Migrant workers in agriculture

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Summary

The UK agriculture and horticulture sectors have long relied on migrant labour. This reliance has increased in recent years due to the seasonal nature of demand and falling unemployment in the UK.

This briefing therefore examines current concerns within the industry about a labour shortage and further concerns about the impact of Brexit might have on labour supply. One solution but forward by some has been the return of the Seasonal Agricultural Workers scheme (or something very like it), and the briefing provides a background on this.

The Seasonal Agricultural Workers scheme is the subject of a Westminster Hall debate on 6 July 2017. The debate is sponsored by Neil Parish, who was chair of the Environment, Food and Rural Affairs Committee in the last Parliament. The Committee produced a report Feeding the nation: labour constraints in April 2017.

Labour Force Survey estimates suggest 27,000 people from other EU member states worked in UK agriculture in 2016. A further 116,000 EU nationals worked in the UK’s food manufacturing sector.

During peak seasons, the agriculture sector is further dependent on a large temporary workforce - thought to be around 75,000 strong - to supplement regular, permanent staff in harvesting crops. It is estimated that 98% of this number are recruited from elsewhere in the EU.

The Seasonal Agricultural Workers Scheme

A Seasonal Agricultural Workers Scheme was introduced in 1945 to address post-war labour shortages. Initially an exchange programme encouraging students to work in UK agriculture during harvest times, it evolved as a flexible tool to meet changing labour demands in the agricultural sector. In its last phase the scheme allowed fruit and vegetable growers to employ migrant workers from Bulgaria and Romania to do short-term, low-skilled agricultural work for a maximum of six months.

The Seasonal Agricultural Workers Scheme was closed at the end of 2013 upon the lifting of restrictions on the free movement rights of Bulgarian and Romanian citizens. The Coalition Government took the view that there are sufficient numbers of workers within the UK and EU labour forces to meet the needs of the agriculture and horticulture sectors. The present Government adopted this approach.

Current labour shortages

The industry is reporting now that it has a shortfall in workers and production of some crops is at risk. Although farmers and growers of seasonal fruit and salad depend on migrant workers, according to farmers, there are not enough available to meet current needs. In December 2016, the NFU deputy president Minette Batters warned that fruit and vegetable crops could potentially remain unharvested and similar concerns have been expressed more recently by organisations representing growers of soft fruit.

The NFU is therefore calling for the return of the SAWS scheme or something akin to it and other trade bodies have made similar calls.

Access to labour after Brexit
The agriculture and horticulture sectors fear labour shortages once EU free movement law no longer applies in the UK. Industry witnesses told the Environment, Food and Rural Affairs Committee that a new Seasonal Agricultural Workers Scheme is needed in order to avoid a sudden recruitment crisis upon the UK’s exit from the EU.

The Government is yet to announce what its post-Brexit immigration policy will be for citizens of the states remaining in the EEA. The points-based system applicable to visa applicants from the rest of the world does not currently cater for unskilled migrant labour. Tier 3 of that system has never been opened as it was always assumed a need for low skilled labour could be met by the resident workforce and EEA migration.

The Government has said there is no need for a new scheme whilst the UK remains in the EU as freedom of movement still applies. Whilst stressing that it recognises the sectors’ concerns, the Government has disputed industry claims of labour shortages. In the longer run it says that the needs of the industry after Brexit need to be understood in the context of the immigration arrangements in place. It has also highlighted that there may be ways to make the sector more attractive to UK workers as well as productivity gains that could be brought by new technologies.

The Commons Library has published numerous other briefings on topical issues around immigration and agriculture. Other briefings about Brexit are available via our Brexit hub.
1. The agriculture sector’s reliance on migrant labour

Farms and other agricultural and horticultural businesses have for a long time employed numbers of migrant workers, whether those who have come to settle in the UK or those who work here for a time before returning to their home country.

How many migrant workers are employed in agriculture and food manufacturing?

- Based on the Office for National Statistics’ Labour Force Survey estimates, there were around 27,000 nationals of other EU countries working in agriculture in 2016 (a four quarter average), amounting to 8% of all people employed in the sector. However, as mentioned below, evidence received by the Lords EU Committee in spring 2017 suggested that the number is considerably higher once seasonal workers are included.

