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The entanglement of employers and political elites in migration policymaking: the case of Brexit and the revival of UK horticulture's guestworker scheme

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Abstract

Background: Following Brexit, and the ending of freedom of movement, labour supply crises have emerged in the UK. The paper focuses on the horticultural sector, where these crises have been particularly pronounced, with fears of crops being left to rot in the fields now commonplace.

Aims and objectives: To examine the scale and nature of employer pressure on government with respect to UK low-wage migration policymaking in the period (2016–2020) following the Brexit vote.

Methods: Thematic analysis of five parliamentary inquiries over the 2016–2020 Brexit period covering 515 documents and amounting to a total of 4,227 pages of evidence.

Findings: Numerous political inquiries emerged after the 2016 Brexit referendum that opened up the opportunity for employers to publicly press government for more liberal low-wage migration policies. Employers responded with concerted, weighty and consistent pressure that revolved around: emphasising a labour supply crisis; underlining the lack of suitable local labour; presenting government with a range of unsavoury alternatives to low-wage immigration; and championing a new seasonal guestworker scheme to avoid these unsavoury alternatives.

Discussion and conclusions: The Brexit period (2016–2020) saw a willingness within UK government to listen to employers with respect to migration policy. In the food production industry, employers responded with a strong and consistent voice and they got what they wanted: a new horticultural guestworker scheme. We cannot say for certain though that correlation equals causation, and more research is now needed into the intimate entanglement of employers and political elites in the migration policy process.

Key words Brexit • labour • migration • policy

Key messages

- Brexit created a low-wage labour supply crisis in UK horticulture, according to employers.
- Employers were given extensive opportunity to pressure government about this in the 2016–2020 Brexit period.
- Reviewing documentary evidence from employers, the paper shows pressure to be concerted, weighty and consistent.
- Employer pressure is correlated with a new seasonal guestworker visa scheme for UK horticulture.

Introduction

Focusing on a case study of UK horticulture, the paper examines employers' public clientelism/lobbying with respect to UK low-wage migration policymaking in the period (2016–2020) following the Brexit vote. During this period, business interests and political elites became intimately entangled, publicly, in labour migration policy through a series of parliamentary inquiries. We analyse the evidence presented at five of these inquiries and find that, despite the government's ostensible reluctance to open up low-wage labour migration following the ending of EU free movement on 31 December 2020, horticultural employers were ultimately granted their wish for a new seasonal guestworker visa scheme. This shows that the government can talk tough about restricting immigration while also appeasing certain employers who have become dependent upon low-wage foreign workers. Migration policy in this particular instance was co-produced both by political elites (Consterdine, 2015; 2018; Statham and Geddes, 2006) and by employers (Freeman, 1995; Somerville and Goodman, 2010). The former not only gave the latter the opportunity to make a case for low-wage labour migration to continue, they also ultimately introduced a new policy mechanism (the seasonal worker guestworker visa scheme) to enable this (see also Axelsson et al, 2021; Hedberg and Olofsson, 2022).¹

On 23 June 2016 the UK voted to leave the EU, with 'Leave' winning the referendum by 51.9% to 48.1% for 'Remain' (in total 17.4 million people voted to leave the EU, out of a population of 64.6 million). One of the main drivers behind the Brexit vote was immigration and specifically hostility towards working-class migrants coming into the UK. Following the narrow victory for 'Leave' a period of evidence gathering and policy planning ensued as the UK government prepared for 'Brexit'. In terms of migration policy, freedom of movement formally ended on 31 December 2020: with Brexit on 29 March 2019, followed by a short

transition period. This gave the UK government four and a half years to plan for a new migration regime. Over this time period there were numerous parliamentary inquiries inviting stakeholders, very often employers and employer organisations, to submit evidence to government to be considered in future migration policy. Five inquiries are examined in this paper and they effectively offer public 'windows' into the debate around the role of employers, and their associated organised networks, in the migration policymaking process.

This openness towards dialogue, and the resultant intimate entanglement of business interests and political elites in the labour migration policymaking process, must be viewed alongside the context of the anti-immigrant sentiment that galvanised the Brexit vote. Prior to the Brexit vote of 2016, the UK had adopted a relatively liberal labour migration regime (Consterdine, 2018), fundamentally underpinned by EU expansion (especially in 2004 and 2007) and a subsequent rise in migration from the new member states of central and eastern Europe (Scott, 2017). However, the Brexit referendum signalled a watershed. As Conservative Prime Minister Theresa May made very clear: "You cannot control immigration overall when there is free movement from Europe... Brexit must mean control of the number of people coming to Britain from Europe" (May, 2017). Crucially, this policy tightening by the Conservatives was at odds with many employers and business representatives (the traditional power base of the UK Conservative Party).

