

HOPS
Seasonal Workers Programme



labour solutions

*INFORMATION
FOR SWP APPLICANTS
2010*

HOPS SEASONAL WORKERS PROGRAMME (SWP) **EMPLOYMENT INFORMATION FOR PARTICIPANTS**

(Translations of this document are available at www.hopsgb.org.uk)

PURPOSE

Applicants participating in the HOPS Seasonal Workers Programme (SWP) have an obligation to work within UK legislation (for example the UK Immigration Rules, Health & Safety). This document is issued to inform and help applicants meet their obligations under UK employment.

Attention is drawn to the disclaimer at the end of this document.

1. HOPS LABOUR SOLUTIONS (HOPS)

HOPS is a department of the National Federation of Young Farmers' Clubs (England & Wales), and is based at the YFC headquarters at Stoneleigh Park. The core work of HOPS is as one of the Home Office appointed Operators of the **Seasonal Agricultural Workers Scheme (SAWS)**. HOPS is a GLA (Gangmaster Licensing Authority) licensed business.

2. SEASONAL WORKERS PROGRAMME (SWP)

The purpose of the HOPS Seasonal Workers Programme is to provide farmers and growers in the UK with a source of seasonal labour from within the European Economic Area (EEA) and the European Union (EU) to meet their unmet demand for seasonal workers. The scheme enables nationals with free access to work in the UK to finance a visit to the UK, learning something of the culture and language during their stay and earning money in the process.

Any member of the new A8 EU accession countries (Czech Republic; Estonia; Hungary; Latvia; Lithuania; Poland; Slovakia; Slovenia) must register under the Workers Registration Scheme (WRS) if they are to be under the employment of the same employer for 30 days or more. From 1 April 2007 the fee is 90 GBP. Your employer will be able to help you with the relevant paperwork to enable you to register. **For further information please see the attached Guidance Note HG07015 attached at page 15.**

(The member countries of the European Economic Area (EEA) are Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom).

3. BACKGROUND

The Seasonal Workers Programme is built on the principles of the Seasonal Agricultural Workers' Scheme (SAWS), which originates from the immediate post-war years and has essentially been a cultural exchange scheme that has sought to facilitate the movement of young people from across Europe to work in UK agriculture, and in particular to help with the harvests. The principles and features of the Scheme remain largely unchanged since its inception. Many students and academic institutions throughout central Europe will be familiar with the SAWS.

4. HOW APPLICANTS QUALIFY AS PARTICIPANTS OF THE SWP

a) Applicants **MUST** be aged 18 or over on the date of arrival in the UK. *Note: there is no upper age limit.* SWP participation involves being away from home for a long period and also hard physical work; therefore applicants should carefully consider their suitability for overseas work. For some applicants, if still in full time education, deferring application for one year will enable them to better prepare for the demands they will face.

b) If applicants are not in full time education or have recently graduated from university they should supply at least one of the following documents:

- A copy of their Diploma/Degree/Masters Certificate
- A copy of the highest qualification awarded to date

- A copy of any other relevant qualification.
 - Driving licence
 - Tractor driving licence
 - Mini bus driving licence (category D)
 - This list is not exhaustive
- c) If applicants are full time students they should supply the following document:
- Official documentary Education Evidence that they are a student. The documentary Education Evidence must state:-
 - Full name and date of birth of the student.
 - The name of the University/college attended and the name of the faculty issuing the document.
 - The signature of an official from the University/college and the official stamp endorsing the document.
 - Authorisation from the University/college for the applicant to be absent for the period of participation.
 - The name of the course the student is undertaking.
- d) Generally, there are no special skills, experience or attributes required by those undertaking the seasonal tasks on a farm. However, farmers and growers seek participants who have some experience of working within agriculture or horticulture and to be able to speak and understand the English language.
- e) Farmers and growers employing the participants of the SWP have a preference that the participants they employ have experience of, or are studying an agricultural or horticultural subject.
- f) Applicants should be able and willing to stay and work in the UK for a period that the farmers have requested and that is stated on their work certificate. The work periods may change and could be extended.
- g) Applicants should equip themselves with a suitable REPATRIATION AND / OR TRAVEL INSURANCE POLICY before travelling to the UK. Most employers insist that applicants purchase the NFU Mutual Insurance as offered by HOPS as a condition of their employment. Please see attached details of the NFU Mutual Insurance summary of cover. For further details, please see point 20.
- h) All Applicants should have an active email address, details of which should be given on the application form.
- i) **Applicants must answer all questions and sign the application form personally.**
- j) Each Applicant will receive a HOPS Pre-Employment Medical Questionnaire. **All questions must be answered and the form signed by the applicant.** Any written answers must be written in English or translated into English. If the yes box to any of the questions is ticked, HOPS may require additional information from the applicant's doctor to determine if the applicant can do the work they have applied to do. It does not necessarily mean that the applicant will not be able to work in the UK. It may simply be that the employer has to make special arrangements for the participant, for instance, a diabetic may need facilities to safely store their insulin etc. and be given leave to treat themselves at appropriate times of the day. **Applicants must retain copies of the completed questionnaire to give to their employer in the UK when they arrive.**
- k) Applicants may apply to work with one friend only – it is difficult to place large groups of friends on the same farm.
- l) If applicants wish to be on a farm with their girlfriend/boyfriend/partner, please ensure that they apply together and to the same HOPS IN-Country Representative for the same farm.
- m) Do not copy the application form, or use a form that has been allocated to another person.

