A group of people working in a field

Description automatically generated with medium confidenceA group of people in a greenhouse

Description automatically generated with low confidenceA person and a child in a greenhouse

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**Seasonal Workers’ Scheme**

**Worker Welfare  
Multi-Stakeholder Working Group**

**Working Document**

**Draft version - May 2022**

1. **BACKGROUND**

In 2017 industry representatives lobbied for the reintroduction of a seasonal horticultural workers’ scheme to help address escalating labour shortages. In July 2017, ALP published [Building a Model Seasonal Workers’ Scheme](https://labourproviders.org.uk/wp-content/uploads/2017/05/Building-a-Model-Seasonal-Workers-Scheme-ALP-Postion-Paper-July-2017.pdf) containing recommendations for design of a new scheme.

In September 2018, the Government announced a two-year Seasonal Workers’ Scheme Pilot to bring in 2,500 workers (increased to 10,000 for 2020) from outside the EU to undertake seasonal work for up to 6 months in edible horticulture. The Scheme *“would operate differently to the previous Seasonal Agricultural Workers Scheme (SAWS) reflecting the new immigration system and the need to protect vulnerable workers.”* The labour providers Concordia and Pro-Force Limited were appointed as Scheme Operators.

The Seasonal Worker visa route is managed by the Home Office under the [(Temporary Worker) Seasonal Worker](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1043575/Sponsor-a-Skilled-Worker-12-21.pdf) immigration route. The Department for Environment, Food and Rural Affairs (Defra) is the endorsing government department.

A picture containing diagram

Description automatically generatedIn June 2019, the ALP published [Achieving a Successful Seasonal Workers’ Scheme](https://labourproviders.org.uk/wp-content/uploads/2019/07/Achieving-a-Successful-Seasonal-Workers-Scheme-ALP-Paper-July-2019.pdf) supporting the pilot and setting out clear objectives and conditions for a successful Scheme, particularly to:

* Meet farmers’ and growers’ need for a productive and reliable seasonal workforce
* Be attractive to workers, ensuring expectations are managed, workers receive what they are entitled to and are protected from exploitation
* Meet political policy needs – such as the effect on net migration flows, impact on local communities and that seasonal workers return to their home country at the end of the season
* Be operationally and commercially sustainable for Scheme Operators

In December 2020, the government extended the Pilot for a further year, with an expanded quota of 30,000 places, open to both EU and non-EU workers. Two additional Scheme Operators, AG Recruitment and Management Ltd and Fruitful Jobs, were appointed through the [Seasonal Workers Pilot RFI](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) process.

In late 2021, Defra and the Home Office introduced [temporary visas](https://www.gov.uk/guidance/recruit-a-poultry-worker-or-hgv-food-driver-with-a-temporary-visa) allowing sponsors licenced under this route to supply up to 5,500 poultry workers, 800 pork butchers and 4,700 HGV food drivers within set timeframes over the Christmas period.

Defra and the Home Office continue to decline to work collaboratively with industry representative bodies and other stakeholders with regards to the Scheme.

On December 24th 2021, a Home Office and Defra [press release](https://www.gov.uk/government/news/industry-given-certainty-around-seasonal-workers-but-told-to-focus-on-domestic-workforce) confirmed that “*There will be 30,000 visas available next year, but this will be kept under review with the potential to increase by 10,000 if necessary. The number of visas will begin to taper down from 2023*”. The Scheme was extended to ornamental horticulture including bulbs, cut flowers, pot plants, hardy ornamental nursery stock, tree and forest nurseries.

In 2021, two thirds of visas, almost 20,000, were issued to Ukrainian nationals. The Russian invasion of Ukraine has led to a significant reduction in the number of Ukrainian returnees. In 2022, operators have identified and set up many new sourcing countries, particularly in Central Asia.

There is no transparency as to how the number of 30,000 visas was arrived at. Industry bodies had [called for](https://www.fwi.co.uk/news/eu-referendum/nfu-scotland-blasts-plans-to-taper-seasonal-visa-scheme) 55,000 visas. The demand for workers in 2022 has increased as the Scheme has been extended to ornamental horticulture; the reduction of returnees will result in lower productivity and higher numbers required; Ukrainian nationals will join the Ukraine Extension Scheme and leave. There is no defined process for the release of the additional 10,000 visas, and without the release of these in the immediate future there will be a significant shortage of horticultural workers mid and late season.

The December [press release](https://www.gov.uk/government/news/industry-given-certainty-around-seasonal-workers-but-told-to-focus-on-domestic-workforce) said: *‘Changes to the route, which has run since 2019, will force companies to pay those using the route a minimum salary to discourage poor conditions.’* From April 2022 seasonal workers must be paid at least £10.10 for each hour they work. The Home Office, without consultation and with minimal notice, issued new rules with regards to this minimum rate in the [Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) which, on challenge, it twice had to amend.

Defra has confirmed its intention in 2022 to re-tender the opportunity to become a Scheme Operator.

1. **SCHEME REQUIREMENTS AND GUIDANCE**

Information and sponsorship duties for the Scheme Operators common to all immigration to work routes are contained in the [Guidance for Sponsors](https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators#workers-and-temporary-workers:-guidance-for-sponsors):

* [Part 1: Apply for a licence](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence)
* [Part 2: Sponsor a worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker#history)
* [Part 3: Sponsor duties and compliance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance)
* Any relevant annexes or appendices referred to in the Guidance

Scheme Operators are required to comply with these general immigration requirements, in addition to all UK recruitment and employment legislation, including the [GLAA Licensing Standards](https://www.gla.gov.uk/media/5963/licensing-standards-october-2018-final-reprint-jan-2020.pdf), and specific obligations with regards to the conditions and treatment of seasonal workers as detailed in:

* [Request for Information (Annex A)](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information)
* [Workers and Temporary Workers: guidance for sponsors -Sponsor a Seasonal Worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker)

This [guidance for sponsors](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) is in fact the Scheme “rules” as it states that a Scheme Operator may have their licence revoked if: *“You hold a licence for the Seasonal Worker route and you fail to monitor, to our satisfaction, the welfare and other employment conditions of the workers you are sponsoring as specified in the Sponsor a Seasonal Worker guidance”* and if they do not *“comply with these requirements in full”* or *“we will take action against you, up to and including the revocation of your sponsor licence.”*

Significant support and guidance on the Scheme rules is available for Scheme Operators and farms as detailed in:

* “[Appendix 1](#Appendix1) – Scheme requirements and existing support available” and
* “[Appendix 2](#Appendix2) - Scheme Operators’ Responsible Recruitment Self-Assessment Report”.

However:

* Some Scheme rules are non-specific and require further definition as to ‘what good looks like’
* There are ethical definitions of good practice which differ from legal requirements
* There are areas where good practice still needs to be developed and agreed

In all cases, legal requirements and good practice need to be effectively understood and applied:

* Model template resources will support this
* Best practice online and face to face training workshops should be developed
* Appropriate self and third party auditing need to be efficiently and effectively implemented
* Surveys and other forms of monitoring need to be applied, understand workers’ actual experience by Operator and farm and so be able to apply remedy and continuous improvement.

Any costs incurred by the Scheme Operators with regards to compliance, good practice and due diligence activity undertaken by a Scheme operator must be covered in the charges passed onto farms.

The Scheme Operators are independent businesses and must act in accordance with [UK competition law](https://www.gov.uk/cartels-price-fixing/types-of-anticompetitive-activity). Practically with regards to worker welfare issues this means for example that they cannot agree between them to apply a “Worker Welfare Levy” to customers, or all agree to require farms to cover the costs of worker travel. For this reason, it is essential that standards for compliance, good practice and due diligence are built into the Scheme rules to be commonly applied by all Scheme Operators and farms.

1. **SEASONAL WORKERS’ EXPERIENCES**

**Scheme Operators**

The Scheme Operators were invited to contribute the outcome of their worker experience surveys. Only Pro-Force has responded to this invitation and [openly publishes](https://pro-force.co.uk/blog/2021/10/25/2021-associate-feedback-surveys/) its findings which for 2021 are:

* 83% of respondents either strongly agreed or agreed that they were provided with good information during the recruitment process
* 97% either strongly agree or agree that they have a good understanding of their job and what is required of them
* 88% either strongly agree or agree that they have access to suitable and hygienic kitchen and sanitary facilities in their accommodation
* 74% of respondents either strongly agreed or agreed that maintenance issues or problems with their accommodation were fixed quickly
* 68% of workers either strongly agree or agree that they are provided with enough working hours each week
* 92% of workers reported that they would recommend working with Pro-Force in the UK to a friend

**Government**

The Home Office and Defra [review](https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019) of the 2019 seasonal workers’ pilot, which was not issued until December 24th 2021, reports:

* 68% of Pilot workers survey responses showed a desire to return to work on UK farms
* 78% would recommend the UK to their friends or family as a place to work
* All workers were paid at least the National Minimum Wage, and the majority of workers indicated that they were paid fully (84% of respondents) and on time (96%)
* 87% indicated that they were made aware of all terms and conditions of their placements before starting work
* 71% stated stated that operators adhered to contractual agreements

While no instances of modern slavery were identified, the review identified several areas for improvement:

* Almost half the compliance visits identified workers who had not received their employment contract in their native language
* 15% said their accommodation was neither safe, comfortable, hygienic nor warm
* 10% said their accommodation had no bathroom, no running water, and no kitchen
* Four sites where it was alleged that their employers had not provided wet weather gear and steel toe capped boots
* 22% alleged they were not treated fairly by farm managers reporting “*racism, discrimination, or mistreatment by managers”* allegedly on grounds of workers’ nationality by being subject to disrespectful language or passed over for better work or accommodation

The report concludes that “*alleged welfare issues identified are unacceptable*” although it highlights that “*Farm managers have not been given an opportunity to respond to these allegations”.* The report findings are high level, have not been investigated fully and are not verified. There may be good reasons, for example, some accommodation (usually used for short term placements) has shared facilities.

The Home Office states it has:

* Reviewed the requirements placed on the Scheme Operators
* Updated the sponsor guidance to tighten compliance requirements
* Worked with the Scheme Operators to ensure these requirements are fully embedded

**External organisations**

The research and policy organisation [Focus on Labour Exploitation](https://www.labourexploitation.org/about-us) has published:

* [Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot](https://labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot#overlay-context=publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot)
* [Response to the Government's review of the first year of the Seasonal Worker Pilot](https://www.labourexploitation.org/publications/flex-response-government’s-review-first-year-seasonal-workers-pilot)
* [Letter to Home Office on risks to Ukrainian nationals on Seasonal Workers' Visa](https://www.labourexploitation.org/publications/letter-home-office-risks-ukrainian-nationals-seasonal-workers-visa)
* [Submission to EFRA Committee inquiry into labour shortages in the food and farming industry](https://www.labourexploitation.org/publications/flex-written-submission-efra-committee-inquiry-labour-shortages-food-and-farming)

The Work Rights Centre (WoRC) has published [Weed out exploitation: how to protect seasonal migrant workers labouring on British farms](https://www.workrightscentre.org/news/weed-out-exploitation-how-to-protect-seasonal-migrant-workers-labouring-on-british-farms).