In the section that now follows we review the relevant literature on labour migration and the policymaking process. The methodology informing the paper is then summarised before we explore the scale and nature of employers' public clientelism/ lobbying. In relation to this, employers' concerted, weighty and consistent pressure on government (evident within five parliamentary inquiries) is highlighted. This pressure revolved around: emphasising a labour supply crisis; underlining the lack of suitable local labour; presenting government with a range of unsavoury alternatives to low-wage immigration; and championing a new seasonal guestworker visa scheme to avoid these unsavoury alternatives. Overall, we argue that the Conservative government (in power in the UK since 2010) was able to appear tough on working-class immigration while also maintaining its reputation as the party of business and keeping UK farmers and landowners (a traditional mainstay of the Conservative's rural power base) on side. The balancing act may well explain why the UK government did not simply say yes to a horticultural guestworker scheme from the outset, but instead invited employers to influence policy publicly through various parliamentary inquiries.

Migration policymaking and the ‘need’ for low-wage foreign workers

Across many low-wage sectors of core economies migrants are now required to fill ‘secondary’ (Piore, 1979) labour market vacancies (those that are low-paid, insecure, temporary, and so on). Employers stress the soft skills that migrants bring to otherwise devalued low-wage jobs, that is, attitude, commitment, social skills, team working, flexibility, the right look, deference, and so on. Such characteristics underpin the now widely observed migrant ‘work ethic’ (MacKenzie and Forde, 2009; Moriarty et al, 2012; Tannock, 2015). Alongside the migrant work ethic, low-wage employers often also lament the lack of local labour and/ or the deficiencies in the local labour that is available (Scott, 2013; Scott and Rye, 2021). The net result of this has been employer pressure on governments to keep the flow of low-wage migrant workers open, even in the face of public disquiet around immigration. This pressure has arguably been greatest in the horticultural industry, with a hardwired need for low-wage seasonal migrant workers since at least the EU enlargement of 2004 (when 10 new Member States joined the EU, mainly from central and eastern Europe).

Employers’ need to tap into the migrant work ethic often does not appeal to the populist vote (Lahav, 1997; Facchini and Mayda, 2008). Thus, while immigration policies may have been expansionist across the Western world (Freeman, 1995) there are policy ‘gaps’ (Cornelius et al, 1994; Czaika and de Haas, 2013): most notably a ‘discursive gap’ between public discourses (around toughness towards migration) and policies on paper (that are often more open towards labour migration than it might appear).

Labour migration policies ostensibly ‘fail’ (Castles, 2004a; 2004b) in the eyes of the public when an overall toughness towards migration is accompanied by an increasing openness towards migrant workers (especially working-class migrants). Failure, however, is not always unexpected or unintended and migration policies often do have ‘contradictory objectives or hidden agendas’ (Castles, 2004a: 852). Most obviously, policymakers may be reluctant to entertain the possible migratory outcomes of their decisions for fear of opposition. This means that policymaking can look protracted, unplanned, and even chaotic, but the direction of travel may be consistent and coalesce around a relatively ordered and organised set of (largely economic) concerns and priorities.

Ford et al (2015: 1391), for instance, talk of: ‘the trade-off between the “responsive” government of meeting public demands for immigration’s restriction and the “responsible” government goal of providing for the needs of a flexible, globally integrated economy’. This

balance between public responsiveness and economic responsibility sits on top of a very complicated set of actors and pressures that seek to influence migration policymaking and migration policymakers. It lies at the core of the UK government's labour migration 'balancing act', identified in the introduction, and helps us to understand why the UK Conservative government only said yes to low-wage horticultural employers' demands after considerable public pressure from them (pressure which the government itself invited).

An extremely influential and important attempt to understand the migration policy process is that of Statham and Geddes (2006). They examined the development of UK asylum policy, in particular, and found that a top-down model of policymaking dominated, driven by a relatively small group of political elites making executive decisions in Westminster (the area in London where the main UK government infrastructure is based). They argued that these political elites act relatively autonomously and have their own political agenda and, related to this, that outside interests had limited saliency at the policy table. Building on these insights, Consterdine (2015: 1433) has argued that: 'immigration policymaking in Britain is an elite-driven pursuit, and that parties, and the ideas which configure them, shape immigration policy' (see also Consterdine, 2018). Similarly, Somerville and Goodman (2010: 952) note that, with respect to UK migration policy, most academic commentators have seen it as a top-down and elite-driven process.