PLEASE COMPLETE THE APPLICATION FORM, ONLY IF YOU MEET THE CRITERIA LISTED ABOVE AND ARE HAPPY WITH THE INFORMATION CONTAINED WITHIN THIS DOCUMENT.

n) If an application is NOT accepted, it will be for one (or more) of these reasons:-

- Parts of the application form are not completed correctly.
- The details on the application form are not acceptable, for example if the applicant is not yet 18 years of age.
- The application form is not signed.
- Supporting paperwork has not been enclosed with the application.
- Your conduct was not appropriate in previous years
- You are deemed not to be a suitable participant for the relevant position

o) If the application IS accepted:-

The participant will receive an official invitation letter from HOPS, enclosing:

- Your SWP Certificate. Keep the Certificate in a safe place.
- Details and travel directions to the farm.
- Participants are advised not to buy any travel tickets unless they have received a SWP certificate

p) If participants wish to extend their stay in the UK they must:-

- Speak with their current employer
- Apply to HOPS for another job once work has ceased with their current employer.

q) Participants are advised **NOT to** buy any travel tickets unless they have received an SWP Certificate and notification from HOPS that their application has been successful.

r) When participants enter the UK they will need:-

- An SWP Certificate supplied by HOPS – DO NOT lose this document.
- Another copy of the **Education Evidence** to give to your employer, or a copy of the Graduation Certificate.
- Copy of the HOPS Pre-Employment medical questionnaire to give to your employer.
- All of the HOPS booklets and papers you were given with the application form and SWP Certificate.
- The **Welcome Letter** from the farm and the documents supplied by HOPS containing farm details and directions.
- A **sleeping bag, warm clothes and boots** to work in (including clothing suitable for cold or wet weather).
- **MONEY** for travel and food for the first 7 days, a sum of approx £100 - £150 Sterling is recommended.
- Participants should have a TETANUS injection, before leaving for the UK. All workers on farms are advised to have this immunisation.

s) Participants apply for the jobs as offered by HOPS. Details of the type of work and the duration of the job will be provided for you to help with your choice. Do NOT apply for a job that you do NOT want to do or if you know that you will be unable to remain for the full term of the job. If you wish to extend your period of work in the UK with HOPS, it may be possible for you to apply for a transfer. HOPS cannot guarantee to be able to find participants a further placement on the scheme.

5. **PARTICIPANT RECRUITMENT**

As the scheme Operator, HOPS is charged with the responsibility of recruiting suitably qualified and skilled applicants to participate in the scheme and therefore be employed, on a temporary basis, by a UK farmer or grower.

6. IN-COUNTRY REPRESENTATIVES

The 'In-Country Representatives' prepare and assist applicants and may give assistance to each candidate during the application process. HOPS audits In-Country Representatives annually.

7. THE ROLE OF IN-COUNTRY REPRESENTATIVES

In-Country Representatives are expected:-

- To market the HOPS programme to potential recruits.
- To support the recruits during the application process.
- To be the first point of contact for HOPS during the application process.
- To provide the potential participants with the information regarding dates and type of work that is available, where these jobs are and to give any assistance required in deciding when and where the participant may work.
- To collate the application forms, ensuring each application form is complete and is accompanied by the relevant supporting documents.
- To return to the HOPS office via electronic correspondence and also to post via secure shipping the hard copies of the completed application forms to the HOPS office.
- To distribute to applicants SWP Certificates when these are shipped to the In-country Representatives.