FLEX and WoRC identified allegations of:

* A high risk of unfree recruitment
* Workers lacking knowledge of employment rights and the enforcement system
* Employment contracts which were poorly translated or absent
* Work and life under duress including dependency on one employer for work and accommodation; reports of unsafe living conditions; unlawful/unreasonable zero-hour contracts and piece rate arrangements with work being withdrawn when not met; threats of loss of work and deportation; unrealistic targets; unlawful accommodation costs and deductions for equipment, clothing and other services
* Workers being refused transfers to a different farm
* Workers entering into debt with criminals to cover the costs to access the Scheme
* Supervisors who wielded power without accountability
* Enforcement body shortcomings, including the absence of a client charter and inspections led by UKVI who are not experts in labour market enforcement
* Scheme rules denying workers access to legal rights or safeguards
* No pathway to regularise Ukrainian nationals who had absconded and were working illegally
* Lack of collaboration with migrants’ rights organisations and involvement of those affected by labour abuse in research to inform policy making.

On 25th January, the Independent Anti-Slavery Commissioner Dame Sara Thornton [wrote](https://www.antislaverycommissioner.co.uk/news-insights/iasc-raises-concerns-over-labour-exploitation-risk-for-migrant-agricultural-workers/) to Defra and Home Office ministers raising concerns over labour exploitation risks in the Seasonal Worker visa route. In her [letters](https://www.antislaverycommissioner.co.uk/media/1733/iasc-letters-to-ministers-about-exploitation-risk-for-migrant-agricultural-workers.pdf) to the ministers, Dame Sara made the following recommendations:

* Concerted efforts need to be taken to educate workers and ensure that they understand their rights during and after the recruitment process
* Worker voice tools should be rolled out to understand worker experience, at scale and in real time, while the Scheme is operating
* There should be a grievance mechanism, run by a neutral third party and accessible to all workers on the Scheme
* For those workers that have paid recruitment fees, provision should be made for remediation
* The Scheme’s existing risks should be assessed and addressed before visa schemes are expanded or rolled out to other areas

1. **CAUSE AND PREVENTION OF WORKER WELFARE ISSUES**

Poor worker experiences and treatment may be broken down into a consequence of one or a combination of these root causes:

1. A feature or consequence of the Scheme rules
2. Hidden third party exploitation of applicants prior to and during the recruitment process
3. Insufficiently effective recruitment practices by Scheme Operators
4. Poor standards and treatment on site by farms and grower organisations
5. Hidden third party exploitation of workers on farm by other workers and supervisors
6. Ineffective application of Scheme rules by Scheme Operators for workers whilst on farm
7. External conditions – weather, crop failure, international events

Barriers to worker welfare conditions improving may be categorised as:

* Home Office / Defra decision not to engage with industry experts on the Scheme rules
* Operational challenges imposed upon the Scheme Operators by last minute Home Office decisions, Covid, Brexit and the war in Ukraine
* Complexity in addressing third party hidden corruption and exploitation in a large number of countries where workers are recruited
* A lack of transparency regarding how effectively each Scheme Operator is applying recruitment practices and Scheme rules in order that areas for improvement can be identified and implemented
* Gaps in legal, ethical and good practice being defined, brought together into practical guidance, accessible training and self-assessment programme for Scheme Operators and farms
* A lack of transparency on each farm regarding employment and living standards, worker treatment and how effectively each farm prevents hidden third party exploitation in in order that areas for improvement can be identified and implemented at individual farm level
* A lack of understanding of the effectiveness of due diligence, audit, inspection of Scheme Operators and Farms at every stage of recruitment and supply with preventative and remedial actions implemented.

Failure to make progress on these, in the four years the Scheme has been operating, has been principally due to :

* Lack of government engagement with industry stakeholders
* Lack of effective supply chain and other stakeholder collaborative working to drive improvements
* Lack of appropriate funding to achieve this.

1. **PROPOSAL FOR A** **SCHEME STAKEHOLDER GROUP**

Stakeholders recognise the benefit of collaborative working to develop good practice for the Scheme to mitigate risks and build protection for workers into the Scheme design, management and operation.

However, as previously stated, effective effective supply chain and other stakeholder collaborative working with appropriate funding to drive improvements has not yet been achieved.

In Spring 2020, the ALP established a multi-stakeholder good practice working group to further this aim.

Few of the resulting [Seasonal Workers’ Scheme – June 2020 Report](https://labourproviders.org.uk/resources/?_sf_s=Seasonal%20Worker%20Scheme%20June%202020) recommendations have been addressed.

ALP reconvened the multi-stakeholder working group in 2021, though to date it has not proved effective in making any progress due to the barriers previously expressed.

Previous versions of this document were titled as a ‘Good Practice Guide’. However, good practice emerges from effective collaborative working. This version has been extensively redrafted and repositioned as a working document.

The following three sections list the actions that need to be taken:

* with regards to Scheme design and rules, principally by government
* During recruitment, principally by the Scheme Operators
* During employment, principally by farms

These actions need to be reviewed and discussed by other stakeholders, agreed, funded, developed, implemented, with effectiveness assessed and a continuous improvement loop applied.

Supermarkets, ALP, Scheme Operators and others are collaborating to develop a Seasonal Workers’ Scheme version of the [Just Good Work](https://justgood.work/) app (See Appendix 3). So far, this is proving to be an effective collaboration.

It is proposed that this group evolves to become the Scheme Stakeholder Group to develop, source funding and implement the actions and activities to drive the necessary worker welfare improvements in the Seasonal Workers Scheme and to achieve a common objective of making the Scheme a model of good practice.

1. **RECOMMENDATIONS TO GOVERNMENT TO IMPROVE SEASONAL WORKER SCHEME**

| # | Stage | Improvement Proposed | Action Required | By Who |
| --- | --- | --- | --- | --- |
|  | Scheme | The efficiency and accessibility of overseas visa processing services needs to be improved through a HO “Service Level Agreement” with visa service providers with fair and transparent arrangements that do not penalise workers or Operators. | ALP to develop argument with Operators to submit to HO | ALP |
|  | Scheme | The GLAA should ensure its processes for the licensing of overseas labour providers and sourcing agents supplying into the Scheme are robust by defining the legal requirements by country and inspecting against these, ensuring that there is clear understanding of the operational and commercial model that will be used. | GLAA is developing legal requirements by country. | GLAA |
|  | Scheme | GLAA should speed up the time it takes to complete Application Inspections. |  | GLAA |
|  | Scheme | Implement the Single Enforcement Body. |  | BEIS/HO |
|  | Scheme | GLAA to be clear in the limits of its statutory powers and resources to ensure that there is an understanding and realistic expectations of what it and other statutory enforcement routes can do in addressing seasonal workers complaints. |  | GLAA |
|  | Scheme | HO to provide list of seasonal worker farms to Health and Safety Executive. HSE to collaborate with industry to prevent accidents in agriculture including a migrant worker outreach programme and unannounced proactive inspections. |  | HSE/HO |
|  | Scheme | The Scheme rules need to be amended such that:  i. Workers are able to obtain a visa for the next season during the current season whilst still in the UK, to provide assurance that they will be able to return.  ii. Workers who are eligible for a different visa e.g. Skilled Worker, whilst still covered by their existing visa should be able to apply in the UK to transfer. | ALP to develop argument with Operators to submit to HO | HO/Defra |
|  | Scheme | Defra and Home Office should collaborate with industry to develop and implement consistent, independent and optimised, anonymous mid and end season surveys by identifying worker experience by farm and Operator in order to address issues swiftly and improve future practices. | Invitation has been made to HO/Defra. [Just Good Work](https://justgood.work/) app can support. | HO/Defra |
|  | Scheme | Home Office should acknowledge that UKVI are not experts in labour market inspections and collaborate with industry and migrant worker support bodies to develop and implement consistent, independent and optimised site inspections. |  |  |
|  | Scheme | Defra and Home Office should issue the reviews of the 2020 and 2021 seasonal workers pilot immediately to inform actions required. | ALP to request Defra and Home Office to release these | ALP |
|  | Scheme | Defra and Home Office should not inhibit transaparency by limiting the ability of Scheme Operators to release information through issuing non-disclosure instructions with the implied threat of loss of licence. | ALP to request Defra and Home Office to clarify what these restrictions are | ALP |
|  | Scheme | A number of current Scheme rules need to be better defined to help to address worker welfare issues and clarify Scheme rules, especially toenable seasonal workers to cover the cost of their accommodation and earn a reasonable living wage. | HO/Defra should engage with stakeholders to define. | HO/Defra |
|  | Scheme | Scheme rules should specify the minimum requirements for health, pregnancy, destitution and repatriation insurance and responsibility for covering the cost. | HO/Defra should engage with stakeholders to define. | HO/Defra/ |
|  | Scheme | Define rules on accommodation rent levels with regards to: workers earning £10.10 p/h or otherwise in excess of the NMW; weeks in which few hours may be worked; accommodation relation costs e.g. gas and electric. | HO/Defra should engage with the Low Pay Commission and stakeholders to define. | HO/Defra/ |
|  | Scheme | Remove the visa fee to reflect the limited timeframe and wages available. |  | HO |
|  | Scheme | Scheme rules should include a ‘Worker Welfare Levy’ per worker, charged by the Scheme Operator to the farm to go to a central industry fund managed by the Scheme Stakeholder Group to cover costs for developing and delivering these recommendations |  | HO/Defra |
|  | Scheme | Home Office to determine whether the Scheme rules uphold the the Government’s commitments as made in the [Global Compact on Migration - Objective 6. Facilitate fair and ethical recruitment](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement). |  | HO/Defra |
|  | Scheme | Home Office to determine whether the GLAA interpretation and the Scheme rules align with the the [Global Compact on Migration Objective 6.](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement) to ensure that workers are not paying recruitment fees and related costs. |  | HO/Defra |
|  | Scheme | Scheme rules should explicitly state whether the cost of visas, visa processing, travel from home country to farm and return is “*a cost of administrating the scheme*” or an “*additional charge on participating migrants”.* GLAA has provided their application of this with regards to GLAA Licensing Standards. |  | HO/Defra |
|  | Scheme | Home Office should determine Scheme Operator KPIs related to worker welfare and link number of visas allocated the following season to achievement |  | HO/Defra |
|  | Scheme | Scheme rules should allow for workers to transfer to another Scheme Operator in defined circumstances e.g. towards the end of the season when one Operator has no further work but another does. Need to understand the risks, define the circumstances and develop the rules and good practice. | HO/Defra should engage with stakeholders to define. Until then the Scheme Stakeholder Group should develop the case | HO/Defra/ Stakeholder Group |
|  | Scheme | Seasonal worker visas should contain the words ‘Can only work in horticulture through an approved seasonal workers’ scheme’ or similar to limit illegal working. |  | HO |
|  | Scheme | Review the role and responsibilities of the Agricultural Wages Boards in ensuring applications of their Orders and the Scheme Rules. |  | AWBs |
|  | Scheme | The Migration Advisory Committee, Director of Labour Market Enforcement and Independent Anti-Slavery Commissioner should develop an annual report examining the performance of the Scheme from a worker perspective and recommending changes and improvements. |  | MAC/ DLME / IASC |

