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1 **Temporary Labour Migration and Restricted Rights: Comparative Perspectives from**
2 **European Agriculture**

3

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10 **Abstract**

11 Over the 21st century, there has been a resurgence of low-wage temporary labour migration
12 across higher-income countries, particularly in Europe. The restriction of migrants' rights has
13 often accompanied such migration. This has led many academics to question the idea that
14 temporary migration represents a 'triple win'. Specifically, migrants are seen to suffer due to
15 the rights restrictions placed on them by host countries. This article compares temporary
16 agricultural labour migration to Poland, Germany and the United Kingdom. We identify the
17 different ways and degrees to which migrants' rights have been compromised under largely
18 bilateral (Poland), largely regional (Germany) and largely global (UK) migrant recruitment
19 regimes. Through the comparative analysis, 'better practices' are identified from across the
20 three case-study countries, and a list of 34 rights-based indicators is proposed and assessed.
21 The paper is intended to advance the knowledge of, and debate around, what constitutes
22 migrants' core rights and point towards how temporary migration policies can become more
23 (rather than less) worker-friendly in future.

24

25 **Keywords:** Agriculture, Employer, Comparative, Labour, Migration, Policy, Temporary,
26 Worker.

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29

30

31 **Introduction**

32 This article focuses on three countries (Germany, Poland and the UK) and one sector
33 (agriculture) to consider the important relationship between temporary low-wage labour
34 migration and workers' rights. Agriculture serves as the case-study sector due to its
35 significance in low-wage temporary labour migration (ANONYMISED 2018; Sexsmith et al.
36 2024; Molinero-Gerbeau et al. 2026). The focus on three European countries is driven by the
37 representation of different types and scales of migrant recruitment into agriculture: Poland
38 has a regime that has traditionally targeted one country (Ukraine) but is heavily evolving due
39 to the Russian full-scale invasion in 2022; Germany has a regional recruitment regime
40 (centred on the EU); and, since Brexit, the UK has a global recruitment regime. Using a
41 comparative lens, we aim to: 1) identify 'better practice' in migrants' rights protections
42 across these three labour recruitment regimes; and 2) identify and assess the salient migrant
43 rights indicators through which different countries' approaches (beyond just those profiled in
44 the paper) to temporary labour migration can be compared.

45 While this article focuses on low-wage labour migration, it is crucial to clarify that
46 restrictions on migrants' rights are not necessarily inherent to low-wage labour *per se*.
47 Rather, they are often closely associated with the temporary or seasonal character of
48 migration regimes, particularly in sectors such as agriculture, where labour demand is
49 cyclical and employers rely on short-term labour supply. In contrast, low-wage migrants'

50 employment in sectors that provide an easier way to settlement, may not involve the same
51 degree of formal restriction of rights relative to native workers.

52 To understand the tendency to restrict temporary migrants' rights within temporary
53 labour migration regimes, it is worth considering the 'liberal paradox' (Hollifield 1992;
54 Natter 2024). This involves economic pressures towards greater migration from employers,
55 on the one hand, and political pressures towards migration closure on the other. This paradox
56 is at least partly resolved by a migration policy that is simultaneously open to attract
57 migrants' labour but also relatively closed to provide rights for them (Lutz 2024). Most
58 notably in Europe, the liberal paradox has been resolved via Temporary Migrant Worker
59 Programmes (TMWPs) to recruit foreign workers, but for a time-limited period and with
60 limited rights and entitlements. TMWPs were once very popular in Europe (Martin and
61 Miller 1980) but declined from the 1970s to the 1990s (Castles 2006). However, they are
62 undeniably "back in fashion" (Stilz 2010: 295) and recently represent "the dominant form of
63 labour immigration policymaking in high-income countries" (Bauböck and Ruhs 2022: 529).
64 Overall, it is estimated that over one-third of the world's 169 million migrant workers are
65 currently employed on temporary visas (Joyce 2024: 35). The popularity of TMWPs lies
66 precisely in their potential to help resolve the liberal paradox via a double movement of both
67 openness (to workers' labour) and closure (to workers' rights) (Lutz 2024; Reilly 2011).

68 In sectors such as agriculture, the temporary character of labour migration and the
69 limited rights of workers is often justified by pointing to low sectoral retention rates once
70 migrants obtain settlement rights. Agricultural work is usually physically demanding,
71 seasonal, relatively low paid, and geographically isolated, which make it less attractive for
72 long-term employment compared to other sectors of the economy (Molinero-Gerbeau et al.
73 2026). As a result, agricultural migration regimes are usually designed to limit rights and to
74 ensure the return of workers after the end of the season (Taylor and Charlton 2019). This

75 rationale may be particularly salient in liberal migration regimes, where enforcing return after
76 settlements becomes significantly more difficult once migrants obtain rights of residence.

77 Germany, Poland, and the UK have all experienced a persistent problem of labour
78 shortages in agriculture and increasing competition for (often migrant) workers between low-
79 wage sectors. The article critically evaluates the low-wage agricultural recruitment regimes of
80 Germany, Poland and the UK against 34 rights indicators. These are drawn from an analysis
81 of EU/ UN/ ILO instruments (European Commission, 2025; ILO, 2025), the academic
82 literature (Mantouvalou 2016, 2023; Ruhs 2013, 2018, 2021), legal documents and the
83 authors' long-standing knowledge of the field (ANONYMISED 2018; ANONYMISED
84 2024; ANONYMISED 2021; ANONYMISED 2024).

85 By looking at what has been termed the “numbers versus rights” (Martin 2006; Ruhs
86 and Martin 2008) trade-off, we interrogate the relationship between employers' need for
87 temporary workers, migrants' desire to move to higher-income countries for work, and
88 reduced worker rights and associated exploitation (Constardine 2018; Menz 2010). The
89 analysis covers ten years (2015-2024), spanning Brexit, the European refugee crisis, the
90 COVID-19 pandemic, and the Russian invasion of Ukraine. Thus, this includes the period
91 referred to as the 'polycrisis' (Helleiner 2024) and links between such crises and reduced
92 (migrant) worker rights cannot be ignored.

