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ORIGINAL ARTICLE OPEN ACCESS

Seasonal Worker Programs: A Four-Country Comparison

Stephen Howes 

Development Policy Centre, Australian National University, Canberra, Australia

Correspondence: Stephen Howes (stephen.howes@anu.edu.au)**Received:** 13 October 2025 | **Revised:** 23 January 2026 | **Accepted:** 5 March 2026

ABSTRACT

This paper compares the seasonal worker programs of Australia, Canada, New Zealand and the United States. All four programs have experienced rapid growth over the last decade, and they have all become significant parts of their countries' agricultural labour forces. But they have also all become more controversial over time, with accusations growing that these programs are both intrinsically and in practice exploitative. Since the programs have become both bigger and more controversial, not surprisingly they have all become more tightly regulated to better protect workers. What impact this greater level of regulation will have on scheme growth remains to be seen, but there is a risk that greater regulation will lead to lower or even negative growth. The article concludes with several recommendations drawn from the authors of the country studies in this special collection for ways to protect workers while containing costs to employers.

1 | Introduction

Seasonal worker programs or SWPs, under which rich countries allow migrants, usually from nearby poorer countries, to work on their farms for several months a year, can be found around the world. Australia, Canada, New Zealand, the United States and several European countries all run SWPs. In stark contrast to the massive literature on temporary migrants ('guest workers') in general (Castles 2006; Ruhs 2021), comparative work across SWPs is limited. Yet SWPs are very different to other forms of temporary migration, and have their own distinct features and challenges.

In each country, only a small number of academics have a detailed knowledge of their country's SWP. The limited SWP cross-country analysis to date has focused on comparisons between neighbours: either Australia and New Zealand (Brickenstein 2015; Curtain et al. 2018) or Canada and the US (Weiler et al. 2021) or the European SWPs (Hooper and Le Coz 2020). Yet SWPs are becoming not less but more important. More comparative analysis should be useful. This collection aims to help fill the comparative gap with papers by leading national experts from the three countries of Australia (Curtain 2025), New Zealand (Bedford and Bedford 2025) and the United States

(Martin 2025).¹ This paper draws on those three country papers as well as the broader literature to provide a comparison of the schemes of these three countries as well as Canada.²

The Canadian scheme, called the SAWP (Seasonal Agricultural Worker Program), is actually the oldest of the four studied. It started in 1966. The US SWP, the H2-A scheme, is the second oldest. It commenced in 1986, replacing an earlier SWP, the Braceros, which goes all the way back to 1917. The NZ scheme, the RSE or Recognised Seasonal Employer program, started in 2007, and also replaced earlier (and smaller) farm migrant programs. The Australian scheme started in 2008. It used to be called the Seasonal Worker Program, but is now officially referred to as the short-term stream of the Pacific Australia Labour Mobility (PALM) scheme. The US H2-A scheme is by far the biggest of the four, with more than 300,000 workers annually. 70,000 are recruited annually through Canada's SAWP, and about 18,000 through New Zealand's RSE and Australia's SWP (figures for 2023).

This paper begins with the common features of the four SWPs, and then turns to recent trends across them. It next explores the differences between and the challenges facing them before concluding.

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2 | Common Features

This section outlines ten features that are common across the four SWPs. Some of them are definitional in the sense that if the feature was not observed then one would not regard the program to be an SWP. In other cases, one could imagine a program being called an SWP but nevertheless not being characterised by the feature in question. In practice, however, the features detailed in this section are evident across the four schemes and over time. This stands in contrast to the trends discussed in the next section which are recent.

First, and most obviously, SWPs are for seasonal work, that is, for tasks of less than a year in duration. The Australian, Canadian and NZ schemes all have monthly maxima for duration of stay: of nine, eight and seven months respectively.³ There is no cap on months for the US, but, as part of the hiring approval process, employers have to confirm that the work involved is of a temporary or seasonal nature, and this normally means a limit of no more than ten months.

Second, SWPs are predominantly for agriculture, and specifically horticulture. SWPs typically extend beyond horticulture, however, to other agricultural sectors (such as viticulture in New Zealand) and sometimes beyond (e.g., to seasonal tourism in Australia).

Australia's PALM scheme may seem to challenge our definition of an SWP since its long-term stream allows for the migration of non-seasonal workers and in sectors other than agriculture (e.g., meat-processing). However, as noted earlier, Australia's SWP is its *short-term* PALM scheme. Other countries also run temporary, non-seasonal, low-skilled migration programs from specified source countries, similar to Australia's long-term PALM stream. For example, Korea has its Employment Permit Scheme. Canada's SAWP, though it has retained its own acronym, sits within a broader Temporary Foreign Worker Program which allows both skilled and unskilled temporary migration. Such longer-term temporary migration schemes are beyond the scope of this collection and paper.

Third, SWP visas are strictly temporary. There is no pathway to permanency, and no family accompaniment. In the US, workers are entitled to bring their families, but none do.⁴

Fourth, the schemes are employer-driven. The employer might be a farmer, a group of farmers, a corporation owning several farms or a labour-hire company, but in all cases workers are tied to a single or at most a group of employers. No SWP has scope for worker-initiated mobility.⁵ That is, under none of the SWPs can a worker come to the country or move between employers without the permission of their employer. This puts the SWP worker in a vulnerable position. If the employer misbehaves, the worker can only quit legally if they are prepared to leave the country. To try to reduce the possible exploitative impact of this power imbalance, employers face a number of obligations related to protecting worker welfare.

This leads to the fifth feature, which is that SWPs are all highly regulated schemes. For a start, SWP employers must be accredited. This gives the receiving-country government a

chance to check their trustworthiness, or, at a minimum, to refuse them access to SWP workers if they are found not to be following the rules.

In addition, SWP workers must be paid at least as much as non-SWP workers, sometimes more. In Australia and Canada, SWP workers are paid the minimum wage. However, Australian SWP workers also receive a casual loading of 25%, even though they are now required to be paid a minimum of 120 h every 4 weeks (whereas casual workers would not also be protected by a minimum work requirement). New Zealand RSE workers also all used to receive the minimum wage, but more experienced workers are now required to be paid 10% above the minimum wage. The US has a complex system of wage setting, but US SWP employers are required to pay what is deemed by government to be the average wage for agricultural work in the area. This is typically significantly above the minimum wage. In addition, employers always have responsibilities for SWP workers that they do not have for non-SWP workers, such as ensuring that they are adequately accommodated (in housing that meets minimum standards). Sometimes employers have to not only provide but pay for such services, and sometimes they are also responsible for pastoral care.

Moreover, various protections are put in place for SWP workers. For example, in Australia employers must notify unions when workers arrive, and allow union officials to address them. Australia and New Zealand both require pre-departure briefings. Australia has a PALM phone hotline. Some sending countries place liaison officers in the receiving country to look after workers (Australia pays them to).

All this is not to say that the regimes put in place to protect SWP workers always work. In fact, as discussed later in the paper, all four SWPs are controversial in relation to their treatment of workers. Nevertheless, the SWP segment of the agricultural labour force is always the most expensive and regulated segment of that country's unskilled agricultural labour force. For example, in Australia an SWP worker costs their employer \$1 an hour more in terms of non-wage costs than a backpacker (Zhao et al. 2018) and the SWP 'results in less exploitation of workers ... when compared with other low-skilled visa pathways' such as backpackers (Howe et al. 2017). Employers are willing to pay these additional costs and endure a higher regulatory burden in return for the greater reliability and productivity of SWP workers. In some cases, the reputational effect of being known to employ a regulated workforce is also beneficial (Curtain et al. 2018).

Sixth, all SWPs seek to protect domestic workers, whether by capping SWP numbers (New Zealand) or by requiring labour market testing of some form or another before bringing in SWP workers (all four). Floors on how much SWP workers are paid are also ways to prevent SWP workers undermining the pay of domestic workers. Politically, it is important for all SWP programs to have mechanisms that show that foreign workers are not taking jobs that local job seekers want.

Seventh, if not already obvious, SWPs are complex programs. As already noted, they involve elaborate rules to satisfy the various constraints under which they operate, in particular rules to

protect both domestic and foreign workers. There is also administrative complexity. In all four countries, the department responsible for employment is the most central for the SWP: in Australia, the Department of Employment and Workplace Relations; in Canada, Employment and Social Development Canada; in the US, the Department of Labour; and in New Zealand, The Ministry of Business, Innovation and Employment. However, the immigration department or its equivalent of course also has to be involved, and likewise foreign affairs, as well as labour market regulators. As discussed later in the paper, in the US and Canada state governments are also actively involved in the administration of those two countries' SWPs.

Eighth, turning to worker characteristics, the four SWPs are bilateral in nature. Only the nationals of selected countries can be SWP workers. Those countries selected are nearly always neighbours. Most SWP country governments enter into MOUs with sending country governments, though not the US. Its SWP is dominated by Mexico (92% of workers) and a handful of other countries (Jamaica, Guatemala and South Africa), but is allowed to admit workers from about 70 countries. Worker selection methods by source country vary even within a particular SWP (Curtain and Howes 2020). Payments to recruitment agents are banned, though sometimes occur. SWP workers are overwhelmingly male. For example, women constitute only 3.5% of Mexican SAWP workers (Soroka 2022, 292)—Mexico is the largest SAWP sending country.

Ninth, while recruitment methods vary, SWPs all have a high reliance on return workers. Workers recruited during the first five years of the NZ RSE have worked on the program for an average of 3.8 years. Other schemes would have similar or even higher averages. The reliance on return workers makes a lot of sense given lack of information employers face when recruiting workers about worker quality. Those workers who prove themselves reliable and keen in their first season are welcomed back and indeed are often used to recommend new workers.

Tenth, these schemes experience an excess supply of workers from sending countries. For example, in Fiji, which supplies workers to Australia's and New Zealand's SWP, the government closed the application list for the SWP due to their inability to find places for the 35,000 already on the waiting list (Shaw 2024).⁶ For those on a waiting list (work-ready pool) for the SWP in Timour Leste—an estimated 20,000 in 2020—getting selected for the Australian SWP is described as akin to 'winning the lotto' (Mackinnon et al. 2020).

The schemes are so popular because they are so beneficial to participants. The Australian and New Zealand schemes are the best researched, with large surveys of workers and control groups. Gibson and McKenzie (2014) concluded from their survey research that 'the [NZ] RSE has indeed had positive development impacts that dwarf those of other popular development interventions. It has increased income, consumption, and savings of households; durable goods ownership; and subjective standard of living.' (Abstract).

The most recent representative survey of Australian and New Zealand SWP workers was undertaken by the World Bank and the Australian National University with funding from

Australia's Department of Foreign Affairs. It covered 'more than 2000 workers in the Recognised Seasonal Employer (RSE) scheme and the Pacific Australia Labour Mobility (PALM) scheme plus more than 4200 households (with about 25,600 household members in total) in Kiribati, Tonga and Vanuatu.' (Doan et al. 2023a). This study (as summarised by Doan et al. 2023b) found that

Most workers are very satisfied with their experience in host countries, and the schemes are widely perceived as beneficial by both participating and non-participating households. Importantly, there is no evidence of any decline in worker satisfaction relating to the pandemic....

On returns from participation, the authors comment

That participants earn significantly more than they would at home is well known. Less well known is the scale of these gains, which our new data help clarify: between three and four times pre-departure earnings for Tongan workers and up to 10 times pre-departure earnings for ni-Vanuatu workers. On average close to 60% of their earnings can be saved and sent home.

Unexpectedly and controversially, this research also found that:

... that participation in labour mobility schemes generally strengthens family relationships, empowers women and shifts gender-related norms. About four in five surveyed workers reported improvement in their relationships with their children, and two-thirds reported improved marital relationships—findings that challenge commonly held assumptions about the impacts of family separation.

3 | Common Trends

Apart from the ten commonalities identified in the previous section, looking across the four schemes one can also detect a number of recent similarities or trends. These are features that have not always been but are now evident across the four programs.

First, all four programs have experienced rapid growth over the last decade or two. In the US, the H2-A labour force was only 32,000 in 2005, nearly 20 years after commencement. However, it has since grown to 304,000 in 2024.⁷ In Canada there were 22,000 SAWP workers in 2005, nearly 40 years after commencement. But the number of workers has since tripled to 68,000 in 2024. The New Zealand RSE only started in 2007, but it has grown rapidly since its inception, for example, from 8000 in 2013–14 to 17,500 in 2022–23. The Australian scheme got off to a slow start (Hay and Howes 2012) but growth has accelerated over time. There were 1474 SWP visas issued in 2012/13 and 12,200 in 2018/19 (Curtain and Howes 2020). Australia's SWP visas are now often multi-year so visas issued each year

underrepresent the annual number of workers, but in 2022/23 there were 18,383 visas issued (Bedford 2023).

There are various drivers of this growth. One, the sectors in which SWP workers are employed are themselves growing, in part enabled by the additional, predictable labour force which an SWP provides. This is especially notable in New Zealand. Two, there has been a reduced supply of alternative labour in some countries. The illegal Mexican labourers who also work in American agriculture and who in fact outnumber H2-A workers are ageing and their children are taking up off-farm work. The number of family farm workers has fallen in Canada. Three, Australia and New Zealand closed their borders during the pandemic but opened them to SWP workers, leading to rapid growth.

The second common trend is that, as a result of this rapid growth, the four SWPs have all become significant parts of their countries' agricultural labour forces, though not a majority. It is very difficult to estimate the agricultural labour force not least because of its heavy reliance on temporary workers at harvest times. However, some of our authors have the data to make estimates. In the US, '[a]bout 10% of US farm employers rely on H2-A guest workers, and they account for 20% of the average employment on US crop farms' (Martin 2025). In Canada, 'approximately 50% of employed workers in agriculture now come from the SAWP program' (Falconer 2023). In New Zealand, 'RSE workers make a relatively small share of the horticultural work force', Bedford and Bedford (2025) write, 'comprising 12% of the peak workforce across the horticulture value chain.' Nevertheless, 'RSE workers have become the lynchpin, filling seasonal labour gaps unable to be addressed by New Zealand's domestic workforce or the casual labour provided by working holiday makers and others on temporary work visas'. (Bedford and Bedford 2025)

Third, the four programs have all become more controversial over time. To some extent these schemes have always been the subject of debates revolving around whether 'guest worker' schemes should be part of a country's migration program, or whether alternative ways should be found to address labour shortages in agriculture. Martin (2025) details the debates along these lines around the US SWP, both at the time of its introduction in the 1980s and now. The Australian SWP also had a contentious start. The conservative government then in power was not in favour of an SWP—on the grounds that it opposed guest worker schemes—and instead responded to farmer complaints of labour shortages by introducing incentives for backpackers to work on farms. It was only when a Labor government was elected in 2007 that it responded to demands from the Pacific for an SWP, and introduced one.

What we are seeing now is different though. In all four countries, the SWP has become a subject of critical media attention. In particular, the controversy centres around the claim that SWP workers are exploited, and indeed the claim that the schemes are intrinsically exploitative and akin to a modern-day form of slavery. These claims are illustrated by Figure 1.

It is not that these schemes have become more exploitative over time. Why then have they become more controversial? There

are several reasons. One, with rapid growth, the four programs have taken on a higher profile, making incidents of abuse both easier to find and more newsworthy.

Two, the pandemic led to a greater critical focus on these schemes.⁸ In some countries, the pandemic made it harder for workers to leave, and thereby made their situation precarious as their original employment tasks were completed. The pandemic also gave the problem of crowded and inadequate living situations a higher profile due to the focus on social distancing.

Three, there is also greater attention these days to the issues of modern-day slavery and neo-colonialism. The fact that, as mentioned earlier, workers are tied to a single employer as a condition of their visa can make these schemes look to some to be a form of modern-day slavery or neo-colonialism.

On the former, a recent UN report concluded in the case of Canada that country's 'temporary foreign worker program serves as a breeding ground for contemporary forms of slavery, as it institutionalises asymmetries of power that favour employers and prevent workers from exercising their rights.' (Obokata 2024).

On the latter, one pair of authors claim that under both the short-term and long-term PALM 'Pacific labourers are contracted in constrained conditions to benefit Australia's economy and must leave once that function is served. PALM schemes are likened to historical indentured labour of Pacific Islanders, demonstrating a colonial logic of habit' (Koro and McNeill 2024).

That all four schemes are now embroiled in controversy is particularly striking given the much more favourable light in which they were viewed in the past. For example, a 2010 article noted that 'Canada's SAWP has been consistently cited as a reference point for "best practice"—defined as successful initiatives or model projects that make an outstanding, sustainable, and innovative contribution to an issue at hand—by scholars and governments alike.' (Hennebry and Preibisch 2010, e24). Likewise, in the early 2010s, the ILO 'good practices database' stated 'The comprehensive approach of the RSE scheme towards filling labour shortages in the horticulture and viticulture industries in New Zealand and the system of checks to ensure that the migration process is orderly, fair, and circular could service as a model for other destination countries.' (cited in Gibson and McKenzie 2014, 229).

The bare facts that the schemes are now controversial and that serious criticisms are levelled against them does not of course necessarily imply that the criticisms are justified. By their very nature, claims of widespread illegal behaviour are difficult to establish. In fact, as discussed earlier, a study based on a recent extensive and representative survey of Australian and New Zealand SWP workers found that 'most workers are very satisfied with their experience' in host countries, that 'reforms to support the further growth of these schemes should be prioritised, and that policy changes which might compromise this success should be approached with the utmost caution.' (Doan et al. 2023b).

Nevertheless, regardless of where the truth lies, the critical media view has prevailed, and the status quo deemed to be

RSE workers being treated 'like slaves', Equal Employment Opportunity Commissioner says

**Migrant workers in Canada 'vulnerable' to
modern-day slavery: UN expert**

Pacific Islander farm workers demand justice after claims of
'modern slavery'

**Human trafficking or a guest worker
program? H-2A's systemic issues result in
catastrophic violations**

FIGURE 1 | SWP media criticisms. *Source:* Fonseka (2022)—New Zealand; Al Jazeera (2023)—Canada; SBS (2022)—Australia; Vasquez (2023)—United States.

unacceptable. Indeed, the opposition to the SWP schemes has extended to calls for their abolition, including from mainstream sources. For example, a recent Canadian parliamentary committee in June 2024 recommended the abolition of the Canadian SWP (Robitaille 2024).

The policy response to greater controversy in the four countries has not been one of abolition—the schemes are all too important—but rather of reform. This is the fourth recent trend: the four SWPs have all recently become more tightly regulated. As noted earlier, the SWP workforce has always been regulated relative to other agricultural labour force segments, but now it is even more so.

Australia and New Zealand's schemes have both introduced the same worker-protecting reform. Employers are now required to pay workers for at least 120 h of work over a 4-week period. This is to prevent workers being brought to Australia or New Zealand but then finding themselves idle due to delays. In addition, in Australia, employers are required to ensure that worker's weekly take home pay is at least \$200. This is to prevent pay packages being eroded by deductions to the extent that workers do not have enough to live on.

New Zealand (RNZ 2022) and Australia (Burke 2023) have also introduced rules to better protect all temporary foreign workers (including students, backpackers, and temporary skilled workers) not just SWP workers, including rules to protect the visa status of workers who allege exploitation.

As mentioned earlier, Canada's SWP operates as part of that country's Temporary Foreign Worker Program. The Canadian government announced new regulations to protect TFW (including SWP) workers in 2021 with the objectives of:

Improving protections for temporary foreign workers by mandating employers to provide temporary foreign workers with information about their rights in Canada; prohibiting reprisal by employers against workers who come forward with complaints; and, putting into regulation key requirements for all employers to provide reasonable access to health-care services, and for

employers to provide health insurance when needed. The proposed changes would also prohibit the charging of recruitment fees to workers, and hold employers accountable for the actions of recruiters in this regard.

Improving the Government's ability to prevent bad actors from participating in the program by providing authorities that will strengthen the assessment of applications from new employers and deferring the processing of a Labour Market Impact Assessment (LMIA) if non-compliance is suspected.

Strengthening the Government's ability to effectively conduct inspections. This includes reducing the prescribed timelines and involving third parties (e.g., banks and payroll companies) to provide documents to support inspections. (Employment and Social Development Canada).

In the case of the US, new rules were introduced in 2023 specifically for H2-A visa holders to 'add new protections for worker self-advocacy, better protect workers against retaliation, make foreign labour recruitment more transparent and enhance the department's enforcement.' (US Department of Labor 2023).

In general, these changes have been opposed by employers. In the US, the most recent rule changes—referred to above—are now the subject of a court appeal. In New Zealand, where the RSE has 'always been largely driven by employers', 'some employers feel quite disillusioned with the current way decisions are being negotiated' and there is 'a sense of diminishing "employer voice" in the decision-making process' (Bedford and Bedford 2025).

One might expect the growing controversy and regulation to slow or even reverse the growth of these schemes. There is evidence of this from Australia (Curtain 2024, 2025). There was a reduction of 28% in the number of SWP workers between June 2023 and November 2024, which Curtain (2025) explains in terms of both the past-pandemic return of backpackers to

Australia and the increased regulation of the SWP. In New Zealand, despite ‘growing employer frustration’, employer demand has stabilised but not fallen (Bedford 2024).

4 | Differences

As well as the intrinsic similarities and recent trends discussed in the last two sections, there are also important differences between the four programs. We start with the clear differences between the two North American programs and the two Antipodean ones before turning to individual differences.

4.1 | Differences Between the North American and Antipodean SWPs

For a start, the North American programs are much older. The Canadian scheme started in the 1960s. The US one started in 1986, but it replaced an earlier SWP. By contrast, the two Antipodean schemes are less than two decades old, with the New Zealand scheme commencing in 2007, and the Australian one in 2008.

Given that the Australian scheme followed hot on the heels of the NZ one, it is not surprising that the two schemes are similarly designed. And indeed they have become more similar over time. Initially, employer ownership and influence was much stronger in relation to the New Zealand scheme than the Australian one, though, as just noted, employer ownership of the New Zealand scheme has weakened as regulations have been tightened. Worker protections across the two schemes are now similar. The main difference between the two schemes is the New Zealand cap, discussed later, and the practice in the latter scheme of joint recruitment (two or more farmers submitting a single SWP recruitment application).

Perhaps because they are much more recent, the two Antipodean schemes have a much stronger focus on development than the North American ones. One of the five objectives, currently articulated, for the New Zealand scheme is to ‘encourage economic development, regional integration and good governance within the Pacific by allowing preferential access ... to citizens of eligible Pacific countries.’⁹ (Immigration New Zealand, n.d.). The Australian SWP refers to dual objectives: ‘to help to fill labour gaps in rural and regional Australia and nationally’ and to allow ‘Pacific and Timour-Leste workers to take up jobs in Australia, develop their skills and send income home.’ (Pacific Australia Labour Mobility, n.d.). By contrast the objectives for the two North American schemes are never expressed in developmental terms. To the extent that an objective for the Canadian SAWP has been articulated, it is simply to ‘allow employers to hire temporary foreign workers (TFWs) when Canadians and permanent residents aren’t available.’ (Employment and Social Development Canada 2024). Likewise, the US H2-A program simply ‘helps American farmers fill employment gaps by hiring workers from other countries.’ (US Department of Agriculture n.d.).¹⁰

It is not clear that these differently articulated objectives—more or less elaborate, and more or less development-focused—make

any difference in how the schemes are run. One impact of their more explicit development focus is that the Antipodean schemes have been much more researched, with large worker surveys (discussed in Section 2) of both the New Zealand and Australian SWPs looking at both earnings and worker experience.

