

Food Network for Ethical Trade (FNET) Seasonal Worker Scheme pre-season grower guidance for 2023

Introduction

During autumn 2022 key stakeholders from retail, food manufacture, produce marketing desks, growers, scheme operators, government and civil society came together through 2 roundtables organised by British Retail Consortium (BRC), Food Network for Ethical Trade (FNET), Association for Labour Providers (ALP) and the Fresh Produce Consortium (FPC). These roundtables identified a number of workstreams to improve 2023 season. This is the first of a number of outputs of this work.

The following pages have been provided specifically for farms who use workers sourced through the seasonal worker scheme (SWS).

The purpose is to help improve grower understanding of the responsibilities of their labour providers and highlight the areas where growers can intervene to ensure workers are not exploited. We recognise that this is not the grower's area of expertise so have focussed on 3 actions that growers can do now to manage risks and make a difference this season.

These few pages are a pre-cursor to further work being collectively developed which includes grower workshops, a grower toolkit, a shared assessment of each scheme operator and further support workstreams which will be provided in coming months.

This preseason guidance was developed with growers to highlight some important steps to take and to encourage the adoption of pragmatic, responsible and non-burdensome approach to assessing their processes.

This preliminary guidance provides information on;

- Mapping the process
- Understanding risk mitigation in the process
- Good worker engagement through effective worker welfare discussions.

Process and stakeholder mapping and checking legal compliance

As the employer of the labour recruited within the seasonal work scheme, growers have to comply with scheme rules, UK law and industry compliance requirements.

A shared assessment of each scheme operator is being implemented for the 2023 season which means you are not required to audit your SWS labour provider but here are a few simple steps to help make sure you are satisfied the process legal and the staff on your farm are protected.

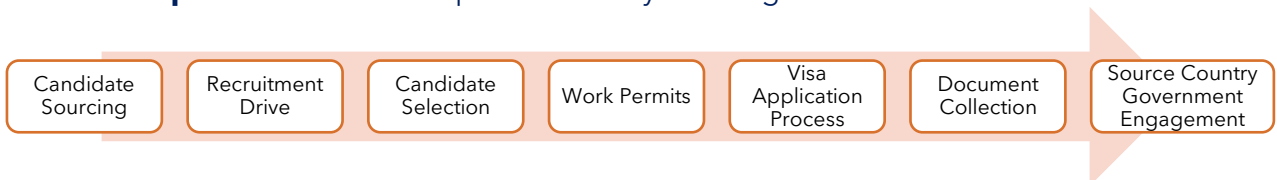
To help to achieve this;

Step 1 - Ask your labour provider for a **map of their Recruitment Process and the relevant sub processes they go through to provide you with legally sourced workers.** You should satisfy yourself that the recruitment of your employees is transparent and as free from exploitation as reasonably practicable.

For example the information they provide may look like this



And the **subprocesses** - for example - in country sourcing.



Step 2 - Map Stakeholders - Understand who the stakeholders are and what they do in the process?



Step 3 - Check your suppliers are operating legally as a minimum requirement.

For example;

Legal Requirements	✓
All labour providers who recruit workers MUST hold the required UK GLAA licenses	
All labour providers must hold the required operating licenses for the source country.	
All recruitment processes in the source country are understood by the labour provider and are checked by them	
All documentary evidence is collected to demonstrate the labour providers are recruiting legally in the source country.	
All UK based scheme criteria is met and evidenced	
Any hazards and mitigation risk assessments are completed.	

