



# UK Grower Seasonal Worker Toolkit

## March 2023

Collaborating partners:



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# Section 1 - Overview and Context

## 1. Toolkit introduction

The purpose of this toolkit is to support UK growers to:

- Better understand the Seasonal Workers' Scheme, what responsibilities are required by the Scheme rules and which stakeholder is responsible.
- Reduce risks to and improve the on-farm experience of seasonal workers
- Improve outcomes when recruiting and employing seasonal workers (via the Seasonal Workers' Scheme or otherwise) to improve retention, increase performance, reduce problems and increase the rate of returnees.

This toolkit is funded by UK retailers and is a collaboration between the Association of Labour Providers (ALP) and Stronger Together, with Food Network for Ethical Trade (FNET), Fresh Produce Consortium (FPC) and the British Retail Consortium (BRC). The toolkit is supported with grower training conducted online and in-person throughout the UK.

This toolkit, accompanying roadshow and checklist have been produced for information only and are not exhaustive nor a substitute for legal advice. The authors, partners and sponsors exclude liability for any claim or loss alleged to have arisen from or in connection with use of the information within.

To access the latest version of this toolkit visit [foodfarmhelp.com/index.php/guidance/seasonal-worker-scheme](https://foodfarmhelp.com/index.php/guidance/seasonal-worker-scheme). To raise an issue or question regarding this toolkit or to obtain information on future training please email [SWStaskforce@stronger2gether.org](mailto:SWStaskforce@stronger2gether.org).

## 2. Seasonal Workers' Scheme – Overview, Objectives and Scope

### Overview

In 2023, there are 45,000 Seasonal Worker Visas available for edible and ornamental horticultural workers, as per the December 2022 [press release](#): *“This number will be kept under review with the potential to increase by a further 10,000 if necessary, and contingent on sponsors and growers improving and abiding to worker welfare standards, including ensuring workers are guaranteed a minimum number of paid hours each week.”*

This position was [reiterated](#) by Farming Minister Mark Spencer on 21<sup>st</sup> February 2023 who confirmed *“the possibility of 10,000 more, if we can show that they're needed, and if we are able to look after those people properly while they're here, give them a minimum of 32 hours of work every week, and...pay them at least the national living wage from the 1st April”*.

The Seasonal Worker visa route for the horticulture sector (as distinct from the poultry sector) allows businesses to recruit workers from outside the UK who can stay for a maximum period of six months in any 12-month period. Workers may be recruited from any country.

In 2021, 20,000 (66%) workers came from Ukraine; in 2022/23 workers have increasingly been recruited from Central Asia.

The Seasonal Workers' Scheme is a temporary migration programme. Seasonal workers:

- Are not allowed to remain in the UK long-term
- Cannot bring their families
- Cannot work outside the sector
- Cannot work other than through their Sponsor
- Are not eligible to access public funds, benefits or full free healthcare.

## Scheme Objectives

UK Government	Countries of origin	Migrant workers	Growers	Scheme Operators
<ul style="list-style-type: none"> <li>• Fill gaps in the horticulture and poultry sectors' seasonal labour force without increasing net migration or negatively impacting local communities</li> <li>• Politically neutral or positive</li> </ul>	<ul style="list-style-type: none"> <li>• Benefit from remittances and increased skills upon migrants' return with positive citizen experience</li> </ul>	<ul style="list-style-type: none"> <li>• Greater income than in home country</li> <li>• Increased skills</li> <li>• Expectations known and matched</li> <li>• A positive experience</li> <li>• Protected from exploitation</li> <li>• Able to return next season</li> </ul>	<ul style="list-style-type: none"> <li>• Meet need for a productive and reliable seasonal workforce at reasonable cost with a high rate of returnees to ensure crops can be grown, harvested and packed efficiently</li> </ul>	<ul style="list-style-type: none"> <li>• Operationally efficient</li> <li>• Commercially sustainable</li> <li>• Meeting Sponsor rules and client needs</li> </ul>

## Scope - Sectors and Roles

Work in the horticulture sector is defined in the Home Office [immigration rules](#) as those growing:

- (i) Protected Vegetables – those grown in glasshouse systems; or
- (ii) Field Vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes; or
- (iii) Soft Fruit – those grown outdoors or under cover e.g. in glasshouses or polytunnels. Includes strawberries, raspberries, blackcurrants, blueberries and all ribes and rubus species;
- (iv) Top Fruit (Orchard Fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots; or
- (v) Vine and Bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine; or
- (vi) Mushrooms – typically covers *Agaricus bisporus* species but can also include more exotic species (typically grown indoors); or
- (vii) Bulbs and cut flowers, such as daffodils, grown outdoors and indoors; or
- (viii) Pot plants, such as seasonal bedding plants like pansies, violas, geraniums and poinsettias; or
- (ix) Hardy ornamental nursery stock such as Christmas trees, shrubs, roses, ornamental trees and perennials; or
- (x) Tree and forest nurseries.

For the horticulture sector, Scheme Operators may use the [visa route](#) to recruit seasonal workers in 'employment which fluctuates or is restricted according to the season or time of the year' for:

- Crop maintenance
- Crop harvesting
- Tunnel construction and dismantling
- Irrigation installation and maintaining
- Crop husbandry
- Packing and processing of crops on employer's premises
- Preparing and dismantling growing areas and media
- General primary production work in edible and ornamental horticulture
- Activities relating to supervising teams of horticultural workers

Scheme Operators cannot hire a seasonal worker for work that requires labour all year round, or to work in offices or other administrative spaces.

### 3. Seasonal Workers' Scheme Responsibilities

#### Government



#### Scheme Operators

The [Register of licensed sponsors: workers](#) is the current list of organisations licensed to sponsor workers on the Worker and Temporary Worker immigration routes. Those licensed to sponsor seasonal workers are known as Scheme Operators and for the 2023 season are:

- [AGRI-HR Ltd](#)
- [Concordia \(UK\) Ltd](#)
- [ethero Ltd](#) (trading as Telpasc)
- [Fruitful Jobs Ltd](#)
- [HOPS Labour Solutions Ltd](#)
- [Pro-Force Limited](#)

The Scheme Operators are independent businesses and must act in accordance with UK company and [competition law](#).

The Scheme Operators must abide by all UK recruitment and employment legislation including the [GLAA Licensing Standards](#), and extensive immigration and Scheme rules as detailed at:

- [Sponsorship: guidance for employers and educators](#)
- [Part 1: Apply for a licence](#)
- [Part 2: Sponsor a worker](#)
- [Part 3: Sponsor duties and compliance](#)
- [Immigration Rules Appendix Temporary Work - Seasonal Worker](#)
- [Seasonal Worker visa route request for information \(RFI\)](#)
- [Workers and Temporary Workers: guidance for sponsors - Sponsor a Seasonal Worker](#)

The Scheme Operators must also abide by all company, recruitment and migration law in each country that they source workers from.

To become a Scheme Operator a business must hold a GLAA licence and apply through a public [tender process](#) demonstrating its' ability and capacity to operate a legislatively compliant business and recruit and supply the workers required across the UK to small, medium and large companies. There is a closed selection process managed by Defra and the Home Office.

Scheme Operators can have their Sponsor Licence revoked if there is a serious or systematic breach of sponsor duties; they are convicted of a relevant criminal offence; they engage in behaviour or actions not conducive to the public good; lose their GLAA licence, or within any 12-month period:

- Fewer than 95% of sponsored migrants are granted entry clearance
- 3% or more of sponsored migrants fail to arrive at their place of employment
- Fewer than 97% of sponsored migrants return overseas at the end of their visa

[Sponsor guidance](#) states that Scheme Operators are responsible “for all of the workers you sponsor on this scheme. It is important that you work closely with the employers where your sponsored workers are placed” and for “ensuring the welfare of the workers you sponsor and that they are paid in line with the minimum pay requirements for this route”.

A Scheme Operator may have its licence revoked by the Home Office if: “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 you do not “comply with these requirements in full” then “we will take action against you, up to and including the revocation of your sponsor licence.”

## Growers

Growers have primary responsibility for ensuring the welfare of the workers on their sites and must abide by all employment and health & safety law and as specifically defined in the [Scheme rules](#) they must ensure 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 paying the minimum hourly rate, alongside satisfying relevant 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 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

## 4. Risks to, and negative experiences of, seasonal workers

The Director of Labour Market Enforcement (2021) assessed agriculture as the sector with the second highest risk of labour exploitation non-compliance in the UK labour market for 2021/22, reporting that “*Vulnerable workers are being exploited, some cases indicative of modern slavery. Many more in the sector are not receiving NMW/NLW*”.

The Gangmasters and Labour Abuse Authority (GLAA) [Industry Profile for agriculture](#) reports key risks as working conditions and accommodation, health and safety issues and non-payment of NMW.

Table 1.2 DLME’s assessment of labour market enforcement threats

Sector	2020/21 assessment
Hand car washes	Severe
Agriculture (horticultural seasonal workers)	Severe
Care sector	High
Construction	High
Hospitality	Medium
Shellfish gathering	Medium
Nail bars	Medium
Poultry and Eggs	Medium
Warehouses and distribution centres	Medium
Food industry (processing and packing)	Medium
Garments and textiles	Medium

Source: Director of Labour Market Enforcement, 2021



Home Office and Defra worker surveys and inspections of farms in 2019 report:

- No instances of modern slavery were identified:
- 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
- In four sites it was alleged that 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”

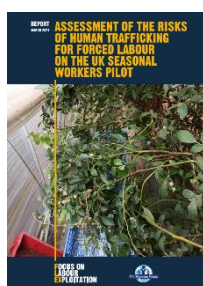
Of the 25 Home Office compliance visits conducted between June 2021 and February 2022, “*significant issues*” were raised at 9 visits. “*Workers reported that they were treated poorly, discriminated against on the basis of nationality, had received incorrect pay, were living in damp, poor-quality and unsafe accommodation, or had been obstructed from accessing healthcare.*”

Migrant worker rights non-governmental organisations (NGOs) research report the following:



### Key negative worker experiences during recruitment

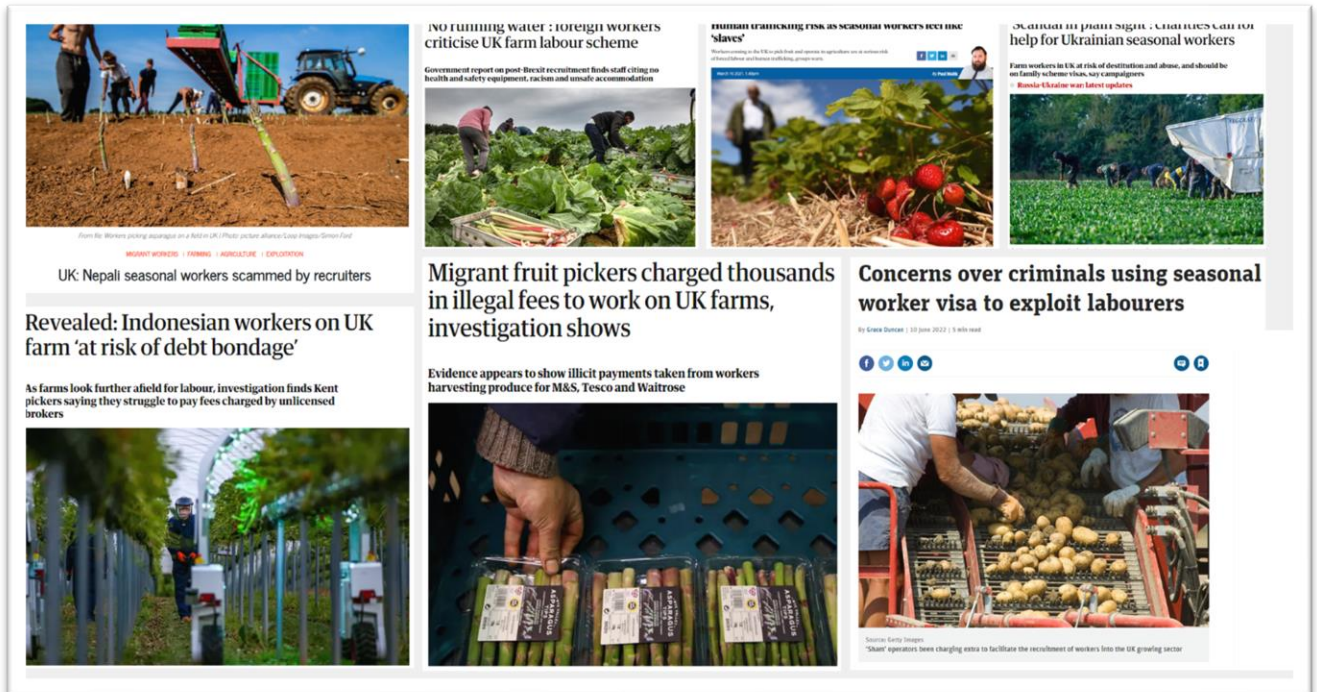
- Work is “unfree” - payment for agents’ fees and consequential possibility of debt bondage
- Entering into debt to cover the costs of the visa and transport to the UK
- Lack of understanding of work and living expectations in the UK
- No or poorly translated contracts



