



Gangmasters
Licensing Authority

Annex A

Operation Novalis

GLA Consultation on the Cessation of the Seasonal Agricultural Workers Scheme

16 July 2014

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1. Executive Summary

- 1.1 The Seasonal Agricultural Workers Scheme (SAWS) ended in December 2013, having previously supplied over 21,000 foreign workers per year to work in Agriculture within the UK.
- 1.2 Initially designed to encourage young people to travel and learn about different cultures and agricultural skills, SAWS played an important part in fulfilling the labour gap created by seasonal demand.
- 1.3 Following the inception of the Gangmasters (Licensing) Act 2004 the recruitment and provision of labour by labour providers operating under the SAWS scheme, came under the licensing regime of the Gangmasters Licensing Authority (the GLA) and has therefore played its part in ensuring that compliance levels are maintained and workers are not exploited.
- 1.4 Following the end of the scheme the GLA adopted a proactive approach advising farms against recruiting labour from unscrupulous and illegal gangmasters or labour providers and information and advice was cascaded In December 2013 to over 500 known SAWS user sites.
- 1.5 Operation Novalis was the follow up to this proactive approach and sought to assess the risk to workers following the abolition of SAWS.
- 1.6 In summary, many felt it was too early to judge the full impact of the end of the scheme, but generally most were concerned for the future. Increasing cost, customer demands and a fear of a lack of experienced and committed workers were all views expressed by farmers and growers.
- 1.7 The GLA is grateful for all who participated in this exercise, one that has been asked to be repeated at a future date. It is necessary to measure and monitor any changes throughout the industry and the GLA will ensure that the views of all stakeholders are duly represented.

2. Background

“The scheme originated after the Second World War and was designed to facilitate the movement of young people from across Europe to work in agriculture, primarily as an additional source of labour in peak season. It was originally set up as an opportunity for cultural exchange for young people but has developed and changed with trends in demand and supply of labour as well as the policy environment.”
(Migration Advisory Committee Report, May 2013, p47)

“While there have been changes in the eligibility rules, quota size and operation of the scheme, the scheme has remained essentially the same, enabling workers (usually students) to come to the UK for short periods, specifically to live and work on farms during peak seasons. A number of labour providers became operators for the scheme and came to have an increasingly important role by recruiting participants, allocating them to employers and monitoring pay and conditions.”
(Migration Advisory Committee Report, May 2013, p48)

- 2.1 From 2005 most of these labour providers/SAWS operators became licenced under the GLA Act, either as sole operators (sourcing labour for themselves) or multi operators (sourcing and providing labour to a number of sites).

“The annual quotas of people allowed to work in the UK under the scheme have changed throughout the scheme’s history. As shown in Figure 3.1, the quota increased from 5,000 at the beginning of the 1990s to 25,000 in 2004 before being reduced in 2005 to 16,250. In Migration Advisory Committee (2008) we recommended, on the basis of evidence we received from partners, that the Government expand the annual quota under SAWS by 5,000 from 16,250 to 21,250 in 2009. The Government accepted this recommendation and since 2009 the quota has remained at this level.” (Migration Advisory Committee Report, May 2013, p48)

- 2.2 From the introduction of SAWS, primarily students from many different countries came over to the UK as part of the scheme until it was restricted within the final few years to purely Bulgarian or Romanian applicants.

3. GLA Involvement with SAWS

- 3.1 From the inception of the GLA Act labour provision under the SAWS scheme has required a GLA licence and a number of operators applied for and continue to hold valid GLA licences. As part of the licensing regime, licence holders are required to remain compliant against the GLA standards at all times.
- 3.2 Although there has always been a debate as to how far the compliance requirements should go, certain GLA standards still apply. However, in addition to the GLA licence, SAWS operators also had a further agreement (in the form of a Code of Practice) with the Home Office under the scheme. Both the GLA and the Home Office sought to actively work together to ensure that all operators conducted themselves in a compliant and ethical way at all times thus ensuring workers were not exploited. This was achieved by regular liaison with the operators and undertaking a series of visits, both proactive and intelligence led, to the SAWS sites.
- 3.3 Since the establishment of the GLA, there have been over 200 intelligence reports relating to the term ‘SAWS’. Over time, many of these allegations have resulted in investigations by the GLA or the Home Office, or both. In the main, allegations have been the result of workers’ complaints about their treatment by the end user or the conditions in which they work or live.

4. Operation Novalis

- 4.1 Following the cessation of the SAWS scheme, the GLA ensured that end users (farms/nurseries/growers) were aware and fully prepared in respect of the regulation of future labour supply for 2014-15. In December 2013 around 500 SAWS sites were contacted by the GLA with the following communication:

Labour users throughout the UK are being warned by the GLA about employing Bulgarian and Romanian workers from unlicensed gangmasters when restrictions

are relaxed in 2014. Nationals from these two countries have been entitled to work in the UK in recent years under the Seasonal Agricultural Workers Scheme (SAWS). But SAWS will no longer operate in 2014 as, from January 1, Bulgarians and Romanians will have the legal right to live and work in Britain under European 'freedom of movement' rules.

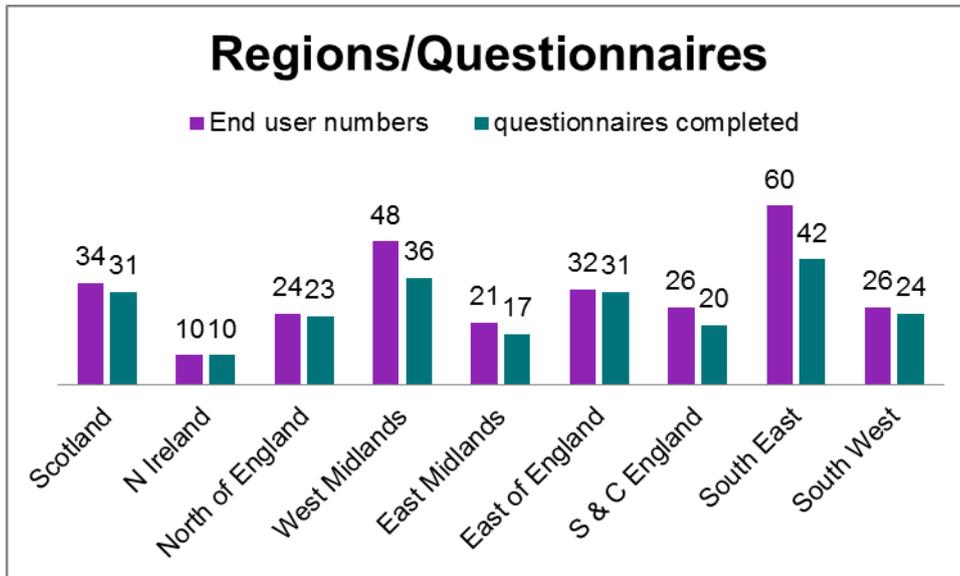
Numerous offers to supply workers have been flooding into UK businesses in preparation for the legal changes taking effect. However, the GLA is keen to issue a reminder that any business – from the UK or overseas - that supplies workers into the authority's regulated sector must hold a valid Gangmasters licence. This applies to agriculture, horticulture, food and drink processing and packaging or shellfish gathering. It is a criminal offence both to act as a gangmaster without a licence and to employ workers provided by an unlicensed operator. Both offences can lead to custodial sentences.

Guidance is available from the GLA on who holds a valid licence as all companies who are licensed to operate in the regulated sector are listed on an up-to-date public register at www.gla.defra.gov.uk. It is possible to view the register by clicking 'See who has a licence' in the panel on the right of the home page. Another option available to the public is the GLA's 'active check' service, where it is possible to register for alerts about specific licence-holders. Under this system, emails are subsequently sent if there is any change in the status of the licence held by an identified company.

4.2 In order to provide ongoing support for workers and labour users post SAWS, the GLA sought to contact a wide range of labour users under the auspices of Operation Novalis in April 2014, with the following aims:

- Seek the views of the end users in relation to the supply of labour following the cessation of SAWS
- Take cognisance of any concerns or comments end users may have about the cessation of the SAWS scheme
- Ensure the supply of labour is legal
- Check on any compliance related issues
- Deal with any intelligence related issues
- Provide a report to inform relevant stakeholders

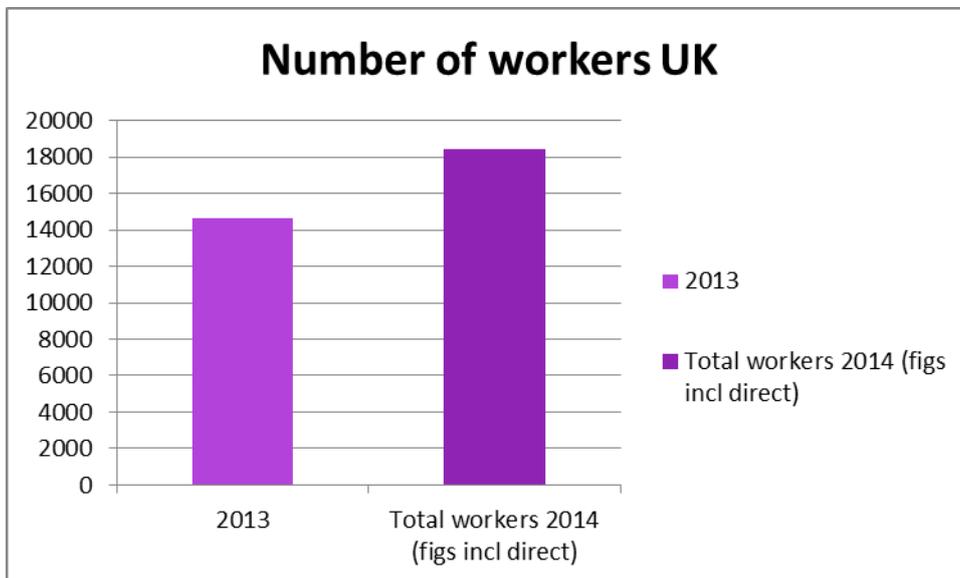
4.3 A number of regions throughout the UK and Northern Ireland were selected and questionnaires were completed by 234 end users. Most of these were seen face to face and freely gave their views to GLA officers. The following chart outlines the regions visited and questionnaires completed. The questionnaire is attached as Annex 1 to this report.



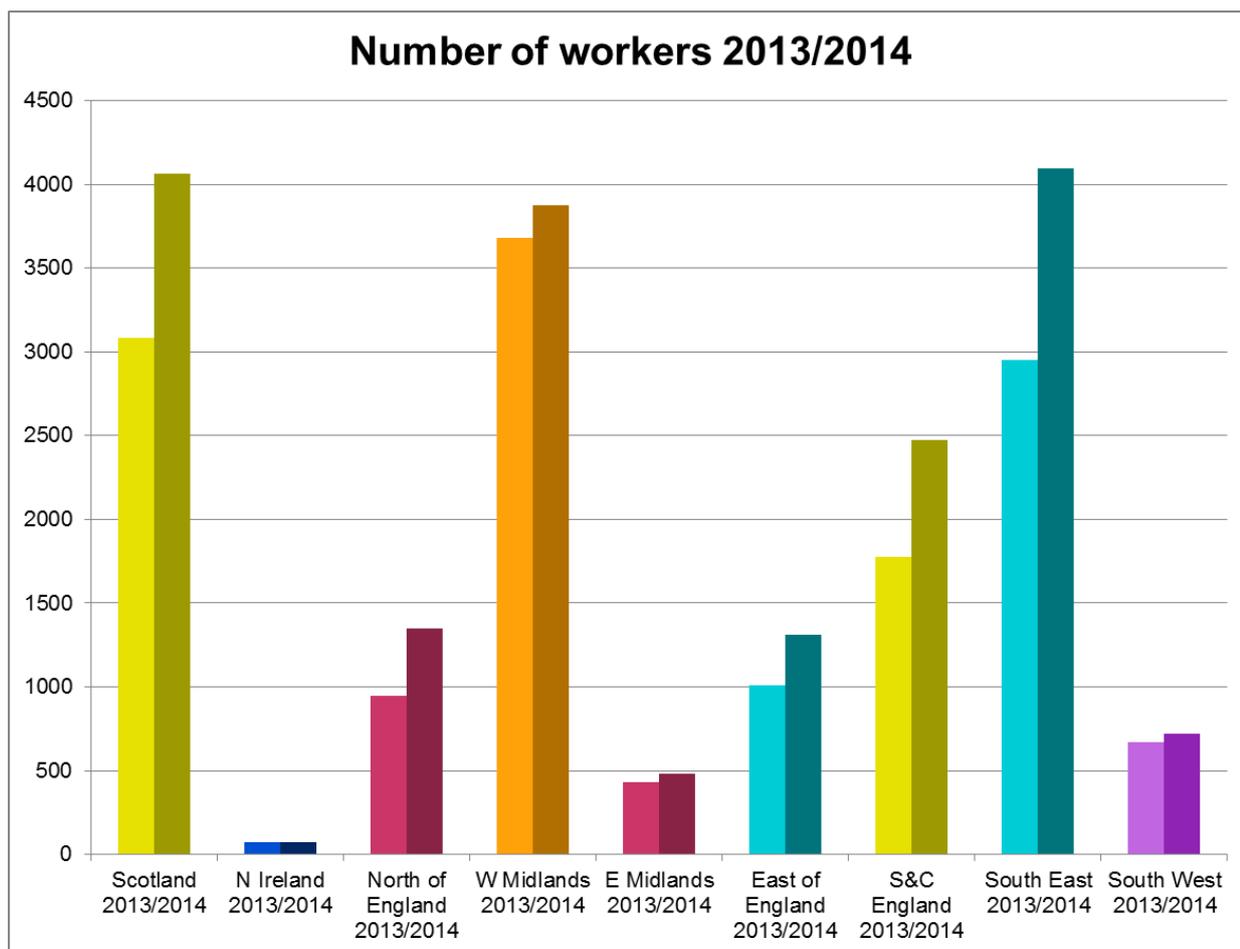
4.4 Visits were undertaken using a selection of those details obtained from the original 500 addresses previously contacted by the GLA. In some cases primary sites responded on behalf of secondary sites. Some were found to have ceased trading, others were unavailable and in only a few cases there was a refusal to cooperate with the GLA's request.