Charges that In-country Representatives may make to applicants

- In-Country Representatives may NOT charge applicants for the recruitment or selection process.
- Charges may however be levied for specific services offered by the In-Country Representatives. For example this may include the booking of travel tickets to the UK and onward travel within the UK, English lessons, the secure mailing of completed application forms. This list is not exhaustive.
- In-Country Representatives must issue a detailed receipt to any applicant paying them for any services. Each item should be listed separately. This is to be audited annually by HOPS. Participants **MUST** keep a copy of this receipt, it is advised that they take one copy with them to the UK and leave one copy in their home country. The receipt should clearly detail exactly what the applicant is paying for. E.g. Travel, Insurance. This list is not exhaustive.

8. HOW FARMERS AND GROWERS QUALIFY TO EMPLOY PARTICIPANTS UNDER THE SWP

- All farms employing participants under the SWP must be registered with HOPS.
- Farms should provide accommodation (usually on the farm) with facilities for the resident participants (for which the farm may make a modest charge each week). This charge should be in line with the current AWB Orders. HOPS inspects the accommodation and facilities annually to ensure that it is of a suitable standard.
- Farms are expected to provide a reasonable prospect of 39 hours of work per week for each participant. **It must however be noted that on occasion, due to unforeseen circumstances** (for example extremes in weather, a crop failure, customer demand), **there may be very little work for short periods of time.**
- Farms are expected to operate the business within all UK legislation, including employment legislation, health and safety legislation etc.
- The SWP participants are the direct employees of the farmer or grower and will be paid directly by the farmer or grower. HOPS is not the employer.

9. TYPE OF WORK AND WAGES AVAILABLE TO PARTICIPANTS APPLYING TO PARTICIPATE IN THE SWP ADMINISTERED BY HOPS

Type of work

- A wide variety of manual agricultural tasks will be available to participants recruited by HOPS. However, the vast majority of seasonal work within the agricultural industry is within the fruit sector (currently 71% of

placements), the vegetable / salad sector (currently 15% of placements) and thereafter a wide spectrum of horticultural works. **Therefore, predominantly, the tasks that can be expected are planting, hand harvesting, on-field packing and general crop husbandry/ maintenance of fruit or vegetable crops (edible produce).**

- There are also a limited number of placements available in other sectors, for example, potato grading, tomatoes, salad crops, flowers and plants, dairy farms or poultry farms.
- Generally, there are no special skills, experience or attributes required by those undertaking the seasonal tasks on a farm. However farmers and growers seek participants to have some experience of working within agriculture or horticulture and to be able to speak and understand the English language.
- Work is usually manual and unskilled.
- There are some seasonal jobs that will involve the operation of agricultural machines and vehicles. Participants wishing to be considered for these placements should already have some experience of the agricultural machinery/vehicles and the safe handling of them. These participants must hold a full driving licence and must bring this document with them to the UK, together with a verified translation (into the English Language) stating the participants name, home address and the category of vehicle the licence permits him or her to drive.
- Where participants are expected to drive vehicles on the road, they will be asked to demonstrate, in person, to their employer (the farmer or grower) that they are competent to drive vehicles safely on the UK's roads. In addition, they should have a good command of the English language in order to understand road and safety signs.

Wages

The wages paid to all workers in the agricultural industry are subject to legislation set out in the Agricultural Wages Board Orders (AWBO) that are currently in force. There are different Orders in force in different geographic regions of the UK. Wages for non-agricultural work are subject to National Minimum Wage (NMW) regulations.

Bank Accounts

It is normal for the employer to pay the total amount earned either as a banker's cheque or an International Money Transfer. This is for security reasons as it is unsafe for participants to travel home with a large amount of currency without insurance. Alternatively, wages may be transferred to your home bank account. This may carry a commission charge and it is therefore recommended that transfers are made periodically through the season rather than weekly. HOPS advises that all participants open a bank account prior to their departure for the UK. Please ensure that the bank in which you open the account has a SWIFT code.

Pay Slips

Every participant will be issued with a pay slip when they are paid. It is very important that participants keep all pay slips issued to them, as evidence of their earnings should there be any disagreements in relation to wages. HOPS takes accusation of under payment very seriously, however HOPS cannot take any action without documentary evidence. In addition HOPS strongly advises participants of the SWP to make a personal record of their working hours.

