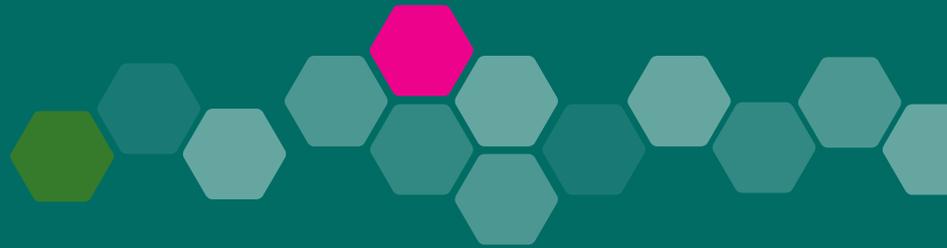




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Non-Agricultural Seasonal and Temporary Migrant Workers in Urban and Rural Scotland



AGRICULTURE, ENVIRONMENT AND MARINE



NON-AGRICULTURAL SEASONAL AND TEMPORARY MIGRANT WORKERS IN URBAN AND RURAL SCOTLAND

**RESEARCH REPORT BY MARK DIFFLEY CONSULTANCY AND RESEARCH, THE
FRASER OF ALLANDER INSTITUTE AND NEWCASTLE UNIVERSITY**

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Non-Agricultural Seasonal and Temporary Migrant Workers in Urban and Rural Scotland

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Executive Summary

Background and purpose of the study

The purpose of this report is to provide an estimate of the proportion of seasonal migrant workers outside of the agricultural sector in Scotland; and provide information on the living and working conditions of non-agricultural seasonal migrant workers in rural and urban Scotland.

Currently, the evidence base to answer these questions is limited. While there is data on the number of migrant workers who are either non-UK born or non-UK nationals in Scotland, from the Labour Force Survey (LFS) and Annual Population Survey (APS), little is known about the *seasonal migrant population*, who are not captured in these surveys as they sample private households and therefore, do not capture those migrants who live in hotels and caravan parks. Additionally, there is only limited evidence on the living and working conditions of seasonal migrant workers with studies focusing more on non-seasonal migrant workers.

Policy context

The UK Government's White Paper on future immigration policy¹ 2018 proposed a single immigration system for both European and non-European nationals distinct to what is currently available to EU citizens as part of the UK's membership of the European Union. The paper also set out proposals for a temporary workers' route, which is explored in more detail in this study.

The Home Office policy paper² issued in February 2020 sets out plans to prioritise skilled migrants by expanding a skills-based migration system with points for a variety of characteristics including having a job offer by a sponsored employer at the right skill level and speaking English. Importantly, the 2020 paper makes changes to the routes available to lower skilled workers, including rendering the proposed Temporary workers' route defunct.

Importantly, under the current proposals, there are limited options for migrant workers to perform low-skilled work in the UK; these proposed changes apply to the seasonal migrant workers sampled in the research.

Therefore, the routes available to seasonal migrant workers outside of the agricultural sector – the audience of the research - will be significantly reduced under the proposed expansion of the skills-based migration system.

¹ Home Office 2018, Policy Paper: The UK's future skills-based immigration system
<https://www.gov.uk/government/publications/the-uks-future-skills-based-immigration-system>

² Home Office 2020, Policy Paper: The UK's points-based immigration system: policy statement
<https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement#annex-a-migrant-journey-from-january-2021>

Methodology

The research study comprised of the following elements:

- an international literature and evidence review
- economic and data modelling to inform the sample frame for quantitative research
- a mixed-mode survey of 1,067 employers across rural and urban Scotland
- 8 qualitative interviews with employers of seasonal migrant workers
- qualitative interviews and focus group discussions among 28 seasonal and temporary migrant workers.

Prevalence of non-agricultural seasonal migrant workers

A mixed-mode survey of employers was conducted between the 1st of July and the 2nd of August 2019, yielding 1,067 completed interviews (177 online and 890 by telephone).

- Overall, 40 businesses reported that they employ seasonal migrant workers, comprising a prevalence of 3.7%.
- In total, 1,747 seasonal migrant workers were employed in the 40 businesses who reported that they employ any seasonal migrant workers, with a minimum of 1 seasonal worker through to a maximum of 500 seasonal workers within any one firm, indicating a high level of variance in the data.
- There was sectoral variation in the data, with a higher prevalence of seasonal migrant workers within distribution, hotels and restaurants as well as the seafood-processing sector.

In using the survey data to produce estimates of the seasonal workforce, we have focused on the distribution, hotel and restaurant sector as this is where there is a greater share of data points for grossing to the population (n=21). The research estimates that **7,100 seasonal migrant workers were employed in the distribution, hotel and restaurant sector.**

Aside from the distribution, hotels and restaurants sector, the survey data can be used to provide an estimate of what our sample implies about the number of non-agricultural seasonal migrant workers across the whole economy. Doing this on the basis of the sample that we have collected through the survey poses a number of challenges.

Firstly, we have very small sample sizes in some sectors, and when we consider sector and size band that we have done for the process of estimation, some cells are empty. The only thing that is possible is to disregard sectoral differences and focus on employment by size band. This is problematic in that we have observed that sector is an important factor in the prevalence of seasonal migrant workers within the economy. Having said this, the study estimates that the number of **non-agricultural seasonal migrant workers in the economy is 51,400.**

The survey data provides information on the profile of seasonal migrant workers employed within non-agricultural sectors in Scotland. The following are some of the key findings in relation to the profile of seasonal migrant workers:

- There were slightly more men than women employed in seasonal work (54% compared with 43%).
- More than two-fifths (42%) of seasonal migrant workers originated from Poland and almost a third (31%) from Romania.
- The vast majority of non-agricultural seasonal migrant workers are employed in the summer months from May through to September.
- Employers tend to employ non-agricultural seasonal migrant workers for short-term periods - 30% of firms employ seasonal workers for 1-2 months and 31% employ seasonal workers for 3-5 months.
- 36% of seasonal workers were employed as returners from previous years. An equal proportion (36%) were employed through recruitment agencies.
- Just over two-fifths (44%) of firms provided accommodation to their staff recruited on a seasonal basis.
- Around two-thirds of seasonal migrant workers (68%) are working in elementary occupations.
- On average, seasonal migrant workers work for 8 hours per day, 5 days a week, which equates to 40 hours of employment per week.

Qualitative research findings

The survey found a low prevalence of seasonal migrant workers within the non-agricultural sectors, related in part to the narrow definition of seasonal migrant workers (see page 12) deployed in the survey questionnaire. Therefore, we explored migrant employment patterns within the qualitative research.

The main research finding from the qualitative research is that within the non-agricultural sectors **there is a more complex picture in terms of employment patterns with a mix of migrant workers undertaking seasonal, casual, and temporary employment as well as students undertaking work in the summer months**. Therefore, there is a more varied ecosystem of migrant employment out with the agricultural sectors that is in part related to the flexibilities that flow from free movement as well as the other routes for migrant employment such as Tier 5 Youth Mobility³. This is also impacted by the vastly different nature of the industry sectors that we are grouping as non-agricultural within the research; this includes

³ For more information on Tier 5 youth mobility see here: <https://www.gov.uk/tier-5-youth-mobility>

sectors as varied as fishing and forestry, banking and finance, construction and energy and water, these all have differing employment patterns.

Employer perspectives on seasonal/temporary migrant employment

69% of employers reported that Brexit will have a negative impact on their ability to *recruit* seasonal migrant workers in the next 12 months; 58% reported that Brexit will have a negative impact on their ability to *retain* seasonal migrant workers to their business.

There were varying degrees to which employers targeted seasonal and temporary migrant labour. Some businesses described that it was by chance that predominantly migrant workers respond to their job adverts – therefore, managers reported to have little control over the nationality of their staff. In contrast, one food-processing business had a process of targeted recruitment with a permanent office set up near the Croatian-Serbian border.

Managers commonly expressed a difference in “attitude” among migrant workers comparative to local indigenous workers. Some of this relates to the identification of migrants as being ‘good workers’ and in part this is created by employers, but migrants also play into this role.

There was a view that there is a structural dependence on migrant workers given perspectives on the nature and desirability of the work, the temporal patterns of employment, as well as the lower wages offered for this type of work (most pay minimum wage).

Nonetheless, managers interviewed as part of the research emphasised the progressive employment conditions offered by the business. Among those paying minimum wage, there was mention that their business model did not enable them to pay a higher amount for transient, short-term employment contracts.

Apart from working conditions in relation to pay and hours, some employers within the hospitality and food-processing sector provided accommodation and transport to migrant workers. Migrant workers viewed this favourably.

There were mixed views with respect to the skills level of the staff. For those working in food processing and packaging there was a sense that the work was low-skilled as it involved repeating a prescribed task throughout the day. On the other hand, for managers in the hospitality sector there was a clear view that the work is not “low-skilled” as it is commonly characterised. There was a view that the soft skills required to work in the service sector should not be discounted. This has implications for the framing of migrant workers within this sector, as the emphasis on future policy is to attract high-skilled workers.

There were varying levels of concern arising from the issue of Brexit, dependent on the intensity of seasonal/temporary migrant employment as well as the proportion of business that is contingent upon trading relations with Europe. One business had moved their registered office to Europe, while others expressed frustration in

repeatedly developing Brexit mitigation plans over the past 3 years. There was a view that the UK Government's proposals for migration would not help to service business demand for "low skilled" labour. Importantly, it should be noted that while migrant workers may be undertaking low skilled work that does not necessarily mean that they themselves are lower skilled.

Lived experience of seasonal and temporary migrant workers

Seasonal and temporary migrant workers interviewed as part of the research discussions were from Romania, Lithuania, Latvia, Hungary, Poland, Estonia, Bulgaria, Italy and Spain. One interview was conducted among a temporary worker from Canada on a Tier 5 Youth Mobility visa to Scotland.

There were a range of motivations for seasonal and temporary migrant workers to live and work in Scotland; these reflect the fluid and shifting nature of migrant experiences. The most common motivation was financial, to earn money and send remittance back home.

Seasonal and temporary workers performed a range of tasks within the businesses including housekeeping, cleaning, catering, waitressing, reception tasks within the hospitality sector, food processing and packaging roles, forklift drivers and wood saw operative positions, and maintenance/handyman roles.

Many described having informal arrangements for work, which had both positive and negative effects. Informal arrangements meant that migrant workers had found employment with relative ease but on the other hand, employers had also invited workers for a "trial period" for which they were not paid and which did not result in a formalised offer for that specific job – in effect working for free.

Among a small number of workers undertaking casual experience-based employment opportunities, there were reported examples in which seasonal and temporary migrant workers were not paid for their work, instead they were compensated with accommodation and meals. Some temporary migrant workers interviewed for the study were on zero-hours contracts.

A recurrent concern among seasonal and temporary migrant workers was that employers had underpaid them for their work as their hours fluctuate week to week and so it was easy for them to make mistakes. There were varying levels of confidence reported among workers in terms of challenging issues around their pay.

Most workers did not have sick pay protections and so were "*very careful not to get ill*".

While these experiences may not be peculiar to the migrant experience and may reflect issues with the wider labour market, seasonal and temporary migrant workers are less likely to be aware of their rights under UK employment law and are less likely to be unionised and know how to challenge their employer. Furthermore,

there are issues arising from lower levels of English language skills and a lack of confidence in terms of raising concerns or problems with employers.

There was some ambivalence and apathy concerning Brexit in that seasonal migrant workers did not feel that the policy would affect them or that it was their place to comment on the issue.

Fundamentally, seasonal and temporary migrant workers pointed out that they are “workers” and so what is pivotal for them is security of employment. There was a perception that the UK/Scottish economy may weaken after Brexit and that some businesses may relocate to the European Union. Therefore, it was felt that if there are negative impacts of Brexit to the UK/Scottish economy, then the proposition of working in Scotland in seasonal and temporary employment will become less attractive.

Temporary Worker Route

At the time of the research fieldwork, the main immigration route for lower skilled employment was the temporary workers route. Feedback on this route was gathered from research participants. While this particular route is no longer available, elements of the feedback can be considered when designing potential future sector specific immigration schemes for temporary and short-term workers.

There were mixed views regarding the temporary workers route among employers and workers alike; at the time of the research, this was the proposed migration route for temporary and seasonal migrant workers in the UK outside of the agricultural sector.

For businesses, there was a view that the scheme did not address their requirements to secure a flow of temporary migrant workers to meet business demands. For seasonal and temporary migrant workers, outside of the agricultural sector, for whom this would be the main migration route post-Brexit, the route equally did not hold favour.

The 12-month cooling off period was the main point of contention, as it does not offer workers the flexibility of extending their stay; and it does not enable employers to retain migrant workers as returners to their business. This is important in terms of the distribution of benefits, as staff retention helps to develop the skills of the migrant worker as well as help them to integrate with the wider workforce.

The point concerning “no recourse to public funds” was not seen as an issue as there was a view among seasonal and temporary migrant workers that “*they shouldn't take advantage of the system*”. Although there was some discussion around whether migrant workers would still be paying into the system, through taxation, and not being able to get any of the reciprocal benefits.

In terms of the right to work checks there was a view that for the right candidate, managers would be willing to make an effort, however there are diminishing returns

when employers are dealing with higher volumes of workers and the work is elementary in nature so it is not tied to the skillset of a specific worker.

Furthermore, in comparison to other international temporary workers programmes explored in the literature review, the proposed programme does not incorporate elements that are recognised as best practice for circular migration, this includes:

- ensuring protections for migrant workers' rights,
- provision of requirements for pastoral support and duty of care towards migrant workers,
- and closer governmental relations between sending and host countries to coordinate migration and reintegration of workers to their home country

Introduction

Background to the research

The Scottish Government commissioned Mark Diffley Consultancy and Research, Fraser of Allander Institute and Newcastle University to undertake a study to:

- 1) estimate the number of non-agricultural seasonal migrant workers in urban and rural Scotland, and
- 2) to explore the experiences of seasonal migrant workers living and working in Scotland; the conditions underpinning seasonal/temporal work; whether it is important for family to be able to join workers while they are living in Scotland as is currently permitted under free movement; and future plans for residency post-Brexit.

The issue of the prevalence of seasonal migrant workers is pertinent, and while there are figures regarding the proportion of migrant workers in the UK from the Labour Force Survey (LFS) and Annual Population Survey (APS), little is known about the *seasonal* migrant population. They are not already captured in these surveys as they sample private households and therefore, do not include those migrants who live in hotels and caravan parks. Data on temporal migrant labour is needed to measure the potential impact to the workforce pool in rural and urban Scotland, if there are changes to the status, rights, and flexibility provided to seasonal migrant workers under free movement.

There is an important rural dimension to this research, as it has been suggested that the migrant workforce in rural areas may present opportunities for regeneration and addressing labour market shortages in the case of population decline in these areas (de Lima and Wright 2008). Within the context of this study, there are seasonal elements to the employment patterns in certain sectors of the rural economy such as agriculture, fisheries and tourism.

Population growth in Scotland has been largely attributed to inward migration which is important given the demographic challenges related to lower fertility rates and an older age structure of the Scottish population comparative to the rest of the UK; these demographic challenges are more acutely felt in remote rural communities of Scotland where there is an outward-migration of young population and de-population trends (Boswell 2019).

The issue of migration and labour/workforce is fused within policy contexts.

Defining key terms

Before detailing the policy context, there are definitional issues in relation to the study, which are important to unpack for purposes of clarity.

The International Organisation for Migration 2019 defines “migrant” as “an umbrella term, not defined under international law, reflecting the common lay understanding

of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.”

The Migration Observatory paper “*Who Counts as a Migrant ?*” 2019 sets out the complex use of the term “migrant” in that it can take a variety of different meanings including individuals of foreign birth, foreign citizenship, those that have moved to a new country to stay temporarily even if this is for less than six months, or those who move to a new country with plans to settle for the longer-term. There is also confusion arising from instances whereby the term is used to describe children who are UK nationals, but whose parents are foreign-born or foreign-nationals (Anderson and Blinder 2019).

When thinking about the term “*migrant worker*”, the UN Convention on the Rights of the Migrant provide the following definition: “*a person who is engaged in remunerated activity in a State of which he or she is not a national.*”

State policies in relation to migration vary depending on political and economic goals as well as broad social attitudes (Castles 2000). This impacts the various categories of migrants as defined by state policies, within which the terms seasonal and temporary migrant workers exist.

Language concerning seasonal and temporary migrant employment indicate the pattern of employment undertaken by migrant workers. The former term indicates employment undertaken by a person in a State of which he or she is not a national, for less than a year and which is typically concentrated in industries with seasonal peaks such as agriculture, hospitality and construction (Castles 1987).

The latter is a broader term to describe employment undertaken by a person in a State of which he or she is not a national, for a time limited period either a fixed-term, on a project-specific- basis, or task-based contract. This term encompasses derivative terms such as casual workers, guest workers, and overseas contract workers. Students can also engage in temporary work whereby they combine work with education or other responsibilities which keep them from committing to full-time employment (ILO 2019).

In the UK, in addition to the current immigration system comprising of 5 tiers, there are varied patterns of migration flowing from free movement within the European Union (EU) which mean that there is greater flexibility for EU workers than what is implied by these high level definitions of seasonal and temporary migrant workers and related programmes.

In the context of this study, there is reference to migrant workers performing lower skilled work; it should be borne in mind that migrants are more likely to work in jobs for which they are overqualified, therefore it is the work that is lower-skilled (Chiswick and Miller 2008). To contextualise this, the Migration Advisory at Oxford University estimates that 56% of highly educated migrant workers in the UK were in low and medium skilled work in 2018 (Fernandez-Reino and Rienzo 2020).

Policy Context

The Migration Advisory Committee (MAC), a non-departmental public body sponsored by the [Home Office](#) that advises the UK Government on migration issues has been commissioned to review options for future immigration policy post-Brexit. The MAC propose that future immigration policy will need to be aligned with the demands of the UK labour market encouraging primarily “economic migration”.

The UK Government’s White Paper on future immigration policy post-Brexit proposes a single migration system for both European and non-European nationals distinct to what is currently available as part of the UK’s membership of the European Union.

The Home Office policy paper⁴ issued in February 2020 sets out proposals to prioritise skilled migrants by expanding a skills-based migration system with points for a variety of characteristics. Individuals are required to have a total of 70 points to be eligible under the scheme. The total number of points can be derived from a variety of characteristics including having a job offer from a sponsored employer at the right skill level; speaking English; having a salary above £23,040 per annum; having a job in a shortage occupation or having a PHD in a relevant subject.

This points-based system would *not* apply to short-term, temporary and seasonal migrant workers, which are the focus of this study.

There is also the reintroduction and expansion of the post-study work visa for international students, which has been extended to two years after graduating from a British university⁵; this policy has the dual aim of retaining skills within the labour market as well as attracting higher numbers of international students to UK universities. On this route, graduates can take up work of any skill level across any sector of the economy.

While migration policies do not typically specify the race, ethnicity or origins of migrants per se there is a potential that requirements in relation to salary thresholds and skills levels may encourage migration from certain countries.

“Using skills, language knowledge, possession of capital or assumptions on ‘settlement capability’ may favour people from certain countries or backgrounds over others.” (Castles 2000;153)

Recognising the distinct role of temporary labour to the UK economy, as well as labour market demands for “low skilled” workers, there was the proposition of

⁴ Home Office 2020, Policy Paper: The UK's points-based immigration system: policy statement

<https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement#annex-a-migrant-journey-from-january-2021>

⁵ Home Office 2019 UK announces 2-year post-studywork visa for international students

<https://www.gov.uk/government/news/uk-announces-2-year-post-study-work-visa-for-international-students>

introducing a temporary worker route not tied to any specific sector, as well as expanding the existing pilot scheme for seasonal workers in agriculture.

The proposed UK temporary worker route was a transitory measure up until 2025 as the UK adjusts to migration patterns after free movement ends⁶. The route would have been open to nationals from specified “low risk countries” to work in the UK for a maximum of 12 months with a subsequent 12 month cooling off period.

For the edible horticulture sectors, there is a seasonal workers pilot scheme which is run by the Home Office in collaboration with employment agencies, Concordia and Pro-force, to enable fruit and vegetable farmers to employ non-EU workers. This scheme is specifically targeting agricultural students within Moldova and Ukraine.

It is important to note that while a seasonal scheme will continue for the agricultural sector, the temporary workers route has been rendered defunct as of recent announcements concerning migration policy in the UK⁷.

The temporary worker route is referred to within the research as it was a proposed route for the population of the research at the time in which fieldwork was conducted - 2019. Feedback on aspects of the route may be considered when thinking about potential future sector specific routes for short-term and temporary migrant workers.

The temporary workers route as described above is no longer available instead under the current Tier 5 temporary worker category of visas⁸ there are provisions for specialist occupations such as sportspeople and ministers of religion.

Literature in relation to temporary and seasonal schemes outline a “triple win” by emphasising the benefits of meeting labour market needs while reducing public concerns over permanent settlement of migrants. While the schemes are portrayed as opportunistic for employers/host countries, there are also reported benefits for migrants in terms of providing access to the labour market in high income states as well as the potential to develop new skills (Conserdine and Samuk 2018).

However it is worth mentioning that there are mixed views in terms of the transferable benefits to migrant workers, as they are often at higher risk of exploitation due to factors such as language barriers, lower levels of localised knowledge and access to networks, as well as precarity stemming from their immigration status (Fernández-Reino and Reinzo 2019).

⁶ Home Office 2019, Tier 5 (TemporaryWorker) of the points-based system available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/795419/tier-5-temporary-worker-v19.0ext.pdf

⁷ Home Office 2020, Policy Paper: The UK's points-based immigration system: policy statement

<https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement#annex-a-migrant-journey-from-january-2021>

⁸ Ibid.

Both the proposed temporary worker route and the seasonal worker scheme impact the options available to workers who choose to come to the UK through these channels, including having no recourse to public funds, no ability to bring dependents with them or the option of switching into another visa category. Both the temporary worker route and the pilot scheme also do not provide a pathway to settlement.

In relation to the agricultural pilot, the emphasis on student workers, however, may limit circular migration and issues arising from the lack of access to public funds, the ability to bring their spouse or children, and settlement.

Pathways to settlement are driven by a number of factors but most importantly the ability to bring over wider networks of family and friends to the host country (Trevena 2018). are thus designed to encourage migrants to return to their home country after the fixed-term period of employment. In sum, they present a significant departure from the flexibility under free movement.

Importantly, further, there is a proposed cap on the seasonal workers scheme to 10,000 places across the UK; this may not be enough to meet demand. Research conducted by Scotland's Rural College in 2018⁹ has conservatively estimated that there are 9,257 seasonal migrant workers in Scottish agriculture alone.

In addition to the temporary workers route, the MAC specifies that there are further options whereby the demand for "low skilled" employment can be met, for instance through the proposed expansion of the Tier 5 Youth Mobility category. This route enables individuals aged from 18 to 30 to live and work in the UK for up to 2 years and is open to those who have certain types of British Nationality or are from a specified list of countries. It should be noted that this scheme has typically promoted "cultural exchange" as opposed to being a labour migration programme (Fernández-Reino and Reinzo 2019).

There is discussion concerning the impact of these proposals in terms of future migration to Scotland and the UK as a whole.

Employers who rely on temporary or seasonal migrant workers depend to some extent on circular migration whereby individuals return to their home country after a period of employment and then return to the UK again. For employers this is beneficial in terms of retaining skilled and experienced staff and for employees this guarantees security of labour to meet business demand. The seasonal agricultural worker scheme and the Tier 5 Youth Mobility route are time-limited and will inhibit this form of circular movement.

Significant migration to the UK has flowed from EU expansion, particularly citizens of the EU-8. It is unclear how a level playing field will impact migration patterns and if it will stimulate temporal migration from Ukraine, Moldova, and other "low-risk" countries for work purposes. Analysis of APS data conducted by the Migration Observatory has shown that the most common reason for migration to the UK

⁹ Scottish Government 2018, Farm workers in Scottish agriculture: case studies, <https://www.gov.scot/publications/farm-workers-scottish-agriculture-case-studies-international-seasonal-migrant-labour/pages/2/>

among non-EU nationals is for family reasons (49%), in contrast among EU citizens the most common reason is work (45%), with a higher proportion citing this as the main reason among those from the EU-8 (55%) and EU-2 countries (Vargas-Silva and Reinzo 2019).

The Expert Advisory Group on Migration and Population in Scotland has reviewed proposals set out in the UK Government's White Paper on Immigration, and argued that a distinct system is needed for Scotland that recognises Scottish requirements and preferences, with the aim of off-setting demographic challenges and sustaining local communities in Scotland.

Much of the criticism is focused on the proposals for the skills-based system. There is a view that there are differences in terms of the types of skills needed in Scotland than the rest of the UK (Boswell et al. 2018). Related to this is the view that the Scottish-only Shortage Occupation List while useful in prioritising the skill-sets needed in Scotland, falls short of fully accommodating Scottish labour market needs (Hepburn 2017).

The MAC recently published their report on the appropriate level and design of salary thresholds for immigration in relation to the UK's future skills-based work migration system.

The MAC do not believe any system of regional salary thresholds is optimal and recommend that there should be a single national salary threshold, in line with the approach taken by the Low Pay Commission on the minimum wage

The MAC also recommend the general threshold should fall by around £4,400 from the current £30,000 to around £25,600.

However there should be a separate pilot visa for 'remote' areas of the UK, part of which could be lower salary thresholds for migrants into those areas. This should only be done with a full evaluation to understand its effectiveness and impacts.

There are also differential effects related to tax revenues generated from migrant labour and public spending on services. The Scottish Government estimates on average each EU citizen working in Scotland contributes an additional £34,400 in GDP and moreover, EU citizens working in Scotland contribute £10,400 in Government Revenue¹⁰.

