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Closing the Seasonal Agricultural Workers Scheme: A Triple Loss

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Abstract

drain. Secondly, established research has found that large-scale remittances, transferred by both high and less skilled immigrants, greatly improve the welfare of the persons left behind (Dustmann and Mestres 2010). Finally, and most pertinently for destination states, migrant workers on TMPs meet labour market demands but do not, or rather are not intended to, settle in the host state, thus appeasing public concerns over immigration

However, TMPs have been heavily, and rightly, criticised by both the academic and policy sectors, as they tie workers to employers in rigid ways (Hennebry 2012; Wickramasekara 2008), which can violate of migrant workers rights (Basok 2004; Castles 2006; Ruhs 2013; Nakache and Kinoshita 2010). In this way, TMPs have been criticis

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2010). Yet few studies have examined the lack of integration measures available on TMPs

quota of 21,250, a four-fold increase from the original 1990 quota (Table 1). The exact quota changed year-on-year according to the usage of the quota, labour market needs and the availability of European labour. The drop in in the 2004 quota for example was made on the assumption that migrants from the newly acceded EU member-states (A8) would fill any residual labour shortages. Ten per cent of the 345,000 workers registering in employment as accession country nationals between enlargement on 1

(Gilpin et al. 2006: 20).

Table 1: SAWS work cards and quota used

<i>Year</i>	<i>SAWS work cards printed</i>	<i>SAWS quota</i>	<i>Percentage of SAWS quota used (%)</i>
2004	20,554	25,000	82
2005	15,611	16,250	96
2006	16,171	16,250	100
2007	16,796	16,250	103
2008			

restriction was taken off, which at the time the industry objected to a lot, because they
at now
and they just made their recruitment process more rigorous (NFU policy officer,
interview 2011). Unsurprisingly then, in 2013 when the scheme was closed, it was
Bulgarians and Romanians who had filled the majority of the quota.

The time permitted on a SAWS visa was six months. After six months workers
on the SAWS were allowed to stay in the 1)allowed ttrhe 1)

excess fees for transport, or exorbitant rents on accommodation (Rogaly 2008: 503). GLA is a unique institution and has been heralded as a role model for other countries to prevent exploitation of agricultural labour (interview with GLA, 2014). Indeed the GLA is seen as an effective measure to ensure migrant workers' rights, but is also met with support by employers:

They [government] were always keen to penalise and look at immigration status, but they were very reluctant to extend the way in which workers' rights

as it has. Except of course the surviving businesses in the sector now see it as a protective measure, because it prevents them being undercut by less scrupulous or observant employers, so they were always quite keen that the government should take some responsibility on enforcing laws

are properly licensed. But nevertheless, I think in terms of behaviour, I think it has affected that sector (former TUC policy officer, interview 2011).

Some 1201 labour providers had been licensed by the end of 2008, and during this period 78 licenses were revoked for breaches discovered during inspections, such as when a Suffolk gangmaster failed to pay statutory holiday pay, or when a Preston gangmaster failed to check on whether employees had the right to work in the UK (Sargeant and Tucker 2009: 14).

housing. Whilst this can be advantageous for workers, in many cases workers experience poor living conditions, as was the case on some SAWS sites. For example, Spencer et al. (2007: 43-44) found that, of the 82 agricultural workers they interviewed, 17 per cent said that their accommodation was

dissatisfied with it, suggesting some success in the regulation of accommodation
. 2007: 44

designed in tandem with any kind of integration policy, and this negligence lies at the heart of the problems regarding rights and exploitation.

Government closure of SAWS

As the Conservative-led Coalition government entered office in 2010, one of the first orders of the day was to put measures in place to achieve the Conservative manifesto pledge of reducing net migration from the hundreds of thousands to the tens of thousands (Conservative Party 2010; HM Government 2010: 21). The principle behind such a

A restrictive policy from the Conservatives was not unexpected, and in line with their ideological alignment (Bale 2008); nonetheless having a target in the first instance arguably represents the most explicitly restrictive policy to date.