### Key negative worker experiences on farm

- Work and life under duress - unreasonable picking targets and work being withdrawn when not met, threats of loss of work and deportation
- Difficulty accessing health needs – prescriptions, doctors and dentists
- Unsafe/dirty accommodation with unlawful accommodation costs and deductions for equipment, clothing and other services
- Being refused transfers
- Supervisors who wielded power without accountability
- No access to legal rights and safeguards

There was significant media focus in 2022, reporting the negative experiences of some workers:



Workers have described their negative experiences of seasonal work on farms to NGOs and Home Office inspectors as follows:

*“He was trying to get help, but no one would help him ... he was in agony for about 4 hours and then he had to pull out his own tooth.”*

*“They don’t consider us here as human beings, we are like slaves here. I am feeling like a slave.”*

*“Most of us didn’t speak English and that was a problem for us to understand what we were signing. Some people were trying to translate, but I can say that we had 100% no clue what we were signing.”*

*“One person sleeps in the hall, the rest of them sleep, some together, even though they didn’t know each other before coming here to the farm”*

*“Our caravan is really cold and wet. I have to put a hat on when I sleep. Our caravan is full of mould, the walls are mouldy, our mattress is mouldy. We sleep on mould.”*

*“When we first started working, they sent us for weeding but didn’t give us gloves neither any equipment, tools, we worked on weeding for 3 days, carrots and strawberries. We dug the ground by naked hands as nobody gave us neither gloves nor digging tools ....we went to the office to buy gloves for £2.50.”*

*“Supervisors can make a comment like: “Why did you work so slowly? Hurry up, don’t relax, you need to work”, All this makes a bad influence on me and psychologically it’s very, very hard.”*

*“I asked questions about my national insurance and the targets, then I started getting letters from the office with the warnings to leave the farm.”*

*“[Worker] mentions being shouted at, stringent attitude towards the Ukrainian nationals by staff, also because she is Ukrainian, she is taken off the line, unable to report as supervisors are also Romanian.”*

*“All Ukrainian nationals feel they have been treated unfairly, have been shouted at, and treated less favourably than the other nationalities, Bulgarians and Russians. This ill treatment stemmed from the [scheme operator] employees and line supervisors.”*

*“The employers demand a high quality and the line manager frequently shouts and swears at them.”*

*“More favourable treatment was given to workers of certain nationalities in terms of provision of gas and washing facilities.”*

*Examples of issues that were being raised by workers at the visits, including discrimination allegations, preferred nationalities getting easier jobs, being bullied, sworn at and being excluded from work.”*



## 5. Calls for action and industry collaboration

There are many calls for industry and government to take action to reduce the risks to and improve the experience of seasonal workers, including from the previous Independent Anti-Slavery Commissioner Dame Sara Thornton. Her recommendations to Defra & Home Office ministers are:



- *Concerted efforts need to be taken to educate workers and ensure that they understand their rights during and after recruitment*
- *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*

### Government Action

An Independent Chief Inspector of Borders and Immigration (ICIBI) [report](#) on the Home Office operation of the Seasonal Worker visa route concluded that:

*“In a supply chain in which workers are vulnerable to exploitation, the Home Office needs to do more to assure itself, the sector and the general public that it is not perpetuating unacceptable employment conditions for seasonal workers.” and “...with regard to compliance, the Home Office should significantly raise its game to assure itself that scheme operators of the Seasonal Worker route are meeting compliance requirements.”*

The Home Office [accepted](#) all the ICIBI's recommendations as follows:

Action 1 – Compliance – By April 2023

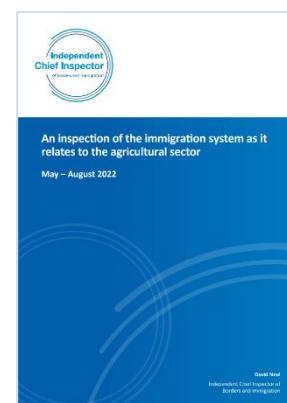
- Publish a review of SWS route
- Establish a dedicated team to monitor on farms

Action 2 – Communication – By April 2023

- Publish a roadmap covering how the Home Office will actively seek the views of those who participate and contribute and ensure that engagement continues to be mutually beneficial

Action 3 - Clarity of roles & responsibilities – By July 2023

- Publish a document clarifying who is responsible for what across the Home Office, other govt depts, devolved administrations, and local authorities



### Industry and stakeholder collaboration

Industry collaboration is now underway to undertake key actions to improve seasonal worker recruitment and on-farm employment across a number of component areas:

1. Education, information and grievance mechanisms for workers
2. Due diligence and good practice during recruitment
3. Due diligence and good practice on-farm
4. Scheme costs, EPP, retained earnings and remediation
5. Policy, enforcement and stakeholder communication

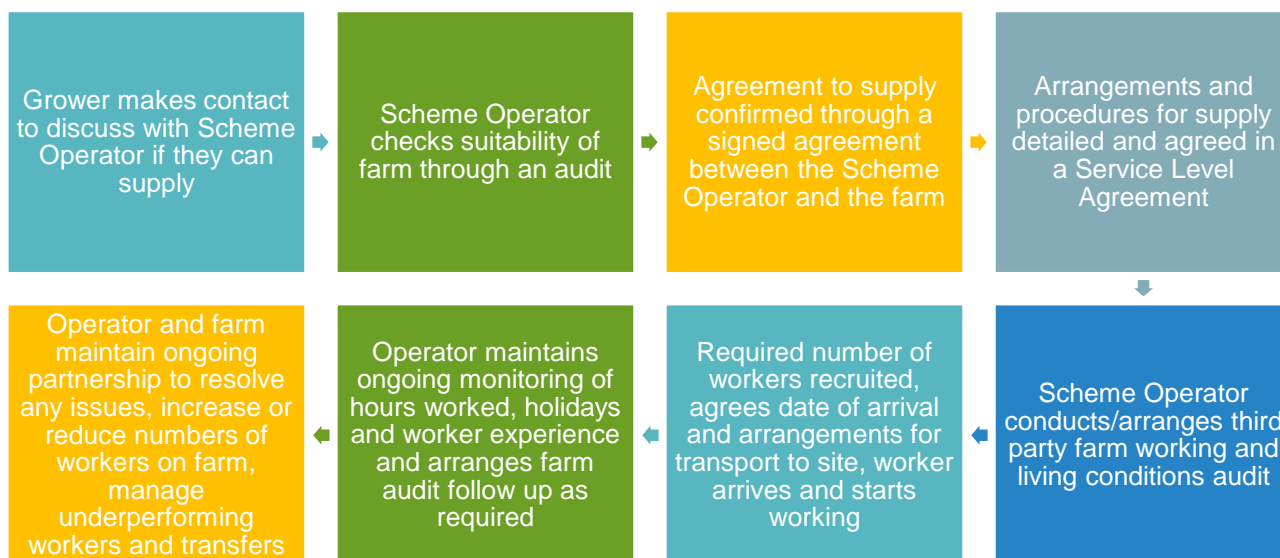
To view current activities and progress of this collaboration, visit [stronger2gether.org/](https://stronger2gether.org/) and to submit any information, raise an issue or ask a question email [SWStaskforce@stronger2gether.org](mailto:SWStaskforce@stronger2gether.org).

## Section 2 - Recruitment

### 6. Seasonal Workers' Scheme Processes

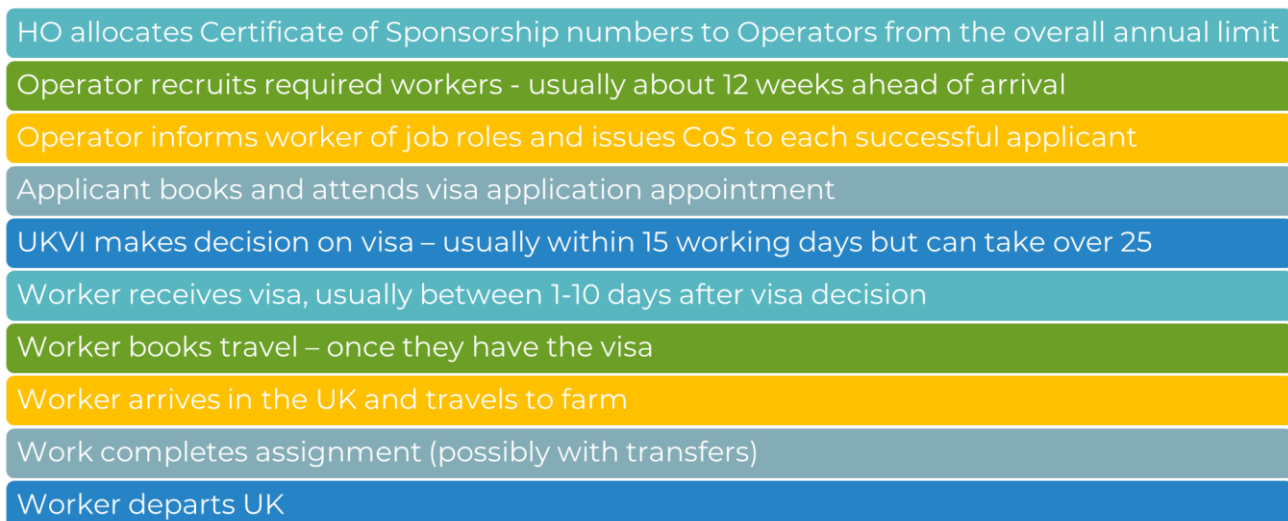
#### Operators and Growers

The following is an example of the process that a Scheme Operator may follow in supplying seasonal workers to growers:



#### Workers

The following is an example of the process that a Scheme Operator may follow in recruiting and supplying seasonal workers to growers:



## 7. Getting Seasonal Workers' Scheme recruitment right

The Seasonal Workers' Scheme recruitment process is predominantly the responsibility of the Scheme Operators. However, it is important for growers to understand the process and essential to achieve mutually beneficial objectives for both growers and workers.

### Objectives of seasonal worker recruitment

#### Growers

- To receive the correct number of workers at the right time who match the eligibility and selection criteria, legally, ethically and at a fair and sustainable price
- High performing, reliable workforce, maximising retention and returnees

#### Workers

- A fair and positive experience
- Clarity and completeness on terms and expectations which match reality
- A process that minimises the requirement and ability for intervention by unauthorised agents charging money to job applicants

### Working in partnership to receive excellent service from the Scheme Operator

The Scheme Operator should provide an excellent recruitment service, delivering the objectives above, meeting growers' operational requirements and protecting growers' businesses from risk.

To achieve this requires partnership working between the grower and the Scheme Operator.

- The Scheme Operator is responsible for the recruitment process
- The grower should ensure that appropriate due diligence has been conducted on the Scheme Operator's management systems (see RRPA later in this toolkit)
- The grower is responsible for the on-farm welfare and experience of the worker
- The Scheme Operator must monitor and work closely with the grower to ensure the welfare of workers on farm.