Another difference between the Antipodean and North American schemes relates to sending countries. The Antipodean countries have a major impact on the labour market of some of their sending countries; the North American schemes do not. This differential impact is a function of the size of the source countries for the different schemes. Figure 2 takes the top three sending countries for the Antipodean SWPs (combined) and the top three for the North American SWPs (combined). There is almost an order-of-magnitude difference, with 4.6% of Tongans and ni-Vanuatu working during the year on an Australian or New Zealand farm, but only 0.5% of Jamaicans and 0.2% of Mexicans working that same year on a US or Canadian farm.

5% of a country’s population might not seem like a lot, but workers have to be of working age, and are mainly male. In 2022–23 24% of Tonga’s and Vanuatu male population aged 20–54 participated in Australia’s or New Zealand’s SWP (Curtain 2025). The much larger share of Pacific workers participating in an SWP explains why the Antipodean SWPs have become controversial in the Pacific while the North American SWPs have remained popular in Central America and the Caribbean. Concerns in the Pacific have revolved around the two issues of brain drain and worker treatment. Brain-drain concerns have focused around workers leaving formal-sector employment to take up SWP jobs, for example, teachers, nurses or government bureaucrats. Some have also argued that SWP participation has reduced agricultural output. Worker treatment concerns have revolved around allegations of exploitation and family exploitation.

Brain drain has not been a concern in Central America and the Caribbean due to the small number of SWP workers (relative to sending-country population). Worker exploitation has been raised as an issue from time to time, but sending-country governments have not supported them. For example, the Jamaican government investigated allegations of modern-day slavery by a group of Jamaican workers. The relevant minister refuted the claims after visiting various Canadian farms, writing that ‘While the conditions varied from farm to farm, the housing conditions ranged from good to excellent. ... We observed no evidence of mistreatment... I cannot see persons enthusiastically participating in a program for 35 years under the conditions which are now being asserted.’ (Bulowski 2022). The Mexican government also has a very positive public view of the Canadian SAWP saying that it is a ‘model of orderly, safe and regular labour mobility’ (Secretary of Foreign Relations 2024).

As a result of their concerns, three Pacific governments have released new labour mobility strategies: Tonga, Samoa and Vanuatu (Kingdom of Tonga 2023; Government of Samoa 2023; Government of Vanuatu 2024). None of the three countries, however, has expressed a desire to pull away from any of the three schemes. Samoa has introduced caps, but these have only a symbolic value as they are set at twice the level of their current participation rate, and so are unlikely ever to be

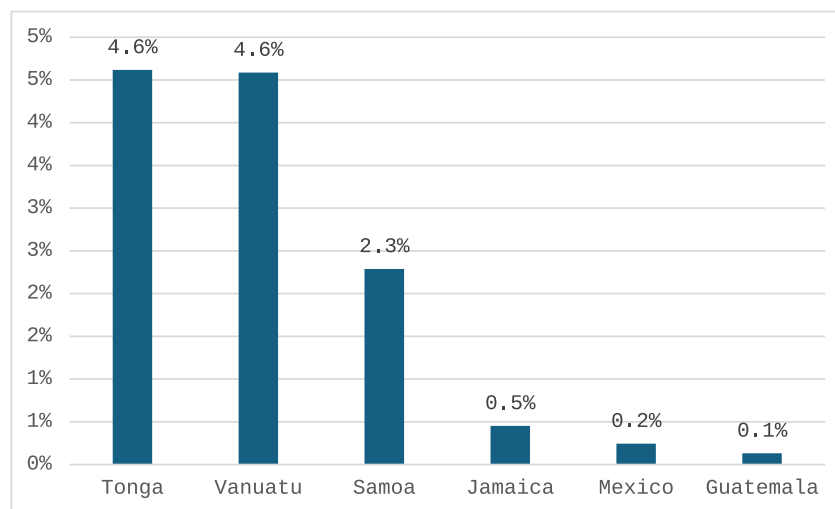


FIGURE 2 | Share of sending country population working on an SWP in a given year. Latest year for which data available. Population from 2022. Top three source countries for both Antipodean and North American SWPs selected.

binding. Rather, the main focus of the strategies has been on how to reform worker selection methods to make it easier for those outside of the formal sector—and outside of urban areas—to participate.

While discussing source countries, it is also worth noting an interesting lesson from the Canadian experience that is particularly relevant for Australia. Canada began its SWP with Jamaica in 1968. In 1974, it added Mexico as a source country. As noted earlier, Mexico is by now by far Canada's biggest source country supplying half of its SWP workers. In other words, small, remote Jamaica has not been able to compete with large, proximate Mexico.

In Australia, farmer groups have frequently argued that the Pacific SWP is not adequate for Australia's agricultural sector and that access should also be provided for Australian farmers to Asian farm workers. Responding to this demand, in 2019 Australia's then conservative government—a coalition government that included a party representing rural areas—decided to introduce an agricultural visa that would effectively operate as an SWP for Asian countries. One criticism of this decision was that Pacific participation would be marginalised if not wiped out, as Asian countries would be able to supply many more workers at a significantly lower recruitment cost. The Canadian experience—in which Mexico has come to dominate the SAWP—supports this argument. With the Pacific growing in importance due to geopolitical competition with China, the “Asian SWP” was dropped by Australia's incoming Labor government in 2022.¹¹

A final difference between the Antipodean and North American SWP relates to the involvement of state or sub-national governments. New Zealand does not have state (provincial) governments. Australia does but they are not directly involved in the running of the Australian SWP. By contrast, both the Canadian and the US schemes involve state governments in their implementation. In the US, State Workforce Agencies receive H2-A employment requests from employers, participate in labour-market testing, and inspect and approve worker housing.

In Canada, the states are even more centrally involved, with scheme rules, for example about deductions, varying from state to state.

4.2 | Other Differences Between the SWPs

Other differences between the SWPs, rather than following a north-south divide, are peculiar to one or more of the countries.

First, the universal requirement that non-migrant workers be prioritised is implemented in different ways in different countries. Each country requires some labour market testing. New Zealand is unique in having a cap on SWP workers to protect local workers. (Australia had a cap but dropped it in 2015.) New Zealand's cap has been criticised on different grounds. One, it advantages employers who already have access to workers, as new employers can only enter the scheme to the extent that the cap is increased, and to the extent that existing employers reduce their demand or exit the scheme. Two, a cap gives scope for corrupt behaviour, as employers become willing to pay to get access to workers they would otherwise be excluded from employing, and indeed corruption allegations have been made in relation to New Zealand's cap (Fonseka 2020). Three, a lower cap for SWP workers may mean not higher utilisation of resident workers but rather higher utilisation of other foreign workers, in particular backpackers.

Second, while, as noted in Section 2, all SWPs are regulated, there are many differences across the four countries in the degree and type of regulation. One area of considerable variation concerns the allocation of non-pay expenses between the employer and the employee. In the US, employers are required to pay for housing, and for transportation, both from the workers' home country and from their home while in the US to their place of work. In Australia and New Zealand, employers are required to provide housing, but workers pay for it, as they do for internal transportation if needed. International transportation costs are partly shared in Australia and New Zealand, with the employer responsible for paying the first \$A300

(Australia) or half the airfare (New Zealand),¹² and the rest an employee responsibility. Typically, Australian and NZ employers pay the upfront costs of transport and are also responsible for payments to accommodation and transport providers (whether themselves or a third party), for which they are reimbursed. Canada presents an intermediate case, with employers mainly being responsible for housing costs (precise rules vary by province) and for half of transport costs.

One implication of this is that deductions are a much bigger share of pay in Australia and New Zealand than in the United States. For this reason, the issue of deductions has been much more controversial in the former two countries. The large Antipodean worker survey mentioned earlier noted that 'a key area of dissatisfaction for workers is their salary deductions' (Doan et al. 2023a, 15).

Could the US solution be applied to the Australian and New Zealand schemes? The US government indirectly bears some of the costs of hiring an SWP worker by giving special income tax treatment to SWP employers, who are exempt from paying payroll tax (7.65% of pay). This arrangement makes sense for the US, since payroll tax is used to fund Medicare (health care for the aged) and Social Security (old-age pensions), entitlements which H2-A SWP workers will not have access to. It is sometimes argued that paying into superannuation accounts for Australian SWP workers makes no sense as many workers will never access those accounts. Despite being eligible to claim the money when SWP workers leave the country, onerous bureaucratic requirements often prevent this from happening. And such withdrawals are typically taxed at 35%. One option would be to remove superannuation requirement for Australian employers for their SWP workers, and require those employers to instead cover more of their transport and accommodation costs.

Another difference in payments concerns food. In the US employers can choose to be responsible for providing meals, and, if they do, they charge workers \$15 per day for three meals a day. In the other three schemes, workers are responsible for and pay for their own nourishment.

Healthcare responsibilities also vary. In Australia, New Zealand and the US, SWP workers must take out private health insurance. Canada's SWP workers are covered by government health insurance.

While all four schemes embody the principle that SWP workers must receive no lower a wage than native workers, pay rules differ from country to country (for details, see Section 2).

Canada is now the only SWP that does not have a minimum earning requirement. As mentioned earlier, in Australia and New Zealand workers must be paid for at least 120 h of work every 4 weeks. In the US, workers must be paid at least three-quarters of the pay they would receive if working full time for their contract period.

Finally, each country has its own unique compliance regime. It is very difficult to assess which regime is the strictest or most protective of workers, and no attempt is made here.

5 | Challenges

Countries have three alternatives to using SWP workers. They can import more food, they can use machinery in place of workers, and they can use other types of farm workers. Each of the four programs faces its own mix of threats.

The threat of substitution by machines is most obvious in the United States. The US is a leading source of global innovation, and US farms are the first place in which labour-saving agricultural machinery is likely to be used. Farms are already a lot more capital intensive than they used to be, with greater reliance on farm machinery either to make workers more productive or to remove the need for human involvement altogether. This trend is certain to continue, but it is impossible to predict at what rate.

Turning to the threat of imports, both New Zealand and Australia are net agricultural exporters. The two countries also have very strict biosecurity regimes which—intentionally or not—keep many food imports out. The US has become a net food importer, and Canada is a net importer of fruit and vegetables. An option for both the latter countries, and especially the US given its proximity to Mexico, is to import fewer workers and more food.

The third challenge SWPs face is from other types of labour. In Canada, NZ and the US, SWP workers compete with native workers and with immigrant workers with fewer incentives to work on farms, so they are unlikely to be displaced. Australia is unique in having a large supply of backpackers (working holiday makers), with a strong incentive to work on farms. An Australian backpacker visa is only for a year,¹³ but if backpackers undertake regional (typically farm) work for three months, they can get a second-year backpacker visa, and if they undertake regional work for six months in their second year they can get a third-year backpacker visa. Australia caps backpacker visas for developing countries (developed countries are uncapped). By increasing the caps for developing countries, Australia can easily get more backpackers working on farms.

6 | Conclusion

Comparisons across SWPs are indeed instructive. Further research could advance our knowledge by linking the differences found to broader differences in the four countries' agricultural sectors and governance frameworks. But the start made here has shown a surprising degree of commonality across the four countries under review.

In particular, we have seen that all four SWPs studied have experienced a period of rapid growth followed by a wave of regulation. Tightened regulation will reduce exploitation but, as per the Australian experience, it may also lower SWP growth, which is bad both for farmers and for SWP workers. It may also be bad for reducing overall levels of worker exploitation if it leads to farmers substituting away from regulated and expensive SWP workers in favour of less regulated and less expensive non-SWP workers. And tightened regulation may be ineffective

given limited enforcement capacity. In the US ‘with fewer than 1000 federal farm investigations a year, the threat of enforcement can be considered a cost of business for employers’ (Martin 2025).

Strategies that reduce the risks of exploitation without requiring greater regulation are therefore welcome. Several have been proposed, including by the authors of this collection and by the countries studied.

One strategy proposed by both Martin (2025) and Curtain (2025) is to rate employers. Employers who are ‘A-rated’ that is, rated as treating their employers well, could be given certain privileges, for example, they could ‘self-certify their need for guest workers’ (Martin 2025). Curtain (2025) argues that industry certification as well as a good performance record should be the indicators used to decide whether employers should be given ‘trusted trader’ status (see Curtain 2023 for more detail on this ‘hybrid governance’ proposal).

The argument here is that incentives to behave can substitute for enforcement. If employers have an incentive to look after their workers to keep a high rating or to improve their rating, less funds would need to be expended by government on enforcement to ensure good behaviour. Canada has in fact taken this idea up and is currently running the Recognised Employer Pilot (REP) in which employers who ‘meet the highest standards for working and living conditions and worker protection’ can qualify for streamlined application procedures, for example, only having to do labour market testing every 3 years rather than annually (Employment and Social Development Canada 2024).

Curtain (2025) also has several relevant recommendations in this regard. Consistent with the recent call by Bauböck and Ruhs (2022) for the transnational governance of temporary migration programs, Curtain proposes that there be regular, high-level, bilateral meetings between the receiving country and all major sending countries, to identify and resolve obstacles and problems. He also proposes regular worker and employer surveys, and that employers should be ‘at the centre of the management of the governance arrangements.’

Reliance on pressure from supermarkets and other produce buyers (e.g., importing countries) is another alternative to government regulation and enforcement. The Ethical Charter on Responsible Labour Practices was adopted in January 2018 by the US Produce Marketing Association and the United Fresh Produce Association, and is a leading example of this sort of approach. How much industry self-certification schemes can drive change and protect workers remains to be seen.

Another more radical approach would be to tackle the ‘original sin’ of the tie between worker and employer by giving workers more agency, thereby reducing the extent to which they need to be protected. This has not been tried by any of the four countries, though it is often mooted in all of them. The US has come closest, via the Farm Workforce Modernisation Bill. It was passed by the House of Representatives in 2021, and proposed ‘a 6-year pilot program of up to 10,000 “portable” H-2A visas, allowing workers to move freely between registered agricultural

employers.’ (Farmworker Justice 2021). However, in the US immigration reform is impossible to reach consensus on, and the Bill was not passed by the Senate. Even if a ‘free agent’ approach is politically acceptable in any of the four countries—a big if—it also needs to be acknowledged that reducing the dependence of the SWP worker on a single SWP employer also means reducing the responsibility of the latter for the former. SWP employers will also be less willing to incur set-up costs if they are not confident that they can retain their workers.

A final way to reduce the trade-off between SWP regulation and growth is to make any regulation sector-wide rather than SWP specific. The more that all workers are subject to the same regulations, the less bias there will be against SWP workers. Curtain (2025) supports reforms in Australia to licence and more closely regulate labour-hire firms, so that, whether they are hiring SWP workers or backpackers, they behave in a responsible way.

It is unclear what the future holds for SWPs. They face threats from technology, from imports and from other agricultural workforce segments. SWPs may exist in 30 years’ time, but they might be much smaller than they are today, especially if robots continue to improve. But that is the long run. In the short-to-medium-run, the analysis of the four schemes provides several reasons why SWP worker demand is likely to stay strong if not increase.

First, SWP programs have intrinsic strengths. Yes, they require that the worker is tied to a single employer. But, unlike other temporary migration schemes, they do not raise the question of ‘permanently temporary’ workers. Workers, sending countries and receiving country employers may differ on issues of worker regulation, but all are happy with an arrangement whereby sending-country workers may spend several seasons doing agricultural work in a receiving country, returning home in between seasons. Thus the dilemma that has bedevilled many temporary worker schemes—‘we wanted workers but we got people instead’—arises to a much lesser extent in SWPs.

Second, we have seen in all four countries recent rapid SWP growth. Even in Australia, where we have seen a partial growth reversal, although employers complain about increased regulation, many still want to use their country’s SWP. Indeed, there are pressures in some countries that will push up SWP usage, in particular declining alternative sources of farm labour, and increased pressure on farmers to show that they are treating workers well. (Being an accredited or approved employer with government in relation to a highly-regulated scheme is one way to do this.)

Third, it is true that we have seen increased controversy and regulation, and that is here to stay. Those critics who conceive of SWPs as akin to a form of modern-day slavery and/or as a form of neo-colonial power are not going to go away. However, it has not been and is not a one-way street. Employers are a powerful group and no employers are more powerful than farmers. Both the New Zealand and the Australian governments, after tightening up their SWP regulation, listened to the complaints of farmers and reversed some of their increased cost-burden. In particular, both governments moved away from

a widely-criticised 30-h-per-week minimum work requirement to a less onerous 120-h-per-four-weeks requirement. This capacity for self-correction is healthy and augurs well for the future of seasonal worker programs, at least in the short- and medium-term.

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Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

Endnotes

- ¹ Initially, the plan was to also include a paper on Canada. However, due to unforeseen circumstances, this was not possible. However, the unpublished draft (Falconer 2023) is used in this survey as a source. European countries were excluded from the exercise in order to keep the exercise manageable. According to the 2023 International Migration Outlook (OECD 2023), 21 EU countries employed 155,000 seasonal workers in 2022. The UK has a recently-introduced SWP with about 45,000 workers.
- ² Sources, when omitted, are the three country papers of the special collection or Falconer (2023) on Canada. The papers mainly cover developments up to around 2024. Reforms of the schemes since the country papers were written may not be covered.
- ³ The New Zealand scheme allows citizens of Kiribati and Tuvalu, two particularly remote countries, to work for up to 9 months.
- ⁴ Australia is moving to allow family accompaniment for its long-term PALM workers but not for its short-term PALM (SWP) workers.
- ⁵ Proposals for worker-initiated mobility have been put forward in the US and in Australia but have never been taken up. See the conclusion for further discussion.
- ⁶ Although the article says this is a waiting list for seasonal work, it is more likely to be a waiting list for both seasonal work and multi-year temporary work under Australia's PALM scheme.
- ⁷ October-September fiscal year.
- ⁸ For example, according to a Canadian government press release which announced tighter SWP regulations, 'The COVID-19 pandemic has highlighted the need for further action by the Government of Canada and its partners to improve the protection of temporary foreign workers.' (Employment and Social Development Canada 2021).
- ⁹ The other four objectives relate to expanding the horticultural workforce, looking after RSE workers, protecting the migration and industrial relations system, and protecting NZ workers.
- ¹⁰ Recently the US moved to subsidise H2-A workers from Honduras, Guatemala and El Salvador to reduce illegal immigration pressures. Mexico, however, remains by far the largest supplier.

- ¹¹ An MoU by then had been signed with one country, Vietnam, and hiring of up to 1000 Vietnamese workers was allowed.
- ¹² NZ employers hiring from Kiribati or Tuvalu must pay half the international airfare from Fiji.
- ¹³ Except for UK backpackers who are now eligible to 3-year backpacker visas.

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ORIGINAL ARTICLE OPEN ACCESS

Australia's Seasonal Worker Program: Working Out Ways to Manage Risk

Richard Curtain 

Development Policy Centre, Australian National University, Canberra, Australia

Correspondence: Richard Curtain (richard@curtain-consulting.net.au)**Received:** 20 February 2025 | **Revised:** 5 May 2025 | **Accepted:** 7 June 2025**Funding:** The research for this article was supported by the Pacific Research Program, funded by the Department of Foreign Affairs and Trade.**Keywords:** pacific & Timor-Leste seasonal workers | pacific migration | programme governance

ABSTRACT

Australia's structured migration pathway for seasonal workers from the Pacific and Timor-Leste has evolved in many ways since starting as a pilot in mid 2008. These programme changes have not only included different names and managing agencies but also a stricter governance regime for managing risk. The paper explains how the operating context for the programme has shaped the governance changes. This environment has included media and union pressures to address incidents of alleged worker mistreatment. Also important was the rapid growth in worker numbers from Pacific countries during Covid. However, since then the number of seasonal workers working in agriculture has shrunk considerably. This has been due in part to the return of working holiday makers in large numbers. Also important is the decreased employer demand for seasonal workers engaged under stricter risk management requirements set recently by governments.

1 | Introduction

Australia's Seasonal Worker Programme (SWP) is a dedicated migration pathway for low-skilled, short-term temporary workers from nine eligible Pacific countries and Timor-Leste. After 4 years as a pilot programme, the SWP operated as a standalone programme between 2012 and 2022. The Australian government announced on 4 April 2022 that the SWP would be integrated into the new Pacific Australia Labour Mobility (PALM) scheme, which was established with two streams: a 'short-term' seasonal stream for work placements of up to 9 months (abbreviated as ST PALM) and 'long-term' work placements of between 1 and 4 years (LT PALM).

The focus of this paper is on the SWP or ST PALM. While the LT and ST PALM streams face some common issues, they are quite different in other ways, and the SWP also has a much longer history. For comparative purposes, it is also useful to keep the focus on the SWP.

Australia's SWP has experienced rapid growth over the last decade, and especially during the Covid-19 pandemic. However, SWP numbers declined significantly over the 18 months to November 2024, and the programme faces the risk of further shrinkage if reforms are not made (Curtain 2024b, 2025). This paper proposes ways that the risks to the growth of a dedicated migration pathway for seasonal workers from the Pacific and Timor-Leste can be managed.

The next section outlines the key features of seasonal work programs in general and how they are manifested by Australia's SWP. A brief history of the SWP follows, beginning with the period before the Covid-19 pandemic and then during the pandemic, when Australia's international border was closed, and when the SWP experienced explosive growth. The chapter then looks at the participation in the SWP by sending countries, and their perspectives on the programme, before outlining recent governance changes to the SWP, in part due to media and union pressure, and in part due to calls for more worker

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protection from the major sending countries. The final three sections look at the risks the SWP faces of continued shrinkage, recommends reforms to the programme to allow a return to worker growth and concludes.

2 | Key Features of Seasonal Work Programs

The essence of a structured seasonal work programme can be identified through six formal characteristics of seasonal work arrangements. These are the type of work, the need for workers to return home at the end of their short-term engagement, bilateral agreements with eligible sending countries, the use of a special migration pathway based on sponsoring employers, the role of government in vetting and overseeing contracts with approved employers, and the provision by governments of support services for workers and their families.

The first key feature is the type of work involved—namely, that it is temporary, short-term, in high demand and low skilled. The type of work also includes its location, often in remote areas, operating in thin labour markets. Employers in these areas have major difficulties in sourcing workers, especially for short-term, high-demand jobs, such as horticultural harvest seasons. In Australia's SWP, the work is mainly horticultural but also covers seasonal tourism in regional areas. SWP work is defined as low skilled, which means that workers can learn to perform the work on the job within a relatively short time. In other words, the jobs do not require workers to have formally recognised credentials to do the work.

The second key feature arising from the short-term duration of the job is that workers are required to return home within a set period—in the case of Australia's SWP, within 9 months. The host government also requires that local residents be offered the work in the first instance. This requirement aims to minimise the risk of an adverse political reaction to employers engaging foreign workers for low-skilled work.

The third key element is the designation of countries eligible to send workers. This usually involves the negotiation of a bilateral agreement between sovereign governments. The agreement stipulates, among other matters, that workers are recruited without cost to them, that they have complied with health and police checks, and that they are given an appropriate pre-departure briefing. The designation of a number of eligible countries is also deliberate. Employers want more countries to be included to give them choice; host governments may want to restrict inclusion to confer geopolitical strategic advantage.