- These figures, though, need to be handled with some caution. The official employment figures compiled by the Labour Force Survey likely underestimate the extent of short-term or seasonal migrant labour in the agricultural sector. For example, the survey does not cover people living in communal establishments (such as hostels) and is unlikely to include workers living in the UK for very short periods of time.

- A further 116,000 EU nationals worked in the food manufacturing sector in the UK, representing 33% of all people employed in the sector.¹

- There are an estimated 75,000 temporary migrant workers in agriculture every summer.

Witnesses to the Environment, Food and Rural Affairs (EFRA) Committee inquiry into labour shortages in the agriculture and horticulture sectors reiterated the industry’s dependence on workers from abroad. Those giving evidence were unanimous in their view that efforts at increasing the number of workers recruited from within the UK have failed to meet the sectors’ demands.²

The EFRA Committee heard that around 20% of all regular full-time employees in agriculture are thought to be migrant labour, mainly from Romania and Bulgaria. In some parts of the sector the reliance on foreign workers is much greater.³

Similarly, in its May 2017 report on agriculture and Brexit, the House of Lords EU Committee pointed out that EU migrants make up a substantial proportion of the workforce across all agricultural sectors in the UK. Various figures and estimates from diverse sectors were submitted to the Committee:

- Of the 80,000 strong seasonal workforce in horticulture alone, 98% were migrants from elsewhere in the EU

¹ Office for National Statistics, Quarterly Labour Force Survey, Q1 to Q4 2016 microdata, via UK Data Service
² Environment, Food and Rural Affairs Committee, Feeding the nation: labour constraints, 27 April 2017, HC1009 2016-17, para 5
³ As above, para 6
On average, non-UK born labour accounts for around 11% of the processing workforce in the UK dairy industry.

Approximately 40% of staff on egg farms and approximately 50% of staff in egg packing centres were EU migrants.

One in five farms and businesses connected to the pig industry would struggle to survive without migrant labour.

Of the 35,900 direct employees in the British poultry meat industry, around 60% (21,540) are migrant workers.

Around 63% of the workforce of the British red and white meat processing industry are from other EU member states (mainly, but not exclusively, in central and eastern Europe).

The Lords EU Committee also heard from witnesses that, even where jobs did not demand high levels of skill, vacancies might still be hard to fill without available migrant labour:

Peter Hardwick, Head of Exports at the AHDB, suggested: “When you talk about skilled or non-skilled labour, it might be better to redefine that as ‘hard-to-fill vacancies’.” He gave the example of working in an abattoir:

“The work is quite hard or not entirely pleasant … those jobs may be quite low-skilled, but they are extremely hard to fill from local sources.” Mr Dunn agreed: “We need to have a system that says, ‘What is the need? Is there a supply?’ If not, we need to have a system that allows that supply to be brought in.”

Seasonal workers

The agriculture sector is further dependent on a large seasonal workforce to supplement regular, full-time staff.

Whilst the exact number of this temporary workforce is unknown, the National Farmers’ Union estimates that there are around 75,000 seasonal workers in UK agriculture. Researchers from Queens University Belfast told the Lords EU Committee that 98% of this seasonal workforce are migrants from elsewhere in the EU.

The 75,000 figure falls short of the 80,000 workers the industry claims are currently needed and far short of its expected ‘need’ of 95,000 by 2021.

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5 As above: page 70
6 European Union Committee, *Brexit: agriculture*, 3 May 2017, HL Paper 169 2016-17, ABR0021 (evidence of Dr Viviane Gravey, Dr Brian Jack and Dr Lee McGowan) para 18
7 Environment, Food and Rural Affairs Committee, *Feeding the nation: labour constraints*, 27 April 2017, HC1009 2016-17, Q195
2. The Seasonal Agricultural Workers Scheme

2.1 The scheme before 2007

The first Seasonal Agricultural Workers Scheme was introduced in 1945 in response to labour shortages after World War 2. The Migration Advisory Committee’s *Migrant Seasonal Workers* report of May 2013 provides a brief history:

3.6 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.

3.7 During the Second World War a number of organisations co-ordinated volunteers to help restore land and buildings and to work during peak harvest periods. After the War, UK volunteers went overseas to help with reconstruction in Europe and volunteers from other countries were accepted into the UK. Participants were mostly young people, often students, aged between 18 and 25.

3.8 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.

3.9 The annual quotas of people allowed to work in the UK under the scheme have changed throughout the scheme’s history. [...] 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 [report] (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.

