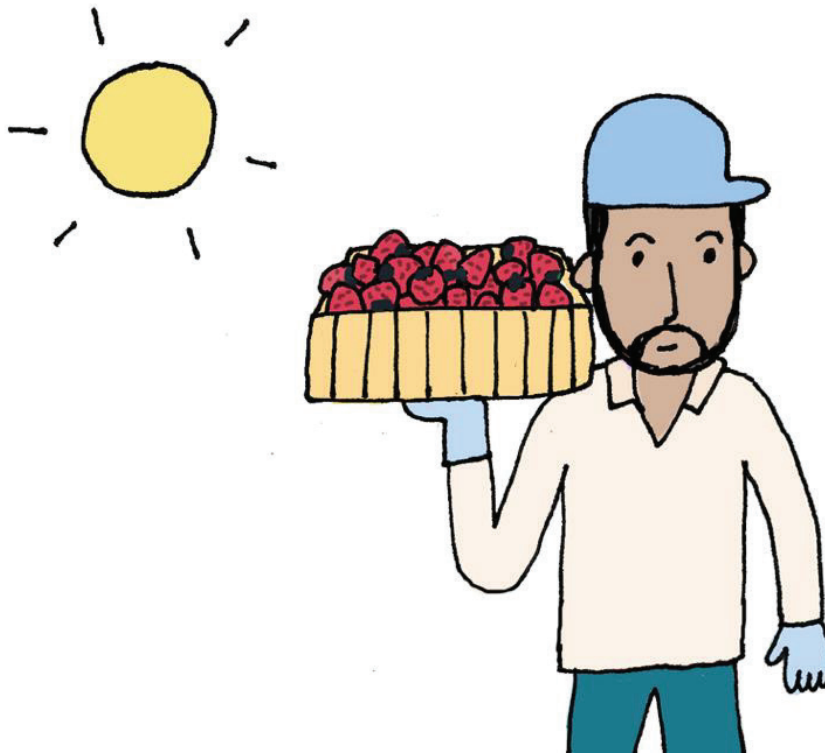


Information for seasonal agricultural workers with settled or pre-settled status on your rights and support in Scotland



This guidance is for agricultural workers with settled or pre-settled status and explains your rights and what you can do if you think your rights are not being protected. It does not supply advice on general legal matters. For more information, see the Agricultural Wages Guide in Scotland: guide for workers and employers <https://www.sasa.gov.uk/agricultural-wages>.

There is support for you if you need it in Scotland. You can find details of support providers at the end of this leaflet.

General Information

People with settled or pre-settled status largely have the same rights as EU nationals did when the UK was a member of the EU. You have the right to work for any employer in Scotland, at any time. You have the same workers' rights as a UK citizen. You have the right to leave your current job and seek a different type of work, or work with a different employer, at any time.

Your employer must supply details of the terms and conditions of the work you will carry out in writing before your first day of work. This should include:

- who is employing you
- your rate of pay your working hours and holiday days
- the location of your work
- details of the hours you can expect to work
- a guaranteed minimum number of hours work per week.

You should receive an employment contract in your first language, as well as English.

You should receive a pay slip on or before the day you are paid which shows:

- your pay before and after deductions (such as deductions for your housing and travel if they were agreed with you in advance)
- tax and national insurance deductions required to be made by law
- hours you worked; and
- the 'net' amount on your pay slip (after deductions) must be the same as the pay you receive.

You should not be charged any recruitment or agency fees. If you are charged anything extra, please contact the Human Trafficking and Exploitation Helpline: 08000 121 700.

Timesheets

Employers must provide an automatic system to record your working hours each day or provide you with a timesheet to record these hours. You must complete these timesheets and give them to your employer. Your employer must keep them for 3 years. You should keep copies of your timesheets and payslips for your records.

Pay

In Scotland, all agricultural workers must be paid the hourly rate set out in the Agricultural Wages Guide, which can be found here <https://www.sasa.gov.uk/agricultural-wages>. These rates change every year in April.

This is a minimum rate of pay for all workers over the age of 16 years old. An employer may choose to pay you more. Workers who have certain agricultural or horticultural qualifications can be entitled to additional sums.

You must be paid for any hours which you are made to work in your contract. This includes being paid if you were available for work within your contracted hours, but your employer has, for any reason, prevented you from working.

