



DEBATE PACK

Number CDP - 2016 - 0233, 29 November 2016

Seasonal Agricultural Workers Scheme

Westminster Hall Debate 30 November 2016 at 0930hrs

A Westminster Hall debate on the subject of the Seasonal Agricultural Workers Scheme has been scheduled for 0930hrs on Wednesday 30 November 2016. The Member in charge of this debate is Helen Whately MP.

Ed Potton
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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. The Seasonal Agricultural Workers Scheme

1.1 Background

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).

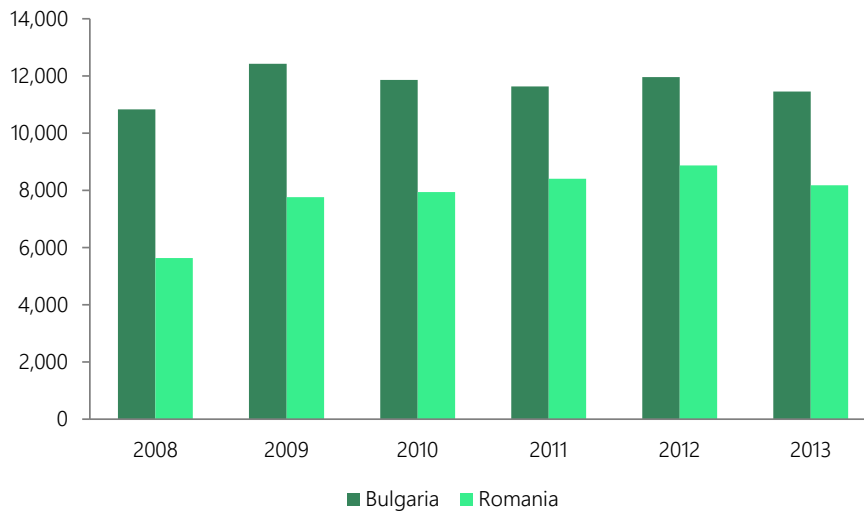
The Coalition Government decided to keep restrictions in place for the full seven year transition period.

1.2 Operation of the 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 would receive 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.¹

From 2007 the scheme was open only to Bulgarian and Romanian workers.² It closed when transitional restrictions were lifted at the end of December 2013.

Number of Seasonal Agricultural Worker Scheme work cards issued to nationals of Bulgaria and Romania, 2008-2013³



1.3 Closure of the scheme

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

The MAC 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.⁴

On 12 September 2013 Mark Harper, then Minister for Immigration, announced the Government did not intend to open new Seasonal Agricultural Worker Schemes for non-EEA national workers upon the

² PQ HL3019, 7 November 2016

³ These figures are administrative data and not subject to the detailed checks that apply for other National Statistics.

⁴ 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

lifting of transitional restrictions on Bulgarians and Romanians. In a statement to the House of Commons he explained the Coalition Government's view that there should be sufficient workers from within the UK and EU labour markets to meet the needs of the horticultural industry.⁵

⁵ [HC Deb 12 September 2013 c60WS](#)

2. Migrant workers in agriculture

Following the EU referendum, there are two issues around migrant workers in agriculture – demand for migrant labour in the short term and, in the longer term, access to migrant labour once the UK leaves the EU.

UK agriculture uses non-UK labour on a seasonal basis and all year round. According to ONS data, around 91% of agriculture and farming –related labour are UK nationals, with a further 8% EU nationals.⁶

An article earlier this year in *Farmers Weekly* outlined UK farming and horticulture's reliance on migrant workers, highlighting sectors that are reliant on migrant workers such as horticulture as well as pig, poultry and dairy farms. The article argues that UK farming will continue to need migrant labour.⁷

An article for the NFU website on this debate also highlights the demand for seasonal workers:⁸

The NFU estimates that horticulture employs more than 80,000 seasonal workers and this will increase to 95,000 by 2021. Sourcing labour isn't a problem limited to the fruit and vegetable sector. There is a need for a flexible workforce across the farming and food industry, particularly within the poultry, dairy and livestock sectors and within food processing.

2.1 Seasonal agricultural workers

The [previous seasonal agricultural workers' scheme](#) closed at the end of 2013.⁹

In March 2016 the NFU highlighted the issues for farmers in accessing labour, and suggested a new 'student workers' scheme to provide seasonal labour.¹⁰ The NFU have highlighted that they expect seasonal labour shortages in the coming years and rising costs.