The definition of 'elite' is important here. With immigration being a 'reserved' rather than 'devolved' matter (that is, one for the UK-wide parliament) the political elite is London/Westminster-based. Most would agree that this elite involves the 'executive' which in the UK means the Crown, the Prime Minister's Office and the wider Cabinet. For instance, in analyses of UK asylum policymaking the Prime Minister's Office and the Home Office both feature very prominently and decisively (Statham and Geddes, 2006; Somerville and Goodman, 2010), and in terms of labour migration the Treasury has traditionally been 'all-powerful' (Somerville and Goodman, 2010: 962). Supporting the executive, at all levels, is the (unelected) Civil Service. Beyond this, there is the wider Palace of Westminster (or UK Parliament) involving a political base of 650 elected members of Parliament (MPs) in the House of Commons (the first chamber of UK Parliament) and circa 790 members of the House of Lords (the second chamber of UK Parliament). In both chambers there are 'Committees' where much of the work of the House of Commons and House of Lords takes place. Committees are usually made up of 10–50 MPs or Lords and invite evidence from outside of the Palace of Westminster. The Committees were especially important in terms of evidence gathering around UK labour migration following the 2016 Brexit vote and gave those outside of Westminster the opportunity to have their say and to visibly and publicly

pressure government. Most notably, the external evidence gathered at these committee inquiries fed into the decision making around the low-wage horticultural guestworker visa (known initially as the 'Seasonal Worker Pilot') which emerged from 2019 out of a Home Office and DEFRA collaboration; that was also ultimately subject to oversight from the Prime Minister's Office (the Prime Minister at the time being Boris Johnson).

Somerville and Goodman accept the importance of an elite-led powerful executive but observe that: 'the vast majority of commentators on UK migration policy barely mention the possibility that interest groups, or policy networks inclusive of non-state actors, have influenced policy' (Somerville and Goodman, 2010: 956). They argue that one must disaggregate immigration policy before examining the ways that policy is influenced. Pointing out that 'immigration is not a monolithic arrangement of policies' (Somerville and Goodman, 2010: 957) they engage in a granular and nuanced analysis and find that organised interest groups, and the policy networks they form with government, affect policy outcomes specifically in the sphere of labour migration, though are much less evident in the asylum and integration policy spheres.

Building on the insights of Somerville and Goodman (2010), one must ask: if labour migration policy is not being entirely shaped by and within the state, then how and where is it developing? Guiraudon and Lahav (Guiraudon and Lahav, 2000; Lahav and Guiraudon, 2000) talk usefully here about the outward (outside), upward (upstream), and downward (downstream) rescaling of migration policy. The argument is that a greater array of policymaking 'venues' (Lahav and Guiraudon, 2006) are implicated in migration policymaking. Scott (2017) applies this idea to the UK case and suggests that both the making and implementation of migration policy demonstrates diversity, as venues have expanded and shifted.

How do we interpret this venue rescaling? Well, it is important to stress that Statham and Geddes' (2006) 'political elite' arguments are not inevitably challenged by this. To elucidate, policymaking may be rooted in an executive, and may be administered from within central government, but the story does not end there. The key argument with respect to labour migration in the UK is that there has been outward rescaling, with rising prominence given in particular to employers and employer associations. Prominence is not always commensurate, however, with influence, and one may well find evidence for labour migration policy development beyond the Westminster political elite, but the identification of evidence alone is not sufficient to challenge Statham and Geddes' (2006) and Consterdine's (2015; 2018) main arguments over the omnipotence of this elite.

This said, there is a Marxist-influenced literature that makes a strong case for labour migration being driven by business (Castles and Kosack, 1973; Piore, 1979). One can understand from this literature, and from that already reviewed in the preceding section, how hardwired the 'need' for migrant labour can become and how migrant workers may provide employers with additional surplus value that would not otherwise be available locally. From this literature, it is relatively easy to make connections between the prevailing political economy and the way in which migration policy might be co-produced through the intimate entanglement of business and government.

Freeman (1995; 2002; 2006) argues very strongly, and convincingly, that the organised public, specifically business interests, are what underpin expansionist immigration regimes. He notes a 'dense web of organized groups whose orientations are overwhelmingly admissionist' (Freeman, 1995: 888) and calls this a form of 'client' politics. This is a different way of understanding the policy process to the political elite 'top-down' model of Statham and Geddes (2006) and Consterdine (2015; 2018). Freeman's (1995) argument is that those who mainly benefit from immigration, most notably employers looking for cheaper and/or more productive labour, are able to organise, mobilise and to influence policymakers. In contrast, those who are negatively affected by immigration – sections of the public who may be in competition for jobs, housing, educational, medical and other welfare services – are not well organised and are not able to mobilise to lobby policymakers. Put another way, a significant proportion of public opinion may be against immigration expansion but this is rarely translated into actual policy restrictionism. In contrast, those who gain from immigration can and do translate this into political capital.

Freeman's 'client politics' is: 'a form of bilateral influence in which small and well-organized groups intensely interested in a policy develop close working relationships with those officials responsible for it. Their interactions take place largely out of public view and with little outside interference' (Freeman, 1995: 886). Drawing on this client politics for inspiration, Somerville and Goodman (2010: 960) outline the importance of a broader 'economic migration policy community' in the UK. From these insights it is clear that employer pressure for more expansive labour migration may come from a variety of sources (organised and unorganised) and occur in a variety of arenas (public and private). Table 1 identifies four ideal types of employer influence over migration policymaking in light of these public/private and organised/unorganised binaries. This paper is concerned specifically with the 'public clientelism' and 'public lobbying' of employers and employer representatives in the 2016–

2020 Brexit period, with ‘private clientalism’ and ‘private lobbying’ beyond its remit. Of course, though, these four ideal types will inevitably overlap and interlink.