The fourth important aspect of the arrangements is that the migrant worker is able to access the work via a structured migration pathway based on a work contract. This requires that the worker is legally tied to the sponsor of the work visa. This is done to ensure that the worker returns home at the end of their employment contract. It is also the means by which the host government can hold the sponsoring employer responsible for the worker's welfare. The benefits to the low-skilled worker include an offer of a high-wage job and the means to access that job. This is provided by the employer paying most of the major

upfront costs such as the air travel required to work in Australia, albeit later recouped in large part from the worker's earnings. The employer is also required to provide, though not pay for, accommodation to a designated standard. These requirements for employers address the barriers that low-skilled workers face with the high cost of travel to and from Australia together with the difficulty of finding suitable accommodation in regional locations.

Fifth, the government provides funding for a programme to oversee employers and their treatment of workers in the host country. This is required because of the work visa sponsorship arrangement, noted above, which ties the worker to an employer. The programme's governance structure specifies in detail the responsibilities of the sponsoring employer and sets up a process to vet employers based on criteria such as financial viability and award Approved Employer (AE) status. The governance structure imposes a set of legal requirements and reporting obligations on the AE. The programme is also expected to monitor employer compliance through contract managers, conduct spot checks of workplaces and respond formally to alleged cases of mistreatment. A seasonal work programme can be minimal in its requirements and compliance monitoring, as with the H2-A visa for the US (Martin 2025). Or the programme can be highly regulated, and closely monitored, as in Australia's case (Curtain and Howes 2020a). New Zealand's Recognised Seasonal Employer (RSE) scheme and Canada's Seasonal Work Assistance Programme sit between these two extremes in terms of governance arrangements (Curtain et al. 2018; Henneby and Preibisch 2012; Weiler et al. 2021).

The sixth element is the provision of support services for workers and their families, funded by the host and sending governments. These support services, in Australia's case, take the form of community-based faith and diaspora groups, and country liaison officers from the sending countries. More recently, some sending country governments have also provided support for workers and their families to identify savings goals and to invest in small businesses.

As well as the formal structure, various informal arrangements have evolved in Australia in response to employer and worker needs. On the worker side of the equation, a majority of workers return each season, creating a system of limited circular migration (Curtain and Howes 2020a, 28–32). This return worker dynamic has evolved at the request of both the employer and the returning worker. For the employers, their interest has been in reaping the benefit of the higher productivity of experienced workers. The benefits for the workers include the chance to earn a high income and generate enough savings to achieve a significant goal (Doan et al. 2023a, 40–42). This goal may be to pay for materials to build a more robust home, education fees or to invest in a business (Rose 2022, 171–172). Other benefits for the return worker including being part of a known work team and better acceptance of the constraints of their known temporary living arrangements.

This reliance on return workers also extends to the selection of new workers. Employers often ask experienced and trusted return workers to choose new workers they are willing to vouch for and work alongside. This builds stability into the system but

only works well if there is a slow rate of expansion in worker numbers. Good practice requires that the number of new workers is limited so that they can be more easily trained on the job and mentored by experienced workers.

Workplace problems often arise where employers are engaging workers who are new to the work or have not worked with the other workers before. The New Zealand (NZ) government has achieved this stability for the RSE by placing a cap each year on the number of workers that can be employed. In contrast, the rapid expansion in numbers in Australia, especially during the Covid-19 pandemic, became a major problem for the programme, as discussed below.

On the employer side, there are two categories of AEs in Australia. The first is an individual grower who employs workers, supervises them, arranges their accommodation and looks after the worker's welfare. The second is a labour hire company (operator, firm or agency) that is responsible as the legal employer but does not supervise the worker during work hours.¹

While most AEs have historically been growers, most workers are hired by labour hire companies. Between 2012 and 2020, 72% of the 51,000 positions approved under the SWP were taken by the 29% of AEs who were labour hire companies (Curtain and Howes 2020a, 11). Over this period, the average labour hire company employed 6.3 times as many SWP workers as the average grower: 1013 compared to 161 workers. The biggest five employers of SWP workers were all labour hire companies (Curtain and Howes 2020a, 11; Curtain and Howes 2020b).

As noted by Curtain and Howes (2020a, 12), this strong connection between the SWP and labour hire companies suggests that the SWP has high transaction costs for growers. These are related to the organising of overseas recruitment and travel, arranging suitable accommodation and meeting the reporting obligations of an AE. These costs are lower if they can be spread over many workers. They are also less onerous on employers if they have the expertise to organise overseas recruitment,

manage payrolls and prepare reports for the government agencies involved. Some farmers, especially large corporate producers, may prefer engaging seasonal workers directly as an AE. But, in general, the smaller the farmer and their demand for labour, the more financially attractive it is to go through a labour hire company (Curtain and Howes 2020a, 12).

3 | Before the Pandemic

Australia's SWP started its life in 2008 as a top-down, government-initiated transplant of NZ's RSE scheme, imposed by government in response to pressure from Pacific governments without the involvement of growers or their representatives (Curtain et al. 2018). Only 1066 jobs were offered over the first 4 years of the pilot programme (see Figure 1). This was well below the cap of 2500 jobs set by the government for the pilot's duration (Hay and Howes 2012).

One reason for the slow start is that the SWP was not the initial response by the Australian government to the call from the horticulture industry for access to foreign farm workers to cope with the high demand for labour at harvest time. In 2006, while resisting pressure from Pacific governments for access to the Australian labour market for temporary work, the Australian government under Prime Minister John Howard instead introduced a second year Working Holiday Maker (WHM) visa extension (Howes 2021). This was based on a requirement for the visa holder to first work in a regional area for 3 months, in a designated industry, which was mainly harvest work in horticulture. It was not until 2008 that a Labor government under Prime Minister Kevin Rudd introduced a pilot seasonal work programme for the Pacific.

By that time, farmers had already gained access to a rapidly growing pool of backpackers. Figure 1 shows growers' greater reliance on backpackers from 2005 to 06 to 2020–21. Second year WHM visa holders increased from 6649 in 2006–07 to 41,319 in the 8 years to 2013–14. Their number stayed above 30,000 a year until the onset of Covid-19 when it dropped to just

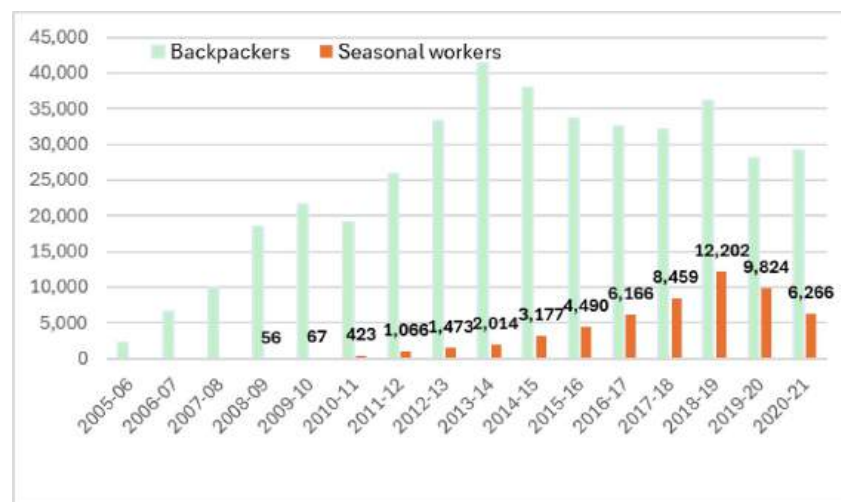


FIGURE 1 | Backpackers with a visa extension gained from farm work versus. SWP visas granted, 2005–06 (June to July) to 2020–21 (June to July). Source: Howes and Sharman (2021).

below 30,000 up to 2020–21. Surveys of employers showed that horticulture was no longer facing a labour shortage (Hay and Howes 2012).

Moreover, the SWP was not well advertised and was seen by growers as costly to participate in compared with the lower costs of employing backpackers. Backpackers could be engaged without incurring the obligations to pay for their travel, arrange their accommodation or provide ‘pastoral care’ (Hay and Howes 2012).

A survey of 183 growers in mid-2012 found that only 7% said they had difficulty finding sufficient seasonal workers due to the ready availability of backpackers (Hay and Howes 2012). The alternative option of engaging Pacific seasonal workers was not attractive to growers at that time. They were critical of the extensive reporting requirements for AEs as well as the additional expenses they would incur (Hay and Howes 2012). Growers’ greater preference for backpackers, especially from smaller growers concerned about lowering their labour costs, dominated the operating environment for the SWP until the onset of Covid-19.

Despite the low take up, the pilot was converted to a full program in 2012. The number of SWP workers increased slowly each year, from 1473 in 2012 to 4490 5 years later, with more rapid growth thereafter. A decline in backpacker numbers in response to bad publicity led more employers to accept the more regulated option. There were also reforms to the SWP, including reduced airfare costs for employers and the removal of the cap on worker numbers (Howes 2015). The number of SWP workers increased to 12,202 in 2018–19, before the Covid-related international border closure.

4 | During the Pandemic

The Covid-19 pandemic was a major turning point in the trajectory of the SWP. Australia closed its borders to new backpackers, and those already in the country left due to a lack of financial support from the Australian government. The number of WHMs in Australia fell from 143,042 in February 2020 to 40,616 in February 2021 (Department of Foreign Affairs and Trade (DFAT) 2021).

Following pressure from large, fresh food producers, the federal government gave special access to SWP workers if the sending country had zero incidence of Covid-19. Figure 2 shows that this special access resulted in a jump from 6266 SWP visas granted in 2020–21 to 18,383 SWP visas granted in 2022–23 and 16,938 visas granted in 2023–24. The actual number of SWP workers in Australia was greater than this number, as many could not return home during Covid due to border closures in their home countries. In the fourth quarter of 2021–22, the number of workers stuck in Australia was estimated to be 5672 (Sharman and Howes 2022b).

The rapid jump in seasonal workers recruited from the Pacific, as well as the earlier increase in numbers during 2021 to May 2022, caused a range of problems for both employers and workers, as well as sending countries. When international borders closed due to Covid-19 in March 2020, Canberra-based SWP contract managers introduced greater flexibility for the first time to allow employer-managed worker movements between workplaces. During this time, over 15,000 worker movements took place (some of these being the same worker moving multiple times) to ensure that Pacific workers could access continuing employment. However, movement between

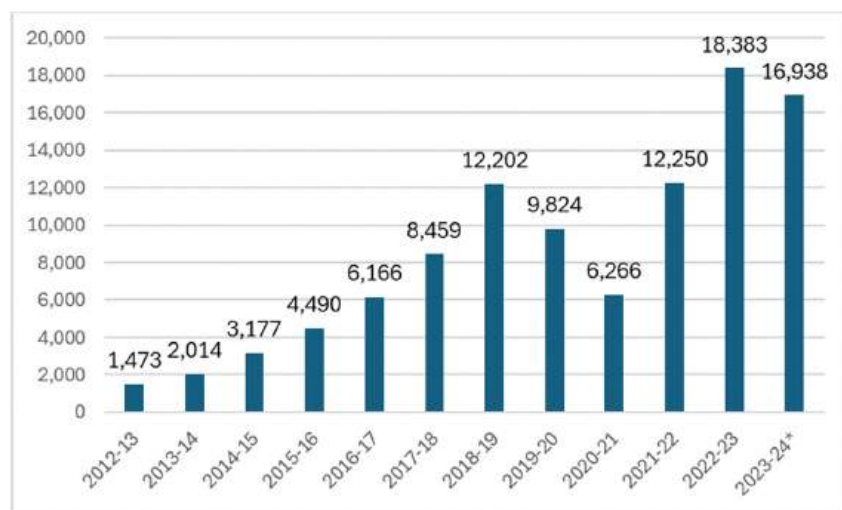


FIGURE 2 | SWP growth based on visas held for financial years 2012–13 (June to July) to 2023–24 (June to July)*. *Source:* DEWR (2024b); DHA (2025). * The change of PALM management to the Department of Employment and Workplace Relations (DEWR) from July 2023 revealed a range of integrity issues with the PALM scheme data, showing an overcount of PALM workers in Australia. This was mainly due to including offshore workers. The new data methodology has been applied from March 2024 onwards. To allow comparisons over time, DEWR has recalculated the historical data points for April 2022, December 2022, and for June 2023 to February 2024. The data reported in Figure 2 for 2023–24 are based on an average over the 12 months from July to June, using the new methodology (DEWR 2024a). There is a difference in 2023–24 of 27.6% points between the new and the previous statistic.

farms within Australia was, at times, heavily restricted due to quarantine and testing requirements, especially where this involved crossing state borders. Inevitably, there were periods of unemployment for some SWP workers.

Given the extent of labour shortages, the demand for SWP workers was huge. As a result, many workers left the PALM scheme altogether. Illegal labour contractors, growers and other intermediaries, sometimes from the diaspora, induced workers to leave their employers with offers of cash-in-hand work (i.e. without tax deductions) and access to cheap accommodation (Bailey 2020). This contravened the requirements of the workers' visas and made their work status illegal. Workers who left their AE were called 'absconders' or, more euphemistically, 'disengaged workers'. Government sources recorded 1181 SWP absconders in the 12 months between July 2020 and June 2021, a large increase from the 225 absconders the previous year (Howes 2022).

A common response to these workers' lack of legal work rights was for illegal contractors and others to encourage workers no longer with their SWP employer to apply for refugee status as an asylum seeker. Such workers could be granted a bridging visa within a relatively short space of time (reportedly from one to 2 weeks). If the applicant was still on a valid visa, they would be eligible for work rights and free health care. Data presented by Howes and Sharman (2022) show that, between April 2020 and October 2022, a total of 4205 protection visas were applied for by the citizens of six SWP eligible countries. Between November 2022 and August 2024, a further 4720 applications for a protection visa were lodged by Pacific and Timor-Leste workers (Howes 2024).

Due to substantial government holdups in the initial processing of applications for asylum, workers holding a bridging visa with work rights can expect to wait one to 2 years for a decision regarding their application for asylum. Further delays occur if the applicant seeks a review by the Administrative Appeals Tribunal of a negative decision. This means that most bridging visa holders can expect to have legal residence and work rights for up to 3 years before exhausting their right of appeal (Howes 2022).

To address this problem, the new Labor government provided A\$160 million in October 2023 to enable asylum applications to be processed more quickly. However, for 2023–24, there was still a significant backlog of asylum applications from the main PALM sending countries, numbering 2907 in total (Howes 2024). The countries with the largest number of asylum applicants in 2023–24 have been Vanuatu (971), Tonga (634) and Timor-Leste (322) (Howes 2024).

In addition to these bridging visa holders who have legal resident status, there are other former SWP workers still residing in Australia who have no legal status and are classified as 'unlawful non-citizens'. The Department of Home Affairs (DHA) records that, in 2022–23, there were 4300 temporary residents (the visa category that applies to former SWP and Pacific Labour Mobility workers) who had remained in Australia after their visa had expired or been cancelled (DHA 2023, 20). The families of these workers and the governments of sending countries

continue to express concern about these workers who have not returned home (Willie 2024).

During the pandemic, an exploitation narrative emerged around PALM based on media reports, union claims and a parliamentary inquiry about cases of worker exploitation (see Archibald-Binge 2021; Bailey and Bedford 2022; Sharman and Howes 2022a). In fact, many of the alleged mistreated workers were absconded or disengaged workers. With or without a valid visa status, these workers have been highly vulnerable to manipulation by rogue employers (Bailey 2020). The work they are offered is often poorly paid and unreliable. Workers not employed by an AE have also been forced to accept overcrowding in sub-standard housing.

The media did not refer to research findings that showed that SWP workers were less likely to be exploited than backpackers because of the high level of regulation of SWP employers (Howes 2020; Zirnsak 2022). Nor did the media present an overall view of worker welfare. World Bank and Australian National University (ANU) survey data for 2022 showed that most SWP workers were positive about their experience in Australia, despite the pandemic's negative impact on their earnings. When asked in 2022 how satisfied they were with the SWP, workers rated their experience highly, giving a rating of 8.7 on a 1–10 scale (with 1 equating to 'not satisfied at all' and 10 equating to 'extremely satisfied') (Doan et al. 2023a, 80). This compared with a rating of 7.9 for a 2020 World Bank survey and 8.1 for a 2015 World Bank survey (Doan et al. 2023a). Similarly high satisfaction ratings of SWP workers for three countries—Tonga, Vanuatu and Kiribati—are evident from the most recent World Bank/ANU survey conducted between November 2021 and March 2023. These satisfaction ratings ranged from 7.1 for ni-Vanuatu workers, to 7.9 for Kiribati workers, to 8.0 for Tongan workers (Doan et al. 2023b). Indeed, most workers—9 out of 10 for Vanuatu and Kiribati, and just over 8 out of 10 for Tonga—wanted to take part in the SWP again (Doan et al. 2023a, 81).

In sending countries, the rapid growth in worker numbers has caused Pacific employers to complain about the sudden loss of their workers (Curtain 2023, 151). An employer concern in Vanuatu is about skilled workers in construction leaving their jobs to accept better paid, lower-skilled work abroad (Curtain 2023, 151). Sending governments also receive complaints from workers' families about the harmful effects of family separation. Australian media reports about cases of worker exploitation cause sending governments to protest to the Australia government about the alleged mistreatment of their citizens. In addition, there have been wider community concerns in sending countries about the narrow spread of benefits due to the preference of employers for return workers from the same communities (Curtain 2023, 152).

Nevertheless, despite negative media coverage, the 2024 Pacific Attitudes Survey for Vanuatu showed that most respondents saw a net benefit from participating in the Australian and NZ labour mobility schemes. Despite the reported negative effects, such as 'worse family relations', as many as 85% of respondents agreed that the schemes had, on balance, a net positive benefit for their country as a whole. Further, 76% of respondents

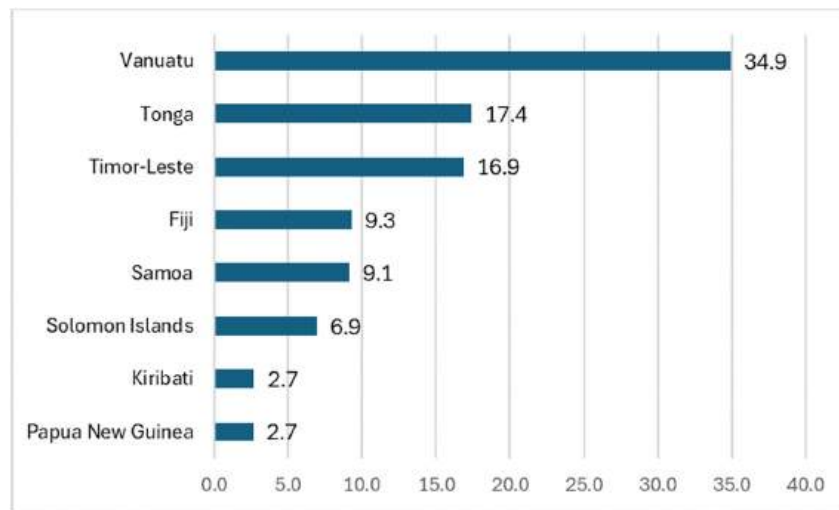


FIGURE 3 | Distribution of short-term PALM workers by sending country, June 2022–November 2024 (%). *Source:* DEWR (2024b).

agreed that taking part in the labour mobility schemes had a positive development effect on their community (Mudaliar et al. 2024, 36).

5 | Source Country Participation and Perspectives

The 10 SWP sending countries have had differing levels of success in getting their citizens into the SWP. Figure 3 shows that, for the 18 months to November 2024, Vanuatu, Tonga and Timor-Leste dominated the flow of seasonal workers to Australia, with 34.9%, 17.4% and 16.9% of workers, respectively. Fiji, Solomon Islands and Papua New Guinea (PNG) have been much less successful despite having larger populations.

Vanuatu and Tonga have succeeded because of their early mover advantage, gained from a well-managed initial worker selection process conducted by trusted intermediaries closely connected to employers. This has been described as a ‘government-light’ approach (Curtain and Howes 2020a, 27). The initial selection of workers by recruitment agents to meet employers’ needs was a crucial step in getting employer interest and support.

Other countries, such as PNG, relied on a government-centred approach. This involved using government officials to pre-select workers for a work-ready pool from which employers were required to recruit their workers. Information about officials selecting workers mainly from Port Moresby who had English skills but were not suited to hard manual labour caused employers to avoid workers from that country. Several countries, including Solomon Islands, PNG and Nauru, suffered this fate (Curtain 2014; Curtain and Uera 2014a, 2014b).

Timor-Leste’s success as the third-highest sending country is due to the initial role of Australian-based intermediaries. Government officials in Dili relied solely on registering workers for a government-managed, work-ready pool. But the worker selection process was mediated, at least initially, by embassy-based intermediaries who dealt with employers directly and were able to respond better to their needs. More recently, the

Timor-Leste government has insisted on employers recruiting directly from the work-ready pool in Dili. The government has also placed its two officials responsible for supporting seasonal workers in Darwin, far from where the seasonal work in horticulture is located.

The Solomon Islands started with licensed recruitment agents alongside a work-ready pool, but the agents were not able to establish links with employers in Australia and so could not recruit workers. From 2015, an Australian-based intermediary, funded by the Australian High Commission, has played a crucial role in establishing contact with growers, helping them to become AEs and assisting them to recruit suitable workers. Fiji lost out because it was initially excluded from the SWP in response to its 2006 coup.

The early mover advantages of Tonga, Vanuatu and Timor-Leste were locked in through the growth in their share of returning workers. As already noted, once workers showed that they were productive and reliable, employers would ask them to return the following season. Employers also asked these workers to select others from their communities who they could rely on to work well alongside them (Curtain and Howes 2020a, 27; Howes 2018a, 2018b, 2019).

Temporary labour mobility schemes have become highly significant for some Pacific countries. Figure 4 shows the number of nationals by sending country in 2023–24 who were employed by Australia’s PALM (ST and LT) scheme and by NZ’s RSE as a share of their population aged 20–54 years. It shows that Tonga is the most dependent on this employment, with one in six of the working age population (14.8%) working overseas through these programs. Temporary work overseas is also important for about one in 10 of the working age population in Vanuatu, Tuvalu and Samoa (10.7%, 9.4% and 9.0%, respectively).