Further Information - Home Office guidance on the Seasonal Worker Scheme

- [Sponsor a Seasonal Worker \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence>
- <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099293/Sponsor-guidance-Part-3-compliance-08-22.pdf
- [Appendix D: Keeping documents - guidance for sponsors \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

GLAA on use of Labour providers

- [Licensing Standards October 2018 Final reprint Jan 2020 \(gla.gov.uk\)](https://gla.gov.uk)

Housing Guidelines

- [FPC for caravan accommodation FINAL-Fourth-Edition-FPC-Temporary-accommodation-guidance.pdf \(freshproduce.org.uk\)](https://freshproduce.org.uk)
- Houses of Multiple Occupancy HMO Guidance https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf

The clarification around roles can be found here:

- [Seasonal worker visa route RFI notice - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Prioritising your resources to identify issues and manage risk

We understand you have limited resources, and you will be in a busy time of the year with many demands on your time, so those resources are more effective if targeted in the right areas. Understand what priority issues affect your business and how might you be able to identify and manage them is crucial



Step 1 - List all issues you can think of that may be present in the recruitment process and while employed at your farm.

Examples of possible Issues
Accommodation complaints
Where issues have arisen due to processes not working with the Labour Provider or at your farm. Management system failures with the recruiter
Issues that have arisen because of Contractual situations.
Situations that have arisen because of differences between groups in your accommodation.
Where provision of facilities has resulted in complaints or been raised in audits.
Where Worker Fees have been identified
Where Health & Safety Issues have been observed.
If Illegal Workers has been identified.
If Illegal Recruitment has been identified.
Where provision of Transportation has been raised as an issue.
Where Wages & deduction issues have been identified
Where Working Hours have exceeded tolerances.
Other....



Think about last year

- What went well?
- What were the main challenges?
- How could improvements be made?

Don't restrict yourself to just your business? What were the challenges in the industry?

Use your knowledge and experience to determine your key issues.



Step 2 - Establish who can be harmed, how they can be harmed and where?



- Looking at the process map you got from your provider, **where do you think the issues occurred and can you implement preventative due diligence?** For example – workers complained that the contract provided was not the same as the one they were given in their home country. Could you ensure all contracts are aligned for next season?
- **Who can help me with the issues that might arise, who do I speak to for help?** For example. Can my marketing desk help, should I raise it with the ALP, can I fix it myself?
- **Recognise that some things can have a big impact away from the farm** - make sure you tell your retailer or marketing desk if you have any concerns - they will be there to help and support you.



Step 3 - Rank the priority of the issues.



Speak to your Marketing desk or Labour provider, what are the most important and high risk issues to fix What due diligence is achievable and realistic to implement.

Top 2 hazards of 2022 were;

- Payment of fees,
- Accommodation and 'Provision of services' – breaches in standards.

Don't reinvent the wheel. Much of the guidance may already exist. Further support can be found on the Food Farm Help Website. [Home \(foodfarmhelp.com\)](https://www.foodfarmhelp.com) It is our combined interest to understand where the limited resources can have the biggest impact.



Step 4 - Put steps in place to try to prevent or reduce the risks and potential exploitation of staff – establish what the critical issues are and agree with your Marketing desk or retailer what you collectively will do to mitigate the risks.

The most important point is to remember that you can have a big impact on someone's life by taking some simple steps to check in with workers.

Small changes can make a big difference. Help is here for you, so please do feel confident that you will be able to get support