### The Scheme Operator's decision regarding growers' practices

Scheme Operators do not have to supply a grower with seasonal workers.

Any or all Scheme Operators may decide not to supply a grower with seasonal workers if, for example, their assessment of the management systems or the performance last season does not provide the assurance that they require that the grower will effectively enable them to meet the requirements of the Scheme rules in ensuring the welfare of workers.

### Taking a Plan-Do-Check-Act Management Systems Approach

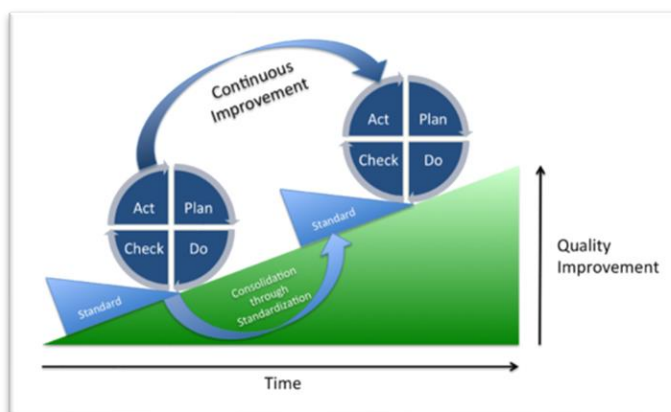
A management system is the planned way that a business does things to meet its objectives. Taking a systematic approach will help both Scheme Operators and growers to improve business performance with regards to the recruitment and employment of seasonal workers:

**Plan** - Write the processes required to deliver the desired objectives.

**Do** - Communicate, train and implement the processes.

**Check** - evaluate data and results to determine whether objectives were achieved.

**Act** - improve processes with better goals, standards, or instructions.



## Scheme Operator Contracts and Service Level Agreement

The Scheme Operator should provide each grower with key documents that define the legal and procedural arrangements that they will apply in their recruitment and supply of seasonal workers.

Growers should review these with their Scheme Operator to ensure that they meet the “5Cs” test:

<b>Clear</b>	Do you understand everything? Are responsibilities clear?
<b>Concise</b>	Is it to the point and not unnecessarily wordy?
<b>Comprehensive</b>	Does it contain everything that law, scheme rules and operations require?
<b>Current</b>	Is it in accordance with the latest law, rules and operational practice?
<b>Confirmed</b>	Have the relevant people in each organisation agreed them?

The key documents are:

- **Contractual Agreement** – the legal document between grower and the Scheme Operator
- **Sponsor Agreement** - the document that details the arrangements between the Scheme Operator and their seasonal workers. This should be accessible to workers and provided in the workers’ first language.
- **Agent Agreement** - the document that details the arrangements between the Scheme Operator and any agent that they use to source and supply them with seasonal workers.
- **Cooperation Agreement** - the document that details the arrangements between the Scheme Operator and any Labour Ministry that supports them to source seasonal workers
- **Service Level Agreement (SLA)** – this defines the Scheme Operator’s management systems and how you will work in partnership together to deliver necessary outcomes. It includes key processes and supporting documents which define operational delivery; due diligence and how risks to workers will be mitigated; Key Performance Indicators (KPIs) which define and measure how effectively key objectives are being achieved. The SLA should demonstrate that the Scheme Operator has well developed management systems in all the areas required in the recruitment, supply and on farm welfare of seasonal workers, as follows:

<b>Scheme Operator Service Level Agreement – Expected processes to be included</b>
<b>Recruitment Process</b>
1) Statutory and procedural recruitment by source country
2) Operational and due diligence processes for: <ul style="list-style-type: none"> <li>a) direct in-country recruitment</li> <li>b) in country recruitment through third party agent</li> <li>c) remote recruitment through online web/app</li> </ul>
3) Certificate of Sponsorship issue and visa support
4) Job offer and acceptance process including issue of clear, comprehensive translated worker contracts
5) Applicant communication, induction and pre-departure orientation process by each recruitment method
6) Transport to and from UK farm arrangements
<b>Client/On-farm process</b>
7) Grower and Scheme Operator KPI reporting
8) Seasonal labour planning arrangements and weekly hours monitoring and top up
9) Pre-and mid-season farm welfare standards assessment and monitoring by operators
10) Worker communication, on farm induction and ongoing training, pastoral care, helplines, welfare/ experience surveys, worker voice and reporting
11) Provision and handling of worker health and medical needs
12) Worker complaints and grievance handling
13) Handling on farm conduct issues
14) Handling on farm competence, performance and capability issues
15) Limiting and handling absconding workers process
16) Handling transfer requests
17) Handling early and end of season return of workers

## Recruiting legally and safely

- Scheme Operators decide which countries to recruit from and must understand and adhere to the business, migration and recruitment laws in each country.
- Scheme Operators determine their recruitment method. They must risk assess and adapt their processes to eradicate as best as possible the need and opportunity for workers to pay work finding and recruitment charges.
- Recruitment methods are either:
  - Direct face to face recruitment in-source country
  - In country with the labour ministry – this may be in accordance with a statutory licensing, formal co-operation agreement / Memorandum of Understanding (MOU) with the labour ministry. Any overseas labour ministry or public body involved in the supply of workers must be confirmed as being exempt from or hold a GLAA Licence
  - In country through a third-party business - Any overseas third-party business used to supply workers must hold a GLAA Licence and be held to robust contractual terms and rigorous independent auditing in accordance with established good practice.
  - Remote online through web/app

Figure 8: Top 10 nationalities assigned CoS for Seasonal Worker visas in 2022 vs 2021

Nationality	2021 position	2022 position	Change	Volume change
Ukraine	1	1	–	– 13,476
Tajikistan	6	2	+ 4	+ 3,129
Kyrgyzstan	11	3	+ 8	+ 3,568
Uzbekistan	8	4	+ 4	+ 3,124
Nepal	9	5	+ 4	+ 1,955
Indonesia	None	6	–	+ 1,465
Kazakhstan	10	7	+ 3	+ 1,098
Romania	7	8	– 1	– 6
Russia	2	9	– 7	– 1,354
Macedonia	14	10	+ 4	+ 521

## Establishing essential & desirable worker selection criteria

Growers need to define their essential and desirable worker selection criteria (see below) needed on their farm and agree these with the Scheme Operator to ensure the most suitable workers are recruited. These criteria need to accord with the Equality Act 2010 in not discriminating on protected characteristics and must not impose any additional charges on workers not allowed by Scheme rules. Where specific requirements introduce additional cost into the recruitment process, growers should be prepared to pay for this enhanced service.

Selection Criteria	Example Essential / Desirable requirements
Visa eligibility	Availability of a biometric passport No violations of the visa requirements
Criminal record	Source country policy on pre-departure criminal checks Farm policy – see <a href="#">Open Recruitment Toolkit</a> How assured – self-declaration; police criminal record check
Health	Which health conditions has a medical professional confirmed would prevent working on your farm e.g. allergies / colour blindness? Source country policy on pre-departure health checks How is worker health assured e.g. health questionnaire; self-declaration; professional medical declaration; professional medical check-up?
Physical	Fit, flexible, strong enough for manual work Sufficient manual dexterity for soft fruit picking
Suitability	Motivation to work variable and long daily and weekly hours outdoors in all weathers at relevant pace Ability to work cooperatively within multicultural groups in a different country, social engagement and communication skills.
Social circumstances	Adaptability to living in a rural setting, the type of work, accommodation and living conditions
Relevant qualifications	Are there any other qualifications, licences, experience or training requirements necessary specific to relevant jobs?
Previous experience	If relevant, in agriculture
Language	English at a basic level or other language and reason
Specific	Are any farm / job specific selection tests required?

## Working in partnership to achieve best recruitment outcomes

As well as defining the selection criteria and agreeing contractual, SLA and recruitment arrangements, growers and Scheme Operators must work together to deliver the best outcomes:

- Growers and Scheme Operators work together to ensure that labour planning has been effectively conducted and that numbers of each type of worker required and when is confirmed.
- Growers should develop their worker employment contract in clear straightforward language, agree this with the Scheme Operator, have it translated into workers' first languages so that it is issued to workers during the recruitment process, at pre-acceptance stage/as early as possible and before they travel to the UK.
- Growers and Scheme Operators should work together to ensure the information provided to workers (with photos and videos where possible) accurately describes life and work on the farm and ensure this is issued to workers during pre-departure orientation at pre-acceptance stage/as early as possible and before they travel to the UK.

## Measuring the effectiveness of the Scheme Operator's processes in matching job applicants to the selection criteria

Having established the selection criteria for people to work on the farm, it is the Scheme Operator's effective delivery of the recruitment process that is instrumental in matching the best candidates to the job and for providing a positive experience to all applicants, whether successful or not. Essential factors to discuss and receive assurance from the Scheme Operator are:

- How does the Scheme Operator assess each of the selection criteria and how effective is this assessment method in determining whether the criteria requirement is met?
- How is the risk of workers paying work finding fees and recruitment charges mitigated?
- Are candidates seen in person – how much time is spent during the recruitment process in direct, one-to-one and group interviews and in communication with each applicant?
- How well do Scheme Operators educate, inform and support applicants at each stage of the process, through their website, social media and direct communication?:
  - Targeting potential jobseekers to make a job application
  - Initial response to job applicants
  - Responding to those rejected prior to interview/selection
  - Communicating to those invited – prior to interview
  - Communicating at interview stage
  - Responding to those rejected post interview
  - Communicating with successful candidates
  - Supporting successful candidates through the visa process
  - Supporting successful candidates through pre-departure orientation
- Scheme Operators should measure, and share with growers, worker KPIs such as:

% satisfaction rate with selection process
% agreed that they were provided with good information during the recruitment process
% agreed that they have a good understanding of their job and what is required of them
% would recommend working with the Scheme Operator to a friend
% who drop out post offer / post visa
% transfer request rate by reason – reality did not meet expectation
% request early return by reason – work not suitable

- Growers should use KPIs to measure the recruitment effectiveness of the Scheme Operator:

% grower satisfaction rate with recruitment delivery process
% workers requested arrived on time
% workers terminated by reason – performance, conduct
% workers absconding
% satisfaction rate with worker performance
% satisfaction rate with worker fitness to on farm environment
% returnee requests

- Scheme Operators should analyse these KPIs and other feedback mechanisms to refine and improve their recruitment service.

## 8. Scheme Operator Responsible Recruitment Progress Assessment (RRPA)

Scheme Operators are being requested to, and may agree to undergo a Stronger Together Responsible Recruitment Progress Assessment (RRPA).

The RRPA is an assessment that labour providers can share with all labour user clients and their end-customers (e.g. UK retailers) to reduce audit duplication.

The RRPA is a deep-dive, independent, consultative and supportive continuous assessment aligned to good practice steps in the [Responsible Recruitment Toolkit](#) to:

- Assess performance against scheme standards, identify strengths and weaknesses, provide gap analysis and recommendations to support continuous improvement.
- Review grievance mechanisms available and worker experience to ensure the views and voices of workers, especially workers at heightened risk of vulnerability, are effectively captured, and if issues are identified, provide response and remedy.
- Review UK labour providers' practices in relation to sourcing and recruiting workers; tests in-country recruitment and procurement of any labour supply intermediaries used and assesses whether charge rates agreed with clients and with intermediaries are sustainable and cover all costs of recruitment.



Responsible Recruitment Toolkit (RRT) is a not-for-profit global programme, part of Stronger Together, offering a toolkit to help businesses achieve and be recognised for responsible recruitment.

The Stronger Together Standards on which the RRPA is based are aligned to international ethical standards and the United Nations Guiding Principles and assess:

1. No forced labour.
2. No child labour
3. No recruitment fees are paid by workers
4. Job information is accurate and transparent and employment status is appropriate
5. All workers are properly recruited and onboarded and legal eligibility to work is established
6. Wages and benefits are paid fairly and properly
7. Regular work is offered and working time is not excessive
8. Work conditions are safe and hygienic
9. Accommodation and transport are safe and hygienic
10. Freedom of association is respected
11. Opportunity and treatment are fair, equal and dignified
12. Termination rights are provided
13. Access to remedy is ensured and a worker-centred culture is promoted
14. Business conduct is ethical and professional.