An even higher impact on the domestic workforce is revealed by looking at male temporary workers as a share of the male working age population (20–54 years). Figure 5 shows that Tonga again stands out with over one in four (26%) prime-age men working temporarily overseas in 2023–24. Large numbers

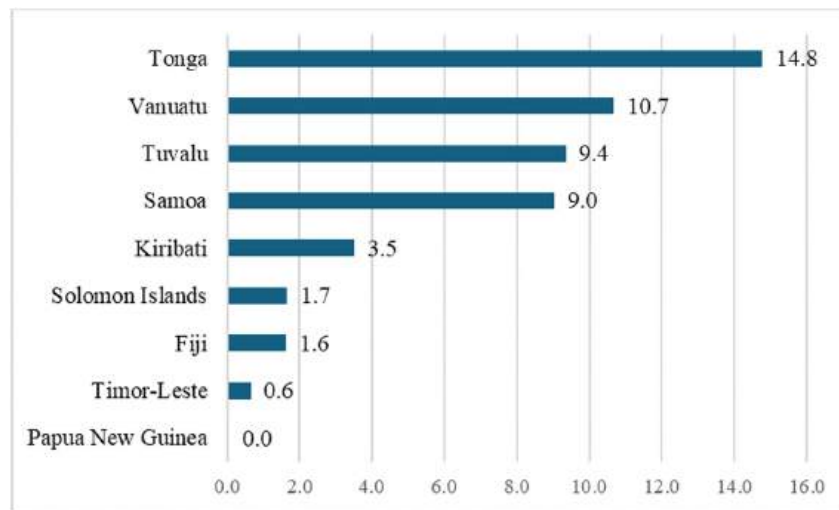


FIGURE 4 | Proportion of total population aged 20–54 years in 2024 in each sending country working in Australia and NZ on temporary labour mobility programs in 2023–24 (%). *Source:* PALM scheme data based on average monthly data by sending country for 2023–24. RSE numbers for 2023–24 based on average monthly data on RSE visa holders in NZ, by sending country, sourced from immigration New Zealand’s migration data explorer. Data on the estimated population of each country in 2024 derived from the UN Population Division Data Portal (2024).

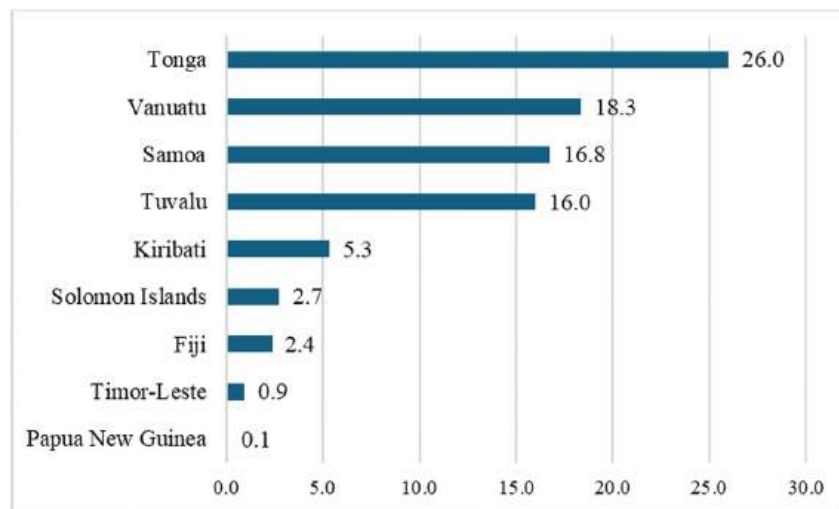


FIGURE 5 | Proportion of male population aged 20–54 in 2024 in each sending country working in Australia and NZ on temporary labour mobility programs in 2023–24 (%). *Source:* PALM scheme data based on average monthly data by sending country for 2023–24 (June to July). RSE numbers for 2023–24 based on average monthly data on RSE visa holders in NZ, by sending country, sourced from immigration New Zealand’s migration data explorer. Data on the estimated population of each country in 2024 derived from the UN Population Division Data Portal (2024). Information on the male share of the PALM workers was taken from the DHA Overseas Arrivals and Departures data for 2023–24 and applied to the PALM data. The male share was derived from arrivals data by Pacific sending countries and Timor-Leste based on employment as the main reason for travel, differentiating between long-term (a year or more) and short-term visitor arrivals (3 months to less than 12 months) aged 15–54 years.

of male workers absent overseas in 2023–24 are also evident for Vanuatu (18.3%), Samoa (16.8%) and Tuvalu (16.0%).

These extraordinarily high rates of overseas employment explain why the SWP in particular and temporary work abroad in general have become hot domestic issues for the major sending countries. As noted above, the rapid expansion in 2022 and 2023 of the numbers of workers recruited to work in Australia during and after the Covid border closures provoked a strong reaction by the governments of Vanuatu, Samoa, Tonga and Fiji.

With so many workers participating in these schemes, sending country governments are understandably focused on the downsides, such as the loss of skilled workers, and on complaints about incidents affecting worker welfare, and not on increasing worker numbers. Three major sending countries have recently reviewed their participation in labour mobility schemes and released new policies: Samoa, Tonga and Vanuatu. Samoa has introduced a cap, but it is of symbolic value only, as it is set at twice the current levels of activity. These new policies have expressed an intention to focus recruitment more on rural areas and to minimise the recruitment of skilled workers.

6 | Recent Reforms

With the election of a federal Labor government on 21 May 2022, and in response to adverse publicity and union pressure emanating from the exploitation narrative outlined above, the new government commissioned a major review of temporary migration and initiated changes to the management of the PALM scheme. Responsibility for the delivery of the scheme within Australia returned to the Department of Employment and Workplace Relations (DEWR), after a brief period with DFAT and its sub-contracted management facility, the Pacific Labour Facility. The change of agency responsibility for the domestic management of the programme also involved ‘in-sourcing’ the personnel involved by transferring the work back to public servants. The aim of these changes was to ‘enhance conditions and better protect and support workers to improve their experience in Australia, increase the scheme’s regional footprint and ensure sufficient support for smaller growers’ (Australian Government 2023).

Additional long-term funding was also provided for the three agencies responsible for monitoring the PALM programme in workplaces. It was acknowledged that, ‘for the first time, the Government will fund the scheme on a sustainable basis’. This involves ensuring that the agencies responsible for the scheme’s domestic operations ‘have the resources they need to effectively manage the scheme’s integrity as it grows’ (Australian Government 2023).

More funding was also provided for country liaison officers from sending countries who are based in Australia. This funding aims to make it easier for workers to raise concerns about their employment and to help resolve workplace issues before they escalate (Australian Government 2023).

The development of a new deed of agreement to cover both short- and long-term employees under the PALM scheme was a protracted process that actually began under the former government. It started in early 2021 and concluded on 26 June 2023. Again, the overriding objective was to improve conditions for workers. Among the proposed changes to hit the headlines were

for employers to pay workers for a minimum of 30 h of work per week and a minimum net pay guarantee to ensure that a worker’s weekly take home pay was at least A\$200. The latter was to protect workers at times when their pay deductions, such as to repay flight costs, were unusually high and their pay unusually low.

The Approved Employers Association (AEA), in its final feedback in May 2023, raised concerns about 28 substantial issues in the new deed. The AEA pointed out the government’s failure to meet its commitment to reduce the administrative burden of the PALM scheme and highlighted 11 clauses that it regarded as ‘very burdensome’, ‘costly’ or ‘unworkable’. In addition to the minimum hours of work requirement, the AEA objected to the requirement for a more robust contingency plan in a very unpredictable work environment; requirements on employers for cultural competency; and additional requirements in relation to worker accommodation, worker support and transport arrangements.

DEWR later accepted that the requirement for a minimum pay guarantee of 30 h per week was not workable and reduced it to 30 h averaged over 4 weeks. (Earlier it had applied over the course of the worker’s time in Australia.) The minimum A\$200 pay guarantee was retained.

In line with these governance changes in the post-pandemic period, SWP numbers have fallen significantly. As Figure 6 shows, the number of SWP workers fell by 26% between June 2023 and November 2024. Data for December 2024 to February 2025 show little change in this downward trend, with a 3-month average of 13,977 per month (Department of Employment and Workplace Relations (DEWR) 2025).

This fall in seasonal worker numbers can be attributed to several factors, including the access growers now have to a less costly and more flexible workforce provided by the return—in record numbers—of backpackers to Australia since the reopening of international borders. Other factors are the negative impact on AEs of increased regulation as well as the continued occurrence of workers absconding to seek other jobs

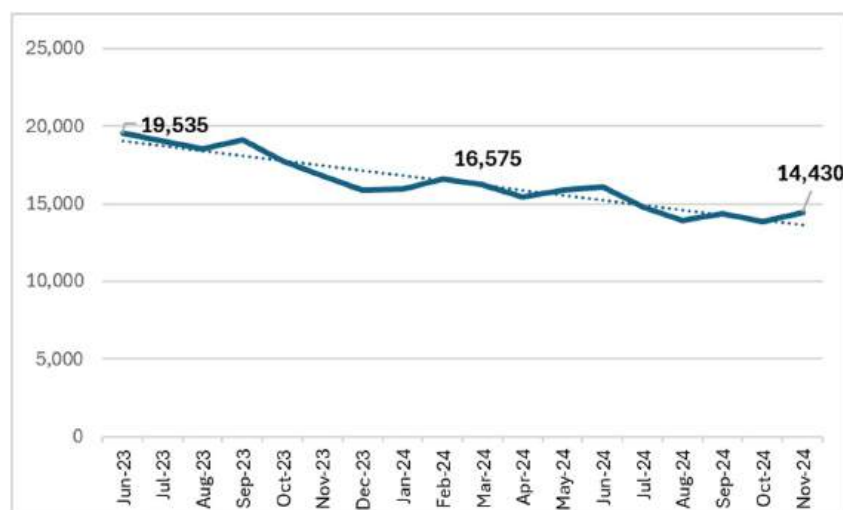


FIGURE 6 | The number of SWP workers in Australia each month between June 2023 and November 2024. Source: Curtain (2025).

(Down 2025). The changes in policy in the major sending countries of Vanuatu and Tonga may also be reducing the supply of workers from those countries (Curtain 2024b, 2025).

7 | Identifying Risks to the Programme

An existential risk to the SWP is its abolition. The Australian government could decide to abolish the short-term stream in PALM in response to pressure from the media, unions and non-government organisation advocacy groups around the alleged mistreatment of workers. However, this is unlikely. As already emphasised, providing dedicated migration pathways to access temporary work or permanent residence is integral to Australia's diplomatic strategy for the Pacific region. Australia's near neighbours have long requested that Australia provide special access to low- and middle-level skilled jobs. The concerns of sending countries with small populations and large numbers of workers in Australia and NZ may cause them to tighten legal and administrative controls. However, all the Pacific countries are democracies, and the schemes are immensely popular with the people of the Pacific. This is shown by the Pacific Attitude Survey results for Samoa in 2022 and Vanuatu in 2024.² In January 2025, Fiji's National Employment Centre had a backlog of 35,000 applications for the Australian and NZ labour mobility schemes (Sigavolavola 2025).

Another reason why the programme is unlikely to be abolished is that, after a slow start, the SWP is now important to the horticultural sector. Most AEs appreciate the reliability of the SWP workforce. In addition, participating in the SWP workforce has positive reputational effects for those involved. Many growers supply the four major supermarket chains. Due to public pressure and the Modern Slavery Act 2018, these supermarket chains now require their fresh produce suppliers to prove that their temporary workers are paid according to the law and that their welfare is safeguarded (Curtain 2024a). The highly regulated and closely monitored nature of SWP-ST PALM employment and living conditions enables fresh produce suppliers to provide clear evidence that they are meeting the supermarkets' codes of practice.

While the SWP is unlikely to be abolished, there are real risks that it will continue to shrink in size. This is not only a risk in itself but also contributes to the likelihood that growers will pressure government to once again open up a migration pathway for low-skilled Asian workers. A legacy from the push to open the SWP to Asia, the Vietnam Labour Mobility Arrangement, finalised in March 2024, allows for up to 1000 Vietnamese nationals to work in Australia in low- and semi-skilled work in seasonal and non-seasonal agriculture for between 6 months and 4 years (Australian Government 2024). The same strict conditions of employment applicable to PALM AEs will also apply to these workers. In addition, AEs will have to pay a minimum of A\$900 to cover the costs of recruiting workers. This is far above the current upfront costs of recruiting seasonal workers from the Pacific. However, while the small number of workers involved in the Vietnam Labour Mobility Arrangement is not a major threat to Pacific

sending countries, a broader Asian SWP, either uncapped or with a higher cap, could fatally undermine the Pacific SWP, as many employers would prefer to recruit from Asia than the Pacific.

Even if an Asian SWP is not introduced, under current policy settings growers will continue to turn to other less constrained foreign workers, such as backpackers, international students and the partners of skilled workers. These workers are often inexperienced and are likely to move to other employment without notice. In contrast, SWP workers are under contract for a set time and are often experienced workers. Thus, demand for SWP workers will not vanish, but it is likely to continue to reduce. Employers are likely to hire fewer SWP workers and for shorter durations on fixed contracts and supplement their workforce at peak demand times with more flexibly engaged workers at lower cost (Curtain 2025).

8 | Reforms

The most likely future scenario for the SWP is continued shrinkage. This would be unfortunate given how popular the scheme is and the high proportion of SWP workers who want to return to work in Australia multiple times: 8.5 out of 10 workers from Tonga, Vanuatu and Kiribati (Doan et al. 2023a, 81). As just noted, the greater and longer the reduction in ST PALM numbers, the more likely it is that pressure will mount for an Asian SWP. Ending the Pacific and Timor-Leste monopoly on the SWP could lead to the virtual elimination of Pacific participation in the scheme given the greater ease of recruiting from the much larger Asian countries relative to the Pacific. To prevent this, reforms to existing arrangements are recommended.

To achieve a system of stable and sustainable labour mobility based on short-term circular migration requires that governments first acknowledge the complex nature of this set of arrangements. This complexity means that if any key component in the system is underperforming, the damaging effect is transferred to the system as a whole. The complexity comes from the range of stakeholders involved, their differing levels of capability and the dynamic, changing nature of their interaction. Governance arrangements need to better address this complexity by focusing on the weakest components. To realise the potential for a triple win outcome, the representatives of the key players need to be an integral part of the governance arrangements (Baubock and Ruhs 2022). These include employers, governments, workers and their communities, and other community-based support groups in both the host and sending countries.

Current governance arrangements are not fit for purpose. The PALM Advisory Group is made up of representatives of up to 13 separate groups. The membership of the PALM Advisory Group is large and highly diverse in terms of its members' interests. It has not been designed to make decisions; nor has it been set up to hold the responsible government agencies in Australia and overseas accountable for their performance through public reporting.

The main forum for sending countries to raise issues has been the Pacific Labour Mobility Annual Meeting (PLMAM). But this is merely a diplomatic talkfest: it has had little or no impact on improving programme performance for three reasons. First, employers do not play a role in the major closed-door meeting involving sending countries. Second, important labour mobility sending countries, namely Timor-Leste, Fiji and PNG, are invited but have been excluded from key discussions on programme performance because they are not signatories to the PACER Plus trade agreement under which PLMAM sits. Third, the PLMAM communiqués have little impact because they are required to be consensus documents, with no accountability for the parties to the communiqués to resolve the issues raised (Bedford and Liu 2024; Bedford and Sharman 2022; Curtain 2019).

Four key reforms are needed. First, structured seasonal work arrangements depend on employers providing jobs. Therefore, employers need to be given a greater voice in Australian arrangements. Their representatives need to be at the centre of the management of governance arrangements. In addition, the Australian government should commission each year a survey of the views of all employers. The NZ government has done this for RSE and other employers in horticulture each year between 2014 and 2019.

Second, the government needs to establish a system to reward the good performance of AEs. A DFAT conducted consultation on reforming the PALM scheme held between September and November 2022 asked whether a ‘trusted trader’ concept [should] be introduced where employers may benefit under the scheme based on a track record of compliance and programme performance’ (Australian Government 2022, 3, 12). The consultation write-up noted that there was ‘broad support’ for accrediting PALM scheme employers as ‘trusted traders’. However, it was also noted that ‘divergent views were offered on whether third-party accreditation should be used’ (Australian Government 2022, 3). The concept was supported by industry groups, which described it as a way of ‘delivering more flexibility to move workers, faster processing times [via] a priority status for employers, better support, reduced administrative requirements, and the ability [for employers] to have a greater say on policies which affect them’ (Australian Government 2022, 3).

However, the concept was rejected by the union representatives consulted. Their objection was that third-party accreditation schemes were not sufficiently rigorous to provide the necessary protections for workers under the scheme. The union representatives wanted to maintain the PALM scheme’s integrity checks (Australian Government 2022, 3). Nor was evidence provided to support the claim that third-party accreditation schemes were not sufficiently rigorous to ensure the necessary worker protections. To the contrary, international evidence shows that third-party accreditation schemes are effective if they are supported by effective national law enforcement (Amengual and Kuruvilla 2020; Bartley 2018; Locke 2013). Their effectiveness is further improved if the major companies in a supply chain collaborate to minimise the risk of adverse publicity by producing a joint response (Kuruvilla et al. 2021; Short et al. 2020).

Third, labour mobility performance issues need to be addressed directly with each sending country in more explicit and accountable ways. The negotiations should be carried out bilaterally or trilaterally between Australia and/or NZ on the one hand, and each sending country on the other. These negotiations need to also involve employers’ and workers’ representatives as key stakeholders. The meetings should be conducted frequently, at least every 6 months. PLMAM funding resources should be reallocated to enable key stakeholders, such as high-level government officials or the relevant government minister, employer representatives and country liaison officers, to take part in regular, bilateral meetings to identify and resolve problems at both strategic and operational levels (Curtain 2019). These regular bilateral meetings should be held for at least the three major sending countries, and for other sending countries that request them. The precedent for such an approach has been set by the 30th Papua New Guinea–Australia Ministerial Forum. This meeting noted in its Joint Communique, issued on 19 June 2024, that an agreement had been reached by the ministers involved for officials to implement a ‘Joint Action Plan to Scale up Labour Mobility’ and that ministers agreed that officials would provide 6-monthly progress updates.

Fourth, workers also need to be involved through their country liaison officers. These officers need to have access to a regular survey of workers on a smart phone app. In a world increasingly driven by big data, it should be well within the capabilities of the four large supermarket chains to develop such an app. The supermarket chains should take the lead in collaborating to produce and monitor the results generated by low-cost smart phones. The information should come not only from employers in each workplace and their workers but also from workers’ families as well as from community support groups. The resulting responses should be analysed and made public, showing workers’ job locations, country of origin, gender and level of experience. A set of welfare indicators are also needed based on feedback from workers’ families and their communities. These welfare indicators should include information on benefits and costs, with the relative weighting by respondents of each issue identified.

9 | Conclusion

The short-term migration pathway for low-skilled workers from the Pacific and Timor-Leste is likely to continue for the medium term. However, its prospects for significant growth are less clear; indeed, the most likely scenario under current policy settings is for continued shrinkage. To prevent a decline in numbers, this paper has proposed reforms to make the operations of the SWP more transparent and responsive to its key stakeholders, and to provide the evidence needed to monitor the effectiveness of the reforms implemented.

Top-down, government-driven controls need to be replaced by collective action by the private sector. This means that supermarket chains should work with growers, labour hire firms and worker representatives to deliver measurable outcomes. These outcomes should be based on the productivity benefits growers

expect and the welfare support that workers are entitled to. Measurable outcomes should also include regular information on the beneficial effects for the sending and host communities as well as information on the downsides.

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Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

Data derived from public domain sources: <https://data.gov.au> and <https://www.palmscheme.gov.au/palm-scheme-data>.

Endnotes

¹ According to Australia's Fair Work Commission, 'a labour hire worker is someone who enters into a work contract with a labour hire agency. The labour hire agency has a commercial contract to supply labour with a host firm. The worker performs work for the host firm. The host firm pays the labour hire agency, and the labour hire agency then pays the worker'. See: <https://www.fwc.gov.au/labour-hire-workers>.

² The Pacific Attitudes Survey for Samoa, based on a large-scale nationally representative sample, reported in 2022 that 73% of those surveyed were either 'fairly willing' or 'very willing' to work temporarily in another country, with 84% of younger Samoans being the most willing to do so (Leach et al. 2022, 32). For Vanuatu, a similar nationally representative survey reported in 2024 that 77% of respondents were willing to travel overseas to work temporarily (Mudaliar et al. 2024, 35). As noted above, 85% of respondents believed that labour mobility schemes had a positive impact on the nation overall, while 76% agreed that the schemes had been positive for their own community (Mudaliar et al. 2024, 36).

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ORIGINAL ARTICLE OPEN ACCESS

New Zealand's Recognised Seasonal Employer Scheme: Pathways and Prospects

 Charlotte Bedford¹  | Richard Bedford² 
¹Development Policy Centre, Australian National University, Canberra, Australia | ²Te Whare Wānanga o Waikato—The University of Waikato, Hamilton, New Zealand

Correspondence: Charlotte Bedford (Charlotte.bedford@anu.edu.au)

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ABSTRACT

Managed temporary labour migration from the Pacific has grown in importance in recent years as New Zealand and Australia seek to fill seasonal labour shortages and strengthen regional relationships by providing cash-earning opportunities to citizens of Pacific Island countries. This paper provides an overview of New Zealand's Recognised Seasonal Employer (RSE) scheme, a circular migration programme to support the country's horticulture and viticulture industries. The scheme began in 2007 and now allows over 20,000 RSE workers a year to enter the country for seasonal work. This paper outlines how the RSE scheme operates, including trends in employers' recruitment from the Pacific, and features of employer and worker participation over time. The scheme has been transformative for the horticultural sector due to the certainty of labour it provides during peak seasons. It is also a significant foreign policy tool, helping to continually reaffirm New Zealand's long-standing partnerships with Pacific Island countries.

1 | Introduction

New Zealand's Recognised Seasonal Employer (RSE) scheme began in 2007, primarily to support the country's horticulture sector¹ to transition from a low-cost to high-value industry based on quality and productivity. The scheme has been transformative, enabling significant growth and expansion through the certainty of reliable labour during peak periods. In simple monetary terms, horticulture (including wine) has grown from NZ\$2.7 billion in annual export earnings in 2007 to more than NZ\$7 billion in the year to 31 March 2024, making it the country's third largest export earner (Ministry of Primary Industries 2024).

RSE workers, of which there were just over 17,500 in the country during the 2023–2024 financial year employed for up to 7 months to undertake seasonal tasks on orchards and vineyards, make up a relatively small component of the total

seasonal workforce. Seasonal workers, mainly from the Pacific, comprise around 16% of the core horticultural workforce (see Figure 1). Despite this small share, RSE workers have become the lynchpin, filling seasonal labour gaps unable to be addressed by New Zealand's domestic workforce or the casual labour provided by working holidaymakers and students on temporary work visas. According to Horticulture New Zealand (n.d. 15):

What the RSE workers do is provide the backbone to night shifts and peak labour demands. RSE workers have been a key ingredient in horticulture's growth, mechanisation and rapidly growing employment of more permanent staff by providing the season-by-season certainty of seasonal labour. This underpins the success of horticulture today but also for the future.

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In early 2025, after almost 18 years of operation, the scheme—which has always had strong industry and bipartisan political support—is well established. Over the past 2 years, recruitment of RSE workers has largely plateaued at around 17,500 workers. The scheme remains governed by an annual cap, which continues to be incrementally increased (19,500 in 2023–2024; 20,750 in 2024–2025) and which is now set well above the actual number of RSE workers recruited.

The current National-led coalition government strongly supports economic growth of the primary sectors, including horticulture, with the goal of doubling the value of the country's exports within the next 10 years (Kahiya 2025). This in turn means that horticulture industry groups have 'the ear' of government and work together to improve the scheme. A National RSE Labour Governance Group was re-established in 2024 to facilitate industry-employer-government communication and collaboration on RSE strategy and governance.³ Reforms to the RSE scheme in 2024 (discussed below), have reduced costs of participation for RSE employers.

