start of the program cupping was a major source of complaints and market sanctions, but by season 6 the practice had been nearly eliminated. The elimination of cupping represents a 10% wage increase (FFSC, 2021).

Temporary Migrants and the Fair Food Program

H2-A workers were first employed on farms covered by the FFP in 2014. Much like the SWV, workers are effectively tied to employers via their role as visa sponsors. FFSC interviews revealed that H2-A workers from Mexico were being affected by illegal broker fees. A working group comprising workers and participating growers was formed to investigate solutions.

Based on farmworker suggestions, the FFP negotiated a new agreement between growers and the Mexican government establishing the state-run *Servicio Nacional de Empleo* as the sole legal recruitment point for FFP growers (Mieres & McGrath, 2021). The establishment of this "clean channel" has resulted in a dramatic decline in illegal recruitment practices. The SNE has also cracked down on the charging of fees by brokers with extensive education campaigns warning workers about illegal broker fees and sanctions against recruiters who violate this rule.

Conclusion

This section has sought to provide evidence of both the effectiveness of a WSR approach in responding to issues on Fair Food Program farms in Florida which mirror those experienced by workers on UK farms. It aims to showcase the institutions necessary for building a WSR model, namely worker education, agreements between worker organisations and buyers to enforce standards through market sanction, and auditing processes embedded in worker organisations. In addition, this section showcases tactics that can be used to organise migrant farmworkers.

Conclusions and Recommendations

This report has identified drivers of exploitation at the level of the farm, the supply chain, and the migration system. To ameliorate these, our collaboration has developed a series of recommendations for the UK government, labour market enforcement (LME) bodies, supermarkets, and for trade unions and social movements who want to campaign for better conditions for farmworkers.

Restricted Visas

There is clear evidence that risks of exploitation are inherent in restrictive, temporary and sector-specific visas. To protect workers' safety and rights, we call on the government to move away from this approach. All UK work visas should include option for renewal, the ability to change jobs easily without losing the right to stay in the UK, pathways to permanent settlement and access to public funds. However, while the Seasonal Worker Visa remains in place, we recommend the following reforms to reduce the risks of poor and exploitative working conditions. It is crucial that existing risks in the Seasonal Worker Visa are addressed before any further expansions of the scheme are introduced.

- All SWV holders should be able to switch to jobs on the shortage occupation list including outside of the agricultural sector.
- Scheme operators should ensure workers can move to other farms, and ensure this process is straightforward and accessible
- Workers should not be made to leave the UK earlier than planned or to stop working if a scheme operator loses their licence or cannot provide them with a minimum of 32 hours per week. A mechanism should be established for workers to change their visa sponsors.

Debt and Broker Fees

Workers shoulder visa and travel costs associated with the SWV, and often enter into debt to pay these. In some instances, workers are being charged thousands of pounds to participate in the SWV, leaving them burdened with high amounts of debts and a loss of money overall. Debt increases the risk of labour exploitation as workers may be unable to leave exploitative conditions due to needing to pay off their debt. This is intensified when scheme operators are operating in new countries and may lack the knowledge necessary to vet local recruiting practices.

- The UK government should research and develop new approaches to seasonal work migration in consultation with current and former SWV holders, including considering working with sourcing countries to establish government led institutions as the main point of recruitment.
- Up front costs make debt an unavoidable necessity for participation in the scheme. Charges for visa applications should be abolished and holders should not face any up-front costs for their journey. The government should consider if travel costs should sit with the state, employer or lead supply chain buyer.
- Funds accrued to the UK government via the farm recruitment fee should be dedicated to a worker support fund for compensation for cases of illegal broker fees and hardship funds in cases of destitution.

Rights Enforcement and Worker Led Social Responsibility (WSR)

Existing labour market enforcement practices have been ineffective in responding to the volume of violations.

- Funding for labour market enforcement should be increased to ensure regular inspections of SWV workplaces. Inspections should focus on compliance with standards and UK laws rather than only on breaches which constitute Modern Slavery.

- It is essential this comes alongside the government implementing a clear separation of immigration enforcement from labour market enforcement, so that all workers can safely report abuse regardless of immigration status.
- Labour market enforcement should be backed up by legally binding codes of practice drawn up in consultation with workers and a new supply chain enforcer. This was anticipated in the Agriculture Act 2020, but has yet to be implemented
- The UK government should work with LME agencies in sourcing countries to research and develop a coordinated strategy for monitoring recruitment processes and conditions on farms in the UK.
- The UK government should ensure that terms and conditions of employment contracts (e.g. employers' details, working hours, remuneration, accommodation costs and other deductions, etc.) are shared with SWV workers in their country of origin, translated into workers' primary languages, and signed by employers and workers before travel. Contracts should detail compensation options for workers if work offered does not match work in the contract.