Overall, migrant workers tend to be younger and economically active, and are less likely to consume public services, therefore, they present a favourable balance in terms of generating tax revenues and using public services. Nonetheless, the share of tax revenues are spread between the UK and Scottish Government therefore additional analysis is needed to evaluate the distribution of tax revenues and delivery of public services, and how these will be impacted when net migration from the EU is reduced.

¹⁰ For more information, please see here: <https://www.gov.scot/publications/contribution-eea-citizens-scotland-scottish-governments-response-migration-advisory-committee-9781788514057/pages/2/>

Furthermore, economic migration from Europe has been concentrated on lower skilled economic migration from the EU8. However, the focus on “*lower skilled jobs which locals do not want to do*” has implications for how migrants are perceived by the host community and their opportunities for social mobility and improving their English language skills. Focus group based research conducted by the Institute for Government has shown broad public support to reduce net migration and for migrants to demonstrate their “*contribution*” which is perhaps being missed by the lower skilled roles that migrants typically perform within the context of the wider economy (Owen et. al 2019).

Geddes and Scott 2010 argue that the reliance on migrant workers in low-skilled sectors is “constructed” as it is possible to offset the costs of an uncertain market on to a certain group of workers. This is important in the context of temporary contracts, as there is a reported negative wage premium among those on temporary contracts comparative to those on permanent contracts – the European Commission found that workers on permanent contracts earn on average 15% *more* than those on temporary contracts when individual and job characteristics are controlled for (Dias da Silva and Turrini 2015).

There are also concerns over the sustainability of the assumption that migrants will work on jobs that locals do not want to do, as it assumes a static mobility and may often entail de-skilling of migrants as they are not utilising their skills and qualifications (Owen et al. 2019). The proposed changes to migration policy which place certain restrictions on migrants may affect the attractiveness or accessibility of the proposition of lower skilled work in the UK.

Recognising the aforementioned issues, there is a view that a differential system is required for Scotland. One proposal is for a Scottish Visa¹¹ to be introduced for people who want to live and work in Scotland which would operate as an extra option alongside all existing UK visa routes.

Key features of the Scottish visa include:

- Eligibility criteria set according to needs identified in Scotland
- Scottish Ministers accountable to Scottish Parliament for policy and decisions
- Migrants holding Scottish Visa required to live in Scotland; enforced via the Scottish tax code.
- No sponsorship role for employers in this route – so no sponsor licencing costs or bureaucracy
- Not liable for the Immigration Skills Charge, as currently defined by UK Government

¹¹ More information on the Scottish Visa can be accessed here: <https://www.gov.scot/publications/migration-helping-scotland-prosper/>

- No salary threshold in this route
- Online application process
- Offers pathway to permanent settlement in Scotland.

While it is pertinent to create the policy and legislative frameworks to enable migration policy to work for Scotland, there is also work required to build public acceptance of the need for migration as well as proposals to make Scotland an attractive destination for migrants to live, work and study through a suite of reception and integration strategies (Trevena 2018). This is important in the context of settings which most acutely depend on migration such as rural areas which have less exposure to migrants and thus less infrastructure and services to welcome newcomers and at times less positive attitudes towards immigration more generally than large urban areas (ibid.). Therefore it has been noted that softer social levers should be applied to enable positive integration outcomes for migrants coming to Scotland in addition to policies to increase net migration overall.

Research aims

For clarity the aims of the study are to:

- estimate the number of seasonal migrant workers in Scotland across a range of business sectors;
- explore the view of employers in relation to seasonal migrant workers and how Brexit may affect their future choices and actions; importantly, if they expect shortages to the workforce pool as a result the loss of free movement and what actions if any employers plan to take to overcome these;
- explore the motivations of seasonal migrant workers to work in Scotland/rural Scotland; the living and working conditions underpinning seasonal work, whether it is important for family to be able to join workers while they are living in Scotland as is currently permitted under free movement; and future plans for residency post-Brexit.

Report Structure

The report is structured around the research aims. The next chapter of the report details the study methodology for the quantitative and qualitative elements of the study and provides guidance on interpreting the results.

Following details of the methodology, we present the international literature and evidence review. Tentative recommendations flowing from the desk research are presented following the presentation of the review.

This is followed by estimates of non-agricultural seasonal migrant workers as well as the profile of seasonal workers in terms of their gender, nationality as well as their length of employment, hours and days worked.

The final section sets out qualitative feedback from managers and seasonal migrant workers in terms of living and working in Scotland, and future plans after Brexit.

Feedback is provided on the UK Government's temporary workers' route and recommendations flowing from the primary research.

Acknowledgements

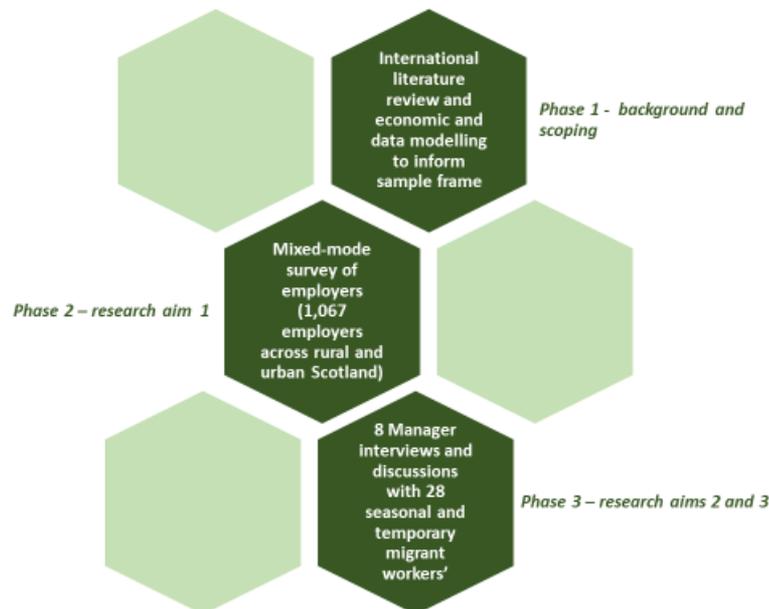
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Methodology

The research study comprised of the following elements:



Survey research

Sampling approach

The LFS and APS do not provide data on seasonal migrant workers as the surveys do not sample those who have lived in the UK for less than 6 months.

To estimate the proportion of seasonal migrant workers in non-agricultural sectors in Scotland, a targeted sampling approach was used to yield greater precision than a random sampling approach. However, given the limited availability of data on the seasonal migrant workforce, this approach is *indicative* of the industry sectors where there *may* be a higher prevalence of seasonal migrant workers.

To inform the sampling frame, we focused on APS data which indicates the industry sectors in which there is a higher prevalence of non-UK nationals working in low-skilled occupations on temporary contracts.

Our sampling approach involved setting targets on industry sector, business size, and location.

Sectoral targets are based on:

- 1000 completed interviews overall
- a confidence interval of +/- 5% at the 95% confidence level for each sector

- a minimum sample size of 30 for the smaller industry sectors

The APS proportions for migrant workers, in low skilled and temporary work have informed the sample targets for industry sector. The target and achieved sample profile is displayed in Appendix B.

Questionnaire design

The survey questionnaire was 5 minutes in length, and included a range of questions primarily aimed at gaining data on total employment of the firms and the share of seasonal workers employed by firms. For the purposes of the study, seasonal migrant workers, were defined as follows:

Seasonal migrant workers are persons who have moved across an international border and have been employed by a country other than their national or home country for only part of a year because the work they perform depends on seasonal conditions.

Questions were then asked to obtain a profile of the workers employed e.g. in terms of gender, nationality, skills, and hours and days worked. A small number of attitudinal questions were asked to assess the impact of Brexit on the recruitment and retention of staff, and changes experienced by the business in the last three years.

Logic checks and extreme values were not permitted within the survey script to minimise error.

The survey questionnaire was piloted among 40 businesses prior to undertaking the main stage fieldwork for the study. As a result of the pilot, a number of minor refinements were made to the survey script.

Fieldwork

Fieldwork took place between the 1st of July and the 2nd of August 2019 using a mixed-mode survey approach combining online and telephone interviewing methods, in total 177 interviews were completed online and 890 by telephone.

Qualitative research

Qualitative research was carried out with employers as well as seasonal migrant workers.

The qualitative research among employers was designed to meet aims 2 and 3 of the study, importantly to identify the scale and nature of the challenge presented by the UK's departure from the EU, including any changes to free movement, and explore the extent to which this may impact businesses who employ seasonal migrant workers. Qualitative research among seasonal migrant workers explored the living and working conditions of workers and reviewed how Brexit may impact their future plans.

Given the low numbers of firms reporting that they employ seasonal migrant workers (n=40) within the non-agricultural sectors, fresh recruitment was required to conduct the qualitative elements of the research. As the prevalence of firms reporting seasonal migrant workers was low (3.7%) the recruitment proved challenging. This is related to the basic assumption underlying the study that the patterns of employment within the non-agricultural sectors would follow the same patterns found within the agricultural sectors. Instead there is a more complex picture in terms of employment patterns observed outside of the primary industries. For this reason, we broadened the scope of the qualitative element to temporary migrant workers as opposed to those who are strictly "seasonal". A small number of EU/international students (n= 4) undertaking temporary employment were also included in the sample.

A combination of one-to-one interviews and focus group discussions were conducted between July and October 2019. In total, 8 manager interviews and 27 seasonal migrant worker interviews were conducted. 18 workers and 5 manager interviews were conducted face-to-face, the remaining interviews were carried out by phone or Skype.

The profile of the interviews is shown in the table below:

Gender	Managers	Seasonal and Temporary Migrant Workers
Male	4	11
Female	4	17
<i>Sectoral profile</i>		
Hospitality	5	11
Food processing	1	2
Fishing	1	8
Forestry	1	7
<i>Location</i>		
Rural	6	22
Urban	2	6

Interpreting the findings

Quantitative data

Quantitative data identifies the prevalence of particular views among the population group and identifies differences in opinion by key demographic variables. Throughout the report, differences between variables are commented upon only where we are sure these are statistically significant i.e. where we can be 95% certain that they have not occurred by chance.

Where percentages do not sum to 100%, this may be due to rounding, the exclusion of 'don't know' categories, or multiple answers.

Aggregate percentages (e.g. "satisfied/not satisfied") are calculated from the absolute values. Therefore, aggregate percentages may differ from the sum of the individual scores due to rounding of percentage totals. Throughout the report, an

asterisk (*) denotes any value of less than half a percent and a dash (-) denotes zero.

Qualitative data

When considering the findings from the qualitative elements of the research it should be borne in mind that qualitative samples are designed to ensure that a range of different views and experiences is captured. It is not appropriate to draw conclusions from qualitative data about the *prevalence* of views or experiences among the population group. As such, quantifying language, such as 'all', 'most' or 'a few' is avoided as far as possible when discussing qualitative findings throughout the report. Qualitative data helps to explore, and gain deeper understanding of attitudes, issues, and reasonings on social policy issues.

Limitations

The research relied on employers' reported prevalence of seasonal migrant workers within their business, as opposed to workers' self-reported employment as is done in the APS/LFS.

The focus of the study on seasonal patterns of employment as specified by the Invitation to Tender may have precluded the reporting of temporal migrant employment in some business sectors such as construction where the "season" has stretched over several months which may have limited the functionality of the term seasonal when describing employment patterns in this sector. Indeed, the study has been conducted in the backdrop of an expansion of temporary, zerohours and fixed term contracts which apply to migrant labour in Scotland.

The overlap between temporary and seasonal patterns of employment was raised in the sampling approach as a potential challenge to the research. Many of the assumptions underpinning the sampling were based on temporary employment, as this is the main data source that is available through the LFS/APS. However, there are definitional differences between seasonal and temporary employment which was reflected in the survey question wording which narrowly focused on seasonality.

Seasonal migrant workers are persons who have moved across an international border and have been employed by a country other than their national or home country for only part of a year because the work they perform depends on seasonal conditions.

Therefore, by focusing on *seasonal* migrant workers, there may be an underestimate of transient, temporal migrant workers in Scotland.

We tested this consideration in the qualitative research and found that within the non-agricultural sectors there is a more complex picture in terms of employment patterns with a mix of migrant workers undertaking seasonal, casual, and temporary employment as well as students undertaking work in the Summer months. Therefore, there is a more varied ecosystem of migrant employment outwith the agricultural sectors which is in part related to the flexibilities that flow

from free movement as well as the other routes for migrant employment such as Tier 5 Youth Mobility. This is also impacted by the vastly different nature of the industry sectors that we are grouping as non-agricultural within the research, this includes sectors as varied as fishing and forestry, banking and finance, construction and energy and water, these all have differing employment patterns.

International literature and evidence review

The international literature and evidence review was designed to consider seasonal migrant worker schemes; these encompass both non-agricultural and agricultural migrant worker programmes. This reinforces the finding that seasonal migrant labour is most concentrated within the primary industries, as has been identified by the qualitative research.

Seasonal Workers' Schemes

Seasonal workers' schemes combine immigration law (i.e. regulation of entry and stay in a territory) with labour law (i.e. governance of the rights of workers), often creating tension between the differing objectives. In practice emphasis is typically placed on immigration regulation with less attention directed towards upholding the rights of workers – the location of the governance of seasonal worker schemes is of utmost importance in determining the balance between immigration policy and labour law¹². Correspondingly a major tension for seasonal work is to ensure an adequate level of rights for workers, protecting them against exploitation and upholding basic human rights while ensuring that appropriate flows of migrants, the costs of participating for employers, both monetary and non-monetary, are not prohibitively high (Ruhs 2002, Ruhs and Martin 2008). In the best type of seasonal worker scheme, workers have no intention of moving permanently, instead 'circular migration is a preferred strategy' (Hugo 2009, 31).

Defining seasonal work and seasonal migrant workers

DEFRA defines seasonal work as 'employment which fluctuates or is restricted according to the season or time of the year.' The European Commission understands seasonal work as activity that is tied to a certain time of the year by a recurring event or pattern of events linked to seasonal condition. The International Organisation for Migration defines a migrant as 'any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence.' This is irrespective of their legal status; the voluntary/involuntary nature and cause of movement; and length of stay. Economic migrants may move from place to place in search of work and their permanent residence moves with them. Seasonal agricultural workers are individuals who are employed in temporary farm work, related to seasons. They do not move from their permanent residence, rather they migrate to the host country for the duration of their seasonal work, and then return home. In this context, this type of migration is labelled circular migration and refers to workers circulating between home and host society. Seasonal workers may or may not return year after year depending on various factors, including the law in the host country. There is typically no pathway to citizenship and the restrictive nature of seasonal worker schemes means that they are considered to be inherently exploitative.

¹² This tension was brought to the fore in the development of the EU's seasonal worker directive. As originally conceived it was largely focused on providing a labour supply for the internal market to foster economic growth (advanced largely by the European Commission) without a firm commitment to equality (the European Parliament lobbied for the rights of migrant workers to avoid exploitation) (Fudge and Herzfeld Olsson 2014).

For the purposes of the report, seasonal migrant workers are defined as “*persons who have moved across an international border and have been employed by a country other than their national or home country for only part of a year because the work they perform depends on seasonal conditions.*”

The term temporary migrant workers is also used in the report to refer to “*employment undertaken by a person in a State of which he or she is not a national, for a time limited period either a fixed-term, on a project-specific- basis, or task-based contract. This term encompasses derivative terms such as casual workers, guest workers, and overseas contract workers*” (ILO 2019).

Global patterns

The case of African workers in Spanish agriculture during the 1980s and 1990s although dated, remains seminal and proficiently raises questions about the aims of migration policy. African migrants filled a gap during a time when the Spanish economy was much more buoyant and when people could afford to hold negative views of farm related labour. Those farm workers provided a significant plug to a labour shortfall during a time when there was an exodus of the Spanish workforce (Hoggart and Mendoza 1999). They did not enjoy economic or social mobility, but even so they filled a niche that followed from allowances made by state policy . . . [which] provided relatively easy entry into farm work for foreign labour (Hoggart and Mendoza 2000, p. 13). They had to rely on the generally relaxed attitude of the Spanish government regarding working conditions and the distribution of work permits (Hoggart and Mendoza 2000, p. 13). Although the migrants maximised their income and they supported knowledge transfer and investment in their home country, fundamentally they had a precarious existence. These same legal systems in Spain, as well as in Italy, were found to institutionalise exclusion through the creation of quota systems for immigrant workers that are limited to sectors shunned by the indigenous population and where low wages and poor working conditions prevail (Calavita 2005, p. 156; Calavita 2007). A similar pattern can be found for other countries, including South Africa and Australia (Kritzinger et al. 2004; Krivokapic-Skoko and Collins 2014). More widely, research on the international hotel industry has shown how the foreign born seasonal workforce is more vulnerable than the local one, due to the segmentation of the labour market and to stereotyping and discrimination (Baum 2012)

Below we elaborate on the Seasonal Agricultural Workers’ Program (Canada), the Recognised Seasonal Employer Scheme (New Zealand) and the UK pilot Scheme. Proposed schemes in Germany and the EUs Seasonal Workers’ Directive are described briefly in Appendix One with summary points identified below.

Seasonal work in Canada

The Seasonal Agricultural Workers’ Program (SAWP13) operates under bilateral agreements between Canada and participating countries (Mexico and 11 Caribbean countries). It was created in 1966 with an agreement with Jamaica but has since been subsumed within the more wide reaching Temporary Migrant

Worker Programme (TMWP), established in 2002, which is global in nature as it does not specify participating countries (Gabriel and Macdonald 2018). An overview of the TMWP is provided following a summary of requirements of the SAWP.

The Seasonal Agricultural Workers' Program (SAWP)

A Memorandum of Understanding outlines the obligations of the Canadian state and of the sending countries. Broadly the Workers are recruited by the sending countries and consular representatives from sending countries stay in Canada operating as contacts for employers and employees and intervening in contract negotiations. Foreign governments are responsible for selecting workers and for ensuring that the men and women selected to work temporarily meet all of the requirements of programme. For instance the Mexican labour office identifies suitable workers for the programme and selects workers based on criteria set out by the Canadian government (Hennebry 2012). This means that the Temporary Foreign Workers (TFW) are experienced in farming, at least 18 years of age and a citizen of one of the participating countries. Other obligations of foreign governments are to:

- ensure that the TFWs are able to satisfy the:
 - Canadian immigration laws; and
 - laws of the worker's home country.
- make sure workers have any other necessary documents;
- recruit and select the TFWs;
- maintain a pool of qualified workers; and
- appoint representatives to assist workers in Canada.

Recruitment costs for workers can be high. Traditionally at least, many of the workers employed come from Mexico, incurring debts to pay their way. This can create problems if they have to return home before a debt is paid or if the recruitment agent has made false promises about the job.

Temporary Migrant Worker Programme

The TMWP includes "high" and "low skilled" avenues, the "low skilled" stream, called the Low Skill Pilot Project (LSPP), is relevant for inclusion in this review. So significant has temporary work become in Canada that Strauss and McGrath (2019) report how in 2008, for the first time, the number of non-permanent residents entering the country (399,523) exceeded the number of permanent immigrants (247,243). It is argued that this reflects a wider shift in migration policy to manage migration so that skilled workers are admitted as potential citizens and unskilled workers remain as non-citizen (ibid). Alongside the large increase in the number of temporary foreign workers in Canada, arising mainly from the shift away from bilateral agreements as characterised by the SAWP, has been an increase in precarious employment (Preibisch 2010, Strauss and McGrath 2019). Employers

are supposed to be unable to find Canadian citizens to undertake the work – they are required to submit substantial evidence in this respect - but there has been evidence of employers relying on Temporary Foreign Workers (TFWs) in places of relatively high unemployment. Following reform of the TMWP, the employment of TFWs is capped as part of the government's strategy of ensuring that employers provide positions to Canadians.

All streams within the TFWP are time limited, with agriculture limited to eight months in any twelve month period (so long as they can offer a minimum of 240 hours of work within a 6 week period or less. Specific commodity sectors are included and activity must relate to on farm primary agriculture). Other schemes allow workers to remain for 12 months, renewable annually up to a period of four years after which they must return home for four years, the 'four in, four out' rule. Workers rely on sponsorship by a specific employer and they are tied to employers. Employers are required to provide a contract of employment, affordable accommodation that meets specific standards and they must ensure that those workers have state or private health insurance. Employment legislation in most occupations is covered under provincial/territorial legislation that deals with labour and employment standards.

Wages should be similar to those paid to Canadians, although the state recognises the need to pay differential wages for people doing different jobs or for those with more experience and skills. Charging recruitment, travel and immigration fees to workers is illegal, but practiced widely (Hennebry and Preibisch 2012). The state further determines the position of migrants by limiting access to public goods, including welfare, housing and education. This makes for a very precarious existence indeed as workers have little negotiating power, are prevented from joining a union and are tied to their employer (Tucker 2012 in Preibisch and Otero, 2014, Preibisch 2010). Employers, meanwhile assume a position of power. The literature describes how employers can exploit their position by threatening job loss, deportation and criminalisation (through actual or imagined breaches to the terms of their work permit) (Strauss and McGrath 2017).

Depending where seasonal workers are living, they may be reliant on employers for transport to the shops for groceries, etc. The treatment given by employers in this regard or treating workers to a soft drink/restaurant meal was an important factor for individuals in considering if they would return next year (Binford 2002). There is a general hesitancy by workers to complain because they have a lot to lose (Preibisch 2010). The SAWP provides a crash course on what a double day is like: that is, spending all day doing a paid job before returning home to cook and clean. This has an implication for the, often women, who are left back home and who find that they have new roles to learn. The mental stress can be considerable, depending on the conditions that the workers are living in and the degree to which they are worried/concerned about family at home.

One of the key differences between the SAWP and the TMWP is the role of recruiters. In the former, the bilateral nature means that the recruitment and placement of workers falls under the bailiwick of the sending and receiving state (Hennebry 2008). The expansion of the programme has created tensions between

different streams and opportunities for third party agencies. Part of the problem with having similar programmes, that is different pathways to employ seasonal workers, is that employers can and do engage in competition for workers, 'country surfing' if they are dissatisfied with the performance of workers or other aspects such as the government agent (Preibisch and Binford 2007). Not only does this place downward pressure on workers' wages, but it can also create competition between groups based on gender, race or country of origin, resulting in the segmentation of the labour market (Preibisch 2010, Hennebry 2012, Hennebry and Preibisch 2012). We return to the issue of recruitment and third parties later in this review.

Seasonal Work in New Zealand

The *Recognised Seasonal Employer (RSE)* scheme came into effect in New Zealand in April 2007 following discussions held with industry in 2005 and replacing the Seasonal Work Permit (2005-7)¹⁴. Industry and the state had recognised a shortage of seasonal workers. The fact that this has been led by industry in consultation with government has been cited as one of the reasons why it has been more successful than the Australian seasonal worker scheme (Bedford et al. 2017). Another key reason is that prior to the introduction of the scheme, measures were taken to remove undocumented workers (who had been prevalent in horticulture and viticulture) through raids and deportations (Brickenstein 2015). Employers who employed undocumented workers were used as exemplars of bad practice and exposed through high profile cases and this continues to be the practice (ibid, Bailey 2019). In their defence, employers claimed that workers were in short supply and they took any workers they could access. This raises a critical point for the implementation of a successful seasonal worker scheme which is whether there is an actual shortage of seasonal labour or if it is perceived. Additional questions include: to what extent are farmers able to recruit irregular workers without having to face severe sanctions? If the response is that this is easy then it is fairly certain that a certain percentage of farmers will use this cheaper source of labour. Sanctions are therefore a very important component of a seasonal worker scheme.

The RSE scheme is internationally recognised as a best practice managed circular migration programme (Gibson and McKenzie 2010), although it is not without its critics (see for instance Petrou and Connell 2018, Smith 2015). The significant pastoral support provided through the scheme is a distinguishing feature of RSE and has largely been added following gaps in earlier iterations of the scheme. The New Zealand government recognises the need to contribute beyond support when workers are in New Zealand and it works with sending states on issues including re-integration of workers back into home communities.

The RSE scheme allows the horticulture and viticulture industries to recruit workers from overseas for seasonal work when there are not enough New Zealand workers, reflecting the New Zealand first policy. By emphasising the human side of migration

¹⁴<https://www.immigration.govt.nz/about-us/research-and-statistics/research-reports/recognised-seasonal-employer-rse-scheme>; <https://www.immigration.govt.nz/opsmanual-archive/114808.HTM>
<https://www.devpolicy.org/go-betweeners-needed-troubleshoot-pacific-labour-mobility-schemes-20190206/>;
<https://www.immigration.govt.nz/documents/statistics/rse-earnings-and-remittances-2017.pdf>

through a substantial pastoral support system, it also responds to concerns about the poor and illegal business practices of labour contract companies hiring overseas migrant workers (Ball et al. 2011). Employers pay a bond per worker to deter workers from overstaying their visa. To date, the only Pacific workers on the limited-purpose RSE (and SWP) visas to have absconded in any numbers are Tongans. This is something that government officials in Tonga, as well as in Australia and New Zealand, are keen to address (Bedford et al. 2017). Five so called 'kick-start' countries were initially identified as providing labour for the scheme, but provision was made to source labour from further countries if necessary. Workers must be over 18 years of age and can work for seven months during an eleven month period (exceptions being Kiribati and Tuvalu where it is nine months due to the distance). The scheme was originally capped at 5000 when introduced, but the cap has risen steadily due to its success. At November 2018 up to 12,850 workers were permitted. Unless employers can show they have pre-established relationships with workers from other countries, they may only recruit workers under RSE policy from the current nine eligible Pacific countries. The fact that most of the workers coming to New Zealand through the scheme are from a rural area and fully understand the type of work that they are expected to do has been deemed as being important in its success (Bedford et al. 2017). Any decision to raise the cap for RSE workers is made by the Minister of Immigration, whereas decisions on total regional allocations are made by Immigration New Zealand and the Ministry of Social Development in consultation with industry.

