



New Zealand's Recognised Seasonal Employer Scheme as a possible model for the UK

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Summary

1. The agricultural industry is calling on the government to reintroduce the seasonal agricultural workers scheme (SAWS) which closed in 2013. Migration Watch UK has argued the UK's departure from the EU may increase the case for such a scheme but that any new incarnation of SAWS should be temporary and tapered.¹ It should also include measures to protect against the undercutting and displacement of UK workers and guard against illegal overstaying. New Zealand's Recognised Seasonal Employer Scheme (RSE) provides a possible model.² Established in April 2007 with strong employer involvement, the RSE has been described as an example of international 'best practice' by a study written for the World Bank.³

2. The RSE started with a cap of 5,000 workers. Now it provides places for up to 10,500 workers during the agricultural season (2016/17 figure). Preference is given to workers from Samoa, the Solomon Islands, Kiribati, Tuvalu and Vanuatu. Workers can remain for up to seven out of 11 months. Workers under RSE are allowed to be re-employed in subsequent years, and there is a very strong record of their coming back. Below is a comparison of some key aspects of the RSE with elements of the UK's SAWS, which ran from the late 1940s until 2013.

3. New Zealand employers must take the following steps:

- They must register as a Recognised Seasonal Employer before applying to recruit workers (***Under SAWS, registration with the Gangmasters' Licensing Authority (GLA) was optional for sole operators (of which there were five out of a total of nine operators servicing more than 500 growers), depending on their recruitment arrangements. However, registration was compulsory for multiple operators (which accounted for four of the nine operators).***
- Employers must be able to provide evidence that they have tried to recruit local workers for the position first and may need to provide evidence of a commitment to training those who are already in New Zealand. They will only be allowed to recruit migrant labour 'if the need for

1 Migration Watch UK, The Seasonal Agricultural Workers Scheme, October 2016. <https://www.migrationwatchuk.org/briefing-paper/393>

2 Also see this argument made during a Westminster Hall debate, July 2017. URL: <http://hansard.parliament.uk/Commons/2017-07-06/debates/5D5635CA-F972-4061-8105-8975AA73AA7B/SeasonalAgriculturalWorkersScheme#contribution-B1DE6E59-E86F-4318-982A-8A1149DFC854>

3 David McKenzie and John Gibson, 'The development impact of a best practice seasonal worker policy', Policy Research Working Paper 5488. The World Bank. URL: <http://elibrary.worldbank.org/doi/abs/10.1596/1813-9450-5488>

seasonal labour cannot be met by the available New Zealand workforce'. ***(In contrast, SAWS did not include any Resident Labour Market Testing requirement).***⁴

- Employers are subject to inspection by Labour Inspectors and Compliance Officers to ensure that workers are being paid at least the minimum wage and that their working conditions meet minimum legal standards. ***(Under SAWS, registered operators were subject to inspection by the GLA or the then-UK Border Agency, including of their pay systems, while farms themselves were subject to inspection by the operator to ensure compliance with health and safety, welfare, pay, accommodation standards and UK Border Agency requirements).***
- Employers must pay half the worker's return air fare between New Zealand and the country of origin. ***(Employers under SAWS were not required to pay any portion of the worker's return airfare).***
- Employers must bear the cost of repatriating workers if they become illegal. ***(This was not the case under SAWS although, in 2005, fines were introduced for firms caught employing illegal workers).***⁵

Similar schemes in other countries

4. Australia's Seasonal Worker Program, introduced in July 2012, includes no cap on numbers of seasonal workers. Take-up only reached just over 3,000 in 2014-15. Workers may come to Australia for between 14 weeks and six months.⁶ Employers must be approved by the government, provide the government with some evidence of labour market testing, organise flights, transport and accommodation for workers, ensure a minimum of 30 hours of labour a week and also see that workers depart upon the expiration of their visa.

5. There are also safeguards against illegal overstaying under Spain's seasonal agricultural workers scheme. Workers must prove that they have returned to their country of origin by visiting a Spanish diplomatic mission or consular office within a month of the end of their employment.

Conclusion

6. Concerns about illegal immigration have dogged some temporary labour schemes in the UK in the past. For instance, In July 2005, the Sector Based Scheme's coverage of the hospitality sector was terminated partially as the result of evidence that it was being used as a means of facilitating illegal entry.⁷ As well as being tapered and temporary, any reintroduction of SAWS in the UK should include a Resident Labour Market Test requirement alongside robust safeguards against illegal overstaying similar to those in operation in New Zealand, Australia and Spain.

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4 Migration Advisory Committee report, Migrant seasonal workers, May 2013, URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257242/migrant-seasonal-workers.pdf

5 Mackenzie and Gibson.

6 DevPolicy Blog, March 2016. URL: <http://devpolicy.org/nzs-seasonal-worker-success-lessons-australia-20160323/>

7 Mackenzie and Gibson.