This report further recommends the adoption of a worker-led enforcement system to empower workers and workers' organisations to enforce standards for working conditions. This system should be backed up by market sanctions against farms which violate standards.

- Education sessions on workers' rights and means of redress should be held at a neutral venue before workers start on the farm. These sessions should be independent from scheme operators, employers, and the state. These education sessions should be developed by workers with experience on the SWV route.
- An independently run audit body and hotline should be established which is closely embedded with

farmworkers and informed by their perspectives

- Standards should be enforced by a legally binding agreement that supermarkets will not source from farms that violate rights until action is taken to rectify this

Supermarket Dominance and Low Farmworker Pay

Supermarkets capture the lion's share of the value produced by UK horticulture. Given their dominant position in the market for produce, supermarkets should pay extra for produce to fund wage increases in order to reflect the true price of their products.

- This can take the form of a "penny per punnet" premium, where supermarkets pay a small charge per item of produce sourced from a farm to fund wage increases
- As the largest beneficiaries of the efforts of workers, supermarkets should also pay into a worker support fund to compensate workers for broker fees and in cases of destitution
- More effective competition policy should be implemented to address concentration in the grocery markets. Stronger fair dealing regulations for the supermarkets and others in the supply chain should be introduced to avoid abusive practices along the supply chain. The Grocery Code Adjudicator should introduce new legally binding codes and apply its fining capabilities more often to deter abuse
- There should be investment, support and development of new routes to market that deliver better, values-led and more diverse food retail and trading enterprise growth.

Establishing a Farmworkers' Organisation

Farmworkers need their own organisation which is able to campaign and advocate for their rights:

- Barriers in the immigration system which prevent the formation of farmworker organisations should be removed. This includes the requirement to have worked for 3 months before receiving support from a trade union. Threatening the loss of visa sponsorship for taking strike action or for complaining about conditions must be explicitly banned.
- Establishing a farmworkers' bulletin, through which workers can communicate with each other about the situation on their respective farms, can help to increase worker unity and solidarity across the sector.
- Trade unions should develop strategies in collaboration with workers to provide support to disputes on farms
- Farmworkers' campaigns should place pressure on leading supermarkets to improve pay and conditions in their supplier farms
- Review the impact of the absence of an Agricultural Wages Board in England and the redistribution of resources and responsibility over worker welfare across all actors in the food supply chain