1. **INDUSTRY ACTION PLAN TO IMPROVE SEASONAL WORKER RECRUITMENT**

| # | Stage | Improvement Proposed | Action Required | By Who |
| --- | --- | --- | --- | --- |
|  | Recruitment | Building on existing good practice, collaboration to develop expert technical, contractual and operational due diligence to prevent and detect hidden recruitment scams, recruitment fees, corruption and financial impropriety in the recruitment chain. Scheme Operators to apply this and receive consultative audit support to assess and improve. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Recruitment | SE3.4 states that Scheme Operators must “*undertake robust and comprehensive monitoring of all the workers they sponsor in their workplace*”. Scheme Operators should, as a condition of application, require workers to download the Scheme specific version of the [Just Good Work](https://justgood.work/) app. | Already funded and being implemented. | Stakeholder Group |
|  | Recruitment | Scheme Operators should demonstrate that they are applying existing advanced good practice management systems to mitigate the risks of modern slavery and hidden exploitationin their own recruitment, in the standards applied by their recruitment agents and as applied by the farms workers are sent to. | Each Scheme Operator should achieve Level 4 on ALP Labour Provider Compliance Maturity Framework. | Scheme Operators |
|  | Recruitment | Development of a means to prevent workers having to take out third party loans to fund upfront costs for visa and travel. | Scheme Stakeholder Group to fund a specialist to develop this | Scheme Operators |
|  | Recruitment | Supermarkets should confirm their position on the Employer Pays Principle with respect to visa, travel and other costs being met by workers, as is currently the case, and that any change in policy implemented into the supply chain is built into their financial business model. |  | Supermarkets |
|  | Recruitment | Collaboration to develop:   * 1. Good practice policies, guidance, forms, videos etc. to provide workers with accurate and clear information about the nature of work, accommodation, jobs, earning expectations and Scheme rules in a language that they understand during the process of application. N.B. Generic videos must not set unrealistic expectations   2. Minimum standards and optimised selection processes to ensure that applicants are well matched to the work that they will be undertaking   3. Properly translated employment contracts and Scheme documentation provided in country of origin and agreed prior to incurred cost and travel.   4. Pre-departure orientation training to reinforce the above | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Recruitment | Collaboration to develop minimum standards for insurance (which is currently not required to be provided by the Scheme) to cover health, pregnancy, destitution and repatriation and responsibility for covering the cost. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Recruitment | Scheme Operators to undergo a comprehensive and consistent audit with methodology and audit process developed with subject experts and NGOs against legal, ethical, and Scheme requirements with regards to responsible recruitment and to ensure hidden exploitation preventative management systems, effective response and remediation systems are developed and applied. Audit conducted by independent third party professional and qualified social compliance auditors and shared with Scheme Stakeholder Group. A Clearview approach with add ons is the most established way to achieve this | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Return | Scheme Operators and other stakeholders should collaborate to develop model Return and Repatriation processes | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |

1. **INDUSTRY ACTION PLAN TO IMPROVE SEASONAL WORKER ON FARM EMPLOYMENT**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| # | Stage | Improvement Proposed | Action Required | By Who |
|  | Farm | A model Scheme Operators Farm Standards Assessment Process should be developed covering all the requirements of the Scheme rules so that there is a consistent and best practice process to apply to assess whether farms meet the standards to be supplied with seasonal workers and through which improvement can be driven and monitored. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | A Scheme driven approach to share between Scheme Operators those farms that have failed pre-supply audits and a consistent approach to support those farms to improve sufficiently to meet the required standards. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | An online training programme should be developed with regards to   * 1. working terms, conditions and environment which all farms undertake covering the Scheme rules, legal and ethical requirements and good practice   2. work health & safety which all farms undertake covering the Scheme rules, legal and ethical requirements and good practice   3. accommodation and on-site living standards and conditions which all farms undertake covering the Scheme rules, legal and ethical requirements and good practice   Attendance of these training programmes to be a pre-condition of supply of labour | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Farms should have processes in place to effectively prevent and respond to potential indicators of labour exploitation and modern slavery. | Farms should undertake S2G training; complete the S2G Good Practice Implementation Checklist and be an S2G Business Partner | Scheme Users |
|  | Farm | Develop standards for farm supervisor behaviour and accountability. Develop and deliver interactive good practice supervisor training and assessment. Allegations and grievances shared by migrant workers referred to the unchecked power of supervisors who pressured them into unrealistic targets and resorted to bullying. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Develop guidance, tools and training to support farms: to adopt a robust labour planning process; provide model “Living Hours” contracts; allocate work fairly and reasonably; establish a real time monitoring process to identify workers who are not achieving their earnings expectations in order to help meet workers’ key objective to earn sufficient over the season commensurate with reasonable expectations. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Establish standardised Scheme arrangements during the first few weeks so that: transport from the airport to the farm is covered; sufficient food is provided until workers are paid; workers are able to cover their living expenses; advances against future wages are in line with legislation and good practice; accommodation and food is not charged if work cannot be performed e.g. due to illness. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Develop a model for embedding seasonal worker representation forums and employment rights champions within the farm, to answer workers’ questions, build trust, and increase accountability. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Review existing materials and ensure that resources support clear signposting of farms’ zero tolerance towards exploitation, and the means to call it out. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Develop good practice guidance on fair application of piece rates to supplement legislative requirements. Scheme rules require “*not penalising workers for failing to work at the fair piece rate*” and meeting NMW regulations, *“including those on fair rates for piece work”.* | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Develop a model for ensuring that workers on farm are informed of the employer transfer pathway. Scheme Rules require Operators to establish a clear employer transfer pathway communicated to workers which allows workers to change employers if they wish unless there are significant reasons not to permit this. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Define guidance on accommodation rent levels with regards to: workers earning £10.10 p/h or otherwise in excess of the NMW; weeks in which few hours may be worked; accommodation relation costs e.g. gas and electric. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |
|  | Farm | Collaboration to develop consistent, independent and optimised, anonymous start, mid and end season surveys by identifying worker experience by farm and Operator in order to address issues swiftly and improve future practices. | Scheme Stakeholder Group to fund a specialist to develop this. [Just Good Work](https://justgood.work/) app can support. | Stakeholder Group |
|  | Farm | Collaboration to appoint and develop operating procedures for an independent and neutral third party to deliver:   1. Multi-language confidential reporting line for seasonal workers 2. Pastoral care support service accessible by all workers 3. Worker representation in appeals on disputes and grievances. 4. A recruitment fee remediation scheme 5. An appeals process on transfer requests   Body provides ongoing intelligence which can be acted on by labour market enforcement authorities and to inform industry to drive improvement. | Scheme Stakeholder Group to fund a specialist to develop this.  Scheme specific version of the [Just Good Work](https://justgood.work/) app can support. | Stakeholder Group |
|  | Farm | Farms should undergo a comprehensive and consistent audit with methodology and audit process developed with subject experts and NGOs against legal, ethical and Scheme requirements with regards to working and living conditions and to ensure hidden exploitation preventative management systems, effective response and remediation systems are developed and applied. Audit conducted by independent third party qualified social compliance auditors. | Scheme Stakeholder Group to fund a specialist to develop this | Stakeholder Group |

1. **ACTION PLAN – SUPPORTING INFORMATION**
2. **MEETING SEASONAL EARNINGS EXPECTATIONS**

Seasonal work is difficult to forecast and plan due to the nature of the different crops and the weather. It is hard for farms to accurately forecast their labour requirements across the season and to determine the level of guaranteed hours they can offer workers. A variety of factors, notably weather, mean that crops ripen at variable rates and therefore the amount of work available also varies on a day-to-day basis.

Farms want to provide a good level of earnings over the season to ensure a satisfied workforce.

Most seasonal workers look to work as many hours as possible over the twenty-six weeks to meet their financial expectations. Workers who do not have enough work become disaffected and may seek work at other local employers outside of their visa rules or abscond.

The Scheme rules do not define a minimum level of hours on a weekly, monthly or seasonal basis and only state that the contract must not be a zero-hours contract. Under UK legislation there is no requirement for minimum hours provision.

The [Scheme Rules](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) require that workers are:

* Treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate
* Given an employment contract in their first language, as well as in English - these must not be zero-hours contracts
* Paid properly – this includes satisfying National Living Wage and National Minimum Wage regulations, including those on fair rates for piece work, and holiday pay

Seasonal earnings vary by farm and worker. The following is an example:

* Pay of 24 weeks at £10.10 hour x 40 hours per week = £9,696
  + Less visa, travel and Covid tests = -£700
  + Less accommodation at £60.90 per week x 24 weeks = - £1462
  + Less 7% approx. National Insurance = - £680
* Example earnings before living costs (other than accommodation) = £6,854
* Plus 12.07% holiday pay = £1,170 (if taken as lump sum at end rather than time off)

The [Living Wage Foundation](https://www.livingwage.org.uk/living-wage-foundation) produces the [Living Wage Rates](https://www.livingwage.org.uk/calculation) based on the [Minimum Income Standard](https://www.lboro.ac.uk/research/crsp/mis/). These calculations do not reflect that living costs when resident at the place of work such as on a farm are lower or that the value of residual wages are measured against the spending capacity in a worker’s home country on return.

International labour standards also require that ‘working hours are not excessive’ and the ETI publishes the [Base Code Guidance: Working Hours](https://www.ethicaltrade.org/sites/default/files/shared_resources/eti_working_hours_guidance.pdf) with this supported by the [SEDEX SMETA 6.1 Measurement Criteria](https://www.sedex.com/wp-content/uploads/2019/05/SMETA-6.1-Measurement-Criteria.pdf).

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| Good Practice to Meet Seasonal Earnings Expectations | |
| Key Principles | * Earnings potential is clearly laid out and explained to workers prior to them signing the contract in their home country * On a week-to-week basis a seasonal worker earns sufficient to pay for their essential living expenses e.g. accommodation, food, transport, personal needs etc. * Over a season workers earn at least according to the earnings potential that was laid out to them prior to signing the contract |
| In advance: | * Farms need to have developed effective mechanisms to forecast their seasonal labour requirements. Scheme Operators should require farms to adopt a robust labour planning process based on reasonable expectations. Forecasting should aim to provide workers with sufficient hours to enable workers to meet their average earnings expectations. ALP members can access the [Effective Labour Planning Guide](https://labourproviders.org.uk/access-to-labour-2/) for support. * Contracts with workers may provide a written guarantee of a minimum number of hours over a specified period * Farms may provide a written guarantee of a minimum number of hours per day e.g. 3 or 4 hours, once the worker has been booked to work * If guaranteed hours are not provided, pro-rated arrangements to reduce accommodation charges may be put into place to maintain a basic earnings level, followed by top up pay where this is not sufficient * Farms should develop rules for fair piece rates, “*not penalising workers for failing to work at the fair piece rate”* as [Paid per task or piece of work done](https://www.gov.uk/minimum-wage-different-types-work/paid-per-task-or-piece-of-work-done) |
| Prior to departure: | * Scheme Operators should collaborate with other stakeholders to optimise their processes as defined in Section 7 above |
| On arrival: | * Scheme rules require workers to have funds to be able to support themselves. Often this is not the case in practice and consequently Scheme Operators and users need to ensure arrangements are in place during the first few weeks so that workers are able to cover their living expenses * Scheme Operators should collaborate with other stakeholders to optimise processes in the first few weeks as defined in Section 8 abov |
| Ongoing through the season: | * Farms should develop and update their labour forecast regularly producing quality labour plans which schedule workers eight weeks in advance * Effective communication channels must exist between the Scheme Operator and each farm to understand future labour requirements * Effective reporting systems must exist between the Scheme Operator and farms to monitor actual hours worked and earnings received by each worker to ensure that guaranteed earnings are being received * Scheme Operators must have effective arrangements in place to transfer workers to other farms where workers are not achieving sufficient hours |

1. **ROBUST AND COMPREHENSIVE MONITORING**

The [Scheme Rules](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) SE3.4 require that Scheme Operators must “*undertake* *robust and comprehensive monitoring of all the workers they sponsor in their workplace”.* It is a condition of the Scheme Operator’s licence to be able to supply labour across the UK.