3.10 Since 2005 the underlying policy of successive governments has been to phase out the SAWS. The reduction in the SAWS quota from 25,000 to 16,250 in 2005 was to take account of the fact that nationals of countries which joined the European Union (EU) in 2004 had accounted for a third of the take-up of the SAWS in 2003. Following accession, these A8 nationals could continue to work in this sector without restriction and the expectation was that they would continue to do so, at least in the short-term.

Initially a response to 1945 labour shortages, the scheme evolved as a flexible tool to meet changing demands in the agriculture and horticulture sectors.
2.2 Bulgarian and Romanian accession to the EU

Transitional arrangements applied in most of the European Union’s enlargements, most recently following the Accession Treaties of 2003 and 2005. These measures allowed EU Member States to restrict temporarily the right of workers from the countries joining the EU to move freely to another Member State to work. The transitional arrangements envisaged Member States introducing the right of free movement gradually over a seven-year period, at the end of which period all labour markets were to be fully open.

When Bulgaria and Romania joined the EU in 2007 the Labour Government opted to apply transitional restrictions to Bulgarian and Romanian workers’ free movement rights. Bulgarian and Romanian nationals’ opportunities to come to the UK as workers were restricted as follows:

- Highly skilled migrants had unrestricted access to the labour market if they qualified under the Highly Skilled Migrant Programme scheme, which was in place at the time of accession.
- Skilled workers were able to come to the UK if they were filling a vacancy which could not be filled by a resident worker, and qualified for a work permit under the arrangements which were in place prior to the points-based system for immigration.
- Low-skilled workers were limited to two quota-based schemes:
  - the Seasonal Agricultural Workers Scheme
  - the Sector Based Scheme (which covered food processing jobs).

The Coalition Government decided to keep restrictions in place for the full seven year transition period.

2.3 Operation of the 2007 scheme

The Seasonal Agricultural Workers Scheme allowed fruit and vegetable growers to employ migrant workers from Bulgaria and Romania as seasonal workers doing short-term, low-skilled agricultural work. Workers had to be aged 18 or over. Successful applicants received a work card permitting them to work in the UK, for a specific employer, for a maximum of six months. According to the Migration Advisory Committee, concentration of these workers was particularly high in Kent, Herefordshire, parts of the East of England and the east coast of Scotland.8

From 2007 the scheme was open only to Bulgarian and Romanian workers.9 It closed when transitional restrictions were lifted at the end of December 2013.

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8 Migration Advisory Committee, *Migrant Seasonal Workers: The impact on the Horticulture and food processing sectors of closing the Seasonal Agricultural Workers Scheme and the Sectors Based Scheme*, May 2013, page 10
9 PQ HL3019, 7 November 2016
The chart below shows the number of workcards under the SAWS scheme issued to Bulgarian and Romanian nationals from 2008 to 2013:

Number of Seasonal Agricultural Worker Scheme work cards issued to nationals of Bulgaria and Romania, 2008-2013

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2.4 Closure of the scheme

In August 2012 the then Minister of Immigration, Damian Green, tasked the Migration Advisory Committee with considering the impact of the lifting of transitional restrictions and the closure of the Seasonal Agricultural Workers Scheme.

The Committee summarised its conclusions as follows:

We found little evidence that, following the closure of the current scheme at the end of 2013, the current supply of seasonal workers from Bulgaria and Romania and the A8 countries will decline in the short term. However, in the medium term, farmers are likely to experience increasing difficulties sourcing the required level of seasonal labour from the EU (including the UK) labour market. A new source of seasonal labour is likely to be required, or the horticulture sector will need to consider alternatives if increased labour costs cannot be absorbed without impacting on its size. It is for the Government to decide whether and how to support the horticulture sector. However, to secure long-term investments in horticulture, it would be helpful for farmers to know what the Government will do post-2013 as soon as is practicable.\(^\text{10}\)

On 12 September 2013 Mark Harper, then Minister for Immigration, announced the Government did not intend to open a new Seasonal Agricultural Worker Scheme for non-EEA national workers upon the lifting of transitional restrictions on Bulgarians and Romanians. In a

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\(^{10}\) Migration Advisory Committee, *Migrant Seasonal Workers: The impact on the horticulture and food processing sectors of closing the Seasonal Agricultural Workers Scheme and the Sectors Based Scheme*, May 2013, page 12.
statement to the House of Commons he explained the Coalition Government’s view that there should be sufficient numbers of workers from within the UK and EU labour markets to meet the needs of the horticultural industry. The Minister promised to keep the situation under review:

The government recognises that the SAWS has for many years provided an efficient supply of labour for the horticultural sector. The Department for Work and Pensions has been working with JobCentre Plus, LANTRA (the sector skills council), the National Farmers’ Union and others, including growers and horticultural recruitment firms, to help unemployed UK residents into horticultural work through training and guaranteed interviews. A pilot scheme to encourage unemployed UK residents to apply for, train and secure jobs on arable farms has shown encouraging results with a high proportion of participants going on to secure employment in the sector. We want to build on this and other innovative approaches. The government, including the Department for the Environment Food and Rural Affairs, the Department for Work and Pensions and the Department for Communities and local government, looks forward to working with the sector to monitor and address the issues, and will keep the situation under review.11

11 HC Deb 12 September 2013 c60WS

The Coalition Government saw the EU as a ready source of unskilled labour

Mark Harper spoke of encouraging UK residents into agricultural and horticultural work
3. Do current immigration rules meet agriculture’s needs?

Background briefings from the Commons Library

Pages 53-63 of our August 2016 briefing on Brexit - Brexit: impact across policy areas - set out key issues in relation to agriculture.\(^{12}\)

Two of our debate packs - the effect of Brexit on agriculture and fisheries in South West England and the effect of the UK leaving the EU on the rural economy – also examine these issues.\(^{13,14}\)

At present, the debate centres on two separate (but overlapping) issues:

- The industry is reporting now that it has a shortfall in workers and harvesting of some crops is at risk. Although agriculture and horticulture depend on migrant workers, they state there are not enough available to meet current needs. The NFU is therefore calling for the return of the SAWS scheme or something akin to it.

- The industry fears too that expected changes to immigration control, ending the free movement of EU workers to the UK, will exacerbate the problems it is already facing and will make labour shortages even more acute, through the imposition of greater restrictions on the movement of unskilled labourers.

3.1 Is there an agricultural labour shortage now?

Calls for a new scheme for seasonal harvest workers

The NFU published a paper calling for a new seasonal agricultural workers scheme in May 2012.\(^{15}\)

In March 2016, the NFU again called on the Government to consider the introduction of a new immigration scheme, allowing agricultural students from all over the world to undertake seasonal harvest work in the UK. The request followed an NFU survey showing growers struggled to source an adequate supply of seasonal workers to meet their needs. That survey had revealed that:

- Nearly a third of respondents had experienced problems getting enough seasonal workers to meet their needs

\(^{12}\) CBP 7213, 26 August 2016
\(^{13}\) CDP 2016-0177, 14 October 2016. The debate can be found at HC Deb 19 October 2016 cc376 onwards.
\(^{14}\) CDP 2017-0018, 14 January 2017. The debate can be found at HC Deb 17 January 2017 c828 onwards.
\(^{15}\) National Farmers’ Union, NFU policy proposal: A Seasonal Agricultural Workers Scheme (SAWS) for the Next Decade, May 2012.
Those employing a higher number of seasonal workers experienced more problems securing an adequate supply, with the labour-intensive fruit sector being most affected.

The top 3 problems experienced by respondents were:
  o Insufficient numbers
  o Problems with quality and/or reliability of workers
  o Problems with retention or acquiring staff late in the season\textsuperscript{16}

The NFU renewed its call for a ‘global, seasonal agricultural workers scheme’ in December 2016. Describing the labour shortages as a ‘red alert,’ the NFU deputy president Minette Batters warned that fruit and vegetable crops would be ‘rotting in the fields’ without action.\textsuperscript{17}

Similar problems and concerns have been reported by the salad growing industry. Recently, in a survey for the BBC, fruit and salad growers said they might not have enough migrant workers to harvest their crops:

We asked [growers] if they had enough seasonal workers for the start of the main picking season:
  • 32% said they weren’t sure
  • 18% said they had slightly fewer than they needed
  • Just over 3% reported having many fewer than required
  • 42% said they had just enough
  • 1% said they had more than enough

Meanwhile, 78% of respondents said recruitment had been more difficult than last year, with 20% saying it had been the hardest for years.\textsuperscript{18}

The BBC’s survey and article questioned why horticulture did not employ more British workers. Some respondents suggested this was because they were in areas of low unemployment:

The answer is straightforward for Beverley Dixon, from G’s Fresh, which employs some 2,500 seasonal workers growing salad crops across large areas of Cambridgeshire and Norfolk, as well as other farms dotted across the UK.

