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“Making the case for temporary migrant worker programmes: evidence from the UK’s rural guestworker (‘SAWS’) scheme”

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Abstract

The UK has had a Temporary Migrant Worker Programme (TMWP) for agricultural ‘guestworkers’ since 1943. Most recently referred to as the Seasonal Agricultural Workers Scheme (SAWS), SAWS accommodated 25,000 workers per annum by its 2004 peak. However, the UK government then announced the scheme’s closure (initially for 2011, but then delayed until 2014). This paper examines employers’ response to this closure and, specifically, juxtaposes the academic critiques of TMWPs with the very strong employer preference for them. This preference, the paper concludes, is about the way in which TMWPs allow labour to be more readily and more extensively controlled, and, also allow employers access to ‘better quality’ workers. Considering these benefits of quality and control, alongside the academic critiques, the paper concludes that SAWS should be retained, but with major changes.

Key Words: Agriculture; Guestworker; Harvest; Labour; Migration; Rural, Seasonal; Temporary.

1. Introduction

Relatively limited academic attention has been directed towards international migrants working in rural areas and the associated demographic and economic changes underpinning, and emanating from, this (Dufty-Jones, 2014). It is clear, however, that developed world agriculture in particular has become increasingly reliant upon low-wage, but not necessarily low-skilled, migrant labour. Recent publications, especially within this journal, have demonstrated this point across a number of different national contexts (Findlay and McCollum, 2013; Hanson and Bell, 2007; Rye and Andrzejewska, 2010). In all cases the emphasis has been on the growing recruitment of seasonal migrant farm workers employed primarily within the fruit and vegetable (horticultural) sectors during harvest time.

In the UK a Temporary Migrant Worker (Guestworker) Programme (TMWP) has existed for agricultural employers since 1943. However, in early 2014 this 'Seasonal Agricultural Workers Scheme' (SAWS), as it was then known, was discontinued. The closure of SAWS was announced in 2006 initially for 2011, but was then delayed and subject to a 2012/13 review (Home Office, 2013). The paper explores employers' reactions to the threatened and eventual closure of SAWS in the 2007-2009 period and asks specifically why a TMWP like SAWS has garnered so much support amongst employers but so little support elsewhere? Contrary to the dominant sentiment amongst academics (see for example Lenard and Straehle, 2012), the paper concludes that TMWPs like SAWS do have a place. This place, however, depends upon a new type of TMWP that is well regulated and moves beyond a view of workers as either 'commodities' and/ or rural 'guests' (see also Ruhs, 2006, 2013).

2. Temporary Migrant Worker Programmes

Temporary Migrant Worker Programmes have been on the mainstream policy agenda of developed world economies since World War II, and in some countries even earlier than this.¹ Agriculture is the sector that that has become most associated with, and most dependent upon, TMWPs and the so-called 'guestworkers' (*gastarbeiter*) they import. As Prebeisch (2010: 405) notes: "of all economic sectors, agriculture has the longest history with TMWPs".

The UK has had a Seasonal Agricultural Workers Scheme, in various guises, since 1943 (Kay and Miles 1992; McDowell 2004; Robinson 2003).² Elsewhere in the world, there are numerous SAWS equivalents (see Home Office, 2013: CH4 for a review): the Seasonal Agricultural Workers Programme (SAWP) in Canada; the Seasonal Workers Programme (SWP) in Germany; the H-2A programme in the USA (formerly the H2 and *bracero* programmes); the Recognised Seasonal Employer (RSE) programme in New Zealand; and the Seasonal Immigration Quota Programme in Norway. Moreover, even where there are no specialist TMWPs, states have adjusted general visa systems accordingly. Australia, for example, has the Working Holiday Makers from Overseas (WHMO) visa (Robertson, 2014) and the Netherlands the *Wet Arbeid Vreemdelingen* (WAV) visa: both of which are heavily (but not exclusively) focused upon the recruitment of migrant harvest labour.

In many countries, particular nationalities have become associated with rural food industry employment (see for example Maher and Cawley, 2014). There has also been a strong expansionist tendency since the early 1990s. SAWS, for instance, accommodated around

¹ TMWPs are also termed 'circular migration' and 'guestworker' programmes in the literature.

² Migrant harvest labour first entered the UK in 1943 as part of the European Volunteer Workers scheme and during the 1960s the Home Office consolidated various programmes to forms SAWS.

3,000 workers per annum up until the early 1990s, but by 2004 the quota had grown to 25,000 with a 90%+ take-up rate (Home Office, 2013: 51) (see Figure 1). Similarly, SAWP in Canada accommodated 6,000 temporary migrant workers in the late 1980s but now accommodates 27,000 (Hennebry and Preibisch, 2012), whilst the Australian WHMO scheme has increased from 57,000 (1997) to 85,000 (2001) (Hanson and Bell, 2007: 103) and the Norwegian Seasonal Immigration Quota Programme has increased from 4,000 permits (late 1990s) to 27,000 (2007) (Rye and Andrzejewska, 2010: 42). In fact, only France appears to have seen a recent decline in migrant harvest labour: from around 110,000 in the 1960s to 11,000 by 2001 (Martin, 2006: 35).

