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Dear Conveners,

Thank you for your letter dated 10 October 2025, sharing key outputs from your briefing by the Worker Support Centre regarding the conditions for agricultural workers on tied and temporary visas.

As you are aware, current housing standards do not cover agricultural seasonal workers' accommodation such as mobile homes or other temporary structures, as mobile homes are not considered houses for the purpose of legislation. This has resulted in inconsistent and unequal protection for seasonal workers and is something we want to address as urgently as possible for all seasonal workers.

There are existing legislative provisions which could be used to address standards in seasonal or agricultural workers' accommodation. Sections 314 and 315 of the Housing (Scotland) Act 1987 enable the creation of byelaws by a local authority, regulating the standards of accommodation for agricultural or seasonal workers. We expect the local authorities to exercise these provisions, suited to their area and in response to activity in their area.

Under section 79 of the Environmental Protection Act 1990 premises which are in a state which is prejudicial to health or a nuisance are deemed to be a statutory nuisance. A local authority can take enforcement action under the 1990 Act to address a statutory nuisance.

In order to better understand the full situation, scoping work was carried out by officials, with Mr Leonard's support. Officials reviewed existing evidence about accommodation conditions and engaged with key stakeholders to gather evidence on the main issues you raise in your letter.

## Findings from that work included:

The 2022 Defra *Seasonal Workers survey*<sup>1</sup> found that 88% of workers across the UK were happy with their accommodation, although comments were also made about poor accommodation.

The UK Government's *Review of the Seasonal Worker Visa* (published in July 2024<sup>2</sup>) found that substandard accommodation was not uncommon: 20 of 130 reports expressed issues with accommodation including: mould or damp, unsafe conditions, showers lacking privacy, blocked fire doors, gas/electricity certificates not being visible, no running/hot water in caravans, no working sockets, overcrowding, and general lack of modernity and disrepair.

In 2022, seasonal workers in Scotland were invited to respond to a survey for the *Seasonal Migrant Workers in Scottish Agriculture*<sup>3</sup> research project and 439 completed responses were received. The majority of respondents (87%) said they were satisfied with their accommodation (27% very satisfied, 60% satisfied) while 13% were dissatisfied with their accommodation. Satisfaction did not depend much upon the type of accommodation, although satisfaction with caravans on farms was 84%.

Below are responses to the remaining key outputs and your request for more information:

## Accommodation conditions experienced by agricultural workers

All seasonal worker scheme operators must be licensed by the Gangmasters and Labour Abuse Authority. A core part of this licensing is meeting standards covering accommodation, pay, working hours, and transport.

- **Safety and maintenance:** Accommodation must be in a good state of repair, and not overcrowded. Electrical equipment, wiring, and gas installations must be safe and properly maintained. Gas safety certificates must be displayed. GLAA assess accommodation to ensure that every habitable room must be adequately ventilated to maintain indoor air quality in line with Building regulations
- **Facilities:** Workers must have adequate kitchen, bathroom, and toilet facilities for the number of occupants.
- **Conditions:** The housing must be clean, secure, and equipped with basics like beds, curtains, and heating.
- **Gender separation:** This comes under the heading (Suitable accommodation) and what is considered safe and suitable. It is not specifically highlighted, however convention dictates it is not suitable to have mixed genders in the same caravan where they are not known to each other.

Workers should report issues with their accommodation to their Scheme Operator.

All Scheme Operators have a confidential grievance and wellbeing line which workers should use if they do not wish to raise matters with their employer.

Under the Seasonal Worker Visa scheme and the licencing of Scheme Operators, it is the responsibility of individual Scheme Operators to ensure accommodation is fit for purpose<sup>4</sup>.