5. Operation Novalis Results - Analysis UK

Number of workers on SAWS sites 2013-2014



Number of workers 2013-2014 regional breakdown



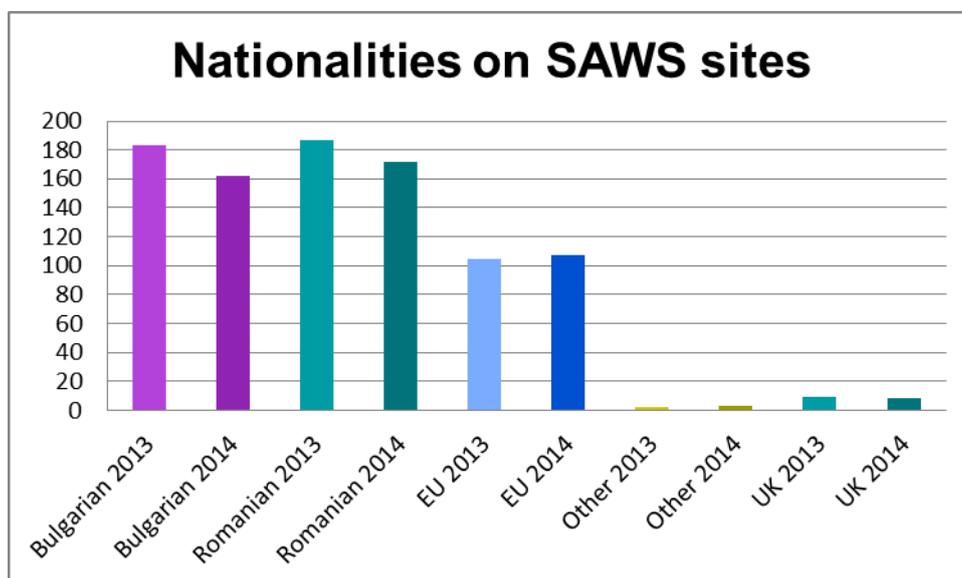
5.1 In each region (apart from Northern Ireland), since the cessation of the SAWS scheme, the number of workers employed (directly or via a labour provider) has increased. This could be down to a number of factors, for example:

- the need for workers was greater than the quota allowed by the scheme
- higher turnover of workers
- more workers available

Nationalities

“Anecdotal evidence indicates a decline in the supply of other traditional sources of seasonal and casual labour, such as students from the UK...More attractive and better paid employment in other sectors has discouraged the take up of seasonal work in agriculture which can be seen as both hard and offers relatively less remuneration. There may also be a perception that, in comparison to other sectors, agriculture is not developing or likely to provide future employment opportunities that can be found elsewhere.” (Work Permits (UK), May 2002, 3.4.3)

5.2 The table represents the overall range of nationalities employed on the SAWS sites UK wide in 2013 and 2014. The nationalities covered by 'Other' were Australian, Moldovan and Ukrainian (under the Tier 5 Visa). It is worth noting that only 9 farms in 2013 had any temporary/seasonal workers from the UK and that this dropped to 8 in 2014.

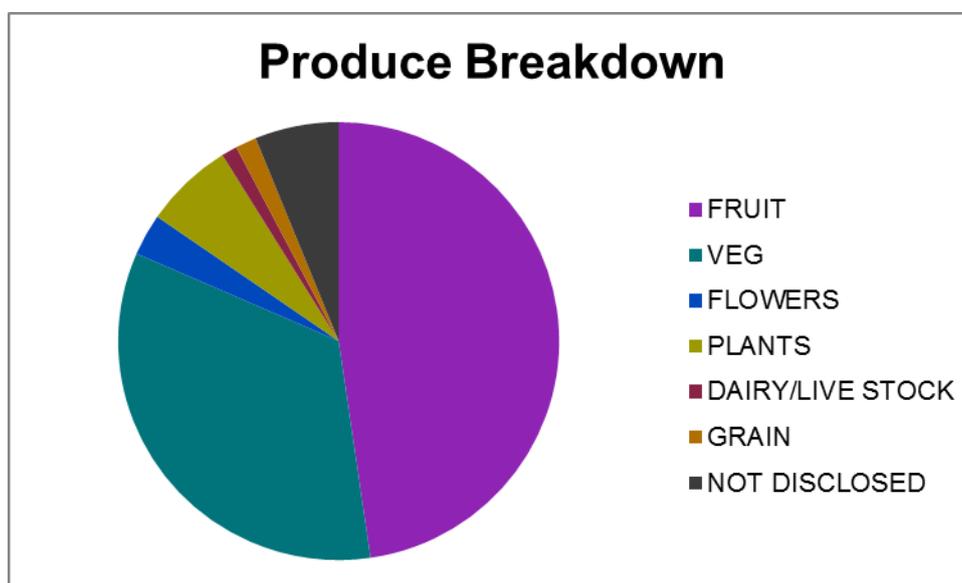


Employment Periods

- 5.3 Traditionally SAWS workers were brought over for the harvesting seasons, so arrivals would be around March with departures back to home countries around early to late October, in accordance with the 6 month work permit issued by the Home Office.
- 5.4 Following the relaxation of EU rules, many SAWS operators also supplied other nationalities aside from those under the SAWS scheme which meant that workers could be employed on the various placements over a longer period, topped up in peak seasons by the HO controlled SAWS labour.
- 5.5 As part of the consultation the GLA asked farmers and growers to advise what periods of the year workers were used, so that an analysis could be made of how this has altered since the original scheme began. Details of each response (per site) can be seen in section 6 Analysis by Region – Employment Periods.
- 5.6 The analysis indicates a shift towards longer term use of workers throughout the year, with some arriving early to assist in the preparation work (polytunnels etc.) or even planting. There is traditionally a high concentration of workers during the harvesting period although indications are that in the main this runs from April through to the end of October.

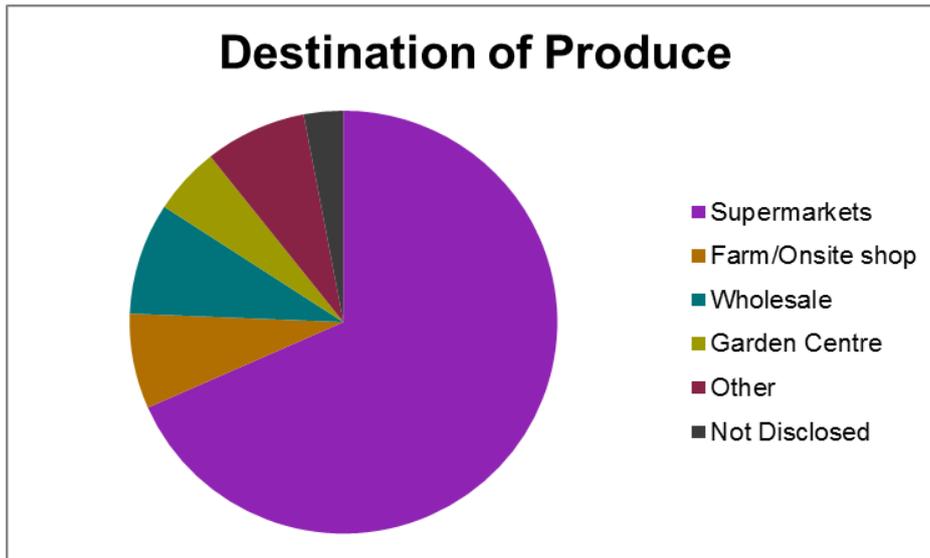
- 5.7 Weather and crop type as well as area will also dictate the use of workers and it is worth noting that a number are used for other duties throughout the “closed” season from November through to February. A particularly hard winter where crops are delayed may impact severely upon arrival times, and in the case of 2014, a mild winter has meant early arrivals, together with early crop and an abundance of available produce (as can be seen from the analysis within Scotland).
- 5.8 It would seem that some growers are now taking advantage of the relaxation of restrictions and utilising available labour or at least part of it on a permanent basis throughout the year, alternating tasks outside of the main harvesting periods rather than having to recruit certain workers to supplement others at different times of the year. This at least then retains an experienced workforce and avoids the need for additional training etc.

Crop Detail UK



- 5.9 As expected, the major crops produced on the SAWS sites are fruit and vegetables, with soft fruits being the most abundant. The short shelf life of soft fruit means that farms must ensure that they have the necessary labour on site ready to pick and pack the fruit when it is ripe and required to fill orders.

Destination UK wide

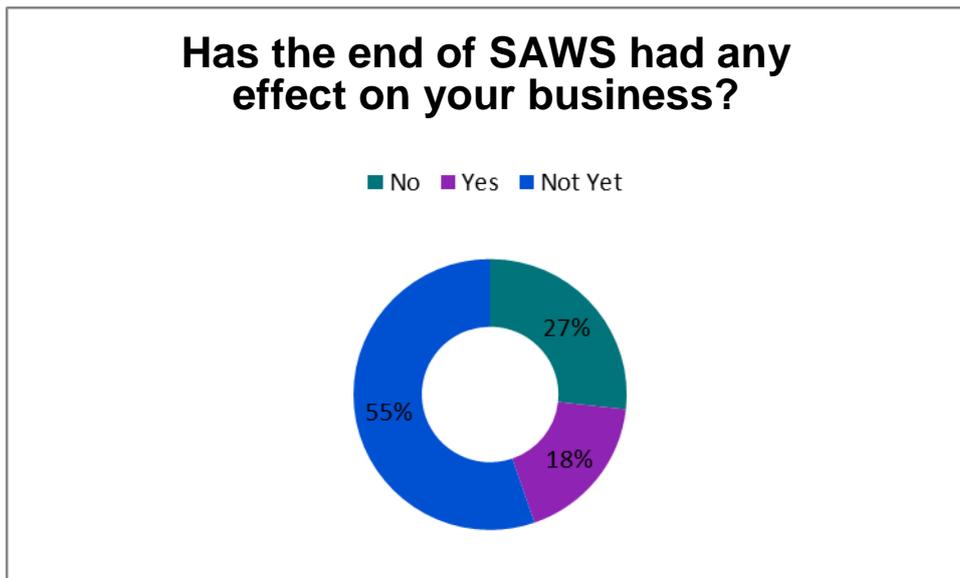


- 5.10 As can be clearly seen in the above chart, the overwhelming majority of SAWS sites' produce is destined for sale at the retailers. The destination 'Other' covered varied responses such as seed potatoes to other growers, Hops to brewers, game birds to shoots, sold in local pubs and door to door, grain to a local cooperative, amongst others. A number of farms declined to detail their customers.