Overtime

For the first 26 weeks you are employed, you have a right to be paid overtime if you work for more than 8 hours on any day or for more than 48 hours in any week.

If you have been employed continuously for more than 26 weeks, you have a right to be paid overtime if you work for more than 8 hours on any day or for more than 39 hours in any week.

Working Time Regulations

By law, you must not work more than an average of 48 hours per week including overtime unless you have chosen to do so voluntarily and agreed to this in writing. You have the right to withdraw your agreement to working increased hours at any time, for any reason.

You have a right to at least 24 hours off per week and 11 hours rest between workdays. Workers have the right to one uninterrupted 20-minute rest break during their working day if they work more than 6 hours a day. There are exceptions to this, but these must not become the norm and you must be given time back to make up for lost rest period.

Sick pay

Employers must pay Statutory Sick Pay (SSP) if:

- you have been off sick for at least 4 days in a row, including nonworking days
- you have told your employer you are sick within any deadline the employer has set, or within 7 days
- you earn over a certain amount per week on average, which can be found here: <https://www.gov.uk/statutory-sick-pay/eligibility>

SSP must be paid from the fourth day of sickness and can be paid for up to 28 weeks. The current SSP rate can be found here: <https://www.gov.uk/statutory-sick-pay>

To qualify for any Agricultural Sick Pay (ASP), which is more generous than SSP, you must have been in continuous employment with the same employer for at least 52 weeks.

Holidays

Your holiday entitlement depends on the number of days that you are expected to work in a regular working week (see table below). Where the number of days worked varies from week to week, the average number of days worked per week over a 12-week period should be calculated. To ensure you are provided with the correct holiday entitlement it is important that you keep timesheets.

At the end of your employment, you must be paid for any holidays not taken.

Days worked per week	Holiday entitlement (based on a 6-month contract)
1 day	4 days
2 days	6.5 days
3 days	9 days
4 days	11.5 days
5 days	14 days
6 days	16.5 days
7 days	19 days

Bereavement

If a member of your close family dies (for example, your child, parent, spouse, or someone you lived with as if married), then you are entitled to at least 3 days paid bereavement leave.

Trade Union Membership

Trade unions protect workers' rights and supply support and legal services. You have the legal right to join a trade union and it is against the law for your employer to prevent you from joining a trade union. Unite the Union represents workers in the farming sector if they are union members. Unite's details and information about other unions can be found at the end of this leaflet.

If you are facing issues relating to your pay, holidays, sick pay, or overtime you should refer them to your employer. If you need advice or help, contact the Scottish Agricultural Wages Enforcement team on 0131 244 9749 / 0131 244 9750, or seek advice from the support services listed below.

Accommodation

The only benefit provided by an employer, which can be counted as part payment of the minimum wage for an agricultural worker, is the provision of a house without charge. The value of this benefit will be £1 per week as set out in the Agricultural Wages Guide.

From 1 April 2023, any deductions from your wage for accommodation (other than a house) must not be more than £9.10 for each day in the week for which living accommodation is provided.

If your employer provides you with accommodation, it must be hygienic, safe and in a good state of repair -

- you should have your own bed, with mattress. You should be told in advance if you need to supply your own bedding
- curtains or blinds should be provided for windows
- toilets, sinks and showers should be easy to clean and kept in working condition; it must have adequate kitchen, bathroom, and toilet facilities for the number of occupants
- it must not be overcrowded
- electrical equipment must be safe and maintained
- gas safety checks must be carried out annually and displayed for those living in accommodation
- single sex sleeping must be provided except in family accommodation
- external doors should be lockable
- fire exits should be clearly marked in accommodation
- you should have ventilation – opening windows, vents, or air conditioning
- accommodation must be wind and watertight; and
- an affordable form of heating should be provided in bedrooms that heats the room to at least 18 °C.

Transportation

If your employer provides you with transportation to and from work:

- vehicles must be safe and maintained in good working order;
- all drivers must be properly trained and have a license to drive the vehicle, if driving on a road.