[Insert Figure 1 about here]

In the UK, food businesses have been fierce advocates of TMWPs. The NFU, for instance, has campaigned for SAWS' continuation, often with the support of DEFRA (Cabinet Office, 2002; DEFRA, 2010; DEFRA, 2011; NFU, 2011, 2013; House of Commons 2009, 2012; House of Lords, 2008). Internationally, global NGOs and governance institutions (especially when focused on international development) have also welcomed the "guestworker resurrection" that Castles (2006) notes. The World Bank, for instance, has attempted to promote best-practice in TMWPs by highlighting, in particular, New Zealand's Recognised Seasonal Employer (RSE) programme (Gibson and McKenzie, 2010) and Canada's Seasonal Agricultural Workers Programme (SAWP) (Binford, 2013: 7). In a similar vein, the EU has broadly backed this TMWP approach and in 2005 issued a benchmark 'Policy Plan on Legal Migration' which sanctioned: "Seasonal workers for agriculture, building, and catering...allowed to come in for a certain number of months per year, for 4 –5 years (but with) no possibility of transferring to permanent employment and residence" (CEC, 2005: 6-

8). Some academics, though still relatively few, have added to calls for the increased use of TMWPs, especially with respect to lower-wage workers (Ruhs, 2006, 2013; Walmsley and Winters, 2005; Walmsley *et al.*, 2007).

Despite this sanctioning, and at times championing, of TMWPs most academics have continued to raise reservations. The main ideological criticism revolves around the ways in which TMWPs, and therefore states, turn migrant workers into what Prebeisch (2010: 405) calls “non-citizen labor” and Basok (2002) “unfree labour” (drawing on Miles, 1987). Put another way, through TMWPs: “States seem still to be trying to import labor but not people – just as the Western European countries did 40 years ago” (Castles, 2006: 760). As Anderson (2010: 312) argues:

“As well as a tap regulating the flow of workers to a state, immigration controls might be more usefully conceived as a mould constructing certain types of workers through selection of legal entrants, the requiring and enforcing of certain types of employment relations, and the creation of institutionalised uncertainty”.

This use of immigration policy to manufacture ‘better’ low-wage workers by increasing levels of precarity and vulnerability has even been labeled a form of state-sponsored “structural violence” (Mitchell, 2011: 579). Others have called it a form of “internal apartheid” (Hennebry and McLaughlin, 2012: 138).

What, though, are the more particular criticisms of TMWPs? Firstly, and most significantly, low-wage TMWPs almost always require an employer-sponsor. The Home Office (UKBA at the time) guidance, for example, stated that in relation to SAWS:

'Participants wishing to transfer from one Operator to another, or from one farm to another, may only do so for exceptional reasons and only with the agreement of their Operator...if a SAWS participant terminates their employment they must leave the farm accommodation and will have to wait three months before being eligible to apply for a new placement' (UKBA, 2007).

In other words, whilst employers using SAWS needed not have given any guarantees to migrants over the length of their work, or how much they would have been paid, SAWS migrants were *de facto* tied to an employer for the season. To quote the NFU, SAWS migrants were: "guaranteed to remain on the farm during the crucial harvest period" (House of Lords, 2008: 35). The same ties apply to migrant harvest workers in many other countries (Binford, 2013; Kosegi, 2001; Lenard and Straehle, 2012).

Secondly, harvest labour recruited via TMWPs is usually dependent upon employer housing and transport.³ The former is often of sub-standard quality and over-crowded (Hennebry, 2012: 17; Mitchell, 2011; Scott *et al.*, 2012) and the latter can leave migrants, especially in remote rural locations, entirely dependent upon their employers should they wish to leave the workplace. In relation to both, TMWPs effectively help blur the boundaries between work and social, communal and family life (Prebeisch, 2010: 415). Mitchell argues, for instance, that guestworkers are effectively prevented from forming "active communities" and from contributing to realms outside of their work and the workplace (Mitchell, 2011).

Thirdly, there is confusion over whether certain TMWPs offer tax breaks to employers and whether, more broadly, they effectively function as a sector-based subsidy that makes migrant recruitment more attractive than home-grown labour recruitment. The Association of

³ In the UK there was a maximum amount SAWS employers could charge for accommodation: known as the accommodation off-set.

Labour Providers (ALP, 2005) in the UK, for example, has stated that the tax position over SAWS is “unclear” but noted that it did seem to offer a form of tax-break to employers (see Home Office, 2003: 12).

Fourthly, there is a large body of evidence showing that TMWPs are not actually temporary and generate increasing levels of permanent migration. Ruhs (2006: 28), for instance, acknowledges that TMWPs: “will always lead to pressures for permanent settlement” whilst other academics are more pejorative:

“Virtually no low-wage “temporary worker” program in a high-wage liberal democracy has ever turned out to be genuinely temporary” (Martin and Teitelbaum, 2001: 119).

“In the long run, there is no such thing as a temporary worker program...In many countries, under many types of government, and across many time periods, experiences with guest worker programs have led to an overwhelming and simple consensus among those who have studied the issue: there is nothing more permanent than temporary workers” (Massey and Liang, 1989: 206).

The UK government, however, has presented robust evidence for SAWS that appears to contradict these views, arguing that: “the vast majority of people who come to the UK under SAWS go home when they are supposed to and that the number of people who fail to do so is minimal - in single figures” (House of Commons, 2012; Home Office, 2002). This may be true with respect to SAWS specifically but, more generally, TMWPs can underpin the development of cultures of migration beyond particular programmes and visas (Martin and Teitelbaum, 2001: 122-3; Massey and Liang, 1989). Indeed they are part, it is argued, of a more general trend towards expansionist immigration policy across the developed world (Castles, 2006; Freeman, 1995).

Fifthly, when employers are able to access plentiful supplies of cheap and productive migrant labour they appear less likely to invest in research and development to improve technology and reduce the man-hours required per unit output. Martin and Teitelbaum (2001: 124), for example, show very clearly that by stopping the *bracero* system the US government initiated an era of mechanisation and technological innovation because labour became more expensive relative to capital. In Europe, a similar relationship between the ebb and flow of cheap migrant labour and investments in labour-saving technology has been observed, with Hoggart and Mendoza (2002: 557) arguing that: “a strategy that relies on a cheap labour solution, does not hold out much prospect for sustainable long-term market competitiveness”.