Deductions from wages and other charges

Participants of the SWP should expect some deductions to be made from their wages. These may include any of the following:-

- National Insurance - All members of EEA/EU countries will be subject to National Insurance Contributions.
- Income Tax

Full details regarding National Insurance and Income Tax will accompany the SWP Certificate.

- Charge for accommodation. This is usually deducted on a weekly basis and will be recorded on the payslip.
- Deposit – Most farmers and growers providing on-farm accommodation will require participants to pay a bond or deposit against damage to the accommodation and facilities. Deposits are returned to the

participant when they leave the farm providing no damage is done and the accommodation is left in a clean condition.

- Each farm should write to participants with full details of all deductions before they travel to UK.

10. **LENGTH OF TIME A PARTICIPANT CAN EXPECT TO WORK ON A FARM AND REMAIN IN THE UK**

- The maximum period of time a participant can remain in the UK under the SWP is 12 months (52 weeks). The NFU Mutual Insurance policy has a maximum duration of 6 months. For placements of 6-12 months a further fee for extended insurance is payable
- The average period of time that work is available for participants is 12-16 weeks. There are some jobs available for 6 - 12 months.

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- It is sometimes planned that participants have 2 work placements in succession.
- It is very important that participants stay working on the farms for the whole time that the farmers have requested. Participants who leave their work placements early when work is still available will not be invited to participate in the SWP again.

11. **HEALTH & SAFETY**

The employer has a prime responsibility to ensure all employees are safe without threat to their health when working. The employer has a duty to ensure all employees are trained in safe working practices.

Training is provided on farm as part of the induction programme.

12. **WORKING TIME REGULATIONS**

The Working Time Regulations implement the European Working Time Directive. The basic rights and protections that the regulations provide are:

- A limit of an average of 48 hours a week which a worker can be required to work. An individual worker may agree to work more than 48 hours a week. If so, he or she should sign an opt-out agreement, which they can cancel.

Example of opt-out agreement

I (*name*) agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give my employer (*amount of time – up to three months*) notice in writing to end this agreement.

Signed.....

Dated.....

- Employers must record their working hours including when on piecework.
- Employers cannot force a worker to sign an opt-out. Any opt-out must be agreed to. Workers cannot be dismissed or subjected to detriment for refusing to sign an opt-out.
- Employers must keep a record of who has agreed to work longer hours.
- It is unlikely that many participants will be offered more than an average of 48 hours work in a week.
- A right to 11 hours rest a day.
- A right to a day off each week.
- A right to an in-work rest break if the working day is longer than five and half hours (rest break of at least 30 minutes). Rest breaks are not counted as working time and workers do not have to be paid during rest breaks. Employers must make sure workers *can* take their rest breaks, but are not required to make sure that they *do* take their rest breaks.
- A right to paid holiday, which if not taken will be accrued and paid at the end of the employment. The amount of holiday pay depends on how long you work at the farm.

- Further information is available from the Employment Relations page of the DTI Website: <http://www.berr.gov.uk> or ACAS 08457 47 47 47.

13. **TYPE OF CONTRACT OF EMPLOYMENT A PARTICIPANT MAY BE ISSUED WITH BY A FARMER OR GROWER (THE EMPLOYER)**

- This may be detailed in the Welcome Letter that some farmers send to all participants. All participants should be given written pay details and a statement of employment particulars (contract of employment) when they start work at the farm.
- Many of the jobs available to SWP participants will be based on a daily contract; this means that there is no guarantee of work or continuity of work. It also means that an employer is not obliged to offer work to a participant every day, nor is the participant obliged to report for work each day. In reality most participants are offered work 5 or 6 days/week throughout the season.
- Some of the jobs available to SWP participants will be based on a fixed term contract; usually the finish date will be the same as the finish date recorded on the SWP Certificate.

14. **IF WORK AT A PARTICULAR FARM BECOMES SCARCE (UNPLANNED, FOR EXAMPLE DUE TO A CROP FAILURE OR POOR WEATHER CONDITIONS) the following will apply:-**

- HOPS will use its best endeavours to find alternative work placements for the affected participants. This may include arrangements for the temporary loan of workers to work on nearby HOPS registered farms.
- Participants may be asked to accept a short period of reduced or perhaps no work if it is clear that full work will soon become available. In these circumstances employers will be asked to suspend accommodation charges.
- In extreme circumstances it may be that there is NO work available and in such cases the participants will be required to return home.