Bibliography

- Allain, J., Crane, A., LeBaron, G., and Behbahani, L. (2013). 'Forced Labour's Business Models and Supply Chains.' Joseph Rowntree Foundation Report, November 2013.
- Anderson, B., Poeschel, F., and Ruhs, M. (2021). 'Rethinking labour migration: Covid-19, essential work, and systemic resilience.' *Comparative Migration Studies* no. 459 pp. 1-19
- Case, P., (2022, March 22). 'Seasonal farmworkers minimum hourly wage confirmed' *Farmers Weekly*, available at: <https://www.fwi.co.uk/business/business-management/staff/seasonal-farmworkers-minimum-hourly-wage-confirmed>.
- Cholewinski, R., (2023, February 1). 'Understanding the Kafala Migrant Labor System in Qatar and the Middle East at Large, with ILO Senior Migration Specialist Ryszard Cholewinski' *Georgetown Journal of International Affairs*, available at: <https://gja.georgetown.edu/2023/02/01/the-kafala-system-a-conversation-with-ryszard-cholewinski/>
- Clarke, P., (2022a, April 25). 'Govt. insists £10.10/hour for seasonal workers here to stay' *Farmers Weekly*, available at: <https://www.fwi.co.uk/business/business-management/staff/govt-insists-10-10-hour-for-seasonal-workers-here-to-stay>.
- Clarke, Philip. (2022b, December 2). Farmer frustration at low returns from supermarkets' *Farmers Weekly*, available at: <https://www.fwi.co.uk/business/markets-and-trends/farmer-frustration-at-low-returns-from-supermarkets>
- Coalition of Immokalee Workers, (2018, August 7). 'New popular education drawings make their debut at worker-to-worker education sessions on Fair Food farms along the East Coast!' *CIW Online*, available at: <https://ciw-online.org/blog/2018/08/northern-education-drawings/>
- Department for Environment, Food, & Rural Affairs (DEFRA). (2021). 'Seasonal workers pilot review 2019'. GOV.UK, available at: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019>.
- Department for Environment, Food & Rural Affairs, (2021). UK Food Security Report 2021.
- Available at: <https://www.gov.uk/government/statistics/united-kingdom-food-security-report-2021>
- Department for Environment, Food & Rural Affairs (DEFRA). (2022b). Seasonal worker visa route RFI notice, GOV.UK., Available at: <https://www.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/seasonal-worker-visa-route-rfi-notice>.
- Department for Environment Food and Rural Affairs (DEFRA). (2022c). 'How to submit a response for the request for information (RFI)' available at: <https://www.gov.uk/government/publications/seasonal-worker-visa-route-request-for-information-rfi/how-to-submit-a-response-for-the-request-for-information-rfi>
- Director of Labour Market Enforcement. (2021). 'United Kingdom Labour Market Enforcement Strategy 2020/21.' HM Government.
- Dugan, E., (2022a, August 14). "'My family needs my support to eat" How Indonesians came to work on a Kent farm' *The Guardian*, available at: <https://www.theguardian.com/uk-news/2022/aug/14/how-indonesians-came-work-kent-farm-debt>
- Dugan, E., (2022b, August 29) 'Indonesia to investigate claims fruit pickers charged thousands to work in Kent' *The Guardian*, available at: <https://www.theguardian.com/uk-news/2022/aug/29/indonesia-to-investigate-claims-fruit-pickers-charged-thousands-to-work-in-kent>
- Dugan, E., (2022c, August 14). 'Revealed: Indonesian workers on UK farm 'at risk of debt bondage' *The Guardian*, available at: <https://www.theguardian.com/uk-news/2022/aug/14/uk-farm-workers-kent-debt-indonesian-brokers>
- Dugan, E. (2023, February 22), 'Farm workers on UK seasonal visas to be guaranteed 32 hours a week' *The Guardian*, available at: <https://www.theguardian.com/politics/2023/feb/22/farm-workers-on-uk-seasonal-visas-to-be-guaranteed-32-hours-a-week#:~:text=Organisations%20supporting%20seasonal%20workers%20have,the%20conditions%20for%202023%20visas>.
- European Coordination of Via Campesina (ECVC). (2019). *Sowing Injustice, Harvesting Despair: Abuse and Exploitation of Foreign Agricultural Workers: The Role of Intermediation Schemes*
- European Coordination of Via Campesina. (2022, August), *Migration and Rural Workers' Working Group Newsletter* no. 2, available at: <https://www.eurovia.org/wp-content/uploads/2022/09/English-version-of-the-Rural-Workers-and-Migration-Working-group-of-ECVC-1.pdf>
- Fair Food Standards Council. (2021) '2021 State of the Program Report' Fair Food Program
- Fair Food Standards Council. (2023). 'Results' Fair Food Program, available at: fairfoodprogram.org/results/
- Fleary, S., (2021, October 10). 'Strawberry Slaves', *The Voice*, available at: <https://www.voice-online.co.uk/news/2021/10/10/strawberry-slavery/>
- Focus on Labour Exploitation, (2018). *Preventing exploitation in the shadow of Brexit: The risks of temporary migration programmes*, available at: <https://www.labourexploitation.org/publications/preventing-exploitation-shadow-brex-it-risks-temporary-migration-programmes>
- Focus on Labour Exploitation, (2020). *Guidance: information for agricultural workers on your rights and support whilst in Scotland*, available at: <https://www.labourexploitation.org/publications/guidance-information-agricultural-workers-your-rights-and-support-whilst-scotland>
- Focus on Labour Exploitation, (2023, May 11). 'Horticultural Sector Committee', available at: <https://parliamentlive.tv/event/index/3e882ee3-e19b-4b1a-a79f-7359483f7d3e>
- Focus on Labour Exploitation (FLEX), & Fife Migrants Forum (FMF). (2021). *Assessment of the Risk of Human Trafficking for Forced Labour on the UK Seasonal Worker Pilot*.
- Focus on Labour Exploitation (FLEX). (2020). *Opportunity Knocks: Improving responses to labour exploitation with secure reporting* Available at: <https://www.labourexploitation.org/publications/opportunity-knocks-improving-responses-labour-exploitation-secure-reporting>
- Focus on Labour Exploitation (FLEX). (2022). *Human Trafficking & Modern Slavery Submission to the United Kingdom UN Periodic Review, 4th cycle, November 2022*. Available at: <https://www.labourexploitation.org/>

publications/human-trafficking-modern-slavery-submission-united-kingdom-un-periodic-review-4th-cycle