Table 1 Employer pressure and migration policymaking

	Collective voice (organised)	Individual voice (unorganised)
Hidden employer pressure inside of government	Private clientalism	Private lobbying
Visible employer pressure on government	Public clientalism	Public lobbying

In the case of the UK, Somerville and Goodman (2010: 953) argue that: ‘the “engine room” of economic migration policy development between 1997 and 2007 was a network of departments, associations, employers, agencies, think tanks and interest groups which coalesced around a single agenda... we find a determinative role for policy networks in shaping economic migration policy’. Beyond the UK, Menz (2011: 12) has observed that: ‘European employer associations have rediscovered an appetite for labour migrants’, and that ‘governments are heeding calls for more liberalised approaches to managing economic migration’. Recent evidence from Sweden underlines this point, demonstrating very clearly how the regulatory spaces of labour migration are now being co-produced by both migration intermediaries (such as recruitment agencies and corporations) and state actors (Axelsson et al, 2021; Hedberg and Olofsson, 2022).

Freeman’s (1995) arguments, it appears, have gained relevance as the UK, among other developed states, has undergone a period of expansive immigration. Employers and employer associations, though, do not simply expand immigration as Freeman argues, they also make it very difficult for governments to genuinely restrict immigration once this expansion is in train, despite myriad means to do so (Ford et al, 2015).

Consterdine questions Freeman’s arguments with respect to labour migration in the UK. She argues very forcefully that the role of business, and indeed the outward venue expansion more generally in migration policymaking, has been overplayed:

Non-state actors, such as employers, unions and universities, whilst broadly supportive of the reforms, were not lobbying government for such a change in policy direction, with most efforts to exert influence on policy beginning after the reforms had been enacted and lobbying, in the main, reactive to government policy. Interest groups were not lobbying government in any substantial way in the late 1990s or

early 2000s, a trend illustrated by the limited interest, resources and engagement that interest groups invested in the issue... my evidence suggests that the organised public actually had a limited impact on the policy framework, as a number of policy decisions went ahead in spite of the lobbying efforts of interest groups. (Consterdine, 2015: 1448)

Consterdine (2015; 2018), therefore, takes on the arguments of Statham and Geddes (2006) that immigration policymaking, in the UK, is still top-down and elite-driven. However, she does this for labour migration policy, whereas Statham and Geddes focus mainly on asylum policy.

Who is correct? How should we conceptualise migration policymaking and implementation in the UK? Well, it is important not to assume that the positions of Freeman (1995), Somerville and Goodman (2010), and others, are mutually exclusive from those of Consterdine (2015; 2018), Statham and Geddes (2006) and others. For our own study, we will argue that political elites gave business numerous opportunities to put public pressure on government and then responded to this pressure by introducing a new horticultural guestworker visa scheme. Thus, one must view labour migration policymaking as shaped by *both* political elites *and* business (and indeed other actors that are outside the remit of this paper). Very simply, and this is not something Consterdine (2015; 2018) would contest given her emphasis on 'party ideology', political elites tend to align with economic interests (and this is particularly true of the UK Conservative Party). In the process, the regulatory spaces of labour migration become co-produced by migration intermediaries and state actors (Axelsson et al, 2021; Hedberg and Olofsson, 2022). The key is capturing this co-production (on paper or in conversation) and linking the intimate entanglement of employers and political elites with actual policy outcomes.

Methodology

The 2016–2020 run-up to the ending of freedom of movement, as a consequence of the Brexit vote, is the period used in this study. During this time there were numerous parliamentary inquiries into UK migration policy. Five of these inquiries are reviewed here: the House of Lords (2017) 'Brexit: UK-EU movement of people' inquiry; the House of Commons (2017a) 'Immigration Inquiry'; the House of Commons (2017b) 'Feeding the Nation: labour constraints' inquiry; the House of Commons (2018) 'Labour constraints' inquiry; and the Home Office (2018) Migration Advisory Committee 'Impact of EEA and non-EEA workers in UK labour market' inquiry. All inquiries were completed at the time of

analysis except the House of Commons (2017a) 'Immigration Inquiry', which was curtailed due to the general election on 8 June 2017. Table 2 outlines the five inquiries consulted as the evidence base for this paper. These produced a total of 515 documents amounting to a total of 4,227 pages of evidence. This evidence was sifted in order to examine the scale and nature of employers' public clientelism/lobbying in the 2016–2020 Brexit period. Specific attention was then directed towards employer interests within the UK food production industry by way of a focused case study. Indeed, the UK food industry was given a very prominent platform to influence the UK's post-Brexit migration policy. While three of the five inquiries reviewed were general, two were actually focused specifically on the needs of food producers: the House of Commons (2017b) 'Feeding the Nation: labour constraints' inquiry and the House of Commons (2018) 'Labour constraints' inquiry. Once relevant evidence was identified from the five inquiries it was read and relevant extracts were selected and coded.