## 9. Recruiting seasonal workers directly

Growers may choose to use their own farm HR/Recruitment team to manage returnees and source new seasonal workers through other routes. As a minimum, jobs being filled by Seasonal Workers' Scheme workers should be advertised with [Find a Job](#).

The pool of applicants is likely to include the following:

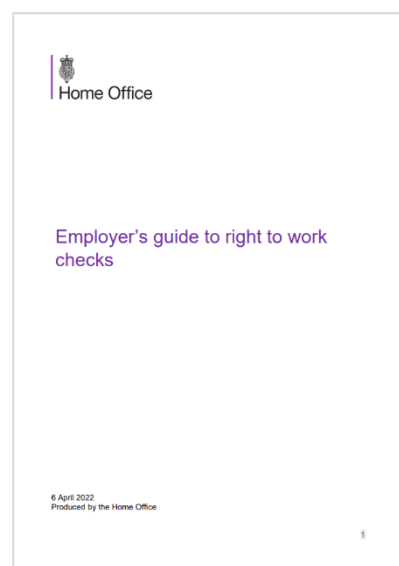
- Local workers with the right to work in the UK
- UK nationals with the right to work in the UK
- EU nationals with EU pre/settled status
- EU nationals where a right to work loophole is being exploited
- Student / graduate visa workers
- Migrants with fake/forged ID
- Migrants with no ID

Some of these groups have a right to work, some clearly do not and for others it is less clear.

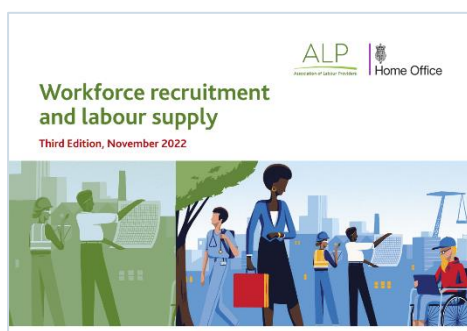
### Ensuring legal right to work

Recruitment teams should understand how to check whether an applicant has the legal right to work to avoid the risk of a civil penalty:

- A civil penalty of up to £20,000 is payable by an employer of a worker without the required immigration status to work legally
- A statutory excuse is a defence against a civil penalty in the event that a worker is found to be working illegally
- To establish a statutory excuse, one of your own staff must conduct a right to work check, in accordance with [Home Office guidance](#), before the worker starts work
- If the employer has reasonable cause to believe, at any time during the period of employment, that the employment was not allowed, the Statutory Excuse does not apply, and the employer commits the criminal offence of knowingly employing a worker without the legal right to work
- This offence carries an unlimited fine and/or up to 5 year imprisonment (though this is generally reserved for the most serious cases of non-compliance).



For further support, download the open source [ALP/Home Office Workforce recruitment and labour supply](#) guide which will support your business to:



- Consider what actions to take to help secure continuity of labour supply
- Understand the immigration system
- Understand what action to take to remain compliant with right to work legislation, both in respect of existing workers and new applicants



## 10. Using labour providers

Labour providers provide an essential service in sourcing their clients' workforce but also they operate on a compliance spectrum between "Criminal" and "Leading".

Paying a labour provider an unrealistically low charge rate, means knowingly or recklessly conniving in illegality as this can only be achieved through worker exploitation, tax evasion or both.

### Spectrum of labour provider compliance



### Criminal practices include:

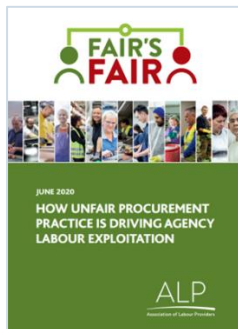
- No GLAA licence
- Charging high recruitment fees creating debt bondage
- Tax evasion & money laundering
- Violent control of workers
- Human trafficking / modern slavery

### Exploitative practices include:

- Skimming pay
- Tax avoidance schemes
- Withholding holiday
- Unlawful pay deductions

Labour providers generally fall within the "Careless/naive" to "Compliant" range. The following open-source tools and guidance will help growers engaging labour providers to ensure better practices:

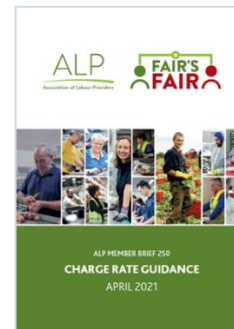
### Sourcing a compliant labour provider



Includes 35 ways rogue gangmasters undercut compliant labour providers

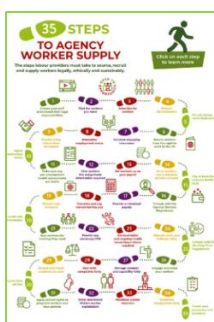


Explains how to source a compliant labour provider



Details how to understand and construct legal charge rates

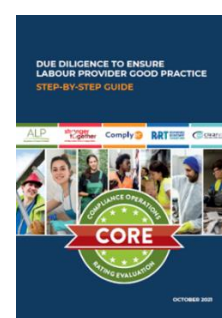
### Processes a labour provider should follow



Steps to legally and effectively recruit workers



Steps needed for effective commercial arrangements



Steps to establish legal and compliant good practice

### Assuring Labour Provider Compliance

Using a labour provider without proper due diligence introduces significant risk into your business. Whilst labour providers to agriculture must hold a GLAA licence, the GLAA has not inspected most labour providers for many years and a GLAA licence alone is no guarantee of compliant practice.

A recent successful audit outcome specific to labour provision, completed by an independent expert social compliance auditor will provide assurance that growers are using a legally compliant labour provider. [Contact ALP](#) for more information on labour provider audits.

## Section 3 – On farm

### 11. Assessment of grower welfare standards by Scheme Operators

Home Office [rules](#) require the Scheme Operators to conduct due diligence on farms, stating that those who benefit directly from migration, such as employers, should play their “*part in ensuring the immigration system is not abused*”.

Compliance duties of Scheme Operators as specified in the immigration rules include:



The Scheme Operator “Grower Pre-Supply and Mid-Season Assessment” will seek to establish that:

- Work, terms and conditions match expectations
- Workers are safe and can access healthcare
- Workers can earn a fair income for the season
- Work rates and allocation are fair
- Workers are treated fairly
- Wages, breaks, time off, holiday and sick pay are paid and managed properly
- Accommodation and transport is hygienic, safe and in a good state of repair
- There is no discrimination, bullying, violence or mistreatment
- Workers can report any concerns, and these are properly addressed

The assessment will seek evidence that:

- Growers’ processes are compliant with, and prevent abuse of legislation and [Scheme Rules](#)
- Any gaps or possible weaknesses identified are being remedied
- Appropriate resources and trained and competent staff are in place to achieve these processes
- Growers’ processes are being applied properly in practice
- Growers’ processes are communicated to workers, comprehension is assessed, and effective routes exist to raise and remedy issues
- Systems are effective in identifying any patterns of behaviour that may cause concern and these are remedied
- Growers’ conduct appropriate monitoring of its adherence to Scheme Rules and that these are reported to the Scheme Operator

## 12. Getting pay right & optimising workers' season retained earnings

### Optimising Workers' Season Retained Earnings – the formula

Seasonal workers will seek to maximise their season retained earnings. Growers and Scheme Operators play key roles in positively impacting this. The more a grower can support this, the more likely workers will want to return to that farm.

Season Retained Earnings are a factor of:

<b>Season Gross Pay =</b>	•(Hourly Rate x Hours worked in week x weeks worked) + Bonus + Holiday Pay
<b>Season Net Pay =</b>	•Season Gross Pay – Statutory Pay Deductions
<b>Recruitment Costs =</b>	•Visa, travel and other costs to gain work
<b>Onsite Costs =</b>	•Accommodation, food and living expenses
<b>Seasonal Retained earnings =</b>	•Season Net Pay - Recruitment Costs - Onsite Costs

Each of these will now be examined in more detail:

### Season Gross Pay - Hourly Rate

<b>Season Gross Pay =</b>	•Hourly Rate x Hours worked in week x weeks worked + Bonus + Holiday Pay		
Rate	23 and over	21 to 22	18 to 20
NMW/NLW from 1 April 2022	£9.50	£9.18	£6.83
SWS from 1 April 2022	£10.10	£10.10	£10.10
NMW/NLW from 1 April 2023	£10.42	£10.18	£7.49
SWS from 1 April 2023	£10.42	£10.42	£10.42
AWO rates	As agreed in Scotland, Wales and Northern Ireland		

- There is no statutory requirement to pay premium rates for working long/unsocial hours in England but the [ETI Base Code](#) 6.3 states “Overtime shall always be compensated at a premium rate, which is recommended to be not less than 125% of the regular rate of pay”.
- [Scotland](#), [Northern Ireland](#) and [Wales](#) agricultural wages orders specify that overtime at 1.5x must be paid if a person working in agriculture works: in Scotland, more than 48 hours in a week; in N. Ireland, more than 39 hours in a week; in Wales more than 8 hours in a day, on a public or bank holiday and any hours over the normal working hours in the employment contract. Growers should ensure that their contracts of employment are properly constructed.
- Workers must be provided with itemised accurate payslips for each pay period showing gross and net wages and amounts and purposes of deductions.

### Season Gross Pay - Bonus

- Growers can offer enhanced earning potential and apply picking bonuses to reward faster workers. NMW [legislation](#) allows the amount earned in an hour or a day to be less than the minimum wage if the hourly rate averaged over the pay period (normally a week) meets the

minimum. No clarity is provided in the Seasonal Workers' Scheme and so workers must be paid the minimum rate for each hour worked.

- The AHDB [SmartHort resources](#) including the multi-language [Becoming a Champion Picker](#) induction video and [Labour Efficiency Calculator](#) aims to support growers to take seasonal workers from novice to [champion picker](#), increasing productivity by up to 25%.
- Scheme rules require that “workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate.” Growers should confirm with their Scheme Operator in contract set up that any pay systems comply with the Scheme rules.
- Growers may apply any additional payments that they wish to, for example weekly, team or end of season retention bonus – i.e. a weekly bonus that covers the cost of the visa and flights over the whole period of work. If worker absconds or leaves, the bonus is not due.
- Scheme Operators can advise how to construct an effective enhanced pay arrangement from their experience of working with many growers.

### Season Gross Pay - Holiday Pay

- In England, paid holiday entitlement is 5.6 weeks in a full year, pro-rated if less time is worked. A pragmatic way to calculate holiday pay for workers who work variable hours every week is:
  - Holiday time accrued – an accrual rate of 5.6 weeks/(52 weeks - 5.6 weeks) = 12.07% is commonly used. For each hour worked a worker accrues 60 minutes x 12.07% = 7.242 minutes holiday.
  - Holiday pay rate - is based on pay averaged over the weeks and hours worked. Pay used to calculate holiday pay should include any payments intrinsically linked to the work done such as shift pay, performance related bonuses etc.
  - Example: Worker worked 1,150 hours in 25 weeks, accrued holiday on all hours, earned £14,524. Holiday entitlement and pay = (1,150 x 7.242 minutes) x (£14,524/1150) = 138.8 hours holiday entitlement at £12.63 per hour = £1,753.11.
- [Scotland](#), [Northern Ireland](#) and [Wales](#) agricultural wages orders provide for additional entitlements and specific calculation rules and growers should specifically follow these
- Growers must determine whether according to workers' contracts, agricultural wages orders and [case law](#) (if overtime is “genuinely occasional and infrequent” or “sufficiently regular to amount to normal remuneration”) that holiday is accrued on overtime.
- Workers must be able to book and take all their holiday. Workers may wish to take and be paid their holiday when there is no work available.
- Workers must be paid any accrued and untaken holiday on termination of contract.

### Seasonal Pay – Hours worked each week

#### Season Gross Pay

• Hourly Rate x Hours worked in week x weeks worked + Bonus

[RFI Question E3](#) states: “The operators will be responsible for making sure workers they source get a regular income and are not left destitute if full-time work is not available over any period. This is because seasonal workers cannot get work outside the sector and are not eligible to access public funds.”