RSE workers are an important labour source, comprising less than 40 per cent of the temporary workforce during peak seasons. The remainder of the seasonal workforce is comprised of New Zealanders, working holidaymakers ('backpackers') and international students (Bedford et al. 2017). In July 2014 New Zealand introduced a new seasonal worker scheme for local workers who are offered the same working conditions as Pacific seasonal workers (Lotu-liga, 2014) The state carefully monitors RSE through a range of mechanisms including employer surveys and work carried out between employers and employees with Local Labour Inspectors, Compliance Officers and Relationship Managers. There is a Relationship Manager on the North and South Island and their sole purpose is to mediate and manage relations between the main stakeholders, including workers, employers and government (Curtain 2019). Relationship Managers are independent of Immigration New Zealand and are responsible for supporting the horticulture and viticulture sectors in the regions and for protecting the integrity of the RSE policy, ensuring that New Zealanders get the first opportunities for jobs.

Participation in the scheme requires that employers firstly apply to the New Zealand Department of Labour for recognition as a Recognised Seasonal Employer (RSE). This entails meeting a number of conditions including completing an Agreement to Recruit and supporting workers' visas applications (Immigration New Zealand). Indeed one of the criticisms directed at the scheme was that the requirements placed on employers were too onerous. Clearly, the cost of participating in the scheme cannot outweigh the benefits to the employer and research has indicated that overall participation by employers in the RSE scheme is positive (Bailey 2019). From 2009 joint ATR were introduced which means that employers can share costs

of recruiting workers and workers can move between employers. For instance they may prepare for olive harvests by placing nets, moving on to another grower to pick cherries before returning to complete the olive harvest. This has allowed smaller scale businesses to participate and it has reduced stress for RSE workers who have reduced possibilities of downtime – their financial obligations continue even if they are not earning any money (Bailey 2019). Workers receive information on RSE rights and responsibilities. Workers must meet health and character requirements and provide evidence of arrangements to leave New Zealand at the end of their stay.

Immigration New Zealand must be satisfied that the employer has good workplace practices, including compliance with employment and immigration law, and that they are committed to training New Zealanders. They will be provided with support and advice on standards and obligations and conditions, including significant practical support around helping to orientate new arrivals (Immigration New Zealand). Employers are monitored closely and agree to be audited against RSE instructions. Other stipulations include compliance with minimum remuneration and employment agreements need to be clear about hourly rate (which must not be less than the market rate) and, if relevant, piece rate. Remuneration varies depending on whether workers are employed for a period of more or less than six weeks¹⁵. Pay deductions must be for actual, reasonable and verifiable costs (thus maximum amounts are not specified). Despite this, the deductions including weekly rates for shared accommodation have been criticised as being excessive (Brickenstein 2015) and finding suitable accommodation has been cited as one of the biggest challenges of pastoral care duties (Bailey 2019). Employers responsibilities do not end with direct employment issues but extend to wider welfare and pastoral care, including mandatory health insurance, the provision of safe and suitable accommodation and on-site facilities for their workers. A long list of requirements constitute 'pastoral care' and include an induction programme, transportation to and from the worksite, necessary language translation, access to personal banking and the opportunity for recreation and religious observance (Immigration New Zealand). Finally employers are liable for repatriation costs up to NZ\$3000 (approximately £1500) per person for workers to be sent back to their home country if they have breached their visa conditions.

The New Zealand government has been monitoring the RSE scheme from 2008 to determine its effectiveness in meeting the needs of horticulture and viticulture growers. Specifically it has sought feedback from employers across a range of issues including recruitment of workers; workers' performance; relations between seasonal workers; health and safety issues; and impacts of participating in the scheme. The evaluation of RSE compares employers within the scheme and those

¹⁵ For >six weeks, payment for 240 hours at the 'per hour' rate, regardless of the actual availability of work, or payment for an average of 30 hours per week at the 'per hour' rate for the period worked. For <six weeks payment for 40 hours per week, at the 'per hour' rate, over the period of work offered in the employment agreement, regardless of the actual availability of work

who use seasonal workers from other routes such as the Working Holiday Scheme¹⁶ and the Supplementary Seasonal Employer Visa¹⁷.

Since the 2010 survey, almost all RSE employers have agreed that participation in the RSE scheme has resulted in a more **stable seasonal workforce** than in previous years and better quality and more productive workers. It has been found to contribute very positively to business development through **raising productivity** levels due to a steady supply of seasonal labour, ultimately contributing to business growth. For example, one survey found that RSE had increased production by 32 per cent in 2013¹⁸. The scheme has created opportunities to employ more New Zealand workers, including unemployed New Zealanders who are referred through Work and Income New Zealand (Bedford et al. 2017). The **triple win** that is strongly associated with seasonal worker schemes is strongly promoted as part of the RSE scheme as one manager comments *'The RSE scheme is so much bigger than just bringing workers to New Zealand. It has provided mainly Pacific workers with invaluable experience and the chance of being able to send money back to their communities at home'* (Immigration New Zealand). It is estimated that more than 40 per cent of the take home income is remitted back to the Pacific, this being used on housing and education. However this differs across different Pacific Islander groups and between different types of individuals – older and married workers remit larger amounts of money, although there is little difference between the overall amount that is earned between different age categories (clearly if development is a key objective of the scheme, then it does not make sense to target younger workers). The New Zealand Ministry of Foreign Affairs and Trade funds a support programme in the regions where RSE workers are employed, covering English language skills, financial literacy, health and life skills training (Bedford 2013). Existing research points to investments by employers in the host society including support for water pumps and investment in public services buildings (Bedford 2013; Bailey 2014). However, participation in the RSE scheme is not a given for everyone. It is in some cases a community decision requiring connections and financial capital and compliance with local stipulations around participation e.g. abstinence from alcohol (Bailey 2019). Bedford et al. (2017) claim that a full cost-benefit analysis of participation by Pacific workers in the RSE initiative has not been undertaken.

The question of **returning workers** is an important factor in the success of the scheme; it is integral to the design and it also helps to ward workers off overstaying the duration of their visa. There is significant evidence of continuity within the seasonal workers' pool - 70 per cent or more of Pacific workers in 2018 had worked for the business last year as well, and this is similar to the 2017 result (Maguire and Johnson 2018). It means that workers understand much more about the nature of the work, their relationship with the employer and are familiar with the local area

¹⁶ Working holiday visas are available to young people, usually aged 18 to 30, but 18 to 35 in a select few countries. They let you travel and work in New Zealand for up to 12 months, or 23 months if you are from the UK or Canada.

¹⁷ People who are already in New Zealand on a student or visitor visa can make a one-off application for a work visa to do seasonal work in the horticulture or viticulture industries. They can only apply if there are not enough New Zealanders available to do the work.

¹⁸ <https://www.beehive.govt.nz/release/nz-pacific-encouraged-new-seasonal-worker-scheme>

and its community. As well as workers' capitalizing on new skills, employers can take advantage of the training that their workers have had, building up a skilled and reliable pool of labour, all of which contributes to business efficacy. Evidence from New Zealand suggests that workers' productivity increases in general over the first three or four seasons, after which median incomes plateau or decline. Some of this can be explained by the workers adopting a 'kiwi lifestyle' which includes being resistant to employers' instructions and to workers achieving their key goals – they tend to have specific aims in mind such as paying for school fees or paying for a house. Bailey's (2019) longitudinal study of Vanatu workers spanning ten years also indicates the long term benefits to some RSE workers of participation in the scheme.

The ongoing review and evaluation of New Zealand's RSE scheme has been critical in its progressive design and development. **Health insurance** was initially not mandatory, but after a review and change of policy, all Pacific workers had to take up compulsory health coverage. Following the pilot scheme, a flat tax rate of 10.5% for workers was introduced in 2011 to help streamline the administrative burden, meanwhile accommodation became subject to inspection (Bailey 2019). This recognises that the full suite of social services is not available to migrants (they are not entitled to unemployment or pension benefits).

While there have been quite a few studies examining the material benefits to employees and employers, less attention has been directed towards the impact on non-material issues and the **impact on host societies**. Challenges include the disruption to rural life in sending countries due to extended absences of adult men and women, differential power relations due to improved financial situations and re-integration of workers who no longer participate in the scheme (Bailey 2019, Bedford et al. 2017). Bailey (2019) describes the local support structures that help care for workers' families left behind. Meanwhile in the host society demand for community services and on other infrastructure can peak at certain times of the year. The impact on social cohesion is not fully understood.

Recruitment is through one of three main options: government agencies (such as a local development unit); directly by the employer or through private agents. New Zealand growers also employ team leaders to assist with the recruitment process. Careful monitoring is required to avoid agents '**double dipping**' where they take a cut from both workers and employers (Hugo 2009, 47).

UK Seasonal Workers Pilot¹⁹

Between 1945 and 2013 a Seasonal Agricultural Workers Scheme (SAWS) provided an immigration route for employers to satisfy labour demands in the agricultural sector. Before the closure of the scheme in 2013, SAWS had reached a quota of 21,250, a fourfold increase from the original 1990 quota (Consterdine and

¹⁹ <https://www.pressandjournal.co.uk/fp/news/politics/westminster/1734794/home-office-told-to-address-visa-delays-for-seasonal-agricultural-workers/>; <https://www.fwi.co.uk/business/business-management/staff/migrant-worker-scheme-falls-short-say-farm-leaders>; <https://www.gov.uk/government/publications/seasonal-workers-pilot-request-for-information/seasonal-workers-pilot-request-for-information>; <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2018-0054>

Samuk 2018). The last version of the scheme, in place from 2008 to 2013, allowed fruit and vegetable growers to employ migrant workers from Bulgaria and Romania²⁰ to do short-term, low-skilled agricultural work in the UK for a maximum of six months at a time. It was in the main an industry-run scheme with light touch enforcement from the Home Office (Consterdine and Samuk 2018).

All evidence points to a significant shortfall in migrant labour to the UK and the National Farmers Union (NFU) submission to the DEFRA inquiry into labour constraints in the agricultural sector notes that:

- Labour providers recruited 4,377 fewer workers than needed between January – December 2017. There were no reported shortages in 2016.
- There has been an average shortfall of 13% across 2017, with September peaking at a 29% shortfall. This is the percentage shortfall of workers needed versus workers recruited.
- The sector has experienced the lowest annual returnee rate since 2014. In 2017, an average of just 29% of workers had worked a previous season. This is compared to 41% in 2016.

Concordia and Pro-Force are operating the UK Seasonal Workers Pilot which was introduced in 2019. It enables the recruitment of a limited number of up to 2,500 temporary migrants (from Russia, Moldova and the Ukraine) to specific seasonal roles in the horticultural sector for a period of up to six months. If applicants wish to return they need to make a fresh application after a 12 month cooling off period. According to Proforce's website they will assist with visa applications and workers need funds to cover travel to the UK, the visa application and medical and repatriation insurance. Once employed workers will also need to pay for accommodation and living costs including transport to and from work. The national minimum wage is guaranteed with the expectation that more will be paid for overtime and through bonus schemes.

Unlike the SAWS scheme which was a contractual arrangement between the Home Office and SAWS operators, the Pilot will be managed by the Home Office under the terms and conditions of the migration system, i.e. the Tier 5 (Temporary Worker) Seasonal Worker category. It has been developed in line with the ambitions of the hostile environment to control and reduce net migration, so it is unsurprising that it overemphasises the migration regime over the rights of workers. Pilot operators are third party providers, matching workers to farms, and growers participating in the scheme cannot source international labour for themselves. The Seasonal Workers Pilot only covers part of agriculture – horticulture, and in particular edible horticulture (specific details supplied but include soft fruit, mushrooms and orchard fruit) as this is where significant seasonal labour shortages are being reported.

²⁰ Unlike the A8 countries that were allowed unfettered access to the UK labour market when they joined the EU in 2004, full transitional controls (7 years) were imposed by the UK government on Bulgaria and Romania following the 2007 expansion of the EU which explains why workers had to come through the SAWS scheme.

The Home Office is carefully monitoring the pilot and operators are required to report across a range of indicators including demographic data of workers, the number of workers recruited, length of stay of workers, transport options used by workers to travel to work and number of GP and hospital visits. The operators' financial profiles as a result of participating in the pilot will be scrutinised.

Among the criticisms of DEFRA's pilot scheme is that it falls short of the numbers of seasonal workers that are required. 'British Growers chief executive Jack Ward said the British fresh produce sector needed 75,000-80,000 seasonal workers – a number expected to rise to 85,000-90,000 by 2020' (Farmers' Weekly 7th September 2018). The scheme has already fallen prey to a clunky visa processing system, with significant delays reported for workers coming to Scotland.

Other Schemes

The European Seasonal Workers' Directive arose in recognition of the structural demand for seasonal workers in European economies (Fudge and Herzfeld Olsson 2014). It reflects the way in which certain segments of the labour market rely on a malleable and pliable workforce that cannot be sourced from local pools. In principle, third-country nationals coming to a Member State as seasonal workers are entitled to equal treatment with nationals of the host Member State. Meanwhile the German government, in recognition of the shortage of seasonal workers, has indicated that it is considering creating a bilateral agreement with Ukraine. In the interim it has developed a pilot scheme facilitating Ukrainian workers in the German labour market. This represents a pull from East to West as Ukrainian migrants move to Poland and on to Germany, attracted by higher wages and greater overall earning potential (see Appendix One for further details).

Scotland

Scotland's agricultural sector relies heavily on seasonal non-UK workers, particularly from central and eastern Europe, to meet its labour demand. Kyambi et al. (2018) (conservatively) estimate that there were 9,255 seasonal migrant workers engaged in Scottish agriculture during 2017 (including 900 employed directly by labour providers). About 25% work on more than one farm in the UK and there is also transition to other sectors of work, in particular food processing and hospitality. On average, seasonal migrant workers were employed for just over four months per year, corresponding to the key soft fruit harvest period, but the seasonal pattern of crops in Scotland provided an opportunity for workers to work for extended periods.

For non-UK seasonal workers, the key motivations for working on Scottish farms were earnings potential linked to enhanced quality of life and goals, conditions of work relative to home countries and familiarity, recommendations and farm reputations' (Kyambi et al. 2018). The report highlights some key issues for the recruitment of workers in Scotland post Brexit as articulated by one of the FG respondents:

"Even if you work for minimum wage in Canada, it would be a better standard of living than here I think". (Jakub, 35, Poland, Ayrshire)

The report describes ‘a more complicated post-Brexit immigration regime will deprive the UK/Scotland of some of its main advantages over other possible migrant destination countries, both within the EEA and beyond, at least amongst some groups of potential EEA migrants. As part of the EU, some EEA migrants have perceived the UK favourably compared to other EU countries as an English-speaking destination. However, reflecting on the situation once the UK leaves the EU, those with better English language skills and for whom an English-speaking destination is preferable, may compare the UK as a destination with other English-speaking countries such as the USA or Canada which are seen as more attractive’.

Shortcomings of seasonal worker schemes

Seasonal worker schemes, even those upheld as good practice, have not been without criticism and while the review above points to good practice, significant challenges remain. As a minimum these schemes support uneven economic participation in global production processes (Hennebry 2014). A ‘fear regime’ was identified by workers in Canada who cited constant anxiety and uncertainty arising from abuse in the workplace (Ramirez and Chun 2016). Fear of deportation is very real for some workers who are apprehensive about speaking up against exploitative employment practice (Bedford et al. 2017). Seasonal workers represent a precarious part of the labour market where they are confined to one employer, often living in the places where they also work. Precarity is further compounded by excessive deductions for different costs including transport, accommodation and airfares. Accordingly Petrou and Connell (2018) refer to the fact that although seasonal workers are internationally mobile, they are often locally static, rendered so as a result of institutional structures.

Socially just seasonal worker schemes?

The analysis of seasonal worker schemes draws attention to the competing objectives of different migration policies and the degree to which they are primarily economic or social. Migrants’ status as an economic commodity is confirmed when we consider the way in which they are managed through a range of policy instruments and agreements, including guest and seasonal worker schemes (this differs to the free movement aspirations of the EU as a combined social and economic endeavor). Different categories of migrants reflect their mode of entry into the country and correspond to different rights when resident within the host country. The practices of industries, including the agri-food sector, help to create the conditions that demand a flexible and malleable workforce (Lawrence 2011). It follows that the relevant sectors will need to tackle the entrenched use of low-skill, low-paid casual workers (Devlin 2016).

Seasonal work schemes are developed as a safe mechanism for seasonal pools of workers to access the labour market in situations where there is a shortage of domestic labour. By creating a broader spectrum of practice that does not tolerate exploitation, it is one means of addressing labour trafficking. Seasonal work is generally considered to offer a triple, and even a quadruple win – it gives the host access to a pool of labour, migrants gain new employment opportunities with the opportunity to earn more than they would at home; migrants potentially develop new skills; and sending nations benefit from remittance and wider skills amongst

migrants on their return home (Ramasamy et al. 2008). Of course this is presuming that it is delivered in an effective and efficient manner attentive to quality of employment and to the care of seasonal workers; sanctioning those in breach of relevant legislation. Where this fails to happen, seasonal worker schemes can breed bonded labour and exploitation (Consterdine and Samuk 2018). Different schemes bestow different rights and responsibilities on seasonal workers affording them different entitlements when they are in the host society. More than permanent programmes, TMPs can generate geopolitical capital as countries develop mutually beneficial links based on their geopolitical ties and migrants have a vested interest in investing in their country of origin (Peters 2017), as evident in New Zealand's RSE programme.

Brickenstein (2015, p. 108) poses a couple of very relevant questions that can be applied to any sector seeking to create a seasonal worker scheme: *What is the ideal level of rights that best meets the interests of both employer and workers? What are the characteristics of agricultural industries and how far can the employment of foreign seasonal workers cater to the demands of these industries?* In addition we add: *what is the impact on the sending and receiving society? Have policymakers adequately addressed the non-material impact?* Ultimately as Consterdine and Samuk (2018) pose: what does a socially just TMP look like?

The role of the state

Hugo (2009) made a strong case for circular migration, arguing that, so long as it is well designed and governed, it brings significant benefits to the individuals concerned. Indeed over the past decade it is one strategy used by Pacific's people to spread the risk of economic failure (Gibson 2015). Notwithstanding the positive story of the RSE programme, gaps have been found in the design and administration of other temporary worker programmes. The state has been found to contribute to the precariousness of workers by creating the conditions that they must comply with (Preibisch 2010, Strauss and McGrath 2019). Upholding and protecting workers' rights and the impact on the sending society is also a major concern within TWPs (Hugo 2009, Bedford et al. 2017). Another major criticism is the lack of access to permanent residency for seasonal workers with arguments made for creating pathways to residency (Preibisch 2007, Lenard and Straehle 2012). Successful TWPs are well supported and carefully monitored by the state, with bad practice highlighted and unscrupulous employers sanctioned.

The governance of TWPs clearly warrants careful consideration. The creation of the European Directive brings into sharp focus the interplay between immigration policy and migrants rights as promoted by the Commission and the Parliament respective. The location of the UK pilot in the Home Office suggests that immigration control is considered to be more important than the rights of workers. This remains to be seen, but experience from elsewhere would indicate that this administrative arrangement is less than ideal: the lead body for regulation and administration of New Zealand's RSE programme moved from immigration to business and so the focus is more on the needs of employers. Significantly other govt agencies are involved, showing how it is about more than immigration and reflecting a deep

appreciation by the New Zealand state that seasonal worker schemes are complex entities.

According to Bedford et al. “best practice’ seasonal work schemes are best conceptualised as complex systems of relationships that span individuals (workers, employers, contractors, government officials), organisations (government agencies, industry organisations, unions, insurance companies, accommodation services) and communities (families and wider social groups in the islands and in the destination countries)’ (2017, p. 49). Bedford 2017 provides an overview showing the complexity of successful seasonal work schemes in a New Zealand context identifying key stakeholders that include government, employers, communities, workers and their families. Important issues cutting across those groups include industry standards, employment relationships, pastoral care responsibilities and workforce projections.

Towards best practice

There is a general assumption that profit maximising employers will prefer irregular and minimally regulated migrants over regulated alternatives (Castles 2006, Anderson and Ruhs 2010). This principle of ‘crowding out’ is rejected by Curtain et al. (2018) on the basis of its oversimplification and failure to appreciate the complex system of relationships. Instead they argue that much depends on the ‘extent to which regulated employees are more valued than unregulated ones and on the costs of going with the regulated option. The trade-off employers make between these costs and benefits will vary from sector to sector and country to country’ (Curtain et al, 2018, 476).

The New Zealand RSE programme as discussed extensively above is generally considered best practice and in order to extract some of the key reasons for this, it is worthwhile comparing it to its near neighbour Australia. The Australian Pacific Seasonal Worker Pilot Scheme (PSWPS), began in 2008 and was designed to enable Pacific Islanders to temporarily work in the horticulture sector and latterly the East Timorese to work in tourism. It has had a very limited uptake of workers not even reaching the pilot cap of 2,500 up to March 2012, despite claims of acute worker shortages and is generally not considered a success (Rochelle et al. 2011; Hay and Howes 2012). This is largely due to the concessions that the Australian government has given to people on Working Holiday Maker (WHM) visas who are prepared to work in rural areas, along with the prevalence of illegal workers in the horticulture industry (Ball 2010; Doyle and Howes 2015). The Australian system is leaky, providing a number of routes for seasonal work as compared to the robust system found in New Zealand. Before implementing a seasonal worker scheme, there needs to be clarity about the actual shortages of hiring seasonal labour. Is it perceived, anecdotal or real? Because backpackers to Australia are willing and able to work in seasonal jobs, the actual shortage of workers is not very large. Experience from Canada shows that different streams allows employers to compete for workers which in turn can place pressure on migrants to be ever more compliant so that they continue to satisfy the demands of their employer. The pathways available to seasonal workers therefore need to be carefully evaluated to ensure that they are not competing with one another. Other influences are at play and

require reflection. In addition to the question of alternative pathways, Curtain and colleagues (2018) identify four factors that they argue are relevant when comparing the New Zealand and the Australian schemes – export orientation, costs of regulation, costs of collective action and alternative pathways to seasonal work i.e. backpackers. It follows that the design of a seasonal work programme should give careful consideration to these different dimensions.

Stability and mobility

Most seasonal worker schemes tie workers to one employer which can render them more vulnerable if those employers operate with impunity. In reality the high cost of migrating, which often equates to large debts, limits the mobility of a seasonal worker (Strauss and McGrath 2017). Employers generally prefer employing workers who cannot move around as it minimises recruitment costs. In New Zealand, workers are always employed directly by the employer, but they have flexibility in being able to move between employers (since 2008) whereas in Australia workers employed under the seasonal worker scheme cannot move between employers. They do however have some mobility: in Australia employers are not necessarily the same as the growers, and this has provided necessary flexibility for workers in cases for instance where a grower has gone bankrupt (clarity around the employer is critical). In both the New Zealand and the Australian seasonal worker schemes, trade unions were involved in their establishment. Workers are free to join trade unions, but it has been shown that workers are not always interested in joining with evidence indicating that they did not really understand the idea of a union (Brickenstein 2015). Australian horticultural employers have not yet seen the advantages that New Zealand's RSEs have in employing Pacific workers (Hay and Howes 2012; Doyle and Howes 2015). Such advantages include the stability and security provided to employers each season, through the use of an increasingly experienced RSE workforce, and the associated gains in productivity as workers shift from the learning phase in the first year, to having acquired the requisite skills to perform various tasks on the orchard or vineyard (Bedford 2013). This overcomes the criticism identified in the literature which is that contract labour means that producers tend to be less able to control skills, commitment or employment conditions of workers in order to meet quality standards demanded by supermarkets (Kritzinger et al. 2004).

Recruitment

The nation state remains a key player in TWPs within immigration regulation and practice, however other strategic agents are increasingly prominent, representing both the state and the private sector (Gabriel and Macdonald 2018). According to Castles et al. (2014) 'the migration industry involves a wide range of individuals including 'travel agents, labour recruiters, brokers, interpreters, housing agents, immigration lawyers, human smugglers and even counterfeiters ... [and] banking institutions (235). Recruitment is pivotal in the migration industry, with low paid workers paying a higher portion of their wages than high skilled workers for placement. Those working in domestic work, construction, garments and agriculture, are particularly vulnerable to abuse, generally being more willing to accept lower pay and poorer work conditions (Agunias 2013, 4). Recruiters themselves vary greatly 'Some are professional brokers, others are dilettantes –

amateurs who become involved in recruitment by accident or as an effect of their social position' (Lindquist et al. 2012, 8). If employers cannot source their labour through legitimate routes they may seek a more illegal supply of labour which typically further elevates the level of worker exploitation further (Consterdine and Samuk 2018).

Rural migration

The structural transformation of rural labour markets across the globe, especially of the agri-food sector has created opportunities for those willing to join a compliant workforce, often working in precarious conditions, for relatively low wages and in some cases making viable, economic enterprises that would otherwise have failed (see for instance McAreavey and Argent 2018, McAreavey 2017a, 2017b, Kasimis, and Papadopoulos 2005). Productivity gains in this sector to have come at the cost of labour, with most studies pointing to a deepening precariousness of farm work (Preibisch 2011). These opportunities have arisen from a productivist economy and a considerable number of international migrants to rural areas move to produce rather than consume.