The GLAA only has the legal jurisdiction to assess that the practices of the Scheme Operators are in accordance with the GLAA Licensing Standards. The GLAA does not have the legal power to assess Scheme Operators compliance with the Scheme Rules or to investigate the practices of the farms, other than where there is report of serious exploitation and then only in England and Wales.

The Home Office team responsible for the Scheme who conduct inspections have limited experience and expertise in conducting social compliance audits.

There are differing standards of supply chain monitoring of farms’ practices with regards to worker welfare. A range of external third-party social compliance audits already exist but these do not reflect the specific requirements of the Scheme. There is scope for improvement and consolidation.

There are legitimate challenges to Scheme Operators being able to conduct their own “*robust and comprehensive monitoring of all the workers they sponsor in their workplace”* namely:

* There is a potential conflict of interest in the Scheme Operators auditing their own workers at their own clients
* Scheme Operators are not expert or qualified at developing audit methodologies or conducting social compliance audits
* There is a significant level of complexity in the Scheme rules and in effectively uncovering and addressing worker exploitation
* Due to each Scheme Operator working independently, there will be inconsistency between the practices and robustness of each of them. There has been no independent published evaluation of this.
* There is additional cost associated with “*undertaking robust and comprehensive monitoring*” - the financial benefit of minimising compliance costs is contrary to the objective of robust monitoring

General guidance exists to support implementation of good practice and self-assessment

* The ALP [Due Diligence to Ensure Labour Provider Good Practice](https://www.labourproviders.org.uk/good-practice-for-using-labour-providers-2/) toolkit provides a step by step approach with links to existing resources
* The Responsible Recruitment Toolkit [Strategic Supply Chain Partnerships are Maintained](https://responsiblerecruitmenttoolkit.org/rr_standard/labour-supply/) pillar provides guidance on Scheme Operators and farms working together strategically
* The [Stronger Together Labour Provider/Employer Good Practice Implementation Checklists](https://www.stronger2gether.org/product/stronger-together-employer-implementation-checklist/) should be used as a key due diligence process to ensure that the Scheme Operators have the systems in place to mitigate the risk of hidden worker exploitation including modern slavery.

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| **Good Practice Recommendations for robust and comprehensive monitoring**   * As per recommendations in Section 7, 8 and 9 above |

1. **MANAGING GRIEVANCE, CAPABILITY AND CONDUCT ISSUES AND ENSURING WORKERS HAVE ACCESS TO REMEDY**

Scheme Operators must have procedures in place that allow workers to raise their concerns without any detriment. The [Scheme Rules](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) SE3.4 require that:

* Procedures are in place to enable workers to report any concerns to their Scheme Operator
* Workers are made fully aware of the expectations on Scheme Operators and the employer, and how to report any concerns where those expectations are not met

Workers need to be able to raise issues and concerns and be confident that they will be addressed fairly and in a timely way. Capability and conduct issues need to be managed through a transparent and equitable process, which enables the Scheme Operator and each farm to deal with issues of poor performance whilst giving the worker opportunity to improve their job performance.

Existing guidance includes:

* [Responsible Recruitment Standard 2: Recruitment is Transparent](https://responsiblerecruitmenttoolkit.org/rr_standard/transparent-recruitment/) - step by step guidance to ensure job offers are clear and accurate and that all workers understand both the nature of work required and the terms and conditions related to the job
* [ACAS code of practice](https://www.acas.org.uk/sites/default/files/2021-03/discipline-and-grievances-at-work-the-acas-guide.pdf) - details the requirements for compliant procedures for the management of grievance, capability and conduct issues at work
* [Responsible Recruitment standard 20: Conduct and Capability are Managed](https://responsiblerecruitmenttoolkit.org/rr_standard/conduct-and-capability/) - step by step guidance to ensure conduct and capability issues are managed consistently, proportionately and in a timely, professional and unbiased manner
* [Responsible Recruitment Standard 21: Access to Remedy is ensured](https://responsiblerecruitmenttoolkit.org/rr_standard/access-to-remedy/) - step by step guidance on what measures need to be in place to ensure appropriate remedy is accessible
* [Stronger Together Tackling Modern Slavery in UK Businesses Toolkit](https://www.stronger2gether.org/product/toolkit-for-business-tackling-modern-slavery-in-businesses/) - guidance on response and remediation policies where forced labour or hidden exploitation is suspected or discovered
* [ALP Brief 233 Consultation and Representation for Agency Workers Guide](https://labourproviders.org.uk/wp-content/uploads/2020/05/ALP-Brief-233-Consultation-and-Representation-for-Agency-Workers-Guide-May-2020.pdf)
* [Effective Communication Toolkit for Multi-Language Workforces](https://labourproviders.org.uk/resources/?_sf_s=Effective%20communication%20toolkit%20in%20multi-language) provides step by step guidance to better communicate with workers who have limited English language skills

Existing resources includes:

* [Working in the UK](https://labourproviders.org.uk/worker-rights-animation-videos-multi-language/) - multi-language worker induction video to inform migrant workers of their rights and routes to access remedy if these rights are not respected

* [Just Good Work App](https://labourproviders.org.uk/just-good-work/) - free, interactive app to help all jobseekers and workers understand their UK employment rights, recognise poor treatment at work and access remedy

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| **Good Practice Recommendations**   * Scheme Operators apply the good practice as detailed above * Develop and implement best practice in recruitment as per recommendations in Section 7. * Require all applicants to download and use the [Just Good Work App](https://labourproviders.org.uk/just-good-work/). * Scheme Operators and stakeholders distribute standard seasonal worker surveys at:   + Start of the season – after working for around 4 weeks. This will be focused on their recruitment journey and their induction into the Scheme and with the grower.   + Mid-season – to identify workers’ experiences and any emerging hidden practices to enable intervention to enable action to remedy and prevent reoccurence   + End of season – in the last few weeks as the worker is getting ready to leave the UK to go back to their home country. It should be focused on their overall experience of the Scheme, whether they plan to return next year and how good the arrangements have been for them to leave the UK. * Home Office and Defra 2020/21 seasonal worker surveys should be made public * Industry collaboration to appoint and develop operating procedures for an independent and neutral third party to deliver Multi-language confidential reporting line; pastoral care support; worker representation on appeals on disputes, grievances and transfer requests and a recruitment fee remediation scheme |

1. **TRANSFER TO ANOTHER FARM OR SCHEME OPERATOR**

Scheme Rule SE3.6/7/8 require that Scheme Operators must have an established employer transfer pathway in place to allow workers to transfer from one farm to another, including transparent criteria for making a transfer request and a process for considering such requests. This should be communicated to workers before they start to work on the farm.

Scheme Operators must not normally refuse requests from workers to change employers. Workers can change employers if they wish and must normally be allowed to do so, unless there are significant reasons not to permit this, such as:

* Their visa will imminently expire, and the duration of the necessary training requirements would make such a move impractical
* Work is not immediately available with another Scheme user

Where one worker wants to transfer, it is quite common that a group of workers will want to transfer. Liaising with the farms to manage this process is important to avoid major issues on labour supply. Requests to transfer are commonly due to insufficient work, dissatisfaction with accommodation charges or living conditions and treatment by supervisors.

Scheme rules do not allow for workers to transfer to a different Scheme Operator. There is a high demand for seasonal workers and workers generally want to work for the whole of the 26 week period.

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| **Good Practice Recommendations to enable worker transfer to another Scheme User**   * Explore the barriers which limits workers transferring to another Scheme User where there is no work available. * Workers must be able to request a transfer using the transfer pathway and provide their reasons. This could be via email, completing a form, named responsible person etc.   + Scheme Operators should review the reasons and see if there is any way the worker(s) can continue to work at the farm   + Scheme Users should make changes to address the concerns of the worker and support them to continue to work at the farm   + If this is not possible, Scheme Operators should provide the worker with the work options available at other farms that are part of their Scheme   + Workers should be offered transfer to an alternative farm if issues cannot be involved |

**e. RECRUITMENT COSTS PAID BY WORKERS**

Scheme Rule SE3.9. Scheme Operators must not place any additional charges on participating workers, beyond the costs of administrating the Scheme.

The Scheme Operators are subject to the The Gangmasters (Licensing Conditions) Rules 2009 which require that, *“7. A licence holder must not charge a fee to a worker for any work-finding services*” and “8.—(1) A licence holder must not make the provision of work-finding services conditional upon the worker—(a) using other services or hiring or purchasing goods provided by the licence holder or any person with whom the licence holder is connected”. This legal requirement is applied by GLAA Licensing Standard 7.1.

The Scheme Operators are subject to Scheme Rule SE3.9. which requires that Scheme Operators, *“must not place any additional charges on participating workers, beyond the costs of administrating the Scheme”.* The Scheme Rules provide no definition of what “*the costs of administrating the Scheme*” and “*additional charges*” does or does not include.

The GLAA has confirmed that with regards to GLAA Licensing Standard 7.1:

**Visa Cost** – where paid for by a worker is not in breach of GLAA Licensing Standard 7.1. Reason given - The worker has to get a visa to come to the UK. This is not a requirement, or a fee levied by the Scheme Operator, or recruiter. It must only be at the rate set by the Home Office.

**Visa Processing costs** set by the Home Office and charged via TLS - where paid for by a worker are not a breach of GLAA Licensing Standard 7.1. Reason given - These are not fees levied by the Scheme Operator/recruiter. They are agreed and set by the Home Office, and charged via TLS, which is not a labour provider. So, 7.1 does NOT apply.

**Travel costs**

* 1. Where the worker makes their own travel arrangements - with a travel company or flight company and are not paying anything to the Scheme Operator. This is not a breach of standard 7.1.
  2. Where the Scheme Operator offers travel arrangements, but these are optional - This is not a breach of standard 7.1. However, if the charges appeared uneconomic this might question the Scheme Operator’s approach.
  3. Where the Scheme Operator offers travel arrangements, but these are compulsory - this is a breach of standard 7.1. The problem is the compulsion and potentially not the rate as this could present a value for money option. If the latter applied, whilst it would be pointed out they should be optional, a proportionate approach to the non-compliance would need to be considered.

The GLAA confirmed that, “In all travel cases, *optional* is critical. Also, if the Scheme Operator became an intermediary in any process and charged any form of arrangement fee this would breach 7.1.”

**Pre-departure Covid tests** – where paid for by a worker is not in breach of GLAA Licensing Standard 7.1. Reason given - the costs of these activities are the same as the charge for visas i.e. a requirement of entry to the UK so it would be at odds with government policy to say they are in breach of the Standards.

The cost of these varies by country, price of airline tickets and personal circumstances, with total cost for all of the above of £600-800 being normal. Most seasonal workers are required to pay up front themselves to cover these costs.