Geddes, A., and Scott, S. (2010). 'UK Food Businesses' Reliance on Low-Wage Migrant Labour: A Case of Choice or Constraint?' in *Who Needs Migrant Workers? Labour Shortages, immigration, and public policy* ed. Martin Ruhs and Bridget Anderson, Oxford Scholarship Online.

Gov.uk. (2023a). Guidance: Rates and allowances: National Insurance contributions

Available at: <https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions>

GOV.UK. (2023b). National Minimum Wage and Living Wage: Accommodation. Available at: <https://www.gov.uk/national-minimum-wage-accommodation>

GOV.UK. (2023c). UK visa sponsorship for employers. Available at: <https://www.gov.uk/uk-visa-sponsorship-employers/your-licence-rating>

Haedicke, S.C., (2021). 'Transforming Migrant Farmscapes: Performative Protest Art of the Coalition of Immokalee Workers.' *Performing Farmscapes* (2021): 207-260.

Health and Safety Executive (HSE). (2021). Health and Safety Executive Annual Report and Accounts 2020/21.

Health and Safety Executive (HSE). (2022). Health and Safety Executive Annual Report and Accounts 2021/22.

Home Office, DEFRA, Foster, K., & Eutice, G. (2022). 'Industry given certainty around seasonal workers but told to focus on domestic workforce' GOV.UK, available at: <https://www.gov.uk/government/news/industry-given-certainty-around-seasonal-workers-but-told-to-focus-on-domestic-workforce>

Home Office. (2022, May 3). 'Apply to stay in the UK under the Ukraine Extension Scheme'. GOV.UK, available at: <https://www.gov.uk/guidance/apply-to-stay-in-the-uk-under-the-ukraine-extension-scheme#how-long-you-can-stay>.

Home Office. (2022). 'A response to an inspection of the immigration system as it relates to the agricultural sector' GOV.UK, available at: <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-immigration-system-in-the-agricultural-sector/a-response-to-an-inspection-of-the-immigration-system-as-it-relates-to-the-agricultural-sector>

Home Office. (2023a). 'Immigration Rules Appendix Temporary Work—Seasonal Worker' GOV.UK, available at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-t5-temporary-worker-seasonal-worker>

Home Office. (2023b). Workers and Temporary Workers: Guidance for sponsors: Sponsor a seasonal worker.

Home Office. (2023c, February 23). 'Managed migration datasets'. GOV.UK, available at: <https://www.gov.uk/government/statistical-data-sets/managed-migration-datasets>

Human Rights Watch, (2022, November 15)., 'Obsessed with Audit Tools, Missing the Goal' Why Social Audits Can't Fix Labor Rights Abuses in Global Supply Chain available at: <https://www.hrw.org/report/2022/11/15/obsessed-audit-tools-missing-goal/why-social-audits-cant-fix-labor-rights-abuses#6399>

Independent Anti-Slavery Commissioner. (2022). 'IASC raises concerns over labour exploitation risk for migrant agricultural workers' Independent Anti-Slavery Commissioner, available at: <https://www.antislaverycommissioner.co.uk/news-insights/iasc-raises-concerns-over-labour-exploitation-risk-for-migrant-agricultural-workers/>

Independent Chief Inspector of Borders and Immigration (ICIBI). (2022). An inspection of the immigration system as it relates to the agricultural sector: May—August 2022.

Lang, T. (2021). *Feeding Britain: Our Food Problems and How to Fix Them* (London, Penguin)

International Labour Organization (ILO).(2023). Decent Work, available at: <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

LeBaron, G., and Crane, A. (2013, November 20). 'Hidden in plain sight: slavery on a high street near you.' *The Guardian*, available at: <https://www.theguardian.com/global-development-professionals-network/2013/nov/20/forced-labour-in-supply-chains>

LeBaron, G., Kyritsis, P., Thibos, C., and Howard, N. (2019, March 19) 'Confronting the root causes of forced labour: concentrated corporate power and ownership' *Open Democracy*, available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/confronting-root-caus-5/>

LeBaron, G. (2020). *Combating Modern Slavery: Why Labour Governance is Failing and What We Can Do About It* (Cambridge, Polity).