93 Our original contribution lies not only in the identification of better practices across
94 the three case study countries but also in the identification and assessment of 34 migrant
95 rights indicators as they pertain to our three countries and beyond. We also show that
96 European states seek to resolve the 'liberal paradox' (that they all face) in different ways and
97 that the 'rights versus numbers' perspective of Ruhs and Martin (2008) is very much context-
98 sensitive and more complex than might first appear. In addition, we respond to Ruhs' (2016)

99 call for more debate around what constitutes ‘core rights’ by assigning the indicators
100 according to whether we see them as essential/ core or desirable/ optional.

101 In the following sections, we first review the literature on migration policymaking and
102 TMWPs. The comparative policy analysis methods underpinning the paper are then outlined,
103 before we engage in a critical evaluation of the three selected European case-study countries.
104 We then synthesise our findings before concluding.

105

106 **Migration, Policymaking and Temporary Low-Wage Labour**

107 Labour migration policymaking has been principally shaped by business interests (Afonso
108 and Devitt 2016) and political elites (Consterdine 2018), with the two often closely entangled
109 (ANONYMISED 2022). The involvement of workers (e.g. through trade unions) in migration
110 policymaking has been marginal at best. The strength of the employer ‘lobby’ helps one to
111 understand the development of liberal expansionist immigration regimes across higher-
112 income countries (Menz 2010; Jaroszewicz et al. 2024). Moreover, the recent turn towards
113 TMWPs – limiting workers’ length of stay, rights and entitlements – appears indicative of
114 capital-oriented policymaking but also reflective of key political considerations (Reilly
115 2011).

116 TMWPs are largely seen as being employer-driven (Cook-Martin 2024; Ruhs and
117 Martin 2008: 254) and provide employers with the *in-situ* spatial fix they require
118 (ANONYMISED 2013). Mantouvalou (2023: 31) summarises the logic of the state in
119 guestworker policymaking: “in designing the schemes, states focus on the needs of business
120 and attempt to develop rules that respond primarily to those rather than the protection of
121 workers’ rights”. In the process, “migrants are permitted only as labour, not as fully human”
122 (Oberoi and Sheill 2024: 710), experiencing considerable and varied forms of ‘alienation’ as
123 a result.

124 Despite TMWPs being labelled a ‘triple-win’ by advocates (Molinero-Gerbeau et al.
125 2026) – beneficial to sending countries, receiving countries, and migrants themselves – “host
126 country interests have remained dominant” (Bauböck and Ruhs 2022: 531). Host country
127 employers benefit from having highly constrained migrant labour with fewer rights and
128 entitlements than the domestic workforce, and states benefit from being able to tightly
129 manage and control the growing numbers of (temporary) migrant workers and navigate the
130 ‘liberal paradox’ (Hollifield 1992; Natter, 2024) at least partially by an openness and closure
131 simultaneity. Migrants themselves have a partial ‘win’ in that managed migration through
132 TMWPs is preferable to irregular migration and informal employment, yet they suffer as their
133 rights are compromised relative to the domestic workforce.

134 A key issue in the resurgence of TMWPs is the “numbers versus rights” trade-off
135 (Martin 2006; Ruhs and Martin 2008) whereby large numbers of migrants have been given
136 access to foreign labour markets based on only partial citizenship, which, in turn, impacts
137 access to rights. Ruhs (2013: 54) argues that: “greater openness to admitting migrant workers
138 will be associated with relatively fewer rights for migrants and vice versa” (see also Gest et
139 al. 2024). Similarly, Stilz (2010: 296) explains that:

140 “Ultimately, we face a choice between offering a generous package of rights and
141 benefits to a minimal number of workers, or a more restricted package to a larger
142 number [...] Extending workers the full panoply of rights — including labour market
143 protections, union rights, unemployment and welfare benefits — makes them more
144 expensive, and erodes their primary comparative advantage relative to domestic
145 workers. Offering workers easy access to citizenship requires integration efforts that
146 make them more costly for the host state. With fewer rights, more job openings can be
147 made available to low-skilled foreigners in need”.

148 As a result, lower-wage migrant workers are the ones most adversely impacted by the
149 “numbers versus rights” trade-off, and most available literature concentrates on this group.
150 Some scholars question whether it is ever justifiable for states to restrict migrants’ rights and
151 create a two-tier workforce as a result (e.g., Mantouvalou 2023; Walzer 1983). Mantouvalou
152 (2023: 30), for instance, asserts that “there is no ‘triple win’” and describes guestworker visa
153 regimes as “state-mediated structures of exploitation” (2023: 47). Agriculture stands out as
154 one of the sectors where segmentation has become most pronounced (ANONYMISED 2018):
155 with low-wage work being perceived as largely for migrants whose apparent superior work
156 ethic is fundamentally linked to their limited rights and entitlements (Caxaj et al. 2023;
157 ANONYMISED 2025). The instrumental treatment of migrants and the exacerbation of their
158 structural vulnerability in this sector stem primarily from ‘agricultural exceptionalism’ as the
159 dominant European policy paradigm. Strategic food security concerns, protection measures
160 towards farmers in the global food market, and the unpredictability of agricultural production
161 mean that agricultural workers, regardless of their country of origin, are deliberately and
162 systematically deprived of basic rights (Taylor and Charlton 2019). Meanwhile, in many
163 contexts, informal employment is normalised and goes unpunished (ANONYMISED 2022).

164 Beyond the “numbers versus rights” debate, another trade-off in TMWPs is the
165 balance between domestic justice (which temporary migration regimes tend to undermine)
166 and global justice (which they tend to enhance) (Bauböck and Ruhs 2022). As Ruhs (2021:
167 238) observes:

168 “On the one hand, TMWPs expand opportunities for workers in poor countries to
169 access labour markets of rich countries, and they improve the situation of origin
170 countries through, for example, remittances. At the same time, TMWPs violate the
171 principles of domestic equality because they afford migrant workers more restricted
172 rights than those enjoyed by citizens and long-term residents of the host country”.