Accommodation

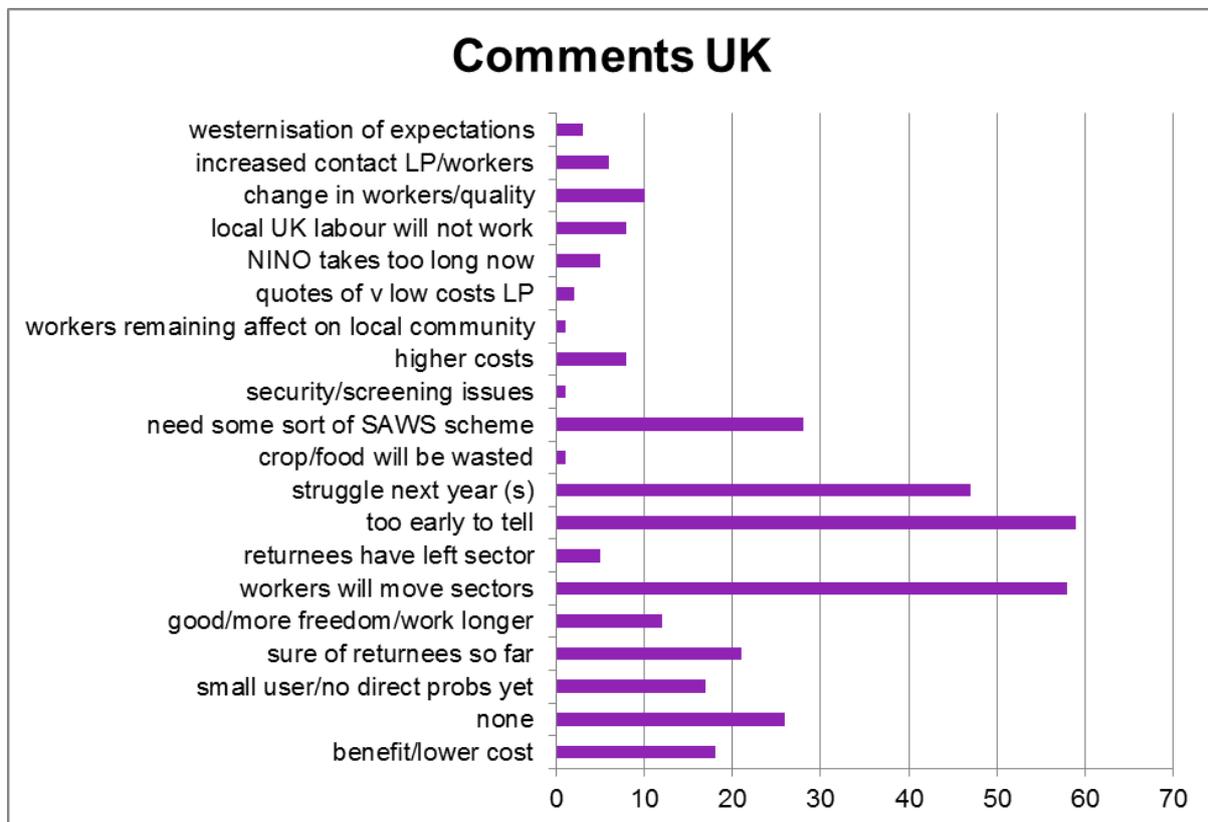
- 5.11 The provision of accommodation for participants by farmers and growers was a requirement of the original SAWS scheme agreement and even since the cessation of the scheme, almost all workers are still accommodated on site in caravans, mobile homes, porta-cabins, converted farm buildings or purpose built dormitories.
- 5.12 Since restrictions on employment periods of the old SAWS workers have been lifted, some workers have now set up home renting their accommodation in the local communities.

Effect of end of SAWS



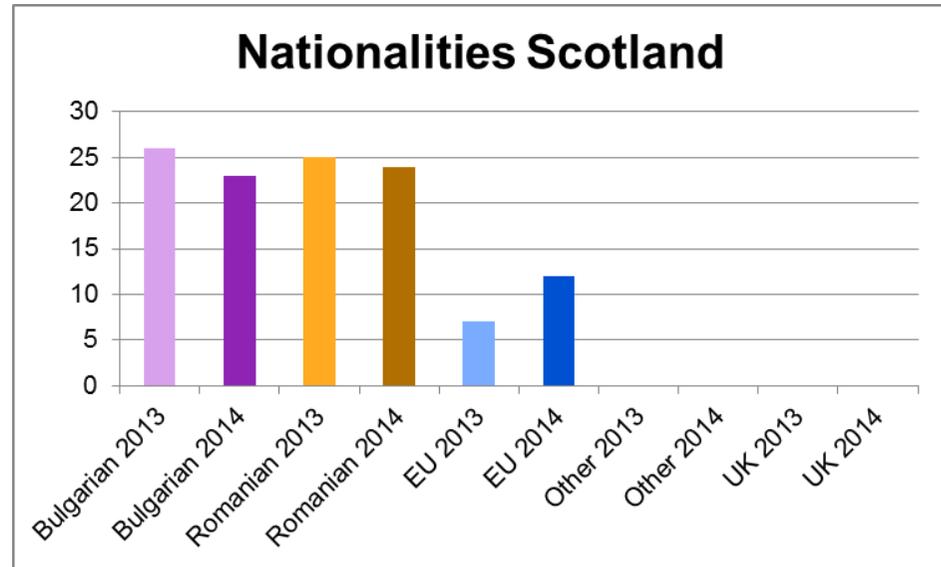
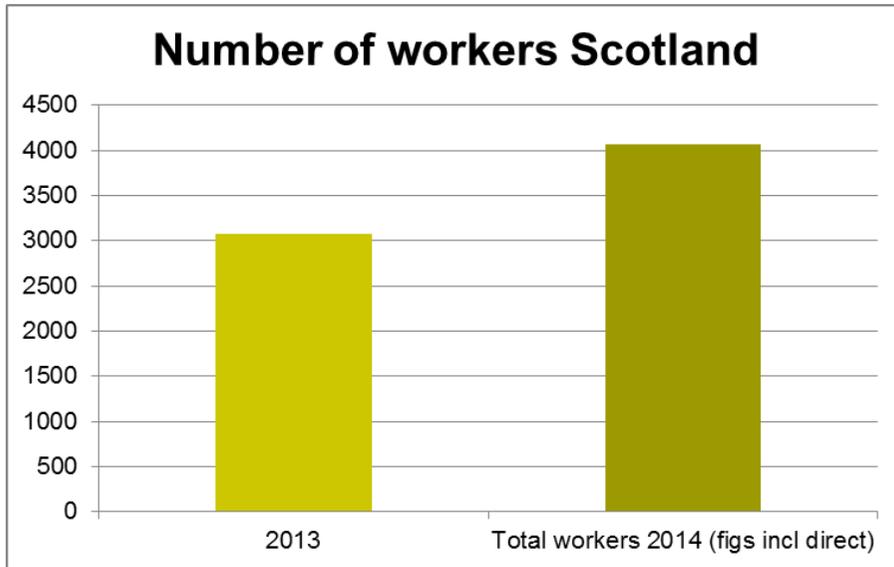
5.13 Across the UK, just over a quarter of respondents stated that the end of the SAWS scheme had had no effect on their business, however this left almost three quarters of growers who feel that the cessation of the SAWS scheme either has the potential to affect their business or feel that it already has. More than half of the respondents felt that it was too early to be able to say. See full breakdown of comments in table below (Comments UK).

Comments and concerns on cessation of SAWS

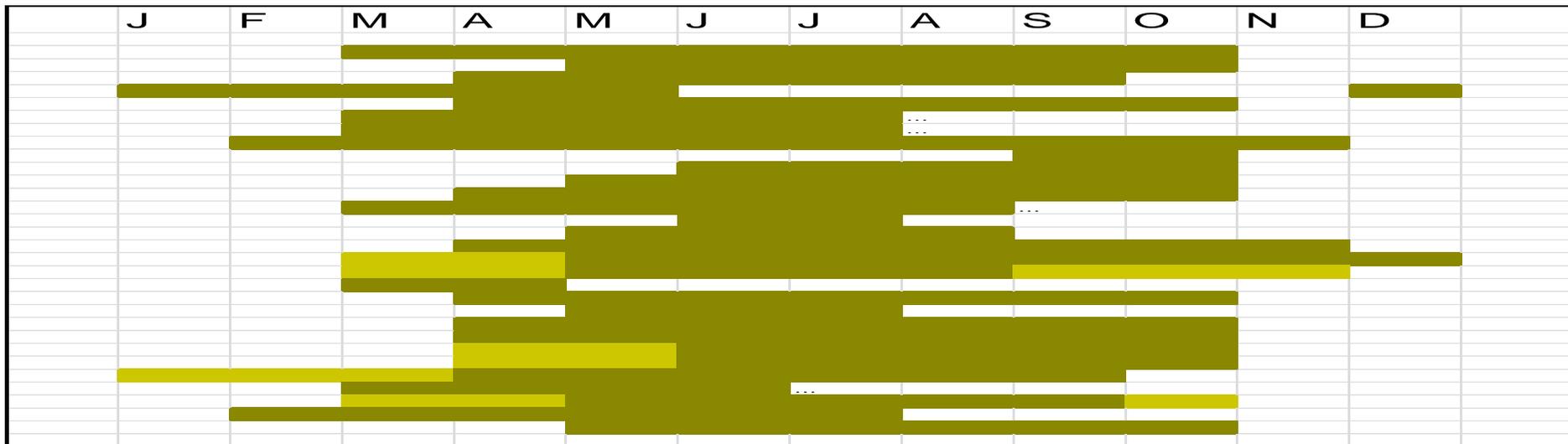


- 5.14 The chart clearly shows that the comments fall into two different groups – the most prevalent concerns regarding the end of SAWS are that farms will struggle in the coming years, that workers will move to other employment sectors and that these farmers are in need or in favour of some sort of seasonal workers' scheme. The second group is that of the smaller labour user who sees no direct problem for themselves with the end of SAWS and who have seen the benefit of lower costs and fewer restrictions for staff recruitment.
- 5.15 The majority of growers stated that it is too soon to be able to judge the effects of the cessation of the SAWS scheme and that it would be useful to revisit with the same questions at the end of this growing season and even further into the future.

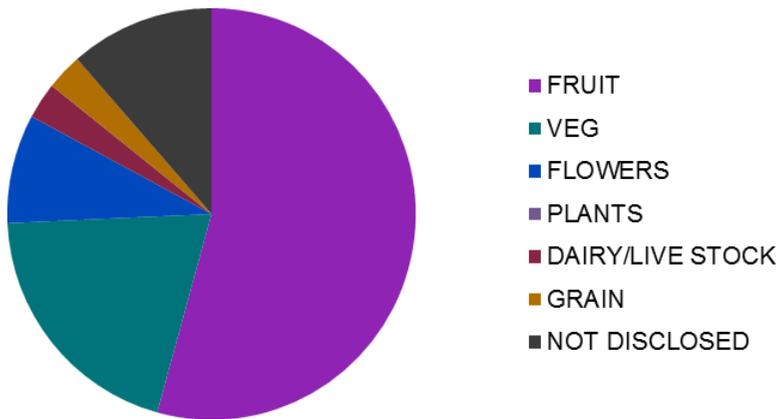
6. Analysis by Region - Scotland



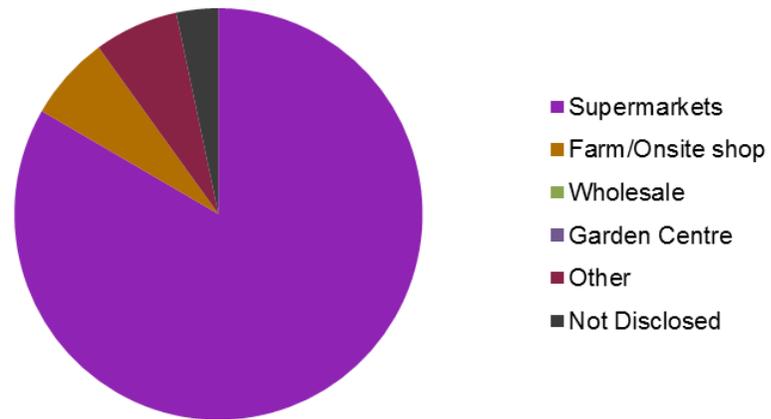
Employment Periods



Produce Breakdown

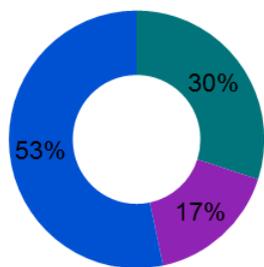


Destination of Produce

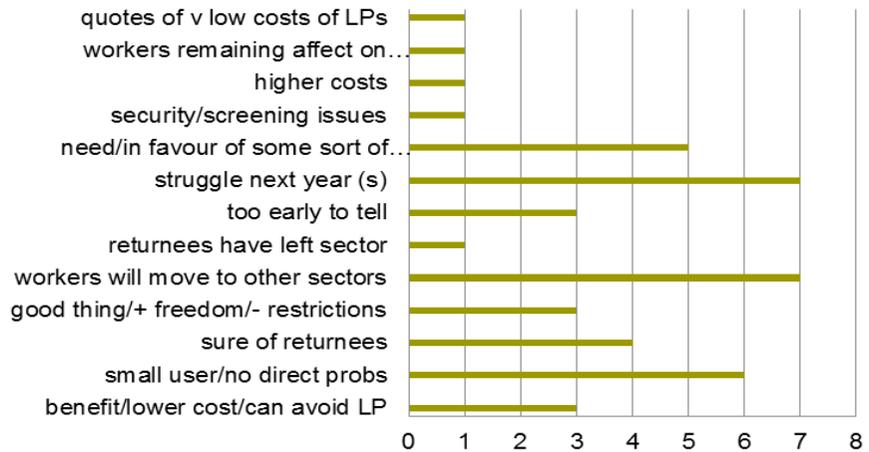


Has the end of SAWS had any effect on your business?