FLEX [found](https://labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot#overlay-context=publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot) that “*Whilst no SWV worker mentioned a link between debt contracted at point of recruitment and their recruiter, the majority of SWV worker survey respondents (62%) reported entering into debt in order to come to the UK*” and, “*During worker interviews it became apparent that the loans taken by SWV workers to come to the UK often place a high mental strain on individuals. Workers were visibly distressed and upset when talking about both the loan and their lack of certainty that they would be able to repay their debts.*”

The requirement for workers to pay these sums does not breach UK law, but it does not accord with the [ILO General principles and operational guidelines for fair recruitment](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf) which states, ‘*6. No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers*’ which includes all of these in its [Definition of Recruitment Fees and Related Costs](https://urldefense.com/v3/__https:/www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf__;!!JUyETn1neQ!qlAK2Sv55_eMIaCZS14_0J9_hrvVoASDQ2RhcsAvACJJEtDf_NCiDlDBozmBUQz6$).

Under the British Retail Consortium [Better Retail, Better World](https://brc.org.uk/news/csr/what-is-better-retail-better-world/) initiative, UK supermarkets have committed: *‘For the supply chain, we will embed a policy that no worker should pay for a job, and identify other human rights issues so that by 2022 action to address these can be demonstrated.’* Supermarket members of the IHRB [Leadership Group for Responsible Recruitment](https://www.ihrb.org/employerpays/leadership-group-for-responsible-recruitment)‘*are publicly committed to the* [*Employer Pays Principle*](https://www.ihrb.org/employerpays/the-employer-pays-principle) *and its implementation throughout their supply chains*.’

In November 2021 Tesco confirmed their “[*updated strategy*](https://www.tescoplc.com/blog/tesco-recommits-to-tackling-modern-slavery-with-updated-strategy/) *will allow us to further embed the Employer Pays Principle in our own operations and supply chains…We will take action ahead of others, using our convening power to advocate for change. These four areas are:…UK seasonal workers – Produce”.*

The UK government has agreed common [Principles for Tackling Modern Slavery in Supply Chains](https://www.gov.uk/government/news/uk-agrees-principles-for-tackling-modern-slavery-in-supply-chains) with the U.S., Canada, Australia and New Zealand which includes: “*Governments should advance responsible recruitment practices…including by implementing policies that incentivize and support responsible practices, and by supporting initiatives such as the “Employer Pays Principle”.*

The UK government is a signatory to the [Global Compact for Safe, Orderly and Regular Migration](https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf) in which Objective 6 c) states: *“Improve regulations on public and private recruitment agencies, in order to align them with international guidelines and best practices, prohibit recruiters and employers from charging or shifting recruitment fees or related costs to migrant workers in order to prevent debt bondage, exploitation and forced labour, including by establishing mandatory, enforceable mechanisms for effective regulation and monitoring of the recruitment industry”.*

Whilst by meeting these costs, growers would establish themselves as an employer of choice and potentially increase returnee rate and loyalty, few farms have done so, due to it not being a legal requirement and the additional cost. As an example, where a seasonal worker incurs £700 travel and visa costs and works 24 weeks at an average of 40 hours per week this would add an additional 73p per hour to their wage cost i.e. £700 / (24 weeks x 40 hours).

Other key factors to take account of are: that the seasonal worker minimum hourly rate at £10.10 is now 60p above the National Living Wage; the commercial challenges facing growers as higlighted in the NFU February 2021 report [‘Fairer returns needed to offset increasing labour’](https://urldefense.com/v3/__https:/www.nfuonline.com/news/media-centre/press-releases/fairer-returns-needed-to-offset-increasing-labour/__;!!JUyETn1neQ!ut-d4uJj6sshJUZTkcD_qMJaS-VEJLobpwYC6T7LTCS55LGTciNmKQvt5mxVQk-wsw$); that due to competition law the operators cannot agree between them to apply this requirement; the financial loss where a worker absconds. There are also challenges in applying a fair mechanism although an hourly supplement and end of season balancing and return travel cost payment, may address these.

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| **Recruitment Costs - Good Practice Recommendations**   * UK Government should review legislation around recruitment fees in accordance with its global commitments * The Home Office should define in Scheme Rule SE3.9. what “the costs of administrating the Scheme” and “additional charges” does or does not include. * Supermarkets should ensure that any commitments to the “Employer Pays Principle” are matched by procurement practices which allow this to be funded by the supply chain * Stakeholders and Scheme Operators should explore options which enable workers to access funding to meet up front costs without having to resort to third party loans * Stakeholders should collaborate to develop due diligence to mitigate the risks of hidden recruitment fees being charged by agents and exploiters in the labour sourcing chain * An independently operated Scheme recruitment fee remediation process should be implemented |

1. **RETURN AND REPATRIATION**

Under the Request for Information C7/C8/C20, Scheme Operators are required to:

* Confirm that participant migrants they sponsor will spend a maximum period of six months in the UK in any 12-month period
* Ensure fewer than 97% of their sponsored migrants fail to return overseas at the end of their visa
* Explain the arrangements they will put in place to ensure migrants leave the UK at the end of their employment

The UK legal position and Scheme rules do not require that the costs of repatriation are met by the Scheme Operator or the farm. The [ILO General principles and operational guidelines for fair recruitment](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf) states, ‘*6. No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers’* and the [Definition of Recruitment Fees and Related Costs](https://urldefense.com/v3/__https:/www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf__;!!JUyETn1neQ!qlAK2Sv55_eMIaCZS14_0J9_hrvVoASDQ2RhcsAvACJJEtDf_NCiDlDBozmBUQz6$) includes repatriation costs “*When initiated by an employer, labour recruiter or an agent acting on behalf of those parties”.* Repatriation costs include the full costs of transportation, lodging and subsistence (including all taxes and fees) required for the journey.

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| **Good Practice Recommendations - Return and Repatriation**   * Scheme Operators should define their termination and repatriation rules and arrangements and inform workers what is expected of them and how to raise questions and concerns about their termination and repatriation arrangements * Workers’ contracts detail return and repatriation costs and the specific circumstances where the worker is responsible for paying these costs * Reasons why workers leave are identified and inform the Operator’s continuous improvement practices * Scheme Operators may choose to use paid repatriation at the end of the season as a retention bonus arrangement * Scheme Operators should identify in their contractual terms where repatriation costs are to be met by farms * Scheme Operators should facilitate organising travel as a voluntary option for all workers * Scheme Operators should consider how workers who are meeting their own repatriation costs can pay for this including from outstanding monies owed such as holiday pay * Scheme Operators should have in place procedures to ensure that the decision to return or repatriate a worker is legally compliant and carried out in a fair and impartial way without putting the worker at risk and which includes an equitable appeals process.   Draft guidance for specific circumstances leading to return/repatriation:   |  |  |  |  | | --- | --- | --- | --- | | Specific Circumstances | Scheme Operators Good Practice | Scheme Cost | Worker Cost | | Return at the end of the season | In all termination scenarios apply [Responsible Recruitment Standard 23: Termination Rights are Provided](https://responsiblerecruitmenttoolkit.org/rr_standard/termination-rights/) which provides step by step guidance to ensure the termination of workers’ contracts is handled responsibly, with workers receiving all outstanding pay and benefits which they are entitled to. | ILO standards puts repatriation costs at the end of a season as a Scheme cost. UK law and the Scheme rules do not require this. Therefore there are competition law and commercial barriers to the Scheme Operators collaborating to specify this as a requirement. | | | Worker is summarily dismissed for gross misconduct | Carry out a fair and transparent disciplinary process in line with [ACAS policy and guidance](https://www.acas.org.uk/disciplinary-procedure-step-by-step) |  | 100% | | Worker is dismissed with notice for other conduct reasons that are not gross misconduct | Carry out a fair and transparent disciplinary process in line with [ACAS policy and guidance](https://www.acas.org.uk/disciplinary-procedure-step-by-step) |  | 100% | | Worker is not competent or capable to do the job | * Review on-job-training provided to ensure the worker has been trained to carry out the job to the required standard * Give workers the opportunity to try alternative jobs if not able to do the job they were recruited for to the appropriate standard * Review their selection process to ensure it assesses the skill requirement of the jobs that Scheme Users have available and address any issues * Enable worker to request a transfer to find a job that they can do | 100% Scheme if wholly related to a recruitment failure. Variable depending on the circumstances. 100% worker if for personal non-Scheme related reasons | | | Worker refuses a work offer with a justifiable Scheme related reason and works their notice | * Investigate the reasons why the worker is refusing to accept a work offer and decide if these issues are genuine and can be addressed * Have a clear employer transfer pathway including transparent criteria for making a transfer request and a process for considering each request * Communicate the transfer pathway process to workers ensuring they understand it * Reasons for justifiable requests may include:   + Not enough hours   + Excessive hours   + Bullying and harassment, victimisation   + Treated unfairly   + H&S risks   + Risk of exploitation | 100% Scheme if wholly Scheme related. Variable depending on the circumstances. 100% worker if for personal non-Scheme related reasons | | | Worker unreasonably refuses work offer and leaves without working their notice | * Carry out an investigation as above * From the evidence gathered determine if the worker has unreasonably refused a work offer * Workers that refuse work without a justifiable reason and there is no suitable alternative work available will not be able to continue on the Scheme * Workers that are not prepared to work their full notice period in these circumstances, will have to pay for their own return and repatriation costs |  | 100% | | Worker commits a criminal or civil offence | * Investigate and review the details of the criminal or civil offence and the impact on the worker’s ability to carry out their work under the Scheme * If a worker receives a custodial sentence and is therefore unable to carry out their work, they will be dismissed from the Scheme. In this situation, the worker will not be provided with notice. * For other criminal or civil offences, the Scheme Operator will need to review and establish if they are able to carry out their work and can continue working under the Scheme. |  | 100% | | Worker has an accident at work or outside of work and is incapacitated and unable to work | * Understand the circumstances of the accident and the prognosis for recovery * If the worker requires a short time to recover and then they will be able to continue to work under the Scheme i.e. less than 4 weeks * If the worker is not able to carry out their work for longer than 4 weeks, establish how long will they need to recover. It may or may not be practical for the worker to continue on the Scheme * If the worker will not be able to carry out their work for the remainder of the time of their visa, then they will not be able to continue on the Scheme * The Sponsor should support the worker to access any compensation that they may be entitled to | 100% |  | | Worker is too ill to work | * Understand the details of the illness and the prognosis for recovery * If the worker recovers within 4 weeks, then they will be able to continue to work under the Scheme * If the worker does not recover and is not able to carry out their work for longer than 4 weeks, establish how long they will need to recover. It may or may not be practical for the worker to continue on the Scheme * If the worker is too ill to work and is not able to carry out their work for the remainder of the time of their visa, then they will not be able to continue on the Scheme | 100% |  | | Repatriation of the worker in the event of death | The Scheme Operator to work in conjuction with the insurer to:   * Notify relatives that the worker has passed away * Agree with the family the repatriation arrangements * Book the repatriation of the worker’s body back to their family * Confirm the arrangements with the family so that they can take responsibility when the worker’s body arrives in the agreed location | 100% |  | |

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**Appendix 1 – Scheme requirements and existing support available**