173 Whilst migrant workers may suffer relative to domestic workers through TMWPs, their
174 exploitation is offset by gains made in migrating from lower to high-income countries (see
175 the Australian case in Reilly 2011). Linked to this, the positive relationship between
176 migration and development has been particularly emphasised by advocates of TMWPs
177 (UNDP 2009; World Bank 2006).

178 The challenge of how to create temporary worker regimes that enable migration, with
179 migrant workers making economic sense to employers, whilst at the same time not creating
180 structures of exploitation, is an impossible one to solve. The question for pragmatists, who
181 believe TMWPs are unlikely to go away, is essentially how to make them incrementally more
182 worker-friendly. Focusing on agricultural guestworkers in the UK, both ANONYMISED
183 (2015) and Consterdine and Samuk (2018) accept that TMWPs are here to stay and argue
184 they can be justifiable if they become more just. Achieving more just labour migration
185 policies, however, requires an awareness of both the better practice out there in the real world
186 and, at a more abstract level, the key rights indicators that risk being undermined through
187 TMWPs (see Ruhs 2013).

188

189 **Comparative Case-Study Approach**

190 The comparative policy analysis of TMWPs in this article focuses on three European
191 illustrative case-study countries: Germany, Poland and the UK. These countries were selected
192 primarily for their different migrant recruitment regimes into agriculture and also due to their
193 different immigration histories and contexts. In addition, they align with other varieties of
194 capitalism (Menz 2010; ANONYMISED *forthcoming*) and as Ruhs (2018: S99) observes:
195 “cross-country variations in industrial relations, labor market regulation, and the nature of the
196 welfare state can also be expected to contribute to differences in restrictions of the rights of
197 migrant workers”.

198 Germany is a Coordinated Market Economy and has a long history of implementing
 199 guestworker programmes stretching back to the ‘*Gastarbeiter*’ period after the collapse of the
 200 Berlin Wall in 1989 (Menz 2010). Of late, migrant workers have been prevalent in sectors
 201 such as care, construction and agriculture (Angenendt et. al. 2023). Poland is a Dependent
 202 Market Economy (Nölke and Vliegenthart 2009), which, due to its dependence on Western
 203 capital to develop the economy, acts as a production and assembly hub for foreign investors.
 204 The availability of relatively cheap and qualified labour was a *sine qua non* condition for
 205 such outsourcing of production from Western to Central and Eastern Europe. As Nölke and
 206 Vliegenthart explain, the Dependent Market Economy’s comparative advantage was “a
 207 combination of relatively low labour costs and a skilled population with substantial
 208 knowledge of a medium level of technology” (2009: 676). Although Poland has traditionally
 209 been a source of labour migration for other Western European countries, it is now considered
 210 a New Immigration Country and destination for temporary workers (ANONYMISED 2024;
 211 Szelewa and Polakowski 2023). The UK represents a Liberal Market Economy (Menz 2010).
 212 Like Germany, it has been an immigrant destination country for decades, but post-war
 213 migration was shaped by colonial history rather than bilateral guestworker agreements (as
 214 occurred in Germany). Following EU enlargement in 2004 and 2007, the UK became a
 215 destination for Central and Eastern European workers, though Brexit ended free movement in
 216 January 2021. Table 1 (based on the latest available data) demonstrates the key differences
 217 and similarities between the three case-study countries.

218

219 **Table 1:** Germany, Poland and the UK Compared

	Germany	Poland	UK
EU or non-EU	EU	EU	Non-EU
Population	85m	37m	70m

GDP per capita	\$48,717	\$25,103	\$53,246
Unemployment (2024)	3.4%	2.9%	4.3%
Employment Rate (Q3 2025)	77.3%	73.1%	75.0%
Percentage of Workforce Born Abroad	Around 20% ¹	6-10%	21%
Average size of farm-sites (in hectares)	61	17	87
Type(s) of Migration into Agriculture	EU free movement of workers	Circular migration from neighbouring country (Ukraine)	Global seasonal guestworker visa
Scale of Migration into Agriculture²	Around 300 000 workers a year for agriculture, horticulture and forestry work	Applications for seasonal work permits: 57,367 (2024) Seasonal work permits issued: 16,135 (2024) Notification of entrusting work to a Ukrainian citizen (post-February 2022 legal employment path): 47, 560 (2023)	45,000 visa quota (2024) 34,971 visas issued (2024)

220

Source: Various (ONS, OECD, World Bank)

221

¹ The exact percentage of foreign-born workforce is not readily available due to the various categories used in measurement (e.g. workers with migration background vs. Foreign born workforce). The percentage is calculated based on the overall number of employed persons in Germany (46 million; Statistisches Bundesamt) and over 9 million of foreign-born workforce (OECD).

² It is crucial to note that data available on foreign seasonal workers are fragmented and many seasonal workers go un-recorded.

222 In the analysis, we follow *the rule of majority* and address TMWPs' according to the
223 migrant route and groups that constitute the majority, rather than focusing on various other
224 minority scenarios. In the UK, seasonal agricultural work has traditionally relied on Eastern
225 European migrants, particularly from Poland (after 2004 EU enlargement) and then Romania
226 and Bulgaria (after 2007 EU enlargement). However, since Brexit, there has been an
227 increasing dependence on non-EU workers through the Seasonal Worker Visa scheme
228 (established in 2019), which allows stays of up to six months for horticultural work. In
229 Germany, circular and seasonal migration is dominated by Romanian and Polish workers,
230 facilitated by EU freedom of movement and often organised through subcontracting and
231 posting firms (Bruzelius and Seeleib-Kaiser 2023). Although recent attention to labour
232 conditions has prompted tighter regulations, temporary migration to Germany is becoming
233 increasingly popular for non-EU workers. In Poland, temporary agricultural labour is mainly
234 filled by Ukrainian workers, supported by simplified procedures for short-term and Seasonal
235 Work permits introduced in 2018 under an EU Directive.