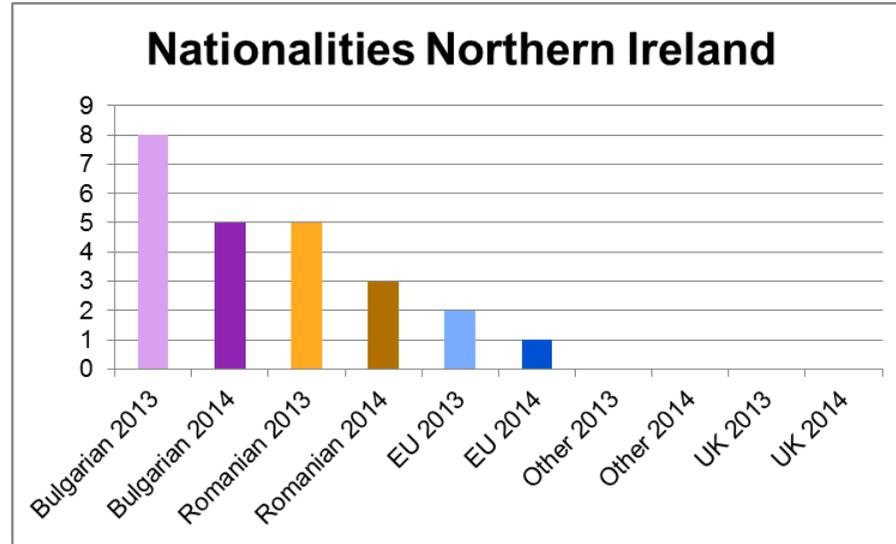
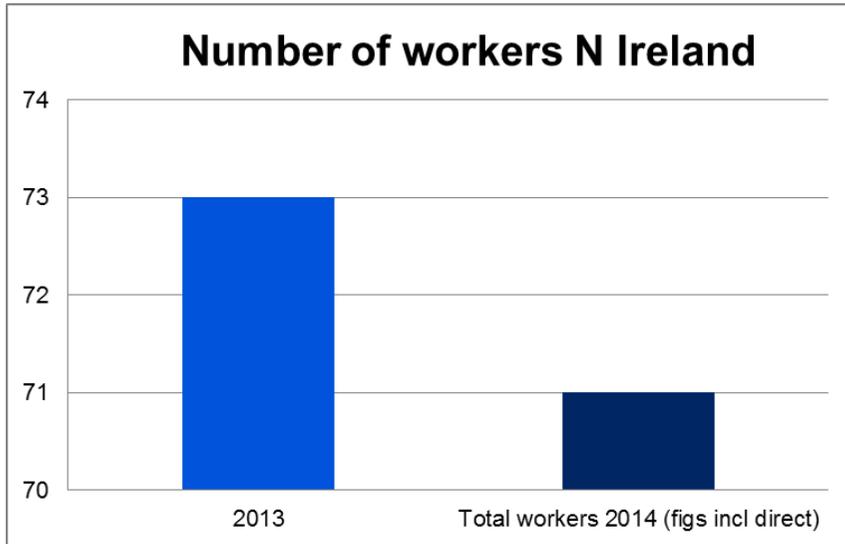
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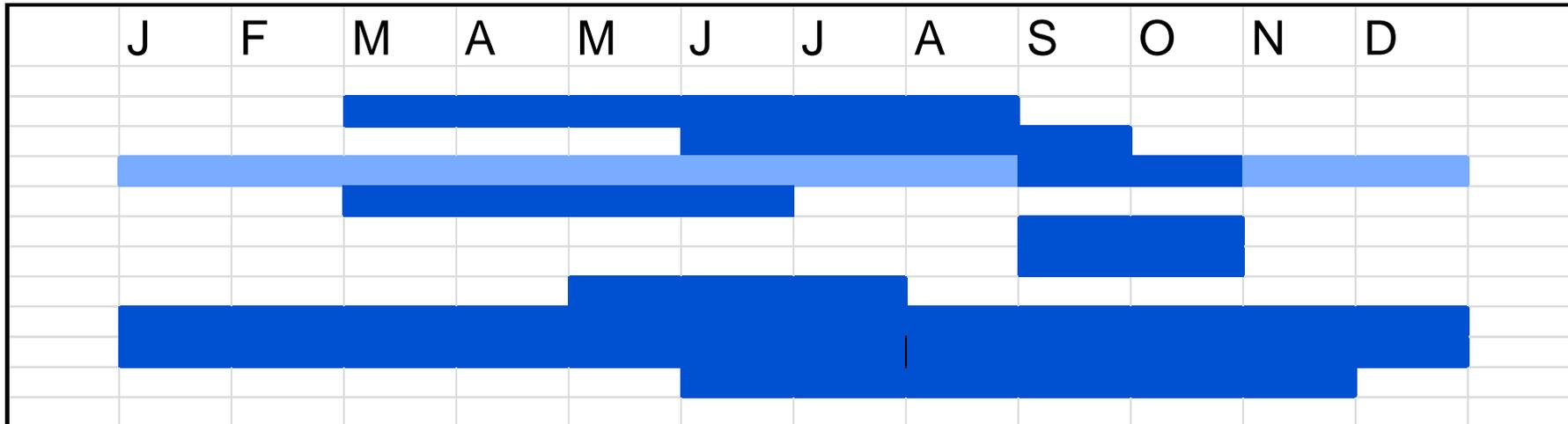
Comments Scotland



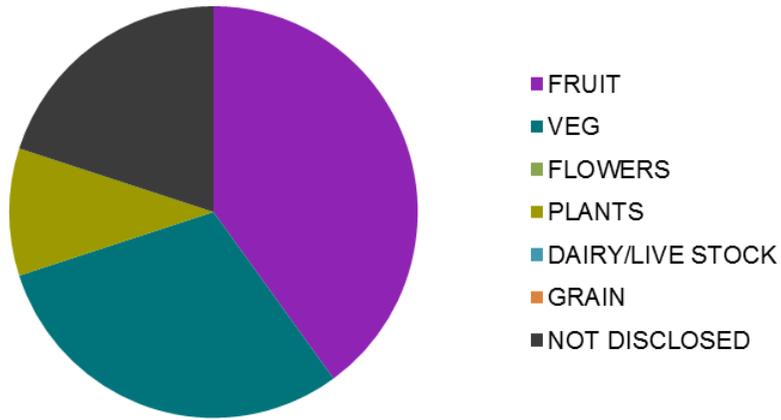
Analysis by Region - Northern Ireland



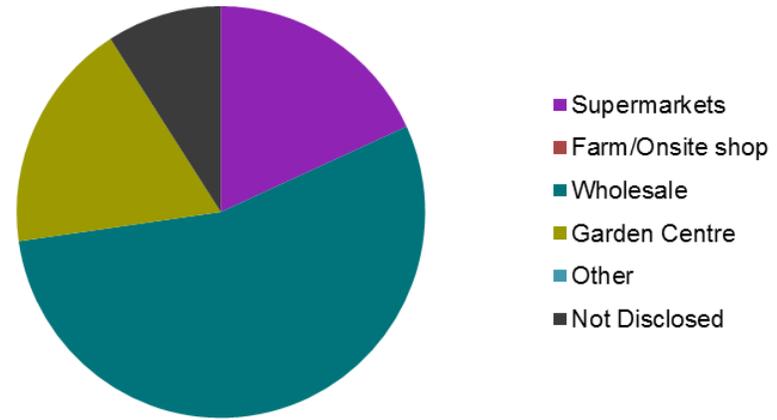
Employment Periods



Produce Breakdown

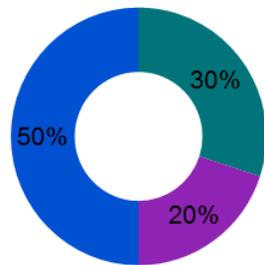


Destination of Produce

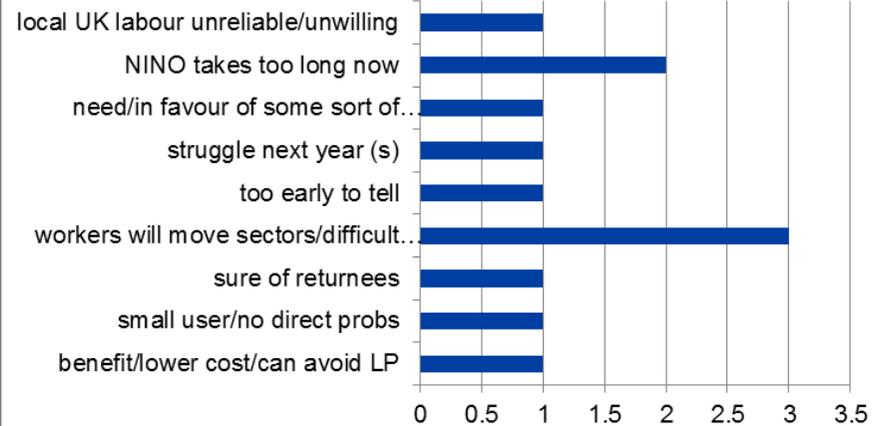


Has the end of SAWS had any effect on your business?

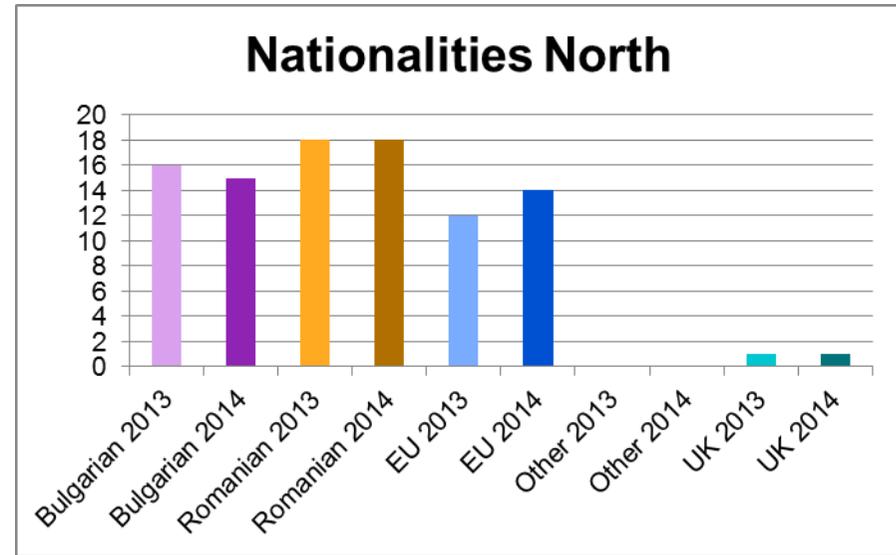
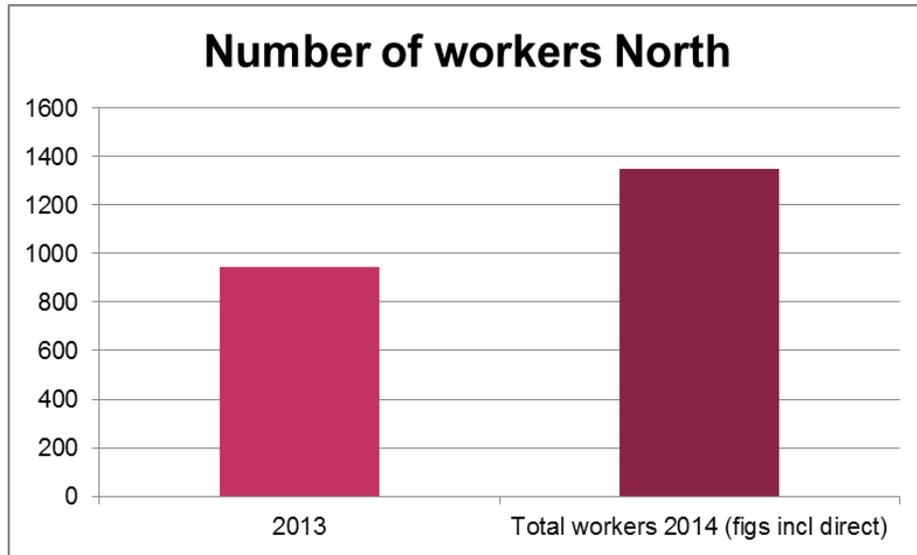
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Comments N Ireland