A review of the RSE work policy, commissioned by the previous Labour government in 2019 that, after stalling during the Covid pandemic, was completed in 2023, proposes a range of measures to improve standards for RSE workers (Office of the Minister of Immigration 2023). The review was unable to progress through the Cabinet-approval process before the National-led coalition government was elected late in 2023. At the time of writing, a small number of the review's recommendations had been implemented.⁴ The coalition government is consulting again with industry groups and Pacific governments on some of the review's more substantive recommendations, and implementation of the proposed changes will be a multi-year process.

At the regional level, the governments of several participating Pacific countries are taking a more proactive approach to how they engage in temporary labour mobility to New Zealand and Australia. For Vanuatu, Samoa and Tonga—the three Pacific countries which have historically provided the majority of RSE labour—this comes amid concerns about the annual,

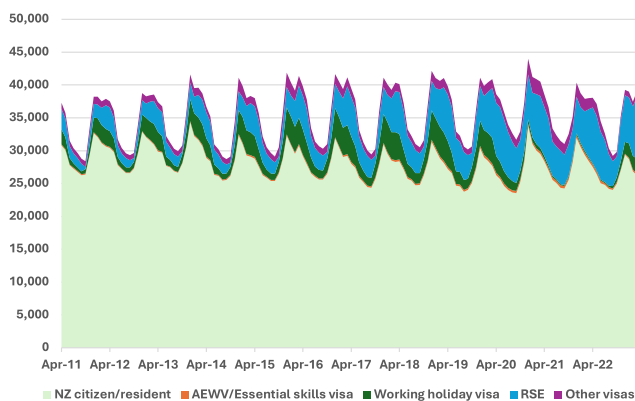


FIGURE 1 | Monthly workforce involved in core horticultural production by 'right to work' status, April 2011—March 2023. *Source:* Food and Fibre Workforce Insights Data Explorer <https://www.workforceinsights.govt.nz/reports/visaresident/index/Horticulture>.²

temporary loss of their citizens offshore and the impacts of this on their domestic labour forces,⁵ as well as concerns about employment arrangements and living conditions for RSE workers in New Zealand (New Zealand Human Rights Commission 2022).

The Government of Samoa released its Policy for Temporary Labour Migration in mid-2023 which involves a substantial reorganisation of recruitment processes for Samoan workers and implements an annual cap on numbers offshore (Ministry of Finance 2023).⁶ The Government of Tonga has developed a labour supply management strategy to better manage flows of labour offshore (Ministry of Trade and Economic Development 2023), and in 2024 the Government of Vanuatu released their *Labour Mobility Policy and Action Plan (2024–2027)* which aims to better manage labour supply and to safeguard the wellbeing of workers offshore and their families at home (Ministry of Foreign Affairs, International Cooperation and External Trade, 2024). The governments of Papua New Guinea (PNG) and the Solomon Islands are both seeking to increase the number of their citizens employed overseas under the RSE and Pacific Australia Labour Mobility (PALM) schemes (Gop 2024; Solomon Islands Government 2023; Turia-Moka 2023).⁷ In response, RSE employers are diversifying their sources of RSE labour, shifting away from a reliance on traditional source countries, and establishing relationships with new workers, households and communities.

This paper sets out how the RSE scheme has evolved over the past 18 years, how it has reached its current state of operation and some of the future prospects for the scheme as it approaches its third decade.

2 | Background to the Scheme

The catalyst for the RSE scheme was a crisis in the profitability of the country's horticulture sector in the early 2000s because of an inability to get sufficient high-quality fruit and vegetables picked, packed and to the market in time. A tightening national labour market led to a drop in traditional sources of seasonal labour, such as students, casual workers, visitors to New Zealand under the Working Holiday Scheme (backpackers) and a pool of un-employed or under-employed locals. Employers became more dependent on offshore workers to meet their seasonal labour needs, and there was severe competition for workers both within horticulture and with other sectors such as tourism (Ramasamy et al. 2008; Whatman et al. 2017).

Declining national unemployment coincided with a period of sustained horticultural expansion, which had become increasingly export-driven—dominated by kiwifruit, wine and apples—following deregulation and the opening up of the economy in the mid-1980s. New Zealand's physical distance from many of the major markets meant that local producers competed with countries whose costs of production and delivery to market are lower (e.g. Chile, South Africa and China) (Fitzgerald 2003; Whatman and Van Beek 2008).

The changing nature of the market for horticultural produce, both domestically and internationally, placed increasing pressure on growers to produce more high-quality, high-value commodities. Moreover, the international market for all kinds of horticultural produce was becoming more competitive, selective and discriminating, placing increasingly stringent quality obligations on producers, and demanding more environmentally and socially sustainable food production (Tipples and Whatman 2010). This required a reliable seasonal labour force to pick and pack fruit and vegetables that were high quality, disease free, unmarked and could be stored for long periods while maintaining the appearance and flavour of freshly picked produce.

By 2007, it was estimated that at least 50,000 workers a year were needed at peak times to meet the highly variable seasonal demands for labour. Differing labour requirements in specific sectors (e.g. kiwifruit vs. apples), as well as regional variations in the number of workers available created additional problems as employers competed for the same labour (Horticulture New Zealand 2009). Rather than looking to enhance labour productivity through retention, higher wages and training, or to make other structural changes that might attract a more permanent New Zealand labour force, it was more common for employers to adopt a business model based on low-cost staff, some of whom were working illegally.⁸ Absolute labour shortages, high staff turnover, low wages and poor working conditions all contributed to poor quality work and worsening productivity (Hill et al. 2007; Horticulture New Zealand 2009).

At the industry level, there was widespread recognition that effective competition in the international market required improvements in productivity, efficiency, and quality of produce. To address this, government and industry needed to work together to 'clean up' grower and contractor practices, shifting away from the use of illegal labour and enforcing structural change (Whatman and Van Beek 2008; Tipples and Whatman 2010).⁹ The Medium- Long-Term Horticulture and Viticulture Seasonal Labour Strategy, a joint government-industry-union initiative, was launched in December 2005. The three-stage strategy provided short-term immigration responses to support the industry's demands for labour while also requiring industry to work closely with government to improve labour market conditions, workforce development and industry productivity (Ramasamy et al. 2008).

At the same time, work began to build around the introduction of a return worker scheme. New Zealand's then Prime Minister, Helen Clark, made it clear that Pacific countries were to be the principal source countries for the scheme along with a guarantee of 'New Zealanders first' in any employment. The core principles underpinning the RSE work policy were initially developed through co-design with industry, and further developed in consultation with Pacific countries (Whatman et al. 2017).

On 16 October 2006, the New Zealand Cabinet agreed that a temporary seasonal work policy should be implemented,

beginning with workers from the South Pacific (Fiji,¹⁰ Kiribati, Samoa, Tonga, Tuvalu and Vanuatu) and that the policy should include a 'New Zealander first' mechanism to ensure that local labour was used before immigration options were considered. The Cabinet decision also responded to calls from Pacific Forum countries for greater short-term access to New Zealand's and Australia's labour markets.¹¹ Clark announced the essence of the RSE policy at the Pacific Islands Forum meeting in Fiji in October 2006. The policy was then trialled, with support from the World Bank, in the 2006–2007 harvesting season in Central Otago.

The RSE policy was not an entirely novel immigration initiative for New Zealand. Since the 1970s, New Zealand has had a range of temporary work schemes operating at different times that have targeted recruitment from countries in the Pacific.¹² What set the RSE apart from earlier temporary work schemes was the strong level of industry-government collaboration, and the objectives of addressing the horticulture sector's seasonal labour needs while also contributing to the economic development of participating Pacific countries.

Fundamentally, the impetus for the RSE scheme came from employer demand in the face of seemingly intractable problems around labour supply and low productivity. Accordingly, the scheme had buy-in from some of the country's largest horticultural producers from the outset. This contrasts with Australia's seasonal PALM scheme (formerly the Seasonal Worker Programme [SWP]) which was largely born out of the desire of government officials to offer low-skilled workers from the Pacific some temporary employment opportunities in Australia. Employer uptake in the SWP was initially low because Australian employers had access to other sources of labour, such as backpackers, and they were generally satisfied with the quantity and quality of their labour supply (Hay and Howes 2012).

3 | RSE Objectives and Administration

The RSE policy became operational in October 2007 with an allocation of 5000 places per annum (increasing to 8000 in October 2008), allowing for the temporary entry of offshore workers for seasonal employment in horticulture and viticulture, undertaking specific tasks (picking, packing, pruning and maintenance). The scheme was intended for unskilled workers from rural cash-poor households. Preference was initially given to five countries, Kiribati, Samoa, Tonga, Tuvalu, and Vanuatu, which received support to participate. Four other Pacific countries subsequently formalised their engagement in the scheme: Solomon Islands in 2010; PNG in 2013, Fiji in 2014, and Nauru in 2015.¹³

The RSE policy objectives are to (Immigration New Zealand 2018).¹⁴

- a. Allow horticulture and viticulture businesses to supplement their New Zealand workforce with non-New Zealand

migrant workers when labour demand exceeds the available New Zealand workforce and employers have made reasonable attempts to train and recruit New Zealanders;

- b. Promote best practice in the horticulture and viticulture industries to support economic growth and productivity ... while ensuring that the employment conditions of both New Zealand and non-New Zealand workers are protected and supported;
- c. Encourage economic development, regional integration and good governance within the Pacific by allowing preferential access under the RSE Instructions to workers who are citizens of eligible Pacific countries;
- d. Ensure workers recruited under these instructions are adequately paid and financially benefit from their time in New Zealand; and
- e. Ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems.

The main aspects of the RSE policy are as follows (Department of Labour 2010; Office of the Minister of Immigration 2023).

- *Agency to agency relationship*: An Inter-Agency Understanding (IAU) between the relevant government ministry in New Zealand and in the participating Pacific country sets out the respective obligations of the parties and arrangements for participation in the scheme.
- *Employer accreditation*: Employers who wish to participate in the RSE scheme must first gain accreditation by complying with good employer and other requirements (including payment of minimum wage and health and safety requirements).¹⁵ Once they have achieved RSE status (initially valid for 2 years and then extended to three), the employer applies for an Agreement to Recruit (ATR) a specified number of RSE workers (for a specific timeframe, location, and work activities). ATRs are only issued for one season; employers must apply for their required seasonal workers annually.¹⁶
- *'New Zealanders First' principle*: The number of RSE workers approved in ATR applications is subject to the availability of suitable New Zealand workers. Employers must provide evidence of labour market testing, and evidence of their commitment to recruiting and training New Zealand workers. They must also maintain an active, working relationship with the Ministry of Social Development (Work and Income) which provides employment and income support to New Zealanders. The total annual number of RSE workers that can be recruited is determined by government (referred to as the annual cap).
- *Pacific preference*: Employers should employ migrant workers from the Pacific unless they had an established relationship with workers outside the Pacific at the time the scheme was implemented.¹⁷

- *Employer driven*: The selection of workers and re-employment of return workers is determined by employers, based on their requirements.
- *Short-term migration*: RSE worker applicants who have an offer of employment from an RSE employer and who meet the RSE worker criteria¹⁸ are granted a limited purpose entry visa for up to a maximum of 7 months in any 11-month period.¹⁹
- *Circular migration*: The policy provides for the return of experienced workers (who have an offer of employment, want to return, and meet immigration requirements) in future seasons. There is no restriction on the number of times a worker can be engaged in the scheme.
- *Pastoral care*: The RSE employer is responsible for the pastoral care of workers. Pastoral care includes: transport to and from the port of arrival and departure, a worker induction programme, sourcing suitable accommodation, transport to and from the worksite, provision of onsite facilities and personal protective equipment, necessary language translation for example for health and safety purposes, access to banking facilities, access to lawful and reputable remittance services, access to medical insurance, and opportunities for recreation and religious observance (Immigration New Zealand 2018). In addition, employers pay half of the return airfare between New Zealand and the worker's country of residence.²⁰ It is common practice for employers to pay the full airfare upfront, and then recover the worker's half share via payroll deductions. Workers are responsible for the costs of accommodation, medical insurance, and other living expenses while in New Zealand. Some of these costs (weekly accommodation, medical insurance, worker's share of the return airfare) are deducted from payroll while other living expenses may be paid for directly by the worker.

As an immigration policy initiative, a unique feature of the RSE scheme is that from the outset it has involved three core government agencies sharing responsibility for programme administration. The Ministry of Business, Innovation and Employment (MBIE) (formerly the Department of Labour) which is responsible for immigration, has overall accountability for the policy and manages the issuing of the limited purpose RSE work visa. The Ministry of Social Development (Work and Income) is involved in forecasting regional seasonal labour requirements and approving ATR applications. RSE employers are required to register their seasonal job vacancies with MSD's regional branches, before lodging their ATR applications, to ensure there is a genuine need to recruit overseas labour and there are no suitable New Zealanders available for the required tasks.

The Ministry of Foreign Affairs and Trade (MFAT) manages New Zealand's official overseas aid programme. MFAT assisted with the negotiation of the original IAUs (dated April 2007) that cover arrangements for recruiting workers and ensuring those selected meet the RSE visa requirements (MBIE, 2014). Since 2011 MFAT has provided funding to MBIE to provide core capacity building in Pacific Labour Sending Units which are

responsible for administration of the RSE scheme from the island-end (including worker recruitment and selection and processing of RSE applications) to ensure the timely supply of suitable workers for RSE employers.²¹

MFAT also funds an RSE worker training programme in New Zealand. Between 2009 and 2024 the worker training programme, known as Vakameasina—Learning for Pacific Growth, offered foundation-level training to new RSE recruits in English language, financial literacy and life skills, as well as more advanced training (e.g. in basic trades, leadership and small business management) to more experienced, return workers. In late 2024, the RSE worker training contract was issued to a new provider, the Eastern Institute of Technology, with delivery of training to commence in 2025.

Several MBIE business units are involved in the administration, operation and support of the policy. An RSE processing unit within Immigration New Zealand (INZ) deals with the accreditation of employers and processing of ATR applications. Dedicated labour inspectors and INZ compliance staff based in regions across New Zealand deal with worker compliance with visa requirements, and employer compliance with employment and other legislation as well as conditions of the RSE policy (such as provision of accommodation and pastoral care). There are also dedicated RSE Relationship Managers who work closely with employers to support their participation in the scheme. Their role is primarily one of support and education, rather than compliance. Most participating Pacific countries have an RSE Liaison Officer resident in New Zealand whose role is to support workers, including mediating disputes with employers. Pacific RSE Liaison Officers have, to date, been one of the primary mechanisms through which workers have voiced concerns or complaints.

Under the RSE Instructions, employers can be declined an ATR or have their RSE status rescinded where clear evidence of employment or immigration breaches is present. Historically, a lack of clarity around what constitutes acceptable standards (e.g. for accommodation) and what is deemed a breach, combined with under-resourcing of enforcement functions, has resulted in a low number of employers losing their RSE status. INZ's RSE policy review, conducted in 2023, proposes a more robust compliance framework that includes specification of what constitutes a breach, and the introduction of a scale of breaches and sanctions, to mitigate risks of poor employment practices and mistreatment of RSE workers.²²

4 | The RSE Scheme in Operation

In the scheme's first year of operation, 51 employers gained RSE accreditation. By 30 June 2024, the number had grown to 269, of which 265 had recruited workers from the Pacific. A small proportion (9% or 25) of the 265 RSEs who recruited from the Pacific also have recruits from Asia. Four employers recruited (very small numbers) solely from Asia. Table 1 shows the numbers of RSE accreditations each year, as well as the cumulative total over 17 years. Numbers of accredited employers have grown in tandem with increases in the RSE annual cap.

The RSE has always been governed by an annual cap on numbers.²³ Over time, the cap has increased in response to employers' growing demand for RSE labour. Despite pressure on the cap in some years, the total number of RSE workers recruited in any given financial year has never exceeded the cap ceiling (Figure 2). The RSE cap acts as a regulating mechanism to support the New Zealander first principle of the scheme. However, from the perspective of industry, a national cap is

TABLE 1 | Accredited RSEs, worker arrivals and RSE cap, 2007–2008 to 2023–2024.

Year	Accredited RSEs		RSE arrivals	RSE cap
	New in year	Cumulative		
2007–2008	51	51	4486	5000
2008–2009	45	96	6921	8000
2009–2010	8	104	6216	8000
2010–2011	9	113	7091	8000
2011–2012	7	120	7009	8000
2012–2013	7	127	7456	8000
2013–2014	5	132	7855	8000
2014–2015	13	145	8483	9000
2015–2016	3	148	9278	9500
2016–2017	18	166	10,437	10,500
2017–2018	19	185	11,078	11,100
2018–2019	18	203	12,581	12,850
2019–2020	12	215	11,152	14,400
2020–2021	1	216	2017 ^a	16,000
2021–2022	15	231	9423 ^a	16,000
2022–2023	25	256	17,424	19,000
2023–2024	13	269	17,599	19,500
Total	269			

^aArrivals impacted by Covid-related travel restrictions.

Source: Unpublished MBIE arrivals data.

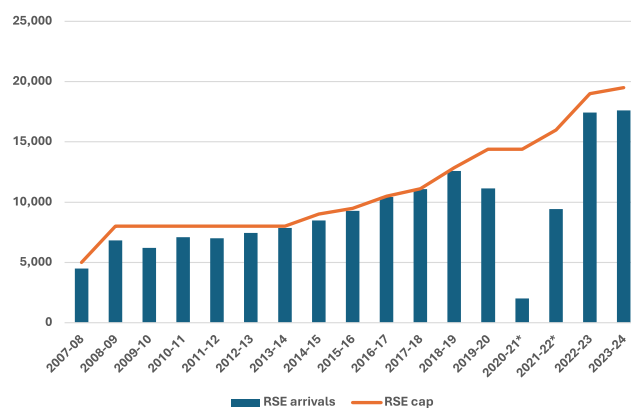


FIGURE 2 | RSE arrivals and annual cap, 1 July 2007—30 June 2024.

* Arrivals impacted by Covid-related travel restrictions. Total RSE arrivals include those from Asian source countries (India, Indonesia, Malaysia, Philippines, Taiwan, Vietnam). Source: Unpublished MBIE arrivals data.

unnecessary as individual employers can self-regulate—that is, they will only bring in the number of RSE workers they need for seasonal jobs and that they can accommodate. Australia has taken this approach; the seasonal PALM scheme is uncapped.

Allocations for setting of the annual cap have historically occurred without a formally prescribed methodology. Regional labour governance groups, made up of employers, industry representatives, MBIE and MSD officials, were established to forecast each region's labour needs, and recommendations on regional RSE numbers were put forward to MBIE to make final decisions on individual RSE employers' ATR allocations.²⁴ Outcomes of the 2023 RSE policy review note:

The ad hoc processes which have evolved over time [for setting the cap] are subjective and lack transparency ... there is an incentive for industry to inflate projected growth figures to influence the size of the cap, and industry growth estimates are difficult to verify.

[At the level of the individual employer the] worker allocation process has previously used an employer's past allocation as a basis for the allocation of additional labour. This has inadvertently benefitted those large employers who have been in the scheme the longest against newer entrants. It has also incentivised employers to inflate the number of workers they will require to maximise their allocation, knowing they will get a pro-rated proportion of their request

(Office of the Minister of Immigration 2023, 7)

Despite these concerns about gaming the size of the cap, the annual cap remains. The review proposes a revised allocation process based on a 3-year cycle of RSE accreditation—which includes 3-year labour market, pastoral care and accommodation plans—balanced against regional labour supply and demand models.

The RSE scheme remains restricted to horticulture and viticulture, despite calls from a range of other primary sector industries, such as dairy, forestry and seafood, for RSE-type arrangements (Tipples and Rawlinson 2014).²⁵ The country's horticulture workforce is heavily concentrated in a small number of regions that produce the main export crops—kiwifruit, wine and apples. Accordingly, RSE workers are also concentrated in these regions (Figure 3). Hawke's Bay is New Zealand's largest pipfruit (apples and pears) growing region, accounting for 64% of the country's apple and pear orchards (United Fresh Facts 2024). Nelson/Tasman is another key region for apples. The Bay of Plenty is the home of kiwifruit and avocados. Marlborough is the country's largest wine region, while Central Otago is the dominant region for stone fruit as well as producing wine and apples.

RSE workers account for approximately 16% of the core horticultural workforce (Figure 1). Local New Zealanders comprise the base, employed in casual and permanent roles. During peak seasonal periods, backpackers on working holidaymaker visas,

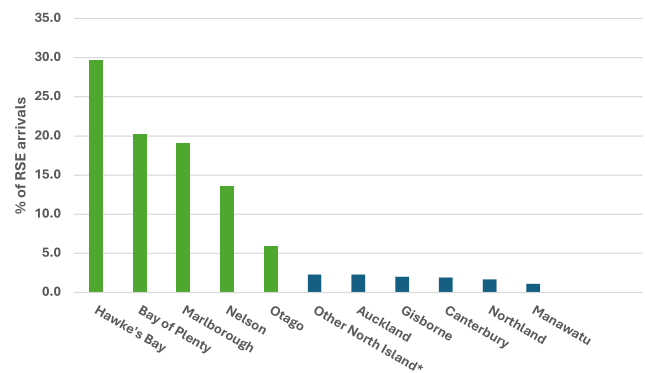


FIGURE 3 | Percentage of RSE arrivals by region 1 July 2023–30 June 2024. * Other North Island includes regions with fewer than 1% of RSE worker arrivals (Coromandel, Taranaki, Waikato, Wairarapa, Wanganui). *Source:* Unpublished MBIE arrivals data.

international students and others on different work visas are other important components.

The relative shares of New Zealanders employed in seasonal roles alongside backpackers and RSE workers also differ by region. In the Bay of Plenty, New Zealand seasonal workers make up approximately 60% of the workforce during the peak kiwifruit harvest period (NZKGI 2022). In Central Otago, backpackers have traditionally been the largest component of the seasonal workforce.²⁶

The number of working holidaymakers in New Zealand dropped significantly during Covid, requiring horticultural producers to seek labour from other sources. This is well-illustrated in the Bay of Plenty kiwifruit industry. In 2017–2018 working holidaymakers made up 22% of the seasonal workforce during the peak kiwifruit harvest, while RSE workers accounted for 17% (New Zealand Kiwifruit Growers Incorporated and (NZKGI 2018). In 2021–2022, the share of RSE workers had increased to 26% of the peak seasonal labour force, while backpackers made up only 6.5% (NZKGI 2022). With the re-opening of the international border in July 2022, the numbers of working holidaymakers in-country have increased. By November 2024 there were over 31,500 working holidaymakers in New Zealand—similar to pre-Covid levels for the same time of the year (Griffin-George 2024).

Unlike Australia, there has never been much debate about the use of backpackers versus RSE workers for seasonal work. The New Zealand government has not offered the same concessions as Australia to attract working holidaymakers into seasonal roles. RSE employers have to demonstrate, first and foremost, that they are recruiting and training New Zealand labour where possible. Many employers continue to use a mix of RSE workers and backpackers for different horticultural tasks.

4.1 | Profile of RSE Employers

An interesting feature of the country's horticulture sector is the small-scale nature of many of its enterprises. Consolidation and

rationalisation have occurred within the sector over the past 2 decades, facilitated, to varying degrees, by foreign investment, which has supported the acquisition of land and enabled large-scale capital investments in new production facilities. However, many producers remain small. Of the approximately 6200 farms²⁷ recorded as growing horticultural crops in 2022, 77% were small operations, under 20 ha in area. More than half (56%) of farms were growing kiwifruit, wine grapes, and apples, and over 40% of these enterprises were under 20 ha in size (Stats NZ Tatauranga Aotearoa 2022).