236 To compare TMWPs across the three case-study countries, we identified (drawing on
237 European Commission 2025; Ruhs 2011, 2012, 2018) 34 migrants' rights indicators. A Red-
238 Amber-Green [RAG] rating system is used for each indicator based on country-specific
239 evidence and the authors' own long-running country and sector expertise. This approach is
240 commonly employed in comparative policy studies, particularly for categorising and ranking
241 analysed objects or phenomena (Powell et al. 2013). Red marking indicates high risk and
242 critical issues, amber stands for medium risk and a warning for the issue to be monitored,
243 whereas green indicates no major issues in relation to restricted migrant rights. This RAG
244 rating is based not only on what is covered in a legal *de jure* sense in a given nation-state, but
245 also on what occurs in practice in a *de facto* sense across the three case-study countries.
246 Additionally, drawing on Ruhs' recognition that the list of migrants' core rights is "up for

247 debate” (2016: 309), we also identify what we believe to be the essential/ core rights as
248 distinct from desirable/ optional rights.

249

250 **Germany – a regional regime**

251 Germany has a long-standing tradition of recruiting seasonal and temporary migrant workers,
252 facilitated by various guestworker schemes (Kępińska and Stark 2013). From the 1950s, the
253 Federal Republic of Germany experienced an economic boom, which went hand in hand with
254 an expansion of the labour market. Despite a few ups and downs since, the domestic
255 workforce has become insufficient to meet labour needs. Over the past few decades, there has
256 been the development of various TMWPs. These have focused on the agricultural and
257 hospitality sectors, but it should be noted that they also encompass skilled workers (BDA
258 2024).

259 Germany (unlike the UK and Poland) relies almost entirely on intra-EU migration to
260 meet the demand for agricultural seasonal workers. In the German agricultural sector, close to
261 30% of the workforce is represented by seasonal workers, mostly from Eastern European
262 States (especially Poland and Romania) (Salamena 2025). Poland, in particular, has been a
263 major supply line over the 21st century, and until 2011, Poles constituted the majority of
264 migrant farmworkers in Germany (ANONYMISED 2021; Kępińska and Stark 2013).
265 However, from 2006 their share decreased whilst the share of workers from Romania
266 increased (from about 8% in 2004 to around 35% by 2010) (Schneider and Gotte 2020). In
267 fact, in 2010, Poland and Romania supplied nearly 95% of the overall agricultural migrant
268 workforce (Wagner and Hassel 2017), with the remaining 5% coming from Central European
269 countries such as Bulgaria, Croatia, Hungary, Slovakia and Ukraine (Schneider and Gotte
270 2020). The 2014 Seasonal Worker Directive allows Member States to form bilateral
271 agreements with non-EU countries for seasonal work. Thus, in 2020, Germany concluded a

272 bilateral agreement with Georgia to source 5,000 seasonal workers annually (Lechner 2021:
273 5). This was then followed by an agreement with the Republic of Moldova, mainly for
274 seasonal agricultural work (Federal Labour Office 2022).

275 The seasonal worker agreements in Germany are designed to accommodate the needs
276 of agricultural businesses regarding *just-in-time* migration (Altenried et al. 2017; Biaback
277 Anong 2024). Biaback Anong (2024) calls on the idea of ‘differential inclusion’ (Mezzadra
278 and Neilson 2013) to explain how migrants are partially and differentially integrated by
279 stratifying access to rights. This is a recurrent theme in this article.

280 Currently, to be granted a Seasonal Work Permit, the Federal Employment Agency
281 (FDA) must check whether a position qualifies for the criteria of seasonal employment. For
282 work to be considered seasonal, it should last a maximum of 90 days within a period of 180
283 days and be at least 30 hours per week (Bundesagentur für Arbeit 2025). The seasonal work
284 permit dictates the precise time an individual is authorised to work as a seasonal worker,
285 which is specified on the work permit. Certain non-EU nationalities can obtain a work permit
286 without having to apply for a visa (that applies, for instance, to workers from Georgia or
287 Moldova, where there are bilateral agreements in place). Formally, seasonal workers are
288 generally subject to social insurance; however, certain exceptions exist (Bruzelius and
289 Seeleib-Kaiser 2023), for instance, for the citizens of Moldova and Georgia.

290 Health insurance should usually be provided by the employer, known as ‘health
291 insurance for harvest workers’ (Bundesagentur für Arbeit 2025). Despite the regulations
292 being in place concerning sick leave, it is common that both workers and farmers do not
293 follow the procedures: workers avoid reporting due to the fear of losing their daily wage or a
294 job overall, and farmers simply “mitigate the responsibility and resort to common-sense
295 logic” (ANONYMISED 2021: 6). Before the COVID-19 regulation, in 2020, employers were
296 permitted to hire seasonal workers for a maximum of 70 days annually without being

297 required to register them in social insurance schemes. In 2020, during the COVID-19
298 pandemic, this exemption was extended to 115 days, mostly due to employers' fear of
299 seasonal workers' retention (DGB 2021). Even before these extensions, the lack of mandatory
300 social security contributions created significant difficulties for workers, particularly those
301 without health insurance. In cases of illness or injury, workers were often dismissed and
302 replaced, leaving them responsible for their medical expenses (Bogoeski 2022; Salamena
303 2025).