The experiences of urban and rural migrants are known to differ, not least because of the lack of critical mass of numbers of migrants to rural areas. Migration to rural areas raises a number of issues that are worthy of further investigation, *including the capacity of rural society to accommodate the needs of new arrivals; the desire of arrivals to 'fit in' to rural society; the perception of rural space and the relationship between different social groups.*

Rural migration is important for modern economies as it has been shown how in many places, including regional Australia, rural US and rural Spain. In some cases the arrival of newcomers has reversed a trend of population decline (Hugo 2008; Johnson and Lichter 2008; Collantes et al. 2014). This is distinct from temporary seasonal migration which alleviates seasonally based labour force shortages. Seasonal workers are often perceived by the local population (both migrants and longstanding residents) as not wishing to integrate because, with no pathway to residency, they are there for a limited period of time. As well as having a differential impact on the local society, the emerging social relations differ among different types of migrants. Many Eastern European migrants to the UK describe having little time to engage in other (consumption) activities within the locality, their leisure arising when they return home to visit friends and family (McAreavey 2017b). Many of these individuals had unknown intentions regarding the duration of their stay. For some the emotional cost of moving outweighed the economic benefits of migration (McAreavey 2017b). This cost is likely to be less sharply felt amongst migrants who move for an indefinite period of time and are intent on maximising production (Bailey 2019).

Distinguishing between different types of migrants is imperative if policymakers are to accommodate their diverse needs as they live in a host society. This includes the difference between seasonal workers and more permanent economic migrants and the different policy objectives behind different migration policies.

Emerging social relations in host societies

Understanding wider social, political, cultural and economic forces is critical if we are to appreciate the capacity of rural society to appropriately accommodate the needs of different types of newcomers including seasonal workers. This includes understanding the differential experiences in urban and rural host societies. For instance in a context of internal migration in Greece, the crisis has reinforced a stereotypical image of the rural as being resilient and as offering a place of refuge. However, it is not this straightforward. Anthopoulou et al. (2017) raise questions that are applicable more widely to migration debates. They show how the lack of wider policies to facilitate social and economic innovations limits the capacity of rural space to appropriately support the needs of newcomers so that they are able to thrive rather than merely survive. This point has particular pertinence in a context of rural society receiving temporary and seasonal workers. We consider migrants perception of rural space and access to local services including religious institutions as a means of shedding light on social relations in migration host societies.

Perceptions of rural space

The perception of what rural space represents among migrants and local residents influences social relations within a host society. There is little agreement in the literature about the nature of social space and the degree to which it is socially conservative. The universality of the English rural idyll has been challenged. There is some evidence of a positive reception to migrants and the transformations that accompany their arrival, but a significant body of research has also revealed more hostile and discriminatory behaviour towards migrants (Popke 2011, McAreavey 2012, Krivokapic-Skoko et al. 2018). Regarding the former, Stenbacka (2018) describes an 'everyday' or 'vernacular' cosmopolitanism whereby individuals act on their feet and organisations go out of their way, bending rules, so that they can support newcomers.

A more negative emergence of social relations is connected to the popular notion that the countryside is a white place and not multi-cultural, indeed that 'whiteness' is a symbol of rurality (see, for example Cloke 2004; Missingham et al. 2006, Lichter 2012, Shortall and Brown 2019). Whiteness, it is argued, can 'protect' against outright racism and discrimination (Chakraborti and Garland 2011; Halej 2014;) as migrants that look similar to the local community are more likely to fit in and be accepted (Eriksen 2002). Mackrell and Pemberton (2018, 54) describe how their research respondents felt 'lucky' to be white as it reduced their vulnerability and prospects of facing discrimination while also supporting their inclusion in everyday life. More and more, the importance of rural ethnic heterogeneity is recognised (Crowley and Knepper 2018). In the context of the USA, Lichter clearly states: 'Immigration and the new ethnoracial diversity will be at the leading edge of major changes in rural community life as the nation moves toward becoming a majority-minority society by 2042' (2012, p. 3). The emerging relations between the host society and different newcomers are not always harmonious. Migrants are often segmented in the labour market and they are also limited to particular spaces within a community ensuring that the 'white' rural is maintained (Nelson and Hiemstra 2008, Panelli et al. 2009). This was very visible in Moore's (2019) study of (white) Eastern European migrants in an English village. At one level they were

seen to 'blend in' with the working village image, but at another level, their different shade of white limited their ultimate inclusion and recognition in society thus upholding asymmetric relations as migrants are ambivalently tolerated by the villagers as workers (Moore 2019). This type of tolerance has limited social value: individuals can tolerate one another through gritted teeth, failing to recognise them or their legitimacy as social actors (McAreavey 2015).

Access to local services

One of the weaknesses of non-metropolitan migration destinations is the lack of infrastructure to accommodate diversity (McAreavey 2017b). This includes translation and interpretation services which can be limited by lack of expertise and/or lack of resources. Most TMWP make provision for supporting workers' to access services such as language training, religious observance, with the more progressive schemes building aspects of this into the programme. For instance most require employers to translate key documents into the language of their workers. Generally language provision is part of wider state macro-scale policy agenda to advance the integration of non-seasonal migrants and this is generally provided by third sector organisations (Hoang & Hamid 2016). They provide a safe space for learning a new language and connections they make in those places can lead to other support networks (Mayes and McAreavey 2017).

Civil society has been a very important actor in responding more widely to the needs of recent arrivals supporting migrants as they struggle to find their way through a different administrative system or figure out where to shop for groceries (McAreavey 2012, McAreavey 2017b). Papadopoulos et al. (2018) illustrate the critical advocacy role they providing by using the example of how a third sector organization supported a migrant-led social movement in the strawberry fields of Manolada in Greece.

Religion is important for imbuing a sense of belonging and so can be a powerful support structure for migrant groups who have moved to a new place and who seek social networks. Religion can be an important facilitator for migrant incorporation, such as Filipino migrants to the Australian Bush (Krivokapic-skoko and Collins 2014). In America, migrants became more religious in an effort to retain cultural continuity and to help overcome the trauma that accompanied international migration (Hirschman 2004). Churches provide a place for status recognition and social mobility, achievements that may not be available in a wider social setting. In an urban setting, migrants have greater chances of connecting with their own religious group due to greater numbers of people overall. This is clearly a gap in a rural setting, some of which is filled by civil society organisations (McAreavey 2012). Considerate employers have also been known to help transport migrants to church. Under the New Zealand scheme, employers are obliged to provide opportunity for religious observance (and for recreation).

Even though one might argue that many rural residents do not attend church, 40 per cent of worshippers live in rural areas (as compared to 17 per cent of the population living in rural areas overall) – it is a key feature of rural life (Church Times 2018). It is part of the stable backbone of a secure world where nothing is

'foreign, or accidental or incomprehensible' (Gidwani and Sivaramakrishnan 2003) and many of the values and norms that characterise rural life remain closely connected to the church. English village life is often intertwined with church life and this can create a zone of exclusion for those who are not familiar with the Church of England (Garland and Chakraborti 2009). Rural migrants may have no church to attend if they have a different religion to that of the local church (which is highly likely to be Church of England). Any obvious difference may encourage them to shy away from visible spaces.

Tentative Recommendations for Consideration

1. A rights based seasonal worker route that is attentive to the needs of workers as well as those of employers creates a more equitable workforce. This includes paying attention to pastoral care.
2. The benefits of participation (for all parties) must outweigh the costs, including the administrative and social burdens. The state has a role in providing extensive support
3. The process of demonstrating an insufficient pool of local workers must be reasonable (both in terms of cost and the timescale covered).
4. Circular routes work well where there are strong connections between sending and receiving states. This helps to build social, economic and cultural capital in both places.
5. Understanding the objective of a seasonal worker route for migrants and for sending and receiving societies is imperative:
6. While some of the literature critiques migration programmes that do not offer a pathway to residency, this is not necessarily desired by migrants.
7. Circular schemes do not offer a pathway to residency. If this is an objective of a policy intervention, then careful consideration needs to be given to how that will be realised.
8. The governance of a route is important for managing tension between immigration control, business development and upholding the rights of individuals. It requires appropriate capacity to ensure smooth operation of an agreed scheme.
9. Appropriate design will support effective monitoring, arbitration and quality control of a route, eliminating abuse and flagrant exploitation of workers. Without the enforcement of sanctions, some employers will act with impunity.

Survey estimates

A mixed-mode survey of employers was conducted between the 1st of July and the 2nd of August 2019, yielding 1067 completed interviews (177 online and 890 by telephone).

- Overall 40 businesses said that they employ seasonal migrant workers, comprising a prevalence of 3.7%.
- 1,747 seasonal migrant workers were employed in the 40 businesses who reported that they employ any seasonal migrant workers, with a minimum of 1 seasonal worker through to a maximum of 500 seasonal workers, indicating a high level of variance in the data.
- The mean number of seasonal migrant workers is 42 and median is 6
- The standard deviation of the number of seasonal migrant workers is 96

Sectoral profile of seasonal migrant workers

Sector	N of interviews completed	N of firms with seasonal workers	N of seasonal workers employed within each sector as reported in the survey
A: fishing (SIC 2007)	42	4	996
B, D, E: energy and water (SIC 2007)	34	1	6
C: manufacturing (SIC 2007)	127	4	48
F: construction (SIC 2007)	103	1	30
G, I: distribution, hotels and restaurants (SIC 2007)	413	21	212
H, J: transport and communications (SIC 2007)	41	2	23

K-N: banking, finance and insurance (SIC 2007)	133	4	423
O-Q: public admin. education and health (SIC 2007)	127	3	9

The data indicates that there is a concentration of seasonal migrant workers within the fishing sector, primarily involving seafood processing businesses, with 996 reported employees within just four firms. This is consistent with Scottish Government analysis into employment patterns within the seafood processing sector which has identified a small proportion of seasonal staff employed within the sector – the report also identifies that 58% of workers are from EEA countries²¹.

On the banking, finance and insurance sector it is worth noting that these businesses comprise recruitment agencies that employ seasonal and temporary workers for hospitality, food processing and cleaning businesses. As the SIC code categories are coded by businesses themselves there is often a lack of consistency in how businesses are categorised using this classification system.

The concentration of seasonal migrant workers within these two sectors indicate a softer finding of the prevalence of seasonal employment within a small number of firms in these sectors. A recruitment agency and shellfish factory were included in the qualitative case studies to explore the use of seasonal migrant labour within these sectors.

One aspect of the data which we found surprising was the low level of response received from the construction sector. As part of our sample design we had assumed that construction may demonstrate seasonal employment patterns as the timing of projects are presumably affected by the weather.

To investigate this finding in more detail, we spoke to some construction businesses that took part in the survey and had said that they *do not* employ seasonal migrant workers. We found that among construction businesses there was a reliance on overseas employment from the EU8, however, this was on a temporary or freelance basis as opposed to being seasonal patterns of employment. For some construction businesses there was a greater share of local employment – the 2011 census found that only 5% of construction workers were from outside the UK.

²¹ Scottish Government 2018, Scotland's seafood processing sector: employment patterns
<https://www.gov.scot/publications/employment-scotlands-seafood-processing-sector-uk-european-economic-area-non/pages/2/>

Estimates

In using the survey data to produce estimates of the seasonal workforce, we have focused on the distribution, hotel and restaurant sector as this is where there is a greater share of data points for grossing to the population (n=21).

To arrive at an estimate of the total number of seasonal migrant workers in the distribution, hotels and restaurants sector, we split our sample of firms in the sector into size bands. We calculated the proportion of firms in that size band in our sample where the number of migrant workers is non-zero. We then calculated the share of total employment that migrant workers comprise, in each of these size bands. Combining these two pieces of data, alongside total employment in each size band using information from the Annual Population Survey, we were able to gross up our survey estimates to estimate a figure for the number of seasonal migrant workers employed in the sector.

As shown in the table below, it can be seen that 7,100 seasonal migrant workers were employed in the distribution, hotel and restaurant sector.

Firm size	N of firms of that size band saying that they do not employ SW's	N of firms of that size band saying that they do employ SW's	Average % of employment in those businesses represented by SWs	Total employment in the size band and sector	Estimated employment represented by firms saying they employ SMWs	N of SMWs employed
1-24	214	7	52%	261,893	8,567	4,455
25-49	56	5	25%	66,860	5,970	1,492
50-249	108	7	14%	110,895	7,188	1,006
250+	10	2	1%	57,433	11,487	115
Total	388	21	-	497,082	33,211	7,100

Moreover by looking at the proportions of those businesses who reported that they do *not* employ seasonal migrant workers – 388 compared with 21 – we can see there is a low intensity of seasonal employment within the sector.

Aside from the distribution, hotels and restaurants sector, we have been asked to provide an estimate of what our sample implies about the number of non-agricultural seasonal migrant workers across the whole economy. Doing this on the basis of the sample that we have collected through the survey poses a number of challenges.

Firstly, we have very small sample sizes in some sectors, and when we consider sector and size band, some cells are empty. This is why in our main results we focus exclusively on the sector (distribution, hotels and restaurants) where we have the largest and most robust sample. In grossing up our survey data to a population figure, we need to have a large sample of firms in different sectors and across each different size bands. This enables us to capture differences between seasonal worker patterns in each sector and across different types of businesses within each sector. This is not possible with the sample that we have.

The only thing that is possible is to disregard sectoral differences and focus on employment by size band. This, in turn, is problematic for a number of reasons. Principally, that it equates a firm in the manufacturing sector with a similar sized firm in the distribution, hotels and restaurants sector. We have already identified that there are sectoral differences in how respondents define seasonal migrant workers, and hence our results might reflect this. For example, we know by speaking to those who responded to the survey within the construction sector that they tend to use the term temporary workers as opposed to seasonal workers.

In addition, our sample for the intensity of seasonal migrant worker employment within firms is based on only 40 data points across the whole economy. Grossing these up as representative of the entire population of firms in each size band is fraught with problems. In addition, some sectors are more prevalent in our sample of firms in each size band than others, this again suggests that the aggregate number produced by this process is unlikely to be informative. Nevertheless, as it is possible to produce such a figure, the number of non-agricultural seasonal migrant workers in the economy is 51,400.

Firm size	N of firms of that size band saying that they do not employ SW's	N of firms of that size band saying that they do employ SW's	Average % of employment in those businesses represented by SWs	Total employment in the size band and sector	Estimated employment represented by firms saying they employ SMWs	N of SMWs employed
1-24	497	9	47%	868,851	15,734	7,395

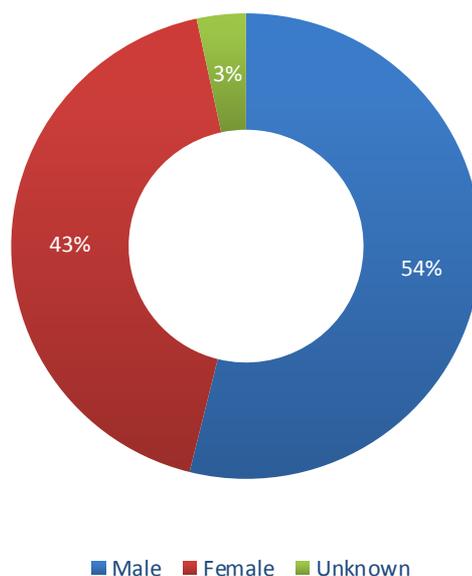
25-49	127	8	20%	308,488	19,432	3,886
50-249	372	8	24%	581,265	12,500	3,000
250+	56	15	24%	577,932	154,803	37,153
Total	1,052	40	-	2,336,536	202,470	51,400

Profile of seasonal migrant workers

Demographic profile of seasonal migrant workers

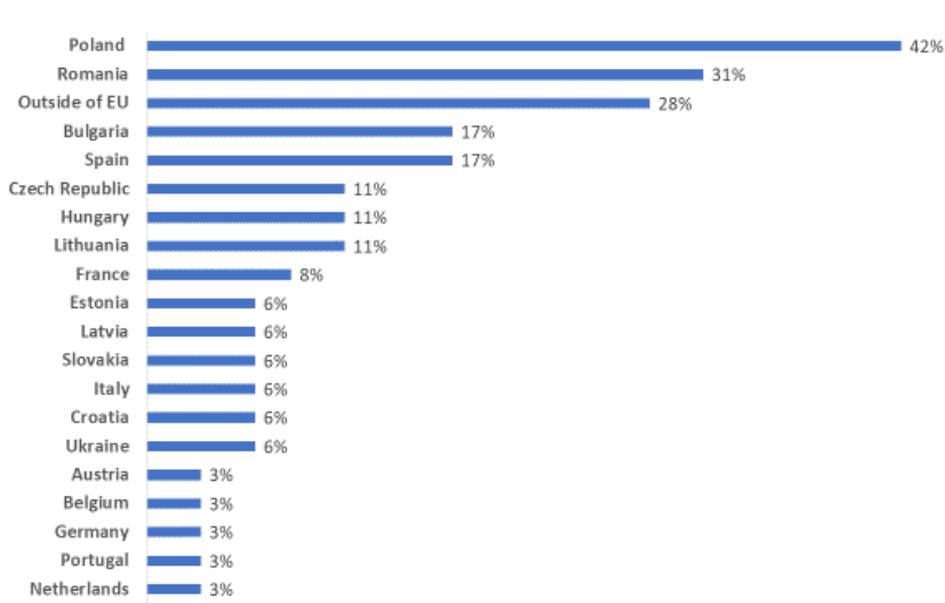
The survey results show that there were slightly more men than women employed in seasonal work (54% compared with 43%), however there were no significant differences by sector/type of work in terms of the gender profile of the worker.

Figure 1: Gender profile of seasonal migrant workers



The nationality of workers was also covered in the survey questionnaire, with almost two-fifths (42%) of workers originating from Poland and almost a third (31%) from Romania. There were relatively low proportions of workers originating from the countries targeted by the UK Government's seasonal workers' pilot study (3% from Ukraine and none from Moldova).

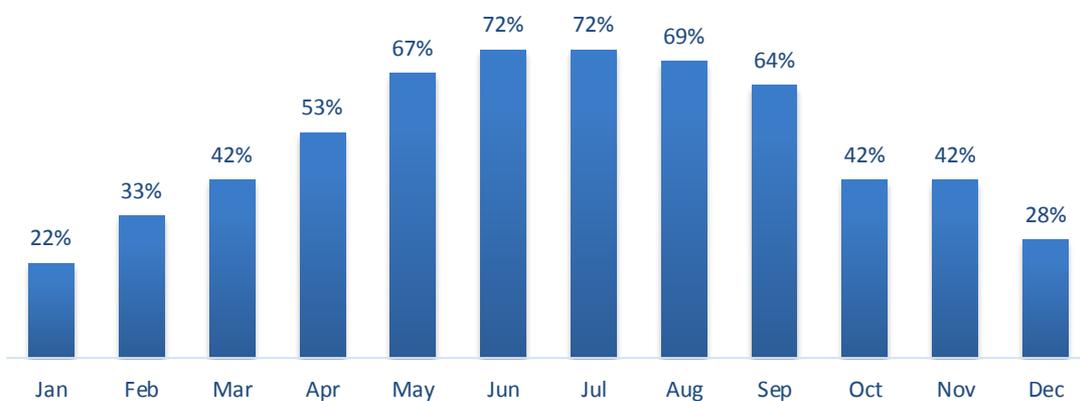
Figure 2: Nationality of seasonal migrant workers



Patterns of employment

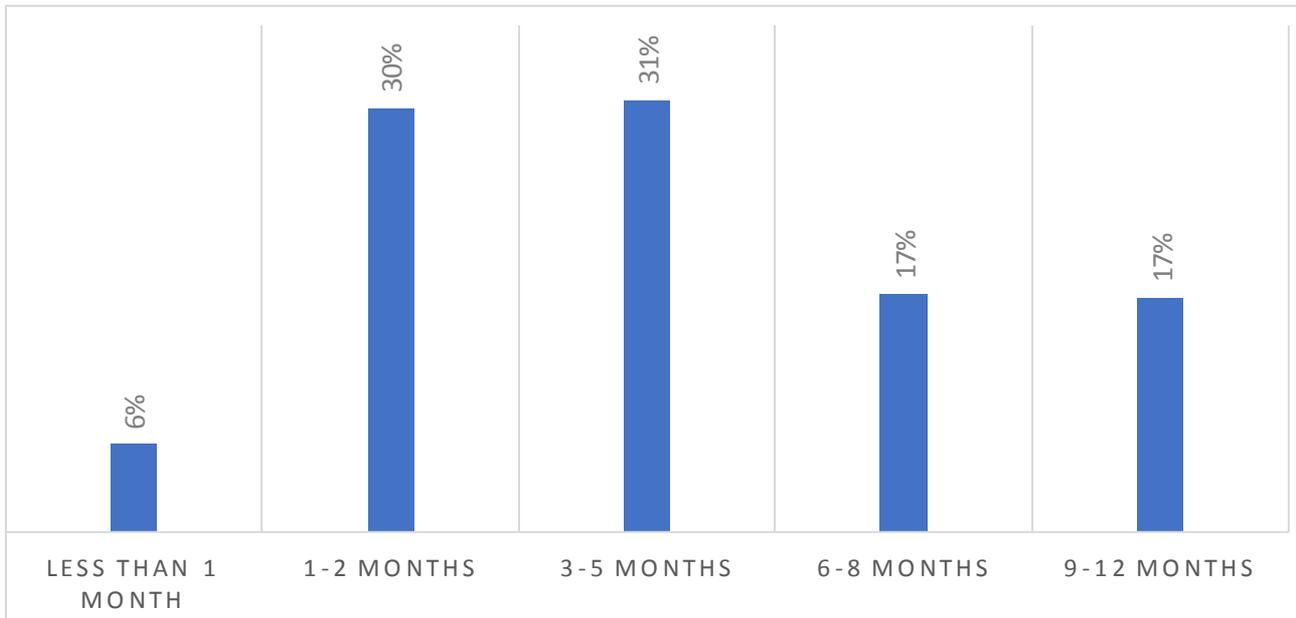
Specifically looking at patterns of employment there are important findings in terms of the months in which seasonal workers are employed, the vast majority are employed in the summer months from May through to September which is closely related to patterns observed within the agricultural sector. A small number of firms, however, reported that they have a flow of seasonal workers throughout the year.

Figure 3: Months in which seasonal migrant workers are employed



Corresponding with the months of the year in which seasonal employment is concentrated, around a third of firms employed seasonal workers for short term periods: 30% of firms employ seasonal workers for 1-2 months and 31% employ seasonal workers for 3-5 months.

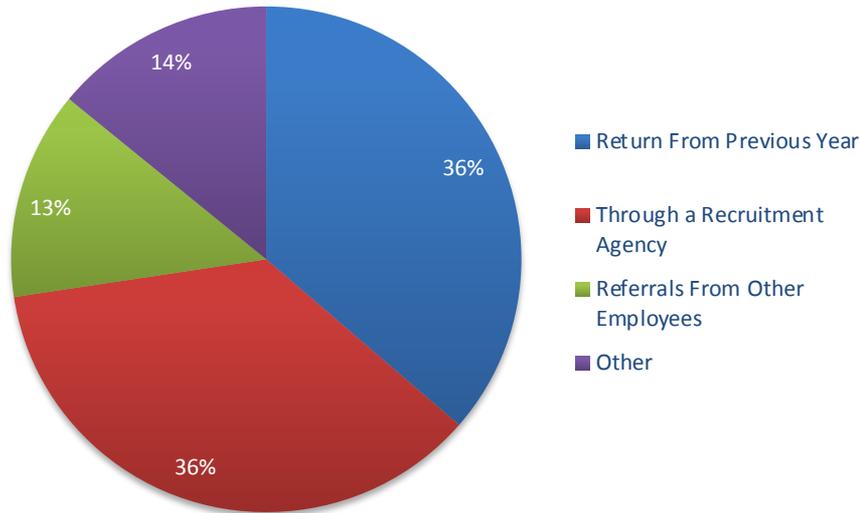
Figure 4: Length of time for which seasonal migrant workers are employed



As discussed in the literature review there is a process of circular employment related to seasonal migrant labour, the survey data corresponds with this and finds that 36% of seasonal workers are employed as returners from previous years. An equal proportion are employed through recruitment agencies – which is reinforced through our qualitative research discussed in the following chapter.

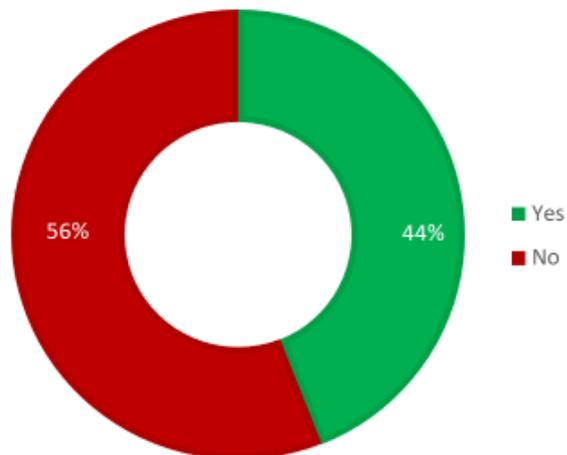
Other methods cited by employers included seasonal migrant workers dropping-in to the branch in search for employment, recruitment fairs and applying online through the company website or social media.