Health and Safety

There are laws in Scotland to protect your health and safety whilst you are working. Your health and safety training must be paid for by the employer and time spent training should be treated as an extension of time at work:

- before you start work, your employer should give you guidance on health and safety and tell you what to do in an emergency
- you should be given the name of an individual at work who you can speak to if you have concerns about health and safety provisions on site
- you should be told about how to access to first aid equipment and who the appointed 'first aiders' are on the work site
- you should have easy access to clearly marked clean drinking water

- you should be given weather protective clothing needed so you can do your job, including a raincoat and waterproof boots, warm leggings, and gloves; and
- if your job requires you to be exposed to other health and safety risks, then your employer should supply protective equipment free of charge. This can include safety helmets, hard hats, gloves, eye protection, high visibility clothing, safety footwear and safety harnesses.

If you have concerns about the health and safety conditions at your work, or about workplace injuries, you should contact the Health and Safety Executive (HSE). The contact number is at the end of this leaflet.



Employer conduct towards employees

It is against the law in Scotland for an employer to discriminate against workers based on age, sex, race, disability, marriage and civil partnership, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief.

It is against the law to offer less favourable pay and conditions to men and women for equal work or to offer less favourable pay and conditions to workers based on their working pattern, for example, part-time or full-time or contract, fixed term or permanent, unless it can be objectively justified by your employer.

If you or someone you know is a victim of any of these forms of discrimination, you can contact the Equality Advisory and Support Service for more information and advice see 'Contact Numbers' at the end of this leaflet.

Employee conduct towards others

It is important that everyone is respected in the workplace. It may be a disciplinary matter if you discriminate against someone because of their age, sex, race, disability, marriage and civil partnership, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief.

Personal Safety and Protection

You have an equal right to protection from physical harm, injury, assault, and abuse as every other person in Scotland. If you are a victim of a serious crime or abuse, or you fear you may be imminently harmed, you should call the police on 999 for immediate help and protection. For non-urgent reports to the police, call 101.

Human Trafficking and Exploitation

Human trafficking, slavery, servitude and forced or compulsory labour are crimes in the UK with serious punishment.

The following are signs of possible labour exploitation:

- deception or misleading information (oral or written) about the work and working conditions you would find
- physical or sexual violence towards workers
- intimidation or threats to workers and/or insulting behaviour to make them feel vulnerable
- restriction of workers' movements
- pressure or force to work excessive overtime
- abusive working and/or living conditions
- making people work to pay off a debt
- employers/sponsors keeping passports or identity documents
- keeping back wages or making high wage reductions



If you think you or others are being trafficked, you can either call the police on 999 if it's an emergency. For non-emergencies, call 101 or if you do not want to speak to the police you can call the Modern Slavery Helpline on 0800 0121 700 or fill out the Modern Slavery Helpline online form:

<https://www.modernslaveryhelpline.org/scotland>

If you are a victim of human trafficking, the police or Modern Slavery Helpline will talk to you about what has happened and refer you to a support provider who can supply safe accommodation for up to 90 days.

Healthcare

People with settled and pre-settled status in Scotland are entitled to register with a doctor to receive hospital or specialist treatment without charge. However, certain charges for eye or dental care may apply.

You may wish to have health insurance for costs not covered by NHS Scotland such as some eye care, dental care, or repatriation to your home country if seriously ill.

Further information is also available on the NHS Inform website:

<https://www.nhsinform.scot/publications/healthcare-for-people-coming-to-scotland-to-work-factsheet>

Coronavirus (COVID-19)

Both at work and in your free time, it is very important that you follow any COVID-19 guidance to keep yourself and others safe. The guidance can change, and you can find up to date information here: <https://www.gov.scot/coronavirus-covid-19/>

You can find information on how to Stay Safe and Protect others here

<https://www.gov.scot/publications/coronavirus-covid-19-staying-safe-and-protecting-others/>

If you have symptoms of a respiratory infection, such as COVID-19, and you have a high temperature or you do not feel well enough to go to work or carry out normal activities, you are advised to stay at home and avoid contact with other people. Symptoms of COVID-19, flu and common respiratory infections are detailed and updated here: <https://www.nhsinform.scot/covid19>

If you are concerned about your symptoms, or they are worsening, seek medical advice by contacting NHS 24 on 111. In an emergency dial 999.

Staying in Scotland

You have the right to remain in Scotland when you have finished seasonal work. People with settled status can stay in the UK indefinitely. However, you will lose your settled status if you are absent from the UK for more than five years.