The profile of accredited RSEs provides a similar picture of the small-scale nature of many farms. There are three categories of RSEs: individual growers who employ workers, supervise them on a day-to-day basis and provide accommodation and pastoral care; labour contractors who employ workers, contract them out to other farms daily, but are still responsible for their pastoral care and provision of accommodation; and grower cooperatives that operate like labour contractors outsourcing workers to their accredited members.

Of the 178 accredited RSEs recruiting Pacific seasonal workers in 2023–2024, 30% (54) were recruiting fewer than 20 workers, accounting for 4% of the 16,201 arrivals from the Pacific. Large-scale operations, each recruiting more than 500 RSE workers, accounted for only 4% (7) of the 178 accredited RSEs. But between them, they accounted for 39% of the Pacific RSE workforce (Table 2, next page). Of the seven large-scale operations, the largest is a grower cooperative, two are labour hire companies and four are direct employers (some of whom have horticultural operations in multiple regions).

When examining recruitment patterns across the 17-year period a similar trend emerges. Just under half (46%) of the 269 accredited RSEs recruited, on average, 20 or fewer Pacific seasonal workers a year between 2007 and 2024; only 11% employed an average of 100 or more each season. The concentration of Pacific workers under the management of a small number of large RSEs has increased over time, but small growers remain the most numerous players in the scheme as shown in Table 2.

RSE enterprises can share workers between them via joint ATR arrangements. The joint ATR system, which has been available to employers since the scheme's onset in 2007, is used quite extensively by some employers, especially those with sharp seasonal peaks who may only be able to provide full-time employment of 30 h per week for a relatively short timeframe. By sharing workers across more than one employer, this can help maximise workers' time in New Zealand, up to the 7-month limit.

Employers wishing to share workers on joint ATRs must submit a joint application to MBIE, specifying the number of workers and periods of work on both ATRs. RSE workers enter into individual employment contracts with each employer. Costs of recruitment and transport of RSE workers to and from New Zealand are generally shared by employers, and each employer is responsible for the workers' pastoral care during the contracted period. Workers can be shared by RSE enterprises within a region, or across regions (numbers requested under the joint ATR must fit within the regional allocations for RSE worker numbers). Joint ATRs have quite strict conditions associated

TABLE 2 | RSE Pacific workforces and workforce shares, four selected years (%).

Annual recruitment groups	%			
	2011–2012	2014–2015	2018–2019	2023–2024
Share of RSEs recruiting				
1–9 workers	17.4	15.7	12.8	7.3
10–19 workers	25.0	27.8	27.0	23.6
20–49 workers	26.1	26.9	24.8	31.5
50–99 workers	14.1	14.8	14.9	18.0
100–199 workers	14.1	8.3	12.1	12.4
200–499 workers	1.1	4.6	6.4	3.4
500+ workers	2.2	1.9	2.1	3.9
Total RSEs	92	108	142	178
Share of workers with RSEs recruiting				
1–9 workers	2.0	1.4	0.9	0.4
10–19 workers	5.8	5.5	4.3	3.3
20–49 workers	13.4	13.4	10.4	11.5
50–99 workers	15.8	14.1	13.2	13.6
100–199 workers	34.1	19.7	20.0	20.4
200–499 workers	4.1	23.2	26.1	12.0
500+ workers	24.8	22.6	25.1	38.8
Total workers	5615	7099	11,168	16,201

Source: Unpublished MBIE arrivals data.

with them; they are not highly flexible arrangements, but they have proved to be popular especially with the larger RSE enterprises. Of the 228 RSE employers who had participated in the scheme between July 2007 and June 2022, just under half (48%) had recruited Pacific RSE workers on joint ATRs.

With labour contractors and grower cooperatives accounting for some of the largest RSE operations, the ‘reach’ of the scheme extends well beyond those employers who have formal accreditation. Contractors, for instance, may have over 100 clients on their books, all of whom are making use of RSE labour. The contractor and cooperative models enable smaller enterprises, which may not have the financial resources to register for RSE status, to benefit from the use of Pacific seasonal labour.

4.2 | Industry–Government Collaboration

Industry–government collaboration has been a core component of the scheme’s operation since the outset. The evolution of the scheme from a co-design process instilled a collaborative industry–government mentality and way of working, and while it is a tightly managed and highly regulated programme, it has always been largely driven by employers (backed/supported by industry) and facilitated by government. This is quite different to the Australian seasonal PALM scheme which has been more top-down and government-led (Curtain and Howes 2020).

The annual RSE conference has been an important element of industry–government cooperation. In the early years of the scheme, the conference was an employers’ event, with little government involvement. Over time, participation has expanded to include a wide range of New Zealand–based stakeholders as well as Pacific government representatives. By expanding the range of participants, this serves as a useful monitoring and balancing mechanism. It keeps RSE employers open to new ideas and discussions about what is happening at the industry, community and regional levels, both within New Zealand and in Pacific countries, rather than solely focussing on the needs of their individual enterprises. In recent years, some of Australia’s PALM Approved Employers have also attended RSE conferences.

Pre–Covid, an annual RSE employer survey (2009–2019), administered by a private contractor, provided regular feedback to government and industry groups on how well the RSE scheme was meeting the needs of individual employers.²⁸ The survey ceased during the pandemic and is yet to be re-established. During the pandemic, industry groups, which in the early years of the scheme largely had input at a strategic level, became more involved in operational decisions to enable RSE worker flows to continue despite the closed international border. This operational engagement by industry bodies has continued.

In April 2024, a National RSE Labour Governance Group, made up of RSE employer, industry and government representatives, was re-established to support direct communication and collaboration on RSE strategy and governance. Eleven Regional Governance Groups across New Zealand are responsible for

handling all matters relating to RSE labour at the regional level, while an Industry Operations Group provides resources and support to RSE employers. RSE employer representation on the regional and national labour governance groups has helped to ensure an ‘employer voice’ remains at the core of the operation of the RSE scheme.

5 | Recruitment From the Pacific

The distribution of worker recruitment across Pacific countries is not regulated by the RSE policy. Decisions around worker recruitment—what country(s) to recruit from, and (apart from Kiribati and Fiji, and from 2024 onwards, Samoa)²⁹ where to recruit from within country(s)—are largely left to RSE employers.

Of the nine Pacific countries participating in the RSE scheme, Vanuatu, Tonga and Samoa have consistently taken the greatest share of RSE job opportunities (Figure 4).³⁰ Vanuatu has always provided the highest number of workers in any given year. Tonga used to be the second-largest supplier but was surpassed by Samoa in 2018–2019. Actual numbers recruited from Tonga have stayed relatively constant, at around 1800 per year; however as total RSE numbers have grown in line with increases to the RSE annual cap (20,750 for 2024–2025), Tonga’s overall share has fallen.

Over the years, MBIE (and its predecessor, the Department of Labour) officials have made efforts to encourage RSE employers to recruit beyond the three main source countries, and to instead look to some of the smaller countries such as Kiribati and Tuvalu that face barriers to participation due to distance and high travel costs, and countries like PNG that have had few international outlets for labour migration. Pre-Covid, only a small number of employers had responded to such efforts.

During the pandemic, New Zealand’s closed international border significantly curtailed the inward flows of RSE labour. Recognising the horticulture sector’s essential role in the country’s economy, the government granted two border exceptions for the re-entry of groups of RSE workers late in 2020 and early 2021 to support production. Only a small number of

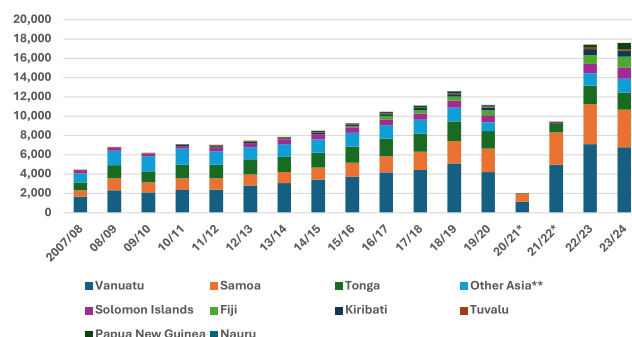


FIGURE 4 | RSE arrivals by country 2007–2023. * Arrivals impacted by Covid-related travel restrictions. ** Other Asia includes India, Indonesia, Malaysia, Philippines, Taiwan, Vietnam. Source: Unpublished MBIE arrivals data.

Pacific countries participated in the border exceptions, with Vanuatu and Samoa the primary labour suppliers.

Post-Covid, more RSE employers are diversifying their recruitment, and numbers from the Solomon Islands, Fiji and PNG are steadily increasing. In 2023–2024, Solomon Islands (1,207) and Fiji (1,094) both supplied over 1000 RSE workers for the first time. PNG is also experiencing significant growth, with 640 RSE workers recruited in 2023–24, an increase of 158% (248) on the previous year.³¹

Diversification of labour sources by RSE employers is a positive move. For RSE enterprises it helps mitigate the risk of being too reliant on one country as a source of seasonal labour, which can be problematic when natural disasters strike, or other external factors negatively impact on recruitment plans. It also means that employment opportunities are being spread more widely across Pacific sending countries.

In mid-2024, the coalition government announced the inclusion of Timour-Leste in the RSE scheme. Under Australia's seasonal PALM scheme, Timour-Leste is the second-largest provider of seasonal labour to Australian employers, behind Vanuatu.³² New Zealand has historically had fewer links to Timour-Leste than Australia, although the bilateral relationship has strengthened since Timour-Leste's independence in 2022.³³ During 2025, MBIE and MFAT have been tasked with getting the necessary systems and infrastructure in place for worker recruitment to commence from Timour-Leste.

The same Pacific countries participate in both the New Zealand and Australian seasonal work schemes. Accordingly, governance arrangements from the Pacific country-end are largely the same, including a reliance on the bilateral IAU (or Memorandum of Understanding in Australia's case) and its implementation requirements to govern sending countries' engagement. What is perhaps unique to the RSE scheme has been the predominant use of direct recruitment methods by RSE employers, rather than relying on government-managed work-ready pools of pre-registered job seekers.³⁴

Direct recruitment has led to the establishment of long-standing partnerships between employers and specific families and communities. For some employers, these relationships now span almost 18 years, and they are a core contributor to the achievement of the RSE scheme's aim of delivering development benefits back to participating households and communities. Forms of employer support are wide-ranging, including instances of direct investment into workers' communities, with the construction of new buildings and infrastructure, as well as the provision of equipment and resources. Some examples of employer support can be found in the RSE Impact Study: Pacific Stream Report (C. Bedford et al. 2020).

6 | Women in the RSE Scheme

Women have always been a minority in the RSE scheme. Women tend to be recruited for specialised tasks on the orchard/vineyard (e.g. grafting different varieties onto rootstock)³⁵

and for pack house work, as well as providing significant support to others in informal pastoral care roles.

During the year ending 30 June 2024, women comprised only 9.5% (1664) of the 17,599 RSE arrivals. This was the lowest percentage for a financial year when recruiting was not affected by the Covid-19 pandemic (see Table 3 and Figure 5). The number of women recruited in 2023–24 was the second highest for a financial year since the scheme began in July 2007, only exceeded by the number in the previous year (1,738). While the number of men has increased in most years aside from those affected by the pandemic, female recruits for the RSE scheme have remained relatively static since 2009–10 (Figure 5). Over 17 years, the difference between the maximum and minimum number of women recruited annually has been less than 1000; in the case of men it has been over 13,000.

TABLE 3 | RSE seasonal worker arrivals by gender, 2007–2008 to 2023–2024.

Year	Men	Women	Total	% women
2007–2008	2278	813	3091	26.3
2008–2009	5522	1094	6616	16.5
2009–2010	4903	1200	6103	19.7
2010–2011	5427	1320	6747	19.6
2011–2012	5641	1326	6967	19.0
2012–2013	6055	1281	7336	17.5
2013–2014	6552	1292	7844	16.5
2014–2015	7088	1400	8488	16.5
2015–2016	7856	1419	9275	15.3
2016–2017	8817	1406	10,223	13.8
2017–2018	9660	1416	11,076	12.8
2018–2019	11,099	1482	12,581	11.8
2019–2020	9931	1219	11,150	10.9
2020–2021	1973	44	2017	2.2
2021–2022	8740	681	9421	7.2
2022–2023	15,686	1738	17,424	10.0
2023–2024	15,935	1664	17,599	9.5
Total arrivals	133,163	20,795	153,958	13.5

Source: Unpublished MBIE arrivals data.

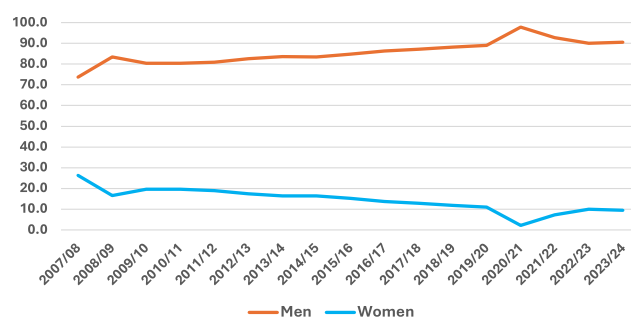


FIGURE 5 | Percentages of men and women recruited as seasonal workers each year for the RSE scheme since 2007. Source: Unpublished MBIE arrivals data.

There are recognised barriers to the participation of women in seasonal work, both from the Pacific- and the New Zealand-end. Traditional customary roles in some Pacific societies may dictate that hard, physical tasks on the orchard/vineyard are only suitable for men, while there is a preference for women to remain at home to raise families and perform household duties (see e.g. C. Bedford et al. 2020; Chatterier 2019).

At the New Zealand-end, MSD places restrictions on the employment of seasonal worker women in the pack house, as these jobs are primarily for New Zealand workers. This restriction, coupled with a common stereotype among RSE employers of work in the field being better suited to men than women, has made it difficult to achieve higher participation rates for women in the scheme.

7 | RSE Worker Participation Rates

Data relating to the RSE and the seasonal PALM scheme are invariably expressed in terms of annual numbers of worker arrivals, or as stock data relating the number of workers in-country on a set date. On an annual basis, worker arrivals or numbers in country on a set date obviously refer to people, but they cannot be aggregated year by year to gain an estimate of the number of *people* participating in the schemes over time. Because the RSE and seasonal PALM schemes are managed *circular* migration schemes, requiring workers to return home at the end of their seasonal work visa but with the prospect of return in a subsequent season depending on employer demand, there is significant return migration in the schemes.

Between July 2007 and June 2024, just over 134,000 RSE visas were issued to workers from the nine Pacific source countries. Using a database that enables visa approvals each year to be linked, it has been established that just over 47,500 seasonal workers from the Pacific, 88% of whom are men, have been employed in the RSE scheme since it became operational. It has also been established that the majority (60% in the case of the 47,500) are return workers.³⁶ This is not surprising; there has long been recognition of the importance of return—both for workers as well as employers. What is, perhaps, surprising is the large share of workers (40%) who have only participated in the scheme once over the 17 years (2007–2024).

Figure 6 shows that the majority (75%) of the 47,500 RSE workers recruited from the Pacific between July 2007 and June 2024 had returned for between one and three seasons.

There is a small group of both men and women who have returned 10 or more times for seasonal work. By 2024 1620 (3.4%) of the 47,500 Pacific RSE workers were in the 10+ seasons of work category—that is, 1440 men and 180 women.³⁷ They are the invaluable cohort of team leaders on whom RSE employers rely heavily for selecting their new recruits each year and for assisting with on-the-job training and pastoral care. There is a tendency for research on seasonal schemes to focus just on the numbers being recruited each year and to give little attention to the mix of workers in terms of their experience and roles within the seasonal workforces of their employers.

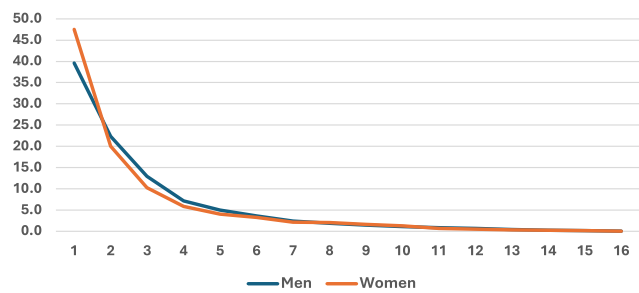


FIGURE 6 | Comparison of seasons worked between 2007–2008 and 2023–2024 by men and women from Pacific source countries (%). Source: Unpublished MBIE arrivals data.

The key finding is that the incidence of workers who return persistently is relatively low. The scheme has not become dominated by workers returning year after year, locked into low-wage, temporary employment and residence in a country where they cannot enjoy all the rights and privileges of citizens. The great majority of Pacific workers who have accessed the scheme have used it to further their individual, family and, in some cases, community needs back in the countries where they have permanent residence.

Another interesting feature of RSE worker participation—and one which is somewhat different to the experience in Australia—is the low level of disengagement by RSE workers, even if workers are not entirely satisfied with their employment or living conditions in New Zealand. Several factors contribute to the low rates of absconding. There are deterrents in place for RSE employers (a fine of NZ\$3000 per worker who absconds) and for workers (deportation once located). Horticultural producers must meet global certification (GLOBALG.A.P.)³⁸ and auditing requirements to supply fruit to export markets. Any evidence of poor employment practices or worker exploitation within a grower’s own enterprise, or within their supply chain, may result in loss of access to lucrative export markets. There is little incentive to employ workers illegally. Without ‘rogue employers’ operating who are willing to employ RSE workers on their farms outside of the RSE, the incentive to abscond is weaker.

Finally, unlike Australia, there is no pattern of RSE workers applying for asylum and being granted a bridging visa with full work rights while waiting several years for a decision (Howes 2024a, 2024b). RSE workers could, technically, lodge a claim for refugee status, but they would receive a decision in a matter of months. Thus, there is no incentive for RSE workers to abscond in the hope that they might be eligible for a different visa type that offers more flexibility and the opportunity to stay in the country for longer (C. Bedford 2022).

8 | Benefits of RSE Participation

The positive impacts of RSE participation for employers, and the horticulture and viticulture industries more widely, are well documented in the annual RSE employer survey (2009–2019). Employers report that the certainty and reliability of Pacific seasonal labour makes a direct contribution to improved

productivity, which, in turn, encourages investment in new plant and equipment, expansion of areas under cultivation, and creates more employment opportunities for New Zealanders.

Continual increases to the annual RSE cap also provide employers with some certainty around business expansion. In 2023–2024, 17,599 RSE workers were recruited, well below the cap of 19,500, which has subsequently increased to 20,750 for 2024–2025. If employers are looking to expand—whether areas under planting or in infrastructure (including purpose-built RSE worker accommodation)—there is ‘room’ under the cap to increase the size of their RSE workforce. The RSE policy review’s proposed shift to a 3-year cycle of RSE accreditation, and associated 3-year allocation of labour, will provide RSE enterprises with even greater confidence when forecasting future growth.

At the community and regional levels, expansion of horticultural enterprises generates multiplier effects as businesses that directly support them, such as land and land services, transport and distribution, agricultural services and equipment, and construction and accommodation services, also expand. The horticulture sector (including wine) employs close to 70,000 people nationwide and is a significant contributor to regional economies (Campbell 2023; Horticulture New Zealand [n.d.](#)).

For RSE workers and their families, the primary driver for participation in the scheme is an economic one. RSE income is now factored into the lives of many households and contributes to their economic and social wellbeing, with savings largely used to support daily consumption, education and housing.³⁹ However, participation does involve a trade-off: workers and their families must weigh up the financial gains of seasonal work in the RSE scheme against the social costs of periods of up to seven to 9 months’ absence from home.

Over time, questions have emerged about whether a fair share of the benefits of growth are returning to RSE workers and their families. Dissatisfaction with workers’ earnings and living costs in New Zealand and concerns about RSE workers’ rights and welfare have surfaced as key issues.⁴⁰

9 | The Covid Pandemic: A Tipping Point for the RSE Scheme?

The pandemic and the extended closure of New Zealand’s international border from March 2020 to July 2022 was a major disruption to the RSE scheme and supply of labour to the country’s main growing regions. RSE flows were significantly curtailed and, for workers who were in New Zealand, some remained in the country for almost 3 years. The exceptional circumstances that the pandemic created—with workers living for extended periods in accommodation designed for short-term use, difficulties providing full-time employment to meet the 30-h requirement for RSE workers who remained in New Zealand, and a host of complex worker wellbeing issues—put the RSE ‘system’ under significant stress (see C. Bedford and Bailey 2022; C. Bedford et al. 2023).

Negative media stories began to emerge with claims of economic exploitation, and substandard living conditions, and a damning report from the New Zealand Equal Employment Opportunities Commissioner claiming ‘modern day slavery’ (New Zealand Human Rights Commission 2022).⁴¹ For a scheme that was premised on stamping out poor employment practices in New Zealand’s horticulture sector—only employers with a ‘clean’ record would be granted RSE accreditation—the negative media coverage represents a significant shift in the narrative. Post-Covid, a prevailing narrative has been that the RSE scheme is itself associated with exploitation. For an industry that is predominantly export-driven—and for which success is largely dictated by the demands of international consumer markets with stringent requirements around sustainable and ethical production practices—this has not been good news. Claims of worker exploitation put the social licence of the RSE scheme, specifically, and the horticulture and viticulture industries more widely, at risk, potentially causing reputational damage in export markets.

Around the same time, work on the RSE policy review recommenced, with the negative media attention sharpening the focus on worker wellbeing. The worker-focused component of the review covered: accommodation, health, pastoral care, wage deductions, and worker rights and exploitation risks. The review has subsequently made a series of proposed changes to RSE policy settings to better support the wellbeing of RSE workers while in New Zealand. Details of the recommended changes can be found in the RSE policy outcomes document, which was proactively released by then Minister of Immigration in October 2023 (Office of the Minister of Immigration 2023). Many of the proposals suggest a tightening of standards, especially in relation to accommodation, pastoral care and wage deductions. RSE Accommodation Standards will be updated, and employers will be required to provide more detailed accommodation, labour market planning and pastoral care plans (which cover a 3-year RSE accreditation and ATR approval cycle). RSE employers will be subject to regular risk-based audits. There will also be greater clarity and transparency around what can be included as a wage deduction and the introduction of a standardised deduction form (Office of the Minister of Immigration 2023, 13–14).

The RSE policy review acknowledges that several of the proposals are likely to increase costs for RSE enterprises, driven by the cost of complying with strengthened worker wellbeing measures, and that these rising costs ‘may indirectly affect food prices for New Zealand consumers’. The policy document argues, however, that these costs will largely be offset by efficiency gains in the form of streamlined RSE administrative processes, including a proposed shift to a 3-year RSE planning and worker allocation model which ‘is likely to significantly reduce administrative burden and its associated resource costs for employers’ (Office of the Minister of Immigration 2023, 8–9, 18–19).⁴²

In October 2023, a change to the RSE policy settings required employers to pay their RSE workers at 10% above the minimum wage (at the time NZ\$24.97 per hour). New sick leave provisions for RSE workers were also introduced.⁴³ The requirement to pay 10% above the minimum wage, alongside the guaranteed

payment of 30 h of work every week (implemented during the pandemic) met with significant push back from RSE employers and industry bodies. The cost of hiring and accommodating RSE workers is a significant expense: the average cost of hiring an RSE worker above that of a New Zealand worker is estimated to be around NZ\$5000.⁴⁴ For horticulture enterprises, it is often not possible to recover increased labour costs, as market forces—rather than operational or production costs—determine sales prices in domestic and international markets.