“We operate in areas of such low unemployment, so here in Cambridgeshire, it’s less than 1.5%,” she said.

“So there simply aren’t the people available to do the work, added to which UK people tend to want permanent year-round work and this is seasonal work.”\textsuperscript{19}

The BBC also quoted a spokesperson from the Agriculture and Horticulture Development Board (AHDB, a statutory levy board, funded by farmers, growers and others in the supply chain and managed as an

\textsuperscript{16} NFU End of Season Labour Survey 2015: pages 2-3
\textsuperscript{17} ‘NFU issues warning on potential labour shortage’, Farmers Weekly, 2 December 2016
\textsuperscript{18} ‘Fruit and veg farmers facing migrant labour shortages’, BBC News online, 22 June 2017
\textsuperscript{19} As above
independent organisation), arguing that the UK was not alone in facing recruitment problems for seasonal agricultural work:

If we look at other developed countries around the world, places like Australia and New Zealand, they source labour from the Pacific Islands.

In the US, they source labour from Mexico and the Caribbean countries. So there are a number of places where countries have to go outside their borders to source the seasonal workers that they need...  

Likewise, in June 2017, a recent report from British Summer Fruits (the trade body for the soft fruit industry) outlined the sector’s dependence on seasonal migrant labour and concerns for the future:

- Only a tiny fraction of seasonal labour for Soft Fruit production is provided by UK nationals, with the majority of workers being of European Union (EU) origin. Indeed, without this imported EU labour, a significant proportion of whom enter and leave the UK annually, the growth in both the production and consumption of Soft Fruit in the UK over the last twenty years would not have been possible.

(…)

- A reduction or loss in the volume of UK Soft Fruit production, due to seasonal worker availability, would have very significant implications for the UK consumer, for whom Soft Fruit represents such an important part of all their fruit purchases.

British Summer Fruits also argued that Brexit is already adding to the labour shortage. According to their own survey, prices will ‘soar’ and fewer crops will be grown in the UK if there is no access to overseas labour:

Laurence Olins, chairman of British Summer Fruits, the industry body which accounts for 97% of all berries supplied to UK supermarkets, warns: “This is as extreme as it gets. If we do not have the pickers, we do not have a soft fruit industry."

[…]

“But if we cannot ensure access to the seasonal workers needed to produce soft fruit in Britain, that will be an unintended consequence of Brexit — along with soaring prices and increased reliance on imports.”

Migration Watch UK has expressed doubt about the need for any seasonal labour scheme, arguing that immigration is not an optimal solution to agricultural labour shortages and any such scheme introduced after Brexit should be transitional and tapered. Importing seasonal labour (they argue) excludes British workers and entrenches low productivity:

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20 Emma Simpson, Fruit and veg farmers facing migrant labour shortages, BBC News online, 22 June 2017
21 British Summer Fruits seasonal labour report, The Impact of Brexit on the UK Soft Fruit Industry (the Anderson report), June 2017: pages 6-7
22 “Brexit could crush our summer fruit industry: Urgent action needed to ensure essential workforce”, British Summer Fruits Press Release, June 2017
Importing seasonal labour perpetuates low productivity in the agricultural sector and denies opportunities to British workers who are unemployed or are seeking part time work. If it were to be considered in the context of the Brexit negotiations any scheme should be transitional and tapered. …

(…)

12. Immigration is not an optimal solution to agricultural labour shortages. Alternative policy options have been suggested by a range of respected specialist organisations. (…)\textsuperscript{23}

The NFU has, though, sought to counter some of Migration Watch’s argument. Ali Capper, the chair of its horticulture board, has argued that fruit pickers are comparatively well paid and that the UK is not alone in finding it difficult to recruit seasonal workers from within the resident labour force. Without seasonal workers, crops may (she asserts) be left to rot in the fields:

The NFU is urging government to introduce a substantial trial of a permit scheme to allow workers to pick the UK’s fruit and veg in 2017, a scheme to allow workers to come in and go home again. We have seen a substantial decrease in the number of workers wishing to come here as a result of Brexit - the lower value of the pound makes the UK a less attractive place to work now than for other parts of western Europe. Without seasonal workers fruit and veg will be left to go rotten in the fields.