The policy reforms initially appeared to be somewhat effective at cutting immigration. Net migration had been falling, with levels at 153,000 in the year to September 2012, down from a peak of 255,000 in the year to September 2010. However, figures released in spring 2015, showed that net migration had reached 330,000 (up 94,000 from year-end March 2014) (ONS 2015a), the highest net migration on record, and higher than when the Coalition entered office in 2010. In response, the government had to concede that they would not meet the pledge set out to reduce net migration by the end of the last Parliament in 2015. Despite this failure, the Conservative Party maintained their aspirational target for the current parliament (Conservative Party 2015).

of the current
Conservative government, is the need to make economic immigration an exclusively
as epitomised by Theresa May in 2010:

It is too easy, at the moment, to move from temporary residence to permanent

automatic add on to a temporary way in (May 2010).

Prime Minister Cameron stating in April 2011,
to fill short- (Cameron 2011). According to the
former UK Border Agency, -

As Cavanagh (2011: 4) puts it, is a shift to a constantly churning
population of temporary working migrants

the Sectors-Based Scheme and the Seasonal Agricultural Workers Scheme in December 2013, to coincide with transitional controls lapsing for A2 citizens from Bulgaria and Romania in January 2014. Both the previous Coalition and current Conservative government are adamant that there should be no low-skilled migration labour routes, exemplified further by the fact that the low-skill Tier 3 of the points-

was, in the main, to eradicate any potential job displacement of the native workforce; thus the closure was made on the assumption that the EEA and particularly the British workforce would begin to fill these shortages. The stated reasons by former Immigration Minister Mark Harper for the closure was to prevent job displacement of British workers, and that EEA labour can adequately fill any remaining labour demands from employers (Harper 2013).

Loss one: host state

difference and stabilised our workforce e a huge
In a Home Office study
involving 124 interviews with employers across five sectors, only in agriculture did

al. 2006, p.35). Consequently the sector has come to rely on foreign labour to fill labour
market shortages (Rogaly 2008).

However, whether such reliance can be said to constitute inevitable structural
dependency is debatable. Anderson and Ruhs (2010) suggest that in many sectors

institutional and regulatory frameworks of the labour market and from wider public
policies, such as welfare and social policies, which are not necessarily related to the
labour market. Such forces are heavily influenced by the state and thus mostly reside
outside the control of individual employers and workers. On the other hand, it could be
argued that employers create such dependence, by offering poor working conditions
which are unattractive to those with secure residency, i.e. the native workforce. Geddes
and Scott (2009) argue that such reliance on migrant workers in the low-skilled sector

ng on
segmented labour market theory (Massey et al. 1998; Piore 1979), they claim that it is

on to certain groups of porary
workforce constitutes the secondary labour market and it is here where the least
(2010: 198).

Rogaly (2008) likewise argues that, through mechanisms of intensification, agricultural
employers have used vulnerability to ensure compliance in the labour force.

of poor working conditions then, at least partly, constructs
the dependence on foreign labour in the agricultural sector. Nonetheless, without a
costly, and thus unlikely, overhaul of employment practices and terms and conditions
of agricultural labour to make it more attractive to workers, farmers and growers will
face potentially detrimental labour market shortages as a result of the cessation of
SAWS. Notably,

recommendation on the matter; the MAC (2013) concluded that whilst terminating the
SBS would have no negative effects on the labour market, by contrast closing SAWS
could be damaging in the long term for the agricultural sector. Such claims were made
for several

the transition of the closure including making a limited number of work cards available. Many in the industry claim that whilst farms had an adequate workforce for 2014 and potentially in 2015,

For 2014 many employers had organised their workforce through agencies such as Concordia and HOPS, but by 2015 many stakeholders, including Andrew Colquhoun, chairman of the Farming and Rural Issues Group for the South East,

that Romanians and Bulgarians will move to other areas .⁴ Whilst

smaller businesses look to be unaffected by the closure of SAWS (GLA 2014: 10), business turnovers exceeding £1 million could face major shortages, and in turn describe the impact of the closure of SAWS as very negative. In a survey of labour users conducted by the National Farmers Union (NFU)

Attracting resident workers

Drastic shortages in the sector are likely to occur as a result of closing SAWS for two reasons. Firstly, employers predict that the British workforce will be unwilling and therefore unlikely to fill seasonal labour market shortages (MAC 2013). Part of the reason why agricultural employers prefer migrant labour, as mentioned above, is the perceived superior work ethic of migrants in contrast to British workers. As MacKenzie and Forde (2009: 150) show, the A8 workers were categoris

by the employers at the time.