The table below provides the specific requirements in the RFI and Scheme Rules with links to existing guidance and support resources categorised by:

| Source | Scheme Operator Requirement | Existing Good Practice Guidance |
| --- | --- | --- |
| RFI/C4 | Confirm that you will not place any additional charges on participating migrants, beyond the administration of the Extended Pilot, and that you (and your agents) will not charge work-finding fees. | [Core Score Checklist 57](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 3.2](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 1 – No Recruitment Fees Are Paid by Workers](https://responsiblerecruitmenttoolkit.org/rr_standard/recruitment-fees/)  Pillar D: [RFI – Annex A C4](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C5 | Confirm if you provide employers with a written contractual agreement for supply of workers? | [Core Score Checklist 78,80](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 7.5](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 2: Recruitment is Transparent](https://responsiblerecruitmenttoolkit.org/rr_standard/transparent-recruitment/)  Pillar D: [RFI – Annex A C5](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C7 | Confirm that participant migrants you sponsor will spend a maximum period of six months in the UK in any 12-month period. | See Section 3: Scheme Specific Good Practice Guidance |
| RFI/C8 | Confirm that you understand that, if you are approved as a Pilot Operator, the Home Office may revoke your licence if within any 12-month period:   * Fewer than 95 percent of your sponsored migrants are granted entry clearance; * 3 percent or more of your sponsored migrants fail to arrive at their place of employment; or * Fewer than 97 percent of your sponsored migrants fail to return overseas at the end of their visa. | See Section 3: Scheme Specific Good Practice Guidance |
| RFI/C9 | Confirm that you have a policy for selecting overseas agents and auditing their ongoing activities, to ensure they act ethically. | [Core Score Checklist 76,77](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 8.1](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT](https://responsiblerecruitmenttoolkit.org/rr_standard/transparent-recruitment/) Pillar C: Strategic Supply Chain Partnerships Are Maintained  Pillar D: [RFI – Annex A C9](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C10 | Confirm that you will work with the Gangmasters and Labour Abuse Authority and Stronger Together to review your existing safeguarding process and, if necessary, develop new processes. | [Core Score Checklist 10,12](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar B: [RRT Standard 19: No Mistreatment is Allowed](https://responsiblerecruitmenttoolkit.org/rr_standard/mistreatment/)  Pillar B: [RRT Standard 24 – No Forced Labour](https://responsiblerecruitmenttoolkit.org/rr_standard/forced-labour/)  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C10](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C11 | Confirm that neither you, nor any employer you place migrants with, will retain a migrant’s passport or travel documents. | [Core Score Checklist 9,10,](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 3.2](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 24](https://responsiblerecruitmenttoolkit.org/rr_standard/forced-labour/): No Forced Labour  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C11](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C13 | Explain what participating migrants will do under the Extended Pilot:   * Details of the roles filled. * Salaries or payments that will be made to participating migrants. * The specific role(s) and activities covered by the Extended Pilot. * Your response must be consistent with the scope of the Extended Pilot, which is set out in section 8.1. | [Core Score Checklist 24,38,40,42](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 7.3](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 2: Recruitment is Transparent](https://responsiblerecruitmenttoolkit.org/rr_standard/transparent-recruitment/)  Pillar B: [RRT Standard 8](https://responsiblerecruitmenttoolkit.org/rr_standard/employment-status/): Employment Status Is Recognised & Regular Work is Offered  Pillar D: [RFI – Annex A C13](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C14 | Explain how you will ensure that all the roles will conform to all relevant UK and European employment legislation:  Demonstrate roles will conform to:   * Employment Rights Act 1996 * The National Minimum Wage Act 1998, * Relevant regional Wages Boards and/or legislation (Scotland, Wales and Northern Ireland) * Working Time Regulations, * Transfer of Undertakings (Protection of Employment) Regulations 2006 * Agency Workers Regulations 2010, and * Any other relevant employment legislation. | [Core Score Checklist 39](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar B: [RRT Standard 2: Recruitment is Transparent](https://responsiblerecruitmenttoolkit.org/rr_standard/transparent-recruitment/)  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C14](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C15 | Explain how you will ensure that you sponsor only those migrants whom you are satisfied are genuinely coming to the UK to undertake seasonal work in the horticulture sector. Explain how you will ensure this occurs. | See Section 3: Scheme Specific Good Practice Guidance Pillar D: [RFI – Annex A C15](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C16 | The arrangements you will use for selecting participating migrants.   * Explain the arrangements you will use for selecting participating migrants. * Explain how you will ensure that there is no unlawful discrimination in this selection process. | [Core Score Checklist 17,43,48](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 5.7](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 18](https://responsiblerecruitmenttoolkit.org/rr_standard/fair-and-equal/): Opportunity and Treatment Are Fair and Equal  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C16](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C17 | Explain the arrangements you will put in place to monitor migrants.  Demonstrate how your systems for monitoring migrants ensure that:   * Their work environment is safe and complies with relevant Health and Safety requirements. * They are treated fairly by their employer. * They are paid properly and in line with the Agency Workers Regulations – this includes National Minimum Wage and Holiday Pay. * They are allowed time off, or proper breaks. * They are provided sick pay, including coronavirus (Covid-19) related sick pay, in line with relevant legislation. * They are provided with appropriate equipment to do their job safely. * They are housed in hygienic and safe accommodation. * They are not transported in unsafe vehicles. * They are not threatened with or subjected to violence. * Procedures are in place to enable migrants to report any concerns to you, and to enable them to move to another employer. * In the circumstances that any Pilot worker is dismissed, this must be done so in accordance with relevant legislation and visa rules | [Core Score Checklist 25-37,43,44,45,46,47,48,49,70-74](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 2.2, 3.1, 4.1, 4.2, 5.1, 5.6, 5.7, 6.1, 6.4](https://www.gla.gov.uk/media/5963/licensing-standards-october-2018-final-reprint-jan-2020.pdf)  Pillar B: [RRT Standard 9: Wages are Paid Fairly & Properly](https://responsiblerecruitmenttoolkit.org/rr_standard/wages/)  Pillar B: [RRT Standard 10: Holiday Entitlement is Provided](https://responsiblerecruitmenttoolkit.org/rr_standard/holiday/)  Pillar B: RRT Standard 11: Benefits are [Provided](https://responsiblerecruitmenttoolkit.org/rr_standard/benefits/)  Pillar B: [RRT Standard 13: Working Time is Not Excessive](https://responsiblerecruitmenttoolkit.org/rr_standard/working-time/)  Pillar B: [RRT Standard 14: Work is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/work-is-safe/)  Pillar B: [RRT Standard 15: Accommodation is Safe & Hygienic](https://responsiblerecruitmenttoolkit.org/rr_standard/accommodation/)  Pillar B: [RRT Standard 16: Transport is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/transport-is-safe/)  Pillar B: [RRT Standard 18](https://responsiblerecruitmenttoolkit.org/rr_standard/fair-and-equal/): Opportunity and Treatment Are Fair and Equal  Pillar B: [RRT Standard 19: No Mistreatment is Allowed](https://responsiblerecruitmenttoolkit.org/rr_standard/mistreatment/)  Pillar B: [RRT Standard 20](https://responsiblerecruitmenttoolkit.org/rr_standard/conduct-and-capability/) – Conduct & Capability Are Managed  Pillar B: [RRT Standard 21 – Access to Remedy is Ensured](https://responsiblerecruitmenttoolkit.org/rr_standard/access-to-remedy/)  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C17](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C18 | Explain the arrangements you will put in place to ensure the safety and protection of participating migrants.   * The arrangements you will put in place. * The systems and process you will use. * How you will respond to any issues that arise.   Defra welcomes innovative and cost-effective approaches, e.g. asking migrants to email a photo of the accommodation they are provided on-site. | [Core Score Checklist 1-15, 25-37,43,47,48,49,70-74](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 1.2, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2, 5.1, 5.6, 5.7, 6.1, 6.4](https://www.gla.gov.uk/media/5963/licensing-standards-october-2018-final-reprint-jan-2020.pdf)  Pillar B: [RRT Pillar A: A Sustainable, Commercial Model is Operated](https://responsiblerecruitmenttoolkit.org/rr_standard/business-structure/)  Pillar B: [RRT Standard 9: Wages are Paid Fairly & Properly](https://responsiblerecruitmenttoolkit.org/rr_standard/wages/)  Pillar B: [RRT Standard 10: Holiday Entitlement is Provided](https://responsiblerecruitmenttoolkit.org/rr_standard/holiday/)  Pillar B: [RRT Standard 12: Employment Taxes are Paid](https://responsiblerecruitmenttoolkit.org/rr_standard/taxes/)  Pillar B: [RRT Standard 13: Working Time is Not Excessive](https://responsiblerecruitmenttoolkit.org/rr_standard/working-time/)  Pillar B: [RRT Standard 14: Work is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/work-is-safe/)  Pillar B: [RRT Standard 15: Accommodation is Safe & Hygienic](https://responsiblerecruitmenttoolkit.org/rr_standard/accommodation/)  Pillar B: [RRT Standard 16: Transport is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/transport-is-safe/)  Pillar B: [RRT Standard 18](https://responsiblerecruitmenttoolkit.org/rr_standard/fair-and-equal/): Opportunity and Treatment Are Fair and Equal  Pillar B: [RRT Standard 19: No Mistreatment is Allowed](https://responsiblerecruitmenttoolkit.org/rr_standard/mistreatment/)  Pillar B: [RRT Standard 20](https://responsiblerecruitmenttoolkit.org/rr_standard/conduct-and-capability/) – Conduct & Capability Are Managed  Pillar B: [RRT Standard 24](https://responsiblerecruitmenttoolkit.org/rr_standard/forced-labour/) – No Forced Labour  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/)  Pillar D: [RFI – Annex A C18](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C19 | Details of accommodation for migrants.   * Explain where accommodation will be provided for migrants. * Explain how that accommodation will be vetted to ensure health and safety standards are met and quality living conditions maintained. * Explain how you will comply with Government coronavirus (Covid-19) legislation. * When compliance with Government coronavirus (Covid-19) legislation is not required, explain how you will ensure that migrants are not being required to live in accommodation provided by their employer. | [Core Score Checklist 72-74](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 2.2, 4.1, 4.2](https://www.gla.gov.uk/media/5963/licensing-standards-october-2018-final-reprint-jan-2020.pdf)  Pillar B: [RRT Standard 15 – Accommodation is Safe & Hygienic](https://responsiblerecruitmenttoolkit.org/rr_standard/accommodation/)  Pillar D: [RFI – Annex A C19](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/C20 | Explain the arrangements you will put in place to ensure migrants leave the UK at the end of their employment. | See Section 3: Scheme Specific Good Practice Guidance |
| RFI/C21 | Explain the measures you will put in place to protect the Extended Pilot from abuse. | See Section 3: Scheme Specific Good Practice Guidance |
| RFI/E2 | Describe the process you will use for placing Pilot workers with employers, if demand from growers proves to be greater than supply.   * A description of the process you will use. * Explain how you will ensure that no employer is provided with more than 60% of their workforce through the Extended Pilot | [Core Score Checklist 43](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 5.7](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 18](https://responsiblerecruitmenttoolkit.org/rr_standard/fair-and-equal/): Opportunity and Treatment Are Fair and Equal  Pillar D: [RFI – Annex E2](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| RFI/E3 | The arrangements for regular income.  As Pilot workers cannot obtain work outside the sector, and are not eligible to access public funds, the Pilot Operator will be responsible for ensuring that the Pilot workers they source are provided with a regular income, and not left destitute if, for any reason, full-time work is not available over any particular period. Explain how you will ensure that the Pilot workers you source are not placed in this position | [Core Score Checklist 18,43](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar B: [RRT Standard 22: Recruitment Opportunities are not Prevented](https://responsiblerecruitmenttoolkit.org/rr_standard/employment-opportunities/)  Pillar D: [RFI – Annex A E3](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| Scheme Rules/SE3.4 (new 2021) | You must undertake robust and comprehensive monitoring of all the workers you sponsor in their workplace, including ensuring that:   * the workers’ work environment is safe and complies with relevant Health and Safety requirements * employers take adequate steps to ensure workers understand Health and Safety procedures, including providing translations into the workers’ first language if required * workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate * workers are given an employment contract in their first language, as well as in English. These must not be zero-hours contracts * workers are paid properly – this includes satisfying National Living Wage, National Minimum Wage regulations, including those on fair rates for piece work, and Holiday Pay * workers are allowed time off and proper breaks * workers are made fully aware of procedures if they are sick or injured, including how to make a claim on any medical insurance they may have * workers are provided with appropriate equipment to do their job safely and are not charged for it, including any replacements of worn and accidentally damaged items * employers with whom you have placed workers do not impose additional, unnecessary charges on workers, whether directly or indirectly * workers are housed in hygienic and safe accommodation that is in a good state of repair * workers are not transported in unsafe vehicles * workers are not threatened with, or subjected to, violence * workers are not subject to any discrimination * workers’ passports, travel documents or any other identity documents are not withheld from them * procedures are in place to enable workers to report any concerns to you * workers are made fully aware of the expectations on you and the employer, and how to report any concerns where those expectations are not met | See Section 3: Scheme Specific Good Practice Guidance  [Core Score Checklist 25-37,43,47,48,49,70-74](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 2.2, 3.1, 4.1, 4.2, 5.1, 5.6, 5.7, 6.1, 6.4](https://www.gla.gov.uk/media/5963/licensing-standards-october-2018-final-reprint-jan-2020.pdf)  Pillar B: [RRT Standard 10: Holiday Entitlement is Provided](https://responsiblerecruitmenttoolkit.org/rr_standard/holiday/)  Pillar B: [RRT Standard 12: Employment Taxes are Paid](https://responsiblerecruitmenttoolkit.org/rr_standard/taxes/)  Pillar B: [RRT Standard 13: Working Time is Not Excessive](https://responsiblerecruitmenttoolkit.org/rr_standard/working-time/)  Pillar B: [RRT Standard 14: Work is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/work-is-safe/)  Pillar B: [RRT Standard 15: Accommodation is Safe & Hygienic](https://responsiblerecruitmenttoolkit.org/rr_standard/accommodation/)  Pillar B: [RRT Standard 16: Transport is Safe](https://responsiblerecruitmenttoolkit.org/rr_standard/transport-is-safe/)  Pillar B: [RRT Standard 18](https://responsiblerecruitmenttoolkit.org/rr_standard/fair-and-equal/): Opportunity and Treatment Are Fair and Equal  Pillar B: [RRT Standard 19: No Mistreatment is Allowed](https://responsiblerecruitmenttoolkit.org/rr_standard/mistreatment/)  Pillar B: [RRT Standard 20](https://responsiblerecruitmenttoolkit.org/rr_standard/conduct-and-capability/) – Conduct & Capability Are Managed  Pillar D: [RFI – Annex A C17](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| Scheme Rules/SE3.6 (amended 2021) | If you, the Home Office or any relevant outside agency (for example the Gangmasters and Labour Abuse Authority or the Health and Safety Executive) identify issues with a grower to whom you are supplying workers comprising the safety or wellbeing of the participating workers, these issues must be addressed immediately and, as appropriate, the participating workers transferred to an alternative grower. | See Section 3: Scheme Specific Good Practice Guidance |
| Scheme Rules/SE3.7 (amended 2021) | You must establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such requests. This should be communicated to workers before they start to work on the farm. | See Section 3: Scheme Specific Good Practice Guidance |
| Scheme Rules/SE3.8 (amended 2021) | You must not normally refuse requests from participating workers to change employers. Participating workers can change employers if they wish and must normally be allowed to do so, 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). | See Section 3: Scheme Specific Good Practice Guidance |
| Scheme Rules/SE3.9 (amended 2021) | You must not place any additional charges on participating workers, beyond the costs of administrating the Scheme | [Core Score Checklist 57](https://labourproviders.org.uk/resources/?_sf_s=CORE)  Pillar A: [GLAA licence standard 3.2](https://www.gla.gov.uk/media/3180/licensing-standards-may-2012-reprinted-june-2017.pdf)  Pillar B: [RRT Standard 1 – No Recruitment Fees Are Paid by Workers](https://responsiblerecruitmenttoolkit.org/rr_standard/recruitment-fees/)  Pillar D: [RFI – Annex A C4](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) |
| Scheme Rules/SE.10 (amended 2021) | You cannot use the Seasonal Worker route to source your own labour needs. |  |
| Scheme Rules/SE.11 (amended 2021) | You must not place workers at an employment business or agency. |  |
| Scheme Rules/SE3.12  (new 2022) | You must only place workers with growers who have demonstrated to you that they are actively engaging with Jobcentre Plus to recruit UK based workers. | New requirement announced on 24th December 2021  See Section 3: Scheme Specific Good Practice Guidance |
| Scheme Rules/SE.13 (amended 2021) | You must maintain full licensing with the Gangmasters Labour Abuse Authority at all times |  |
| Scheme Rules/SE.14 (amended 2021) | You must satisfy yourself that any worker you sponsor on this scheme can meet the immigration requirements of this route and will comply with the conditions of their stay |  |
| Scheme Rules/SE3.16 (amended 2022) | See Annexes C1 to C3 of [Part 3: Sponsor duties and compliance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance-accessible-version) for a full list of reasons for which we can revoke a sponsor licence. |  |
| Scheme Rules/SE4.4 | The applicant must show they have enough funds to support themselves while they are in the UK.  [Part 2: Sponsor a worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker#history) - Section 7:  (a) the applicant must show they have funds of at least £1,270 and held for 28 days; or  (b) the sponsor must certify that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment up to at least the amount of £1,270. | Pillar B: [RRT Standard 22: Recruitment Opportunities are not Prevented](https://responsiblerecruitmenttoolkit.org/rr_standard/employment-opportunities/)  Pillar C: [Stronger Together Resources](https://www.stronger2gether.org/resources/) |