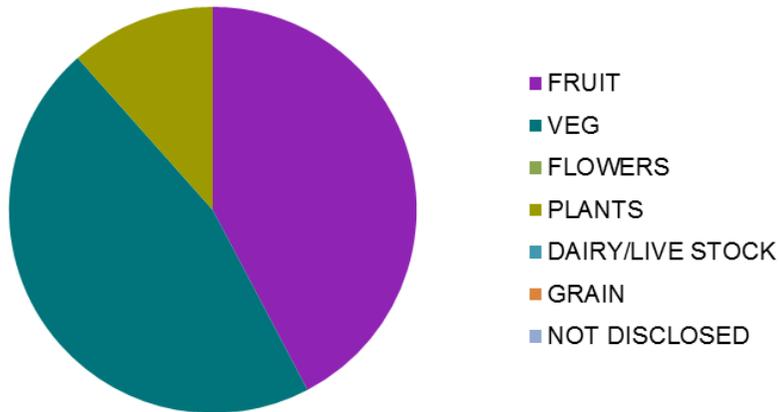
Analysis by Region – North of England



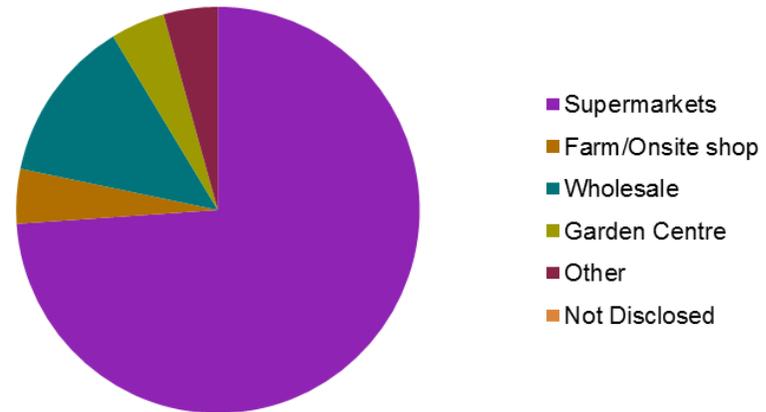
Employment Periods



Produce Breakdown

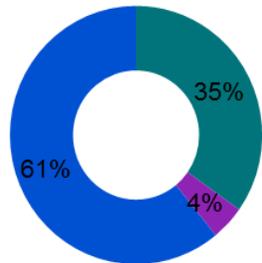


Destination of Produce

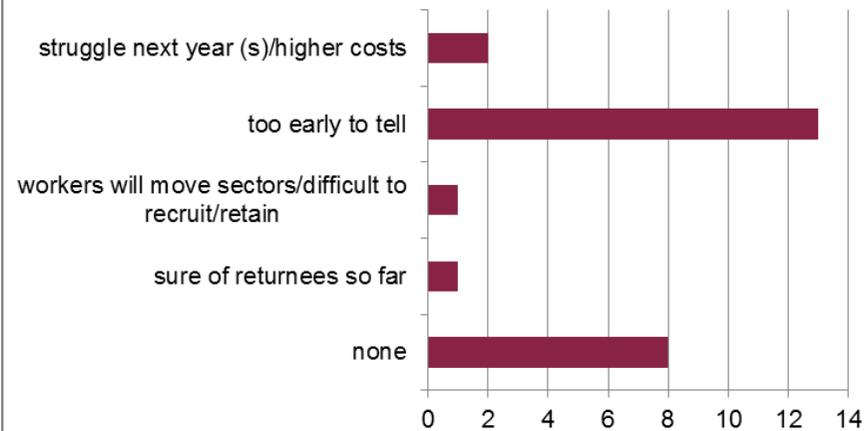


Has the end of SAWS had any effect on your business?

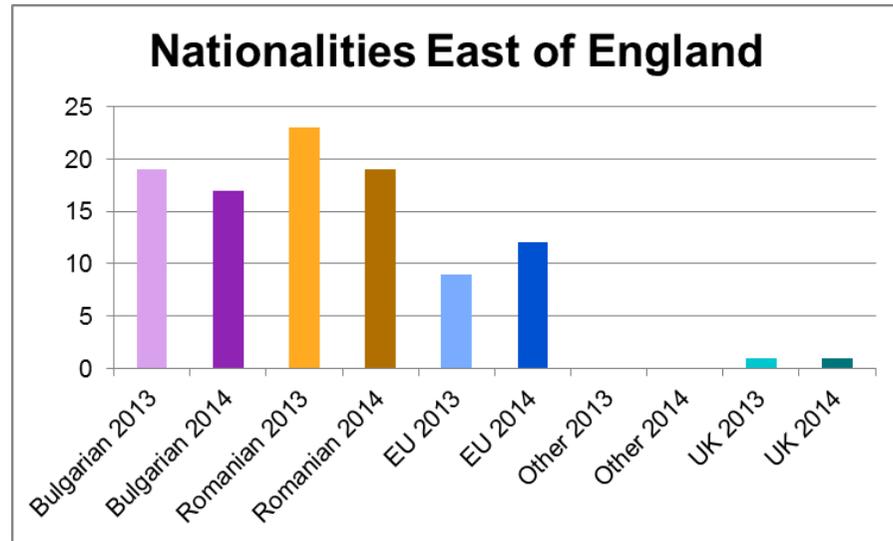
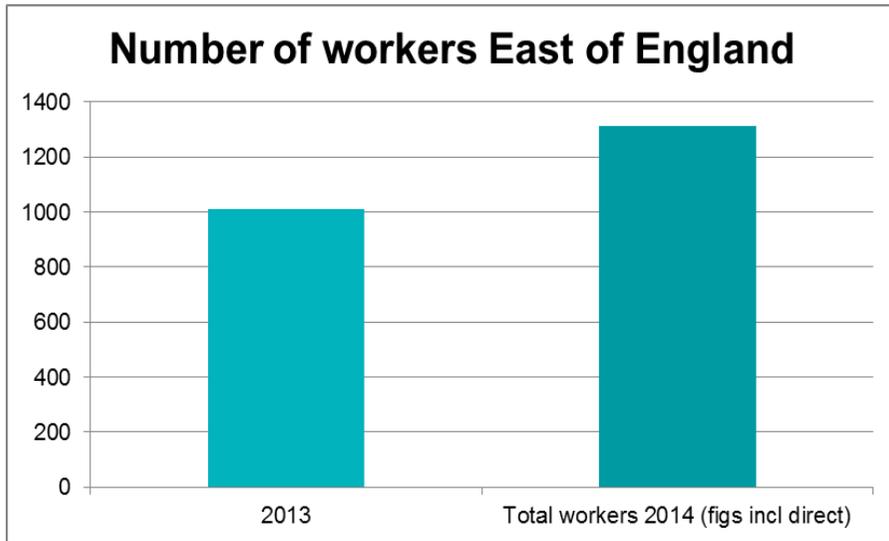
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Comments North