People with pre-settled status are granted five years' leave to remain and can stay until their leave to remain expires. People with pre-settled status can apply for settled status once they have lived continuously in the UK for five years. Absences from the UK totalling more than six months in any 12-month period, will normally mean the continuous residence period has been broken.

For more information about staying in Scotland, contact the EU Citizens Support Service helpline at Citizens Advice Scotland on 0800 916 9847 or you can find your local advice bureau at: <https://www.cas.org.uk/bureaux>

Accessing Housing and Benefits

If you are homeless or at risk of homelessness, and you have been working or job-seeking in Scotland, you have the right to apply to the local authority for homelessness accommodation in Scotland. You may also have the right to apply for financial help. To be eligible for some forms of financial help, you must have worked in the UK for a minimum of three months, but some help is available even if you have worked for a shorter period.

Contact Numbers

Emergencies - Police, ambulance or fire and rescue (Interpreter available)

Telephone: 999

Non-emergencies - Police

Telephone: 101

Non-emergency - Healthcare

Telephone: 111

RSABI (Interpreter available)

Telephone: 0808 123 9000

Monday – Friday: 17:00 – 20:00, Saturday – Sunday:

10:30 – 14:00

Website: <https://rsabi.org.uk>



Just Right Scotland (Interpreter available)

Website: www.justrightscotland.org.uk



Scotland's Citizens Advice (English only)

Telephone: 0800 028 1456

Monday – Friday: 09:00 till 17:00

Website: <https://www.cas.org.uk/bureaux>

Scottish Agricultural Wages Enforcement Team (English only)

Terms and Conditions for Agricultural Workers in Scotland

Telephone: 0131 244 9749 or 0131 244 9750

Monday – Friday: 09:00 till 17:00

E-mail: AWET@gov.scot

Rights of EU Citizens in Scotland (in English, Polish, Romanian, Lithuanian, Spanish and Italian)

Website: <https://justcitizens.scot/EU>

Unite the Union Dundee (English only)

Trade Union Membership

Telephone: 01382 227 369

Website: www.unitetheunion.org. Alternative trade union details:

<https://www.gov.uk/join-trade-union>

Health and Safety Executive (HSE) (English only)

Incident Contact Centre for reporting injuries

Telephone: 0345 300 9923

Monday to Friday: 08.30 to 17.00

Website: <https://www.hse.gov.uk/contact/concerns.htm>

Equality Advisory and Support Service (English only)

Discrimination

Telephone: 0808 800 0082

Monday - Friday: 09:00 – 19:00, Saturday: 10:00 – 14:00

Website: <https://www.equalityadvisoryservice.com/>

Gangmasters and Labour Abuse Authority (Interpreter available)

Telephone: 0800 432 0804

Website: www.gla.gov.uk

Email: intelligence@gla.gov.uk

Modern Slavery Helpline (Interpreter available)

Human Trafficking and Exploitation

Telephone: 0800 0 121 700 (24 hours a day, 7 days a week)

Website: www.modernslaveryhelpline.org

Migrant Help (Interpreter available)

Support for all adult victims of trafficking in Scotland, except females exploited for commercial sexual exploitation

Telephone: 0141 884 7900

Emergency Telephone number: 0141 212 8553

Email: Scotland@migranthelpuk.org

Website: www.migranthelpuk.org

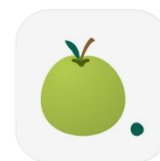
The TARA Service (Interpreter available)

Support for women trafficked in/to Scotland for commercial sexual exploitation

Telephone: 0141 276 7724

Website: www.tarascotland.org.uk

Download the <https://theclewerinitiative.org/campaigns/the-farm-work-welfare-app> a free app for farm workers and employers with information on workers' rights. Available in Albanian, Bulgarian, English, Lithuanian, Romanian, Polish, Chinese (Mandarin) and Vietnamese.



Download <https://justgood.work/>, a free mobile app, giving critical information and advice on living and working in the UK, in multiple languages.



Staying in Scotland (EU Settlement Scheme) (Interpreter available)

EU Citizens Support Service helpline at Citizens Advice Scotland Telephone: 0800 916 9847

Monday to Friday: 09:00 to 17:00

Website: <https://www.cas.org.uk/bureaux>



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