304 According to the law, the statutory minimum wage applies to seasonal workers
305 (regardless of their nationality), and so does the entitlement to paid holiday, or its equivalent
306 if the entitlements are not used. Similarly, the continuous wages should also be paid in case
307 of illness (Bundesagentur für Arbeit 2025). Piecework wages are permissible, but the
308 employer cannot pay less than the statutory minimum wage. In practice, however, such a
309 method of remuneration influences migrants' harvesting strategies, pushing them to
310 exhaustion and self-exploitation (ANONYMISED 2021; Salamena 2025). The German
311 Customs Authority (Zoll)³ is permanently understaffed and lacks efficient coordination
312 (Bruzelius and Seeleib-Kaiser 2023), which allows exploitation to flourish. Thus, the
313 minimum wage enforcement remains poor and is largely neglected by responsible institutions
314 (Bruzelis and Seeleib-Kaiser 2023).

315 Although, in Germany the terms of employment do not need to be given to the worker
316 in a formal and written form (verbal or e-mail agreement is considered as sufficient
317 documentation of the contract), the employer is obliged to provide essential terms of the
318 contract in writing no longer than one month after the start of employment (however the law
319 does not specify which language these have to be in). Thus, it is common for employers to
320 give contracts in German, even though the workers cannot communicate in that language.

³ While ZOLL's traditional role is border control duties, imports/exports, and tax collection, in the last two decades it has taken on a major labour enforcement role.

321 Similar instances have been recorded in relation to work-based training (ANONYMISED
322 2021). While the intra-EU migrants are free to change employers, those who arrive in the
323 country on a Temporary Work Visa are bound to one employer.

324 The accommodation of seasonal workers must also be regulated within the terms of
325 the contract, and that should be stated clearly. The agreement should include: the cost; who is
326 to cover the cost; and how it is to be paid (payslip deduction, separate payment, etc). The
327 employer must maintain what is called a ‘garnishment exemption limit’, i.e. the worker must
328 have enough money left to live on, after all the employer’s deductions. In practice, however,
329 the circumstances differ. Studies show that agriculture is among the top sectors in which
330 extreme forms of labour exploitation occur in Germany (Bruzellis and Seeleib-Kaiser 2023;
331 Salamena 2025). Studies on labour exploitation reveal that employers often seek to reduce
332 payroll costs by evading social security contributions. They may also withhold workers’
333 documents, hire seasonal labourers under oral agreements, or provide contracts that are
334 neither explained to nor understood by the workers (Schneider and Gotte 2010). Moreover,
335 seasonal workers can be fired easily with a one-day notice period (Bruzelius and Seeleib-
336 Kaiser 2023; Initiative Faire Landarbeit 2021), and the quality of accommodation is often
337 poor (Salamena 2025).

338 Based on the on-site outreach to farmworkers in the German agricultural sector, the
339 recent 2023 Seasonal Work report by Initiative Faire Landarbeit (*eng. Fair Rural Work*
340 *Initiative*) – a collaborative alliance that brings together union-affiliated advisory centres to
341 improve conditions of seasonal and agricultural workers – indicated severe minimum wage
342 violations, excessive working hours, immediate dismissals, delayed wage payments,
343 overpriced and substandard housing, inadequate health and social insurance, as well as sexual
344 harassment and abuse of power. However, the report also indicates positive developments,
345 such as some farmers offering improved housing conditions, the introduction of digital time

346 tracking systems to increase transparency regarding working hours and wage calculations and
347 an overall rise in regular employment in long-term, socially insured jobs, while the use of
348 short-term so-called “mini-jobs” is declining.

349 The situation becomes even more complicated if recruitment agencies are involved, as
350 this creates a path of dependency where the worker is bound to a certain intermediary and a
351 single employer (Peco Institute 2015). To reduce the cost of labour, employers resort to
352 maximum deduction of the amounts possible for items such as accommodation, food, or
353 protective clothing (Peco Institute 2017). Conditions in the field are often problematic due to
354 extreme weather, physically demanding work and poor accommodation (living in containers
355 or makeshift housing).

356

357 **Poland – a largely bilateral regime**

358 Poland's employer-based immigration policy, which started in 2006, grew out of an attempt
359 to regulate seasonal migration, in particular in the agriculture sector (Kaczmarczyk 2024).
360 The so-called 'simplified procedure'⁴ introduced at that time was intended not only to
361 facilitate and shorten the formal procedures for employers seeking temporary workers in
362 agriculture, but also to provide an opportunity to regulate dominant informal work in this
363 sector (Szelewa and Polakowski 2023). As a counterbalance to the time-consuming and
364 bureaucratically complicated work permit procedure, employers could submit a declaration of
365 intention to employ foreigners to the district labour office. This route was exempt from the
366 labour market testing procedure due to active lobbying by farmers, which influenced the
367 government's decision to change immigration policy (Górny and Kaczmarczyk 2018;
368 ANONYMISED 2026).

⁴ Declaration of intent to employ a foreigner become main legal instrument of hiring temporary migrant workers by employers from neighbouring countries (Ukraine, Belarus, Russia) and from post-Soviet countries (Armenia, Georgia, Moldova).

369 Initially, the simplified procedure allowed entry and stay for selected third-country
370 nationals in Poland for up to three months, which was later extended to six months and then
371 again to 24 months in January 2022. Despite several shortcomings in its application (e.g.,
372 issuing excessive numbers of documents; see Szulecka and Klaus 2021), it has become the
373 primary route of legal entry into the labour market in Poland and remains particularly focused
374 on agriculture. The simplified procedure in Poland did not introduce quotas or limits that set a
375 maximum number of workers to be recruited. As a result, the number of workers coming
376 through this path has been increasing every year, leading to Poland becoming the leader
377 among OECD countries in the recruitment of temporary workers (mainly into agriculture)
378 (Górny and Kaczmarczyk 2018).

379 A striking feature of the simplified procedure policy has been a strong commitment to
380 attracting workers from post-communist countries. In a short period, the population of
381 temporary workers was dominated by Ukrainian citizens, who accounted for around 90% of
382 all immigrants at the time of recording in the 2010s (Górny and Kaczmarczyk 2018). Until
383 2014, Ukrainians engaged in circular migration, which also significantly affected their
384 expectations regarding working conditions and quality of employment, positioning them as
385 temporary workers with no vision to settle in Poland (ANONYMISED 2021).