Table 2 Selected immigration inquiries in the Brexit period (2016–2020)

Evidence	Total Documents	Total Pages
House of Lords (2017) 'Movement of people' inquiry	19	269
House of Commons (2017a) 'Immigration inquiry'	181	882
House of Commons (2017b) 'Feeding the nation' inquiry	35	238
House of Commons (2018) 'Labour constraints' inquiry	48	254
Home Office (2018) Migration Advisory Committee 'Impact of EEA and non-EEA workers in UK labour market' inquiry	232	2584
TOTAL	515	4227

The extracts were divided according to whether they came from general employer organisations or from employers and employer organisations linked specifically to the UK food production industry. In terms of the former, two codes were initially developed. In terms of the latter nine main codes were initially developed. A second phase of analysis, tailored specifically to this paper, then identified four themes, namely an emphasis by UK employers and employer representatives on: a labour supply crisis; the lack of suitable local labour; the unsavoury alternatives to low-wage immigration; and the championing a new seasonal guestworker scheme to avoid these unsavoury alternatives. All analysis and coding was carried out manually, rather than via computer software, as it was felt that this would draw the author closer to the documentary material.

Political elites, employers and migration policymaking

Political elites clearly gave business the opportunities to lobby government in the 2016–2020 period, and horticultural business responded in a concerted, weighty and consistent manner.

The climate of encouragement is captured in the following exchange from 28 February 2018 in the 'Labour constraints' inquiry (House of Commons, 2018):

National Farmers Union: 'It is in nobody's interest to see a crisis in our food supply sector. It is certainly not in our members' interest to see that. We want to continue to provide great quality British food, locally produced, for consumers... I feel at the present moment this labour issue is an inconvenient truth that nobody wants to address. We have to have Ministers address it.' Committee Chair²: 'Do not worry; we will have Ministers in. The whole idea of bringing you in here is to give us the ammunition that we can fire at Ministers.'

Aware of this openness towards business, the question becomes not one of whether UK employers' voices were heard by political elites, but what a post-Brexit migration regime should look like according to employers, and whether policy was actually devised accordingly.

In the sections that now follow, the evidence given to policymakers by UK employers (mainly those from the food production industry) is reviewed. Three elements are identified that help to construct a case for a liberal post-Brexit horticultural labour migration regime. These centre on: 1) emphasising a labour supply crisis; 2) demonstrating that UK workers cannot solve this crisis; and 3) arguing that a post-Brexit guestworker visa scheme (which constrains migrant workers much more than the free movement system it replaces) will provide a way out of crisis. All three elements were consistently referred to by employers in the evidence they gave to one or more of the five inquiries reviewed. This consistency may reflect the realities faced by food producers. It may also demonstrate a degree of organisation between employers (organised clientalism rather than unorganised lobbying – see Table 1).

Labour supply crisis

Since at least the turn of the century there have been concerns over the supply of low-wage labour into UK horticulture, both in terms of the numbers and the quality of workers. Periodically, headlines have emerged focused on the fear of crops being left to rot in the fields, and this spectre was evident in the parliamentary inquiries.

A range of national employer bodies stressed how the UK faced a labour supply crisis after Brexit, with food production singled out as a particular extreme case of this:

The UK's employment rate is at a near record high of 75% and unemployment at its joint lowest since 1975 (4.3%). These positive labour market conditions mean that there are not UK nationals ready to be recruited in volumes required to meet demand in many areas. This is particularly the case for care, agriculture and construction. If roles in these sectors are not able to be filled then the quality of care, sustainability of British produce and delivery of key infrastructure projects will be put at risk. (Confederation of British Industry submission to the Home Office Migration Advisory Committee 2018 inquiry)

A lot of the angst in the business community is in lower-skilled opportunities and jobs that are currently filled by EU workers. The extreme is the seasonal and temporary-type jobs, where there have been reductions in the number of applicants. There needs to be a system for allowing migration to fill those jobs... which allows the key sectors of agriculture, hospitality and care to access those workers. (British Chamber of Commerce submission to the House of Lords, 2017 inquiry)

Across the five inquiries, there was a deep and growing sense of a labour supply crisis and this was consistently voiced by employers and employer networks/organisations. However, and as the Confederation of British Industry and British Chamber of Commerce quotations make clear, this labour supply crisis was seen as particularly acute in certain sectors, most notably food production. Employer talk coalesced very much around the notion of a crisis, that progressively deepened in the 2016–2020 Brexit period, and that could lead to dire consequences.