Leviitt, T., and Wasley, A., (2022, January 12). 'No running water': foreign workers criticise UK farm labour scheme. *The Guardian*, available at: <https://www.theguardian.com/global-development/2022/jan/12/no-running-water-foreign-workers-criticise-uk-farm-labour-scheme>

Marquis, S.L., (2017). *I Am Not A Tractor! How Florida Farmworkers Took On the Fast Food Giants and Won* (Ithaca, Cornell University Press)

McEwan, G. (2020). 'How bad for fresh produce are the Government's migration plans?' *Horticulture Week* available at: <https://www.hortweek.com/bad-fresh-produce-governments-migration-plans/fresh-produce/article/1674610>

McGuinness, T., and Grimwood, G. G. (2017). 'Migrant workers in agriculture', House of Commons Briefing Paper 7987. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-7987/>

McKinney, C., Coe, S., & Stewart, I. (2022). 'Seasonal Worker visas and UK agriculture'. The House of Commons Library.

Mellino, E., (2023, April 5). 'Migrant workers are being ripped off by employers on farms' *The Bureau of Investigative Journalism* Available at: <https://www.thebureauinvestigates.com/stories/2023-04-05/migrant-workers-on-uk-farms-owed-hundreds-after-widespread-wage-theft>

Mellino, E., & Das, S. (2022, November 13). 'Seasonal fruit pickers left thousands in debt after being sent home early from UK farms' *The Observer*. Available at: <https://www.theguardian.com/uk-news/2022/nov/13/seasonal-fruit-pickers-left-thousands-in-debt-after-being-sent-home-early-from-uk-farms>

Mellino, E., & Pangenji, R. (2023, March 27). "'They treat you like an animal': How British farms run on exploitation' *The Bureau of Investigative Journalism*. Available at: <https://www.thebureauinvestigates.com/stories/2023-03-27/>

they-treat-you-like-an-animal-how-british-farms-run-on-exploitation

Mellino, E., Pangen, R. & Pattison, P., (2022, May 27). 'Migrant fruit pickers charged thousands in illegal fees to work on UK farms' *The Bureau of Investigative Journalism*

Available at: <https://www.thebureauinvestigates.com/stories/2022-05-27/migrant-fruit-pickers-charged-thousands-in-illegal-fees-to-work-on-uk-farms>

Mieres, F., and Siobhan McGrath. "Ripe to be heard: Worker voice in the Fair Food Program." *International Labour Review* 160.4 (2021): 631-647.

National Farm Work Ministry, (2021). 'Taco Bell Boycott: the First Fast Food Boycott,' available at: <https://nfwm.org/50for50/artwork/taco-bell-boycott/>

Noble, V. (2020, September 16). 'Revealed: How the UK's agricultural sector relies on modern slavery' *Open Democracy*, available at: <https://www.opendemocracy.net/en/oureconomy/revealed-how-the-uks-agriculture-sector-relies-on-modern-slavery/>

Office For National Statistics, 2021. 'Consumer price inflation item indices and price quotes'

Available at: <https://www.ons.gov.uk/economy/inflationandpriceindices/datasets/consumerpriceindicespiandretailpricesindexpiitemindicesandpricequotes>

Office of National Statistics (2018, February), 'Labour in the Agriculture Industry, UK' available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/articles/labourintheagricultureindustry/2018-02-06>

Owens, J. (2023, January 17). 'Case study of an unethical agricultural producer in southern Spain: Biosabor' *Ethical Consumer*, available at: <https://www.ethicalconsumer.org/food-drink/case-study-unethical-agricultural-producer-southern-spain-biosabor>

Pandey, P. (2023, May 11). 'Task force studying effectiveness of free-visa, free-ticket policy' *The Kathmandu Post*, available at: <https://kathmandupost.com/money/2023/05/11/task-force-studying-effectiveness-of-free-visa-free-ticket-policy>

Partridge, J., and Partington, R., (2021, August 25). 'The anxiety is off the scale': UK farm sector worried by labour shortages'. *The Guardian*, 25 August. Available at: <https://www.theguardian.com/business/2021/aug/25/the-anxiety-is-off-the-scale-uk-farm-sector-worried-by-labour-shortages>