386 Although the simplified procedure has become the main entry point for foreign
387 workers to Poland, migrants are still able to take up employment based on a work permit or
388 ‘special provisions’ for people with Polish ancestry (i.e. the Pole’s Card). Moreover, with the
389 introduction of visa-free travel for Ukrainians in the Schengen area since June 2017,
390 foreigners with biometric passports take up seasonal work in agriculture and other sectors in
391 Poland for up to 90 days, mostly in an undocumented way (Szulecka and Klaus 2021;
392 ANONYMISED 2025). This pattern of repeated commuting between the two countries had
393 been observed before new migration patterns from Ukraine emerged after 2014 (Iglicka and

394 Gmaj 2013). However, it bears the risks of having to take employment for several weeks
395 without a written contract and often in extremely exploitative working and living conditions.
396 After 2022, Ukrainian war migrants were incorporated into a generous support scheme (based
397 on Act of 12 March 2022 on assistance to Ukrainian citizens in connection with the armed
398 conflict in that country) and given full access to the labour market under the procedure
399 requiring employers only to notify the local authority (Fedyuk, et.al., 2023), which has
400 disrupted existing patterns of seasonal migration to Poland. In response to these legislative
401 changes, farmers had to improve accommodation and employment conditions to compete for
402 Ukrainian workers, and have also created opportunities for seasonal workers with young
403 children (ANONYMISED 2024, 2025).

404 The 2014 Seasonal workers Directive was introduced into Polish law in 2018. This
405 ‘seasonal work permit’ replaced the simplified procedure in the agricultural sector and
406 contributed to another fundamental change: the introduction of a new type of contract for
407 seasonal workers into the Polish legal system (Szulecka and Klaus 2021). This contract
408 should clearly define the type of work (e.g. fruit picking, plant and tree care) and guarantee a
409 limited scope of employment protection. A worker employed under a ‘harvesting contract’
410 (for a maximum of six months per calendar year) is covered by compulsory accident,
411 sickness and health insurance. Moreover, the employer is obliged to provide free
412 accommodation for the workers. To some extent, this can be considered an example of good
413 practice aimed at reducing the scale of exploitation of migrant workers by dishonest
414 employers. However, this highly flexible type of contract does not guarantee the legal
415 minimum wage, and this type of contract is in practice rarely used by employers
416 (ANONYMISED 2024, 2025).

417 The interests of the agricultural industry have persisted as the most influential in the
418 immigration policy-making process since 2006 (ANONYMISED 2026). The industry’s

419 privileged position at the policy table was exemplified during the first year of the COVID-19
420 pandemic, when seasonal migrant workers were exempted from quarantine regulations (i.e.
421 they could spend quarantine in the field; ANONYMISED 2022; Jaroszewicz et al. 2024).
422 This agricultural exceptionalism has been further underlined by the migration policy proposal
423 in 2024, with seasonal agricultural workers being the only group excluded from the labour
424 code contracts for migrants. Although the Labour Code applies to agricultural employers
425 when hiring employees, due to the high costs, administrative burdens and nature of
426 harvesting jobs, they prefer the flexible conditions of civil law contracts (less than 2% of
427 seasonal work permit holders had Labour Code contracts in 2024). Yet temporary agricultural
428 workers are currently omitted from mechanisms to protect their labour rights and from access
429 to social security. Research suggests that the lack of legal employment contracts and the
430 failure to provide insurance coverage for employees may be the result of informal agreements
431 between employers and employees, who prefer not to be formally bound due to the seasonal
432 nature of their work (ANONYMISED 2024, 2025).

433 Similar to other new migrant destinations, there is a lack of labour organisations
434 representing seasonal workers, with national trade unions having a limited impact. The State
435 Labour Inspectorate is also limited in its enforcement on the farms (ANONYMISED 2022).
436 The backbone for workers facing problems with employers in rural areas remains private
437 migration brokers, mainly Ukrainian bus drivers, who organise employment, provide support
438 with translation, and offer door-to-door transport services (Iglićka and Gmaj 2013;
439 ANONYMISED 2024). Furthermore, a notable practice observed in Poland is the lack of
440 advocacy and migrant organisations representing the voice and interests of agricultural
441 migrant workers in the establishment of the seasonal migration policy agenda (Fedyuk et al.
442 2023).

443

444 **UK – a global regime**

445 Seasonal agricultural workers have long been central to the UK’s farming industry, which the
 446 Migration Advisory Committee [MAC] (MAC 2018, 2024) described as “unlike any other”
 447 in its dependence on migrant labour. The Seasonal Agricultural Workers Scheme (SAWS),
 448 established in the 1940s, provided a structured route for such workers until its closure in
 449 2014. From 2008, participation had been limited to Romanian and Bulgarian citizens, and
 450 when SAWS ended following MAC’s 2013 advice, the sector briefly relied on the free
 451 movement of EU citizens (2014-2018) to meet its labour needs. After the narrow Brexit vote
 452 in June 2016 signalled the end of free movement, the absence of a dedicated scheme left
 453 workers in uncertain position. In response, the Home Office and Defra (Department for
 454 Environment, Food & Rural Affairs) introduced a pilot Seasonal Worker Scheme in 2018 –
 455 just before the MAC’s report warned of severe risks to the agriculture sector without a
 456 functioning guestworker programme (MAC 2018: 119). A ‘Seasonal Workers Pilot’ [SWP]
 457 ran from 2019 to 2021. Initially, a 2,500 (2019), then a 10,000 (2020), then a 30,000 (2021)
 458 quota was set. After the three-year pilot phase, the ‘Seasonal Worker Scheme’ (SWS)
 459 emerged with quotas of 38,000 in 2022, 45,000 in 2023, and 45,000 in 2024 (see Table 2).
 460 Numerically, the SWS is much larger than SAWS (cf. MAC 2024; ANONYMISED 2015)
 461 and demonstrates an upward trend in the use of guestworker visas in UK agriculture. This is
 462 despite the UK government arguing migrant reliance must be reduced⁵ (see also: HOL 2023:
 463 54; ICIBI 2022: 21). Alongside the growth of the scheme, there has been a geographical
 464 expansion in terms of countries of origin (MAC 2024: 38).