The fact that employers had reached a crisis point is illustrated by the evidence presented below from various employer networks/ organisations:

Members have advised us that securing labour has become much more difficult over the past twelve months. There are issues in filling both temporary and permanent positions, with companies reporting a drop in the calibre of candidates in meeting their skill set and experience. (Fresh Produce Consortium submission to the House of Commons, 2018 inquiry)

Even with current full access to EEA workers, the UK food growing and manufacturing sectors are currently transitioning from a labour supply shortage to a

labour supply crisis. (Association of Labour Providers submission to the Home Office Migration Advisory Committee 2018 inquiry)

Long term, if we continue to have uncertainty, investments will not be made here. If you cannot pick your crop, you are not going to be planting new beds. You will not be replacing them. That is the situation we have. We have not got to that situation yet, but there is a clear and present danger that we are getting very close to it. (National Farmers Union submission to the House of Commons, 2018 inquiry)

Talk of a transition from a 'shortage to crisis' by the Association of Labour Providers, and of 'clear and present danger' for the industry by the National Farmers Union, really emphasises the migrant supply issues faced in food production. Moreover, a number of employer networks/organisations (for example, the Country Land and Business Association, National Pig Association, Association of Labour Providers, and National Farmers Union) provided their views based on underpinning primary survey data. This was opinion, but based on very recent firsthand evidence from employers themselves.

Some might argue that it is in employers' interest to overstate the scale of the labour supply problems faced, in order to ensure not just that the right quantity of workers is available for hire but that it is possible to select from a wide pool of labour for certain qualities. The task for policymakers is to determine how much of the extremely consistent evidence provided around a labour supply crisis is in fact an exaggeration, and how much is fact. There is also the added dimension of UK horticulture having emphasised labour supply issues for quite some time now, and therefore ascertaining the degree to which the Brexit period (with the ending of free movement) represented a particularly unique and new crisis point.

Unsuitable local labour

Companies submitting evidence to the five inquiries were united in their dismissal of local labour as a solution to the labour supply crisis in food production:

We have tried previously to recruit from the local area but those that join us do not want to do the work, to start at early hours the crop needs due to the heat of the summer, or work the same hours as the rest of the crew. We spend a lot of time training local workers only for them not to return to the job the following week. For us, this is a burden rather than a benefit to recruit from the British labour pool. (Berries Direct Farming submission to the House of Commons, 2018 inquiry)

Over the last five or six years the difficulty in getting Brits to become reliable has been a real issue for us. Even though we have had a number of people who have been prepared to start — and that may be because they need to in order to ensure that they have tried, for their benefits — the reality is that the reliability of that staff has been quite poor. Our retention of Brits has been very low, even once we have got them through the door. (Butters Group submission to the House of Commons, 2017a inquiry)

UK labour was seen by employers as: not available where needed due to low unemployment; not suitable due to the seasonal rather than permanent nature of the work on offer; or not willing due to attitudinal problems and an associated lack of soft skills. Whether local labour is unavailable, unsuitable or unwilling it was very clear from the evidence that food producers, as a consequence, had ‘hiring queues’ (Waldinger and Lichter, 2003), whereby migrant workers were favoured over local labour (Scott, 2013; Scott and Rye, 2021).

This shift from employing local labour up until the 1990s to a total preference for migrant workers, particularly after EU enlargement in 2004, has paralleled broader structural changes in the industry associated with: the dominance of large multiple retailers (supermarkets); tightening profit margins; the importance of meeting buyer demands; increasingly efficient supply chain logistics; elongated seasons for certain produce; and industry consolidation. Together, these various trends mean that food producers would find it difficult to move back to local labour, even if this labour were available.

Of course, one possible way to get local labour back into food production is to make work more attractive and thus employers more competitive in the job market. This, however, was not a solution that businesses proposed. It brings with it very difficult structural questions around control of land, control of food retail, and equally tough questions around the relative cost of food and the dangers of food price inflation.

Unsavoury alternatives

A significant part of establishing the favoured solution to the labour supply crisis (that is, low-wage guestworker migration) was the discounting of alternatives and/ or the identification of ‘nightmare’ scenarios for government. In terms of the former, local labour was dismissed as a solution (as seen above) while automation was seen by employers as a long-term solution

and not one that applied to all food types. Employers were certainly open-minded to the potential of new technology to reduce labour demand, many even felt key innovations had already been made; the issue was with the time it takes to move from innovation to widespread implementation. In addition, some also felt that there would always be tasks that could not be done by machines.

In terms of potential 'nightmare' scenarios, employers and employer networks/ organisations were clear that if the current situation continued: crops would be left to rot in the fields; the industry would contract and decline; and producers would move outside the UK to where labour was available. The following three quotes are indicative of these three problematic scenarios:

If access to the supply of labour from the EU cannot be maintained for agriculture and horticulture businesses the implications would be profound. For example, in the horticulture sector (where labour is the most important and costly input) without this supply of labour crops are likely to be left unharvested and wasted. (National Farmers' Union submission to the House of Lords, 2017 inquiry)

Short of wholesale mechanisation, and without advanced arrangements for supply of labour into the sector, the horticulture sector will stop investing and rapidly reduce in size... if businesses are unable to recruit foreign labour, they will not be able to harvest the crops and some horticultural businesses will cease trading. (Concordia submission to the House of Commons, 2017b inquiry)