Migration Watch have however argued that a new seasonal agricultural workers' scheme should be a 'last resort' following Brexit.¹¹

At the start of November 2016 the NFU called for the "Government to trial a 'substantial' fixed-term work permit scheme for seasonal agricultural workers targeting non-EU workers during 2017".¹² It was

⁶ Year to Q2 2016, workers employed in the industries of crop, animal production, hunting, 91% UK nationals, 8% EU nationals, 1% non-UK nationals from outside the EU. Source: Labour Force Survey Microdata Q3 2015 – Q2 2016

⁷ [Analysis: Farming's access to labour if the UK left the EU](#), *Farmers' Weekly*, 20 May 2016

⁸ NFU website, "[NFU welcomes seasonal labour debate](#)", 25 November 2016

⁹ Home Office, [Written statement to Parliament: Seasonal Agricultural Workers Scheme and the Food Processing Sectors Based Scheme](#), 12 September 2013

¹⁰ NFU website, "[NFU calls for new student workers scheme](#)", 29 March 2016

¹¹ Migration Watch UK, "[Brexit should be seen as a chance to improve productivity and raise wages for agricultural workers](#)", 18 October 2016

¹² NFU website, "[Why we need a 'substantial' fixed-term work permit scheme for seasonal workers](#)", 2 November 2016

reported that the NFU met with Home Office Minister Robert Goodwill at the start of November to discuss the issue.¹³

In concluding comments in an October 2016 Westminster Hall debate on Agriculture and Fishing in the South West, the Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Dr Thérèse Coffey, noted:¹⁴

I assure hon. Members that I have heard their concerns today on labour as we leave the EU. DEFRA is aware that migrant workers from other EU countries will be one of the issues that will have to be resolved as part of our exit negotiations and future relationship with the EU. Our Ministers are currently working with colleagues across Government to understand all the issues and explore options.

On recruiting people into the industry, I remind hon. Members of our intention to develop thousands more food and farming apprenticeships.

A recent PQ in the House of Lords made a similar point on the “assessment they have made of the demand for seasonal workers in the agricultural industry to ensure crops are harvested in the required timescales.” The Government answered:¹⁵

Supporting our farmers and protecting the environment will form an important part of our exit from the EU. We are now focused on making sure that all our policies are delivering for the UK and to grow our world-leading food and farming industry.

We regularly meet farmers and industry representatives and are well aware of the challenges farmers face as their need for workers fluctuates depending on the season and the state of the crop.

With regard to seasonal labour, until we leave the EU, there are no changes to labour movements. Defra is very aware that migrant workers from other EU countries will be one of the complex issues that will have to be resolved as part of our exit negotiation and future relationship with the EU. We are currently working with colleagues across government to understand the issues and explore options.

¹³ Farmers Weekly, “[Calls for work permits to ease labour shortage](#)”, 2 November 2016

¹⁴ [HC Deb 19 October 2016 c394WH](#)

¹⁵ [PQ HL2807 10 November 2016](#)

3. Media

3.1 Articles and blogs

Financial Times

[UK farmers warn of Brexit-triggered labour crisis](#)

29 November 2016

Kentnews.co.uk

[MPs urged to back pilot permit scheme for non-EU seasonal workers to address growing labour gap in Kent](#)

Tom Pyman 25 November 2016

Farmers Weekly

[NFU calls for work permits to ease farm labour shortage](#)

Johann Tasker 2 November 2016

Farmers Weekly

[Scheme for seasonal migrant farmworkers looks likely](#)

Ewan Pate 31 October 2016

The Conversation

[Why ignoring non-seasonal farm workers is a danger to agriculture](#)

Caroline Nye 25 October 2016

Independent

[Andrea Leadsom hopes young Britons will take up fruit picking jobs done by EU migrants](#)

Samuel Osborne 3 October 2016

Times [Login needed]

[Visa scheme will help farmers find 75,000 migrant workers](#)

Ben Webster 13 September 2016

Telegraph

[Low skilled migrants would have to apply for work permits under plans being considered by ministers](#)

Steven Swinford and Ben Riley-Smith 24 August 2016

Guardian

[Brexit could herald end to British fruit and veg sales, producers warn](#)

Damian Carrington 3 August 2016

Economist

[Britain's unparalleled diversity is here to stay](#)

18 July 2016

Economist

[We plough the fields and scarper](#)

21 May 2016

3.2 Press releases

National Farmers' Union

[NFU President's 'constructive and robust' talks on Brexit and BPS](#)

28 November 2016

National Farmers' Union

[NFU stresses access to labour in Home Office meeting](#)