On 21<sup>st</sup> February 2022 Farming Minister Mark Spencer [confirmed](#) a requirement to give workers “a minimum of 32 hours of work every week”.

- The Scheme Operators will each have developed an “Assuring Minimum Weekly Hours” procedure which they will provide to and discuss with every grower to monitor that this contractual minimum weekly hours of work is being provided. This should include (subject to clarification in the Scheme Rules):
  - Receiving worked hour reports each week from growers.

- Investigating with the grower any worker where the minimum weekly hours have not been worked and: If work has not been offered, the grower being required to top up the difference to meet those hours but if the worker was offered work and refused, the hours are not topped up

In managing weekly hours, growers should:

- Ensure that worker contracts are constructed correctly with regard to provision of minimum and maximum weekly hours and this is explained at induction
- Note and ensure workers have a right under UK law (though not a requirement) to:
  - 11 hours rest break between shifts.
  - 1 day off each week or 2 consecutive in 14 days
  - In-work rest break of 20 minutes if working day longer than 6 hrs
  - Not to work an average of more than 48 hrs a week over 17 weeks. [ETI Base Code](#) sets a seven-day period maximum of 60 hours, with defined exceptions.
- Hold individual discussions with workers to record their preference for weekly working hours days and length and record their 48 hour opt out preference. In practice many workers seek to maximise the hours worked and may seek to transfer if they are not getting enough work. 'Enough work' is anecdotally reported as a minimum of 40 hours per week.
- Establish a clear understanding with the Scheme Operator regarding the application of the "Assuring Minimum Weekly Hours" arrangements in different scenarios – e.g., season ramp up; scenarios in which limited work is available; where work runs out entirely, no transfers are available, and this would lead to contract termination.
- Establish your Fair Work Allocation Policy and Procedure to ensure offer of hours and preferential picking and consequent earning opportunities, are equitably managed:
  - Operated by managers to avoid allegations of supervisor bias and remove the capacity for it to be used as a personal bribery, control and blackmail tool
  - Speak to each worker to understand their working hours preference
  - Clearly explained to all workers
  - Worker Committees should review and input to its design and operation
  - Include your maximum working hours rules taking into account UK law / ETI Base Code and health & safety risk assessment
  - Do not coerce workers to work more than their basic hours - this is an indicator of forced labour
  - Monitor working hours to enable a preventative approach before workers are given too few or excessive hours

### **Season Pay – Weeks worked in season**

- The Seasonal Workers' visa requires entry into and exit from the UK within 26 weeks. The actual number of working weeks in a season is impacted by a number of factors, particularly:
  - Home Office release dates of Certificates of Sponsorship
  - Growers' labour planning accuracy
  - Growers and Scheme Operators working in partnership to balance worker numbers throughout the season
  - Scheme Operators' client base and labour management and transfer skills
  - Weather, crop failure and other external events
- Effective labour planning seeks to ensure that as effectively as possible the right numbers of workers with the right skills are recruited at the right time to meet the seasonal labour requirements. This process is the responsibility of the grower in conjunction with their Scheme Operator who will support and work with the grower to:
  - Understand the underpinning analysis and evidence for your calculation
  - Agree how many of each type of seasonal worker is needed, when and for how long

## Season Net Pay - State imposed deductions from wages

Season Net Pay =

• Season Gross Pay – Statutory Pay Deductions

### Employee's National Insurance

- This is deducted from the worker's pay at 12% above £242 per week. So, a worker who works 40 hrs at £10.42 will pay  $(£416.80 - £242) \times 12\% = £20.98$ . This is non-reclaimable.

### Deducting PAYE income tax

- Workers should be supported to complete the [PAYE Starter Checklist](#) before they start work. Statement A will normally be selected. This provides information in real time to HM Revenue and Customs (HMRC) who determine the rate of tax that will apply.
- Most workers will be given an L tax code. The number preceding the L e.g., 1257 relates to the annual tax-free allowance i.e., £12,570 for 2022 (£242) per week. This means that workers pay tax each week on income above the basic Personal Allowance i.e., 20% above £242 per week.
- The grower should support workers immediately on starting to obtain a National Insurance Number. Once obtained, workers may be reimbursed income tax already paid and then not be charged income tax until annual earnings of £12,570 have been reached. In other cases, workers will remain assessed weekly for tax and have tax deducted through the PAYE system which will need to be reclaimed when the season has ended.

### Reclaiming PAYE income tax

- At the end of the season, workers can apply to HMRC for a refund of any overpaid income tax. The sums can be substantial – often around £1,000.
- Obtaining tax refunds can be problematic in that they can only be made after the seasonal worker has finished work and often left the UK. HMRC do not make bank transfers to overseas bank accounts and refunds are made via a cheque which may not reach the worker and can often not be processed in the home country.
- Beware, and make your seasonal workers aware of the risks of companies offering to claim back tax refunds on their behalf. Many are not reputable and charge high fees. Also be aware that supervisors may offer to complete this on behalf of workers for a fee.
- Scheme Operators are not able to undertake this process on behalf of workers as organisations are required to be authorised by the Financial Conduct Authority to provide such a service or give individual advice.
- Scheme Operators should provide workers and the grower with a process and explanation of how to reclaim tax.
- Workers complete form [P85 'Leaving the UK – getting your tax right'](#) when leaving the UK and send this with parts 2 and 3 of the P45 from the previous employer, to HMRC either online or by post.
- Growers should help workers to complete this process prior to them leaving the farm.
- The grower may offer to act as a "[Nominee](#)" and receive payment from HMRC for the refund and then pay the same amount into the workers' bank account.
- The grower may refer to a reputable company providing this service for a reasonable fee.

### Auto-Enrolment Pension

- All employers are required to enrol [eligible workers](#) into a workplace pension scheme such as [Nest](#), the scheme set up by the government. There is a statutory minimum payment of 3% by employers and a deduction of 5% of qualifying earnings for eligible workers deducted from pay and passed to the pension provider.

- Eligible jobholders must be enrolled in an appropriate pension plan, but this may be deferred for up to three months, provided the worker has been notified in advance.
- Once enrolled, workers may opt-out within a one-month window and receive a refund of contributions, as will the employer. Opting out after this window results in no further contributions being made but not in a refund to either. Growers should make this clear to seasonal workers in inductions/welcome packs?
- Workers may not be induced or coerced to opt out by their employer. The employer may not discriminate against workers who do not opt out.

## Recruitment Costs – what do workers’ pay?

### Recruitment Costs

•Visa, travel and other costs to gain work

## Seasonal Workers’ Scheme legally allowed recruitment costs

The amount of money a seasonal worker has to pay to access work with a grower will vary depending on the distance they have to travel, UK state imposed visa costs and the range of costs that they are required to make in their home country. The following is an indicative table of costs:

Legally allowed visa / travel / other costs	Cost range
Travel and subsistence costs to interview, PDO, visa office	£10 - £100
Pre-departure medical/Covid/criminal record tests	Varies
Fee to Labour Ministry / other source country state-imposed costs	Varies
UK Visa cost	£259
Visa processing office cost	£70 - £150
Certificate of sponsorship - (usually paid by Scheme Operator)	£21
Travel to and from UK (return ticket estimate)	£200 - 900
Travel in UK to farm on arrival	£0 - £60
<b>Normal range of total legally allowed recruitment costs</b>	<b>£600 – £1,600</b>
Other fees - Agent to support with application / illicit recruitment broker fee	£50 - £5,000

## Legally allowed recruitment costs – Who is responsible to pay?

Scheme Operators “*must not place any additional charges on participating migrants, beyond the costs of administering the scheme*” nor “*charge a fee to a worker for any work finding services*”.

Payment of upfront sums by seasonal workers to cover their own visa, visa processing and travel costs to, in and from the UK complies with UK law. However, it does not accord with:

- International Labour Organisation (ILO) principles which state: ‘*No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers*’
- [The Employer Pays Principle](#) which states that “no worker should pay for a job, the costs of recruitment should be borne not by the worker but by the employer”. A number of supermarkets have committed to this principle through their membership of the [Institute of Human Rights and Business Leadership Group for Responsible Recruitment](#).

General [research](#) highlights the prevalence of migrant workers in the UK entering into debt to pay for their transport, visa and visa processing costs. They may have had to borrow money from family or friends, or if they are unable to access these funds, they may be offered loans by banks, other intermediaries or loan sharks often with inflated interest rates on repayment.

## Other work finding fees – How and why do they occur?

The most commonly identified mechanisms are:

- Unconnected scammers - placing fake adverts / passing off etc – once a Scheme Operator commences recruitment in a particular country a shadow industry develops making false claims and providing fake services to extract money from those who believe they are applying to a Scheme Operator or it is necessary/will support their application
- Loan sharks and organised crime gangs - who manage the individuals and their family into debt. In the worst cases, the indebtedness grows as the recruited worker must pay back the debts incurred under the threat of and actual violence against their closest family.
- Brokers/Agents - in the labour supply chain who charge recruitment fees - media [reports](#) some owed £5,000 to unlicensed foreign brokers handing over the deeds to their family home as surety. Scheme Operator business processes and due diligence can mitigate this risk.
- ‘Helpful’ peers - from workers’ local communities, posing as experts on how to access jobs in UK – they may or may not provide a useful service.
- Consultants - who charge workers a fee to support them with the application and visa process. Effectively designed application processes by the Scheme Operator geared to the social and educational background of those who will be applying with support through the recruitment and visa process is essential in reducing the need for workers to engage paid support to help them through the process.

## Onsite Costs - Accommodation charges

### Onsite Costs

### •Accommodation, food and living expenses

- UK law limits the amount an employer can charge its own workers for the provision of accommodation without breaching National Minimum/Living Wage. In 2022/23 this is £8.70/day or £60.90/week and from April 2023 is £9.10/day or £63.70/week for workers earning the NMW.
- Any charge the worker is obliged to pay as a precondition of being provided with accommodation (including charges for gas and electricity, laundry and provision of furniture) must be included within this limit. Truly optional charges are not included e.g., use of internet, but HMRC inspectors can be variable in how they interpret ‘optional’.
- In England and Northern Ireland:
  - Accommodation charges can be higher if the worker earns more than the NMW
  - The charge applies even if the worker only works limited hours in a week
  - Arrears can only be carried over from week to week and charged if do not take pay below the NMW in the pay reference period they are levied
- For agricultural workers working in [Scotland](#) (from April 2023) – “*Any deduction an employer makes from a worker's wage in respect of accommodation other than a house shall not exceed £9.50 for each day in the week for which living accommodation is provided.*” N.B. note that the accommodation offset level is £9.10.
- For agricultural workers working in [Wales](#) (until end March 2023) – “*Where the employer provides other accommodation, the employer may not deduct more than £4.82 per day, from the agricultural worker's minimum wage, as long as the worker has worked for a minimum of 15 hours for their employer in that week. No deductions should be made if the employee works under the 15-hour threshold.*”



## Onsite Costs - Accommodation Charging Decisions for Growers

- What is provided for free and what will be charged regarding bedding, cooking and eating utensils, gas and electric, cleaning items? The [HMRC position](#) is that charges a worker must pay in order to use the accommodation are included in the accommodation offset limit.
- Are accommodation charges reduced if fewer hours are offered or worked in the week, during worker sickness or other absence?
- Is accommodation charged and deducted from wages (either gross or net) or provided free and applied as an offset against pay?
  - Providing free accommodation and reducing gross pay (as per [this example](#)) reduces National Insurance both for the worker and the grower.
  - Unless exempt, it should be treated as a Benefit in Kind and reported on form P11D and pay Class 1A National Insurance on the value of the benefit.
  - It does not meet the [requirement](#) for the worker to “*be paid at least £10.10 for each hour worked*”. A decision is awaited from the Home Office on their interpretation.
- There is a need to offset costs of providing the accommodation and related services but this must be balanced with the fact that higher accommodation costs are a factor in increasing transfer requests from workers.
- Ensure advice is obtained from appropriate experts such as lawyers and accountants that arrangements are established and managed legally and financially correctly.