465 **Table 2:** The expansion of the seasonal worker scheme for UK horticulture

Year:	2019	2020	2021	2022	2023	2024

⁵ See: <https://www.gov.uk/government/news/industry-given-certainty-around-seasonal-workers-but-told-to-focus-on-domestic-workforce>

Quota:	2,500	10,000	30,000	38,000	45,000	45,000
Visas Issued:	2,493	7,211	29,587	34,523	32,724	34,971

466 *Source: Smith (2024); DEFRA (2025)*

467

468 One of the major criticisms of SAWS was that in its eight decades of operation, there
469 was no evidence of worker consultation to inform policy (ANONYMISED 2015: 8). When
470 the SWP/ SWS emerged, workers' voices were listened to by actors both inside and outside
471 the UK government (e.g. FLEX 2021; FLEX 2024).⁶ There was also an intervention around
472 the issue of the SWP and the welfare of its workers (via a letter to the UK government) by the
473 UK Independent Anti-Slavery Commissioner in January 2022. These developments, and
474 others, that involved listening to the migrant workers' voice in UK agriculture, inspired more
475 worker-friendly reforms of the SWS. For instance, there was pressure for a 32h working
476 week guarantee (FLEX 2021; IASC 2022; MAC 2024: 29), which was eventually
477 implemented in April 2023. There has also been pressure around the Employer Pays Principle
478 [EPP] given the costs of getting to the UK (travel and visa costs) under the much more
479 geographically expansive SWP/ SWS (FLEX 2024; Landworkers' Alliance 2023, 2024;
480 MAC 2024: 69-70). As of writing, the EPP has been rolled out voluntarily, but not yet
481 legislated for and evidence indicates that most workers on the SWS pay for visa and travel
482 costs themselves (DEFRA 2025). These two worker-friendly moves caution against a
483 simplistic "*numbers vs. rights*" trade-off in that the SWS expanded in numbers, yet rights
484 were also improved.

485 One of the key ongoing issues with the SWS is how guestworkers are protected (or
486 not) by UK enforcement agencies. Overall, the scheme operators (of which there were 5 in

⁶ See: <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-pilot-review-2019> and
<https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-survey-results-2024>

487 2025) are held almost completely responsible for safeguarding migrant workers. In addition,
488 it is the Home Office that is ultimately responsible for enforcing the SWS standards, rather
489 than the UK labour inspectorate. This means that there is complete overlap between
490 immigration and labour inspection regimes in the UK for agricultural guestworkers, which
491 the House of Lords (2023: 64) notes means that: “the effectiveness of enforcement is
492 curtailed”. The Independent Chief Inspector of Borders and Immigration report (ICIBI 2022:
493 2) has also told the Home Office to “significantly raise its game” to protect those on the
494 SWS. Others have pointed to the need to look beyond the Home Office to protect workers.
495 The MAC (MAC 2024: 5, 105), for example, emphasised the “fragmented” SWS
496 enforcement landscape and called for “a more active role” for the Gangmasters and Labour
497 Abuse Authority [GLAA].

498 Other key issues are the difficulties of SWS migrants being able to transfer between
499 farms/ employers and problems they face accessing medical services (DEFRA 2025).
500 Overall, and despite these issues, evidence from workers collected by the Department for
501 Environment, Food and Rural Affairs [DEFRA] annual survey shows general contentment
502 with the SWS and positive attitudes from most temporary migrants (DEFRA 2025).
503 However, when independent insight is gained from workers by agencies outside government
504 (e.g. FLEX 2021, 2024; Landworkers’ Alliance 2023), the UK’s SWS looks less rosy.

505

506 **Synthesis**

507 The country profiles were designed to draw out the essential national features of temporary
508 migration policies as they pertain to the rights of migrants working within agriculture. The
509 policies and strategies in place vary between different varieties of capitalisms, which each
510 country case study represents (ANONYMISED forthcoming). We were guided in this
511 comparative analysis by the assumption that there is not a single best-practice case-study

512 country *per se*, rather elements of better-practice across different countries that need to be
513 collated. A key initial caveat here, though, is the persistence of what might be termed *regimes*
514 *within the regime*. In other words, differentiated treatment of workers based on their country
515 of origin and migration situation occurs in the study countries. For instance, while Polish
516 policies tend to offer relatively favourable conditions to Ukrainian workers, and German
517 policies to EU workers, benefits are not extended universally, and other groups of migrants
518 can lose out. The fragmentation is deeply connected with the type of contract and visa
519 scheme under which the worker is employed, revealing stark inequalities in employment
520 conditions and overall treatment of workers. Thus, labour segmentation is not as simple as
521 primary versus secondary labour, and there are important differences and inequalities *within*
522 the migrant dominated secondary labour markets of European agriculture.

523 Notwithstanding these regimes within a regime, comparative analysis reveals specific
524 elements of better practice. Whilst Germany presents a better model in terms of linking EU
525 subsidies to labour standards (formally), and demonstrates the value of free movement of
526 workers, it still struggles with enforcement and the wide normalisation of abusive practices,
527 despite formal legislation in place. Poland provides a short-term worker with free
528 accommodation and streamlined harvesting contracts, but lacks institutional robustness and
529 regulatory oversight (ANONYMISED 2024). Meanwhile, the UK has introduced some
530 promising features under its SWS, such as a 32-hour work week guarantee and the promotion
531 of the (albeit still voluntary) Employer Pays Principle (EPP). Given the complex landscape of
532 temporary labour migration, the search for a *model country* is both analytically unproductive
533 and risky. Rather than seeking an example to follow, therefore, it is more constructive to
534 identify better practices across various countries and to see them as spatially fragmented.
535 Beyond comparing specific countries, we developed a comprehensive set of rights indicators

536 that can be used to assess the worker-friendliness of labour migration policies across all
537 countries.