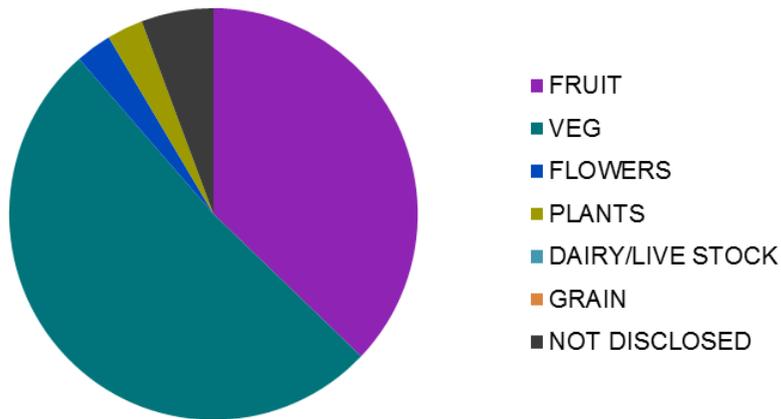
Analysis by Region – East of England



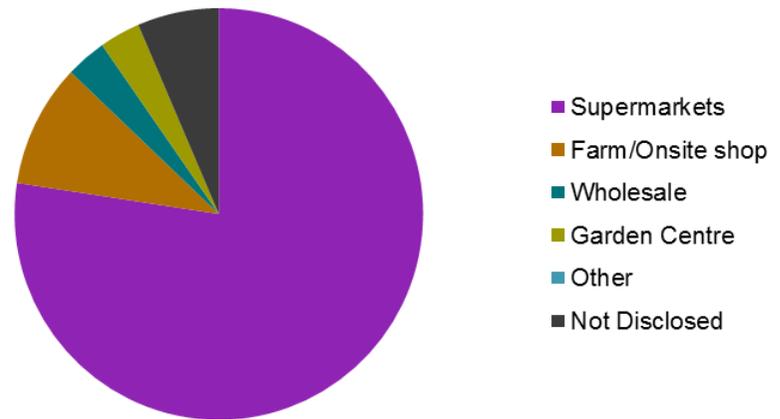
Employment Periods



Produce Breakdown

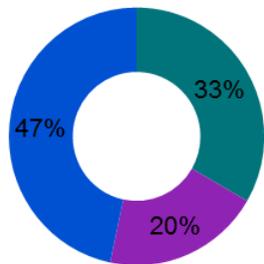


Destination of Produce

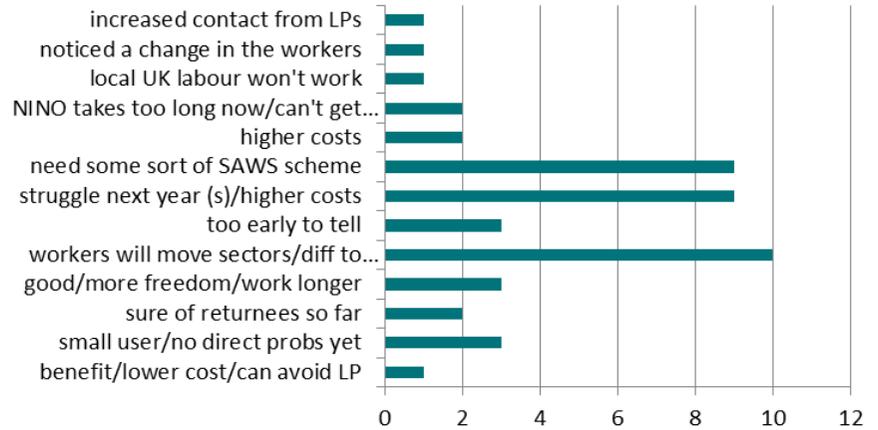


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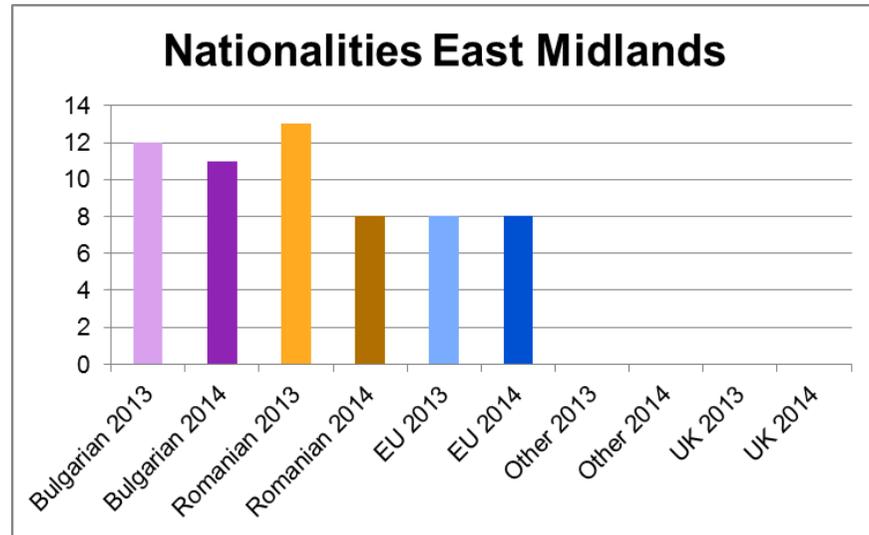
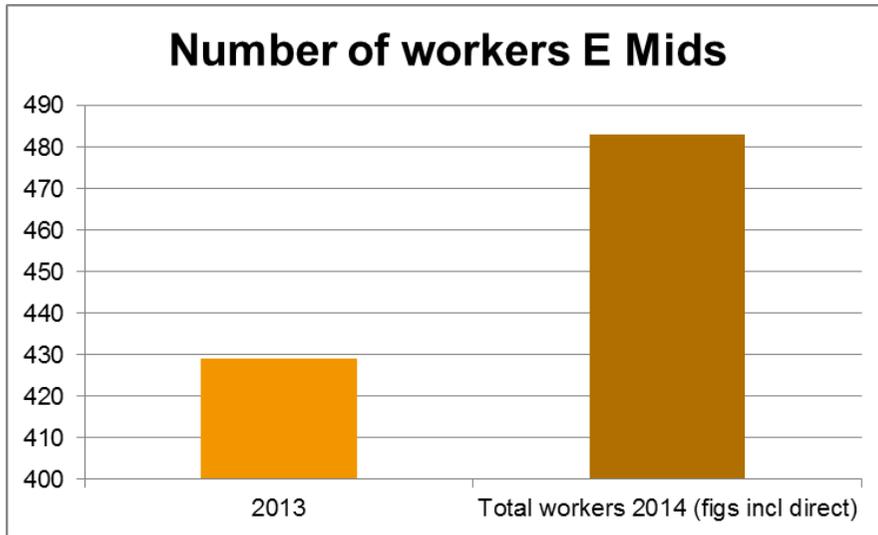
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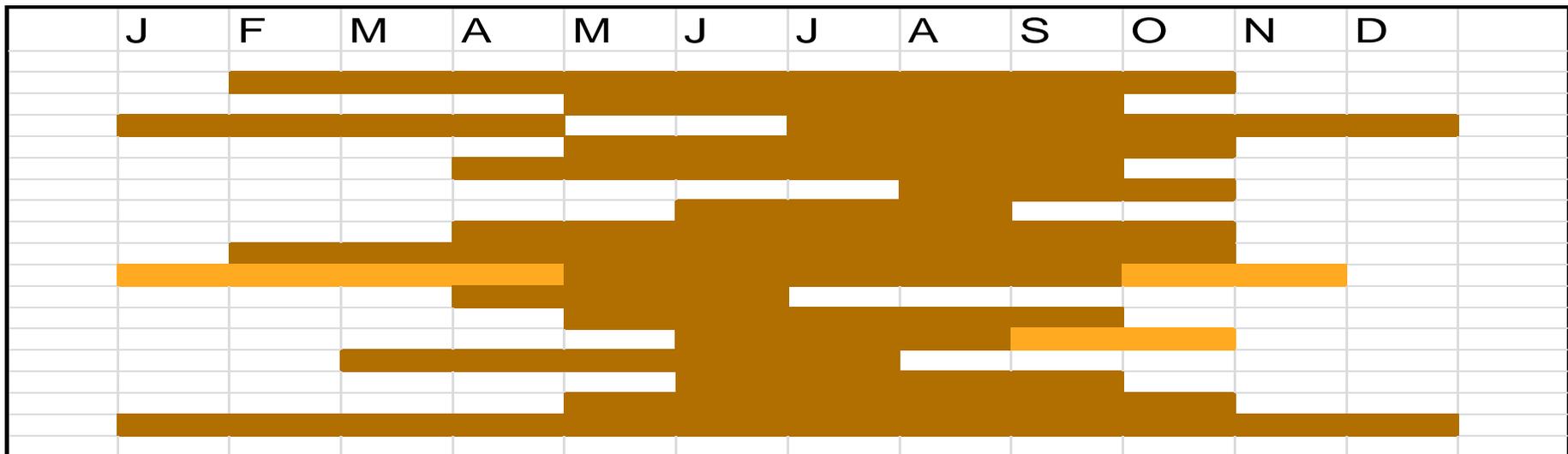
Comments East of England



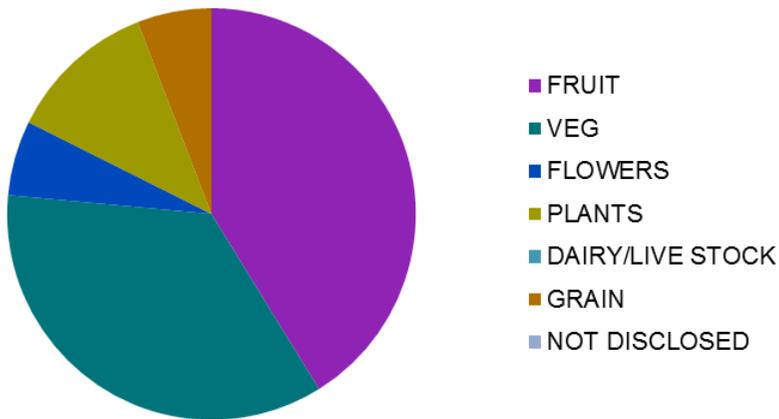
Analysis by region – East Midlands



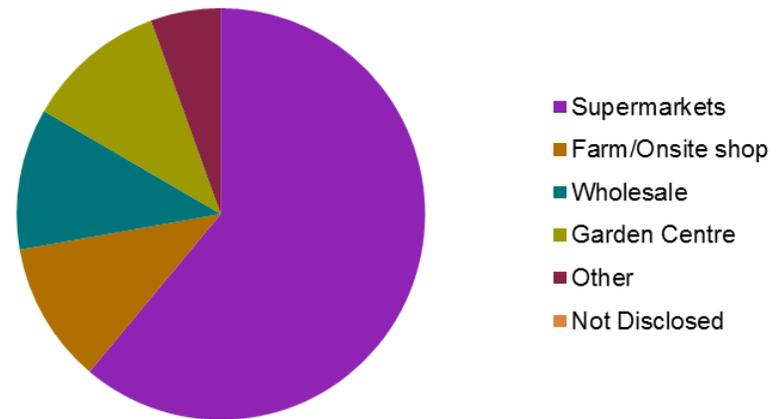
Employment Periods



Produce Breakdown

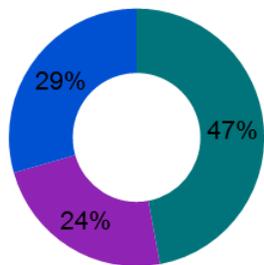


Destination of Produce

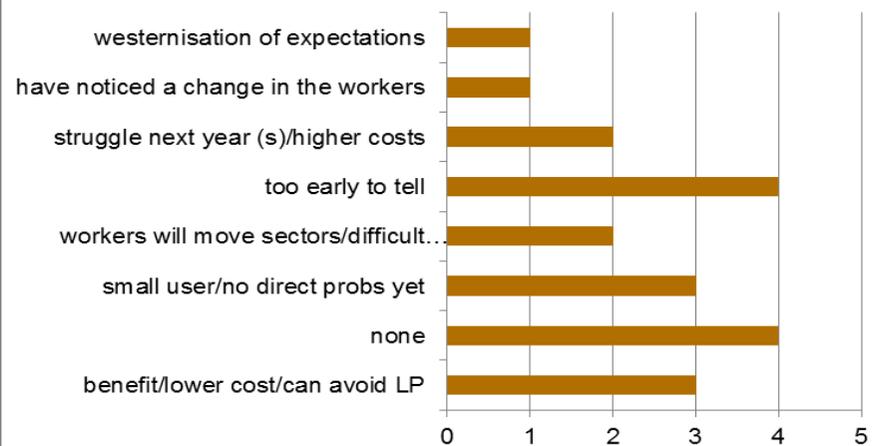


Has the end of SAWS had any effect on your business?

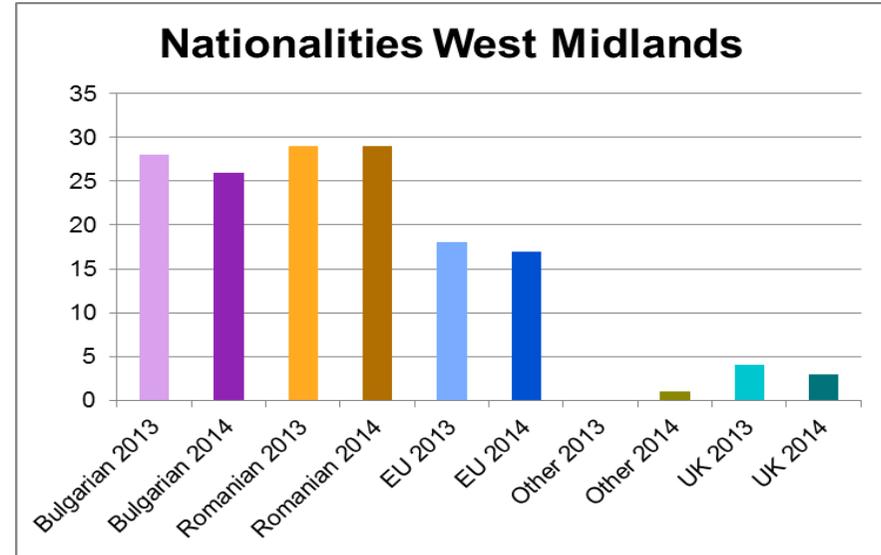
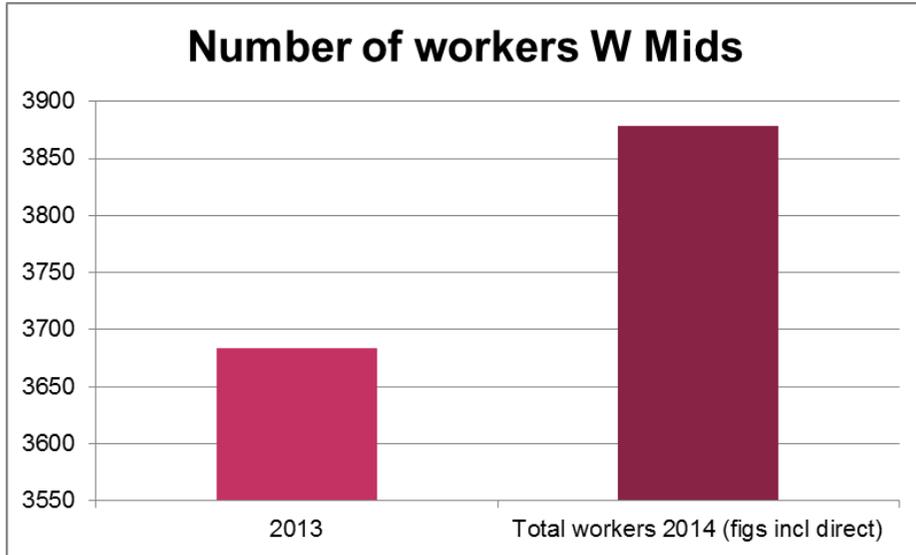
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Comments East Midlands