Finally, and linked to the above, TMWPs appear to depress pay and conditions. Prebeisch (2010: 427-8), for example, reviews the evidence for agriculture and concludes that it is: “overwhelming...the availability of migrant labor, regardless of the mechanism under which it is made available, has had a negative effect on wage levels and working conditions”. More specifically, this workplace intensification has been observed in the USA (Martin and Teitelbaum, 2001), the UK (Rogaly, 2008) and in Canada (Binford, 2013) and it seems clear that migrants, especially those from peripheral economies, have a different “behavioural code” (*ibid.*, 62-3) to local workers (see also Scott 2013a, 2013b) that means they are generally “more willing to accept the industry’s working and living conditions, and less able to contest them” (Prebeisch, 2010: 413).

The academic literature then, overall, is critical of TMWPs and especially those relating to low-wage workers. There is the overarching theoretical and ideological criticism of such

programmes: that they sanction the creation of “denizens” (Hammar, 1990) and increase inequality within the labour market along migrant versus non-migrant lines (Lenard and Straehle, 2012). Beyond this, there are also specific reservations that TMWPs: tie workers to employers; erode the boundaries between working lives and private lives; provide subsidies for employers to recruit migrant over local workers; are not as temporary as they imply; delay innovation as labour becomes cheaper relative to capital; and, depress pay and working conditions. Despite these criticisms, this paper argues that TMWPs have a place in contemporary migration management; though the nature of this place must, we argue, be subject to more critical scrutiny and debate than was evident for SAWS.

3. The UK's Seasonal Agricultural Workers Scheme

In the UK, and also across the developed world more generally, the food industry has commanded a special place at the immigration policy table (see for example Henneby and McLaughlin, 2012). SAWS has been around in one guise or another since 1943 – the longest running TMWP in UK history – and, in addition to SAWS, there have also been two other schemes supplying migrant workers to UK food businesses: the ‘Willing Workers On Organic Farms’ (WWOOF) tourist visa scheme (established in 1971) and the Sector-Based Scheme (SBS) for food processing (established in 2003). The latter scheme became defunct at the same time as SAWS, whilst the former remains in place but relates only to unpaid migrant volunteer workers.⁴

All the evidence until relatively recently continued to suggest this food industry policy exceptionalism would continue. Back in 2001, for example, the Home Office argued that:

⁴ The SBS for food processing was like SAWS in that it was tied to A2 immigrants until January 1st 2014. In the run up to its closure in 2014 the SBS for food processing quota was reduced from 10,000 to 3,500 migrants per annum.

“There is a clear need for short-term casual labour. Although this comprises only a small proportion of all employment in the UK, it is important in industries such as agriculture.” (2001: 44). This seminal ‘Secure Borders, Safe Havens’ White Paper was a key part of early twenty-first century UK immigration strategy and set in motion a subsequent Home Office SAWS review (Home Office, 2002, 2003) and Cabinet Office commission (Cabinet Office, 2002).

The Home Office review found that:

“SAWS is widely seen as an essential source of seasonal labour for the agriculture industry. It provides reliable and flexible labour which farmers and growers know in advance they will receive in time for planting and harvesting and can plan their activities accordingly. Additionally, in an industry where a considerable amount of illegal working exists, farmers and growers are reassured that the SAWS labour is legitimate.” (Home Office, 2003: 6)

Similarly, the Cabinet Office ‘Currie Commission’ (Cabinet Office, 2002) championed SAWS’ expansion to a peak in 2004 of 25,000 (see Figure 1). Both reports came off the back of a fear that if employers could not meet their harvest labour demands through legitimate migration channels, such as SAWS, they would turn to clandestine workers (domestic benefit claimants or ‘illegal’ migrants) and/ or that crops would be left to rot.

This fear was evident in UK government initiatives in the DWP (Department for Work and Pensions), Home Office and HMRC (Her Majesty’s Customs and Revenue) and led to drives to reduce both irregular work by UK ‘cash casuals’ and to reduce the level of irregular

immigration. The fear of growing labour market informality helps to explain why SAWS, until its closure in 2014, continued to expand:

- From around 3,000 workers per annum during the 1940s-1980s to 25,000 workers per annum by 2004 (due to the 2002 Cabinet Office 'Curry Commission' report that recommended SAWS be expanded to 50,000 workers per annum);
- From being a scheme focused on students aged 18-25 years old to being a scheme with no age limit;
- From being about attracting workers interested in cultural exchange, education, training to being about attracting any kind of worker;
- From running 7-months per year to being a year-round scheme;
- From having a maximum stay of 3-months to having a maximum stay of 6-months.

Alongside this expansion, SAWS was also subject to added scrutiny:

- SAWS Operators (there were 9 Home Office registered SAWS labour providers) had a voluntary Code of Practice (established in the late 1990s).⁵
- This Code of Practice shaped the Home Office's decision to require operators to fulfill four key responsibilities, namely to: 1) source and recruit eligible workers; 2) assess and monitor suitability of work placements provided; 3) ensure workers are treated fairly and lawfully; and 4) ensure farmers and growers are provided with people who are suitable to do the work on offer.
- Workers satisfaction was also monitored via: 1) SAWS operators periodically visiting farms to speak to workers; 2) the Home Office periodically visiting farms to interview

⁵ The nine SAWS operators (with their location, and 2013 SAWS quotas in parenthesis) were: Concordia (YSV) Ltd (East Sussex, 8,125), Wilkin and Sons Ltd (Essex, 280), Barway Services (Cambridgeshire, 1,225), Haygrove Ltd (Herefordshire, 575), HOPS Labour Solutions (Warwickshire, 8,100), R & J M Place (Norfolk, 525), S & A Produce (Herefordshire, 1,500), Sastak Ltd (Shropshire, 300) and Fruitful (Herefordshire, 620) (see Home Office, 2013: 52-55).

employers and their workers. Evidence of this monitoring was never publicized as far as we are aware.