With labour as such a high percentage of costs and margins being so slight, berry businesses cannot afford two bad years for asset values are small compared to annual pre-harvest crop investment...We are endeavouring and resolved to do our absolute best in the UK and hope that government will act in time, however following the result this year are actively now working on Plan B and moving farming investment abroad (we expect to take 90% abroad if we are unable to recruit sufficiently for the 2018 season). (Haygrove submission to the Home Office Migration Advisory Committee, 2018 inquiry)

The challenge for government is in assessing the significance of these 'nightmare' scenarios and the extent to which they might take hold within food production. It may be unlikely that they will occur, but politically the prospect of any of them arising to any great degree poses a challenge and a worry.

Opportunity out of crisis

From crisis can come opportunity. Thus, in establishing that there is a labour supply crisis in the UK food production industry employers and employer networks/ organisations were keen to also direct policymakers to the only viable short to medium-term solution: a new post-Brexit low-wage guestworker visa regime. The business case for this regime and what it should look like was clear and consistent.

Most employers advocated a new guestworker visa scheme similar to the Seasonal Agricultural Workers Scheme (SAWS) that once operated in UK horticulture (Scott, 2015). The strength and consistency of opinion in favour of a new SAWS-type scheme was plain for all to see:

English Apples and Pears strongly urges the government to introduce a SAWS scheme as soon as possible for both EU and non-EU nationals. Urgent action is needed now to avoid crops being left unpicked, food wastage, food inflation and displacement by imported foods. (English Apples and Pears submission to the House of Commons, 2018 inquiry)

The UK Government should not wait for labour supply to the horticultural sector to fail (with the devastating impact this will have on farmers and other businesses) before rushing in a hasty and ill-thought through Seasonal Agricultural Workers Scheme. DEFRA should be acting now to design a model Seasonal Workers' Permit Based Quota Scheme. (Association of Labour Providers submission to the House of Commons, 2017b inquiry).

A new seasonal agricultural permit scheme would allow the sector to recruit workers from anywhere in the world. Such schemes attract incentivised workers with higher rates of productivity, new innovation, ideas and skills. These workers would be required to return home when work placements ended, and like SAWS, the new scheme would not be an immigration issue. (National Farmers' Union submission to the House of Lords, 2017 inquiry)

Interestingly, many businesses emphasised the fact that seasonal mobility is not in fact 'migration' as per the 12-month United Nations definition of the term. Undoubtedly, this was in the hope of reducing some of the political heat associated with a policy that could look to

be increasing immigration after Brexit: an event that many people believed would signal reduced immigration.

Also noteworthy in the above quotations are the calls for a reintroduced seasonal agricultural workers scheme with a wide geographical scope, extending beyond the EU. In fact, many businesses felt that the quantity and quality of seasonal EU workers into the food production in the UK had started to decline, and that a more expansive SAWS-type scheme looking beyond the EU was the solution to this.

Not only were there strong and consistent calls for the geographical scope of SAWS to increase, but employers and employer networks/organisations were also keen for the scale of SAWS to grow. Historically SAWS was limited to around 20,000 workers (Scott, 2015), but in evidence to the inquiries many stakeholders argued for a scheme of 80,000+. The figure of 80,000+ came from National Farmers' Union research:

We currently require 85,000 seasonal workers, which by 2020 is set to rise to between 90,000 and 95,000. Those are people who come here for 10 months of the year and then go home again. We see that as slightly separate from a migration problem, because they are coming here and going home. (National Farmers' Union submission to the House of Lords inquiry, 2017)

In addition, certain parts of the food production industry (especially food processing) argued that semi-permanent migrant workers were also needed and that a SAWS-type scheme on its own was not enough.

It is clear that employers and employer networks/organisations were not only responding to a crisis in labour supply but were also sensing that out of this crisis, in the context of Brexit, there was potential opportunity. In fact, and as shown above, the reintroduction of guestworker visas (in place of free movement) was forwarded by stakeholders as the only viable solution for an industry under threat. The question is not whether political elites were listening to this strong and consistent case (the five inquiries the government initiated suggest they clearly were) but whether they were influenced by it in the formation of low-wage migration policy?

In the event, the Home Office and DEFRA now oversee a horticultural visa scheme that is guaranteed until 2024 and is now global in scope with an unprecedented upper limit of 40,000 (in 2022–2023). This visa scheme was confirmed in December 2021 out of the initial

'seasonal worker pilot' (2019–2021), despite major concerns around harvest workers being exploited in light of both independent evidence (FLEX, 2021) and following the government's own evaluation of the first year (2019) of the pilot (DEFRA/ Home Office, 2021a; FLEX, 2022; IASC, 2022).

