



UK Mission
Geneva

UK Mission Geneva
PO Box 6
Avenue Louis Casarí 58
1216 Cointrin GE

Tel: 022 918 2453
Fax: 022 918 2333

Note Verbale No. 132

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its' response to communication AL GBR 3/2024, further to the letter dated 20 March 2024 from the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 23 May 2024.

Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission
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United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communication AL GBR 3/2024 from the Special Rapporteur on contemporary forms of slavery; Working Group on the issue of human rights and transnational corporations and other enterprises; Special Rapporteur on the human rights of migrants and Special Rapporteur on trafficking in persons.

The UK government is committed to increasing worker welfare on the Seasonal Worker route in order to ensure that workers are treated fairly whilst in the UK, including receiving a fair wage.

The UK is also committed to upholding and advancing its international labour obligations, and encouraging the ratification and implementation of fundamental international labour standards, including the Forced Labour Convention, 1930 (No. 29), its 2014 Protocol, and the Abolition of Forced Labour Convention, 1957 (No. 105). The UK is steadfast in its promotion, protection, respect and fulfilment of human rights, including labour rights and the Fundamental Principles and Rights at Work.

In respect of the specific points raised in the communication regarding ongoing investigations into allegations of labour exploitation of migrant workers by the UK based company Haygrove Limited, the UK Government does not comment on individual allegations, where such processes are ongoing. It is critical that any allegations made against individuals or organisations are investigated fairly and with due process, in line with UK law. It is the duty and responsibility of all those who are interested in the fair and unbiased application of the law to refrain from unhelpful public commentary or speculation, that might otherwise prejudice an investigation or any subsequent compliance action.

Responses to the general questions raised are set out below.

Q.1 & 2 – regulation and licensing of sponsors:

Sponsorship of workers and students is a core element of the UK's points-based immigration system, ensuring those who most directly benefit from attracting workers and students to the UK play a vital role in maintaining the integrity of the system.

Our sponsorship system is designed to ensure that sponsors should play their part in ensuring the immigration system is not abused. This includes preventing abuse of immigration laws and sponsorship arrangements, such as illegal working, including breach of conditions and ineffective recruitment practices. We will always take decisive action if sponsors break the rules.

Although specific requirements vary by route, for most work routes, sponsors must undergo checks to demonstrate they are a genuine business, are solvent, and that the roles they wish to recruit for are credible and meet the salary and skills requirements (if applicable).

The UK Government's Home Office has a set of published requirements for organisations that hold a sponsor licence and sponsor overseas workers. Sponsorship is a privilege and not a right and it is made clear in our published guidance that the UK Government will not hesitate to take appropriate action when organisation fails to adhere to those standards.

A list of current Scheme Operators who hold a sponsor license for the Seasonal Worker route can be found here: [Register of licensed sponsors: workers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/register-of-licensed-sponsors-workers).

To be eligible to apply for a licence to sponsor Seasonal Workers, Scheme Operators are required to be endorsed by the Department for Environment, Food and Rural Affairs (DEFRA). Scheme Operators are selected by DEFRA through a fair and open selection process according to their own criteria. Details of DEFRA's selection process are publicly available at [Seasonal Worker visa route request for information \(RFI\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/seasonal-worker-visa-route-request-for-information-rfi).

Scheme Operators are also required to be and remain licensed by the Gangmasters and Labour Abuse Authority (GLAA). Once a Scheme Operator is endorsed by DEFRA, and licensed by the GLAA, they will then make a sponsor licence application to UK Visas and Immigration (UKVI), who will assess their ability to become a licensed sponsor and issue a sponsor licence if their criteria are met.

The Scheme Operators are responsible for managing all aspects of the recruitment and placement of seasonal workers on UK farms and ensuring their welfare in the UK. This includes ensuring ethical recruitment practices, in line with GLAA regulations, and that seasonal workers are fully supported throughout their stay, including paying the required minimum hourly rate, and ensuring that living and working conditions are of a suitable quality.

The Home Office and DEFRA monitor the scheme closely to ensure Scheme Operators adhere to the stringent requirements set for ensuring the safety and wellbeing of the seasonal workers. The [seasonal workers survey](#) is an example of how the Home Office and DEFRA collate data to gain insight into the experience of seasonal workers. The purpose of the survey is to identify areas in the scheme which are working well, and where improvements may be required.

Q.3 – Withdrawal of licenses

The sponsor licence regime places a broad range of responsibilities on Scheme Operators to ensure that the rights of overseas workers are protected. Non-compliance with the guidance could result in the revocation of their sponsor license. We keep these protections under close ongoing review and the route has seen ongoing enhancements to its worker welfare protections throughout its lifetime.

The Seasonal Worker Scheme is an 'operator led' immigration route, with seven Scheme Operators selected to manage the placement of seasonal workers on UK farms and to ensure their welfare in the UK. These operators are selected by DEFRA through a fair and open selection process and recommended to the Home Office – who assess the operator's suitability to become a licenced sponsor.