After consistent lobbying by employers and industry groups, the coalition government announced a series of changes to RSE policy settings in August 2024, largely designed to reduce costs for RSE employers.

Employers are no longer obliged to guarantee pay for 30 h of work per week. Instead, RSE employers must now pay 30 h per week averaged over a 4-week period (i.e., 120 h of work over 4 weeks). This is the same as is required by employers recruiting under Australia's seasonal PALM scheme.

The requirement for RSE employers to pay their RSE workers at 10% above the minimum wage now only applies to workers in their third and subsequent seasons, arguably to reflect the productivity of experienced returnees. RSE workers in their first and second seasons are to be paid at the minimum wage (set at NZ\$25.47 per hour in April 2024). A freeze on RSE worker accommodation charges (implemented in 2022) has also been lifted. RSE employers can increase weekly accommodation costs (rent and utilities) by either 15% or NZ\$15, whichever is less, over the 2024–2025 season.

While the changes were welcomed by industry, for Pacific countries the policy changes, which directly affect RSE workers' take-home pay, are less welcome.⁴⁵ Under the seasonal PALM scheme, workers are protected by a weekly earnings threshold: workers' net take-home pay each week after tax and deductions can be no less than A\$200. Moreover, if a PALM employer cannot offer 20 h of work in any given week, then the employer must cover the cost of the worker's accommodation and transport, and these costs are not recoverable from the worker.

There are no similar protections for workers under the RSE scheme. Pacific governments will likely raise concerns about the lack of a guaranteed minimum pay threshold for RSE workers during the forthcoming round of consultations on the RSE policy review's proposed changes.

10 | The RSE Scheme: Future Pathways

With the RSE scheme now in its 18th year, it is anticipated that the scheme will continue (in the immediate future at least) largely as business as usual—that is, as a well-tested and closely managed circular migration scheme. RSE worker numbers have essentially plateaued at around 17,500 annual arrivals over the previous two seasons (2022–2023 and 2023–2024) suggesting something of an equilibrium between costs and benefits of increased participation at the enterprise level has been reached.

There is, however, room under the RSE cap for existing RSE enterprises to increase their RSE workforces in the future, and for new enterprises to join the RSE scheme.

The re-establishment of the National RSE Labour Governance Group provides an important mechanism for employer, industry and government representatives to communicate directly on RSE strategy, governance and operational matters, and the coalition government strongly supports continued growth of the scheme as part of broader efforts to double the value of the country's exports.

For RSE workers, a series of proposed measures under the RSE policy review will strengthen worker wellbeing and worker protections. These include a much clearer risk-based audit scheme to assess employers' performance, and a dedicated support system for workers to raise issues and have complaints resolved (Office of the Minister of Immigration 2023). The concerns raised by Samoa, Tonga and Vanuatu regarding the impact of seasonal labour migration on their domestic workforces will likely remain a prominent issue, with RSE employers responding by diversifying their sources of labour to countries, such as PNG and the Solomon Islands, that seek to expand their engagement in offshore labour mobility.

Planned changes in the way the annual cap is managed and RSE workers are allocated to accredited employers should continue to maintain pressure on RSE enterprises to keep seeking ways to reduce dependence on imported Pacific labour to increase productivity and ensure long-term sustainability of the industry. During the 2024–2025 summer harvest period, RSE employers have reported greater numbers of New Zealanders seeking seasonal jobs. This is seen as a major 'win' in local communities where unemployed New Zealanders are being supported into horticultural and viticultural work, and RSE employers are meeting their 'New Zealander first' obligations under the scheme.

Automation within horticulture and viticulture, which is supported by government as a labour-saving mechanism, is already underway. There are a range of automated picking, packing and pruning technologies available or in the pipeline. Large-scale investments in automation have tended to concentrate in areas that can potentially operate year-round, such as packhouses. Investments in less-expensive, labour augmentation technologies, like mechanical picking platforms that support the continued use of low-skilled workers and enhance productivity, are occurring. New planting systems are also being adopted with future automation in mind. However, with fruit trees remaining in production for around 15–20 years before being replanted, there will be continued demand for manual labour for at least the next decade, before any significant shifts towards automation occur.

Rather than replacing people entirely, it is anticipated that automation will be used alongside different types of labour, with new skills required to manage and operate automation and technology. Some low-skilled roles will not be automated. These roles 'will be in areas where the engineering and technological capabilities have not exceeded those of a human and/or the variability in the growing system is too great for a machine to

manage (such as kiwifruit orchards on steep terrain)' (Horticulture New Zealand n.d. 7). The characteristically seasonal nature of horticultural production, volatile output and export prices create additional barriers, and the upfront costs of technological innovation may be prohibitive, especially for small producers. When considering the relationship between investments in capital and labour in New Zealand's horticultural sector, Wilson and Fry (2021, 44) conclude:

Whether restricting numbers of workers would have affected the use of available technology (such as prototype picking machines) or the incentives to undertake R&D into the possibility of substituting labour for technology generally is, at present, an open question. Exactly how developments in automation will influence the future demand for temporary and seasonal labour is also unknown.

The Pacific is of growing geostrategic interest and competition, with the region increasingly being reshaped by traditional and new regional partners operating in a wide range of areas including defence, development and trade (Keen and Sora 2024).⁴⁶ For New Zealand, the RSE scheme is a significant foreign policy tool, helping to continually reaffirm the strength of the country's long-standing partnerships with its Pacific neighbours (Cabinet External Relations and Security Committee 2021).⁴⁷ The present coalition government is acutely aware of the importance of the scheme, both in terms of its support for primary industries in New Zealand, and in terms of demonstrating New Zealand's commitment to strengthening people to people links and supporting regional stability and resilience (Peters 2024). To this end, the RSE scheme is likely to remain a well-supported and carefully managed scheme as it approaches its third decade of operation.

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Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

Endnotes

¹ Horticulture includes kiwifruit, wine, apples, vegetables, horticultural plant nurseries, mushrooms, berries, stone fruit, citrus, olives and nuts (<https://www.workforceinsights.govt.nz/workforce-today/horticulture/>).

² The Food and Fibre Workforce data uses ANZSIC06 classifications to identify food and fibre sector employees and self-employed people within Stats NZ's Integrated Data Infrastructure (IDI). From the Stats NZ's IDI data, everyone employed and receiving income from an employer, and those self-employed (including business owners) are counted for each month during the year. To create annual numbers,

the monthly numbers are averaged over the year. See: <https://www.workforceinsights.govt.nz/about-this-data/what-is-this-data/>.

- ³ The National Labour Governance Group existed in the early years of the RSE scheme but was dis-established in 2020 during the pandemic.
- ⁴ For instance, in 2024 the coalition government announced the introduction of a multi-entry visa for RSE workers to enable them to return home during the season for family reasons/events if required, without having to pay for the acquisition of a new visa to return to New Zealand.
- ⁵ For a review of Sāmoa's participation in labour mobility, including reported impacts on the domestic economy, see Alexeyeff et al. (2025).
- ⁶ The cap is set at 12,000 workers annually under both the PALM and RSE schemes. This is more than double the number of Samoan workers offshore under both schemes in 2023-24. Therefore, the cap is largely symbolic.
- ⁷ Papua New Guinea aims to have sent a cumulative total of 8000 workers overseas to Australia and New Zealand by 2025 (Gop 2024; Turia-Moka 2023). From 2023, the Solomon Islands has been aiming to send 3000 workers offshore per year (Solomon Islands Government 2023).
- ⁸ An estimated 17,000 illegal workers were employed across horticulture and viticulture in 2002 (Courtney 2008; Sharpe 2010). Illegal labour, predominantly from Asia rather than the Pacific, was fundamentally unreliable and compromised the value and reputation of law-abiding growers and contractors within the industry. However, enforcement action was deemed a threat to productivity as growers grappled with tight timeframes during peak periods, and relied on seasonal workers from any source they could find (Horticulture and Viticulture Seasonal Working Group 2005; Hill et al. 2007).
- ⁹ In 2004 a 3-year cross-governmental and industry project, known as the Pure Business Project (PBP), was implemented to address some of the systemic problems facing apple growers, including barriers to securing seasonal labour, amid growing concern about the possible collapse of the industry. The collaborative nature of the PBP was deemed an effective means of responding to the complex problems facing the apple industry, and this approach influenced the thinking behind further initiatives across the H/V industries, including the development of the RSE policy (Whatman and Van Beek 2008; Tipples and Whatman 2010).
- ¹⁰ Fiji was removed from the scheme following the military coup in Fiji in December 2006. The country formally included again after the country's first post-coup elections in 2014.
- ¹¹ A more detailed account of the background to the RSE policy is provided by Ramasamy et al. (2008).
- ¹² See R. Bedford et al. (2017) for an overview of New Zealand and Australian policies in the Pacific.
- ¹³ Federated States of Micronesia, Palau and Republic of Marshall Islands are also eligible but there has been no recruitment of workers from these three countries, and none have formalised their engagement in the RSE scheme.
- ¹⁴ See the Immigration New Zealand Operational Manual (effective 01/10/2023).
- ¹⁵ See Immigration New Zealand (2018) for detail on RSE accreditation requirements.
- ¹⁶ See Ramasamy et al. (2008) for a detailed discussion of the accreditation requirements and process. Also see Immigration New Zealand (2018).
- ¹⁷ More than 90% of RSE workers come from the Pacific. Around 1500 RSE workers are recruited each year from six countries in South-East Asia. The majority come from Thailand, followed by Indonesia and Malaysia. The participation of Asian countries in the RSE scheme is a

residual from an earlier seasonal work policy that had been grand-parented to the RSE (See R. Bedford and Bedford 2024).

- ¹⁸ RSE worker applicants must be over 18 years of age, hold a valid passport, a temporary entry chest x-ray certificate (screening for tuberculosis), a medical certificate, police clearance and a return air ticket. Applicants from countries with high risk factors for HIV/AIDS are also required to provide the results of an HIV test. Workers must attend a mandatory pre-departure briefing before leaving for New Zealand.
- ¹⁹ Because of the relative isolation of their countries, and high travel costs to New Zealand, workers from Kiribati and Tuvalu can be employed for up to 9 months within any 11-month period.
- ²⁰ In the case of Kiribati and Tuvalu, the cost-sharing arrangement requires RSEs to cover only half of the airfare costs between Fiji and New Zealand. This concession was made to avoid airfare costs acting as a disincentive to employers recruiting from the two central Pacific atoll states.
- ²¹ MFAT's Strengthening Pacific Partnerships programme was implemented in 2011. Initially the programme focused on core capacity building in LSUs. Over time, support was extended to a range of other areas such as pre-departure training, worker health initiatives, information and database management and employment initiatives in new sectors (e.g. pilots in fisheries and construction). The programme was extended from 2017 to 2022 with an MOU signed between MFAT and MBIE for program delivery. The MOU was varied twice in late 2020 to reflect the changing context during Covid-19 when MBIE staff were unable to travel, pivoting to provide domestic support to RSE employers and workers. The program underwent a redesign in early 2023 as part of a new funding cycle for 2024–2029, with new outputs to include: increased funding for RSE liaison officers; streamlining administrative processes in LSUs; improved pre-departure training; and effective reintegration programmes for workers who are returning home (Allen and Clarke Consulting 2022).
- ²² See Office of the Minister of Immigration (2023, 9) for a discussion of the proposed compliance framework which includes a risk-based audit regime to assess employer's performance, including against newly proposed three-yearly accommodation, labour market planning and pastoral care plans.
- ²³ The cap was set at 5000 places in 2007, increasing to 8000 places in October 2008. The cap remained constant at 8000 until November 2014 when it was raised to 9000. Since 2014, the cap has progressively increased in response to employer demand for labour. For the 2024–25 years the cap is set at 20,750 places. See Immigration New Zealand (n.d.-a).
- ²⁴ See C. Bedford (2013) for a discussion of the regional allocation process.
- ²⁵ In August 2022, the former government, under their Immigration Rebalance, announced several sector agreements that enable employers to access lower-paid migrant workers. Meat processing and onshore seafood processing were identified as the first sector agreements to be implemented with a Pacific preference. Both sectors are seasonal in nature and can have RSE-type arrangements in place for the recruitment and oversight of workers. See Immigration New Zealand (n.d.-b).
- ²⁶ During the 2017–2018 season, backpackers made up the largest component of the horticulture and viticulture seasonal labour forces in Central Otago. In the case of horticulture, in 2017–2018, backpackers accounted for 64% of the seasonal workforce; the shares of local New Zealanders (16%) and RSE workers (13%) were smaller. In viticulture, backpackers (32%) and locals (27%) accounted for a similar share of the 2017/18 seasonal labour force, while RSE workers made up 21% (Thrive Consulting 2021, 15–16).
- ²⁷ Non-response to the Agricultural Census, which is held every 5 years, has proven to be an issue in recent years, particularly in 2022 due to the Covid pandemic. The 2017 census recorded approximately 6800 farms in horticulture and viticulture, well below the 10,700 farms a decade earlier. Nevertheless, the census data provide a useful sample across all sectors given the significance of primary industries in New Zealand.
- ²⁸ Survey results for the period covering 2014–2019 can be found online at Immigration New Zealand (n.d.-a).
- ²⁹ Samoa's newly established district constituency committees will oversee recruitment and facilitate equal distribution of work opportunities for new recruits. See Ministry of Finance (2023).
- ³⁰ See Curtin's paper (this volume) for a discussion of New Zealand's and Australian employers' reliance on workers from Vanuatu, Samoa and Tonga, the impacts of this reliance on the working age populations in the three countries and measures taken by all three countries to address concerns about the growing loss of labour on their domestic labour forces.
- ³¹ For more discussion on the diversification of recruitment by RSE employers' see R. Bedford and Bedford (2024).
- ³² In November 2024, 22% (3210) of the total number (14,430) of SWP workers in Australia were from Timour-Leste. See Pacific Australia Labour Mobility (n.d.), April 2022–November 2024.
- ³³ See: <https://www.mfat.govt.nz/assets/Countries-and-Regions/South-East-Asia/Timour-Leste/New-Zealand-Timor-Leste-Statement-of-Partnership-2022-2026.pdf>.
- ³⁴ In the 2019 RSE Employer Survey, 66% of accredited RSEs stated their main method of sourcing seasonal labour was via direct recruitment (which includes the use of return workers to source new recruits), compared to 27% of RSEs who relied on a Pacific government-sponsored work-ready pool.
- ³⁵ For example, an RSE that runs a fruit tree nursery employs women for summer work nurturing the rootstock, which includes grafting. The work requires very good hand-eye coordination and attention to detail, as well as good dexterity. In the employer's view, women are better suited to this work than men.
- ³⁶ See R. Bedford and Bedford (2023) for a discussion of the method used to derive statistics on participation over time in the RSE scheme.
- ³⁷ Subsequent analysis of the frequency of participation across the 17 years by 12,380 Pacific workers who engaged with the scheme for the first time during its first 5 years (2007–2008 to 2011–2012) revealed that 1360 (11%) of them came back for 10 or more seasons.
- ³⁸ See <https://www.globalgap.org/what-we-offer/solutions/grasp/> for information on GLOBALG.A.P. and the GLOBALG.A.P. Risk Assessment on Social Practice (GRASP) add-on which aims to support the evaluation of workers' health, safety and welfare at farm level.
- ³⁹ For discussions on the uses of remittances by households with a family member absent overseas under either RSE or PALM see for example Doan et al. (2023).
- ⁴⁰ Concerns regarding worker vulnerability and possible exploitation in the horticultural sector have been raised in both New Zealand and Australia. See for instance Collins and Stringer (2019) and Australian Senate Education and Employment References Committee (2016).
- ⁴¹ Also see RNZ (2022); Solignac (2022); Stevens (2024).
- ⁴² In 2023, RSE employer fees were NZ\$1080 to apply for RSE status (initially valid for 2 years, then can be renewed for 3 years) and NZ \$290 for the annual ATR application (Office of the Minister of Immigration 2023). RSEs often apply for multiple ATRs within a given season or financial year to cover different cohorts of workers who are employed over varying timeframes.
- ⁴³ For the pay and sick leave provisions, see Immigration New Zealand (2025).
- ⁴⁴ This includes various costs associated with the RSE scheme, such as recruitment expenses, visa and travel costs, accommodation, pastoral care, food, health, and safety compliance (Ministry of Business, Innovation and Employment 2023).

⁴⁵ See C. Bedford (2024) for more discussion of the RSE policy changes.

⁴⁶ Also see: <https://interactives.lowyinstitute.org/features/great-game-in-the-pacific-islands/>.

⁴⁷ Cabinet External Relations and Security Committee (2021).

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Farm Guest Workers: US Experience

Philip Martin

Ag & Resource Economics, UC Davis, Davis, California, USA

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ABSTRACT

The US was one of the first countries to develop farm guest worker programs with Bracero programs during WWI and WWII outside regular immigration laws, followed by the H-2(A) farm guest worker programme included in immigration law in the 1950s. The US tried to legalise the farm workforce in the mid-1980s, but wound up spreading unauthorized workers throughout US agriculture and the nonfarm economy. Fewer unauthorized farm workers arrived after the 2008–09 recession, which helped the H-2A programme quadruple to 400,000 jobs over the past decade, so that guest workers fill 20 percent of average US crop employment. The farm labour market is at a crossroads, and is considering options that include labour-saving machines, aids to raise productivity and H-2A workers, and changing to non-labour-intensive crops and importing labour-more intensive commodities from lower-wage countries.

1 | Introduction

Almost all countries richer than their neighbours have guest worker programs that allow farmers to recruit foreign workers to fill farm jobs. However, there is significant variance in farm guest worker policies. Most governments require farm employers to first try to recruit local workers before being permitted employ guest workers, and many limit farm guest workers to less than a year in the country. A wider range of policies that govern recruitment, wages, and housing:

- Some countries have bilateral agreements with labour-sending countries, including Australia, Canada, New Zealand, and South Korea, while others such as the US allow approved employers to recruit in any of a list of 70+ countries.
- Some countries designate particular intermediaries to recruit and transport migrants, including the UK, while others such as Australia, Germany, and the US permit individual employers to recruit abroad. Some employers in Canada, Spain, and the US formed nonprofit associations to recruit migrants on behalf of farmer members, while

some employers in other countries including the US rely on for-profit firms to recruit migrants abroad. Associations and recruiters based in host countries often rely on recruiters in sending countries to find workers.

- Most countries require payment of higher-than-minimum wages, including Australia, New Zealand, and the US, and these same countries specify the minimum hours per week or minimum value-of-contract that employers must pay. Most EU countries, on the other hand, do not set special minimum wages for farm guest workers or establish minimum hours of work.

Sending countries also have variable policies. Most have laissez-faire policies, including Mexico, which sends over 350,000 farm guest workers a year to Canada and the US who are recruited by private agents rarely registered with the Mexican government. By contrast, Guatemala and other Central America countries as well as many Pacific Island countries require or encourage recruitment from work-ready pools. Some small island states in the Caribbean and South Pacific prioritise who can go abroad, and some try to limit the number of repeat trips to spread out opportunities, but such efforts often turn into opportunities to reward

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political supporters as in Jamaica or run counter to employer desires to rehire experienced migrants, as in the South Pacific.

The US and the countries in which farm employers recruit guest workers have largely *laissez-faire* policies. The US has one of the largest seasonal farm guest worker programs, certifying almost 400,000 farm jobs a year to be filled by H-2A guest workers, so that guest workers account for 20% of average employment on crop farms. However, US farmers employ almost three times more unauthorized workers, 850,000, as legal guest workers, 325,000.¹

Labour-intensive US agriculture is at a crossroads. Farm labour costs have risen faster than nonfarm labour costs for the past decade for several reasons. The supply of farm labour is shrinking faster than the demand for hired workers and federal and state governments have made changes that increase farm labour costs, including raising minimum wages for all workers and requiring that farm workers be paid overtime wages *o*. The core seasonal workforce is dominated by Mexicans who arrived illegally in their 20 and 30s in the 2 decades before the 2008–09 recession. These workers, those who are now legal and those who remain unauthorized, are now in their 40, 50, and 60s and ageing out of seasonal farm work.

Who will replace these ageing and settled Mexican-born workers? US-born workers and the children of farm workers who are educated in the US largely shun seasonal farm jobs, so that future farm workers are growing up somewhere outside the US. The result is a complex debate over the optimal mix of more machines to replace hand workers, more mechanical aids that make hand workers more productive, more guest workers, and more imported produce.

1.1 | From Braceros to H-2As

The US was settled largely by European immigrants who wanted to own the land they farmed. Three farming systems evolved in the 1800s, and each had a different strategy to obtain seasonal farm workers:

- Family farms in the northern states relied on family labour to handle the work on small farms, and schools and other institutions adapted to seasonal farm labour needs.
- Large plantations relied on slaves in the southern states to work in long-season crops such as tobacco and cotton.
- Large farms created by Spanish and Mexican land grants depended on newcomers with few other job options after transportation and irrigation infrastructure made fruit farming viable in the 1870s and 1880s.

Farms in the south and the western US began as larger-than-family sized units. Most southern plantations were eventually divided into smaller farms and harvests were mechanized, but large farms that rely on seasonal workers persist in the west.²

Gold drew migrants to California after 1848, but the key factor that shaped the farm labour market in western US states was the completion of a transcontinental railroad in 1869, making it easier and cheaper for people to move west and farm

commodities to move to eastern population centres. The west's Mediterranean climate was expected to support family farms growing oranges and other fruit as large farms with often absentee owners were broken into family-sized units, re-creating the family farm model in the west. However, Chinese migrants without other job options were available to be seasonal farm workers, and they became the core of the seasonal farm workforce in the 1870s and 1880s.

Chinese migration was stopped at the behest of unions and nativists in 1882, but waves of migrants with few other US job options followed, including Japanese, Indian, and Filipino immigrants. The children of seasonal farm workers educated in the US shunned their parents' jobs, creating a revolving-door seasonal farm labour market that relied on a steady stream of newcomers to produce labour-intensive commodities for distant consumers.

There were two major effects of Asian migrants arriving to fill seasonal farm jobs. First, few of the million Eastern and Southern European immigrants arriving each year in the early 1900s came to California; these newcomers preferred year-round nonfarm jobs in northern and midwestern cities to seasonal farm jobs in the western states. Second, the low wages paid to seasonal farm workers in western states were capitalised into farmland prices. This means that family farmers had to pay high prices for land and, if they did their own work, the value of their time was the same as the low wages paid to migrants with no other job options.

World War I introduced Mexican Bracero (strong arms) guest workers who were expected to return to Mexico when their seasonal US jobs ended. Farmers had been complaining of labour shortages before WWI, but their complaints were rebuffed by local employment officials who asserted that there was no shortage of US workers, only a shortage of decent wages and working conditions. Raising wages and improving conditions, they argued, would attract US farm workers.