Figure 5: Recruitment methods used to employ seasonal migrant workers



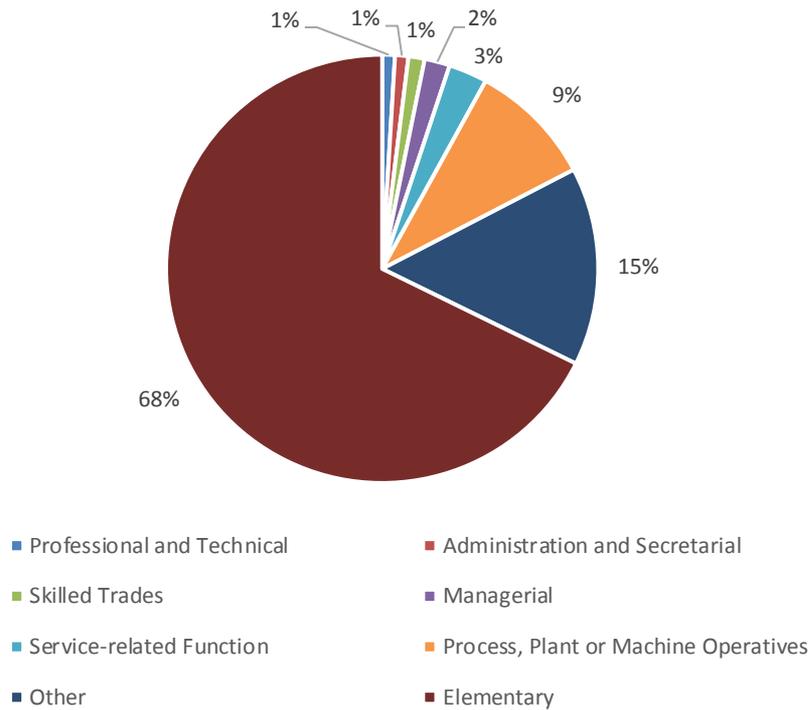
As part of the recruitment of seasonal migrant workers, just over two-fifths (44%) of firms provided accommodation to their staff recruited on a seasonal basis.

Figure 6: Whether businesses provide accommodation to seasonal migrant workers



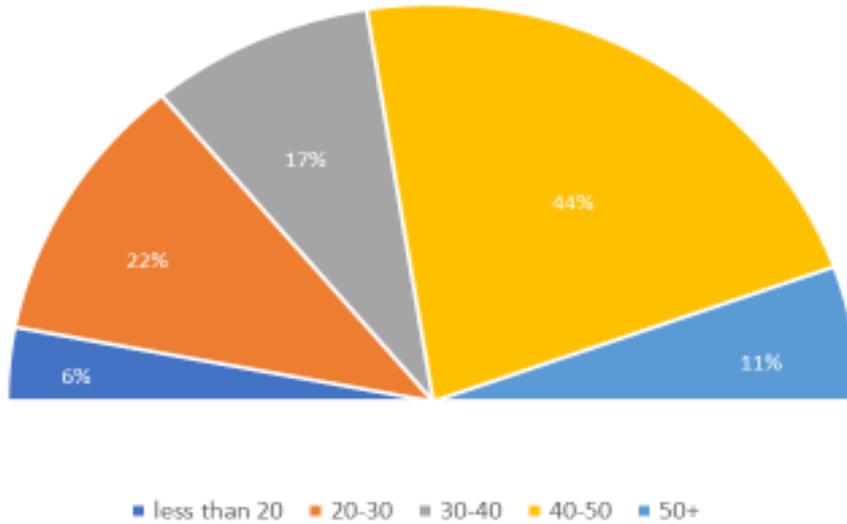
In terms of the type of work performed by seasonal workers employed in non-agricultural sectors, the survey results are consistent with evidence related to the employment of seasonal and EEA employment in “low skilled” occupations – which is distinct from the skills or education level of the worker. As is shown in the figure below, almost seven in ten seasonal migrant workers (68%) are working in elementary occupations.

Figure 7: Skill level of seasonal migrant workers employed in non-agricultural businesses



On average, seasonal migrant workers work for 8 hours per day, 5 days a week which equates to 40 hours of employment per week. When looking at the numbers in finer detail, there is much more variance in terms of the hours worked per week, with a slightly higher proportion working more than 40 hours a week.

Figure 8: Average hours per week worked by seasonal migrant workers

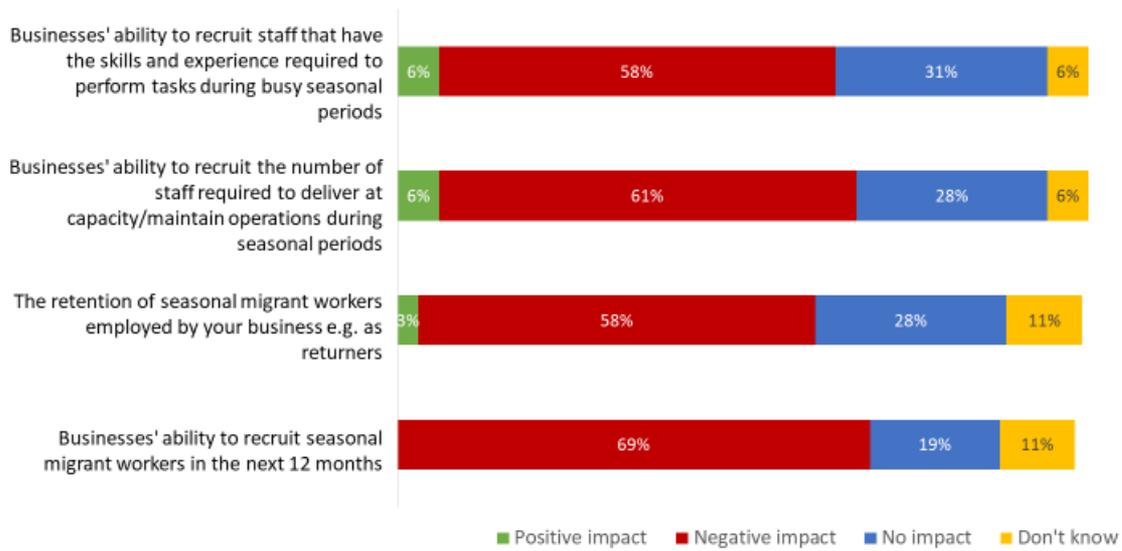


Impact of Brexit on businesses that employ seasonal migrant workers

Among those businesses that employ seasonal migrant workers, there were a small number of attitudinal questions to assess the impact of Brexit on the seasonal dimension of employment patterns within the business.

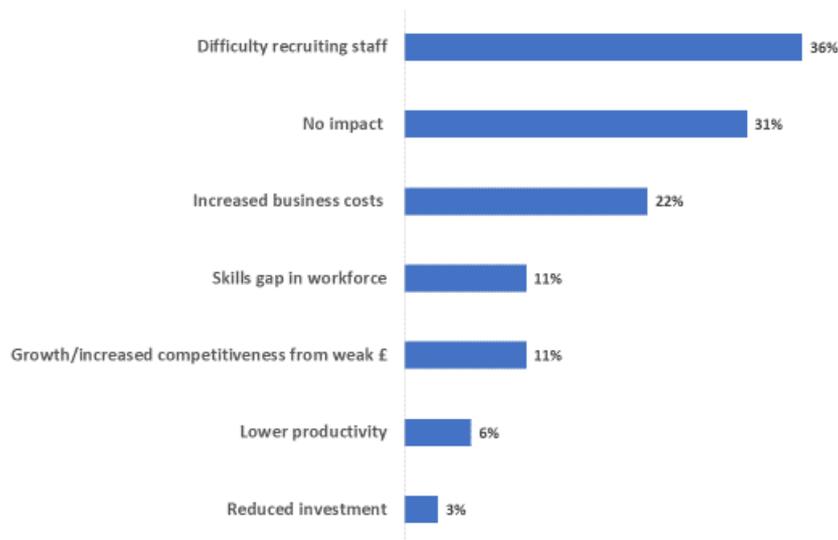
For all of the elements, from businesses' ability to recruit and retain staff through to the delivery of core operations during seasonal periods – the vast proportion cited that Brexit would *negatively* impact the business.

Figure 9: Impact of Brexit on a range of business aspects



In a similar thread, over the last three years, since the June 2016 referendum, businesses cited that they had experienced a range of positive and negative effects – almost a third (31%), however, noted that they had not been impacted which is in part related to the uncertainty concerning Brexit as well as limited material change felt by some businesses over the past three years.

Figure 10: Effects of Brexit in the last three years



Other impacts cited by businesses included a focus on making plans for Brexit, particularly in the event of a no-deal scenario, which was creating a diversion from core business functions. One business noted that *“it takes far too much management bandwidth to keep repeatedly scenario planning as things blunder along”*.

Another commonly described impact was a loss in sales as a result of decreased consumer confidence, there was a view that uncertainty had led to consumers spending less money.

For those who relied on European produce in their supply chain, there was discussion of “stocking up” on products to avoid later difficulties when tariffs or other barriers to trade are introduced.

Furthermore, and distinct from the difficulty recruiting staff there was mention of an “anxiety” felt among non-UK EU staff within the business concerning the implications of Brexit, and some businesses reported that they were less likely to employ staff because of the uncertainty over the business pipeline.

Qualitative research findings

The key finding from the qualitative research is that migrant employment patterns are complex and varied outwith the agricultural sectors – in other words, they do *not* necessarily follow the seasonal patterns of employment found within the agricultural sector. The sector most closely aligned with the agricultural sector in terms of seasonal patterns of employment is seafood processing; therefore the findings suggest that the primary industries have a focus on seasonal migrant labour in contrast to the non-primary industries.

Within the non-primary industries, there are a range of migrant workers who undertake temporary employment, casual and agency work as well as students that are working in Scotland over the Summer months within non-agricultural sectors in rural and urban Scotland. Therefore, there is a more varied ecosystem of migrant employment outwith the agricultural sectors which is in part related to the flexibilities that flow from free movement as well as the other routes for migrant employment such as Tier 5 Youth Mobility.

The research has been conducted at a point where there is continued free movement, therefore there is flexibility for EU migrant workers to extend their stay beyond the seasonal or temporary periods of their employment. This increases the level of fluidity in terms of the patterns of employment and the pathways available for migrant workers from the EU. Only one seasonal migrant worker interviewed as part of the research was from outside of the EU. In essence, migrant experiences are by nature fluid and unpredictable, and these patterns are precipitated by free movement.

For the purposes of conceptual clarity when thinking through the qualitative research findings seasonal workers are defined as *“persons who have moved across an international border and have been employed by a country other than their national or home country for only part of a year because the work they perform depends on seasonal conditions.”*

It is important to note that circular migration is not a prerequisite of seasonal employment undertaken by migrant workers, as noted in the literature review, seasonal workers *may* or *may not* return year after year depending on various factors, including the law in the host country, and their own preferences and circumstances.

However, given the varied picture of employment found within the research, we will use the term temporary migrant worker, set out in the policy context as follows: “*a broader term to describe employment undertaken by a person in a State of which he or she is not a national, for a time limited period either a fixed-term, on a project-specific-basis, or task-based contract. This term encompasses derivative terms such as casual workers, guest workers, and overseas contract workers*” (ILO 2019). The term includes students who undertake temporary employment to fit around their studies.

The term temporary migrant workers will be used when the work being undertaken by participants was not inherently dependent on seasonal conditions and could in practice be extended for another short-term period.

Another key point to bear in mind is that while definitions are important in terms of conceptualising the audiences that were included in the research, participants themselves did not self-identify with any of these terms. The experiences identified by migrant workers are more important than the definitional categories that we use to codify them.

Cross-cutting themes from managers of seasonal migrant workers

Rationale for employing seasonal migrant workers

There were varying levels of concentration of seasonal and temporary employment, for some businesses a vast proportion of employees are seasonal while for other smaller businesses this equated to one or two employees. The key factor in relation to this is business size. A point of comparison by sectors is that within food-processing businesses there was a high concentration of workers, while forestry and hotel businesses reported more mixed numbers of seasonal and temporary migrant workers.

The proportion of seasonal and temporary migrant workers employed by businesses, corresponded with views regarding how critical this form of labour was to business operations.

Some managers mentioned that their business model requires them to employ seasonal and temporary labour, however they expressed a preference to employ workers on a more permanent basis to retain skills and expertise – to avoid the “*churn of staff*”. There is a level of social desirability related to this perspective, as seasonal and temporary employment helps to reduce overall business costs –

indeed, one manager admitted that this form of employment equated to “*cheap labour*”.

“*We prefer full timers, having a core of consistent staff helps with customer service, but that’s just not an option for us*”. (Hospitality business)

“*I can’t afford to keep them going, but we try get them back the next year*” (Forestry business)

There was the view among managers that if their business model and turnover permitted them to employ staff permanently then they would do this. For those who were keen to retain staff, building relationships with workers was seen to be key to ensure that the same staff can return year on year.

Managers commonly reported employing seasonal and temporary workers on 2-3 month contracts for predominantly elementary and “manual” positions.

In the distribution, hotels and restaurants, there was an insistence, however that there are training opportunities provided to staff as well as career progression opportunities if employers are able to keep staff after the seasonal period, therefore the work is not intrinsically of an elementary nature. In this respect, work within the hotels sector differs from the traditional forms of seasonal employment whereby there are limited options to continue employment after the season is over.

This is demonstrable as two of the managers interviewed as part of the research started off as temporary/ seasonal workers in housekeeping positions who had effectively “*worked their way up*” as they had decided to stay in Scotland and were thus able to benefit from upward social mobility.

While the seasonal and temporary employment patterns were key to businesses, there were varying degrees to which migrant labour was targeted. Some businesses described that it was by chance that predominantly migrant workers respond to their job adverts – therefore, managers reported to have little control over the nationality of their staff. This was acutely felt by managers in remote rural settings where there is not a large native population pool to draw from. Some businesses who have more fluid arrangements mentioned that recruitment is primarily from employees coming to their premises in search of work, again permitting little control over the nationality of staff.

In these contexts, there was specific mention of the fact that the employment rate is relatively high so much of the working age population is already in work –“*there is 0% unemployment in Stornoway*”; so to fill vacancies for seasonal, temporal and transient work another source of labour is required which is provided by the flow of transient migrant workers.

Some businesses commented that there was a process of referrals where staff members suggest a family or friend to help fill vacancies which led to a concentration of staff within a certain nationality group – this was not viewed negatively by managers as it encouraged positive workforce bonding within businesses.

Businesses also described contracts that they had with recruitment agencies that specialise in industries that rely on seasonal and temporary labour such as construction, haulage, forestry and associated industries. The recruitment agencies manage arrangements with workers and can work around the hours/periods of employment required by the businesses enabling them to supply seasonal and temporary labour as per demand.

In contrast, one food-processing business had a process of targeted recruitment with a permanent office set up near the Croatian-Serbian border. They described running annual recruitment fairs and providing transportation to bring a large number of workers from Croatia, Bulgaria and Romania for employment opportunities in the Scottish Borders.

“It’s cheaper for us to run a job fair in Romania and bring people over than undertake a local recruitment campaign – we need high volumes of people who will do the jobs our customers are looking for” (Food processing business)

While there were varying degrees to which the employment of migrant labour was reported as being targeted, there is a view that migrant workers were more likely to be attracted to seasonal and temporary employment opportunities. There were broadly two reasons for this:

First, there was discussion around the perceived “safety net” provided by social security in Scotland which was seen to inhibit local workers from taking up seasonal or temporary employment as this would mean that they would have to come off benefits. It was felt that there is not enough flexibility within the welfare system for local people to take up seasonal employment opportunities.

Second, there was a view that local workers more broadly do not perceive certain jobs within the service sector as being a desirable career choice, thus creating a reliance on overseas labour. This is in part reflected in the “low-skilled” nature or characterisation of the work. There was a view that while migrant workers are willing to undertake work that was below their skills-level, this attitude was not shared among the local population.

Managers commonly expressed a difference in “attitude” among migrant workers comparative to local indigenous workers. Some of this relates to the identification of migrants as being ‘good workers’ and in part this is created by employers, but migrants also play into this role.

“The work is hard, local Brits wouldn’t last a day, we have had some local staff come in for a couple of days and never come back” (Food processing business)

“Staff from Europe are hard-working and reliable” (Hospitality business)

“We have to be honest here, the work is manual and repetitive, I’m looking for staff who are willing to work and that has tended to be Romanians and Lithuanians” (Seafood processing business)

Therefore, while there were varying degrees to which migrant labour was targeted for seasonal and temporary employment opportunities outwith the agricultural sectors, there was a view that there is a structural dependence on migrant workers given perspectives on the nature and desirability of the work, the temporal patterns of employment, as well as the lower wages offered for this type of work (most pay minimum wage).

Working conditions

Managers interviewed as part of the research emphasised the progressive employment conditions offered by the business. Overall, managers mentioned that they provide a contract of employment to seasonal and temporary migrant workers which sets out their hours including minimum guaranteed hours, pay and conditions. There were two instances where this was contradicted by the corresponding staff members interviewed within the business.

Some businesses reported that they undertake health condition checks particularly for physically demanding positions and criminal record checks.

For those in seasonal contracts there tended to be guaranteed hours equivalent to a full-time position, or a negotiation concerning working hours as well as provision for over-time. In contrast, among employers of temporary migrant workers there was some use of zero-hours contracts whereby the business was not able to guarantee fixed hours for the worker – this meant that staff had a number of jobs at the same time. However, this did not cause issues for the employer as they often had a surplus of workers on their books, all at zero-hours contracts, so inevitably were always able to find workers when needed.

Typically, managers mentioned that there was minimum wage payment for seasonal and temporary workers, however, one food processing business mentioned that they pay £15 an hour which helped to increase the attractiveness of the offer of employment.

The working conditions were discussed with a view of the pressures of recruiting and retaining seasonal and temporary labour to meet business requirements.

There was discussion that the weakness of the pound impacted the financial return of working in Scotland, which was reinforced through discussions with workers. There was mention that the pound has fallen 30% against the value of the euro in the past three years from an exchange of 1.48 to 1.08. There was a view that Scottish businesses were therefore competing with other Western European countries such as the Netherlands and Germany for workers from Eastern Europe.

“The sacrifices that EU workers are making to be away from home will not add up when the return is being squeezed” (Hospitality business)

Among those paying minimum wage, there was mention that this is what they were able to pay, and the Scottish living wage was not something which would be affordable, particularly for transient, short-term employment contracts. One business mentioned that they pay *“more than the minimum wage”* while admitting to

paying £8.21 an hour which shows some confusion around the national minimum wage.

In particular, there is no incentive to pay higher wages, as while there are concerns over the flow of migrant workers after Brexit, there has been little material impact felt in terms of businesses' ability to continue to recruit seasonal and temporary migrant workers. Businesses do not necessarily need to retain workers, although this is desirable, and there is a perception that there is a constant flow of migrant workers from the EU8 who fill lower skilled jobs on a temporal basis.

Accommodation and transport

Apart from working conditions in relation to pay and hours, there was discussion of accommodation and transport provided to migrant workers within the hospitality sector as well as food processing. These terms were seen to be particularly important within rural contexts, particularly villages, to attract a migrant workforce to the area, but also in terms of competing with other local businesses for labour.

“EU workers are specifically looking for work that provides accommodation. This gives us a unique selling point” (Hospitality business)

There were varying contexts in which accommodation was provided to migrant workers. The recruitment agency interviewed as part of the study, mentioned that they provide accommodation in caravan parks to seasonal workers, and they also have agreements with landlords within the area to sublet some properties to staff. Providing accommodation to staff helps to prevent some of the difficulties faced by migrant workers in finding accommodation particularly since immigration checks have been introduced on the part of landlords. There was concern that the additional requirements placed on landlords was impacting staff ability to find accommodation as landlords preferred to let to local/Scottish tenants.

However the provision of accommodation by the employer can also introduce vulnerability for the worker depending on the situation – some landlords can deduct rent, and migrants can also feel a heightened sense of vulnerability if they feel that they cannot raise questions about the quality of their accommodation.

In hotels in particular, accommodation was provided to staff as part of their contract of employment, this was often provided within the hotel itself or a neighbouring property. There were varying costs for this and the payment tended to be deducted from the staff wages directly. The reported cost of accommodation provided by the employer ranged from £15 to £50 a week which was lower than the cost of rental accommodation and bills.

This was seen to be crucial in rural areas where there was a low availability of affordable rented accommodation as well as a higher number of AirBnb properties which affected the rental housing stock in the area.

“Airbnb are disruptive to the economy of Oban, Campbeltown and Rothesay, there are around 200 airbnbs in Oban on short-term lets, these aren't housing options for staff, we need to regulate these” (Hospitality business)

The forestry business also provided accommodation to staff on-site as there is no transport available to bring workers to the premises, they would otherwise have to hire a car which is unrealistic given the costs involved.

Some businesses reported that they provide transport to the workplace, particularly when the work is being conducted in an area where there is limited availability of public transport or the transport was costly to staff. For example, one seafood processing business based in Mintlaw provided bus transportation from surrounding towns Fraserburgh and Peterhead.

Profile of workers within businesses

Seasonal and temporary workers performed a range of tasks within the businesses including housekeeping, cleaning, catering, waitressing, reception tasks within the hospitality sector, food processing and packaging roles, forklift drivers and wood saw operative positions, and maintenance/handyman roles.

There were small observed gender differences, one manager within the forestry business mentioned that men were more likely to do “outside roles” while women were more likely to perform work “indoors”. On balance, while women were overrepresented in service roles, there were both men and women working within the physically demanding food processing, packaging and machine operative positions.

Corresponding with the types of roles that seasonal workers were performing there were mixed views with respect to the skills level of the staff. For those working in food processing and packaging there was a sense that the work was low-skilled as it involved repeating a prescribed task throughout the day. On the other hand, for managers in the hospitality sector there was a clear view that the work is not “low-skilled” as it is commonly characterised. There was a view that the soft skills required to work in the service sector should not be discounted. Furthermore, within the forestry business there was a view that there are technical skills related to handling equipment and machinery. This has implications for the framing of migrant workers within this sector, as the emphasis on future policy is to attract high-skilled workers or workers with intermediate levels skills.

Looking at hotels in particular, there was a view that English language skills were a passport to higher paid/skilled positions. The skills differential in their view mostly related to language skills – for instance, within hotels, there was a discussion around how staff can start as housekeepers and then as returners they can get promoted to kitchen staff as their language skills improve and their knowledge and experience is increased. Moreover, staff that have language skills can then be assigned departments that are most short-staffed, providing more ways in which the worker can be utilised.

When considering relations between permanent and seasonal/temporary staff, there was a view that there were positive relations among staff, particularly as the business/sectors are already populated with European/migrant staff. In addition to this there was mention of social events organised for workers: “*we are keen on initiatives to encourage staff bonding*”.

One business mentioned that they had set up a buddy system whereby workers can support each other, this was seen to be important to mix permanent and seasonal/temporary staff together in an oversight and support capacity. While this was seen to be important in terms of encouraging staff to socialise together, this was seen by seasonal migrant workers as a replacement for formalised staff training.

Another business mentioned that they run Gaelic lessons, which seasonal migrant workers are welcome to attend and can bring their families along.

Moreover, some managers described looking to find ways to incentivise seasonal migrant workers to work for them and to return to their business. One manager mentioned that she will be undertaking staff consultations to understand their concerns and future plans to return to the business.

There was a view that there are fewer Polish workers compared with workers from Lithuania, Romania and Bulgaria taking on seasonal positions, as a result of recent changes introduced by the Polish government including financial support for younger households to buy a home, and a strong economy, as the Polish economy is growing at a rate of over 4% pa and is the 7th largest economy in the EU. This was noted as there was a perception that there are stronger community relations for Polish migrants within Scotland which means that they are more likely to return back to employment where there are established links with the Polish community.

Impact of Brexit on businesses

There were varying levels of concern arising from the issue of Brexit dependent on the intensity of seasonal/temporary migrant employment as well as the proportion of business that is contingent upon trading relations with Europe. For some managers, as is documented in other business consultations²², there is an inertia regarding Brexit in that little effects have been felt up until now. However, for other businesses issues were more acute in relation to the recruitment and retention of EU staff but also more widely in terms of business operations.

“A lot of people have left” (Seafood processing business)

One business described moving their registered offices to Croatia as a result of Brexit, and mentioned that they had incurred significant legal fees in the process.

More generally, among businesses that were reliant on conditions arising from European Union membership such as free movement and the customs union, there was recurrent mention of the difficulty in formulating Brexit impact mitigation plans.

Another manager noted that she had been in meetings with Scottish Government concerning Brexit for three years, since the July 2016 referendum, she expressed a strong feeling that nothing has been done over this period to provide certainty regarding immigration policies post-Brexit.

²² Rural Business Survey found that half of rural business owners were unsure how Brexit would affect them (Thomson and Atterton 2018)

“We are one month away from the October 31st deadline, it’s too late to be discussing what the immigration system should be now” (Seafood processing business)

“Tourism is critical to the rural economy – we need the workforce to support that” (Hospitality business)

There was specific concern that there would be a decrease in circular seasonal/temporary employment post-Brexit.

“We can’t bank on our EU staff returning to the hotel, this means the added costs of fresh employment each year” (Hospitality business)

Managers described that the employment of migrant workers was not only impacted by the uncertainty arising from Brexit but also the described *“divisive nature”* of the referendum which has coloured sentiment towards migrant workers.

“Brexit has empowered some people to be openly racist” (Food processing business)

There was specific mention of *“nasty comments”* being left on job posts for migrant workers as well as some observed racist language used towards migrant workers. One manager noted that the areas where workers are living (often where factories are based) are suburban and therefore local residents can at times display poor attitudes towards migrants. One example given was Spanish factory workers being told that the *“government should kick them out now”* as an indication of wider anti-immigration sentiment arising post-Brexit.

In light of the concerns regarding how immigration policies may impact on businesses’ ability to recruit seasonal migrant workers, one manager described the Scottish visa proposal as useful in attracting workers’ specifically to Scotland. In particular, this was seen to be valuable in that there are no restrictions on the skills level of the worker.

In terms of tangible effects felt by businesses, there were descriptions of increased costs for machinery and processing materials that are sourced from Europe as well as food items from Europe. This meant that businesses had to look at diversifying their supply chain and to explore more locally sourced produce.

“95% of my produce is exported to Europe. I am considering if I should move my business to Europe..” (Seafood processing business)

“Our machinery comes from Europe, so that all has a knock on effect on costs” (Forestry business)

Lived experience of seasonal migrant workers

Research discussions were conducted among 28 seasonal and temporary migrant workers. We found that within the non-agricultural sectors there is a range of employment patterns with a mix of migrant workers undertaking seasonal, casual, and temporary employment as well as students undertaking work in the Summer months. Where there are differences in the experiences of seasonal and temporary migrant workers, these are drawn out in the analysis.