## Onsite Costs - Goods and services provided by the grower

- Employer deductions from wages, even if optional and signed for, reduce pay for NMW purposes if they are in connection with their worker’s employment or for the employer’s use and benefit i.e., all or some of it goes into the employer’s pocket e.g., transport or food. Such deductions must not take the worker’s pay below NMW in a pay reference period.
- Deductions from wages that do not reduce NMW pay include deductions for an advance of wages, recovery of accidental wages overpayment and statutory costs such as tax and NI. Examples of deductions that are not for the employer’s own use or benefit include union subscriptions, worker’s pension; allowable deduction of a penalty and accommodation in line with the offset rules.
- All deductions should be clearly explained and signed for.
- Payments i.e., money paid by the worker to the employer e.g., by cash or direct debit (including refundable deposits) must not take the worker’s pay below NMW in a pay reference period if they are made by the worker for services or items that the worker needs to do his job e.g., non-PPE swipe cards.
- Personal protective equipment, including safety boots and wet weather gear (waterproof boots, coat, leggings, gloves) must be provided free of charge.
- A worker may want to buy goods or services from the employer such as Wi-Fi, food from an onsite shop or canteen; transport to work or trips out. If the worker is free to choose whether to buy from his employer or from somewhere else, and the goods or services do not have to be bought under the terms of the worker’s contract or under any other requirement imposed by the employer, then the amount paid if made as a payment does not reduce pay for NMW purposes. However, if deducted from the worker’s pay, this would reduce pay for NMW purposes.
- Pre-season cost policy and planning
  - What will be provided regarding laundry, sanitary items, Wi-Fi, onsite food purchasing, trips to shops, food deliveries etc.?
  - What will be provided free of charge, what charged for and how much?
  - Ensure advice is obtained from appropriate experts such as lawyers and accountants that arrangements are established and managed legally and financially correctly

## 13. Establishing clear, fair rules and standards of behaviour

### Employment Contracts and Farmworker Handbooks



Employment contracts should:

- Meet [legal requirements](#) and [good practice](#)
- Be simple, basic and cover needs in as clear and straightforward language as possible
- Be agreed as compliant with the Scheme Operator before issue
- Be issued to workers in their own language for information or for agreement before they leave their own countries



Farmworker Handbooks should:

- In their own language, simply cover everything that workers need to know, and may need to refer to in the course of their employment. Use [templates](#).
- Include arrangements which involve and are agreed with the Scheme Operators e.g. transfer arrangements
- Where possible, issue via apps, for access at all times
- Explain during induction, discussion forums, test understanding and revise as necessary

#### Example Handbook Contents

Working in the UK  
Working at [employer]  
Probationary period  
Fair work allocation  
Recording hours worked  
Payment of wages  
Tax & national insurance  
Pension  
Holiday entitlement and booking  
Working hours rules  
Fair work allocation arrangements  
Fair treatment arrangements  
Discrimination and harassment  
Site rules  
Accommodation rules  
Work rules

Health and safety rules  
Disciplinary policy  
Informal complaints handling  
Reporting accommodation problems  
Reporting work problems  
Reporting health and safety concerns  
Reporting mistreatment and abuse  
Formal grievance policy  
Trade Union membership  
Works Committees  
Independent helpline  
Whistleblowing policy  
Pregnancy  
Medical and healthcare arrangements  
Reporting sickness and sick pay  
Site facilities, events, trips out etc.

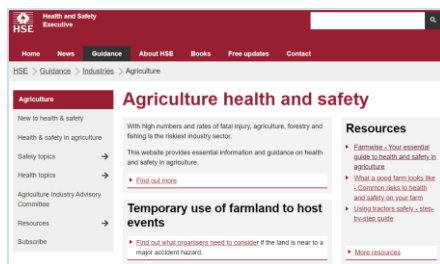
#### Site, Accommodation and Work Rules



- Establish clear and comprehensive rules and standards of behaviour on site, in accommodation and at work
- State clearly the consequences if someone fails to meet or deliberately breaks these rules
- Communicate these rules and consequences clearly and firmly to managers, supervisors and workers
- Allow everyone to give their views on these, and modify if necessary - fairness is the core principle
- Provide appropriate training and clarity to those who are responsible for applying and enforcing these rules
- Apply the rules. Consistency is essential – people want to see fairness, and everyone being treated equally
- Ensure that managers and supervisors model good behaviour and abide by the rules and standards

## 14. Providing safe work

The [Health and Safety at Work etc Act 1974](#) and [Management of Health and Safety at Work Regulations 1999](#) place duties on employers to make sure that adequate provision is made for health and safety at work. Employers must ensure, so far as is reasonably practicable, the health, safety and welfare of workers and any others who may be affected by what they do.



- Appoint your named [competent person](#) – who has the skills, knowledge and experience to recognise hazards in your business and put sensible controls in place to protect workers and others from harm.
- Maintain [Employer's Liability Insurance](#) – employers must have cover for at least £5 million from an [authorised](#) insurer to help pay compensation if an employee is injured or becomes ill because of work .
- Set out your written site specific Health and Safety Policy stating how you will ensure and who is responsible for the health and safety of workers and others at work, in accommodation and on site.
- Develop written health & safety procedures relevant to the risks on your site. [Farmwise](#) and the other signposted resources on this page will help.
- Develop and implement a systematic [risk assessment and control-process](#).
- Include everyone and embed a '[positive health and safety culture](#)' based on Communication | Co-operation | Competence | Control.

The Health and Safety at Work etc Act 1974 requires employers to provide the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the health and safety at work of your employees and others on your site.



- Ensure managers and supervisors receive the appropriate training to competently undertake their specific health and safety responsibilities.
- Develop and implement comprehensible induction training relevant to the general hazards present at work, in the accommodation and on your site, how these are controlled and what workers should do.
- Develop and implement comprehensible job and task specific health and safety training.
- Develop how you will assess understanding, safe operation and maintain training records.
- Ensure supervision is in place and appropriate responses where work or environment is not safe.
- Provide [Personal Protective Equipment](#), including wet weather gear, without charge to workers, as identified by risk assessments where no other risk control method is reasonably practicable.
- Ensure appropriate [First Aid](#) arrangements are in place - risk assess and scenario test this.
- [Record](#) and [report](#) accidents and near misses.
- Stay up to date with agriculture [HSE ebulletins](#).



## 15. Providing safe and reasonable accommodation

Responsibilities in providing accommodation are extensive. Growers must ensure that:

- [Caravan sites](#), [HMOs](#), [Scottish properties](#) and areas subject to [selective licensing](#) are appropriately licensed or registered.
- Letting agreements are professionally prepared, legal, clear and fair. Expert, professional support such as [Landlord Law](#) or through your own expert advisers is recommended.
- Accommodation is secure, safe, hygienic and meets basic needs. Avoid conditions as reported to [NGOs](#) and [Home Office inspectors](#) such as mould, dampness, nowhere to dry clothes, lack of privacy, overcrowding, feeling unsafe, no security, lack of heating, unsafe gas and electrics, dirty broken toilets, no repairs done and financial penalties applied.

Helpful resources	Employer Provided Accommodation Standards
 <p>Temporary Accommodation Guidance GUIDE Fourth edition - November 2021</p>   <p>HM Government fire safety risk assessment sleeping accommodation</p>  <p>Department for Communities and Local Government Housing Health and Safety Rating System Guidance for Landlords and Property Related Professionals housing</p>	<ol style="list-style-type: none"> <li>1. Accommodation meets resident worker's basic needs with safe, hygienic and appropriate provisions of sanitary and toilet facilities, drinking and general usage water, electrics, power, thermal comfort and waste disposal.</li> <li>2. Accommodation is managed by a trained competent manager, is well maintained, and repairs are made in a timely manner.</li> <li>3. Suitable and sufficient risk assessments are carried out with safety measures adequately controlling risks.</li> <li>4. Adequate accommodation security on site protects residents and there is space for secure storage of workers' belongings.</li> <li>5. Workers are given clear, complete, accurate and fair information during the recruitment process at pre-acceptance stage. Induction training informs residents of accommodation arrangements &amp; health and safety risks and control measures.</li> <li>6. Workers are issued with a copy of a fair legal letting agreement. Accommodation rules and any disciplinary action are fair.</li> <li>7. Each bedroom is a reasonable size, occupancy avoids overcrowding, privacy and personal space is preserved.</li> <li>8. Workers can raise issues and grievances and access remedy. Accommodation committee of management and resident workers works together to improve accommodation standards.</li> <li>9. Adequate and safe provisions to buy, store and prepare food (or catering is provided) and eat socially.</li> <li>10. Workers can access adequate leisure and social facilities and cultural/religious observances are accommodated.</li> </ol>

## 16. Preventing worker exploitation

The [ILO eleven indicators of forced labour](#) cover the main possible elements of a forced labour situation, and provide the basis to assess whether or not an individual worker is a victim of this crime. The presence of a single indicator may in some cases imply the existence of forced labour, however, in other cases several indicators taken together, point to a forced labour case.

The nature of work in agriculture taken together with the Seasonal Workers' Scheme rules, present a high risk of a number of the indicators of forced labour being present. Unless both Scheme Operators and growers implement effective risk assessments, management control and appropriate processes it is quite possible for several of the indicators to be present as follows:



1. **Abuse of vulnerability** - Workers are vulnerable because they rely on the employer for work, transport and accommodation, speak limited English and have reduced legal rights.
2. **Deception** – If reality does not match the information provided before travelling to the UK
3. **Restriction of movement** - Workers cannot work outside of the Scheme and ability to transfer is limited to farms, not Operators
4. **Isolation** - May be in rural locations and have limited English
5. **Physical and sexual violence** - and
6. **Intimidation and threats** – culture and management systems must protect workers from abusive supervisors and fellow workers
7. **Retention of identity documents** – Unlikely but safe storage must be properly managed
8. **Withholding of wages** – Unlikely, but payroll systems must pay wages accurately
9. **Debt bondage** – Scheme rules; No process to help workers cover scheme travel and visa costs; Risk control to negate need for agents
10. **Abusive working and living conditions** – unsafe / unhygienic / accommodation; unsafe work, Abusive supervisors
11. **Excessive overtime** – No maximum hour control; coercing excessive working hours; threatening with loss of work or deportation

Growers should implement good practice to prevent and respond to risks of hidden exploitation:



- Download and read the free [Tackling Modern Slavery in UK Businesses Toolkit](#)
- Book your site's free place and attend the Stronger Together [Tackling Modern Slavery in Business](#) and other [interactive training workshops](#) to equip your business with the awareness and tools needed
- Risk assess your farm and Scheme Operator practices against the [ILO Indicators of Forced Labour](#) and implement [improved control processes](#)
- Apply the steps in the [Employer Good Practice Implementation Checklist](#) to ensure that your business effectively prevents, recognises and responds to red flags and potential indicators of labour exploitation and modern slavery. There is a different version for labour providers and growers should want to monitor the progress their labour provider is making at implementing good practice.
- If wished, upload evidence to register as a Stronger Together [Business Partner](#) to publicly demonstrate your commitment to tackling hidden labour exploitation
- Assess and report your progress on the Stronger Together [Progress Reporting Tool](#) (PRT). If wished, book an expert [Verification Assessment](#) for a report of the progress your business has made, achievement score and detailed improvement recommendations

## 17. Providing access to healthcare

Seasonal workers can experience real difficulties in accessing healthcare unless supported by their Scheme Operator and grower:

### What access to healthcare provision do seasonal workers have?

- Workers should be able to register with a GP practice for a consultation and receive free primary healthcare with the GP and at NHS Accident and Emergency (A&E)
- In practice, access to GPs is often limited and the line between what NHS practitioners regard as free primary care and paid secondary care is blurred between NHS trusts and even within the same hospital/facility
- Workers will be charged by the NHS for any secondary health treatment e.g., in-patient care or procedures carried out by a hospital or GP outside of A&E. Payment is required in full and in advance of treatment where NHS clinicians assess the need for treatment to be non-urgent, meaning it can wait until the patient can reasonably be expected to return to their country of residence. Where clinicians consider treatment to be urgent or immediately necessary, it will be provided even if the patient has not paid in advance and the patient will be asked for payment afterwards.