Working conditions of agricultural workers have not changed in any substantial way since the closure of SAWS, thus attracting British workers to this type of work will remain challenging. Agricultural work is essentially a 3D job – dirty, dangerous and demeaning

and Pensions has purportedly been working with JobCentre Plus, LANTRA (the sector skills council) and the NFU to help unemployed UK residents into horticultural work through training and guaranteed interviews (Harper 2013), these measures seem to have had little impact. Farm Minister George Eustice controversially suggested at a NFU conference in February 2014 that UK benefit claimants should be sent to work on farms to fill any vacancies, stating that:

I know that s
this
tolerate that attitude that says,
o do cert . We need to get across
and overco

response was that:

Although unemployment has increased during the recession the unemployment rate in Herefordshire remains to be low both nationally and regionally. In October 2012, there were 2671 Jobseekers Allowance claimants living in the county. Even if all of these claimants were to take on seasonal work for growers

The size of the labour pool at any one time will not change, but more people will be coming and going and I

European migrants will come into our industry. They will com

Community cohesion

The cessation of SAWS could also potentially incur fiscal costs to public services. One

package of support for the individual workers which minimises the support needed from public services, for instance la

agricultural employers had previously introduced initiatives to ensure a positive integration of workers, both within the company and the community as a whole, including providing free English as Overseas Language (ESOL) training (Dench et al. 2006: 18). With the closure of the comprehensive SAWS package, translation costs to public services in concentrated agricultural regions may increase.

Relatedly, because SAWS provided a controlled working period so that workers had to return to their country of origin at the end of the season, employers have put forward concerns that community cohesion could worsen in areas where agricultural work is concentrated. The SAWS scheme was an effective TMP precisely because it was designed for agricultural students, thus workers has a clear incentive to return:

They [SAWS workers] were usually students but not in their final year of study, rate, he undergrowth because they had a good reason to go back to their country of origin (NFU policy officer, interview 2011).

The concern now is that workers may be reluctant to return home at the end of a season uld result in community impact issues involving alcohol abuse and

statistically significant increase from 23,000 for the year ending December 2013.¹² The estimates for the year ending December 2014 show that there has been an increase in immigration of A2 citizens to the UK, predominately for work. However, this increase began in 2013, before the lifting of restrictions, and appears to have continued into 2014 (ONS 2015b). As an NFU respondent suggested:

Ending SAWS effectively meant this pool of 21,250 jobs was opened up to non-British citizens, with no requirements for these workers to return to their home countries. So we believe that ending SAWS would actually have the effect of adding a potential 21,250 people to the net immigration figures.¹³

Whilst the government did not claim that ending SAWS would reduce immigration from A2 countries, and evidently the settlement of A2 citizens is out of

reduced migration by closing and curtailing all migration routes for migrants coming from outside the EU/EEA. The termination of SAWS has not had the desired effect in this respect.

Irregular migration, exploitation and the mechanisation of agricultural sector

Perhaps the most alarming potential repercussion of closing SAWS from the likely increase in irregular migration in the agricultural sector, a sector already long criticised for exploitation and poor working conditions. As a Unison interviewee commented:

The other solution is that they stay below the surface and are subject to workers because it leads to employers taking on people to exploit them and it leads to undercutting (Unison interview 2011).

This is far from being certain, yet if farmers and growers cannot source their labour individuals who may commit more serious offences involving illegal labour supply or other potentially more serious criminal offences, for example trafficking or forced whom the GLA interviewed in regards to closing SAWS, have offers made by individuals seeking to

that additional workers required by farmers or growers were now being sourced through current workers and this presents further risk, as the opportunity is there for unscrupulous and potentially illegal gangmasters to operate within this area and exploit

The International Passenger Survey, which only samples a small fraction of those entering the UK, is, however, not an accurate method to enumerate the migration of individual nationalities.

¹³ Email correspondence with NFU.

the workforce (GLA 2014: 31). If this did occur, it would have wider consequences for the industry, as

011). If such a situation does or has occurred, the closing of the scheme has only worsened irregular migration, an area where the Conservative government have focused much of their enforcement efforts to eradicate.