(…)

We are surprised Migration Watch is concerned with seasonal workers in agriculture as for decades seasonal workers have come in to pick fruit and veg and gone home again. Seasonal workers in our sector are not an immigration issue.\textsuperscript{24}

The UK Government’s stance

The Government, though, disputes the industry’s claims of labour shortages and difficulties in recruiting workers from the EU. The Government has been consistent in saying that there ought to be no new Seasonal Agricultural Workers Scheme whilst the UK remains part of the EU.

Responding for the Government at the end of the Westminster Hall debate on 30 November 2016, the then Immigration Minister, Robert Goodwill tied this policy to the Government’s commitment to reduce net migration. He recognised concerns that the UK’s impending exit from the EU, or the fall in the value of sterling, might lead to an immediate shortage of labour as EU workers go home. However, he asserted that data showing an increase in the number of EU citizens in the UK labour force did not support such fears. Whilst promising to keep the situation under review, he told the House that gaining control over EU migration remained a priority for the Government in the imminent Brexit negotiations:

The Government wish to ensure that any decisions we take on the short-term need for seasonal migration schemes do not pre-empt future decisions about how the immigration system will work.

\textsuperscript{23} Migration Watch UK, \textit{MW 393: The Seasonal Agricultural Workers Scheme}, 18 October 2016

\textsuperscript{24} NFU online, \textit{NFU responds to Migration Watch report}, 18 October 2016
post-Brexit. ... [T]he way in which we will control migration post-Brexit is yet to be determined.25

**Asked in January 2017 about seasonal agricultural workers** from other EU Member States, Robert Goodwill, said that the Home Office regularly discussed the issue with the Department for the Environment, Food and Rural Affairs (DEFRA) and the Department for Exiting the EU, and had met representatives from the National Farmers Union (NFU).26

Responding to a **Parliamentary Question in March 2017**, Andrea Leadsom, then Secretary of State for the Environment, Food and Rural Affairs, denied that workers from elsewhere in the EU were reluctant to come to work in the UK. Mrs Leadsom cited Office for National Statistics figures for 2016 which showed (she claimed) that there were more migrant workers coming from the EU than ever before.27

**Giving evidence to the Environment, Food and Rural Affairs Committee** on 15 March 2017, Robert Goodwill stated there was as yet no issue in recruiting generally from Bulgaria and Romania. Whilst stressing the seriousness with which the Government took the sector’s concerns, he argued that immigration statistics showed their fears were not borne out.28 He insisted that the numbers of workers needed were still coming to the UK across all industries and that the statistics assured him that “we do not have a problem this year”.29 The Farming Minister, George Eustice, told the committee that given free movement would continue until the UK leaves, and access to these labour markets would not change.30 The Ministers did suggest that the sector may need to review wage levels given exchange rate changes in the last year.31

Invited by the EFRA Committee to comment on the ministers’ statements, the **NFU stressed** that the Government’s statistics related to the total number of migrants and were not industry-specific, nor did they include seasonal workers.32

The EFRA Committee did not accept the Government’s reassurance that there are no existing labour shortages and warned that current problems could turn into a crisis if not addressed.33 It found the statistics relied upon by the Government were “unable to provide a proper indication of agriculture’s labour needs” and called for a review of their utility in measuring agriculture’s need for seasonal labour.34

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25 HC Deb 30 November 2016 cc574-7WH. More background information can be found in the Library debate pack, *Seasonal Agricultural Workers Scheme* (CDP 2016-0233, 29 November 2016).
26 PQ 60646, 23 January 2017
27 HC Deb 2 March 2017 c 416
28 EFRA Committee, *Feeding the nation: labour constraints*, 27 April 2017, HC1009 2016-17, Q213
29 As above, Q216
30 As above, Q231
31 As above, Q218
32 As above, para 10
33 Ibid, para 11
34 Ibid, para 12
More recently, the Parliamentary Under-Secretary of State, Lord Gardiner, told the Lords in response to a question of access to workers and a reintroduction of the seasonal workers scheme that:35

We are fully seized of this issue now and for the future. These matters have been discussed by the Secretary of State and the Minister of State with key stakeholders over recent weeks. The Government will commission advice from the Migration Advisory Committee. Working with business and communities, we will develop a future migration system which works for all and meets labour market needs in this sector.