Home Office guidance places a requirement on Scheme Operators to adhere to a minimum performance standard for visa approvals, arrivals and returns. Scheme Operators are advised that the Home Office will revoke their license if they fail to meet this requirement.

Q.4. - Measures taken to identify, protect and assist victims of modern slavery

The Government remains committed to ensuring that genuine victims are identified promptly. We acknowledge that average timelines for decision-making in the National Referral Mechanism are too long and we continuously review the system for opportunities to improve and speed up the process.

Home Office officials are working to develop clear guidance for first responders, to ensure victims of Modern Slavery are identified and receive the appropriate support.

We keep all policies and procedures under review and regularly update the Modern Slavery Statutory Guidance to ensure potential victims of Modern Slavery are appropriately identified or/and are provided with the support they need to begin rebuilding their lives.

All adult victims supported by the Modern Slavery Victim Care Contract (MSVCC) have a support worker who will provide them advice and support to access legal aid, legal advice and legal representation, and assistance during criminal proceedings, including Special Measures available under the Victim's Code should they wish to support the police in criminal investigations. Child victims supported by local authorities and Independent Child Trafficking Guardians receive similar support.

The Nationality and Borders Act included modern slavery reforms with key provisions that came into force on 30 January 2023. In alignment with the European Convention Against Trafficking, The Nationality and Borders Act crucially sets out the circumstances where confirmed victims may be granted temporary permission to stay in the UK – where necessary to (1) enable the person to cooperate with an investigation or criminal proceedings (2) assist in recovery from any physical or psychological harm (3) enable the person to seek compensation – all three grounds relate to the relevant exploitation. This policy intends to support the principle of a needs-based approach to supporting victims of modern slavery and also prevents those who are disqualified from the protections of the National Referral Mechanism from obtaining permission to stay under the victim of human trafficking or slavery route.

Q.5 - Financial and other forms of assistance for victims of modern slavery

We are committed to ensuring necessary support is available to help set victims on a pathway to recovery from their modern slavery experience during their National Referral Mechanism journey.

The Modern Slavery Victim Care Contract (MSVCC) in England and Wales, valued at £379m over its five-year lifespan, provides adult victims with three pillars of support:

- **Secure accommodation** where necessary to protect a victim from re-trafficking;
- **Financial support** to meet their living needs and access recovery related services; and
- **Support worker contact** to assist them access other support, such as NHS medical care, legal aid and translation services.

Following a positive Conclusive Grounds decision and if an individual does not already hold immigration status in the UK, the relevant Competent Authority will consider whether a grant of Temporary Permission to Stay as a Victim of Trafficking or Slavery (VTS) is appropriate.

Regarding cooperation with public authorities or criminal proceedings in the UK in relation to relevant exploitation: where an individual is conclusively found to be a victim of modern slavery (and has agreed to cooperate with public authorities or criminal proceedings in the UK to assist in investigations or prosecutions in relation to their exploitation), the victim, or the police, may request for leave to be granted, or extended, on this basis. If the relevant Competent Authority can establish that the victim is helping the police or other public authorities with enquiries, the application may be approved.

Being referred into the NRM does not in itself grant the right to work. Those granted VTS have recourse to public funds with no prohibition on work.

Q6 & 8 - Complaints & training

In 2023, UK Visas and Immigration (UKVI) established a compliance team whose sole remit is Seasonal Workers. The dedicated team has been trained and deployed. Training has extended to standard guidance and templates for staff conducting visits and improved consistent safeguarding training delivered to staff.

The compliance team have also undertaken bespoke training, with an increased focus on modern slavery and interviewing. This included the completion of the Border Force, Safeguarding and Modern Slavery: Modern Slavery Training for First Responders. They carry out inspections of working conditions and experiences of workers on the route through farm visits and interviews with workers and managers. In the 2022/23 season, 144 farms were visited out of a cohort of around 500 farms and 1116 migrant interviews took place.

A further element is a dedicated, separate team monitoring overall levels of sponsor compliance on the route. Using improved data to monitor compliance with the overall

performance metrics and use of that data in regular meaningful engagement with sponsors.

The increase in dedicated resources has facilitated an increase in intelligence led and routine visits. Intelligence has come from a mixture of sources, but the majority has come from anonymous allegations made by seasonal workers via other Government Departments and the Gangmasters and Labour Abuse Authority (GLAA). The majority of intelligence led visits are accompanied by GLAA staff, who take the lead on safeguarding aspects for the inspection, including compliance with any complaint procedures and provision of information to workers.

Ongoing engagement is now in place with a dedicated inbox and staff resources to respond. This has allowed sponsors quick ongoing access to a dedicated team of staff and a reporting mechanism for sponsors to update UKVI with any information or intelligence. This is used to target farm visits. 1800 separate pieces of correspondence have been received and actioned since April 2023.