Pattison, P. (2022, May 27). "Stop abuse of migrant workers before Britain becomes the next Dubai" *The Guardian*, 27 May. available at: <https://www.theguardian.com/global-development/2022/may/27/stop-abuse-of-migrant-workers-before-britain-becomes-the-next-dubai>

Pelham, J., (2017), "The Impact Of Brexit On The UK Soft Fruit Industry" *British Berry Growers* available at <https://britishberrygrowers.org.uk/uploads/files/news/The%20Impact%20of%20Brexit%20on%20the%20UK%20Soft%20Fruit%20Industry%20-%20The%20Anderson%20Report.pdf>

Reiss, C., (2006) 'Growers create SAFE haven' *The Gainesville Sun*, available at: <https://eu.gainesville.com/story/news/2006/01/29/growers-create-safe-haven/31473322007/>

Rogaly, B., (2008). "Intensification of Workplace Regimes in British Horticulture: The Role of Migrant Workers." *Population, Space and Place* no. 614: 497–510.

Rogaly, B., (2021). "Commentary: Agricultural racial capitalism and rural migrant workers." *Journal of Rural Studies* no. 88: 527–31.

Scott, S., (2015) 'Making the case for Temporary Migrant Worker Programmes: Evidence from the UK's rural guestworker ('SAWS') scheme' *Journal of Rural Studies* 40: 1–11.

Scott, S., and Rye, J.F., 2021. "Praised, prized, yet penalised: A critical examination of low-wage hiring queues in the global strawberry industry." *Journal of Rural Studies* no. 88: 473–81.

Scott, S., and Visser, M.A., (2021). "Constraining labour: The integration dynamics of working-class horticultural migrants in rural areas of Norway, the UK and the US." *Sociologia Ruralis* 62: 112–30.

Scott, S., Craig, G., & Geddes, A., (2012). "Experiences of forced labour in the UK food industry". *Joseph Rowntree Foundation Report*, available at <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/forced-labour-food-industry-full.pdf>

Scott, S. (2013). "Labour, migration and the spatial fix: Evidence from the UK food industry." *Antipode* no. 545: 1090–109.

Sporton, D. (2013). "'They Control My Life': The Role of Local Recruitment Agencies in East European Migration to the UK." *Population, Space and Place* no. 519: 443–58.

Taylor, D., (2022, April 19) 'Ukrainian workers flee 'modern slavery' conditions on UK farms. *The Guardian*, available at: <https://www.theguardian.com/uk-news/2022/apr/19/ukrainian-workers-flee-modern-slavery-conditions-on-uk-farms>.

Taylor, M. (2021). *United Kingdom Labour Market Enforcement Strategy 2020/21*. HM Government.

The Economist (2012, September 1). 'Picky: Who will pick British crops if not East Europeans? Perhaps no one.', *The Economist*. available at: <https://www.economist-com.sheffield.idm.oclc.org/britain/2012/09/01/picky>

The Gangmasters and Labour Abuse Authority (GLAA). (2023a). *The GLAA in Scotland*. Available at: <https://www.glaa.gov.uk/who-we-are/what-we-do/scotland/>

The Gangmasters and Labour Abuse Authority (GLAA). (2023b). *What we do*. available at <https://www.glaa.gov.uk/who-we-are/what-we-do/>

Thompson, I., Laughton, R., and Little, T. (2021). *Vocal for Local: Why Regional Food Systems are the Future* *Landworkers Alliance*

Trade Union Congress (2021). *TUC action plan to reform labour market enforcement*. Available at: <https://www.tuc.org.uk/research-analysis/reports/tuc-action-plan-reform-labour-market-enforcement>

Travis, A., (2013, 14 May). 'Agricultural workers from Ukraine may be needed in future, May told' *The Guardian*, available at: <https://www.theguardian.com/uk/2013/may/14/agricultural-workers-ukraine-future-may>

UK Parliament. (2022). *Horticulture: Seasonal Workers; Question for Department for Environment, Food and Rural Affairs*. [Online]

Available at: <https://questions-statements.parliament.uk/written-questions/detail/2022-06-14/hl946>

UK Parliament. (2023). *Agriculture: Seasonal Workers; Question for Department for Environment, Food and Rural Affairs*. <https://questions-statements.parliament.uk/written-questions/detail/2023-03-01/156076>

UK Visas and Immigration (UKVI). (2014, February 17) 'Guidance: Public Funds' GOV.UK available at: <https://www.gov.uk/government/publications/public-funds-2/public-funds>

UK Visas and Immigration (UKVI). (2023, March 15). Register of licensed sponsors: Workers. GOV.UK. <https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>

Vicol, D.-O., & Savitski, A. (2022). Seasonal work after the war in Ukraine: An analysis of Home Office entry clearance data for Q1 2021 – Q1 2022, and what it means for the fight against labour exploitation. Work Rights Centre.