- Finally, the Home Office (via the erstwhile UKBA) had an annual SAWS review meeting with the nine Operators, the Gangmasters Licensing Authority (GLA), the Department for Work and Pensions (DWP) and the Department for Environment, Food and Rural Affairs (DEFRA).

In the event we could find no evidence in any of the UK policy documents reviewed of SAWS failing to shine under this added scrutiny. Indeed, the most recent Home Office review of SAWS found it to be “extremely well managed” (Home Office, 2013: 1) and earlier Home Office research similarly found that “the demand to participate is very high” (Home Office, 2003: 11).

Nevertheless, from 2006 SAWS was subject to one key restriction: it was limited to Bulgaria and Romania workers from 2008, following A2 accession (Home Office, 2006). This effectively meant that the scheme would only continue for as long as Bulgarian and Romanian migrants were subject to transitional restrictions i.e. a maximum of seven years (until January 1st 2014). The 2006 Home Office decision to end SAWS was based on a principle not to open Tier 3 (low skilled workers for temporary labour shortages) of the Points-Based System (PBS). Crucially, SAWS would have become a part of Tier 3 once it no longer became tied to A2 (Bulgarian and Romanian) immigrants and this was why it was eventually closed. In short, there was a desire not to open up any more low-wage immigration

from outside the EU. (Though it is worth noting here that SAWS participants were never technically migrants because of their 6-month maximum stay.)⁶

In the run up to the scheme's closure in January 2014 (formerly announced on September 12th 2013) there have been a growing number of pro-SAWS salvos via: the DEFRA 'Fruit and Vegetable Task Force' (DEFRA, 2010), the DEFRA 'Independent Farming Regulation Task Force' (DEFRA, 2011: 57), the NFU (NFU, 2011, 2013) and MPs (House of Commons, 2009, 2012). In addition, the 2012/13 Home Office review of SAWS, carried out by the Migration Advisory Committee (MAC), was also broadly positive about SAWS (Home Office, 2013). Whilst making no specific or explicit call for SAWS' continuation (this would have been beyond its remit) it is clear that the scheme was well supported and seen as a success by MAC.

Effectively, then, SAWS had been supported and expanded in scale and scope by the Home Office. It had been championed by DEFRA and particularly rural Conservative MPs. However, a Conservative-Liberal government has overseen its closure (that was announced via a Labour government). This is because of the overarching principle not to allow Tier 3 migration from outside the EU in the context of net migration that has been seen as excessive. As the Ministerial statement announcing the closure of SAWS on 12th September 2013 made clear: "Unskilled and low skilled labour needs should be satisfied from within the expanded EEA labour market" (Harper, 2013).

4. Methodology

⁶ The UN definition of an international migrant is someone who stays in, or intends to stay in, a host country for 12-months or more (Anderson and Blinder, 2012).

The 2006 Home Office decision to tie SAWS to A2 (Bulgarian and Romanian) workers and effectively end the scheme in 2014 led to considerable employer frustration and occasional protestation. The research into SAWS was carried out in 2007-2009 because of this. Farmers were consulted in two ways during this period. Firstly, the author carried out an NFU-backed 2008 'Migration and Labour Shortage Survey' that involved a consultation with 268 UK farmers (mostly labour-intensive horticulturalists). Secondly, during 2007-09, and sponsored by the Nuffield Foundation, the author conducted in-depth interviews with 30 English horticultural companies (37 interviewees) growing and/ or processing salad produce.

4.1. 2008 'Migration and Labour Shortage Survey'

The 'Migration and Labour Shortage Survey' was sent to UK farmers on April 15th 2008 via the National Farmers' Union (NFU) UK members' network. Farmers had 10 days (until April 25th 2008) to respond to the survey. A total of 268 useable responses were received, with these 268 businesses collectively employing a peak-season labour force of 28,206. The survey was short (2.5 sides) and contained 14 questions. No funding was provided for the survey and it was carried out with the principal aim of informing a research report commissioned by the Migration Advisory Committee (Scott *et al.*, 2008; Geddes and Scott, 2010). Questions 8, 12 and 13 were open-ended and this is where specific information on SAWS was gathered. The three key open-ended questions were as follows:

- Q8) If you expect to find it harder to fill vacancies over the next five-years, what will be the impact on your business?
- Q12) What are your views on recent/ proposed changes to SAWS?
- Q13) Please use the space below to include any other thoughts or comments you may have on labour demand/ supply within UK agriculture

Question 8 generated 231 useable responses equating to 5,500 words; question 12 generated 244 useable responses equating to 9,000 words; and question 13 generated 205 useable responses equating to 9,500 words.