Yet perhaps the most damaging and likely implication of terminating SAWS in

Ruhs (2006: 17) argues that the return of immigrants can influence the home society positively in two ways. Firstly, migrant workers transfer skills between states, which are made possible by the return mechanism in place. Secondly, development can occur through businesses or entrepreneurship that are opened with the capital of the returnees. Although generally the high-skilled migrant workers are assumed to contribute more with skills transfers to their home countries in contrast to low- or mid-skilled workers (Iredale 2001), such transfers are also relevant for low-skilled temporary jobs. For example, Balaz and Williams (2004) found that, in the case of Slovakian return migrants who had stayed temporarily in the UK, the level of human capital transfer was high.

In terms of the transfer of skills, SAWS was considered a successful scheme; another country. So it was a very well-balanced scheme a lot of benefits and very

is increased via temporary migrant wor

employer, the freedom to take a second job, and the possibility to move to the other parts of the UK for the purposes of employment (Ryan 2005: 25).

However, Ruhs (2011) draws attention to the rights granted at the international level to the migrant workers, and how the reinforcement of these rights is neglected at the domestic level in many nation-states. For instance, most of the SAWS workers cannot benefit from these rights if they are tied to one employer. This conditionality makes it impossible for them to move and search for jobs in other places. Hence, this restriction could lead to staying in the same workplace even if exploitation occurs.

Whilst being a successful programme overall, the SAWS had limitations in relation to the lack of an integration scheme for the migrant workers. Nonetheless, closing the programme could be more damaging, since an under-regulated area might become wholly unregulated, and this could have a negative effect on both employers and employees. Coupled with deregulation in the labour market, and not being obliged to abide by international conventions, the rights of migrant workers could be further at risk. From an economic liberal perspective, closing the programme could also prevent competition amongst the operators to acquit SAWS work cards. If there is no competition to qualify for attaining SAWS work cards, the operators may well lower their standards.

Additionally, gangmasters might control the labour market more as recruiters, which might exacerbate the violation of rights of those migrants who do not speak the

recruiting from, this year for recruitment for the next seasons.. They spend about three years getting them up to speed because they only want people who apply high standards, which is partly why SAWS has been such an uncontroversial scheme, because the operators control their local agents in the country of origin very carefully and scrupulously, but a lot of the recruitment going on in the A8 countries for example have probably been mis-sold or such like (NFU policy officer, interview 2011).

The closure of the SAWS could mean that the migrants who used to come on the basis of SAWS, in which certain standards were guaranteed, will be arriving and working on a more informal basis. There is a possibility that there might be more reliance on gangmasters, as it had been before the programme was established. This would mean that more informal employment and recruitment could take place. On the other hand, if the Bulgarians and Romanians do take more permanent jobs in other sectors, the labour to fulfill the labour market shortages would be met by the non-EEA countries, which could cause irregular migration patterns leading to a number of undocumented migrant workers who are more vulnerable. All these possibilities are not necessarily short-term consequences but may be medium to long-term implications.

Concluding remarks

agricultural students. The modified scheme we propose should be less of a labour facilitator, and more a student exchange scheme, which focuses on the transfer of skills between states in this sector, whilst at the same time filling labour market shortages. In other words, the scheme should essentially be a student exchange scheme with the by-product of filling shortages.

In terms of sending countries to recruit from, much like Scott (2015), we

much more effectively. Evidently the need to enforce the minimum wage is a much wider problem that is not exclusive to the agricultural sector or indeed migrant workers generally. Nonetheless, without effective oversight and regulation, of which the GLA

the sending state prevents these incentives). We see no reason why a similar package cannot be provided either before workers/students arrive or as soon as they arrive. This is not only a practical but also an ethical consideration on the side of the states, policy-makers and the employers. Table 3 provides a summary of our policy recommendations.

Table 3 Summary of policy recommendations:

Exclusively agricultural students

A bilateral agreement or new scheme under Tier 5 Government Authorised Exchange

A reciprocal clause enhancing two-way skills transfers

Return as condition of visa; sending states now liable for citizen could be black-listed if non-return rate was high

No change to time limits; quotas dependent on labour market needs and political feasibility; EU candidate countries or specifically Moldova and Ukraine

Integration measures: language classes funded by some combination of educational institutions of agricultural students, operators, and employers

Conservative Party (20
at:

An Invitation to Join the Government of Britain

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