### What are the responsibilities of Scheme Operators?

- Scheme rule [SE3.4](#) requires that Scheme Operators ensure “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”.
- The Scheme Operators source and provide all their seasonal workers with adequate medical insurance to cover primary healthcare expenses for all workers while in the UK. Different arrangements apply for the charging of this cost, though most Operators provide this free of charge to the workers or with an upfront excess payable when a claim is made by the worker.
- Scheme Operators should provide clearly comprehensible information in the workers first language and to the grower on what is covered by the insurance and how to access this.

### What are the responsibilities of growers

<b>Healthcare planning</b>	<ul style="list-style-type: none"> <li>■ Establish arrangements with local GPs, dentists, opticians and pharmacists and agree healthcare provision and arrangements for obtaining prescriptions</li> <li>■ Establish arrangements with local NHS A&amp;E service to reach an agreed understanding of free primary and paid secondary care</li> <li>■ Establish arrangements to transport workers to GPs, dentists, opticians and pharmacists and a 24/7 procedure to take workers to A&amp;E</li> </ul>
<b>First Aid planning</b>	<ul style="list-style-type: none"> <li>■ Employers are legally required to have adequate arrangements for first aid and procedures ‘in the event of serious and imminent danger’</li> <li>■ Specify clearly the medical support on-site first aiders will and will not provide</li> <li>■ Risk assess your on-site first aid and health care arrangements, seeking expert medical input</li> </ul>
<b>Worker engagement and communication</b>	<ul style="list-style-type: none"> <li>■ Complete medical questionnaires with all workers on commencement to understand any pre-existing health conditions and particular medical needs – explaining the importance of being honest</li> <li>■ Obtain next of kin contact details; load these into WhatsApp (or similar) and test during the induction process</li> <li>■ Provide clear comprehensible information in workers’ first languages on:               <ul style="list-style-type: none"> <li>■ What to do if ill or injured and how to access on-site first aid</li> <li>■ What is covered by their medical insurance and how to access it</li> <li>■ How to access GPs, dentists, opticians, prescriptions, over the counter medicines, A&amp;E, emergency (999) healthcare and how transported</li> </ul> </li> </ul>

## 18. Handling worker transfers between farms

[Scheme rules](#) do not allow for workers to transfer to a different Scheme Operator, but workers are able to transfer between farms. To enable this, the Scheme Operators must:

[SE3.7.](#) 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.

[SE3.8.](#) 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).

Worker requests to transfer are commonly due to insufficient work, dissatisfaction with accommodation charges or living conditions, and treatment by supervisors. It is common that groups of workers request to transfer together and often the request is to transfer to a particular farm based on positive reports by fellow nationals working at that site.

However, there is no requirement for the Scheme Operator to allow a transfer to a specific farm. 'Popular' farms have usually met their workforce needs and have no requirement for additional workers. Options for transfer may not be available or may only be available in a different region of the country.

- Scheme Operators should:
  - Develop their transfer policy and procedure and share, discuss and agree this with the growers that they supply
  - Provide workers with clear instructions how to make a transfer request, the rules and the arrangements that surround the transfer
  - Process all transfer requests in a timely manner e.g. within two weeks of the submission
- Workers do not need to provide a reason for their request to transfer, but a reason may be sought so that any issues can be resolved, and the transfer therefore may not be required.
- Growers should:
  - Ensure they have agreed transfer arrangements and procedure with their Operator
  - Provide workers with clear instructions how to make a transfer request, the rules and the arrangements that surround the transfer
  - Maintain ongoing engagement with their Operator about potential forthcoming transfers
- Scheme rules do not specify responsibility for the cost of the transfer. Generally Operators have adopted arrangements similar to the following, though the detail will vary by Operator:
  - If due to the choice or actions of the worker, the worker bears the costs
  - Where a grower no longer requires the worker (for a reason that is due to the grower, such as lack of work, crop, weather, contract breach etc.), commercial terms will specify if the outgoing grower covers the worker's minimum hours and accommodate them until an alternative assignment can be found for the worker
  - If the Operator is choosing to transfer workers between one client and another, commercial terms will specify the arrangements for the Operator and/or incoming grower to cover the cost of transfer, worker's minimum hours and provide suitable accommodation until the alternative assignment commences
  - If at the worker's request no transfer options are available, the worker should have the option of remaining at their original assignment or returning home
  - Transfers where a worker has been dismissed from their role, may be decided on a case-by-case basis taking into account the reasons for the dismissal

## 19. Handling worker issues and complaints fairly, effectively and consistently

### Generate and value worker feedback and complaints

- Worker feedback – both positive and negative will come through many different sources – surveys, meetings, induction and training, social media, phone calls, complaints, grievances – these are your modern day ‘Suggestion Box’
- Actively promote and openly welcome complaints in a positive way - make it easy to complain, taking account of language and literacy issues. Workers should be able to raise issues with their line manager, workplace representative, HR department, other manager, by email, note, phone or helpline
- Treat all ideas, feedback and complaints like gold and have a system for collecting them – they are telling your business how it can improve
- Maintain records which may indicate whether there is a pattern of complaints that needs to be escalated
- Drill down into complaints to find the root cause, ask questions and probe until real issue is uncovered
- Focus on quickly resolving and remediating and preventing recurrence
- Harness the collective wisdom and experience of your workforce to encourage more creative thinking and innovation in solving challenges - what are all the possible solutions and which of these will be the best potential outcome for your business, your workforce and your clients?
- Feedback on outcomes to encourage further participation and engagement
- Allocate a manager to coordinate, allocate, measure, monitor and report worker feedback and complaints and establish KPIs to identify actions and improvements

### Informal resolution – ‘nip in the bud’

- Encourage workers to report small problems before they become critical and so avoid a formal grievance procedure. This can take more time and resource to resolve and can be uncomfortable and intimidating for the worker.
- Set up an informal meeting to discuss the worker’s concerns, as soon as possible in a quiet place where the conversation cannot be interrupted or overheard
- Agree to any reasonable request from the worker to bring a colleague
- Solving the problem should be a two-way process as follows:
  - Worker explains problem and how they would like it resolved
  - Manager investigates and make decision and determines resolution and remedy
  - Manager explains outcome and worker listens to resolution proposal
  - Worker decides to accept proposal or raise formal grievance
- Always bear in mind that the informal process is meant for straightforward problems and it will need to be determined on the facts whether it should be raised to a formal grievance

### Develop fair, legal, professional procedures to cover the following grievance scenarios

- By a worker about a fellow worker
- Physical, mental, sexual, racial violence, harassment or abuse
- Where a criminal offence is alleged
- Where there are indicators of modern slavery - forced labour, human trafficking, coercive control (see the [Stronger Together toolkit](#))
- Where there are complaints received regarding the practice of another organisation – who will investigate; who will decide; who will act:
  - To the Scheme Operator about a practice on the grower
  - To the grower about a practice of the Scheme Operator
  - To the grower about a practice of a third party in the recruitment process



## Develop mediation, whistleblowing, confidential helplines

- **Mediation** is an approach that involves an impartial and appropriately trained internal or external person working with both sides to find a solution. It is a well-intentioned and genuine attempt to achieve an early resolution to a conflict between two parties. It may be helpful in a range of scenarios, from two individuals falling out, up to situations of racial or religious conflict between groups of workers.
- **Whistleblowing** is where workers report certain types of wrongdoing or risk: a criminal offence such as fraud; health and safety danger; environment risk or damage; law breaking, miscarriage of justice or cover up. Whistleblowers are protected by law if the report is in the public interest and they must not suffer detriment or dismissal for 'blowing the whistle'.
- **Confidential Worker Helplines** such as [seehearspeakup.co.uk](http://seehearspeakup.co.uk) or [peopleintouch.com](http://peopleintouch.com) are commercial services which carry a charge to use. They enable workers to report concerns or whistleblow 24/365 by phone, web or email in their own language. Information is gathered informally and in confidence by qualified staff, anonymously if wished. A detailed report is sent to a nominated senior management 'Authorised Receiver of Information' to decide what action to take.

## External support for workers

- The [Gangmasters and Labour Abuse Authority](#) is responsible for enforcing their own Licensing Standards as they apply to the Scheme Operators but has limited jurisdiction with regards to grower employment practices.
- Reporting labour market abuses is challenging to navigate even for those workers who can speak English and can navigate the reporting routes: [Health & Safety](#); [Pay and work rights helpline](#); [Pay and work rights complaints](#); [Modern Slavery](#).
- There is no current Seasonal Workers' Scheme specific independent third-party worker confidential helpline, worker support centre, recruitment fee or other remediation process. These may be developed.
- There is limited migrant worker support available – [Work Rights Centre](#) (WoRC) England and [Worker Support Centre Scotland](#) are the most appropriate to workers' needs.
- There is limited access to the UK justice system but activists and law firms are able to bring forward private and class action.

## Proper investigation underpins fair outcomes

A full fair and proper investigation and process is key in underpinning a fair complaint or grievance process.

Wherever possible the person who hears the grievance (the Grievance Manager) and the person who conducts the investigation (the Investigating Officer) should be separate.

Grievance Managers and Investigating Officers should receive professional training in the legal and technical knowledge required to conduct formal grievance hearings and also in the softer interviewing and people skills such as the [PEACE model](#) which are necessary to handle these difficult conversations.

Employers should ensure that they have sufficient staff appointed as Grievance Managers and Investigating Officers to undertake the level of formal hearings that they might expect and these managers should have sufficient capacity in their workload to allow them to conduct a proper process. Some businesses outsource one or both of these roles to professional organisations.

An example of a fair process would be:

- Grievance Manager receives complaint, determines if there is a potential case to answer, takes immediate action to safeguard potential victims if necessary and with alleged perpetrator; appoints Investigating Officer; timetables activities and informs all parties of the process

- Investigating Officer gathers evidence and conducts interviews with all parties, witnesses, expert advisors etc, prepares Investigation Report. May only supply evidence or may recommend outcome. Evidence has degrees of certitudes:
  - Potential Indicators (N.B. if of modern slavery, stop investigation and report to GLAA)
  - Balance of probability >50% - normal in an employment context
  - Beyond reasonable doubt – level required for a criminal conviction
- Grievance Manager reviews Investigation Report and may require further investigation until satisfied it is complete
- Grievance Manager conducts grievance hearing

## **Grievance Process, Decisions, Remedy and Appeals – Key Principles**

### **Grievance process**

- Should accord with the [Acas Code of Practice](#) and ‘natural justice’ i.e.; conducted in a timely manner; allow workers enough time to prepare, be accompanied, present their case, receive a fair and unbiased hearing, maintain confidentiality and anonymity as required.
- Sufficient notes taken and agreed with participants.

### **Decisions and Remedy**

- Should be evidence based, based on the investigation findings.
- The Grievance Manager should explain clearly in person to the worker how the decision was reached on what evidence and provide this in writing.
- Remedy is the action taken to put right a substantiated grievance in “putting right the wrong”. The aim is to provide a fair outcome for the worker and ensure the same issue does not happen again. All workers should have equal access to remedy.
- With due regard to confidentiality the Grievance Manager should talk privately with any staff involved in the grievance to help avoid bad feeling, misunderstandings or gossip.

### **Appeal**

- The worker should have the right to appeal if they feel the outcome does not resolve the problem or believes any stage of the grievance procedure was wrong or unfair.
- The Appeal Manager should be of equivalent or higher seniority to the Grievance Manager and not previously have been involved in the case.
- The Appeals Manager may review the evidence and make their decision, call for further investigation or call for a full re-hearing as is appropriate.

## 20. Workforce communication - the oxygen of your business

### Developing your site Communication Policy



Effective Communication  
Toolkit for Multi-Language  
Workforces

Effective two-way communication with your workforce underpins everything that your business does and every aspect of your business performance as well as being core to the safety, satisfaction and inclusion of your workers.