4.2. *In-Depth Employer Interviews*

Following a Nuffield Foundation grant (No. SGS/33876.01) 37 in-depth interviews were carried out in 2007-2009 covering 30 horticultural salad growers/processors across England (Lancashire, Yorkshire, Nottinghamshire, Lincolnshire, Norfolk, Suffolk, Cambridgeshire, Oxfordshire, Worcestershire, Hampshire, Sussex, Surrey, Kent, Essex, Buckinghamshire, Staffordshire and Shropshire). Recruitment was via word-of-mouth, snowballing, the use of producer networks and cooperatives, and the researcher's own knowledge of the 'key players' in the industry. Some businesses were specialists (focusing on mainly one salad product) and some generalists (where a salad product was one product amongst many). All 30 companies interviewed relied upon migrant workers (mainly but not exclusively from central and eastern Europe) to fill their temporary harvest labour vacancies. The interviews were in-depth, lasted for between 30 minutes to two hours, and covered the following ten themes:

1. Verbal introduction and overview of research
2. Background, experience and current role of interviewee
3. Company overview
4. The overall food industry
5. The salad industry
6. Labour recruitment and usage
7. Migrant labour
8. Government and corporate policies

9. Future trends and challenges

10. Life without migrant workers

In themes 6-10, it became very apparent that SAWS was central to the sustainability of almost all of the horticultural growers/ processors we interviewed.

5. Harvest Labour in the UK

Before examining employers' views on SAWS, via the survey and interview evidence, it is important to assess the scale of overall harvest labour demand in the UK and to determine SAWS' share of this overall demand. The problem here is that the statistics are patchy. The data is not especially precise, with DEFRA measuring casual work on farms (via the Agricultural Census) but this is not the same as harvest labour *per se*. Moreover, even if the data were precise, statistics tend to relate to specific Industrial (SIC) and Occupational (SOC) categories and/ or to departmental responsibilities rather than to harvest labour across the entire food production sector.

The best estimates of agricultural (i.e. excluding food processing) employment suggest that at present there are 476,000 workers, 177,000 of whom are employees (House of Commons 2012). However, the size of the agricultural workforce, and to a much lesser extent food processing, varies considerably according to the season. Temporary workers, whether recruited directly by an employer or through an agency/'gangmaster', are therefore very important. For example, it has been estimated that 100,000 workers per week are provided to UK farmers and food processors via agencies and gangmasters (Precision Prospecting, 2005).

The April 2008 'Migration and Labour Shortage Survey' sought to specifically gauge seasonality. It found, based on the sample of 268 farms, that on average a farm will employ between 31 (median) and 105 (mean) fewer workers in the low season than in the peak season (The significant mean and median difference can be explained by the bifurcated structure of the industry: with a large number of small operators employing relatively few workers and a small number of large operators with a large staff). Another way of looking at this is to construct a 'peak-season: low-season' employment ratio. A ratio of 1:1 would mean a firm employs the same number of workers all year round; and the higher above one, the higher the seasonality in a firm's labour demand profile. For example, a ratio of 5:1 would mean that a firm employs five times more workers in peak season than they do during low season. According to the 2008 survey, the average farm will see its workforce grow by between four (median average) and seven (mean average) times in moving from low to peak season.

It is this seasonality, particularly dramatic in labour-intensive horticulture, that helps one to understand the long-running nature of SAWS. The 2008 survey, for instance, uncovered a situation in which 73% of respondents had recently experienced seasonal labour shortages, against 26% who has experienced year-round shortages (see also NFU, 2013). The issue, then, is fundamentally about recruiting migrants to 'get the harvest in'. What this has meant over the past quarter-century is that seasonal labour on farms has internationalized: the 2008 survey shows that only 16% of peak-season farm workers are now UK-born; and even more conservative estimates still put the balance at 56% foreign-born to 44% British-born workers (Precision Prospecting, 2005: 17). For comparison, in the 1970s, Newby (1977) found that 98% of farm workers in England were homegrown.

No wonder then that UK farmers have lobbied long and hard for labour-intensive agriculture (i.e. mainly horticulture) to be open to temporary migrant workers: with 96% of employers arguing that the end of SAWS will have negative consequences for their business (NFU, 2013). As a caveat, however, it is important to recognize that, whilst extremely important during peak employment, SAWS migrants still only makes up a minority of the agricultural workforce in the UK (Home Office, 2013: 11). Its role, then, has been very specialist and highly seasonal related to the harvesting of particular horticultural crops.

6. The Employer Case for SAWS

One of the main purposes of the survey and interview-based research was to establish the specific nature of the employer case for SAWS in light of its planned closure. Notwithstanding the very powerful theoretical critiques of TMWPs, we wanted to use a particular historical opportunity – the 2006 decision to end SAWS (by 2011 but then delayed until 2014) – to uncover arguments for the food industry being granted a special post-SAWS TMWP. We then wanted to reflect on these employer arguments and ask whether there was ever justification in supporting TMWPs? The final three sections of the paper reflect this aim. The first section outlines the employer case for SAWS as presented via the survey and interview responses. The penultimate section of the paper then focuses on specific policy recommendations in relation to the scheme. Finally, broad conclusions around the role of TMWPs are then reached in order to locate the paper both within the emergent rural guestworker literature and within broader research around low-wage and temporary labour migration.

In simple terms, SAWS was popular because it acted as a form of 'quality control' with respect to low-wage labour. According to the 2008 employer survey, for instance, the main advantage in low-wage peak-season immigration was the superior 'work-ethic' that migrants brought with them to the farm (see Table 1) (Scott, 2013a, 2013b). This issue of superior quality with respect to low-wage migrant workers appeared intimately connected to SAWS, rather than genetic. Almost all employers surveyed (75%) stressed how it would be best to address future labour shortages primarily through the scheme (see Figure 2). The qualitative survey responses (provided via questions 8, 12 and 13) were similarly direct, with the following statements indicative:

'Removing SAWS is a bloody silly idea!'... 'Without SAWS labour our business will come to a standstill.'... 'Without SAWS we will not have a competitive industry within 5 years.'... 'SAWS workers are great and by and large, eager and hungry for work. Please keep the door wide open!'... 'Farming in the UK will become unviable without SAWS being opened up again to non-EU countries.'... 'All SAWS students used during the last few years were the best workers ever.'