Motivations for living and working in Scotland

Seasonal and temporary migrant workers interviewed as part of the research discussions were from Romania, Lithuania, Latvia, Hungary, Poland, Estonia, Bulgaria, Italy and Spain. One interview was conducted among a temporary worker from Canada on a 2 year work visa to Scotland. While most of the migrant workers interviewed for the study benefited from free movement, the visa requirement for the Canadian worker was seen to be “*onerous*”. In particular, the visa application required a payment of \$1,000 CAD, health insurance and the submission of bank statements.

This is important when considering the immigration routes that will be available to migrant workers after free movement ends, in terms of perceptions of the ease of the process.

There were varying periods of time that seasonal and temporary migrant workers had been employed in Scotland, ranging from one to ten months at the time of the research discussions.

A key and consistent theme found in the research was the general positivity of living and working in Scotland expressed particularly by seasonal and temporary migrant workers within rural settings. There was frequent mention of the Scottish scenery and landscape - “*jaw dropping scenery*” – and the comparison that Scottish people are friendlier compared to people back home.

“Scotland is beautiful” (Temporary migrant worker)

“People have a completely different behaviour than in Poland – people are so nice and friendly. It’s amazing” (Seasonal migrant worker)

“It’s totally different here. There are only 1,000 people living in the village and everyone stops to say hello and ask about you, where you from” (Seasonal migrant worker)

There were a range of motivations for seasonal and temporary migrant workers to live and work in Scotland; these reflect the fluid, and shifting nature of migrant experiences.

The most common motivation was financial, and this finding was observed among seasonal and temporary workers alike. Some workers described that they were economists, history teachers, carers by profession, and that in their home country they were not able to find employment in their respective fields. This was however not a unanimous experience and some workers described lower levels of skills and professional experience. This finding counters the assumption that seasonal and temporary workers are *necessarily* lower-skilled than the waves of migrants that migrated post-accession, as the data indicates mixed patterns of skills/qualifications/experience among workers.

Some participants reflected that they were undertaking a completely different line of work in their home countries than the profession that they had been trained in - "*some of us worked in call centres, pubs, factories*" but that it was difficult to keep a job for any period of time leading to a high degree of uncertainty in terms of employment in their home country. To provide context to these experiences, there was a description of the higher levels of unemployment experienced in the EU8 countries as a result of the slow recovery from the financial crash.

This meant that seasonal and temporary migrant workers were more amenable to work in different professions in Scotland, as it was felt to be relatively easier to obtain employment opportunities. Therefore, living and working in Scotland was a means of finding employment, and sending remittance back home.

"I couldn't find a job in Hungary so my friends' brother recommended me to come to Edinburgh to find work" (Seasonal migrant worker)

"The wages are two or three times higher than back home" (Temporary migrant worker)

For others, there was discussion that living and working in Scotland was a means of exploring opportunities abroad, in particular by working in a seasonal or temporary job migrant workers could explore the types of employment opportunities, and experience living standards in Scotland to see if it is a place where they can build a life. Seasonal migrant workers described that they had come to experience a new lifestyle, and chose Scotland as it had been referred to them by family or friends - "*I came here with my friend to see how it goes*".

"I used to work in financial services and I want to change my profession so I started to look up seasonal work, volunteer opportunities, exchange programmes online" (Seasonal migrant worker)

An expressed motivation for these participants was also to improve their English as this was seen to hold the key in terms of finding employment internationally.

"If I improve my English, I can find a job anywhere" (Temporary migrant worker)

There were also students who were simply interested in earning extra money over the Summer period.

For those residing in rural areas - the vast majority of participants interviewed - there was an appreciation of the pace and quality of life experienced in Scotland in that "*there is no rush*". For a small number of participants, working seasonally in Scotland was also a gateway to experience the Highlands in their free-time.

"In my break I can take a walk around the harbour, walk around nature – it's so calm" (Seasonal migrant worker)

In particular for the Canadian temporary worker, coming to Scotland for work for a short-term period was explicitly linked to tourism.

While living and working in Scotland, there was vital importance attached to maintaining links with family in their home country. Primarily, this was achieved by sending money back home, some seasonal and temporary migrant workers described trying to live as modestly as possible to enable them to send the maximum amount of money to their families.

Some migrant workers had brought their partner or families with them so that they could work together:

- one Lithuanian seasonal worker mentioned that his wife was working in the same hotel as him;
- another Polish factory worker had brought her mother to work with her in the same business.

Therefore, wider family networks are engaged in seasonal and temporary employment. There were also instances whereby migrant workers had brought their family with them, even if they were not engaged in work, one Spanish worker interviewed in the research mentioned that he was able to bring his partner who is South American to Scotland with him. These circumstances highlight the flexibility experienced by EU workers exercising their free movement rights.

A small number of workers described coming together as a small group of friends, which was beneficial as they could share living expenses and travel around Scotland together. Nonetheless, some seasonal and temporary migrant workers had travelled to Scotland alone in search of work and to support their families.

This has important implications for future policy when considering there will be limited opportunities for family migration in proposed routes for temporary and seasonal workers outside of agriculture.

In terms of future plans, there was similar variation in motivations. For those working in seasonal employment, there was an expressed motivation to return home after the season is over. One Romanian seasonal worker had met someone in his place of work – a Scottish team leader - and so planned to prolong his stay. Other seasonal migrant workers left the decision open-ended and said they would wait and see, in this respect they differ from conventional seasonal migrant workers. Others mentioned that as their family is back home and they don't speak English they will not want to move to Scotland, so they will return back home

although they have the option of finding other similar temporary employment opportunities. Some temporary migrant workers had to return back home for their studies.

“I came here for a new experience, if I enjoy the system then I might stay. I came by myself for six months but if I will stay longer then my partner and dog will come too” (Seasonal migrant worker)

Working conditions

Working seasonally was desirable for some migrant workers as they did not express a motivation to permanently reside in Scotland and so wanted to undertake a high intensity of work for a short-term period. For others, this form of employment was suitable as they were initially looking for a new experience, and to try a form of employment with a pathway or option to full-term employment or stay in Scotland.

In these respects there are some differences between temporary/seasonal migrant employment compared to precarity found in the labour market, more generally. Importantly, these arrangements are reported to fit around the preferences of the migrant worker – the work itself is not precarious but concentrated over a period of time in which fixed-term employment opportunities flow. Broadly speaking, the arrangements are suitable for those who want to return back to their home country after the season is completed. This was not true however for the entire sample, as for those in temporary employment including casual or zero-hours arrangements, there was a desire to have more secure arrangements or guaranteed hours.

More generally, it should be noted that the availability of seasonal/temporary employment is opportunistic for the employer, and there are mixed views in terms of the benefits of this type of employment reported by migrant workers themselves. There is mixed feedback in terms of their ability to develop skills and generate income, particularly given the weakness of the pound.

Finding seasonal/temporary work was described as relatively easy, particularly when compared to the difficulty of finding employment in their home country. Seasonal migrant workers cited a range of ways in which they found seasonal/temporary employment opportunities including through referrals from friends/family, recruitment agencies and fairs and by going directly into hotels, bars, restaurants to find work.

“If you are keen and interested in a job then they will give you a chance”
(Temporary migrant worker)

Many described having informal arrangements for work, which had both positive and negative effects. Informal arrangements meant that migrant workers had found employment with relative ease but on the other hand employers had also invited workers for a “*trial period*” for which they did not get paid and which did not result in a formalised offer – in effect working for free.

Seasonal and temporary migrant workers had obtained a National Insurance number for employment and mentioned that the recruitment agency or a

friend/family member had assisted them in completing the documentation for this. Workers mentioned that it takes time to obtain a National Insurance number so you can often get employment while in the process of applying for one.

The Canadian temporary worker mentioned that it took one month to obtain a National Insurance number upon arriving in Scotland, and queried why it was not included in the process of applying for a work visa.

Some workers, however, mentioned that they did not have documentation and they were advised by their employer that they did not need one - *they told me I wouldn't need a taxation number*. One Latvian temporary worker described that he had previously worked in a car wash when he was "undocumented" and that meant that he was paid less than the minimum wage. As a result of his treatment he described the car wash industry as a "*dirty sector*".

One seasonal migrant worker discussed that she had found an employment opportunity through social media at a hotel working from 4pm – 12am, 7 days per week over the Summer period. The employment opportunity was offered in exchange for accommodation and meals at the hotel. The worker was also advised that she does not need to apply for a National Insurance number as she would not be paid for the work. Reflecting on the opportunity, she mentioned that "*it would have been nice to have been paid money but I enjoyed my time, everyone was very friendly and they would invite me to join for drinks with them*". For this seasonal migrant worker, the motivation for living/working in Scotland was to gain a new experience as opposed to a financial reason, however it highlights that there is potential for exploitation on this basis as she is in effect working on average 56 hrs per week unpaid.

Another similar experience was reported by a temporary migrant worker who mentioned that before taking up temporary employment he had come to Scotland on a volunteering opportunity advertised on Facebook for packing clothes in a warehouse. He described it as a "*full-time job*" as it involved working seven days a week, 9-5pm, and mentioned that conditions at times were not safe as he cut himself with glass in the workspace.

These experiences highlight that issues can arise from blurred lines in relation to work flowing from experience/exchange/volunteering opportunities.

In both instances, the workers reported that they were unaware of any mechanisms to report problems. While these anecdotes may not be specific to the migrant experience, they do highlight that seasonal and temporary migrant workers are less likely to know their rights or options for recourse.

There were similarly varying experiences of obtaining employment contracts, stemming from the often informal arrangements with employers. For those who had employment contracts there were reassurances regarding hours per week, pay rates etc. Some had minimum guaranteed hours but for those in temporary employment, hours tended to fluctuate. Overall, seasonal and temporary migrant workers expressed a desire to get as many hours as possible.

“I never got a paper contract because they said it’s company policy...I don’t mind as long as they keep up their end of the bargain and give me the hours I need...it’s never been under 35 hours”. (Seasonal migrant worker)

The variation in hours differed by sector, for instance in the fishing sector, seasonal migrant workers mentioned that their hours differed depending on the fish that was caught on the day, moreover, in the hospitality sector, hours differed by the number of bookings made by guests. Factory workers tended to have more consistency in terms of hours.

Most workers worked 5 or 6 days a week, there was a view among those working 6 days a week that they had little time to recover or rest outside of work. This view was most strongly felt among those undertaking physically strenuous work such as factory work. To illustrate this point, at the time of the fieldwork, some migrant workers expressed that they were keen to prolong the interviews/discussions so they did not have to go back to work outside in the cold weather. The hours worked by seasonal and temporary migrant workers tended to be over 40 hours which is similar to the findings observed within the quantitative research.

“We don’t have any time to socialise – just work and then go home to rest”
(Seasonal migrant worker)

“My schedule is rough, sometimes there is no time for a break” (Temporary migrant worker)

Workers were commonly paid minimum wage for their work, and there were mixed views regarding whether this was adequate compensation for their efforts. For some workers there was the perception that this was sufficient when compared to what they would receive in their home country, however for others there was a view that *“minimum wage means minimum effort”* and that this led them to feel undervalued in their roles. Furthermore there was a view, particularly among those working in the hospitality sector, that any additional payments such as tips were not shared with seasonal/temporary migrant workers and that they were not compensated for working anti-social hours.

“We finish at 4 am at times and we don’t get anything above the minimum wage for this” (Temporary migrant worker)

For those sending money back home, there was discussion of the weakness of the pound which is affecting the exchange rate when converting money.

“You now only get 5 RON (Romanian Leu) for a pound” (Temporary migrant worker)

A recurrent concern among seasonal and temporary migrant workers was that employers had underpaid them for their work as their hours fluctuate week to week and so it was easy for them to make mistakes. There were varying levels of confidence reported among workers in terms of challenging issues around their pay.

“Once or twice I have been underpaid, mistakes happen but it’s really annoying as they don’t pay me the money back until the next month” (Seasonal migrant worker)

Most workers did not have sick pay protections, and so were *“very careful not to get ill”*. For a minority of participants who did have sick pay provision in their contract discussed that this was not something that was relevant to them – there is a younger age profile of seasonal and temporary migrant workers so healthcare is not a focus for these workers.

For those who had accommodation provided, this was seen to be beneficial as this was cheaper than having to stay in rented accommodation, there was also the added benefit of not having to source suitable accommodation. One temporary migrant worker mentioned that he found the accommodation provided by his employer to be uncomfortable as the heating was only on for one hour per day.

Among migrant workers who did not have accommodation provided through their work, there were difficulties reported in terms of finding housing. There was also the perception that landlords did not necessarily want to let to migrant workers.

Some seasonal migrant workers described living in “rough neighbourhoods” as it is difficult to know where is the right place to stay and the main search factor for them is price, therefore they discussed that they lack the local knowledge to identify safe neighbourhoods for accommodation. This was most acutely felt for those living in small towns as social issues were felt to be more pronounced among these settings. One Polish seasonal worker reported that she was convinced that she was living next to a drug dealer, and that this was leading to wider anti-social behaviour in the area close to her home. She was unaware of Scottish housing regulations related to reporting issues with her landlord as well as notice periods to leave the accommodation, although as she was only resident for six months, she didn’t want to go through the rigmarole of finding alternative accommodation.

One employer provided transport to workers in buses which was viewed favourably by seasonal migrant workers, however workers reported that there was only one town from which the buses run. This was perceived to be unfair as this led to unequal provision among the workforce particularly as bus fares can be expensive at around £4 each way which is half of the hourly rate of pay.

There were varying experiences of training and development received by staff – broadly speaking, the key health and safety or alcohol handling training had been provided to workers. Beyond the basic training and some shadowing on the first few days of employment there was a common perception that workers were left to *“sink or swim”*. Having said that, seasonal migrant workers described that the work that they were undertaking was routine and manual, and therefore they would not necessarily have benefited from a high level of training or supervision. Migrant workers on agency contracts in particular reported to have received no training within the work contexts they were placed.

It is important to note that rules related to temporary employment require equal access to amenities and facilities among temporary and permanent staff; it is clear

that comparative to permanent workers, temporary and seasonal migrant workers received limited opportunities for training.

One Hungarian worker that was working as a maintenance man in a hotel described that safety procedures were not followed in his work. An example of this was that he had been asked to repair a storage tank by himself and felt that he was exposed to chemicals in the process.

“Sometimes I am doing things on my head, I can say no but then I might get blacklisted by the managers” (Temporary migrant worker)

Relationships at work

There were mixed views regarding relationships at work.

For some seasonal migrant workers there was the view that there are positive workplace relations as a vast proportion of the staff are also migrant workers. In some workplaces, most staff were migrant workers so they could communicate in their own language and there was no differential treatment between staff. This is often linked to workforce practices whereby some managers segment their workforce, so certain groups of staff mix with each other. Having said that, there was reportedly no hierarchy between migrant and non-migrant staff as there were managers, team leaders and supervisors who were permanent/settled migrant workers.

“Hospitality is based on foreign people”. (Temporary migrant worker)

“It’s a multicultural job so there is never an issue to work together” (Seasonal migrant worker)

However, some seasonal and temporary migrant workers cited experiences where managers had at times been rude with them. Under these circumstances there was a recognition that the work environment can be stressful which can lead to disagreements or people speaking rudely with one another. One Bulgarian seasonal worker had the perception that staff within managerial positions within factories have worked their way up and are poorly educated and can thus mistreat migrant workers and speak down to them. In contrast, he had the view that migrant workers despite working in elementary occupations are often degree-educated. This reflects, that perceptions work in both directions.

Another factor that was seen to cause problems among staff was competition for opportunities. One example of this is that within a shellfish factory there was mention of a competitive environment to get the more expensive consignments as workers would get paid a little extra for shipments to China and Korea. This could lead to disagreements over allocations of shellfish among the team.

While it was not common for workers to express that they were generally treated differently from local or permanent staff, there was one example where this was mentioned by a seasonal migrant worker. He held the view that he was treated

differently than local permanent staff as they are provided lunch by the company during their shift, while he is not, despite working 12 hour long shifts.

Aside from relations with staff, there was a view that rudeness or mistreatment can arise from customers, an anecdote is shown below.

“A guest ordered a bottle of wine, and I asked her which wine she wanted. She then complained about me saying that I didn’t understand because I don’t speak good English” (Seasonal migrant worker)

More generally, there was a sense among seasonal and temporary migrant workers, regardless of whether they faced workplace issues, that they did not have the courage to *“rock the boat”* and challenge management decisions. There was a sense that because you don’t know your rights, there is always an uncertainty about how raising an issue might impact your shift patterns or cause management to delegate you more onerous tasks.

“If I speak up then they won’t call me back for work, I don’t want to be seen as a clever cookie” (Temporary migrant worker)

While these experiences may not be peculiar to the migrant experience and may reflect issues with the wider labour market, seasonal and temporary migrant workers are less likely to be aware of their rights under UK unemployment law, and are less likely to be unionised and know how to challenge their employer. Furthermore, there are issues arising from lower levels of English language skills and a lack of confidence in terms of raising concerns or problems with employers – these can be difficult conversations to have.

Life in Scotland

There were mixed experiences of social life in Scotland among seasonal and temporary migrant workers. For those working in employment with a high density of migrant workers there was ample opportunities to make social bonds beyond the workplace.

There was also discussion of social activities organised by the employer as well as a buddy system which helped to encourage workers to make friends in certain contexts. However, some workers were not able to avail the organised events as they mentioned that they would take place at the end of the year when all the seasonal workers had gone.

“There is only a Christmas party, but we are all gone at that time” (Seasonal migrant worker)

Furthermore, some seasonal and temporary migrant workers described that their work schedule would not permit them to socialise as the work itself was strenuous and more generally they found it difficult to make friends with locals beyond the *“small talk”* that you may have in social spaces. English language ability was seen as a key barrier to speaking with locals and feeling part of a community. There were

varying degrees to which this was seen as an issue as some migrant workers had come to Scotland with a financial motivation and others for leisure and experience.

“I feel like an outsider, Scottish people are friendly to speak to but no one invites you to any party or for a coffee...it’s hard to make friends” (Temporary migrant worker)

“I am free one weekend a month so there is no time for social” (Seasonal migrant worker)

“Takes longer to express yourself so difficult to fully integrate – “I know what they might be thinking when speaking with me”. (Temporary migrant worker)

Seasonal and temporary migrant workers rarely expressed any difficulty in accessing local services as they expressed little need to access services such as healthcare or social security and if they needed to do so would have someone within their workplace or a friend or family member who could advise them accordingly. However, there was some discussion around the difficulty in opening up a bank account as there is a great deal of paperwork required for this. A lesser mentioned point was that local shops close down before the seasonal migrant workers finish work which makes it difficult to get supplies in certain rural settings.

There were small observations made by those residing in urban areas regarding a lack of facilities such as public toilets, recycling facilities and a high visibility of homeless people on the streets.

For a small number of migrant workers, church was important for them, however it was felt that some *“orthodox traditions”* that are followed in their native country were not followed in the churches in Scotland which meant that they could not enjoy the full experience of their religiosity.

On balance few seasonal and temporary migrant workers had experienced racism, however, there were a small number of important examples cited. There was specific mention of difficulty acquiring accommodation as there was a perception that Scottish landlords do not want to rent to migrants. Furthermore, some workers reported that they had experienced belittling behaviour as a result of their accent or self-reported poor English language skills. One temporary migrant worker mentioned that he has to travel home from work late at night on the bus and has experienced verbal abuse, his perception was that this was because of his accent and clothing.

Views on Brexit

There was some ambivalence and apathy concerning Brexit in that seasonal migrant workers did not feel that the policy would impact them or that it was their place to comment on the issue. At the time of the interviews there was also some uncertainty around whether Brexit would go-ahead or be cancelled altogether.

“Not our place to say whether Brexit should be or not – we are guests here” (Seasonal migrant worker)

“There is a lot of difficult and false information so it’s hard to keep track”
(Temporary migrant worker)

Overall, however, there was a view that the pragmatic demand for migrant labour would continue among businesses after the policy had been implemented and that would mean that they could continue to find employment in Scotland/the UK.

Furthermore, for those who spoke English there was a view that if circumstances change then their language skills would be a passport to allow them to live and work in other countries. Indeed for some workers there was the view that *“if we are not welcome in a country then we will not stay”*.

Fundamentally, seasonal and temporary migrant workers pointed out that they are “workers” and so what is pivotal for them is security of employment. There was a perception that the UK/Scottish economy may weaken after Brexit and that some businesses may relocate to the European Union. This meant that workers would be concerned as to whether they would be able to continue to secure employment opportunities in Scotland.

In a similar regard, the decreased value of the pound was discussed as it was seen to lower the value of the remittance that workers’ were sending home to their families. Furthermore, there was a view that if the cost of living increases in Scotland after Brexit, they would be able to save less money from their work. Both of these factors, lessened the attractiveness of working in Scotland in seasonal and temporary employment opportunities.

Temporary Worker Route

At the time of the research fieldwork, the proposed immigration route for lower skilled employment, was the temporary workers route. Feedback on this route was gathered from research participants. While this particular route is no longer available; elements of the feedback can be considered when thinking about the design of potential future sector specific immigration schemes for temporary and short-term workers.

There were mixed views regarding the temporary worker route, outlined in the UK Government’s proposals for the future borders and immigration system, amongst employers and workers alike.

For businesses there was a view that the route did not address their requirements to secure a flow of temporary migrant workers to meet business demands. This was related to a general perception of post-Brexit migration policy, in that it was focused on reducing net migration as opposed to being driven by labour market demands, particularly to continue to attract low-skilled workers.

For seasonal and temporary migrant workers, outside of the agricultural sector, for whom this would be the main migration route post-Brexit, the route equally did not hold favour.

The main point of contention was the 12 month cooling off period prescribed by the route which inhibited the retention of staff as returners to businesses. There was a view that there is no point in training staff, or for workers to put in effort to the business as there is no longer term relationship or gain from the employment.

Furthermore, the cooling off period does not allow workers the flexibility of extending their stay placing too much of an emphasis on business requirements for labour rather than the motivations and requirements of the worker. On balance therefore the route was seen to be opportunistic for employers as there was no incentives to pay more than the minimum wage or provide training opportunities for workers. Therefore, this type of route may contribute to a differentiation in terms of the treatment of permanent and temporary workers within business contexts.

There was a view that the 12 month period would attract "*young people from Australia or New Zealand looking for a new experience rather than workers*". This perception was related to the construct that workers from the EU8 had a different attitude to work than other migrant or local workers. Considering this perspective, there was a view that a reduced three month cooling off period would be more reasonable. Furthermore, the low-risk countries eligible for the route should follow the seasonal/temporary patterns of employment currently in Scotland/the UK – the EU8.

The point concerning "no recourse to public funds" was not seen as an issue as there was a view among seasonal and temporary migrant workers that "*they shouldn't take advantage of the system*". Although there was some discussion around whether workers would still be paying into the system, through taxation, and not being able to get any of the reciprocal benefits. Consuming public services was not a key motivation for seasonal and temporary migrant workers as they are primarily here to work – so the conundrum regarding contributing to tax revenue which funds public services was not considered as long as there is are benefits for migrant workers in terms of good employment opportunities for workers and salary conditions.

The issue of family migration was equally not a point of contention as the time limit on the route meant that workers did not want to uproot their families to come and live in Scotland for 12 months and then go back home again. This was seen to be disruptive to family life. The implication of this might be that a younger age profile of migrant workers may be attracted to this scheme, comparative to those who have families.

The complication of obtaining the visa was also discussed, and there was a view that this depended on how difficult the process is and what type of information workers would have to provide. There is a bigger question mark around cost and the route at present does not specify the costs involved which will carry weight in determining whether the visa will prohibit current workers from applying.

In terms of the right to work checks there was a view that for the right candidate, managers would be willing to make an effort, however there are diminishing returns when you are dealing with higher volumes of workers and the work is elementary in

nature so it is not tied to the skillset of a specific worker. Furthermore, additional time and bureaucracy related to employing migrant workers may squeeze the business bottom line.

There was a view that an online register of workers should be made available whereby employers can scan the relevant documentation and provide this to the UK Government as part of the right to work check.

More generally, in comparison to international temporary workers programmes, the proposed route does not incorporate elements that are recognised as best practice for circular migration; this includes ensuring protections for migrant workers' rights, provision of requirements for pastoral support and duty of care towards migrant workers, as well as closer governmental relations between sending and host countries to coordinate migration and reintegration of workers to their home country.

A number of additional issues were also raised more generally on the point of immigration policy:

- The issue of health insurance was described and there was a view that many schemes require the worker to have health insurance (particularly as there is no recourse to public funds) this can lead to companies monopolising this requirement and potentially exploiting workers for higher fees.
- There was a view that the skills-based immigration policy is “*out of touch with reality*” in that 95% of migrant workers are in elementary occupations and that within the service sector few are able to attract a £30,000 salary. Since the research has been conducted, the UK Government has announced that the salary threshold has been reduced to £25,600.
- There was a view that the Scotland Only Shortage Occupation List needs to be reviewed in line with business needs. This can be done in consultation with trade bodies that represent business interests. A review of the Shortage Occupation List was conducted by the Migration Advisory Committee in 2018/19 which led to an expansion of the list to include veterinarians, architects and web designers. In considering changes to the list, the Migration Advisory Committee considers whether there is a national shortage of the particular role, and whether it is sensible to fill with migrant workers.

Recommendations:

- The UK Government should be cognisant of the complex ecosystem of seasonal and temporary migrant patterns of employment within the non-agricultural sectors when developing post-Brexit migration policy. Further considerations should be given to the immigration routes available to “low skilled” migrant workers. The labour market demographic profile has emerged from the flexibility stemming from free movement and other routes such as Tier 5 Youth Mobility, . The UK Government’s proposals for the post-Brexit future borders and immigration system significantly reduce the options for seasonal and temporary workers to come to the UK lawfully and may not fulfil

the demand for “low-skilled workers” as it does not provide the same level of flexibility as currently enjoyed. .