Vicol, D.-O., McClelland, E., & Savitski, A. (2022). Weed out exploitation: How to improve the reporting of labour exploitation, and protect the seasonal agricultural workers staffing Britain's farms. Work Rights Centre.

Vicol, Olivia and Oksana*. (2022). A Ukrainian migrant who fled exploitation on a farm explains why undocumented Ukrainians need protection now. Work Rights Centre, 22 April. Retrieved July 20, 2022, from <https://www.workrightscentre.org/case-studies/a-ukrainian-migrant-who-fled-exploitation-on-a-farm-explains-why-undocumented-ukrainians-need-protection-now>.

Worker-Driven Social Responsibility Network (2017, July 11), 'Factsheet: What is WSR?' available at <https://wsr-network.org/what-is-wsr/>

Worker-Driven Social Responsibility Network, (2023). 'Case Study: Florida Agriculture' available at: <https://wsr-network.org/what-is-wsr/csr-and-msis/msi-case-study-two/>

Work Rights Centre (2022). Weed Out Exploitation Available at: <https://www.workrightscentre.org/media/1202/weed-out-exploitation.pdf>

Appendix 1: Value Chain Analysis Methodology

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To undertake this value chain analysis we have analysed the public financial accounts of fruit producers, packer-distributors and retailers in combination with [?](#). In addition, we have analysed available evidence on seasonal workers. The analysis uses 2021 data.

Farm analysis

To understand the distribution of value, we began by analysing the financial accounts of a farm based in Kent that produces Strawberries, Raspberries, Blackberries, Plums, and Apples. From this produce the farm generates revenues which go toward profits, administrative costs, tax, staff pay, and other costs. In addition to income from produce, the Farm generates income from government grants, "rentals", and renewable energy. Revenue from the produce accounts for 97% of income, but we scaled down other costs proportionately such that revenues and costs and profits are equal to this amount. The different items identified are summarised below in Table 3. We have not included fees paid to SWV scheme operators as there are no publicly available figures for these. We have compared the Farm's financial accounts to others to ensure that it is representative of farms with similar operations.

Table 3 Classification of producer income, profits and costs

Income	"Farm gate" value of produce
	Income from Government grants, rentals, renewable energy
	Other operating income
	Net finance income
Profit	Producer profits excl. dividends
	Dividends

Admin costs	Directors remuneration
	Depreciation of assets
	Auditors fees
	Other admin Costs
Tax	Corporation tax
	Employer NICs/Social security for all staff
Director and Staff Pay (excl. Seasonal)	Defined contribution scheme
	Admin worker gross pay
	Permanent Food producer pay
	Directors remuneration
Other costs	Other costs of production excl. staff

Packer-distributor analysis

The farm sells its produce to a packaging and distribution firm that has supply agreements with UK supermarkets. To understand the distribution of value, we analysed the financial accounts of the packer-distributor. The different items identified are summarised below in Table 4.

Table 4 Classification of packer-distributor income, profits and costs

Income	Revenue
	Other operating (net) income
Profit	Packer profits
Admin	Admin expenses
Tax	Taxation
	Social security costs
Staff & Directors Pay	Wages, salaries, and defined contributions (excl NICs)
Other costs (incl. farmer fee)	Cost of produce
	Interest payable and other

Retailer analysis

To calculate the total retail value of the produce, we use price data collected by the Office for National Statistics to inform their inflation estimates (Office For National Statistics, 2021) and production quantity estimates from the farm’s website. We then apportioned this breakdown down how much of the total retail value of the produce goes to different retailer costs by looking at the financial accounts of the retailer as a whole.

The packer-distributor supplies goods to leading UK food retailers and supermarkets including Aldi, ASDA, Morrisons, Marks & Spencer, Sainsbury’s, Tesco and Waitrose. To estimate the monetary value received by retailers we took the average proportion of revenue that different costs represented in a large supermarket’s 2021/22 and 2020/21 financial years. The different items identified are summarised below in Table 5.