15. **IF PARTICIPANTS FAIL TO MEET THE REQUIREMENTS FOR CONTINUED PARTICIPATION IN THE SWP, the following applies:-**

- Although you may apply to join the SWP and may be offered a work placement by HOPS, we do recognise that, for some participants, the experience may differ from your expectations and you may find it difficult to continue to participate in the scheme. By far the majority of participants enjoy their work experience on a UK farm and it may be that with further explanation, and more encouragement, you will too.
- If you are experiencing difficulty in participating on the SWP, for whatever reason, then we would strongly recommend that you speak to your work supervisor on the farm in the first instance. The farm should understand that you may be homesick. In some instances you may be offered alternative work if what you are currently being asked to do is unsuitable or difficult for you. Furthermore, if you cannot participate in the scheme due to illness, then your work supervisor should be able to help you obtain medical attention.
- **Participants Behaviour at the Farm** - We expect all participants to be of good behaviour on and off the farm. We also expect participants to act in an honest and friendly manner towards the Employer, his staff and the other workers at the farm. If you cause ANY problems on or off the farm, or if you do not keep the farm rules, or the UK law, then you may be dismissed by the farmer and asked to return home.
- If the above courses of action are not applicable, or do not work for you, then the farm will contact the HOPS office for further guidance. We may be able to find you an alternative employer, more suited to your requirements and expectations. If this is not acceptable then you will need to make arrangements for your removal from the SWP and your return home.

16. **TRANSFER SYSTEM**

- There is a system whereby participants of the SWP can apply to HOPS to move to another farm. This system also helps farmers and growers who have the capacity (both work and accommodation) to employ more participants to get extra labour quickly. In most cases your employer must give permission for you to transfer to another farm.
- If work has finished at the farm and a participant wishes to continue working with the SWP, he or she may apply to HOPS for a transfer to another farm. If another job can be found for the participant, a new Certificate will be issued. The participant will need to re-register under the WRS with their new employer.

This and any subsequent registration for a continual period of 12 months will not carry a charge. It is not necessary for members of the new EU Accession counties to register once they have been in continual employment in the UK for 12 months.

17. **PARTICIPANTS RETURNING TO THE SWP FOR ANOTHER YEAR**

Terms of the SWP allow participants to participate in the scheme as many times as they would like. Participants returning to the scheme must meet the normal criteria to participate.

18. **INVITING NAMED PARTICIPANTS TO RETURN TO A FARM FOR A SECOND YEAR**

HOPS operates a system whereby farmers and growers can invite named participants back to the farm for another season. These participants are known as '**Returnee participants**'.

At the end of the year HOPS asks all farmers and growers to consider if they would like to invite any worker back to the farm for the following year. Often the very best workers only are invited back to work for the farm for another season.

If this is the case HOPS will issue a new application form for collection from your In-Country Representative for the subsequent year.

19. **TYPE OF ACCOMMODATION THAT IS PROVIDED BY FARMERS AND GROWERS**

There are many different types of accommodation provided by farmers and growers ranging from caravan accommodation to a farm cottage or a farm hostel.

It is usual for participants to share all facilities, so they must expect some communal facilities. However, where reasonably practical, separate ablutions (toilet and bathing facilities) are provided for men and for women. In some instances, particularly on small farm units, accommodation may be shared by both genders. In this case specific space will be reserved for each gender to ensure some level of privacy.

In most cases accommodation is single sex and provision for co-habiting couples is not always possible. **It is important that co-habiting couples note that they may not be able to share accommodation whilst participating on the SWP.**

The most common form of on-farm accommodation is provided in mobile homes or static caravans – with space provided for food preparation/eating, ablutions, sleeping and resting. It is usual for groups of 4 or 6 participants to share a mobile home or static caravan.

Another common form of accommodation is provided in a portable structure (such as a Portacabin) that is furnished for sleeping and resting. Often, the food preparation and ablutions will be provided in other specifically equipped units adjacent to the sleeping/rest units.

HOPS will visit each farm annually to check the accommodation provided is of a suitable standard.

20. **PERSONAL / REPATRIATION INSURANCE**

All applicants must equip themselves with insurance provided by the NFU Mutual, through HOPS, before they leave their home country for the UK. **A summary of the cover provided by this insurance is attached at page 12.** This is a mandatory requirement for participation on the SWP. Participants arriving with no insurance cover are expected to immediately buy the provided cover for the duration of their stay in the UK or to immediately leave the HOPS Programme.