- Both the UK and Scottish Governments should invest in more data, analysis and monitoring for those business sectors most affected by the loss of free movement and specifically changes to the availability of migrant workers able to work in low-skilled employment. Our research has identified a high concentration of seasonal migrant workers within the seafood processing and hospitality sector. While the latter sector may attract workers through the Tier 5 Youth Mobility route (our research identified a seasonal migrant worker from Canada in the hospitality sector), this may not be the case for the former sector. Therefore, there may be requirements for a sector-specific employment route to be developed.
- There needs to be a rationalisation of migration policy as there are overarching economic and security concerns that are driving current policy formations – in Scotland, there is a further issue concerning population growth particularly in rural areas as well as the issue of supporting and creating resilient communities. Migration policies with pathways to settlement and a more inclusive approach to family migration will be important in these respects, but also an emphasis and measurement of the means and markers of the social intergration of different migrant groups.
- The research identified evidence of exploitation and mistreatment of seasonal and temporary migrant workers. Considering this evidence, both the UK and Scottish Government should pay more attention to workers’ rights and parity in the treatment and conditions of temporary and permanent workers particularly in the context of the migrant experience where issues are more acute. This includes placing a requirement on formalising employment contracts/arrangements for migrant workers as this can be an important safeguard against exploitation, as well as increased enforcement of the working time regulations - 11% of seasonal migrant workers were working 50 hours or more per week.
- Scottish Government should consider increasing information and support provided to migrant workers in terms of their employment rights including introducing formalised complaints procedures. In New Zealand a helpline to report issues has been recommended following a review of the exploitation of migrant workers. These mechanisms can be introduced by regulators of sectors which are particularly reliant on temporary migrant labour such as seafood processing and hospitality.
- Scottish Government should undertake a review of a proposed Scottish visa system in collaboration with the UK Government; including what the eligibility requirements for this will be, building upon the recent Scottish Government policy paper on migration²³. Importantly, this should consider if there are

²³ Scottish Government 2020, Migration: helping Scotland prosper <https://www.gov.scot/publications/migration-helping-scotland-prosper/pages/6/>

motivations to support and strengthen communities, then this might involve creating pathways for family migration.

- Both the Scottish and UK Government should consider the process by which roles are added to the Shortage Occupation List, including increased consultation and rapid review among stakeholders, trade union representatives and businesses to identify roles which need to be added to the SOL. The SOL can then play a feature within the points-based/skills based migration system enabling points for jobs in a comprehensive list of shortage occupations. There should be a commitment to routinely update this and for partners to be able to feed into the review process.

The literature review has identified that there are elements of the New Zealand Recognised Seasonal Employer scheme which are internationally recognised as best practice in relation to managing circular migration (Gibson and McKenzie 2010). This includes a commitment to reviewing and developing the programme based on a feedback-loop; protections for workers' rights as the scheme is developed with trade union representatives on-board; a system of pastoral support for workers; and by committing to developing relations between sending and host countries to ensure benefits are more equitably distributed, and issues of re-integration of workers back into their home communities is addressed by the scheme.

Aspects of this scheme can be taken into consideration when thinking about migration policy options for Scotland.

- The UK Government should reconsider a general Temporary Worker route as was previously being suggested to enable businesses to transition from the loss of EU free movement. However, the length of the cooling off period for the Temporary Worker route should be reconfigured as this prohibits the retention of skills and workers commitment to returning to the business for work – potentially to minimise this to 3 months.
- Both UK and Scottish Governments should track temporal patterns of migration. Repeating this study with a broader definition of temporary migrant workers and larger sample size for the sectors where there is a reported higher prevalence of temporary and migrant employment will enable robust statistical results.

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Appendix A: Economic and Data Modelling

This analysis seeks to understand the sectoral pattern of non-native employment in Scotland. The objective is to understand the sectors in which non-native employees work, with the aim of shedding light on where seasonal non-agricultural migrant workers may be employed.

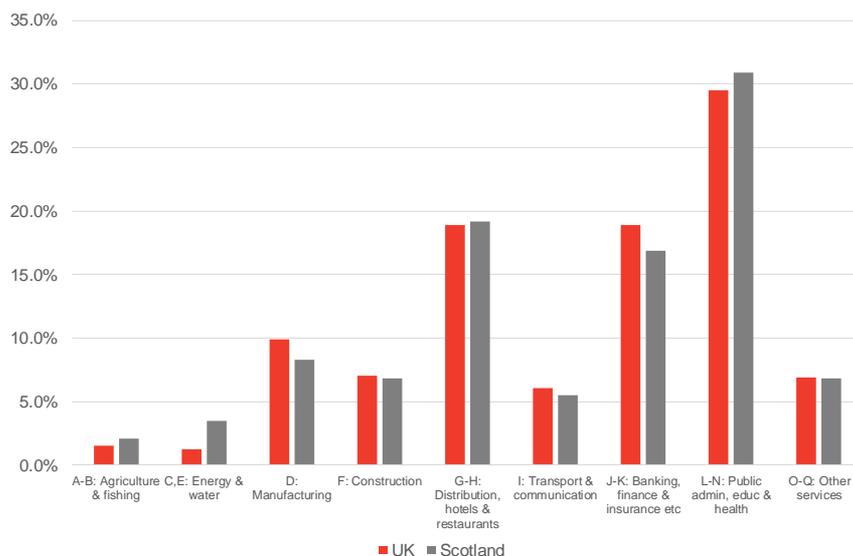
In particular, the Labour Force Survey (LFS), the principal labour market survey in the UK, and the APS which can be thought of as an annual version of the LFS (making use of the same data) but more robust to sub-national analysis, and sample private households. By definition therefore seasonal migrant workers – who tend to reside in hotels and caravan parks– will not be in these surveys.

What is employment in the UK and Scotland like, in terms of industries and occupations?

Figure 1 shows the mix of employment in the UK and Scotland by broad industrial sector. The proportions are essentially the same between 2012 and 2017. On this basis the UK and Scottish economies are not that different.

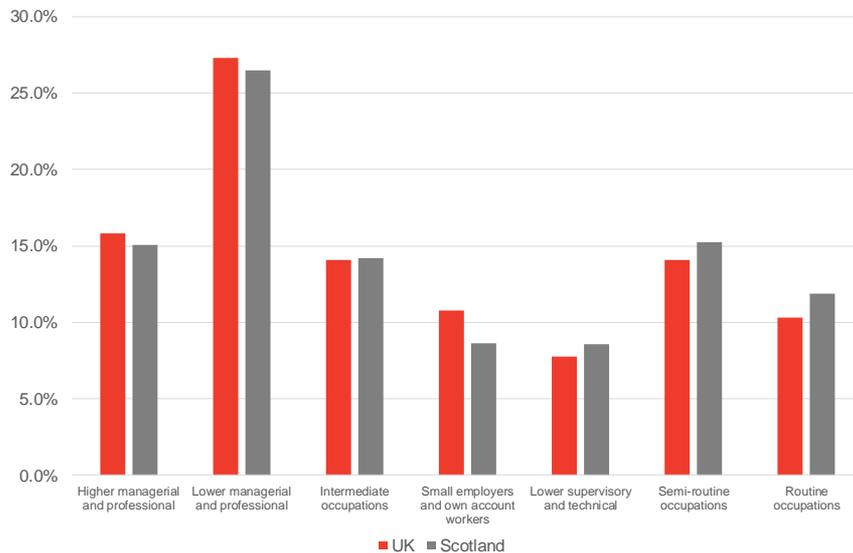
We have used data from 2017 as this was the latest data available at the time of the analysis; a 5 year trend is shown to enable comparison of the results over time.

Figure 1: Employment by sector, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

Figure 2: Employment by occupation, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

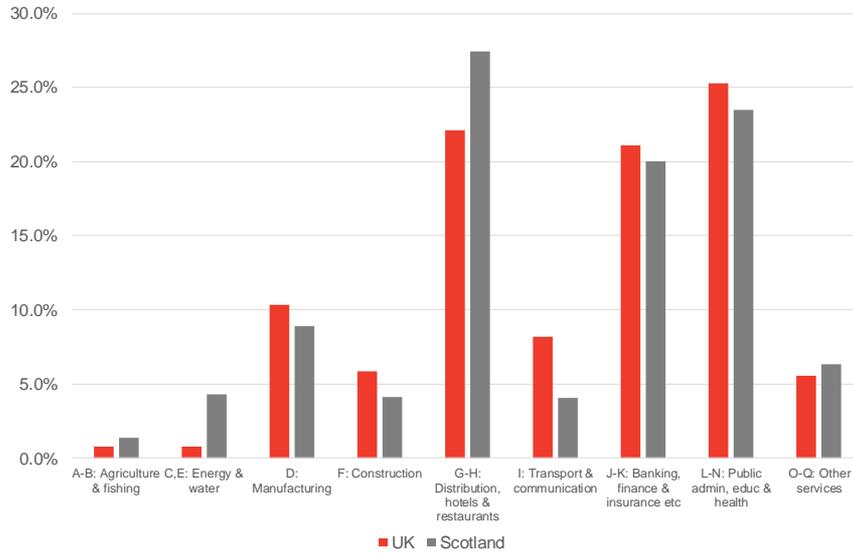
We can look at the same information, but with employment split out by occupation. This is shown in Figure 2 for 2017, however other years are similar.

Again here we can see that the occupational mix of employment in Scotland is not that much different to the UK as a whole. The proportion of workers in managerial and professional occupation is slightly higher in the UK as a whole, and the proportion of routine and semi-routine jobs slightly lower, but the overall pattern is similar (and any differences are unlikely to be statistically significant).

What do we know about where non-UK born employees are working?

Figure 3 shows employment of non-UK born workers by industrial sector in 2017, and Figure 4 shows this information broken down by occupation. We can see that there is a greater concentration of workers in ‘Distribution, hotels & restaurants’ and ‘Banking, finance & insurance, etc.’, while the occupational mix does not seem that different to the overall UK labour market.

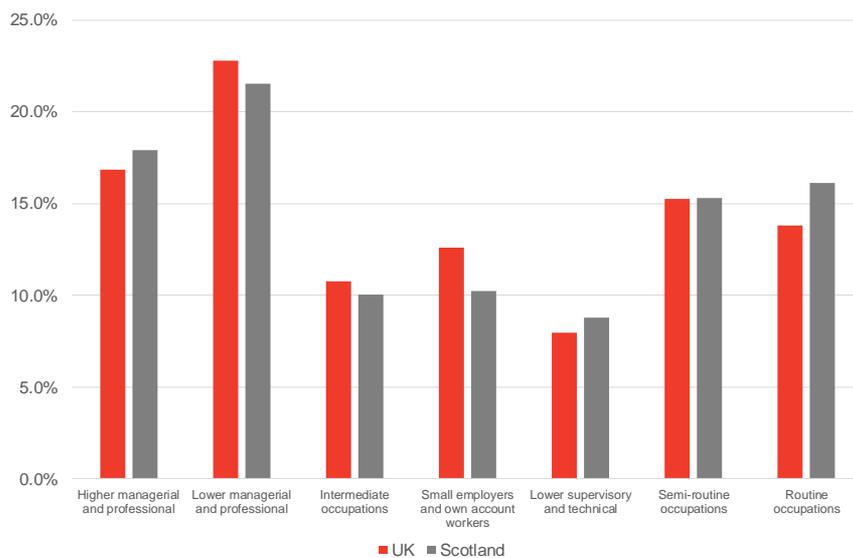
Figure 3: Employment of non-UK born workers by sector, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

These data relate to all non-UK born employees, and for this project we are mostly interested in lower skilled occupations which are more amenable to seasonal work.

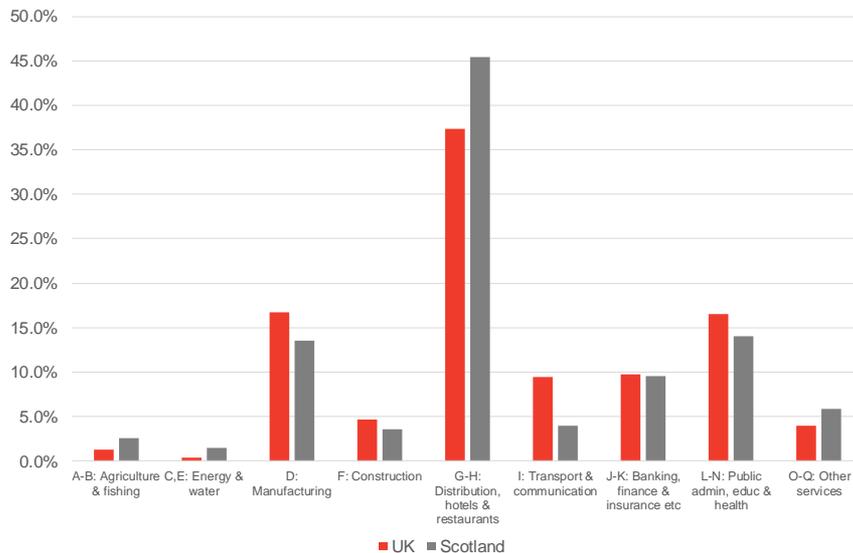
Figure 4: Employment of non-UK born workers by occupation, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

In order to capture this, in Figure 5 we recreate Figure 3 focussing in on those doing ‘lower supervisory and technical occupations’, ‘semi-routine occupations’ and ‘routine occupations’, to proxy for low-skilled occupations.

Figure 5: Employment of non-UK born workers in lower skilled jobs by sector, UK and Scotland, 2017



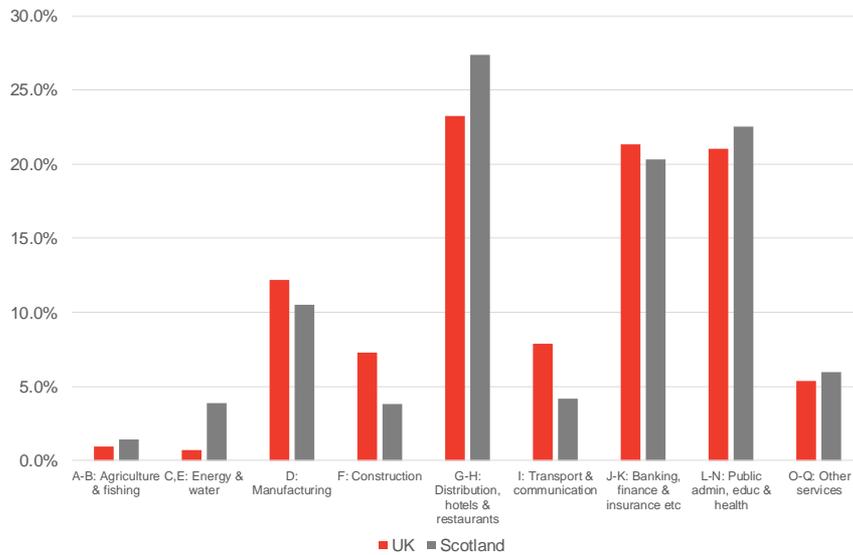
Source: ONS, Annual Population Survey, January to December

Comparing Figure 3 and Figure 5 we can see that focussing in on those in lower skilled work increases the proportion of non-UK born workers in Scotland working in Distribution, hotels and restaurants from 27% to 45%.

What do we know about where non-UK national employees are working?

In this case, we focus instead on those who list their nationality as not being the UK, as opposed to their country of birth. The key reason for this is that we are focussed in this work on the employment of migrants to the UK, and therefore we focus on those who are non-UK national as opposed to those not born in the UK (but who may have subsequently become UK nationals).

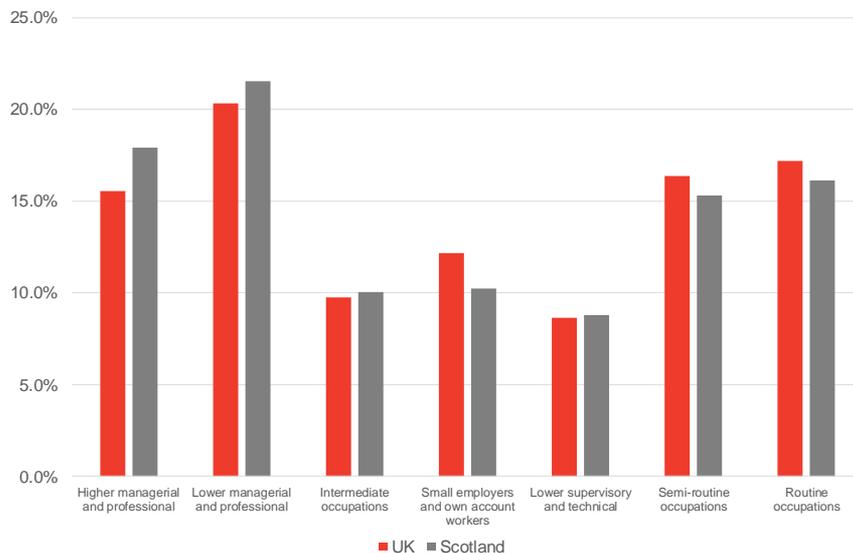
Figure 6: Employment of non-UK nationals by sector, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

Comparing Figure 4 and Figure 6, and Figure 5 and Figure 7, we can see that the pattern of employment by sector and occupation across non-UK born and non-UK nationals are broadly similar.

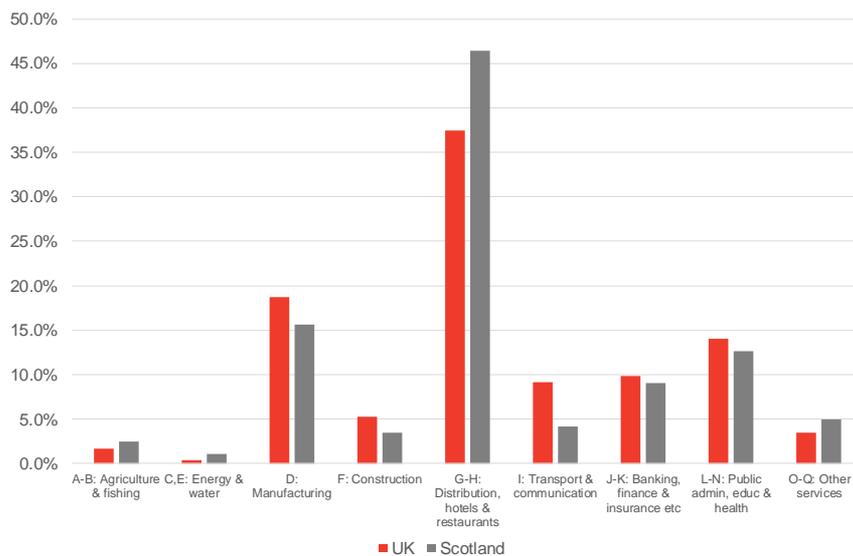
Figure 7: Employment of non-UK nationals by occupation, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

We can again narrow our focus to those in lower skilled occupations, and we do this in Figure 8 below.

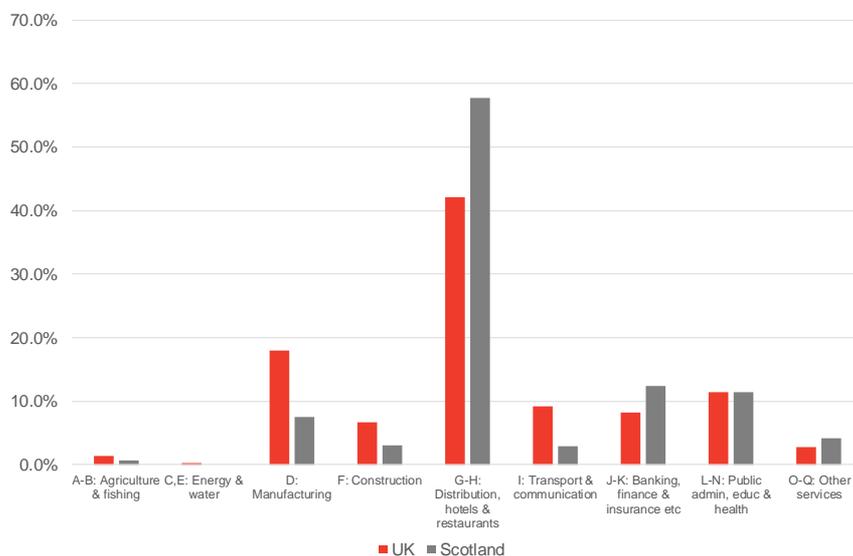
Figure 8: Employment of non-UK nationals in lower skilled jobs by sector, UK and Scotland, 2017



Source: ONS, Annual Population Survey, January to December

We can also consider where more recent migrants to the UK are employed. We do this by considering those who have arrived in the UK in the last 5 years (using the survey data up to 2017 means that we consider migrants arriving from 2012 onwards).

Figure 9: Employment of non-UK nationals arriving in the UK since 2012 employed in lower skilled jobs by sector, UK and Scotland, 2017

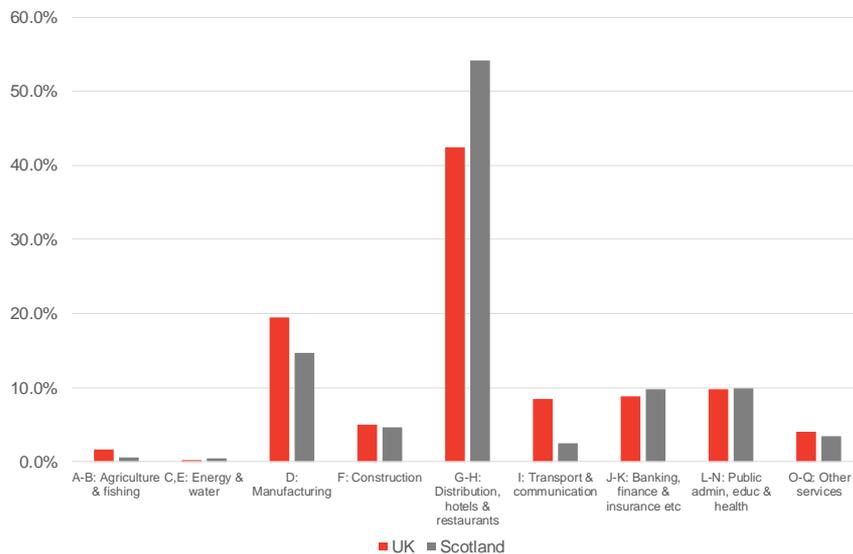


Source: ONS, Annual Population Survey, January to December

It is worth cautioning that at this level of detail, focusing in on non-UK nationals, in lower skilled occupations, in Scotland, who arrived in the UK from 2012 onwards, the annual survey data start to become less reliable with some sectoral level estimates fluctuating substantially between years.

Therefore we pool the data for the period 2012-2017, and report a summary of those sectors where non-UK nationals arriving in the UK since 2012 and working in “low skilled” occupations in Scotland are employed – Figure 10.

Figure 10: Employment of non-UK nationals arriving in the UK since 2012 employed in lower skilled jobs by sector, UK and Scotland, 2012-2017



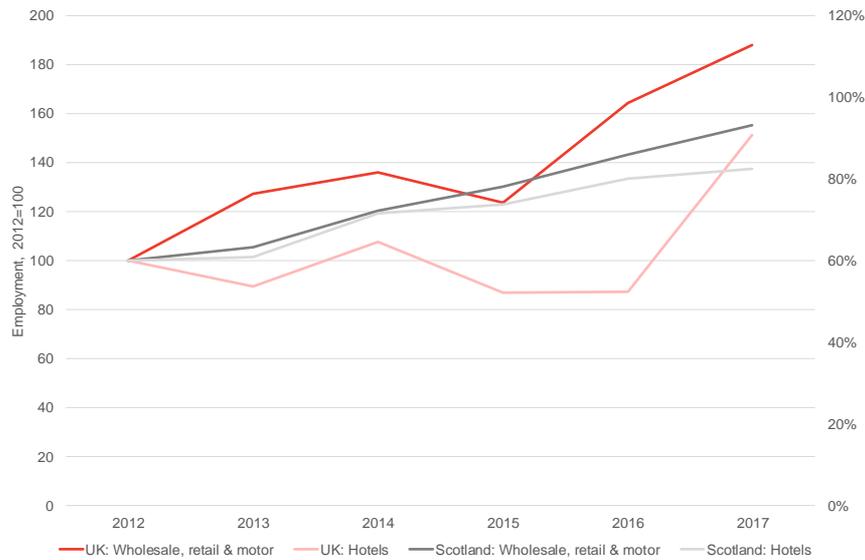
Source: ONS, Annual Population Survey, 2012-2017

The general pattern of Figure 9 is preserved, with perhaps slightly less focus on some sectors than before, but it is still clear that most of the recent arrivals into Scotland from outside the UK are working in the ‘Distribution, hotels and restaurants’ sector.

What do we know about employment in the Distribution, hotels and restaurants sector?

The relative share of those working in the two component sectors (G and H) of the dominant employer of “low skilled” non-UK born or UK-national employees is relatively constant and even across this period in Scotland. Figure 11 shows the trend in employment in these disaggregate sectors.