2 November 2016

National Farmers' Union

[Pumpkins and post-Brexit labour](#)

1 November 2016

Farming UK

['Urgent need' for a Seasonal Agricultural Permit Scheme trial, says NFU](#)

2 November 2016

Farming UK

[Sector criticises 'simplistic' paper calling for restrictions on migrant farm workers](#)

18 October 2016

Country Land and Business Association

[CLA comment: employing farm workers from the EU and beyond following Brexit](#)

5 October 2016

Country Land and Business Association

[Farms and rural businesses need certainty from Home Secretary on post-Brexit schemes for overseas workers](#)

12 September 2016

4. Parliamentary Business

4.1 Written Statements

[Seasonal Agricultural Workers Scheme/Sector-based Scheme](#)

12 Sep 2013 | Written statements | 567 c60-1WS

The Minister for Immigration (Mark Harper):

The seasonal agricultural workers scheme (SAWS) allows fruit and vegetable growers to employ migrant workers from Bulgaria and Romania as seasonal workers for up to six months at a time. It will close, as planned, at the end of 2013. The Government do not intend to open any new SAWS for workers from outside the European economic area (EEA) as our view is that, at a time of unemployment in the UK and the European Union there should be sufficient workers from within those labour markets to meet the needs of the horticultural industry. The agricultural technologies strategy will support innovation by agricultural businesses, which will also help to offset future impacts.

Currently, there is an annual quota of 21,250 SAWS participants. From 1 January 2014, when the transitional labour market controls on Bulgarian and Romanian (EU2) nationals are lifted, growers will have unrestricted access to EU2 workers. Since the controls on the EU8 (the member states that acceded to the European Union in 2004) workers were lifted, those workers have continued to form the core of the seasonal agricultural workforce. At present, UK growers recruit about one third of their seasonal workers from the EU2, and about one half from the EU8. Seasonal agricultural work can pay good wages and the sector should be able to attract and retain UK and EEA workers.

Our migration policy is to allow only highly skilled workers from outside the EEA, with an annual limit of 20,700 workers. Unskilled and low-skilled labour needs should be satisfied from within the expanded EEA labour market. The SAWS was previously open to non-EEA nationals but was restricted in 2007 to EU2 nationals, consistent with an intention to phase it out as the EEA labour market expanded. That remains the Government's position. We do not think that the characteristics of the horticultural sector, such as its seasonality and dependence on readily available workers to be deployed at short notice, are so different from those in other employment sectors as to merit special treatment from a migration policy perspective.

The independent Migration Advisory Committee (MAC) reviewed the impact of the closure of the SAWS on the horticulture sector earlier this year. They concluded that there was unlikely to be an impact on labour supply in the short term, although this might change in the longer term. They noted, however, that there is a wide range of uncertainty around the effects on migration flows to the UK of ending restrictions on labour market access for EU2 nationals. The MAC was also clear that a

replacement SAWS would amount to preferential treatment for horticulture.

The Government recognise 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, look forward to working with the sector to monitor and address the issues, and will keep the situation under review.

The Government have also decided they will not replace the sector-based scheme which operates in the food processing sector when this closes at the end of the year. The scheme is not heavily used and the MAC concluded closure was unlikely to have any negative effects on the sector's ability to meet its labour needs.

[Migration \(Bulgarian and Romanian Workers\)](#)

23 Nov 2011 | Written statements | House of Commons | 536 c21-2WS

The Minister for Immigration (Damian Green):

I am confirming today that the restrictions currently applied to Bulgarian and Romanian nationals' employment in the United Kingdom will continue until the end of 2013.

The Government are concerned to ensure that migration to the UK does not have adverse impacts on the employment opportunities of the domestic labour force at the current time. Because of the uncertainty of any effects, the Government are firmly of the view that transitional measures are required to mitigate the impacts of labour migration when countries newly accede to the EU.

The transitional restrictions applied to Bulgarian and Romanian workers have been in force since 1 January 2007. They restrict Bulgarian and Romanian nationals to employment that is either skilled or is in sectors where there continues to be a shortage of labour, and have therefore helped to ensure that migration from those countries delivers economic benefits to the UK.

Under paragraph 5 of annexes VI and VII of the treaty concerning the accession of Bulgaria and Romania to the EU, the UK may extend these restrictions to the end of 2013 where there is a serious disturbance to its labour market or threat thereof. We have approached the question of whether there is such a disturbance, or the risk of one, carefully.