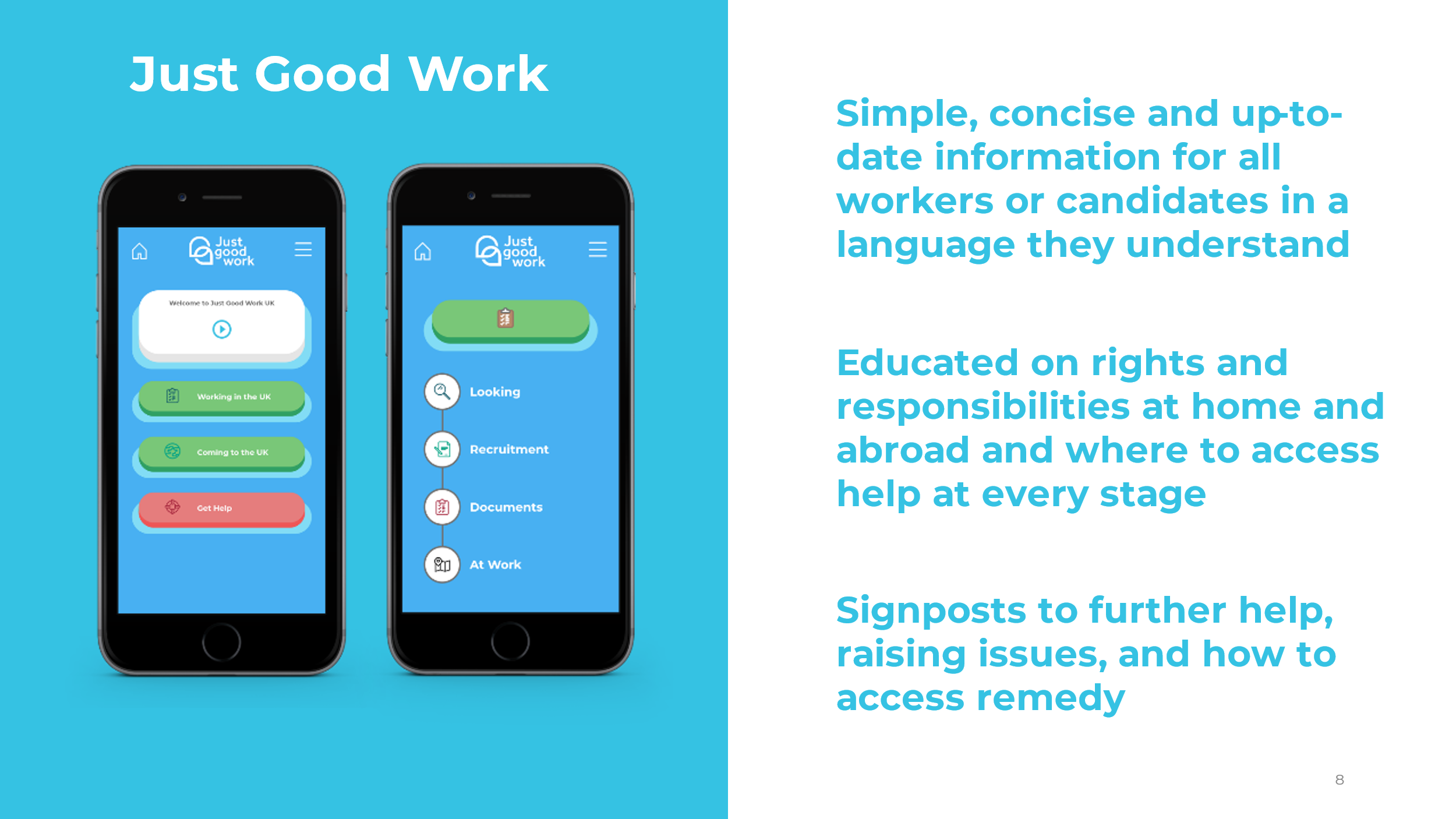
**Appendix 2 - Scheme Operators’ Responsible Recruitment Self-Assessment Report**

This provides Scheme Operators with a self-assessment checklist and overview summary of Scheme requirements and responsible recruitment good practice with links to detailed requirements and available support. Scheme Operators should carry out an annual self-assessment or appoint external experts to conduct the assessment and make and/or implement recommendations.