The insurance provided through the NFU Mutual includes the following:-

- Repatriation to the participant's home country in the case of serious illness or injury and in the case of death the repatriation of the body or ashes. This also covers door-to-door travel from the UK hospital to the participant's home or local hospital.
- In the case of serious illness or injury a letter from the Consultant Doctor leading the medical treatment in the UK hospital should activate insurance.
- The insurance also provides provision for the participants' Next of Kin (say, 2 members of the immediate family) to travel to the UK in the case of serious illness, injury or a death. This cover will extend to paying for the door-to-door travel to the UK hospital and return door-to-door travel home and the costs of

accommodation and living expenses whilst in the UK. It also covers the provision of the services of an interpreter in the hospital if required.

- **If the applicant works anywhere other than employment arranged through HOPS, the NFU Mutual Insurance is invalidated.**

21. CANCELLATION POLICY

- Applicants may cancel their application or participation at any time.
- All cancellations MUST be made to In-country Representative or HOPS directly by letter, fax or email
- Applicants who cancel their application BEFORE they travel to the UK, will have the Insurance policy charge refunded to them in full.
- Applicants who cancel their participation in the SWP AFTER they have arrived in the UK and started work will NOT have any fees paid for any services refunded.

Refund of fees

- All bank charges/fees are to be paid by the applicant.
- Refunds will be made as soon as it is reasonably practical after notification of the cancellation. This is normally in the Autumn.
- If applications are made via In-Country Representative, the refund payment will be sent direct to the Representative and in the interest of reducing the bank charges, refunds will be sent in one payment only – all refunds due to applicants will be sent together.

22. CARS AND DRIVING IN THE UK

Cars

Before buying a car participants MUST seek permission to keep a car on the farm from the employer. Please note, not many farmers allow cars on their farms. If the farmer does agree, he will ask to see all the documents that car owners MUST HAVE concerning the car – these are a current MOT certificate, a current Tax disc and an Insurance Policy before a car can be driven on the road. The Insurance Policy will cost several hundreds of pounds. If you purchase a car without the permission of the farm, you will be asked to dispose of or remove the vehicle.

Driving licences

Participants are advised to bring a driving licence with them if they plan to buy or hire or drive a car while they are in Britain.

What the law requires: The Law allows "a person resident outside the United Kingdom who is temporarily in Great Britain", to "drive in the UK during a period of 12 months from the date of entry into the United Kingdom" provided that s/he holds an international driving permit or a domestic driving permit from a country outside the UK. We are advised that the date of entry should be the first original date of entry to the UK

Driving in the UK

It is strongly recommended that all drivers purchase a copy of the "Highway Code" which is available from newsagents for around £2.50.

23. COMPLAINTS

HOPS recognises that, for the many of applicants participating in the Seasonal Workers Scheme, this will be the first long stay away from home. As such it will be an exciting, learning experience; but we also recognise that it can be a traumatic experience for some participants.

We want all participants to gain the most from their work experience: from learning about British agriculture, learning about our culture and earning money in the process. We are here to help you get the most from your stay in the UK.

If you have a concern about your work placement, the work you are undertaking, the wages you are earning, your accommodation, your access to social and cultural facilities then please discuss these with your Supervisor on the farm you are working on the first instance.

If the Farm is unable to resolve your concerns satisfactorily, then the next stage is for you to contact the HOPS office, usually by telephone. If your complaints are concerning wages, you must make the complaints IN WRITING and attach photocopies of your payslips together with precise details of the number of hours you worked EVERY DAY. We will then agree with you a suitable course of action to address your concerns. **It is essential that participants retain all of their payslips for this purpose and make personal records of working hours.**

We will need to discuss all complaints with the host farm – however please note the details of the participant making the complaint will be treated as confidential and will not be shared with the host farm without your permission.

24. **DATA PROTECTION/SECURITY**

Use of Personal Information: All details supplied to HOPS by farmers and growers, participants and partner organisations will only be used to administer the Seasonal Workers Programme.

The information will be shared only with:-

- The UK Home Office (for example the Immigration and Nationality Directorate, The Immigration Service, Police Service)
- Any other government department, local government department or statutory body with an interest in the SWP
- Any individual or organisation working under contract to HOPS
- The participants that are registered to HOPS
- The third party organisations that HOPS works with in partnership
- The farmers and growers that are registered to HOPS

HOPS may share aggregated demographic information with our partner organisations, for example overseas Universities. This is not linked to any personal information that can identify any individual person.

Disclosure of Information. Personal details will only be used by HOPS, and shared with the parties recorded above. HOPS will **NOT** disclose this information to anyone else without first obtaining written consent from the individual concerned.