Economic events of recent years have inevitably impacted upon labour market conditions in the UK but the labour market has demonstrated a high degree of resilience, particularly in terms of levels of employment, during and since the recession. However, labour market conditions, and the extent to which they are affected by migration, are very uncertain in the current economic circumstances.

It is against that background that I have sought advice from the independent Migration Advisory Committee on the labour market grounds for extending the restrictions. The MAC's findings, published on 4 November, are that, on the basis of the indicators of labour market performance which it has used, the UK labour market is currently in a state of serious disturbance and that lifting the current restrictions at this stage would risk negative impacts on the labour market.

In particular, the Committee has concluded that while migration flows from Bulgaria and Romania have been relatively low, the number of Bulgarians and Romanians resident in the UK has nevertheless increased substantially since 1 January 2007 and that it is likely that removing the current restrictions would cause inward flows to increase and cause those who currently come to the UK for temporary purposes to seek more permanent employment in the UK. In addition, the Committee has suggested that the labour market impact of these outcomes would be aggravated by the likelihood that such increased labour market participation by Bulgarian and Romanian workers in these circumstances would tend to be concentrated in lower-skilled occupations where the risk of displacement of domestic workers is higher.

The Government have decided that, given their own assessment of the labour market and the MAC's findings, retaining the current restrictions is a proportionate means of addressing any disturbance or threat. The restrictions will therefore continue in their current form until the end of 2013. I am notifying the European Commission of this decision and I am taking the necessary legislative action to extend the period of application of the current regulations.

The annual quota for the seasonal agricultural workers' scheme (SAWS) will continue at 21,250 places for 2012 and 2013 and the annual quota for the sectors-based scheme (SBS) will continue at 3,500 places for 2012 and 2013.

Under European law, the current restrictions cannot continue beyond the end of 2013 and will therefore be lifted at that point.

4.2 Parliamentary Questions

[Agriculture](#)

Asked by: Baroness McIntosh of Pickering

To ask Her Majesty's Government what assessment they have made of the impact that leaving the EU will have on farming; and whether they plan to implement a new seasonal agricultural workers scheme in order to attract non-EU workers onto farms to pick fruit and vegetable crops.

Answering member: Lord Gardiner of Kimble | Department: Department for Environment, Food and Rural Affairs

Supporting our farmers and protecting the environment will form an important part of our exit from the EU. We are now focused on making sure that all our policies are delivering for the UK and to grow our world-leading food and farming industry. I am looking forward to working with industry and the public to develop new proposals that support our agricultural and horticultural industries as we leave the EU.

With regard to seasonal labour, until we leave the EU, there are no changes to labour movements. Defra is very aware that migrant workers from other EU countries will be one of the complex issues that will have to be resolved as part of our exit negotiations and future relationship with the EU. We are currently working with colleagues across government to explore options.

22 Nov 2016 | Written questions | HL3098

[Seasonal Agricultural Workers' Scheme](#)

Asked by: Baroness Byford

To ask Her Majesty's Government whether they are reviewing the decision to close the Seasonal Agricultural Workers Scheme; and if so, when their findings will be published.

Answering member: Baroness Williams of Trafford | Department: Home Office

The Seasonal Agricultural Workers Scheme was open only to nationals of Bulgaria and Romania from 2007 onwards. It was closed at the end of 2013, on the basis of advice from the Migration Advisory Committee, when the transitional employment restrictions applied to nationals of those countries were lifted. The arrangements which will apply to EU nationals coming to the UK for the purpose of work post-Brexit have yet to be determined.

15 Nov 2016 | Written questions | HL3019

[Seasonal Agricultural Workers' Scheme](#)

Asked by: Gordon Henderson

To ask the Secretary of State for the Home Department what plans she has to replace the seasonal agricultural workers scheme.

Answering member: Mark Harper | Department: Home Office

When the current scheme closes, the quotas on seasonal labour from Bulgaria and Romania will be lifted, giving growers free access to labour from anywhere in the EU. The Migration Advisory Committee has recently reported on the impact of closure of the Seasonal Agricultural Workers Scheme and we are considering their report carefully.

25 Jun 2013 | Written questions | 161332

5. Organisations and further reading

Agriculture and Horticulture Development Board. [The impact of Brexit on the UK agricultural workforce](#) Horizon Market Intelligence. 20 September 2016.

Consterdine, Erica and Samuk, Sahizer. [Closing the Seasonal Agricultural Workers Scheme: a triple loss](#) Working Paper 83. Sussex Centre for Migration Research. University of Sussex. November 2015.

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.

Migration Watch UK. [The Seasonal Agricultural Workers Scheme](#) 18 October 2016.

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