538 Table 3 presents these 34 indicators and their RAG rating for each case-study country.
539 Once again, we follow *the rule of majority* and examine the rights indicators according to the
540 main form of migration into agriculture in Germany, Poland and the UK. We also identify
541 those we consider to be essential/ core as opposed to those which are desirable/ optional in
542 order to start a debate around minimum standards and decent work (see Ruhs 2016). Going
543 forward, it is hoped that this indicators framework, alongside the specific better practice
544 examples identified through our specific country case-studies, can be used as a basis for
545 making temporary labour migration more (rather than less) worker-friendly.

546

547 **Table 3:** Agricultural Worker Rights Indicators

548

549 **Conclusions**

550 Temporary labour migration has become an established feature of agricultural production in
551 Europe, although the picture is currently evolving with technological change intensifying
552 (Smith, 2024). European statesface a dilemma in making labour migration policy, that is
553 captured by the ‘liberal paradox’ (Hollifield 1992; Natter 2024): where they need to balance
554 opposing pressures of political closure versus economic openness. The liberal paradox has
555 been resolved by allowing low-wage migrant workers into states, but only so far; not as full
556 citizens, and with limited rights and entitlements. This is what we term open/ closed
557 simultaneity and is key to understanding how and why migrants’ rights have been
558 compromised.

559 Across different European states – one focused mainly on a largely bilateral
560 recruitment regime (Poland), one on a largely intra-European recruitment regime (Germany),

561 and one on a largely global recruitment regime (UK) – we have shown how the liberal
562 paradox is resolved in different ways (see Lutz 2024). This comparative policy paper has
563 aimed to document this geographical nuance and, in the process, identify areas of better
564 practice as far as migrant workers’ rights are concerned.

565 Looking to rebalance temporary low-wage migration policy more towards workers, one is
566 inevitably, however, confronted with the ‘access versus rights’ trade-off (Martin 2006; Ruhs
567 and Martin 2008). It seems that improving migrants’ rights can be detrimental to migrants by
568 virtue of limiting employer demand for them. Essentially, this demand is contingent upon
569 migrants’ having fewer rights than domestic citizens, and when rights are equalised, the
570 whole impetus for recruiting migrants erodes. The picture, though, is a complex one in that
571 improved rights (e.g. the 32h work week guarantee in the UK, freedom of movement in
572 Germany, free accommodation in Poland) do not always reduce migrant access. This means
573 that there is scope for identifying better practice and improving migrants’ rights without
574 necessarily affecting migrants’ labour market access. Similarly, studies show how
575 agricultural employers may, to compete for migrant labour, tend to improve working and
576 housing conditions (ANONYMISED 2024; ANONYMISED 2025; Sexsmith et al. 2024).

577 Crucially, we do not call for an end to temporary labour migration recruitment
578 regimes. Instead, we argue that they can be justifiable provided they become more just, and
579 that this search for improved migrants’ rights need not inevitably close off opportunities to
580 migrate. A first step in pushing for improved rights for migrant workers is to identify better
581 practice. The value here of the comparative approach lies in being able to ‘cherry-pick’
582 elements of better practice from different nation-states, aware that a focus on one country
583 alone is likely to be limiting. A second key step for improving migrants’ rights involves
584 locating this better practice within a broader set of indicators and assessing these indicators
585 both at a country level (in terms of their legal and practical implementation) and in relation to

586 whether they should (a value judgement is required here) constitute a ‘core’ right (see Table
587 3).

588 Beyond this two-stage approach towards improving migrants’ rights, it is also
589 important to involve migrant workers and consumers in any discussions around labour
590 migration. We recognise here, for example, “the importance of taking sufficient account of
591 the interests and fair representation of migrants” in policymaking (Bauböck and Ruhs 2022:
592 546). The European Federation of Food, Agriculture and Tourism Trade (EFFAT) is an apt
593 example. It brings together trade unions in the agricultural sector and undertakes a variety of
594 initiatives to empower workers, organise them at a grassroots level, and lobby for
595 improvements to their situation. One example is its work on the social conditionality
596 mechanism introduced in the 2025 Common Agricultural Policy. In addition, consumers can
597 be powerful agents in discussions about fair working conditions and ethical production given
598 the right information (Weiler et al. 2016). Research from Germany, for instance, shows that
599 consumers are willing to pay more for food if they know it has been picked and packed by
600 migrant workers with guaranteed decent wages and access to social security (see Thiermann
601 et al. 2024).

602 The two-stage framework used in the paper, focused on identifying better practices
603 ‘on the ground’ and a rights indicators approach, is a starting point only. Moving forward, it
604 is important to give migrant workers, unions, worker NGOs and consumers access to this
605 framework. Not least, there has been a tendency for temporary labour migration policy to be
606 made through business and political elites, and we hope that this paper can be used as a
607 platform for more worker-focused policy making. Thus, rather than being a finished article,
608 the paper is designed to initiate further discussion and debate around the key rights
609 compromised by temporary labour migration programmes and around which of these rights
610 are particularly important ones to defend.

611

612 **Abbreviations**

DEFRA	Department for Environment Food and Rural Affairs
EPP	Employer Pays Principle
FLEX	Focus on Labour Exploitation
GLAA	Gangmasters and Labour Abuse Authority
MAC	Migration Advisory Committee
NGO	Non-Governmental Organisation
RAG	Red, Amber, Green
SAWS	Seasonal Agricultural Workers Scheme
SWP	Seasonal Worker Pilot
SWS	Seasonal Worker Scheme
TMWP	Temporary Migrant Worker Programmes

613

614 **Declarations**

615 Ethics declaration: not applicable.

616

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620

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