If one accepts that the appeal of low-wage migrants is not down to their genes, the question becomes one of what makes SAWS, and SAWS workers, so special?

[Table 1 and Figure 2 about here]

The answer, broadly speaking, is about the ways in which SAWS afforded employers greater control over their low-wage labour, on the one hand, and provided them access to a 'better quality' worker (however defined) than would otherwise be available domestically on the other hand (see also Home Office, 2013: 62-66; McCollum and Findlay, 2012). In short,

SAWS was widely championed by employers because it gave them greater control over a higher calibre of low-wage worker. TMWPs then should be seen as a form of low-wage worker 'quality control' both in relation to determining who is available for employment and in terms of the behaviour of those selected once employed.

One vital element to SAWS in terms of this broad quality control function was the way it "tied" (MAC, 2014: 128) workers to their employer:

'SAWS is really the best controlled form of immigration that the government has ever come up with...SAWS: they don't leave, they just do not leave, and that security of knowing that when you get those peaks during July and Augusts, you know you can at rely on that backbone. If we take SAWS away, we don't have that reliable workforce...They've the commitment's, they're enthusiastic, they want the job more than anything. You could argue it's cos they have no alternative, they're here on a SAWS permit to work for us for over that period...It's just very, very frustrating from our point of view, why take away SAWS, what harm is it doing? It's a controlled form of immigration, it works, it suits the industry, there's never been any problems with it. The only justification is cos the labour's available within the EU. But as long as you have freedom of movement in the EU, which you will always have, you won't get the consistency of SAWS' (Tomato, cucumber and chilli grower – human resource manager)

So SAWS effectively gave employers a captive workforce whereby migrants' legal status in the UK was closely aligned with their recruitment via one of nine SAWS operators and the relationship between this operator and a labour user (i.e. UK farmer).

SAWS workers simply “don’t leave” like other workers and this relates to the specific features of TMWPs. The tie-in, however, was a complex one. To be sure, it related directly to the specificities of the SAWS visa but, more than this, SAWS workers were also provided with housing and often transport. This meant that the decision to leave SAWS employment effectively meant the loss of one’s home as well as one’s job and legal immigration status. Furthermore, SAWS workers were also often recruited via universities and so any poor performance would have fed back to their home institution. As one employer explained: ‘I mean we were alright with the SAWS. Everybody was happy, everybody knew where they were going, and they were properly regulated. If the students did anything wrong, those universities tended to get blacklisted and it was so straightforward’ (Tomato farmer).

The language used by respondents was illuminating in respect to this dependence. SAWS workers we were told ‘do not abscond’ (survey respondent) and are ‘far less likely to defect’ (survey respondent). Whilst no-one is suggesting SAWS workers were forced to work, they certainly had few options other than to work for those they were allocated to. The language used by respondents is in some way evocative of imprisonment (around defection and absconding) and for employers SAWS meant a vital degree of control within a food supply-chain that was otherwise volatile and unpredictable. One can certainly understand employers valuing the certainty provided by SAWS, but the way such TMWPs affects the power balance between labour and capital is seen by many as undermining basic human rights (Anderson, 2010; Lenard and Straehle, 2012). Not least, SAWS required workers to be available to work during a specific time period (up to six months) and they tended to be housed on-site to facilitate their flexibility and availability. However, the scheme offered no guarantees with respect to how much work would actually be available.

SAWS workers may have been easier to control because of the nature of the visa and the prevalence of tied housing but this was not the whole story. Many employers also valued SAWS workers because they came from countries that were much poorer than the UK. In short, it seems that low-wage harvest labour may be more productive when sourced across a 'development gap'. As one employer lamented: 'The decision to exclude Ukraine, Russia, Belarus etc. from SAWS has had a devastating effect, particularly as these were the most in need of the SAWS experience' (survey respondent). Put another way, if UK employers can recruit workers into low-wage employment who come from poorer countries, and thus move across a significant development gap, then the value of the low-wage work they offer may actually be relatively high for the worker concerned. Waldinger and Lichter (2003) call this a "dual frame of reference" whereby TMWPs enable workers in peripheral economies to access the labour markets of core economies but to then transfer part of their income back to the periphery where it has more purchasing power (Scott 2013a, 2013b).

Related to this, there was considerable support for a future expansion of SAWS to become a global quota-based visa scheme, precisely because those in more peripheral countries were seen as potentially very committed low-wage workers (see also Scott 2013b). One employer, for instance, remembered a time, before SAWS' restrictions to A2 workers, when he was able to attract students 'as poor as church mice' (Manager, Herb Grower) and celebrated the work ethic associated with this. Control, then, was not just about tying workers to particular employers or simply about workers being dependent upon their employer for housing. It was also about SAWS workers coming from countries that were appreciably poorer than the UK thus raising the real value of the work on offer.