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35  HC Deb 28 June 2017 c429
4. Will current immigration rules meet agriculture’s needs after Brexit?

4.1 Access to labour after Brexit

The Government is yet to announce what its post-Brexit immigration policy will be for citizens of the states remaining in the EEA and, thus far, the Government has not been willing to be drawn on how migration will be controlled after Brexit.

Since the referendum, Ministers have said only that they will work with the industry to ensure it has the right people with the right skills. Ministers have acknowledged farmers’ concerns about possible labour shortages (whilst maintaining that net migration must be reduced). On the other hand the lobby group Migration Watch UK has argued that migration is not a sustainable long term solution to labour shortages.

The points-based system applicable to visa applicants from the rest of the world does not currently cater for unskilled migrant labour. Tier 3 of that system has never been opened, as it was always assumed any need for low skilled labour could be met by the resident workforce and EEA migration.

4.2 Will there be a labour shortage after Brexit?

The Agriculture and Horticulture Development Board has published its own assessment of the impact of Brexit on the UK agricultural workforce. It outlines how and why the agricultural sector has come to depend on migrant labour and why it wants to maintain this supply of labour:

The seasonal nature of demand and falling unemployment in the UK have resulted in the UK agricultural industry becoming increasingly reliant on a supply of labour from Europe. (…)

Maintaining this supply of labour is an important factor influencing the competitiveness of the agricultural industry, and the wider economy post-Brexit.

In its inquiry into the impact of labour shortages on the food supply chain, the EFRA Committee heard that the UK’s impending exit from the EU makes the need for a new Seasonal Agricultural Workers Scheme all the greater. Witnesses spoke of the need to introduce a new scheme immediately post Brexit, and some argued even sooner, in order to avoid a sudden labour shortage crisis upon exit from the EU.

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36 AHDB, The impact of Brexit on the UK agricultural workforce, 20 September 2016
37 Ibid, page 3
38 EFRA Committee, Feeding the nation: labour constraints, 27 April 2017, HC1009 2016-17, para 16
On a new Seasonal Agricultural Workers Scheme the Committee concluded:39

We note the Government’s assertions that a new Seasonal Agricultural Workers Scheme (SAWS) is unnecessary as long as the UK retains free movement of labour among the European Union. We further note the Home Office’s assertion that a new SAWS could be introduced very quickly—in five or six months—once the need for such a scheme had been identified. It is vital that the labour supply available to the agriculture and horticulture sectors does not suddenly dry up as a result of any uncertainty caused by the new immigration arrangements instituted following the UK’s exit from the EU. We note the promise made to us that this will not happen, and we are confident that our successor Committee will wish to scrutinise this area of Government activity closely throughout the next Parliament.

4.3 The UK Government’s stance

In her speech to the Oxford farming conference in January 2017, Andrea Leadsom acknowledged farmers’ concerns about access to labour and said the Government would work with the sector to ensure they had the right people with the right skills:

> Access to labour is very much an important part of our current discussions – and we’re committed to working with you to make sure you have the right people with the right skills.40

In similar vein, Andrea Leadsom told the NFU annual conference in February 2017 that she understood that farmers were looking for clarity about the prospects for seasonal agricultural workers. She told the conference too that controlling immigration had been a “key motivating factor” in the referendum result:

> As for seasonal agricultural workers, I have heard loud and clear the vital role they play in many farm businesses, not least the horticultural sector.

> But at the same time, we mustn’t forget that a key factor behind the vote to leave the EU was to control immigration.

> So I want to find out what kind of labour you need, in food processing as well as farming, whilst exploring the role innovation can play in support of this.41

Farming minister George Eustice sought to offer reassurance. Responding to a Parliamentary Question in March 2017, he told the House that Defra ministers engaged regularly with their Home Office counterparts on the subject of migrant labour in the agriculture sector post-Brexit:

> We are aware that the availability of labour is a concern for some sectors of the industry. However, leaving the EU and establishing controlled migration does not mean closing off all immigration; it

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39 Ibid, para 19
40 Defra, *Speech: Environment Secretary sets out ambition for food and farming industry*, 4 January 2017. See also “British farmers will have access to migrant workers after Brexit, Andrea Leadsom pledges”, *Daily Telegraph*, 4 January 2017
41 Defra, *Environment Secretary speaks at NFU conference*, 22 February 2017
simply means that we will be able to identify where we have needs and put in place suitable arrangements.42