Before season



Throughout the season



After season





Conducting Worker Welfare Chats

DO'S!	DON'TS!
<p><u>Make the workers feel at ease</u> Smile, welcome them, explain why you are speaking to them - to make sure they are okay and there are no issues</p> <p><u>Ask open questions</u> Use the TED model: Tell me... Explain to me... Describe to me...</p> <p><u>Build rapport with workers</u> It is unlikely someone will disclose anything the first time they meet you, start to build a relationship and help them to understand you are there to help <i>if</i> they have any issues in the future</p> <p><u>Have a 'chat' rather than an interview</u> By turning it into a chat, puts the interviewer at ease as well as the interviewee and makes them far more comfortable</p> <p><u>Have a genuine interest in the person and their welfare</u> You need to be careful who you put in front of the workers as they will sense if you genuinely care or are doing it because you must. If they sense you genuinely care they are more likely to talk</p> <p><u>Use the PEACE model</u> - explanation of the peace model can be found in the appendix. Prepare Engage Account Closure Evaluation</p>	<p><u>Read questions from a sheet</u> If you forget a question, just ask the next group - in the report you don't need to write how many people you asked and how many answered it - just write '3 people spoke about.....'</p> <p><u>Write down the answers</u> If you are having a genuine conversation with someone you shouldn't forget answers, especially if it is something alarming, and if it's not - it won't matter anyway.</p> <p><u>Go into it with the intention to get answers</u> If you have heard rumours about payment for work, ask questions about this but don't push for answers, if they indicate no issues then leave it there</p> <p><u>Ask every question about every topic</u> You don't need to do a full interview on every occasion, turn it into a chat and ask a couple of questions about payment for work, living conditions etc.</p> <p><u>Call them worker interviews!</u> If you get used to calling them 'welfare chats' or 'welfare discussions' it will help them become less formal and you will get more out of them</p> <p><u>Only use an office environment</u> If you see a worker in the car park, ask how they are getting on? Or how many hours they are doing at the minute? etc. Worker welfare chats can take place anywhere and at any time</p>

Remember: If you go into an interview with nothing, and come out with nothing - you've not lost anything and still gained experience





PEACE Model

Plan and Prepare

- Establish what you already know and would like to establish.
- Plan what you are going to ask but more importantly how are you going to ask it.
- Select location and environment carefully for protection and engagement reasons.
- Use of a 'camouflage story' if necessary
- This is not an interview unless it is a formal investigation.
- If it is a formal investigation for a crime, then **you should not be conducting it** and should report to the authorities.

Engage



- The first stage of engagement is to forget your objectives and establish theirs.
 - What are their issues and how can you help them?
 - Do not force your objectives - they will simply close up.
- If possible use an independent in-person translator, however if necessary but as a last resort a phone line translation service could be used.

Gain an Account



- Interview is a word that gives fear - ask people for a discussion or a chat
- Explain who you are and what your role is and importantly how you can help.
 - Be careful to not set any promises you cannot fulfil.
- Only if appropriate, explain why the conversation is taking place and what you will be talking about and how long it will take.
- Try to establish rapport with the worker and make them feel comfortable. Make eye contact and smile
- Obtain the workers own uninterrupted account **please note** if the account breaches your pre-determined boundaries - Know how to de-escalate the meeting and escalate your concerns outside of the meeting.
- Use the 5 W questions (who, what, where, when, why) however remember this is not an interview and HOW is a much more effective question.
 - How did you hear about the job? How did you get to the UK?
- The most effective questions used in an informal setting is to use the **TED approach**.
 - Tell me
 - Explain to me
 - Describe to me
- This will also help you avoid leading questions

Remember - Your organisation should be committed to the six key principles of safeguarding and will always;¹

Empowerment - adults should receive support that's personal to them, chosen by them and has their consent.

Prevention - action should always be taken before any harm to the adult occurs.

Proportionality - responses should be non-intrusive to the adult and proportionate to the risks presented.

Protection - there should be adequate support and representation for those in greatest need.

Partnership - services within the community should work to prevent, detect and report abuse and neglect.

Accountability - safeguarding should be delivered transparently and with accountability

Closure



- If necessary explain what will happen next
- Provide contact details in case they want to talk again or remember something
- Provide worker rights information at every opportunity
- Have they got any questions?

Evaluation



- Evaluate what was said and the implications of the information received.
- Assess against any situation handling procedure you have.
- Discuss options with the internally within your organisation - do you have a escalation plan?

Worker welfare chats are the number one way to manage worker welfare issues. If done correctly, you can gain so much value.

Familiarize yourself with;

- **How often they need to be done,**
- **How should they be documented,**
- **How should you handle the information and**
- **What do you do if issues are identified.**



Have a response plan based on practical experience that will work when needed?

¹ Sourced from the 2014 Adult Care Act.