Mailing addresses and email addresses. HOPS will not send unwanted mail, junk mail or email messages, nor knowingly pass addresses or email addresses to any third party engaged in such activities. Furthermore HOPS takes every precaution to minimise the risk of computer viruses using stored email address lists to send unsolicited email.

Questions concerning the way HOPS uses personal information should be directed to the HOPS General Manager via telephone, post, fax or email.

25. **DISCLAIMER**

HOPS Labour Solutions has used its best endeavours to ensure that the content, layout and text of this document is accurate, complete and suitable for its stated purpose. It makes no warranties, express or implied, that compliance with the contents of this document shall be sufficient to ensure safe systems at work or operation. HOPS Labour Solutions will not be liable to pay compensation in respect of the content or subsequent use of this document for any purpose other than its stated purpose or for any purpose other than that for which it was prepared except where it can be shown to have acted in bad faith or there has been wilful default.


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HOPS Labour Solutions Participant Insurance – 2010 Policy Summary

This policy summary does not contain the full terms and conditions of the insurance policy, which can be found in the policy document. A copy of the policy document is available on request.

The insurance policy is underwritten by The National Farmers Union Mutual Insurance Society Limited (NFU Mutual).

The period of cover starts from the date you arrive in the United Kingdom during 2010 and ends when your placement arranged by HOPS Labour Solutions ends or you depart from your employer's farm whichever is earlier. A premium of £10.80 including 5% Insurance Premium Tax is payable for cover up to 6 months.

Questions and answers about the policy

What are the key features of the policy?

<u>Key features</u>	<u>Limit</u>
The following benefits are standard :	
Personal Accident: Death, loss of limbs, sight, speech or hearing or permanent total disablement.	£6,000
Repatriation and associated costs: Costs of necessary repatriation, additional travel or accommodation following accidental physical injury or illness.	£25,000
Money Loss of money including travel tickets, travellers cheques and credit cards.	£250 in cash, £500 in total
Personal liability Your liability for death, injury or illness to another person and accidental damage to the property of another.	Damage to accommodation £100,000 £2,500,000 all other losses
Personal belongings Loss of or damage to personal belongings.	£300 per article, £750 in total

What are the key exclusions or limitations of the policy?

Key exclusions

You must pay the first **£35** of every claim made for personal belongings or money

You must pay the first **£100** of every claim made for damage to your accommodation

Personal Accident

- pregnancy or childbirth
 - suicide or deliberate self injury
 - intoxicating alcohol and drugs
 - HIV and related conditions
 - motor cycling
 - various hazardous activities such as mountaineering or rock climbing
 - any activities taken against medical advice and other specified activities
-

Money and Personal belongings

- losses not reported to the police within 24 hours
 - credit card loss unless all conditions of the credit card company have been met
 - unauthorised use of credit cards by you
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Personal liability

- death, injury or illness to another person
- damage to your own property and property in your custody or control
- death or injury following a direct or indirect assault or alleged assault
- liability arising out of the use of a motor vehicle

How can I contact NFU Mutual to make a claim?

To report an incident that may give rise to a claim on your policy, claim forms are available via your employer from: HOPS Labour Solutions, The National Federation of Young Farmer' Clubs, YFC Centre, Stoneleigh Park, Warwickshire, CV8 2LG (telephone 02476 857206).

Completed claim forms should be sent to CCBC, NFU Mutual, Tiddington Road, Stratford-upon-Avon, CV37 7BJ (telephone 01789 202789). Payment of claims will be via HOPS Labour Solutions. If you are about to leave, the farm may settle your claim and your claim will then be to reimburse them – this must be clearly shown on the claim form.

What do I do if I want to complain?

NFU Mutual strives to provide its customers with the highest level of service. If you wish to make comments of any kind about our service please contact: The Manager, CCBC, NFU Mutual, Tiddington Road, Stratford-upon-Avon, CV37 7BJ.

If you are not satisfied with the way in which we have dealt with your complaint, please write to: The General Manager, NFU Mutual, Tiddington Road, Stratford-upon-Avon, CV37 7BJ.

In the unlikely event that you remain dissatisfied, the Financial Ombudsman Service may be prepared to review your complaint. You can find out more at www.financial-ombudsman.org.uk or by calling 0845 080 1800.

Am I entitled to compensation?

We are covered by the Financial Services Compensation Scheme (FSCS), which means that you may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of policy you have and the circumstances of the claim. You can find out more at www.fscs.org.uk or by calling 020 7892 7300.