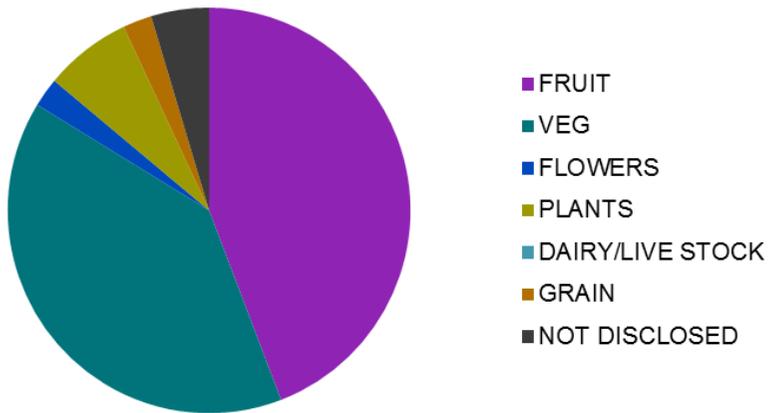
Analysis by Region – West Midlands



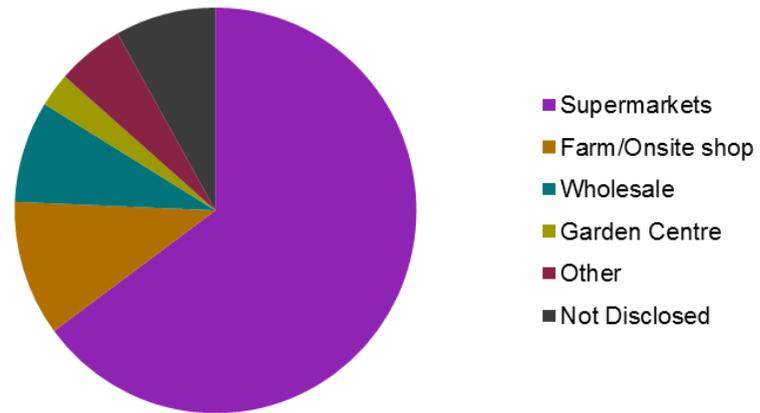
Employment Periods



Produce Breakdown

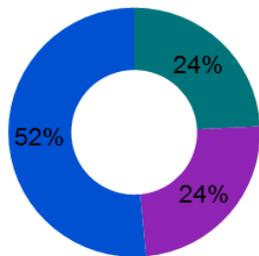


Destination of Produce

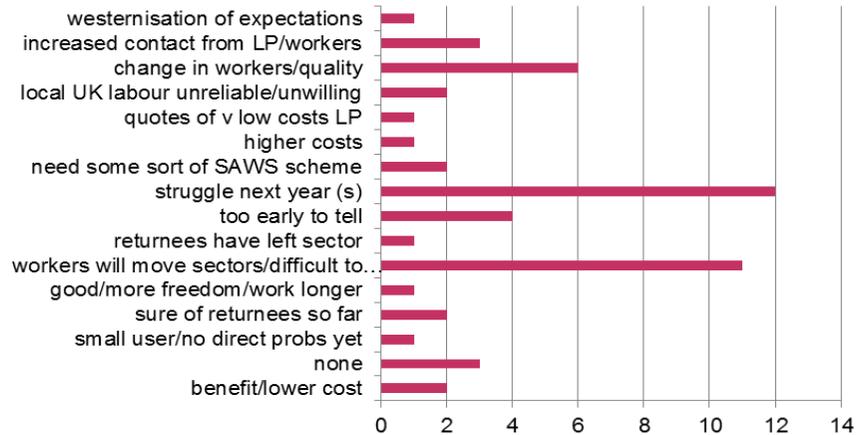


Has the end of SAWS had any effect on your business?

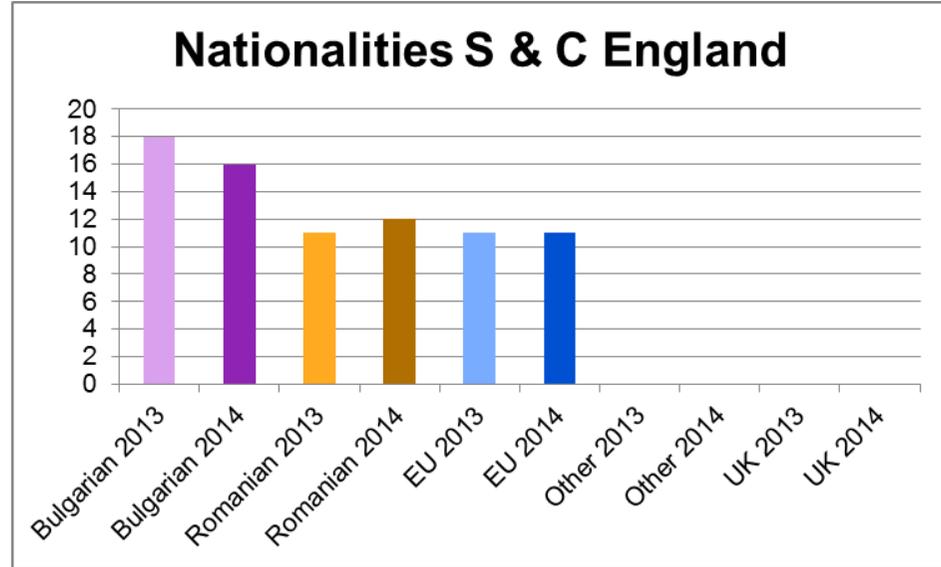
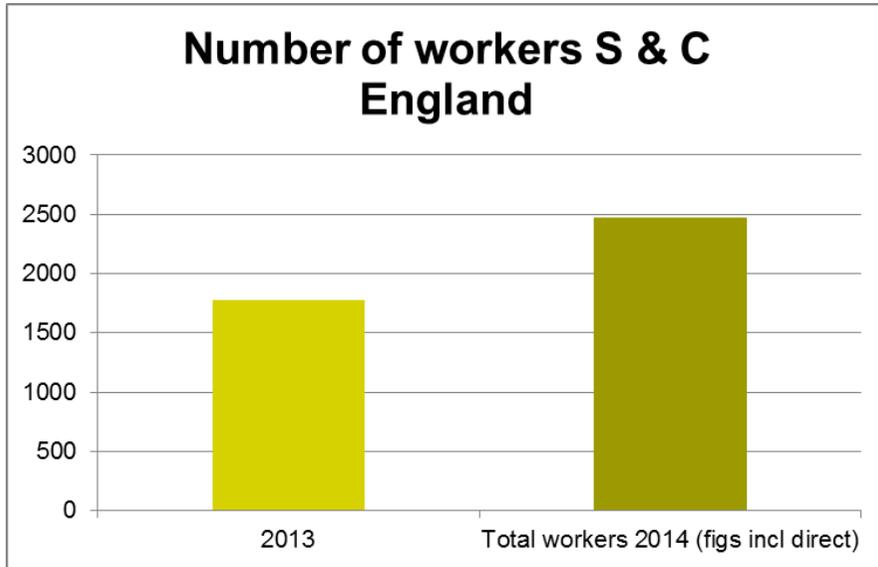
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Comments W Midlands



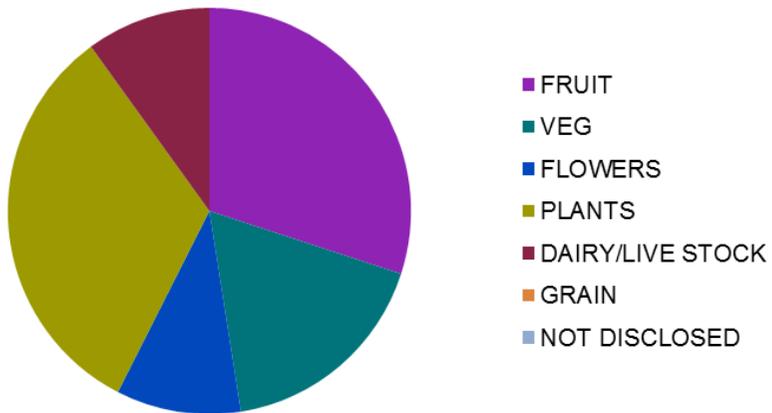
Analysis by Region – South and Central England



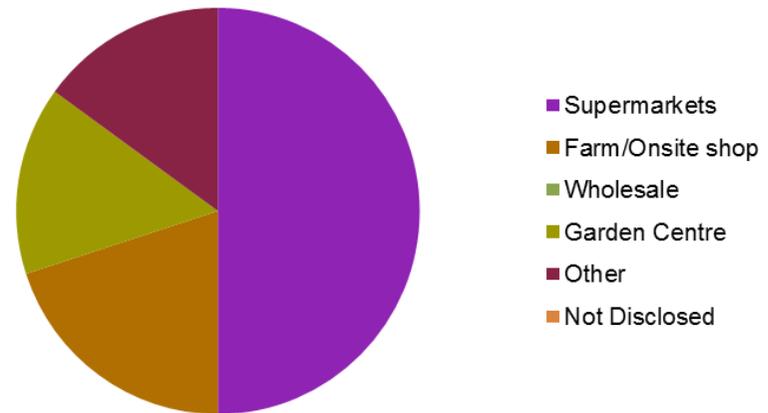
Employment Periods



Produce Breakdown

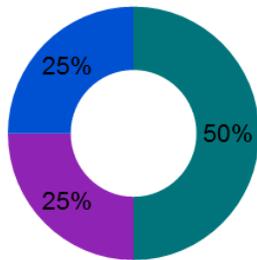


Destination of Produce

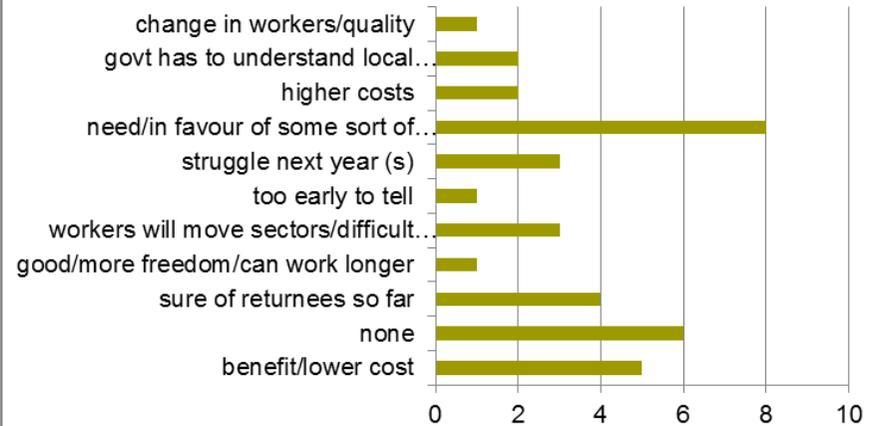


Has the end of SAWS had any effect on your business?

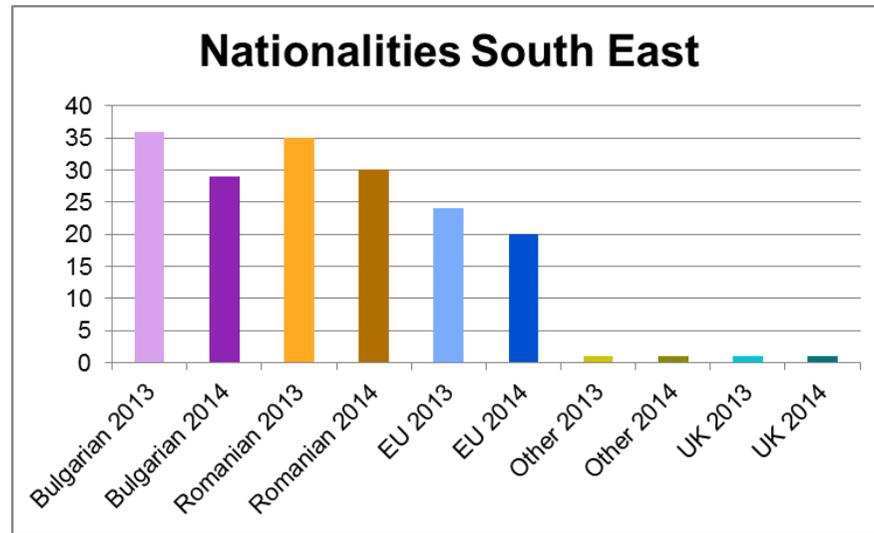
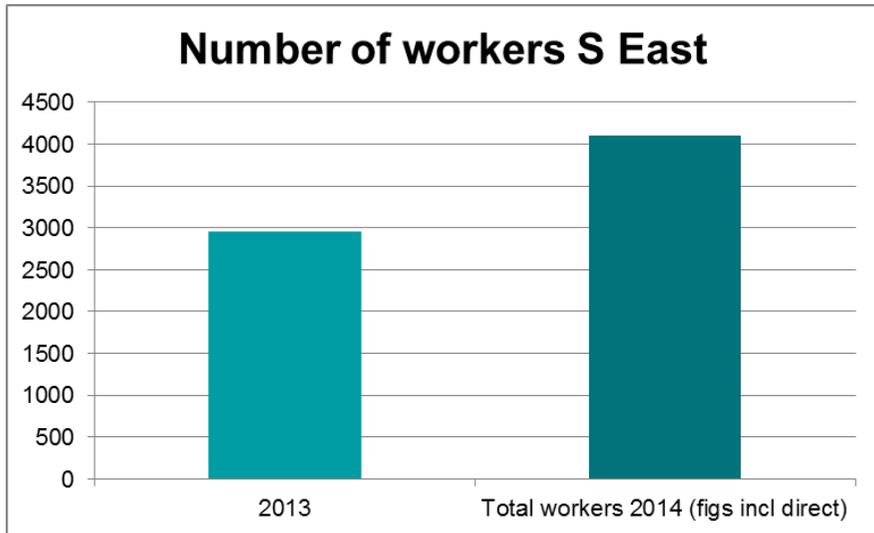
■ No ■ Yes ■ Not yet