Table 5 Classification of retailer income, profits and costs

Income	Retail value of produce
	Other operating income (impairment + JVs)
Profit	Retailer profits
Admin	Admin expenses
Tax	Taxation
	Social security costs
Staff & Directors Pay	Wages, salaries, and defined contributions (excl. NICs)
Other Tesco costs (excl. producer fee)	Tesco cost of sales (excl. amount paid to producer and staff costs)
	Net finance costs

Seasonal worker analysis

To model the value received by the seasonal workers, we take the total financial value of the payment made to all seasonal workers on the farm, indicated in the farm’s financial accounts. To incorporate this into our modelling, we use the prevailing wage rate for the sector in 2021¹⁶. We also assume that workers receive holiday pay as a lump sum, rather than taking it as leave. In addition, we use farm estimates of the number of seasonal workers required each season to calculate the average number of hours worked (36 hours), and the number of weeks worked in a season (17.3). This gives us the total gross income of seasonal workers as a whole, as well as the average per worker income.

Then we account for the costs outlined below.

- **Accommodation costs:** accommodation costs are typically deducted from worker pay packets. The maximum charge permitted is dictated by National Minimum Wage legislation and stood at £58.52 (Gov.uk, 2023).
- **Employee National insurance:** seasonal workers pay National Insurance, which we have calculated using 2021 rates (Gov.uk, 2023).
- **Food and subsistence:** we estimate that workers spend an average of £50 per week on food and subsistence.
- **Unclaimed income tax:** this is calculated using 2021 Personal Allowance. We understand from conversations with workers had by the authors of chapter 2 and 3 that this income tax is often unclaimed, and when it is reclaimed often considerable costs are incurred with third-parties.
- **(Illegal) recruitment agency fees.** These are included as discussed in the main body of the report.
- **Visa and travel costs.** Work undertaken by this project

¹⁶ The national living wage was £8.91 per hour for Apr 21 - Mar 22 for those 23 and over.

has shown there are numerous visa and travel costs faced by seasonal workers. These are shown in the table below. We assume that visa and travel costs for workers from Kyrgyzstan and Tajikistan are the same for all workers from the top-10 seasonal worker visa origin countries. We only vary the cost of travel to and from the UK, which we estimate manually by looking at the second cheapest flight in March 2023 on Google flights for the dates July 16 - Sep 8) and rounding to the nearest £50. We then calculate a weighted average of visa and travel costs using 2021 seasonal worker arrivals data from the Home Office.

Table 6 Categorisation of travel and visa costs for seasonal workers (paid by worker)

Travel and subsistence costs to interview, PDO/induction (estimate)	£60
Other source country costs	Assumed £6
UK Visa cost	£259
Visa processing office cost	£70
Travel to visa processing office cost	£20
Travel to and from UK (return ticket estimate)	Varies by origin country
Travel in UK to farm on arrival (generally between £0 and £60)	£30

While this analysis is primarily built using data from 2021, some scenarios used are from 2022. This includes the reports of recruitment agency fees of £5,000. As the system has not fundamentally changed we expect that we will still provide an indicative view of the 2022 scheme and these scenarios.

Table 7 Average weekly earnings of migrant seasonal workers, 2021

Gross pay before costs	£359
Pay after accommodation costs, NI, and visa & travel costs	£236
Pay after accommodation costs, NI, visa & travel costs, and unclaimed income tax rebate	£220
Pay after accommodation costs, NI, and visa & travel costs and food & subsistence	£186
Pay after accommodation costs, NI, visa & travel costs, and third party broker fees (£1,700)	£138
Pay after accommodation costs, NI, visa & travel costs, unclaimed income tax rebate and and third party broker fees (£1,700)	£122
Pay after accommodation costs, NI, visa & travel costs, unclaimed income tax rebate, third party broker fees (£1,700) and food and subsistence	£72
Pay after accommodation costs, NI, visa & travel costs, unclaimed income tax rebate, third party broker fees (£5,000) and food and subsistence	-£119

Table 8 UK pay and poverty thresholds, 2021 (weekly pay)

Median UK income after housing, 2021/22	£470
Relative poverty: 60% of median UK income after housing, 2021/22	£282
Absolute poverty: 60% of median income in 2010/11 (inflation adjusted)	£259
Minimum Income Standard (MIS): single working age (excluding rent and childcare), 2021	£231
MIS: couple working age (excluding rent and childcare), 2021	£381
MIS: Lone parent, one child (aged 0-1) (excluding rent and childcare), 2021	£330
MIS: Couple, two children (one aged 2-4; one primary school age) (excluding rent and childcare), 2021	£511



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