Although the visa scheme for horticultural guestworkers has consistently been extended and expanded since 2019, there remains considerable industry fear over labour supply, especially given the additional threats posed by COVID-19. In addition, the UK government remains committed to looking beyond migrant workers to meet the needs of horticultural employers, stating at the same time as it extended and expanded the horticultural visa that: 'while acknowledging the sector's reliance on foreign workers, the UK is committed to becoming a high-skilled, high-wage economy and the government has been clear that more must be done to attract UK workers through offering training, career options, wage increases and to invest in increased automation technology' (DEFRA/ Home Office, 2021b). The employer pressure on political elites looks set to continue.

Conclusions

The paper has examined the scale and nature of employers' public clientelism and public lobbying in the 2016–2020 Brexit period, drawing specifically on the case of UK horticulture. The UK horticultural sector was thrown into yet another labour supply crisis following the 2016 Brexit vote. After this vote, political elites opened up numerous opportunities for diverse actors, but especially employers and employer/ business organisations, to pressure the Conservative government for more liberal immigration (despite the fact that the Brexit vote was built around government limiting immigration). One of the most extensive and certainly most empirically accessible of these opportunities focused on the parliamentary committee inquiry. The paper has used the documentary evidence provided to five of these inquiries to illustrate how strong and consistent the employer voice has been with respect to the labour needs of the UK horticultural sector.

In light of the evidence presented, we need to be careful not to think of migration policymaking as shaped by political elites *or* business interests but to see both political elites *and* business interests as intimately entangled within and co-producing labour migration policy (see also Axelsson et al, 2021; Hedberg and Olofsson, 2022). Pressure from employers for continued low-wage labour migration after Brexit has been strong and, in the food production sector at least, it has correlated with policy outcomes. It seems the

arguments of Freeman (1995) and Somerville and Goodman (2010) are not so mutually exclusive from those of Consterdine (2015; 2018) and Statham and Geddes (2006).

When policy is going in the direction that employers want – as in the 1990s and 2000s – their voices may be less noticeable. However, when the policy direction appears to be going against what employers' want, as occurred due to Brexit, their voices may become more audible. This increase in employer voice, facilitated by political elites, is what we detected through documentary analysis of the five parliamentary inquiries; and while there are other forms of policy lobbying and influence, these inquiries revealed a strong and consistent narrative during the 2016–2020 Brexit period that ultimately translated into a policy gain for horticultural employers, despite an ostensibly reluctant Conservative administration.

Migration policymaking at this time involved political elites giving employers a voice and this voice correlating with migration policy outcomes; at least for one 'exceptional' sector, for now (a sector that has always been at the heart of the Conservative party's rural powerbase). The challenge going forward is to collect more data (beyond public documentary evidence) to see if it is possible to tie correlation with causation. For example, did horticultural employers actually change the minds of political elites with respect to low-wage labour migration? Or, was the intention among political elites always to open up selective routes for low-wage immigration? If the latter, then what purpose did the various parliamentary inquiries serve? In addition, one must also examine the emergence of post-Brexit guestworker visa schemes in place of free movement, and ask whether this emergence was economically motivated and driven, or simply an accident of Brexit? Finally, and as Somerville and Goodman (2010: 960) make clear, labour migration is shaped by a complex policy community beyond just business and political elites (involving, among others, think tanks and legal associations). More research into this complexity is clearly needed to help understand, and possibly under-score, the power of business interests and political elites in co-producing labour migration policy in the UK and beyond.

¹ The 'Seasonal Worker Pilot' for the UK's horticultural industry began in March 2019 and was initially limited to 2,500 migrant guestworkers (able to work in the UK for a maximum of six months) from five countries. The scheme was then extended in 2020 and expanded to 10,000 guestworkers from 14 countries. Then, in December 2020 – just nine days before the ending of free movement – the scheme was extended again and expanded again to 30,000 guestworkers from 19 countries. Most recently, in December 2021, the scheme was extended once again (until 2024) and expanded once again to up to 40,000 guestworkers from an unlimited number of countries. The current seasonal worker visa (2022–2024) also now takes in ornamentals, whereas the initial 'seasonal worker pilot' (2019–2021) applied only to edible horticulture. Significantly, the decisions to extend and expand the horticultural visa scheme went as far as the Prime Minister's Office in collaboration with the Home Office and DEFRA. Currently, and despite the recent tendency for extension and expansion, there are concerns over the treatment of workers on the horticultural visa scheme ([DEFRA/Home Office, 2021a](#); [FLEX, 2021](#); [2022](#); [IASC, 2022](#)), and the UK government appears to favour options other than

low-wage labour migration to address horticultural labour shortages over the longer term (DEFRA/Home Office. 2021b).

² The Committee Chair was Neil Parish MP (for Tiverton and Honiton), a Conservative Party politician (and farmer).

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The author of this paper has declared that research ethics approval was not required. While the paper presents and draws directly on data/findings from empirical research, all the material was gathered from secondary sources (parliamentary inquiries) already in the public domain.

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Conflict of interest

The author declares that there is no conflict of interest.

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