4.4 Possible alternatives to a new seasonal scheme

In its briefing, the AHDB identified four main options for ensuring that the agricultural sector has the workforce it needs (or can manage with the workforce it has) post-Brexit:

- Schemes to maintain the current availability of migrant labour
- Increasing agricultural labour productivity
- Increasing automation
- Increasing incentives for the unemployed/economically inactive to work?43

Labour shortages might, the AHDB suggests, be the catalyst for structural and other change:

The loss of affordable labour and readily available sources of labour may be the catalyst that forces the industry to achieve these [productivity] increases, in order to remain competitive in a global market post Brexit. Increased capital investment is a possibility. Although not a short-term solution, due to the cost and time scales involved, it could be feasible in the medium to long term.44

The Financial Times reported in April 2017 that robots might carry out some basic functions on farms.45

The EFRA Committee highlighted some of the longer term put forward by the Government, which included reforms to the benefit system, greater automation, increasing skills and qualifications in the sector, increasing apprentices, improving the perception and understanding of agricultural work. Witnesses were “broadly in favour” of this approach, but the Committee also noted industry witnesses were unanimous that “no matter what policies the Government adopted, there would always be some need for temporary, migrant labour in the sector”.46

4.5 Immigration practitioners’ views

In its written evidence to the Home Affairs Committee’s 2017 inquiry into immigration policy, the Immigration Law Practitioners’ Association (ILPA) warned:

The changes wrought by ending EU migration in its current form could include (depending upon the settlement reached):

(…)

42 HC Deb 2 March 2017 cc414-5
43 AHDB, The impact of Brexit on the UK agricultural workforce, 20 September 2016, page 10
44 Ibid, page 17
45 “Farm robots ready to fill Britain’s post-EU labour shortage”, Financial Times online 25 April 2017
46 Ibid, para 22
Employers and those entering into contracts for services having a smaller pool of persons from which to make their initial choice of worker, at all skills levels. So called “low skilled” migration will end: outside EU migration there are currently no immigration routes to enter for the purpose of doing work below certain qualification and salary levels, but there are jobs in, for example the care, agricultural and food processing sectors for which it has to date not proven possible to recruit in sufficient numbers from British citizens and the settled.  

ILPA argued that workers filling these jobs are coming for less than six months and in no way affect the Government’s net migration target.

The introduction of a new seasonal scheme was considered in a paper addressing post-Brexit employment migration policy:

A new scheme could allow for quota-based admission in different sectors, with those quotas being generous at the outset and gradually being reduced with the aim of giving employers a reasonable time to engage and train local workers in the relevant sector or replacing labour with new technologies.

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48 Immigration Law Practitioners’ Association, *Brexit advocacy series: Approaches to Employment Migration*, 22 March 2017
5. Further reading

- NFU online, *Harvest highlights post-Brexit labour questions, says NFU*, 10 August 2016
- NFU online, *Pumpkins and post-Brexit labour*, 1 November 2016
- Thomas Colson, *Britain’s farming industry is facing a major crisis in the wake of Brexit*, Business Insider UK, 29 November 2016
- *Post-Brexit scheme for seasonal agricultural workers could be on the cards*, Produce Business UK, 12 January 2017
- ‘Farmers deliver stark warning over access to EU seasonal workers’, The Guardian online, 21 February 2017
- Professor Wyn Grant, UK in a Changing Europe, Kings College London *Migrant labour and agriculture*, 21 February 2017
- British Summer Fruits, *Brexit could crush our summer fruit industry: urgent action needed to ensure essential workforce*
- Joshua Chaffin, *Farm robots ready to fill Britain’s post-EU labour shortage*, FT, 25 April 2017
- House of Commons Environment, Food and Rural Affairs Select Committee, *Feeding the nation: labour constraints*, HC 1009 2016-17, 27 April 2017
- British Summer Fruits seasonal labour report, *The Impact of Brexit on the UK Soft Fruit Industry* (the Anderson report), June 2017
- Damian Carrington, “*Farms hit by labour shortage as migrant workers shun ‘racist’ UK*”, Guardian online, 22 June 2017
- NFU online, *Drop in seasonal workers leaves some farms critically short*, 22 June 2017
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