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<sup>1</sup> <https://www.gov.uk/government/publications/seasonal-workers-pilot-review/seasonal-workers-survey-results-2022>

<sup>2</sup> <https://www.gov.uk/government/publications/seasonal-worker-visa-review/review-of-the-seasonal-worker-visa-accessible#executive-summary>

<sup>3</sup> [5. Workers Findings - Seasonal migrant workers in Scottish agriculture: research report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/seasonal-migrant-workers-in-scottish-agriculture-research-report/pages/12.aspx)

<sup>4</sup> [Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker \(accessible\) - GOV.UK](https://www.gov.uk/government/publications/seasonal-worker-visa-review/review-of-the-seasonal-worker-visa-accessible#executive-summary)

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The UK Seasonal Worker Visa Scheme is a UK-based company endorsed by DEFRA and licensed by the Gangmasters and Labour Abuse Authority (GLAA) that sponsors overseas workers, recruits them, and manages their placement with UK employers for seasonal work in horticulture or poultry, holding responsibility for worker welfare and compliance. They act as the official visa sponsor, essentially bridging the gap between foreign workers and UK farms/producers, ensuring legal recruitment and the process of monitoring worker conditions.

### **Discrepancies in working hours and the legal minimum of 32 paid hours per week.**

The 32-hour requirement arises from *UK Immigration Rules*<sup>5</sup> rather than the *Agricultural Wages Order* and is therefore a reserved matter. This requirement is that the seasonal worker applying for entry clearance as a seasonal worker must have a Certificate of Sponsorship which guarantees they will receive 32 hours pay each week. Any breach of the 32-hour requirement should be taken up with employee's Scheme Operator as it is a condition of their UK Operators licence.

### **Worker payment for accommodation**

Under the current *Agricultural Wages (Scotland) Order*<sup>6</sup>, the **maximum deduction for accommodation, from seasonal worker wages**, is set annually by the Low Pay Commission and mirrored by the Scottish Agricultural Wages Board. Employers who deduct more than this limit are in breach of the Agricultural Wages Order.

The Agricultural Wages Enforcement Team is responsible for compliance with the Agricultural Wages (Scotland) Order, investigating complaints, inspecting employers, and enforcing fair pay and conditions for all agricultural workers. Workers can submit a complaint to the Agricultural Wages Enforcement Team in writing which will then be investigated.

Where the Agricultural Wages Enforcement Team considers that a worker has not received their full entitlement, the employer will be advised of the problem in writing and invited to remedy the position. If an acceptable solution cannot be agreed, then an Enforcement Notice will be issued. The employer has 30 days to appeal this notice and refer to an Employment Tribunal for settlement.

### **Provision of protective clothing**

Under the Agricultural Wages (Scotland) Order a worker shall be provided, by their employer, with such of the following items of weather protective clothing as may be necessary for the proper performance of their duties.

- (a) Wellington boots.
- (b) PVC coat.
- (c) PVC leggings.
- (d) PVC gloves.

Should an employer fail to provide the above, the worker can submit a complaint to the Agricultural Wages Enforcement Team in writing which will then be investigated.

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<sup>5</sup> See Appendix Temporary Work – Seasonal Worker: [Immigration Rules - Immigration Rules Appendix Temporary Work - Seasonal Worker - Guidance - GOV.UK](#)

<sup>6</sup> [The Agricultural Wages \(Scotland\) Order \(No. 72\) 2025](#)  
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### **Future placements for staff requiring visas**

The Seasonal Worker Visa scheme is a UKG scheme run by UK Visas and Immigration with visas being issued for six months with a requirement to renew annually. This is a reserved scheme and those who need advice or wish to complain should contact UK Visas and Immigration.

### **Next steps**

A meeting took place with Mr Leonard and the Worker Support Centre on the 29<sup>th</sup> January where we discussed the next steps on introducing accommodation standards for seasonal workers.

As set out above, this is an issue we want to address as urgently as possible, and are exploring options for further regulation. Scottish Government officials are considering the potential impact of new regulation upon the existing framework of housing standards regulations, and will engage with key stakeholders including seasonal workers employed in all relevant sectors across Scotland. This will be a long term piece of work and that is why we have the expectation for local authorities to use the provisions they have, to encourage better standards, in the meantime.

Hopefully this information is helpful and we will ensure that all parties are kept informed of the process where suitable.

Yours sincerely,

**MÀIRI MCALLAN**

**MAIRI GOUGEON**

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