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| --- | --- |
| **Company Name:** | **Date:** |
| **Manager Name:** | **Email:** |

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| --- | --- | --- | --- |
| DUE DILIGENCE | | WHAT IS REQUIRED OF SCHEME OPERATORS | PROGRESS |
| A | **Legal compliance** | * Self-[assesses](https://www.complyer.co.uk/) compliance with GLAA Licensing Standards and legal requirements * Is externally independently [audited](https://www.complyer.co.uk/) against GLAA and legal requirements and publicly shares outcome. |  |
|  |
| B | **Responsible Recruitment** | * Subscribes to [Responsible Recruitment Toolkit](https://responsiblerecruitmenttoolkit.org/) * Accesses [training](https://responsiblerecruitmenttoolkit.org/workshops/) * [Self-assesses](https://responsiblerecruitmenttoolkit.org/online-tool/) performance * Applies financial probity and due diligence with regards to agents and subcontractors in line with the RRT ‘Strategic Supply Chain Partnerships Are Maintained’ pillar. * Takes appropriate steps to mitigate hidden fee/debt bondage risks during worker’s recruitment and employment journey, in line with the RRT ‘[No Recruitment Fees Are Paid By Workers](https://responsiblerecruitmenttoolkit.org/rr_standard/recruitment-fees/)’ standard. * Publicly demonstrate commitments as an RRT [Business Partner](https://responsiblerecruitmenttoolkit.org/business-partners/) * Shares [self-assessment](https://responsiblerecruitmenttoolkit.org/online-tool/) progress using Supply Chain functionality * Achieves independent [Clearview Certification](https://responsiblerecruitmenttoolkit.org/clearview/) |  |
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| C | **Forced labour and hidden exploitation** | * Reads [Tackling Modern Slavery in UK Businesses Toolkit](https://www.stronger2gether.org/resources/?_sf_s=toolkit&_sft_resource_type=toolkits) * Attends [interactive training workshops](https://www.stronger2gether.org/workshops/) * Implements due diligence good practice, completes and publicly shares [Labour Provider/Recruitment Business Implementation Checklist](https://www.stronger2gether.org/resources/?_sft_resource_type=checklists) * Appoints [Modern Slavery Champions](https://www.stronger2gether.org/modern-slavery-champions/) * Demonstrates commitment as a Stronger Together [Business Partner](https://www.stronger2gether.org/business-partners/) * Undertakes an annual independent due diligence [Verification Assessment](https://www.stronger2gether.org/uk-recruitment/) and implements corrective actions |  |
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| D | **Seasonal Workers’ Scheme & Visa Rules** | * Meets the [Seasonal Workers Pilot request for information](https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information) requirements * Meets the [Seasonal Worker Sponsor Guidance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker) requirements * Meets the [Guidance on application for UK visa under (Temporary Worker)](https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-under-tier-5-temporary-worker) requirements * Meets the [Workers and Temporary Workers - guidance for sponsors part 1: apply for a licence Operator’s Licence](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence) requirements. * Meets the [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker) requirements * Meets the [Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance](https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance) requirements |  |
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| E | **Farm ethical working management systems** | * Attends [training](https://responsiblerecruitmenttoolkit.org/workshop/training-webinar-labour-supply-chain-due-diligence-and-partnerships-1-5-hours/) and is applying the RRT ‘Strategic Supply Chain Partnerships Are Maintained’ pillar requirements with regards to clients, including having appropriate SLAs in place with all clients that cover responsible recruitment expectations. * Has developed a complete and comprehensive set of ethical working management systems that farm clients are required to adhere to and apply in their own operations * Is applying an effective programme to ensure that each farm they supply workers to:   + Is aware of these ethical working management systems   + Is trained and supported to achieve these   + Is applying these   + Has a self-assessment and improvement programme in place * Has a programme in place to verify the effectiveness and veracity of farm self-assessments together with a sanctions and remedy process * Has a robust [external verification](https://www.fastforwarduk.org/) process in place to assess the effectiveness of its farm ethical working management systems programme which produces a public report |  |
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**Appendix 3 – Seasonal Workers Scheme – Just Good Work app v4 proposal May 2022**

JGW is a free multi-language app that gives workers critical information about living and working in the UK and where to go for help if needed. Off-line capability means that once downloaded JGW can be used without internet connection. Information is provided in the worker’s own language, on their own device to be accessed whenever convenient to them.

Data security is integral to the design of the Just Good Work app. Outputs will be anonymised and aggregated and no personal details will be shared in any output activities.

Just Good Work is adaptable to any sector and could be used in other immigration routes such as the Skilled Worker Route, and in other sectors such as the NHS, the construction industry, or any environment where worker exploitation is a concern.

**HOW WILL THE SEASONAL WORKERS’ SCHEME PLATFORM WORK?**

The Seasonal Workers Scheme (SWS) customised version of the Just Good Work (JGW) app will use the set-up information that workers input when downloading the app, plus the responses from built in questions and polls to build a picture of worker experience on the SWS.

The Just Good Work platform will support the Seasonal Worker Scheme to ensure workers achieve quality, safe, profitable work, reducing the potential for hidden exploitation – while increasing transparency of recruitment and employment across the scheme and streamlining compliance reporting to Home Office/Defra.

* All scheme-related parties will benefit from workers having access to consistent, scheme-wide guidance and advice to workers in their own language, with regular, instant updates.
* The platform will be translated for new scheme recruitment corridors - Georgia, Kazakhstan, Uzbekistan, Armenia and Tajikistan – as well as existing languages (Albania, Bulgaria, Gujarati, Poland, Romania and Ukraine)
* It will provide an automated and independent source of real time data for entities at all levels of the scheme – as well as for reporting to the Home Office/Defra - highlighting worker experiences and many of the monitoring statistics required, with improved response rates and decreased cost of operating the scheme.

Scheme Operators will mandate workers to download the Seasonal Workers Scheme customised version of the Just Good Work app at the earliest possible stage of recruitment. QR codes can be included in advertising, at interview and during induction.

Farms and growers, and their supply chain recruiters can also mandate or promote download of Just Good Work – multi-language posters and social media tiles will be provided for all. This means QR codes and links to download the app being made available in all comms with workers (where appropriate), highlighting the benefits to workers of regular messaging and updates on issues affecting them, in their own language.

The SWS version of the JGW app will replace existing survey methods/tools used by Scheme Operators, streamlining and simplifying compliance reporting to the Home Office / Defra as well as reducing costs of operating the scheme.

As the platform develops, farms and growers can have the option to be able to share videos of the work, the workplace and housing to aid transparency and to reduce misplaced expectations. For example, online multi-lingual training modules for induction and onboarding in workers own language can help prevent exploitation and improve their overall experience.

Simple yes/no/multi-choice questions throughout the app with automatic advice and signposting dependent upon the answers, enables worker polling with responses that will be collated into an online dashboard for entities at all levels of the scheme. For example, workers are asked whether they paid anybody for the job; whether the work is as expected, what their accommodation is like and whether they are being paid in line with their expectations.

By capturing data on which Scheme Operator is the recruiter, and which farm or grower each worker is assigned to (farms and growers will have the option to opt in/out), Just Good Work is able to track, compare and report download and response rates, highlighting where the platform is being used effectively and where there might be communication or engagement challenges across the scheme.

**FUNCTIONALITY AND BENEFITS**

*NOTE: Use of Just Good Work is anonymous for workers, and where anonymity is at risk (i.e. where a worker could be identified due to farm size or on the basis of nationality / gender / age), then data will be available in aggregate only). Aggregation and anonymity thresholds to be agreed by all parties. The primary aim is that workers feel safe to use and report their actual experiences in the app.*

The Seasonal Workers Scheme customised version of the Just Good Work app will provide:

**Seasonal workers:**

* + Specific and transparent information on the scheme, their farm (where the farm has opted in) and the nature of the work and the means to access help and support.
  + Understanding what good looks like with consistent information on their rights, risks of hidden exploitation and where to go for help if needed, reducing exploitation through education.
  + In-line and spot questions to allow confidential, non-confrontational feedback thus enabling worker voice.
  + Multi-lingual with video, audio and offline capability offering easy access irrespective of the environment and accessible to workers with literacy challenges.

**Supermarkets:**

* + An automated and independent source of real-time data on worker welfare and scheme operation down to the farm level (where farms have opted into the scheme)
  + Enable faster pinpointing of issues as well as identify the effectiveness of interventions.
  + A pro-active, preventative, approach to reduce the risk of labour exploitation in the supply chain.
  + Ensure workers understand what good looks like in their own language, with consistent information on their rights, risks of hidden exploitation and where to go for help if needed, reducing exploitation through education.
  + In-line and spot questions to allow confidential, non-confrontational feedback thus enabling worker voice.
  + Ensure workers have transparent information on the scheme, the nature of the work and the means to access help and support.
  + Ensure workers continue to receive the most accurate, up-to-date information on issues affecting them such as Covid-19, Brexit, etc.
  + Worker insights from question responses, as well as app usage data and social listening insights from JGW community outreach team, bring to light key issues/challenges for workers, informing messaging, training and other interventions.
  + Multi-lingual with video, audio and offline capability offering easy access irrespective of the environment and accessible to workers with literacy challenges.
  + Continuously populated with incoming data showing issues and trends to aid future seasonal worker scheme design and allow more efficient collection of required scheme data.

**Scheme Operators:**

* + An independent platform that can sit alongside, be integrated into or replace existing tools, providing a single source of capturing worker insights and data points required by the SWS.
  + Automated aggregation of data for reporting to Home Office / Defra
  + Consistent scheme-wide advice and information for workers, always up-to-date in multiple languages
  + Send multi-lingual messaging and their own additional spot questions to all of their workers on the platform
  + Evidence that workers have been provided with consistent, transparent and accurate information, irrespective of their original recruiter.
  + Individual dashboards showing data for their own workers by supply chain recruiters, farm (where the farm has opted in), nationality and other demographics.
  + Benchmarking across:
    - Peers allows each Scheme Operator to understand the relative success of their programme.
    - Farms allows sharing of good practice and intervention where standards need to improve.
  + Understanding and evidence of workers’ experience and what is important to them, in order to continuously improve recruitment and management processes and work with farms and growers on the improvements they need to make.
  + Early warning where there are concerns in their recruitment supply chain allowing them to deploy investigative and due diligence resources to deal with issues swiftly. Ongoing feedback will inform whether interventions are successful.

**Farms and growers (optional functionality where farms opt-in):**

* + The ability to share videos of the work, the workplace and housing to aid transparency and to reduce misplaced expectations. Generic resources for different farm/job types can also be available at the scheme level
  + Ability to include online training modules for induction, preventing exploitation or site-specific requirements
  + A rich source of data about what is important to workers, allowing them to improve their offer to workers for better attraction, engagement and retention.
  + Early warning where there are concerns in the recruitment supply chain allowing them to deploy investigative and due diligence resources to deal with issues swiftly. Ongoing feedback will inform whether interventions are successful

**Home Office and Defra (if they choose to engage):**

* + An automated and independent source of data on worker welfare and scheme operation. Continuously populated with incoming data showing issues and trends to aid future scheme design and allow more efficient collection of required scheme data.
  + Online dashboard, providing real time data of worker experiences and many of the monitoring statistics required
  + Improved response rates and decreased cost of operating the route for the Home Office.
  + Easily adaptable to other routes.

**TIMELINE**

The following timeline assumes the development scope will be signed-off by 19 April 2022, and that work can begin on this immediately while discussions continue with Scheme Operators, Home Office/Defra and content development/sign-off.

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| **Phase** | **Completed By** |
| Focus on translating the core JGW to new scheme languages and develop the functionality to enable worker feedback and responses to be filtered to the different levels of the scheme. This would enable the transparency and reporting benefits for all parties, as well as get the app into workers’ hands with critical advice and messaging for the UK for this season’s recruitment drive.  Launches for workers in first week of June.  All app data (inline and spot questions disaggregated down to the farm level). Shared with retailers and Scheme Operators manually. Aggregated scheme data shared with Home Office and Defra manually (fortnightly/monthly) | 3 June 2022  *(Assumes sign-off by 19 April)* |
| Messaging and spot questions to users at scheme level.  Additional content to be added as signed-off/available. | July 2022 |
| Scheme wide content, messaging and spot questions at the farm level (where farms opt-in).  Content templates to enable farm-level custom content  Automated dashboards for Scheme Operators, retailers and Home Office/Defrq | September 2022 |