Related to this, it was also clear that as well as being easier to control, SAWS workers also brought with them a range of soft and hard skills that made them better employees relative to the locally available labour. The following employer experiences of SAWS workers were indicative:

‘You get better labour cos you get students coming over who are more intelligent, who could be left autonomously to work doing harvesting and things like that, who are degree-educated.’ (Watercress and lettuce grower and processor – human resource

manager)

‘They come over here to earn money and learn English, which helps them pay for their university training, and hopefully get a good job in their own country’ (survey respondent)

‘The students were all studying agricultural related degrees who learnt a lot of techniques to take back to their countries. They were motivated to learn about British farming, and pleased and proud to be given the opportunity to be in this country’

(survey respondent)

In focusing on SAWS as a form of education, training, work experience and cultural exchange, for upwardly mobile young (mainly student) migrants, employers are underlining the ways in which TMWPs can be used to attract a much higher calibre of worker than would otherwise be possible locally given the wages on offer. Moreover, the costs of initially producing this calibre of worker are borne by the sending country.

One of the main complaints employers had with respect to SAWS was its post-2007 move away from targeting students and young graduates with a commensurate decline in worker quality noted:

‘When we were using Y (a licensed SAWS operator) all the time, it was students, students only. Now we can’t guarantee on students. We’ve got mothers and sons coming, fathers and sons, fathers and daughters, you know, we’ve getting families over now. Last year we had people in their 50s, but unfortunately with the type of work here, it is very difficult...Several people did actually stick it out to the end of the season, but you’d find the first couple of weeks, it’s torture you know, backbreaking work. They did struggle, but you know, it’s a knock-on effect, cos it affects everyone else’s piece-rate, you know...And unfortunately last year we had a big problem with like the ages of people. We had, you know, non-students which were anything in 30s, 40s, early 50s, and like I say, for the type of work on this farm, it’s difficult work.’ (Lettuce grower and processor – human resource manager)

‘Actually what we’ve found, the calibre of people that are coming over are not any more the 18 to 24 year old SAWS students that just want to be here for six months or a year in-between studying. We’re getting the people that have perhaps not got a job back at home, so in Latvia or Lithuania. So they’re needing a lot more hand-holding and work. A bit like the British here.’ (Lettuce grower and processor – human resource manager)

Beyond facilitating employer control, then, SAWS is also about improving worker quality.

A further interesting aspect of this is the way in which low-wage migration through TMWPs, like SAWS, regulates the behaviour of domestic workers. One employer observed, for instance, that: ‘when SAWS workers have been working with our local workers we have seen

a distinct improvement in attitude and productivity' (survey respondent). Put another way, SAWS appears to have raised the bar for some employers in terms of expected practice within their workplace. Irrespective of whether this improvement is due to domestic workers being motivated by the examples migrants set, or whether they follow out of fear, the results can be equally lucrative.

7. Policy Recommendations

A Temporary Migrant Worker Programme has existed for agricultural employers in the UK since 1943. However, following a 2006 government decision, in January 2014 this 'Seasonal Agricultural Workers Scheme' (SAWS), as it was then known, was discontinued. The main argument used to justify its closure was that the UK did not require low-wage workers from outside the EU, and that any unmet demand for such workers could now be met from within an enlarged EU. There were strong pressures to retain SAWS, principally from the NFU, but also from DEFRA (Cabinet Office, 2002; DEFRA, 2010; DEFRA, 2011; NFU, 2011, 2013; House of Commons 2009, 2012; House of Lords, 2008). In addition, the 2012/13 Home Office review of SAWS found it to be "extremely well managed" (Home Office, 2013: 1) and earlier Home Office research similarly found the scheme to be popular and well run (Home Office, 2003: 11).

However, academics' issues with TMWPS like SAWS are manifold. Briefly, temporary visas for low-wage workers have been criticized for: creating differential citizenship status and rights; legitimizing inequality between workers; underpinning in-work poverty and exploitation; generating permanent migration flows; depressing pay and conditions; reducing incentives for technological development and diffusion; crowding out would-be domestic

workers; underpinning economic dependency in the developing world; and generating brain-drain from the developing world. This has led many academics to rally against TMWPs *per se* on ideological and theoretical grounds.

Given the evidence reviewed above our view is to, first, not rule out the resurrection of SAWS given that academic critiques did not feature prominently in its closure. The left-leaning think-tank the IPPR, responsible for a great deal of recent UK immigration policy development, has recently argued for example that: “In the medium term, the UK should consider piloting temporary worker schemes for low or non-skilled migrants from outside the UK” (Finch, 2011: 13). Secondly, it is important, in our view, to discuss and debate what TMWPs could and should look like if resurrected (see also Ruhs, 2006; Ruhs, 2013).

The first, and not especially costly or onerous step, in this respect should be to make sure workers are consulted in any evaluation of a migration policy or scheme. For instance, in the time SAWS was running (1943-2014), the views of workers were, according to the Home Office, never systematically considered (Home Office, 2013: 64). In fact, we were unable to find any independent evidence of what workers thought about SAWS.

The second step in contemplating the reinstatement of a scheme like SAWS is to focus on the broad benefits of TMWPs. Briefly, they tend to draw migrants from the economic periphery to the core and this brings benefits to the periphery via financial remittances and two-way skills transfers. They can also shape the production/ reproduction of workers, with employers often noting that TMWPs provide them with ‘better’ (however defined) low-wage

employees. Thirdly, TMWPs bring in workers to do jobs that are undesirable, and in the process underpin more desirable primary labour markets. Finally, some hope that increasing migrant labour flows will eventually lead to the establishment of portable global human rights and/ or underpin the global governance of workers.

The challenge for UK policy makers is to be aware of these four 'wins', alongside the academic critiques of TMWPs, and to develop any resurrected SAWS-type guestworker programme accordingly. We are not championing TMWPs as some do (Walmsley and Winters, 2005; Walmsley et al., 2007) but are arguing for their limited use with specific regulatory oversight (see also Ruhs, 2006, 2013). This stance is pragmatic in the sense that if TMWPs are to continue to remain important, and even to be resurrected, we believe it is better to engage in debates over what they could and should look like than to critique them *per se*. The latter, to some extent, ignores the dilemmas of policy-makers in the current era of managed and expansive immigration (Freeman, 1995, Scott, forthcoming).