Additional information

The Law

You and NFU Mutual are entitled to choose the law applicable to the insurance policy. NFU Mutual proposes to choose English Law as the law applicable to the insurance policy.

The contract and the relationship between NFU Mutual and you shall be governed by, and interpreted in accordance with, English Law. The contract shall be subject to the non-exclusive jurisdiction of the English Courts.

Statutory Status

You can check our statutory status on the Financial Services Authority's Register at www.fsa.gov.uk/register or by contacting the FSA on 0845 606 1234. Our FSA registration number is 117664.

Language

The contract and other documentation are drawn up in the English language. We will communicate with you in English throughout the duration of the policy.

Claims Handling Process

If anything happens that may give rise to a claim, you must tell us as soon as possible, giving your name and the policy number W80W1771.

If a claim is being made against you:

- do not respond to any writ, letter, claim or other documentation
- send any writ, letter, claim or other documentation to us without delay
- do not admit, repudiate or negotiate any claim

NFU Mutual is The National Farmers Union Mutual Insurance Society Limited (No. 111982).

Registered in England. Registered Office: Tiddington Road, Stratford upon Avon, Warwickshire CV37 7BJ.

Authorised and regulated by the Financial Services Authority for insurance, pensions and investments.

A member of the Association of British Insurers.

For security and training purposes, telephone calls may be recorded and monitored.

Guidance Note

Worker Registration Scheme (WRS)

All nationals of the accession states that joined the EU on 1st May 2004 except citizens of Cyprus and Malta have to apply to the Worker Registration Scheme to work for more than one month for an employer in the UK. The accession states that this applies to are; Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and Czech Republic.

Applications must be made within 1 month of the start of the employment. Application forms are available from HOPS, www.ind.homeoffice.gov.uk or www.workingintheuk.gov.uk or by telephoning 08705 210 224.

First time applicants must send with their WRS application form:

- A letter from their employer confirming their employment
- Two passport photographs
- Their passport or ID card
- Payment of £90

If the application is successful, the applicant will receive:

- A registration card showing the applicants name, date of birth, nationality and a unique reference number.
- A registration certificate in the form of a letter that authorises the applicant to work for the employer named in the application. A copy is sent to the employer. **The certificate expires on the date the applicant stops working for that employer.**
- The passport or ID card is returned.

Workers changing jobs, returning to the same employer after a break in that employment or returning to work in the UK having previously successfully registered, must register for the new and any subsequent jobs using the same WRS application form. However, second time or subsequent applications, need the reference number shown on the original registration card to be written onto the application form and only the letter from the new employer confirming employment has to be sent with the application. The passport photographs, passport or ID card and payment **are only required for the first application.**

It is important that the registration card is retained for future use. If the registration card or a registration certificate is lost, the applicant's passport or ID card must be submitted with the renewal application with a note stating that the original registration card and certificate is lost. This will enable WRS staff to locate the original case.

Once a worker has been working legally in the UK and registered with the WRS for 12 months without interruption, the worker will have full free movement rights and will no longer need to register with the WRS. The worker can then get an EEA residence permit confirming the right to live in the UK under European Community law. To apply for a residence permit, the worker will need the registration certificates and other evidence of employment to show 12 months' uninterrupted employment.

Residence Permit application forms can be obtained from 0870 241 0645 or www.ind.homeoffice.gov.uk

Information for Employers

Applications for registration are the responsibility of the individual. Employers should however ensure the individual is provided with a letter on company paper confirming the date on which the individual began working. This letter is sent with the application for registration.

The employer is responsible under the regulations for ensuring that they are authorised to employ a worker from one of the eight accession states. The employer is authorised in relation to a worker:

- During the first month of work
- The worker has applied for a registration certificate during that first month of work and until the application is decided
- If the registration certificate is issued

The employer should:

- Take and retain a copy of the individual's completed application form as evidence that they have applied for registration within one month of the person starting work. HOPS also recommends that the applicants passport be photocopied.
- Receive and retain a copy of a valid registration certificate

The employer may be guilty of committing a criminal offence under the legislation if:

- The worker does not apply for a registration certificate within one month of starting work; and
- You do not have a copy of a completed application form; and
- You continue to employ them

If convicted, the maximum penalty an employer will face is £5,000

Further guidance for employers is available from the employers' helpline on 0845 010 6677 or www.ind.homeoffice.gov.uk

Reviewed January 2010