Figure 11: Employment of non-UK nationals employed in lower skilled jobs in the Distribution, hotels and restaurants sector, UK and Scotland, 2012-2017

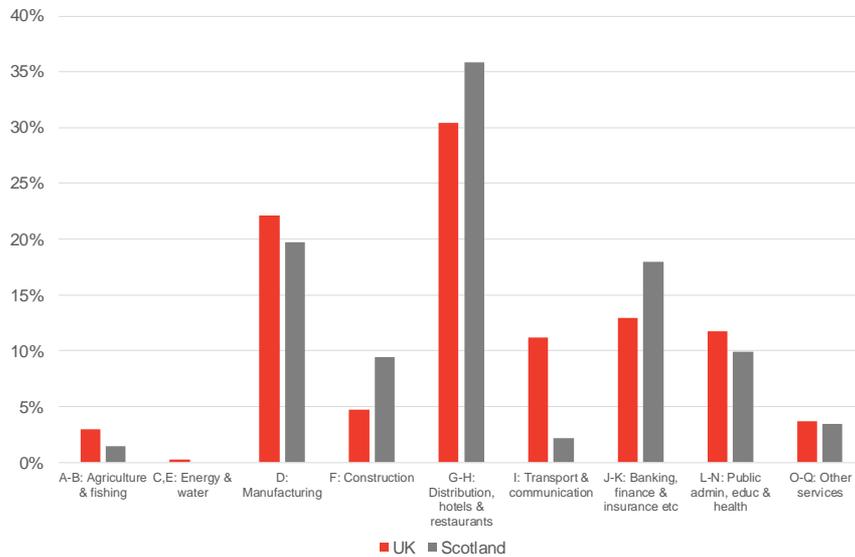


Source: ONS, Annual Population Survey, 2012-2017

Another way to look at this is to focus on where non-UK nationals or UK born employees are working in less permanent work arrangements

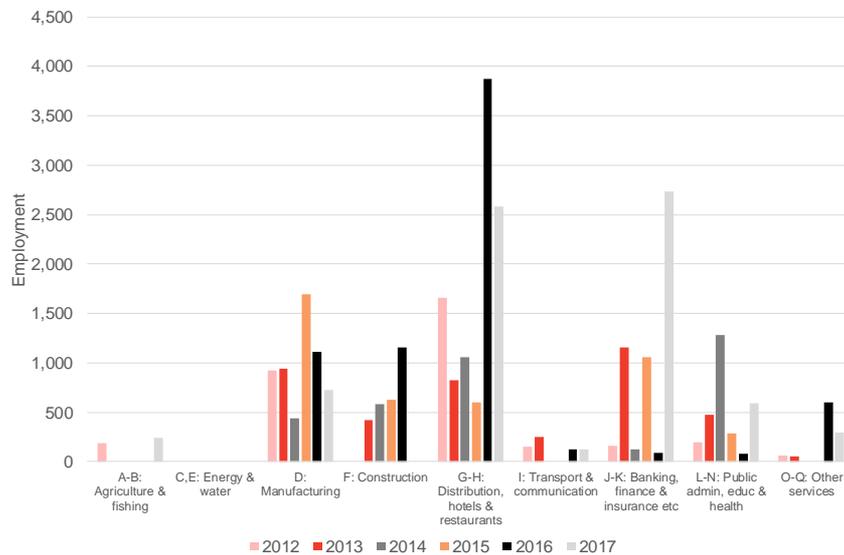
Figure 12 below shows the %-shares of employment of non-UK nationals in “low skilled” occupations by sector. Again, as before, when considering the Scottish data the quality of the sample is an issue, with substantial volatility in the estimates between years. Figure 13 illustrates this issue. Because of this volatility Figure 12 presents the data pooled over the 2012-2017 period.

Figure 12: Employment of non-UK nationals employed in lower skilled jobs on a temporary contract basis by sector, UK and Scotland, 2012-2017



Source: ONS, Annual Population Survey, 2012-2017

Figure 13: Employment of non-UK nationals employed in lower skilled jobs on a temporary contract basis by sector in Scotland, by year

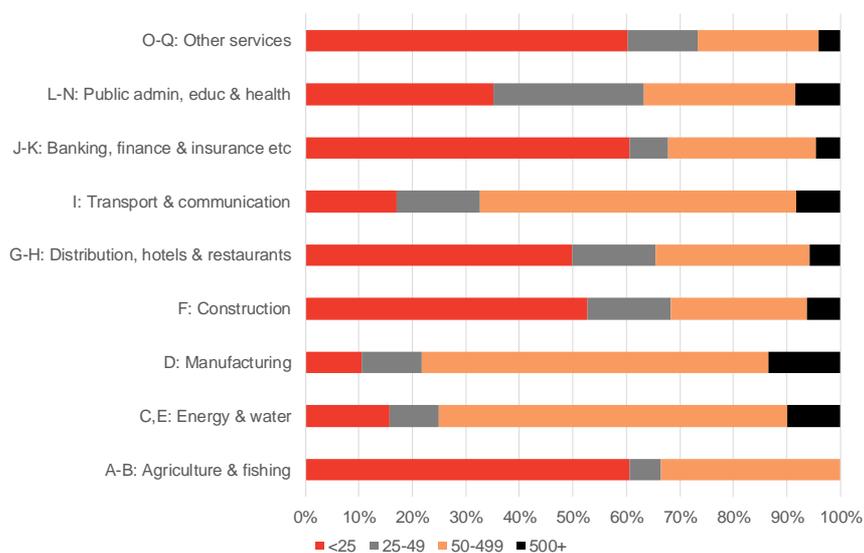


Source: ONS, Annual Population Survey, 2012-2017

Are those non-UK nationals working in “low skilled” jobs, working for large or small employers in each sector?

Figure 14 shows employment by sector of non-UK nationals working in “low skilled” occupations by self-reported size of their company. For the same sample size and robustness reason as before, given that we are now going quite specific within the Scottish labour market (selecting by skill, non-UK born, sectoral and by firm size) we pool the sample over 2012-2017 to provide a better sense of where these workers are employed.

Figure 14: Employment of non-UK nationals employed in lower skilled jobs by sector and size of business in Scotland, 2012-2017

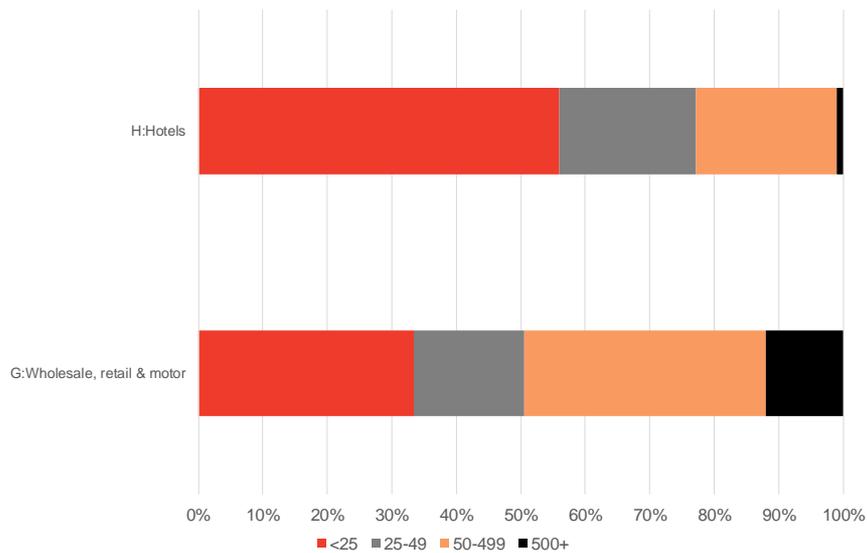


Source: ONS, Annual Population Survey, 2012-2017

We can focus further into the sector G-H which we saw earlier are particularly important for this study.

We can see in Figure 15 that larger businesses are a more important employer in the ‘Wholesale, retail and motor trade’ sector than in the Hotels sector for this type of worker. However one in three non-UK national workers employed in wholesale, retail and motor trade are working for employers with fewer than 25 employees.

Figure 15: Employment of non-UK nationals employed in lower skilled jobs by sub-sector and size of business in Scotland, 2012-2017



Source: ONS, Annual Population Survey, 2012-2017

What do the National Insurance registration data tell us about the location of new arrivals?

The Department for Work and Pensions release data on quarterly National Insurance (NI) number registrations for adult overseas nationals, broken down by local authority.

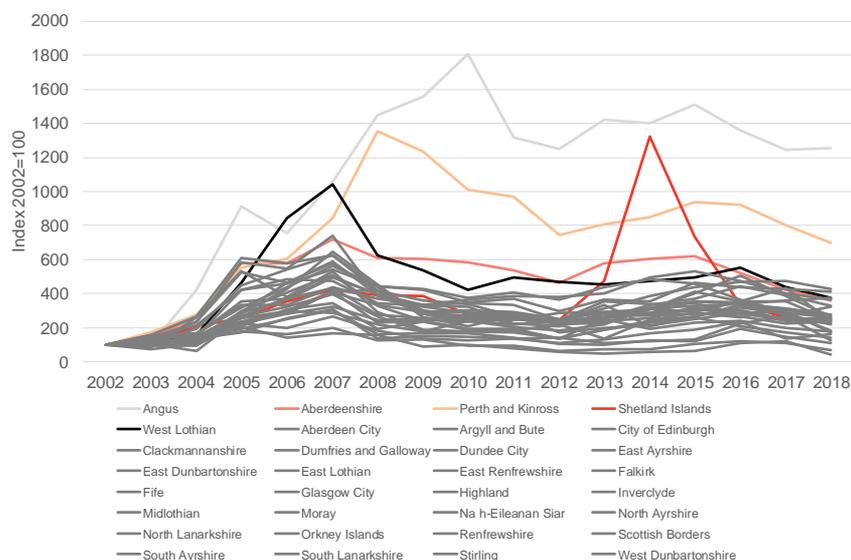
The trends in these NI registrations in each local authority between 2002 – 2018 are shown in Figure 16 below.

It is clear that almost all local authority areas are seeing a substantially higher number of NI registrations to overseas nationals in 2018 than they had in 2002.

There are 5 local authority areas which are notable. The first is Angus which has seen a sustained pattern of increasing NI registrations for overseas nationals, as has Perth & Kinross, over this period. Aberdeenshire also appears to be seeing a higher than average growth in the number of NI numbers being issued to overseas nationals.

Shetland stands out largely because of a spike in registrations in 2014. It is not clear what this is driven by, although activity in the North Sea would be an obvious candidate.

Figure 16: NINo registrations to adult overseas nationals entering the UK, by local Authority, 2002-2018



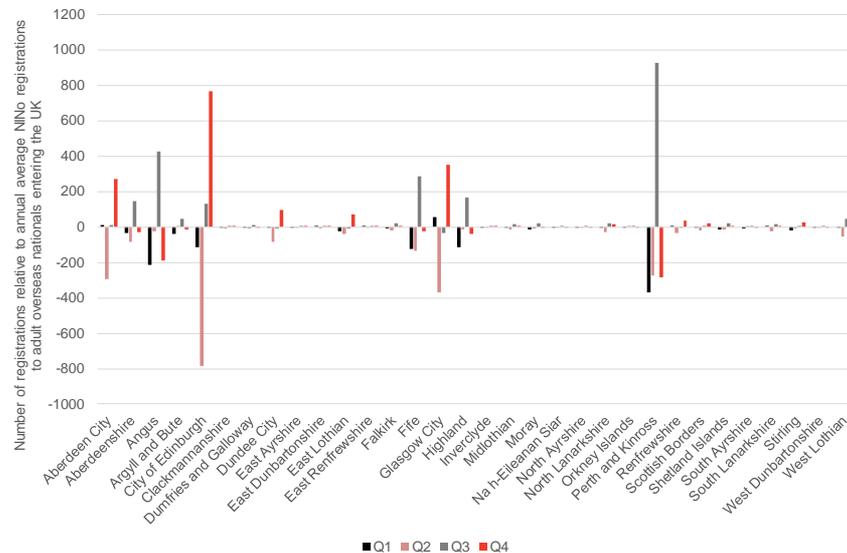
Source: Department for Work and Pensions (DWP)

Because of the quarterly nature of these data, they enable us to explore the seasonal pattern of National Insurance registrations to overseas nationals by local authority, helping to identify where in Scotland there is a distinct seasonal pattern to these registrations.

In Figure 17 below, we examine quarterly NI number registrations by local authority compared to the average annual number of registrations in each local authority. This approach helps us identify the areas with distinct seasonal patterns, with those local authorities with less seasonality having values close to zero.

Figure 17 is based on data from 2010 onwards, although data over the whole period which is available (2002—2018) show a very similar pattern. There is a substantial seasonal increase in NI registrations for overseas nationals in Q3 in Perth & Kinross, Angus, and Fife, and to a lesser extent in Highland, Edinburgh and Aberdeenshire. This is likely tied to seasonal agricultural activities and tourism. The major cities see a spike in NI registrations for overseas nationals in the final three months of the year, with Aberdeen, Edinburgh, and Glasgow seeing substantially higher registrations in Q4 of each year – perhaps tied to international students registering to work, and/or increased activity in the retail sector around the festive season.

Figure 17: NINo registrations to adult overseas nationals entering the UK, by local Authority, 2010-2018



Source: DWP

Summary

Data on migrant workers in the UK is not available in any of the standard labour market surveys.

However, by exploring trends in employment among non-native workers employed in lower skilled occupations, this report has sought to shed light on the sectors in which such workers may be employed.

We can see a clear pattern of these types of employees working in the hotel and restaurant sector. When we look at the sizes of these firms that people are working in many of these are small firms, with fewer than 25 employees.

Looking at the data on NI registrations by local authority has helped shed light on the seasonal pattern of migrant work in general, and the location of much of this migrant work.

In this case it appears that much of the seasonal migrant work is concentrated in Q3 and Q4 of the year, with more rural and agricultural parts of the country experiencing growth in employment in Q3 and major cities experiencing greater growth of migrant worker NINo registrations in Q4.

Appendix B: Sampling Approach

The economic and data modelling informed the sample frame for the study.

The Labour Force Survey and the Annual Population Survey do not provide data on seasonal migrant workers as the surveys are based on samples of private households and therefore exclude those migrant workers living in hotels and caravan parks.

Therefore, to estimate the proportion of seasonal migrant workers in non-agricultural sectors in Scotland, a targeted sampling approach is likely to yield greater precision than a random sampling approach. However, given the limited availability of data on the seasonal migrant workforce, this will be indicative of the industry sectors where there may be a higher prevalence of seasonal migrant workers.

To inform the sampling frame, we have focused on APS data which indicates the industry sectors in which there is a higher prevalence of non-UK nationals working in low-skilled occupations on temporary contracts.

There are two assumptions underpinning the proposed sampling approach:

- that seasonal migrant workers may be overrepresented in low-skilled occupations;
- that seasonal patterns of employment may closely follow temporary patterns of employment.

Each of these is addressed in turn.

Occupations

On the first assumption, that the sectoral pattern of non-UK nationals employed in lower skilled jobs provides a reasonable approximation for the sectoral pattern of employment for non-agricultural seasonal migrant workers.

While this is an assumption, and there is no direct evidence on this point due to a lack of data on seasonal working outside of agriculture, there is some existing evidence on the wider pattern of migrant employment which suggests that this is not an unreasonable assumption.

For example, there is a body of work stemming from EU Enlargement (when the so-called A8 countries joined the EU) in 2004 which looked at the labour market experiences of central and eastern European migrants (Anderson, 2006). While the focus of this work was on particular sectors rather than the whole labour market, it provides some important insight into employment in these parts of the economy.

The message from this work was that while there are sectoral differences as outlined below— much of this employment is temporary in nature and in lower skilled occupations, and in these sectors, some had a significant seasonal dimension to employment.

This research suggested that nearly a half of these workers were working without written employment contract, but that this was very sectorally varied with a concentration (among the four sectors considered²⁴ in the au-pair sector (79%), relatively evenly split in the Hospitality and Construction sectors (44%/55%) and only 13% in the Agriculture sector.

This report also shows that only 9% of those migrant workers surveyed were in high skilled occupations²⁵, with 24% in medium skilled occupations²⁶ and 67% in “low skilled” occupations²⁷. These numbers are in line with an analysis for Scotland by Brown & Danson (2008).

While these numbers do not come from a random sample, and are somewhat dated, and the results are not sectorally defined as the LFS/APS survey data are, they do indicate that there is some prevalence of more fragile employment for migrants in the Hospitality and Construction sectors.

This report also documented the degree of seasonal work in these four sectors, with 86% of agricultural firms, and 53% of hospitality firms reporting seasonal fluctuations in their demand for workers.

Other later work, for example Rolfe & Hudson-Sharp (2016) which looked at migrant employment in the hospitality, food processing and construction sectors, reached similar conclusions regarding the seasonal nature of much of the work being undertaken by the migrants from A8 countries and the “low skilled” nature of much of this seasonal employment:

“Some general patterns can be identified across the case study sectors and firms. These are first the concentration of migrants in lower skilled posts, particularly in hospitality and food and drink, but also their recruitment for more skilled roles where shortages exist, as in construction engineering and professional services. The second pattern concerns the use of migrants to expand the workforce during busy times of year or when labour needs fluctuate. This was found across sectors: in hospitality because of the seasonal nature of tourism; in food and drink because of fluctuating and seasonal demands for products; and in construction because of the contract-driven nature of demand and large labour requirements for relatively short periods of time. Companies across sectors had much higher proportions of local workers among their permanent or core staff, and in some cases the seasonal workforce was very largely migrant.” (Rolfe & Hudson-Sharp, 2016: p19—20)

This supports the suggestion that in thinking about seasonal migrant workers, it is not unreasonable to narrow our focus to “lower skilled” occupations. This is not to say that the migrants themselves are “low skilled”, indeed there is evidence that

²⁴ These four sectors were: Hospitality and tourism; Construction; Au-pair and Agriculture

²⁵ Defined as: managers and senior officials, professional occupations; associate professional and technical occupations; and administrative and secretarial occupations.

²⁶ Defined as: skilled trades occupations

²⁷ Defined as: personal service occupations; sales and customer service occupations; process, plant and machinery operatives; and elementary occupations.

they are more likely to be overqualified for the job that they do in the UK (Altorjai (2013), Johnston (2015)).

Patterns of employment

Temporary migration is often used interchangeably with circular, seasonal, short-term and spontaneous migration. Temporary or circular migration is a move made for a short period of time with the intention of returning to the place of usual residence. An important group of temporary migrants consists of seasonal migrants, who combine activity at several places according to seasonal labour requirements (Keshri and Bhagat 2012).

Wider evidence suggests that new migrants are more likely to be employed in seasonal or temporary work (Demireva (2011), Matthews and Ruhs (2007); Ruhs (2006)).

When comparing patterns of employment among non-UK nationals in “low skilled” occupations with non-UK nationals in “low skilled” occupations and temporary contracts, the results are broadly similar. One point of difference is that there is a higher share of non-UK nationals on temporary contracts in ‘Banking, finance & insurance, etc’ than the share of non-UK nationals working in low-skilled occupations in that sector generally, with a smaller proportion of those on temporary contracts in the ‘Distribution, hotels and restaurant’ sector than the total employed population of non-UK nationals in that sector.

Looking at those non-UK nationals on temporary contracts in lower skilled occupations, the general sectoral employment pattern does appear broadly similar, and in conducting the survey of firms in these sectors we will be able to verify these patterns in more detail.

Our sampling approach involved setting targets on industry sector, business size, and location. Sectoral targets were as follows:

Target sample frame for non-agricultural sectors

Sector	% employed in each industry sector APS 2017	% non-UK nationals in “low skilled” occupations and temporary contracts employed in each sector	% difference	Interviews (n) in each industry sector
A: fishing and forestry (SIC 2007) - remove agri	1.7%	1%	1%	30
B, D, E: energy and water (SIC 2007)	4.2%	2%	-1%	30
C: manufacturing (SIC 2007)	7.8%	20%	10%	122
F: construction (SIC 2007)	7.2%	9%	2%	112
G, I: distribution, hotels and restaurants (SIC 2007)	18.8%	43%*	13%	375
H, J: transport and communications (SIC 2007)	7.4%	2%	-6%	30
K-N: banking, finance and insurance (SIC 2007)	15.2%	10%*	-13%	138
O-Q: public admin. education and health (SIC 2007)	31.4%	10%	-3%	122
R-U: other services (SIC 2007)	5.8%	3%	-3%	40

While overarching targets are set on industry sectors, the survey included broad targets on business size within each industry sector. The reason why broad targets have been set rather than narrower business size targets is because the APS data on business size is likely to be unreliable as it is self-reported business size. However, by condensing size bands we are likely to minimise error.

IDBR data on business size shows a higher prevalence of smaller businesses across the range of industry sectors, however, as the survey is exploring variance in employment it is important to ensure businesses with a large number of employees are included. Data from the APS, which shows the employment of non-UK nationals employed in lower-skilled jobs by sector and size of business, shows a higher proportion of employees within a self-reported business size of 50+ employees than the population data. Therefore, broad survey targets have been set following the APS data to increase the proportion of larger businesses sampled in the survey as well as minimise error in self-reported business size.

Target sample frame for size of business

Size of business (% employed in each)	% of interviews among businesses with 1 thru 49 employees	% of interviews among businesses with 50 thru 500 employees
A: fishing and forestry (SIC 2007) - remove agri	66%	34%
B, D, E: energy and water (SIC 2007)	25%	75%
C: manufacturing (SIC 2007)	22%	78%
F: construction (SIC 2007)	68%	32%
G, I: distribution, hotels and restaurants (SIC 2007)	66%	35%
H, J: transport and communications (SIC 2007)	33%	67%

K-N: banking, finance and insurance (SIC 2007)	68%	32%
O-Q: public admin. education and health (SIC 2007)	63%	47%
R-U: other services (SIC 2007)	73%	27%

To ensure a geographic spread, we will set targets by the six-fold urban rural classification which reflects the population data of businesses as shown below. Data from the APS indicates that there is a higher proportion of seasonal migrant workers within rural areas – data on National Insurance registrations reflect a spread in Q3 and Q4 across certain local authorities such as Perth and Kinross, Angus, Edinburgh and Glasgow. These will fall out naturally in the urban-rural profiles of the businesses sampled in the survey.

Target sample frame by six-fold urban rural classification

Location	Large urban	Other urban	Accessible small town	Remote small town	Accessible rural	Remote rural
A: fishing and forestry (SIC 2007) - remove agri	2%	8%	4%	4%	44%	39%
B, D, E: energy and water (SIC 2007)	25%	25%	5%	3%	23%	19%
C: manufacturing (SIC 2007)	27%	36%	8%	4%	15%	10%
F: construction (SIC 2007)	28%	32%	9%	4%	17%	10%
G, I: distribution, hotels and restaurants (SIC 2007)	34%	32%	8%	6%	11%	9%

H, J: transport and communications (SIC 2007)	43%	29%	7%	3%	12%	6%
K-N: banking, finance and insurance (SIC 2007)	40%	27%	9%	3%	14%	6%
O-Q: public admin. education and health (SIC 2007)	41%	30%	8%	4%	10%	7%
R-U: other services (SIC 2007)	37%	33%	7%	5%	11%	7%

Achieved sample profile

The achieved sample profile is shown in the table below.

Sector	completes	target
A:fishing (SIC 2007)	42	30
B,D,E:energy and water (SIC 2007)	34	30
C:manufacturing (SIC 2007)	127	122
F:construction (SIC 2007)	103	112
G,I:distribution, hotels and restaurants (SIC 2007)	413	375
H,J:transport and communications (SIC 2007)	41	30
K-N:banking, finance and insurance (SIC 2007)	133	138
O-Q:public admin. education and health (SIC 2007)	127	122
R-U:other services (SIC 2007)	47	40

Sector by business size	1 to 49		50 to 500	
	completes	target	completes	target
A:fishing (SIC 2007)	21	20	5	10
B,D,E:energy and water (SIC 2007)	17	8	17	23
C:manufacturing (SIC 2007)	56	27	71	95
F:construction (SIC 2007)	59	76	44	36
G,I:distribution, hotels and restaurants (SIC 2007)	285	244	128	131
H,J:transport and communications (SIC 2007)	11	10	30	20
K-N:banking, finance and insurance (SIC 2007)	74	94	59	44
O-Q:public admin. education and health (SIC 2007)	45	77	82	45

R-U:other services (SIC 2007)	13	29	14	11
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Sectors by location	Large urban		Other urban		Accessible small town		Remote small town		Accessible rural		Remote rural	
	completes	target	completes	target	completes	target	completes	target	completes	target	completes	target
A:fishing (SIC 2007)	0	1	4	2	0	1	1	1	20	13	17	12
B,D,E:energy and water (SIC 2007)	12	7	8	7	1	2	2	1	7	7	4	6
C:manufacturing (SIC 2007)	26	33	58	44	12	10	4	5	17	19	10	12
F:construction (SIC 2007)	33	31	32	36	11	10	4	5	19	18	4	11
G,I:distribution, hotels and restaurants (SIC 2007)	139	128	143	120	26	30	23	21	51	42	31	35

H,J:transport and communications (SIC 2007)	16	13	12	9	2	2	2	1	7	4	2	2
K-N:banking, finance and insurance (SIC 2007)	56	56	36	37	12	13	4	4	19	20	6	9
O-Q:public admin. education and health (SIC 2007)	63	50	30	37	9	10	4	5	20	12	1	8
R-U:other services (SIC 2007)	14	15	16	13	6	3	1	2	6	4	4	3



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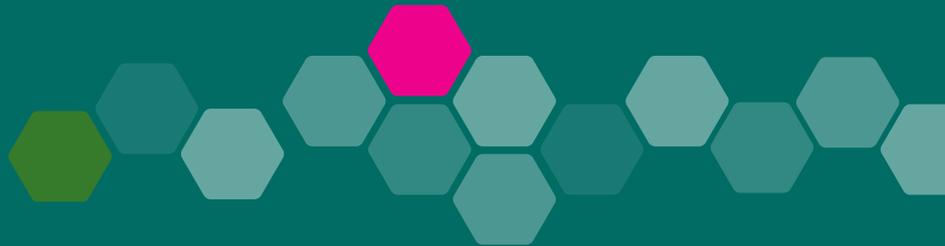
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