We cannot comment on specific ongoing cases. The Home Office will always take decisive action where we believe abusive practices are taking place or the conditions of the route are not met.

Q.9 - Bilateral agreements

The UK operates a global immigration system and as such has no plans to enter into bilateral immigration arrangements for the Seasonal Worker route. The UK Government plays no role in deciding the countries from which seasonal workers are recruited. This is entirely a matter for the licenced Scheme Operators who oversee the recruitment and placement of seasonal workers within this route.

However, separately, the Gangmasters and Labour Abuse Authority does enter into bilateral agreements with overseas partners, facilitating the exchange of intelligence and information, and supporting the delivery of their functions.

Q.11 - Publication of the report of the Independent Chief Inspector of Borders and Immigration (ICIBI)

The ICIBI report into social care was published on 26 March – a copy of the report can be found at: <https://www.gov.uk/government/publications/an-inspection-of-the-immigration-system-as-it-relates-to-the-social-care-sector-august-2023-to-november-2023>.

At the same time the Government also published its response to the report, which can be found at: <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-immigration-system-as-it-relates-to-the-social-care-sector/the-home-office-response-to-the-independent-chief-inspector-of-borders-and-immigrations-report-an-inspection-of-the-immigration-system-as-it-relates>

Q.12 - UK Government measures to protect against human rights abuses by business enterprises

The UK Government supports voluntary due diligence approaches taken by our businesses to respect human rights across their operations and supply relationships, as steered by the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines on Multinational Enterprises. The Government is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs.

The UK Government has consistently supported the UNGPs, which are widely regarded as the authoritative international framework to steer practical action by Governments and businesses worldwide on this important agenda. Implementation of the UNGPs will support access to justice and remedy for victims of business-related human rights abuses, wherever these occur, and encourage businesses to voluntarily adopt due diligence approaches to respecting human rights. In response to the UNGPs, the UK was the first State to produce a National Action Plan (NAP) and we continue to develop our approach, including in line with the provisions of the Modern Slavery Act 2015.

More generally, a key objective of the Seasonal Worker route is to ensure that overseas workers are protected against modern slavery and other labour abuses. The requirements of the immigration system are publicly available in our legislation and sponsor guidance:

- UK Immigration Rules: www.gov.uk/guidance/immigration-rules
- Sponsorship: guidance for employers and educators: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>

These requirements include that Scheme Operators must at all relevant UK legislation, including compliance with Gangmasters and Labour Abuse Authority (GLAA) regulations, available on the GLAA website (<https://www.gla.gov.uk/>).

Q.13 - Implementation of the 2016 National Action Plan

As set out in the UK's National Action Plan (NAP), the UK Government is clear that it expects all UK businesses to respect human rights throughout their operations, in line with the UNGPs. The UK Government is fully committed to promoting and protecting human rights for all individuals, without discrimination on any grounds.

The UK Government has published [advice](#) on tackling human rights abuse risks within businesses and international supply chains. Businesses can also access the [overseas business risk pages](#), managed by the UK's trade and diplomatic network, which include information on human rights risks when trading overseas.

Section 54 of The UK's Modern Slavery Act 2015 requires businesses with a turnover of £36m or more to report annually on the steps they have taken to prevent modern slavery in their operations and supply chains. The UK Government has also

announced plans to introduce financial penalties for organisations who fail to meet their statutory obligations to publish annual modern slavery statements.

Section 54 of the Modern Slavery Act is designed to drive senior-level accountability and leadership, which is why modern slavery statements require Director-level sign off and Board approval. Detailed best practice guidance can be found on gov.uk pages, including [statutory guidance](#) from the Home Office with links to external resources to help businesses publish their annual modern slavery statement.

Section 414C(7) of the Companies Act 2006 further requires the annual strategic report of a quoted company to include information about social, community and human rights issues, including information about any policies of the company in relation to those matters and the effectiveness of those policies. They are required to produce this information to the extent necessary for an understanding of the performance or position of the company's business.

Q.14 – Access to Effective Remedy

As set out in the NAP, the UK has a range of judicial and state-based non judicial mechanisms that help to support access to remedy for human rights abuses by business enterprises both in the UK and overseas.

The UK operates a [National Contact Point \(UK NCP\)](#) to promote the OECD Guidelines for Multinational Enterprises and to run a non-judicial grievance mechanism to assess alleged non-compliance with the Guidelines. Where businesses' operations or supply chains are not in line with the Guidelines, NCP seeks to mediate an agreement between the parties. The non-judicial grievance mechanism can include the examination of instances where abuses of human rights may have occurred. The Government continues to keep the UK provision of remedy under review.

The Government is clear that all business enterprises have a responsibility to respect human rights. To meet this responsibility, business enterprises should have in place processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute, in line with the UNGPs.

The Government continues to keep the UK provision of remedy under review.