As far as SAWS is concerned, and despite reservations about the scheme, we would recommend a scaled-down policy rather than the closure of SAWS as happened in 2014. This would need to, first and foremost, take on board the interests of rural workers more than has been evident in the past. In short, a reincarnated SAWS would be misguided were it to treat workers only as 'commodities' and/ or 'guests'. Instead, it would need to establish more laudable aims than this, and success would need to be judged against these aims and with evidence from scheme participants. Building upon this overall sentiment, nine specific policy ideas and recommendations for a rural TMWP are outlined and evidenced in Table 2. It is important to be cautious, however, and to agree principles before detail as history, with

respect to the pay, conditions and freedoms of rural workers has not been kind (see Anderson, 2013).

[Table 2 about here]

8. Conclusions

Since the 1990s, international migration has, arguably, been the main process reshaping rural areas across the developed world. There has, however, been limited academic attention directed towards this, especially in relation to low-wage migrant workers (Dufty-Jones, 2014). The research gap is in part due to the hidden nature of low-wage work in the countryside, and also the associated dominance of idyllic and bucolic representations of rurality (see for example, Halfacree, 1996). Recent publications within this journal, however, have begun to challenge sanitised constructions of rurality, and address the gaps within the literature with respect to rising low-wage immigration into rural areas (Findlay and McCollum, 2013; Hanson and Bell, 2007; Rye and Andrzejewska, 2010). The paper has contributed to this emerging literature through a specific focus on temporary migrant worker programmes (TMWPs) that are orientated towards migrant employment in the food industries of the developed world.

One of the central debates in the academic literature revolves around the overall desirability of TMWPs. The dominant sentiment amongst academics is a critical one, largely based around the way in which TMWPs are used to produce/ reproduce a certain type of disempowered worker (Anderson, 2010; Hennebry and McLaughlin, 2012; Lenard and Straehle, 2012; Mitchell, 2011; Prebeisch, 2010). Migration policy, in this respect, is operationalized in order to produce low-wage, temporary workers who are both 'good'

(however defined) and easily controlled. To this extent, schemes like SAWS emerge as part of a socio-economic strategy initiated by government but underpinned by business interests.

Some academics, irrespective of the ideological and theoretical objections raised, have taken a more positive view with respect to TMWPs (Dauvergne and Marsden, 2014; Ruhs, 2006, 2013; Walmsley and Winters, 2005; Walmsley *et al.*, 2007). The positive view varies from the embrace and championing of TMWPs to their cautious welcoming, and we fall firmly within the latter camp. The argument we would advance is that ideological and theoretical critiques of TMWPs can close off debate with respect to how schemes like SAWS could and should be constituted, and, that a guarded engagement with TMWPs is more pragmatic, realistic and potentially more critically-minded given the dominant expansionist trend in migration management over recent decades (Freeman, 1995). In other words, with appropriate 'checks and balances' in place, TMWPs can be defended.

Moreover, some also argue that, even when TMWPs create different tiers of citizenship and different levels of worker and workplace rights and entitlements, they still have a place. The question, in light of the evidence presented above, is whether one can have TMWPs like SAWS without running against the dominant academic critiques (based largely around notions of universal human rights) and whilst also still retaining their economic functionality (i.e. producing and reproducing better quality and more easily controllable low-wage workers)? Our conclusion, drawing on the specific policy recommendations made above, is that TMWPs must, first and foremost, move beyond the view of workers as mere 'commodities' and/ or 'guests'. In doing so, a degree of economic functionality may well be lost but economic functionality alone should not, in any case, shape policy. To be sure, there

is not always a trade-off between human rights and economic competitiveness, but there is certainly always a debate to be had, in the context of immigration, about what employers want out of workers and what it is reasonable to expect workers to give.

Related to this is the broader question of what role states should play in the production and reproduction of low-wage labour and how immigration policy fits into this? Certainly, TMWPs like SAWS do seem to contribute to both the quality and the control of low-wage labour to the benefit of both food producers and food consumers. This quality-control nexus also does appear to have convinced many low-wage employers of the value of international migration. The issue for academics, however, is where does this take us with respect to the longer-term and broader question of 'what type of work for what type of worker'? There is a danger, for example, of loosely regulated TMWPs underpinning a negative spiral of pay and conditions. There is also a danger of such schemes sanctioning hugely unequal forms of employment and widening the gap between primary and secondary labour. In addition, there is the related question of long-term sustainability and acceptability with respect to the rising supply, and potential supply, of temporary migrant workers. Specifically, will this *de facto* firm and industry subsidy – which appears to produce/ reproduce 'better' low-wage workers – always be expansionary (see Freeman, 1995) and what are the negative externalities of this?

Finally, it is apparent that low-wage agricultural and food processing work in developed world countries has often had a special place at the migration policy table (see for example Hennebry and McLaughlin, 2012). All the evidence, until relatively recently, continued to suggest that this food industry 'exceptionalism' would remain. However, with SAWS closure in 2014, the question is now whether a symbolic turning point has been reached, and if it has,

what this means both for low-wage employers and their workers? More broadly, and beyond the food industry exceptionalism, will other TMWPs go the way of SAWS? Or does the UK case reviewed above reflect a distinct policy-making *milieu* – especially around rising net migration and EU enlargement – that will wane in influence over the medium to long term as the ‘guestworker resurrection’ (Castles, 2006) continues?

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