Comments South & Central Eng



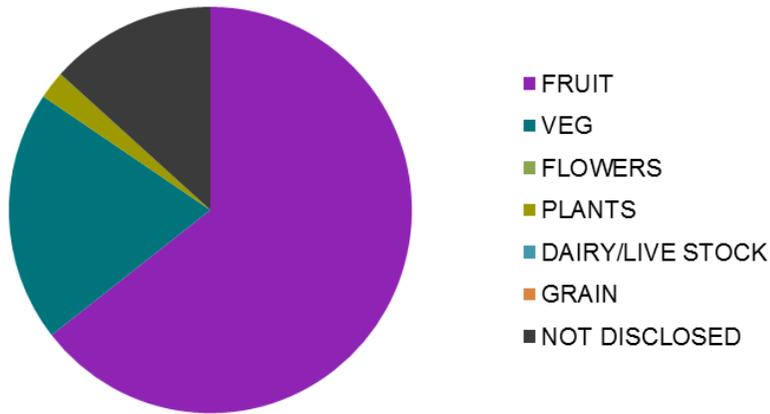
Analysis by Region – South East England



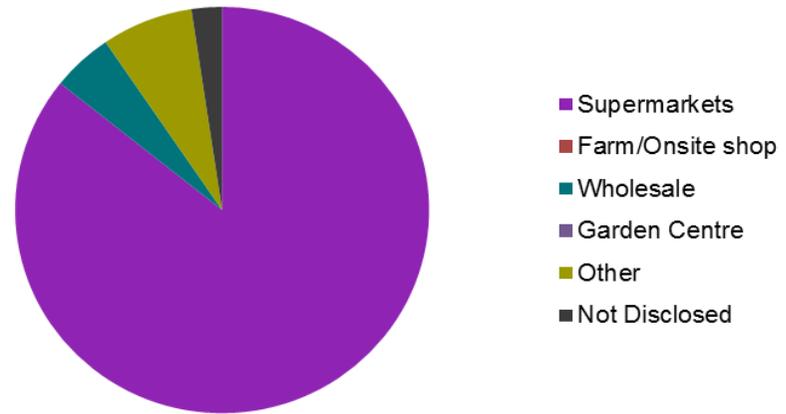
Employment Periods



Produce Breakdown

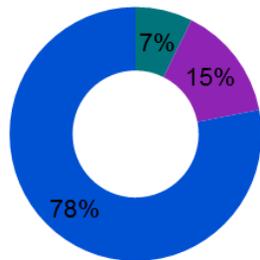


Destination of Produce



Has the end of SAWS had any effect on your business?

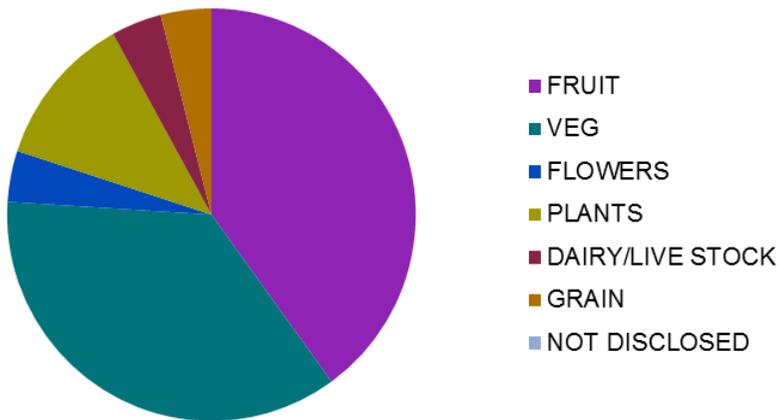
■ No ■ Yes ■ Not Yet



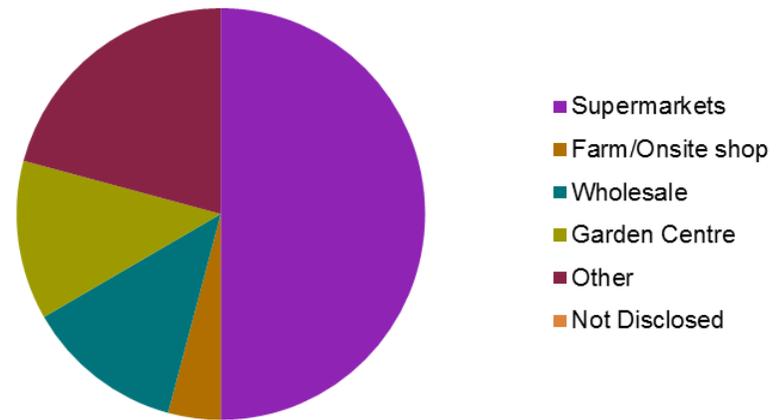
Comments South East



Produce Breakdown

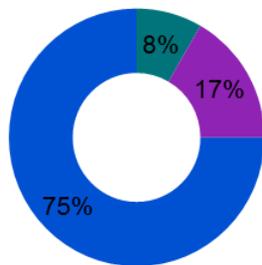


Destination of Produce

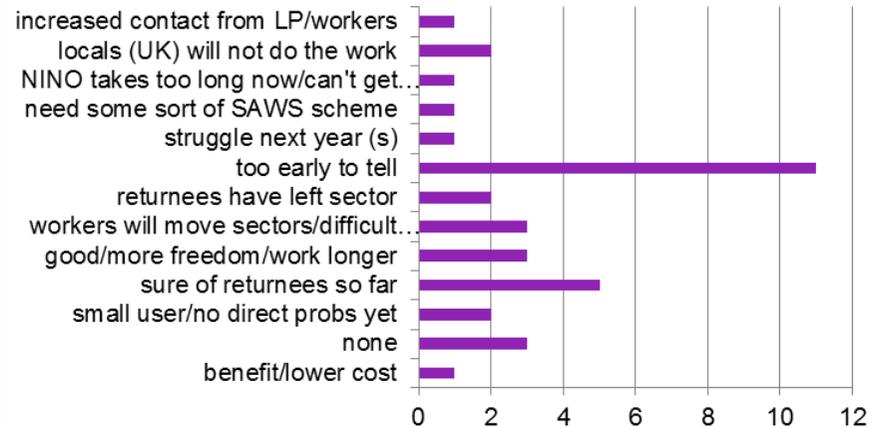


Has the end of SAWS had any effect on your business?

■ No ■ Yes ■ Not Yet



Comments South West



7. Findings

Effect of the Cessation of SAWS

- 7.1 As the exercise was carried out by the GLA in April 2014, and only a small number of the overall (previous SAWS) workers had arrived in the UK, the majority of those questioned felt that it was too early in the season to be able to state any constructive change following the end of the scheme.
- 7.2 In the past end users (farmers) have seen early expectations of workers change over the years and aspirations grow (or become Westernised), leading to workers moving on to higher skilled employment. Under the SAWS scheme the type of applicant was attracted by an opportunity to travel and learn with other workers of different nationalities. Many seized this opportunity both educationally and professionally seeking to enhance their skills via this experience whilst taking the opportunity to earn money which was either saved for their education, to set up a home or sent back to assist their family.
- 7.3 Skills obtained during this experience were utilised in future life or career.
- 7.4 As there is no longer an agreement or requirement to apply for work in the UK prior to arrival, farmers and growers raised concerns that this issue may escalate in the future, but not necessarily within year one.
- 7.5 Traditionally many SAWS workers have been habitual returnees, happy to go back to the same farm year after year, knowing exactly what they will be faced with in terms of work, pay and conditions. Very little training would be required for returnees and their earning capacity was enhanced by previous experience.
- 7.6 Farmers expressed great concern of no longer being able to attract and retain these experienced workers in the future due to the freedom for them to seek alternative and more lucrative work elsewhere, as they were no longer tied in to the SAWS scheme limitations.
- 7.7 Although some farmers welcomed the end of the scheme citing the following reasons:
- saving money by no longer having to pay certain SAWS fees to operators
 - greater freedom in terms of recruitment
 - no restrictions on length of time the workers could remain working
 - more choice of worker
 - competition amongst labour providers resulting in more cost effective provision
- 7.8 However, others acknowledged that despite the perceived benefits, extra cost would be incurred in an increased turnover of less experienced staff requiring

training, resulting in slower production whilst trying to meet the ever increasing demands of retail customers.

- 7.9 This may mean that in order to meet the required customer demand (bearing in mind the limited shelf life of most of the products produced) a heavier investment in machinery to replace a less productive manual workforce would be needed. Alternatively, some suggested that a more competitive and attractive labour market was required to recruit and retain the type of workers obtained under the SAWS scheme. Again, growers stated that this would require further investment.
- 7.10 Comments varied according to the size of the business and number of workers used. Larger businesses expressed concern over the end of the scheme and the problems it may bring in the future. Smaller businesses in general felt that the end of the scheme would have little impact as they would easily be able to recruit the few workers they required.
- 7.11 A number of individuals commented on the need for a new suitable scheme for the following reasons:
- control of worker placements/longer term contract
 - security screening and training of applicants
 - aspirations/mentality of the worker
 - enhancing agricultural skills across the EU (agricultural students as applicants)
 - controlled working period (workers return home after season)
- 7.12 With regard to the last bullet point, the issue was raised about the lack of control of future workers and the reluctance to return home after the season ends. This may result, in some cases, in community impact issues involving alcohol abuse and homelessness resulting in community tension over the winter period.
- 7.13 A number expressed concern about their continued ability to meet customer demand and indicated that this was likely to result in additional wasted crop and loss of profit and increased cost to the consumer. This may in time result in businesses going under as they would be unable to fulfil contracts.
- 7.14 In order to survive, farmers or growers may fall foul of unscrupulous individuals who may commit more serious offences involving illegal labour supply or other potentially more serious criminal offences, for example trafficking or forced labour of the workforce being supplied. This, in itself, presents a serious risk to the industry in terms of media exposure and brand damage. It has already been commented on by a number of those seen that they have noticed an increase in the 'too good to be true' offers made by individuals seeking to supply them with infinite numbers of workers.

7.15 Additional workers required by farmers or growers are now being sourced through current workers and again, this presents further risk, as the opportunity is there for unscrupulous and potentially illegal gangmasters to operate within this area and exploit the workforce.

7.16 General comments surrounding additional pressures on the business were:

- National Insurance number application delays due to no 'fastrack' system
- Difficulty in obtaining bank accounts for foreign workers
- Reluctance of UK workers to work at this level
- Customer demands
- Adverse weather (affects both workforce and crop)

8. Conclusion

8.1 In conclusion, the findings of Op Novalis indicate that it is too early to make a fully informed decision on the impact of the cessation of the SAWS scheme and that it would be sensible to revisit the consultation at the end of the season and/or later. The GLA will continue to relentlessly pursue its single strategic aim of working in partnership to protect vulnerable and exploited workers.

8.2 There is concern about the availability and reliability of future labour supply and its impact on the ability for growers to balance the competing demands of meeting increasingly higher demands of customers and the short shelf life of the majority of crops grown at the SAWS sites.

8.3 Financial pressure on the industry is a major concern to those involved, as is the risk of taking a step backward to the time before the level playing field, where illegal labour opportunities were rife.

8.4 The GLA intends to revisit this subject and monitor any increase in intelligence relating to this area.

9. Reference List

Migration Advisory Committee Report, May 2013, *Migrant Seasonal Workers: The impact on the horticulture and food processing sectors of closing the Seasonal Agricultural Workers Scheme and the Sectors Based Scheme.*

Work Permits (UK), May 2002, *Review of the Seasonal Agricultural Workers' Scheme 2002.* (Home Office publication)

Annex 1: SAWS Questionnaire

Business Name	
Address	
Enquiry Type	
Officer	
Date	

Q1	Who did you use to supply labour in 2013?
Q2	How many workers were supplied last year 2013?
Q3	What nationalities did you use last year 2013?
Q4	Who is supplying your labour this year 2014? (Please provide full details of all labour providers including your contact name)
Q5	How many workers (approx. if exact figure unknown) will be supplied this year 2014? (Low to High)?
Q6	How much is the cost to you or your business per worker supplied?
Q7	What will be the nationality of the workers this year 2014?
Q8	Will you or do you supply accommodation for the workers? If so for how many and what type of accommodation will be provided?

Q9	Over what period will the workers be employed (e.g. March to October)
Q10	What will the workers primarily be employed to do (e.g. Fruit picking – strawberries)
Q11	Where will the final product be going?
Q12	Have you received any complaints or concerns about anything from workers at any time and if so what?
Q13	On average how many workers leave or are asked to leave your site during the season?
Q14	Who pays the workers and do they all have bank accounts?
Q15	Do you have a contract with each worker that manages their expectations in terms of hours pay and conditions?
Q16	Has the end of the SAWS scheme had any effect on your business? If so please give details.
NOTES	