



Making the case for Temporary Migrant Worker Programmes: Evidence from the UK's rural guestworker ('SAWS') scheme



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ABSTRACT

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

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1. Introduction

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

In the UK a Temporary Migrant Worker (Guestworker) Programme (TMWP) has existed for agricultural employers since 1943. However, in early 2014 this 'Seasonal Agricultural Workers Scheme' (SAWS), as it was then known, was discontinued. The closure of SAWS was announced in 2006 initially for 2011, but was then delayed and subject to a 2012/13 review (Home Office, 2013). The

paper explores employers' reactions to the threatened and eventual closure of SAWS in the 2007–2009 period and asks specifically why a TMWP like SAWS has garnered so much support amongst employers but so little support elsewhere? Contrary to the dominant sentiment amongst academics (see for example Lenard and Straehle, 2012), the paper concludes that TMWPs like SAWS do have a place. This place, however, depends upon a new type of TMWP that is well regulated and moves beyond a view of workers as either 'commodities' and/or rural 'guests' (see also Ruhs, 2006, 2013).

2. Temporary Migrant Worker Programmes

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

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

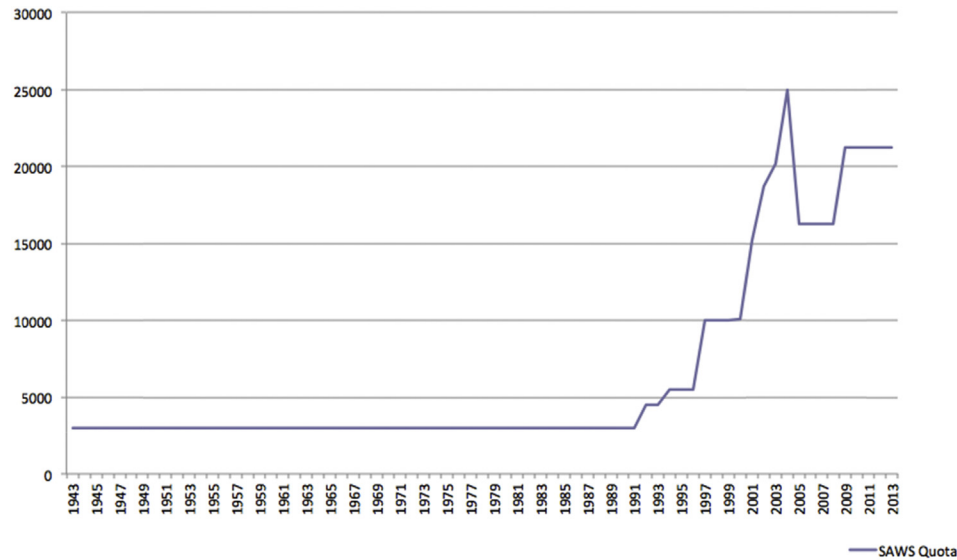


Fig. 1. Seasonal Agricultural Workers Scheme quota, 1943–2013. (Figures for 1943–1991 are approximate averages based on Home Office estimates. All figures are for SAWS quotas which in most years have had a 90%+ take-up rate).

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

In many countries, particular nationalities have become associated with rural food industry employment (see for example Maher and Cawley, 2014). There has also been a strong expansionist tendency since the early 1990s. SAWS, for instance, accommodated around 3000 workers per annum up until the early 1990s, but by 2004 the quota had grown to 25,000 with a 90%+ take-up rate (Home Office, 2013: 51) (see Fig. 1). Similarly, SAWP in Canada accommodated 6000 temporary migrant workers in the late 1980s but now accommodates 27,000 (Hennebry and Preibisch, 2012), whilst the Australian WHMO scheme has increased from 57,000 (1997) to 85,000 (2001) (Hanson and Bell, 2007: 103) and the Norwegian Seasonal Immigration Quota Programme has increased from 4000 permits (late 1990s) to 27,000 (2007) (Rye and Andrzejewska, 2010: 42). In fact, only France appears to have seen a recent decline in migrant harvest labour: from around 110,000 in the 1960s to 11,000 by 2001 (Martin, 2006: 35).

In the UK, food businesses have been fierce advocates of TMWPs. The NFU, for instance, has campaigned for SAWS' continuation, often with the support of DEFRA (Cabinet Office, 2002; DEFRA, 2010; DEFRA, 2011; NFU, 2011, 2013; House of Commons, 2009, 2012; House of Lords, 2008). Internationally, global NGOs and governance institutions (especially when focused on

international development) have also welcomed the “guestworker resurrection” that Castles (2006) notes. The World Bank, for instance, has attempted to promote best-practice in TMWPs by highlighting, in particular, New Zealand's Recognised Seasonal Employer (RSE) programme (Gibson and McKenzie, 2010) and Canada's Seasonal Agricultural Workers Programme (SAWP) (Binford, 2013: 7). In a similar vein, the EU has broadly backed this TMWP approach and in 2005 issued a benchmark ‘Policy Plan on Legal Migration’ which sanctioned: “Seasonal workers for agriculture, building, and catering ... allowed to come in for a certain number of months per year, for 4–5 years (but with) no possibility of transferring to permanent employment and residence” (CEC, 2005: 6–8). Some academics, though still relatively few, have added to calls for the increased use of TMWPs, especially with respect to lower-wage workers (Ruhs, 2006, 2013; Walmsley and Winters, 2005; Walmsley et al., 2007).

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

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

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

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

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

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