Communicating effectively every day and in every way is an organisational priority for the senior management in every business and to achieve this requires a clear strategic approach and structured systems and processes.

The [Effective Communication Toolkit for Multi-Language Workforces](#) is the key resource to inform and guide growers how to achieve this and to deliver more engaged workers, fewer problems and better results across every way communication channel on site, including:

- Worker Group Meetings
- Communication Briefings
- Newsletter
- Noticeboards
- Employee Survey
- Pulse Survey
- Suggestion/Complaints Scheme Boxes
- Whistleblowing Hot Line
- Open Door Policy
- Listening Groups
- GM/CEO group meetings
- Coffee meetings - informal and relaxed
- Accommodation Welfare Reps
- Accommodation Compliance Reps

- Safety Representatives
- Welfare Representatives
- Worker Committee/TU Representatives
- Induction
- On the job training
- Classroom training
- Translation and interpreting
- Language lines
- Translation apps
- English Language Skills Support
- Buddy system
- WhatsApp/Social Media Groups

### Developing workforce cohesion through cultural awareness and inclusion

Workforce cohesion focuses on what we have in common, what unites us at work, rather than what divides us. We respect and seek to understand differences, recognising that there are societal and workplace standards and behaviours that must be adhered to.

With seasonal workers coming to work on farms from all across the world, a good place to start is to build a 'Cultural Matrix' to better understand the history, culture, traditions, holidays, religion and beliefs, attitudes, practices, national foods, etc. of the people working on your site. Seek to learn about the cultural differences within each country. Involve workers to grow and develop this using focus groups and worker forums and improve cohesion through:

**Cultural awareness workshops** – for managers, team leaders and workers. Most effective when it generates a positive lively discussion on the differences and similarities between countries and cultures.

**Home country areas in communal spaces** – maintained by workers showing posters of cities, landmarks, culture, food, from countries of those nationals working in your business.

**Events and theme days** - Set up worker led social and events committees who organise events and activities which bring people together to interact and have fun. Organise language and other workshops, social trips, BBQs, musical evenings, theme days run by workers where a country is recognised and celebrated with different styles of cuisines.

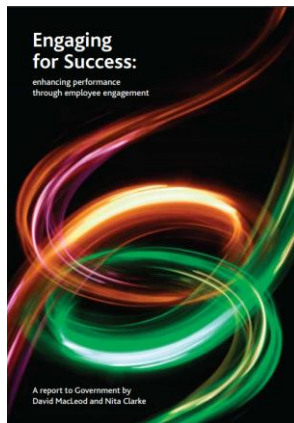


## 21. Engaging workers to deliver better performance and better results

### Engaging your workforce

Engaged workers deliver [better performance and better results](#). An 'engaged' worker is one who is involved in their work and committed to their employer and so takes positive action to further the organisation's reputation and interests.

The [Engaging for Success](#) report identified the four pillars of an engaged workplace as:



1. Strategic Narrative - Visible, empowering leadership providing a strong strategic narrative about the organisation, where it's come from and where it's going.
2. Engaging Managers - who focus their people and give them scope, treat their people as individuals and coach and stretch their people
3. Employee Voice – employees are central to the solution, rather than seen as the problem, involved, listened to and invited to contribute their experience, expertise and ideas
4. Organisational Integrity - business values are reflected in day-to-day behaviours

The key driver of employee engagement is that employees are able to voice their ideas and be listened to, both about how they do their job and in decision making.

### Creating an inclusive workplace



An inclusive workplace is an environment where everyone is treated with dignity and respect, where the talents and skills of different groups are valued, and where productivity and customer service improves because the workforce is happier, more motivated and more aware of the benefits that inclusion can bring.

For more support, follow the Equality and Human Rights Commission's [5 step process](#) to create an inclusive workplace.

### Supervisors - the key link in the chain

A concerning common thread across all reports of seasonal worker's experiences on farms are accounts of discrimination, bullying and abusive behaviour by supervisors.

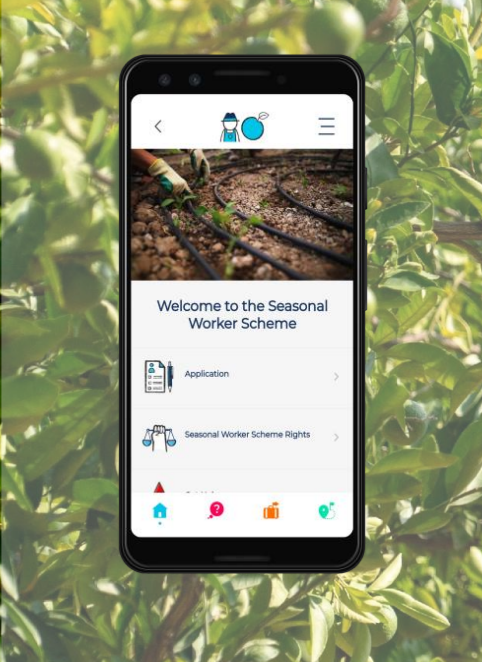
Supervisors are critical to the operation, performance, reputation and success of your farm. Supervisors represent your business and your values to your workers.



Ensuring supervisors behaviours match your business values:

- Define the behaviours that your site requires supervisors to possess and demonstrate that display your business values
- Gear job descriptions, person specifications and recruitment process to select people with these behaviours
- Gear manager and supervisor training to embed and reinforce these standards of behaviour. Contact [Stronger Together](#) who have experience training supervisors to this end
- Instil behaviours in your business processes and display and acknowledge these behaviours every day
- Align performance management, salary awards, bonuses and promotion to those supervisors who display these values

## 22. Using the Just Good Work App




**Just Good Work App - Improving worker experience on SWS**

- Always up -to-date information and notifications to workers in their own language throughout the scheme.
- Provides seasonal workers with clear and accurate advice regarding recruitment, housing, working conditions, employment rights and where to seek help and support.
- Promotes workers being treated fairly and with dignity, protected from hidden exploitation risks and have a positive experience so that they wish to return next season.
- Customisation options available to reduce costs and management overhead with automated onboarding, multi-lingual induction, unlimited messaging, document e-signing and more. Contact [business@justgood.work](mailto:business@justgood.work) to discuss.

Make sure workers have access to regular updates and more at [www.justgood.work/resources](http://www.justgood.work/resources)

Gangmasters & Labour Abuse Authority



The Just Good Work App provides workers with:

- Specific and transparent information on the Seasonal Worker's Scheme, the nature of the work and the means to access help and support.
- Content and regular updates in their own language with video and offline capability offering easy access irrespective of the environment and accessible to workers with literacy challenges.
- In-line and spot questions which allow confidential, non-confrontational feedback, with real-time worker voice.

The Just Good Work App enables growers to:

Demonstrate 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

Access a rich source of data about workers' experience and what matters to them, which helps improve the offer to workers for better attraction, engagement and retention.

Reduce costs and management overhead via customisation options for automated onboarding, multi-lingual induction, unlimited messaging, document e-signing and more.

Download resources at [justgood.work/resources](http://justgood.work/resources) | [business@justgood.work](mailto:business@justgood.work) | +44 3036 665459

## 23. Using KPIs to drive continuous performance

### What gets measured gets improved

Measuring people related performance Key Performance Indicators (KPIs) across time (and locations) enables a grower to identify problem areas, investigate root causes and understand recurring issues to address. KPIs inform a management systems approach; underpin continuous improvement and enables recognition and reward of success.

KPIs may be used to measure health & safety, output, damaged/spoilt product, labour cost and all other aspects of performance that are impacted by peoples' behaviours and actions at work.

The key conclusion of the [Engaging for Success](#) report was that: *“If it is how the workforce performs that determines to a large extent whether companies or organisations succeed, then whether or not the workforce is positively encouraged to perform at its best should be a prime consideration for every leader and manager and be placed at the heart of business strategy.”*

In other words, improving worker engagement leads to better business performance.

Indicators of employee satisfaction and engagement can be gained from analysis of:

- Feedback levels, ideas, suggestions
- Complaints – by type
- Grievances – by type
- Disciplinarys – by type
- Calls to confidential hotline
- Staff turnover and reasons for leaving
- Satisfaction surveys by job, immediate supervisor, company

Specific KPIs and questions that may be used to measure or for worker surveys include:

<b>Recruitment</b>
% who dropped out post offer / post visa
Workers suggestions for improving the recruitment process
Did workers have any negative experience during the recruitment process
How could the recruitment process be made easier
% agreed that type of work matches what they were told during recruitment
% agreed that accommodation matches what they were told during recruitment
% agreed that pay and terms match what they were told during recruitment
% would recommend working with the Scheme Operator to a friend
Fees paid during recruitment – breakdown by type – visa, travel
% absconding rate prior to arrival
<b>On farm</b>
% satisfaction rate with arrivals process
% agreed that they were provided with good information during the induction process
% agreed that they have a good understanding of their job and what is required of them
% satisfaction rate with hours worked
% satisfaction rate with accommodation
% satisfaction rate with site facilities (e.g. enough clean toilets and drinking water)
% satisfaction rate with work
% agreed that they are treated with fairness and respect
% agreed that the farm/site is a good place to work
% agreed that there is good communication on site
% satisfaction rate with supervision
Workers suggestions for improving working conditions
% absconding rate while on farm
% transfer request rate by reason
Would like to return next season
Reasons if would not like to return next season

Organisations may wish to formalise and be recognised for their worker engagement and satisfaction through gaining [Investor in People](#) status or by taking a [Best Workplaces](#) approach involving dedicated surveys and culture audit.

## 24. Termination of seasonal workers' contracts

The contract of employment is a mutual agreement between the grower and the seasonal worker and can be terminated for a number of reasons, the most common of which are:

- Employer initiated termination
  - Worker is not competent or capable of doing the job – normally too slow
  - Worker is dismissed for gross or repeated misconduct
  - Worker is unable to work due to accident or injury
  - Season on farm ends and no other work available
- Worker initiated termination
  - Worker decides after arrival that they do not want to do the type of work
  - Worker does not want to work on a particular farm and no other work is available
  - Worker absconds

The Scheme Operators' responsibilities include:

- Limit worker initiated early termination through effective recruitment processes which ensure that workers recruited meet the selection criteria and
- Providing each worker at pre-acceptance stage with a clear explanation of the standards expected of them, the potential for early finish for conduct and capability reasons
- Providing growers with a clear written process to follow in each potential scenario

Growers responsibilities include:

- Providing and explaining to workers at induction, the standards of performance and behaviour required, consequences of failing to meet these standards and the process it will follow in each case
- Establishing and applying fair and reasonable processes for assessing the performance of workers with appropriate training and support to achieve targets
- Remaining engaged with their Scheme Operator(s) and providing maximum possible notice so that the best option regarding transfer or return home arrangements can be confirmed
- Towards the end of the season or the end of the worker's contract:
  - Meet with each worker individually
  - Ask them about their experience – do they want to come back next season?
  - Conduct mini-performance reviews – do you want them to come back next season?
  - Explain arrangements for transfer to another farm or return home
  - Arrange for all workers to complete an anonymous survey about their experience on the farm to draw up a plan for improvements for next year
- Providing workers with appropriate notice of termination. Seasonal Workers' Scheme workers may not be provided with zero hours contracts and hence paid notice periods apply. As per the law on [redundancy](#), at least one week's notice is required if employed between one month and 2 years; the notice period can be worked, but if not worked notice pay is based on the average earned per week over the 12 weeks before the notice period starts.
- 'Leavers' Procedure' to complete all necessary administration functions with regards to accommodation departure, return of equipment etc.
- Leavers are issued with their P45; outstanding wages; end of season bonus; holiday pay etc. and these are paid promptly and automatically without needing to be requested.
- Grower supports seasonal workers to reclaim income tax due

To access the latest version of this toolkit visit  
[foodfarmhelp.com/index.php/guidance/seasonal-worker-scheme](https://foodfarmhelp.com/index.php/guidance/seasonal-worker-scheme)

To raise an issue or question regarding this toolkit or to obtain information on future training please email [SWStaskforce@stronger2gether.org](mailto:SWStaskforce@stronger2gether.org).