Farmers overcame these arguments with a 'food to win the war' slogan. The US government allowed farmers to employ Mexican migrants between 1917 and 1921 in a programme marked by the exploitation of workers during recruitment in Mexico and while employed in the US. There was no US Border Patrol until 1924, so Braceros who had gained US work experience continued to cross the Mexico-US border illegally after this first Bracero programme ended, work for the same farmers, and avoid paying bribes in Mexico. California farmers who relied on Mexican workers ensured that Mexico and other Western Hemisphere nations were not affected by 1921 and 1924 laws that restricted immigration from the Eastern Hemisphere.

WWII led to a larger and longer-lasting Bracero programme that peaked in size in the mid-1950s, when 450,000 Braceros were about 20% of US hired farm workers. During the late 1950s, Democrats and Republicans agreed that Braceros in the fields held down wages for rural Mexican-Americans, encouraging them to move to cities in the western states where they did not compete with Braceros. Over the objections of farmers, Republican President Eisenhower's Department of Labour introduced Adverse Effect Wage Rates (AEWRs), special minimum wages

that had to be paid to Braceros and US workers employed alongside them at a time when US farm workers were not covered by minimum wage laws (US DOL, 1959).

The early 1960s were marked by government efforts to help Americans who had been left behind by post WWII economic growth, culminating in Great Society programs that included a war on poverty and civil rights laws to protect Blacks. The US census did not collect data on Hispanics until 1970, but unions, churches, and Hispanic organisations complained that Braceros limited upward mobility for Mexican-Americans, while farmers countered that Braceros were essential to produce fresh produce. Hispanics won the argument, and the Bracero programme ended in 1964 to bolster the incomes of Mexican-Americans (US Senate Judiciary Committee, 1981).

The result was a sharp increase in wages that made the 15 years between 1965 and the early 1980s a golden age for US farm workers. Union activities resulted in 40% wage increases in the first table-grape contracts in 1966. There was also widespread labour-saving mechanisation, as with the quick adoption of mechanical harvesters for processing tomatoes (Martin 2003). Bulk bins and forklifts replaced hand workers who lifted or swamped boxes and bins of fruits and vegetables.

Farm wage growth slowed in the 1980s after an economic crisis in Mexico devalued the peso and encouraged Mexicans to migrate illegally to the US, so that a quarter of California crop workers were unauthorized Mexicans by 1985 (Martin et al. 1985). Unauthorized Mexicans were concentrated in the southwestern states and in less perishable commodities such as oranges due to the risk that Border Patrol enforcement would remove unauthorized workers just when they were needed to harvest crops.³

Immigration reform was expected to give agriculture a legal workforce. The Immigration Reform and Control Act (IRCA) of 1986 was a compromise between Republicans who wanted to stop unauthorized migration by fining employers who hired such migrants and Democrats who wanted to legalise foreigners who had developed 'roots' in the US. The resulting amnesty and enforcement compromise failed to achieve its goals, and has tainted immigration reform discussions since:

- Enforcement failed to 'close the labour market door' due to the lack of a uniform identification card and the absence of systems for employers to verify worker-presented documents, so that unauthorized migrants who continued to arrive could be hired with no consequences for employers.
- The two amnesty programs legalised 2.7 million foreigners, 85% Mexicans, including 1.1 million who said they had done at least 90 days of farm work in 1985-86.⁴ Many of these Special Agricultural Workers bought documents attesting to their farm work, creating a false documents industry.

Instead of reducing illegal Mexico-US migration, IRCA accelerated the diffusion of unauthorized Mexicans throughout US agriculture and to nonfarm jobs as the false documents industry continued to churn out false driver's licences and immigrant

visas that most newly arrived unauthorized migrants could present to employers to satisfy IRCA's employer sanctions law.⁵ The share of unauthorized farm workers reached 50% by the mid-1990s and unauthorized workers spread from farm to food processing, construction, manufacturing, and service jobs.

The H-2A programme was expected to expand in the wake of IRCA but instead shrank during the unauthorized migration wave of the 1990s. Instead of raising wages and improving working conditions to retain newly legalised and US workers, many farmers turned to farm labour contractors (FLCs) to obtain seasonal workers. These FLCs were often Mexican-born ex-farm workers who knew that rural Mexicans would work for high cash wages and no benefits, and they became risk absorbers in a farm labour market that in the 1990s was marked by labour, immigration, and tax violations.

The Commission on Agricultural Workers (CAW), which was established to review the effects of IRCA on US farmers, workers, and consumers, concluded that IRCA was a case of good intentions gone awry in agriculture. Instead of a more-legal farm workforce enjoying improved wages and working conditions, there were more unauthorized workers than ever before, and more were employed by hard-to-regulate FLCs.⁶

The farm labour landscape changed after the 2008–09 recession. US unemployment rose, some Mexicans who lost their US jobs returned to Mexico, and settled Mexicans advised friends and relatives not to pay smuggling fees to enter the US because there was no assurance of getting a job. Migrants who eluded the Border Patrol usually sought year-round nonfarm rather than seasonal farm jobs.

Decreased illegal entries encouraged more farm employers to recruit legal H-2A guest workers. The H-2A programme certified 100,000 jobs to be filled by guest workers in FY13 and almost 400,000 in FY24 (US fiscal years are October 1–September 30). About 80% of certified jobs result in visas issued to workers (Figure 1), reflecting the fact that some employers do not follow through and recruit H-2A workers and some H-2A workers fill several certified jobs while they are in the US.

H-2A jobs are concentrated in a few states: over half are in five states, Florida, California, Georgia, Washington, and North Carolina; each of these has 25,000 to 50,000 H-2A jobs certified. These five states had half of the agricultural employment covered by unemployment insurance and almost half of the employment reported by farm employers who hire workers directly.⁷ Over 90% of H-2A visas are issued to Mexicans, followed by 3% each to South Africans and Jamaicans.⁸

Unions and worker advocates oppose the H-2A programme, arguing that the workers are indentured because they have contracts that tie them to one US employer; being fired means that the worker can no longer remain in the US legally. In response, DOL issued regulations that increased AEWrs above minimum wages and raised the cost of employing guest workers, so that the AEWr for California in 2024 is \$19.75 an hour when the state's minimum wage is \$16 and the federal

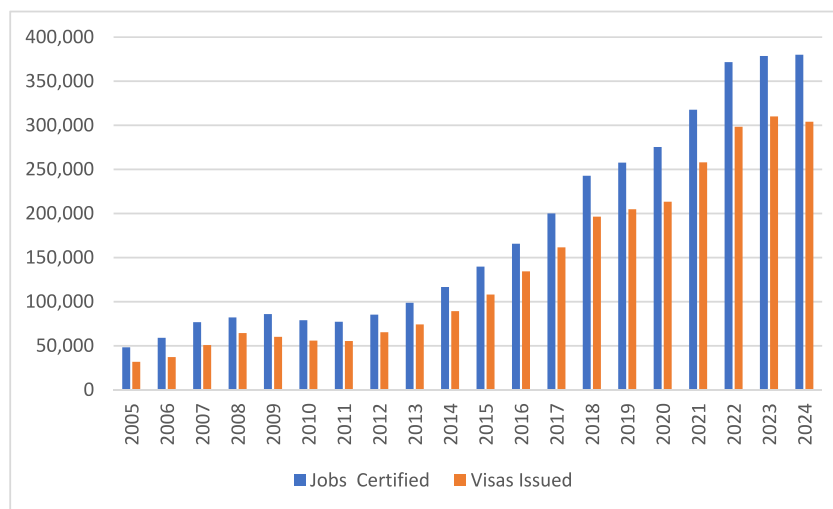


FIGURE 1 | H-2A jobs certified and visas issued, FY05-24. *Source:* US DOL and DOS.

minimum wage is \$7.25. Furthermore, DOL in 2023 changed from one AEW per state to setting AEWs by occupation, so that there could be a dozen AEWs that range from \$19.75 for crop workers to \$25 or more for commercial truck drivers and those who drive workers to and from fields.

Rapidly rising H-2A labour costs have increased interest in alternatives to hand labour that include machines to replace workers, mechanical aids that increase worker productivity, and switching to less-labour intensive crops such as from raisin grapes that are hand harvested to almonds that are machine harvested. In a repeat of the mid-1960s, farmers are weighing where to invest. Should they grow the same crops and invest in machines to replace workers or invest in housing for H-2A workers and aids that make hand workers more productive? Alternatively, should they change US crops and partner with farmers in lower-wage countries to produce more labour-intensive crops?

1.2 | H-2A Governance

The federal government establishes and enforces H-2A regulations. Some states add additional regulations that cover all farm workers, including H-2A workers, so farm employers consider the costs of both federal and state regulations when they decide whether to employ H-2A workers.

The H-2A programme is demand-driven: employer applications set the bureaucracy in motion. Current regulations reflect a century of experience with Braceros and US workers as well as court decisions in response to employer and worker suits that challenge government regulations. Employers, workers, and other interested parties can influence legislative proposals before they become law by commenting on proposed regulations.⁹

Three federal agencies are involved in the governance of the H-2A programme. The Department of Labour (DOL) certifies an employer's need for H-2A workers and enforces labour laws and regulations that protect H-2A and US workers (Figure 2). The

Department of Homeland Security (DHS) checks employer H-2A petitions and interviews incoming workers with H-2A visas, and the Department of State (DOS) issues H-2A visas to eligible foreign workers abroad. About 40% of the 20,000 employer requests for certification of 400,000 jobs to be filled by H-2A workers are handled between January and March for the summer and fall seasons between May and October.

DOL certification of an employer's need for H-2A workers means that DOL agrees with the employer that (1) US workers are not available to fill seasonal farm jobs and (2) the presence of H-2A workers will not adversely affect similar US workers. Employers apply for certification at least 60 days before their need date by filing a job offer with their local State Workforce Agency (SWA).¹⁰ The SWA confirms that (1) the job is full-time and will be temporary or seasonal, generally less than 10 months, (2) the number of H-2A workers requested is reasonable, and (3) that employers have accurately described the job, wages, hours, housing, and other details of the 'work opportunity' (GAO 1988, 2017).¹¹

After approval, SWAs upload the job offer into a data base available to US job seekers.¹² DOL's Office of Foreign Labour Certification (OFLC) reviews employer-submitted information and makes a decision on the employer's application at least 30 days before the need date,¹³ resulting in a two-to-three week window for employers and SWAs to try to recruit US workers. Very few US workers are recruited to fill H-2A jobs. Employers say that US workers do not want the jobs they offer, while worker advocates say that employers prefer H-2A workers.¹⁴

The Office of Foreign Labour Certification approves over 98% of employer requests. There is no fee to apply for certification, although employers pay \$100 plus \$10 per job after being certified, far less than DOL and the SWAs spend on the programme.

Employers attach DOL's certification to a DHS petition, Form I-129, and pay a \$460 fee that supports DHS checks to determine that the employer is legitimate and that neither the employer nor the recruiting agent abroad charged recruitment fees.¹⁵

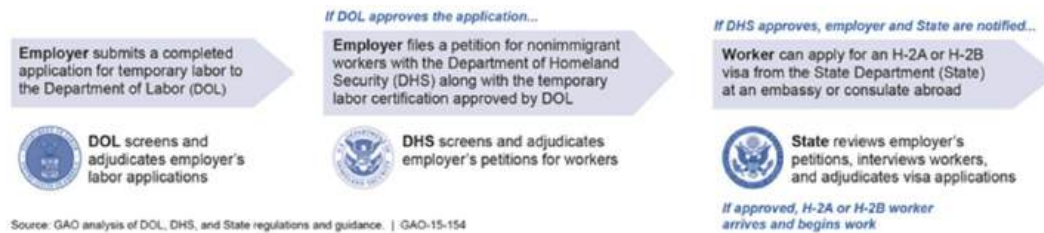


FIGURE 2 | H-2A approval process. *Source:* <https://www.gao.gov/assets/gao-15-154.pdf>.

USCIS forwards approved petitions to the DOS consulate abroad specified by the employer, where the foreign workers who have been recruited by the employer are fingerprinted and may be interviewed by US consular officers. Employers pay the \$190 cost of each H-2A visa and an additional \$100 for fingerprints and photos.¹⁶ H-2A workers are bussed or flown from consulates to the US, inspected as they enter the US, and continue to their US housing and workplace (Martin 2007).

The costs incurred to recruit workers in their country of origin are paid by US employers, so that employers typically have \$1000 to \$2500 'invested' in each H-2A worker before they arrive in the US (Castillo et al. 2024). Employers must pay to house H-2A workers, provide them with food or cooking facilities, and offer transportation at no cost to H-2A workers between the housing and the workplace. These non-work costs are \$15 to \$30 a day, or \$3000 to \$9000 for a worker who is in the US for 6 months, making the recruitment, transport, and housing costs of a 6-month H-2A guest worker \$4000 to \$12,000.

H-2A workers earn \$15,000 to \$25,000 while in the US for 6 months, making total costs \$20,000 to \$35,000 and non-wage costs 25 to 50% of worker earnings. If employers hired seasonal US workers and paid them the same \$15,000 to \$25,000, they would incur payroll taxes of about 12% that are not paid on the wages of H-2A workers, but would save recruitment, transport, and housing costs. However, if H-2A workers are more productive, and if H-2A workers are reliable workers who are available when needed, the cost gap between H-2A and US workers can narrow or disappear.

H-2A programme governance raises three major challenges. First, how should DOL balance an employer's desire for guest workers against DOL's obligation to protect US workers from no adverse effects? Employers are encouraged to hire US workers by the extra costs of H-2A workers, but certification rewards them with productive workers who can ensure that work is done in a timely and efficient way. What is the optimal balance between employer access to the guest workers versus protecting US farm workers?

The second challenge involves the agencies that administer the H-2A programme. State SWAs complain that they do not have the funds needed to recruit few US workers, inspect employer-provided housing, and conduct the prevailing wage and practice surveys that aim to ensure there are no adverse effects of H-2As.¹⁷ Underfunded SWAs are generally most responsive to employers and their agents who complain if their job offers and housing inspections are not handled in a timely way.

The third challenge involves enforcement as the H-2A programme expands to new commodities, areas, and types of employers. Understaffed federal and state agencies may accept misleading or false employer job offers, as when employers call workers who construct buildings on farms 'crop workers' and pay them the crop worker wage rather than the construction worker.¹⁸ Farm labour contractors (FLCs)¹⁹ pose special concerns because of their history. Some FLCs have business models that are based on violating labour, tax, and immigration laws, and rely on the fact that fewer than 1% of farm employers are inspected each year to escape detection.

1.3 | Recruitment

The recruitment issue arises first in the US, when employers try and fail to find US workers, and then in the countries where foreign workers are recruited. Employers try to recruit US workers and report that most US workers who respond want a job right now rather than 30 days in the future when the crop will be ready to be harvested.²⁰ Employers are reluctant to offer jobs to US workers who promise to come to work in 30 days because they may find a better job while waiting and not report or soon quit, leaving employers short-handed. Each US worker who accepts a job reduces the number of H-2A workers that can be hired (US Senate, 1981).

Worker advocates emphasise that US employers prefer H-2A to US workers. Some farm employers discourage US workers by assigning them difficult tasks to induce them to quit.²¹ FLC Global Horizons told US workers to report to worksites where there was no work, leaving them with travel expenses and no earnings because Global Horizons filled the jobs with Thai H-2A workers who had unlawfully paid for their jobs.²² Employers have usually identified the H-2A workers they want to employ before trying to recruit US workers, explaining why less than 5% of the jobs advertised by employers seeking H-2A certification are filled by US workers (GAO 1988).

Recruitment issues in Mexico and other migrant-sending countries involve workers who pay agents or intermediaries who travel to rural villages with potential H-2A workers promising high US wages. Some agents work at the behest of farm employers, screening applicants and not charging fees, while others charge applicants for non-existent jobs.²³ Both Mexican and US laws require employers to pay all worker recruitment costs, but these laws are hard to enforce, especially in rural Mexico.

Recruitment costs should fall over time because over 80% of H-2A workers return to the same US employer year after year.²⁴ Most employers use network hiring to find new workers, which involves relying on current workers to refer friends and relatives. Current H-2A workers are often the best recruiters, since they know what is required to perform the job and the capabilities of their friends and relatives.

1.4 | Productivity

H-2A workers are often more productive than US workers, they are younger and better educated, especially when compared to the unauthorized workers who arrived decades earlier. There is no bar to H-2A workers bringing non-working family members with them to the US, but none do because US employers do not offer housing for non-working family members. H-2A workers want to maximise their US earnings, and employers often praise their good attitudes and higher productivity than US workers.

The higher productivity of H-2A workers raises a question: should employers be required to hire less-productive US workers? When Elton Orchards in 1974 sought certification to hire Jamaican apple pickers, the Louisiana SWA found US workers who were willing to travel to New Hampshire and pick Elton's apples. Elton refused to hire them even though his job order did not require apple picking experience. Elton argued that the experienced Jamaican guest workers who had worked for him previously would pick faster than the Louisiana workers who would be picking apples for the first time.

Elton won a District Court injunction that allowed him to employ the experienced Jamaican guest workers in 1974, but a Court of Appeals later overturned the injunction and asserted that US workers must be hired first. The Court emphasised that 'there may be good reason for appellee's [Elton's] wish to be able to rely on the experienced crews of British West Indians who have performed well in the past... [but such a] business justification would be to negate the policy which permeates the immigration statutes, that domestic workers rather than aliens be employed wherever possible.'²⁵

The Elton ruling reinforced the US-workers-first principle: if US workers can work fast enough to earn the AEW, they must be hired even if H-2A workers are more productive, and even if more US workers must be hired to accomplish work that fewer H-2A workers could perform. Enforcing the Elton preference for US workers is very difficult in practice, since there are many factors that contribute to whether employers consider workers to be satisfactory.

1.5 | H-2A Wages

The H-2A programme allows US employers to hire foreign workers to fill seasonal farm jobs if (1) US workers are not available *and* (2) the employment of guest workers will not adversely affect US workers. Economic theory suggests that adding to the supply of labour should depress wages. DOL

requires the payment of a special minimum wage, the AEW or the prevailing wage rates (PWRs), whichever is higher, to prevent any adverse effects of H-2A on US farm workers.

AEWs were first implemented in 1958, when DOL established a national minimum wage for Braceros of \$0.50 an hour at a time when US farm workers were not covered by minimum wage laws (Rural Migration News Blog 2020). Since 1987, the AEW has almost always been the average hourly earnings of non-supervisory crop and livestock workers reported by employers to USDA's Farm Labour Survey (FLS) for the prior year.²⁶ This means that AEWs for 2025 are the average hourly earnings reported by farm employers in a state or multi-state region to USDA in 2024, and ranged from almost \$15 to 20 an hour (Figure 3).

The AEW is controversial. Employers complain that the AEW is too high and ratchets upward each year because it is the mean rather than the median hourly earnings of all types of field and livestock workers, including skilled equipment operators who have higher earnings.²⁷ Figure 4 shows that the hourly earnings of non-supervisory farm workers have been rising faster than the earnings of non-supervisory nonfarm workers, to an average of almost \$15 an hour for farm workers and \$26 for nonfarm workers in 2020.²⁸ Faster rising farm earnings reflect a stable demand for farm workers and a shrinking supply and rising state minimum wages. If current trends continue, farm worker earnings could be two-thirds of nonfarm earnings before 2030.

Employer H-2A job offers in FY20 promised an average 168 days and 943 h of work at an average wage of \$13.29, making expected earnings \$12,711 and the wage bill for 275,430 certified jobs \$3.5 billion or 10% of the wages paid by crop farms to all workers (Castillo et al. 2022). The actual H-2A wage bill could be lower if employers satisfy only the three-fourths guarantee, meaning that they pay for the minimum three-fourths of the days and hours of work promised in the contract as H-2A regulations require. Worker earnings and the wage bill could higher if employers offer and workers accept more hours of work, if H-2A workers are employed under piece rate wage systems and earn more than the AEW, or if they receive overtime wages and bonuses.²⁹

Since 1987, there is generally been one AEW per state or multi-state region for all farm workers, from apple pickers to truck drivers. DOL issued regulations on February 28, 2023 to 'establish separate AEWs by agricultural occupation to better protect against [any] adverse effect on the wages of similarly employed workers in the US,' resulting in 10 or more AEWs in each state. Employers and SWAs agree on the occupation code for the job, and then DOL looks first to the to the USDA FLS survey of farmers to find an AEW for a particular job title.

If the USDA survey does not have a wage for a particular occupation, DOL uses the Occupational Employment and Wage Survey (OEWS) of nonfarm employers to establish the AEW for that occupation.³⁰ The USDA FLS collects data only from farmers who hire workers directly, that is, not from farm labour contractors, while the DOL OEWS collects data only from

2025 Adverse Effect Wage Rate

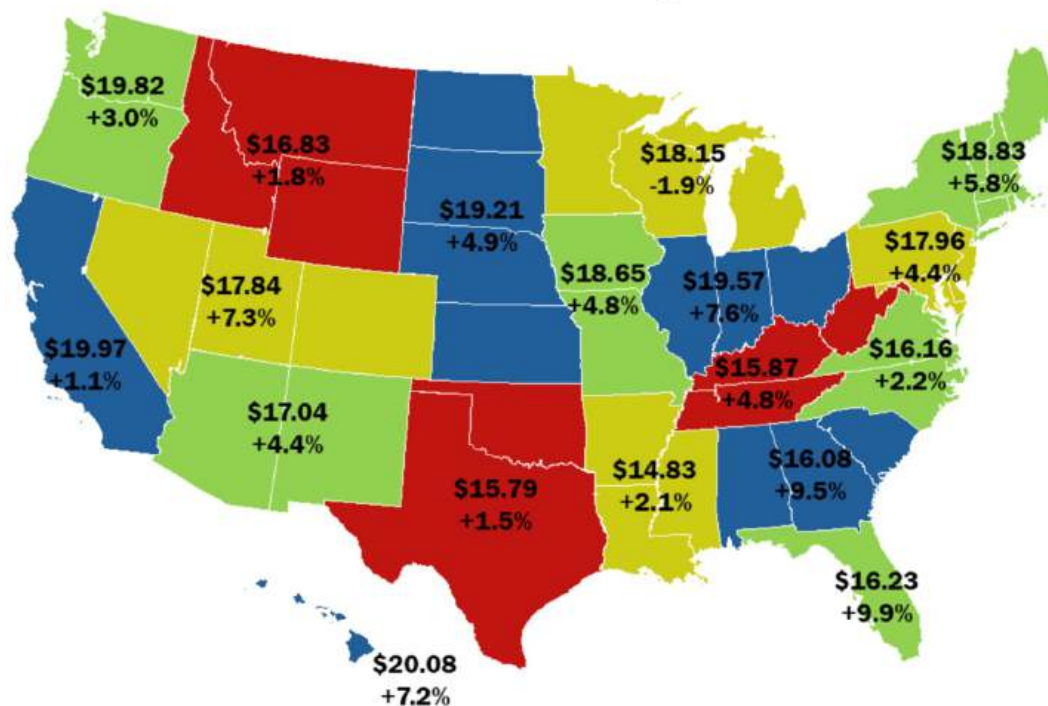


FIGURE 3 | AEWRs in 2025 for states and multi-state regions. Source: US DOL.

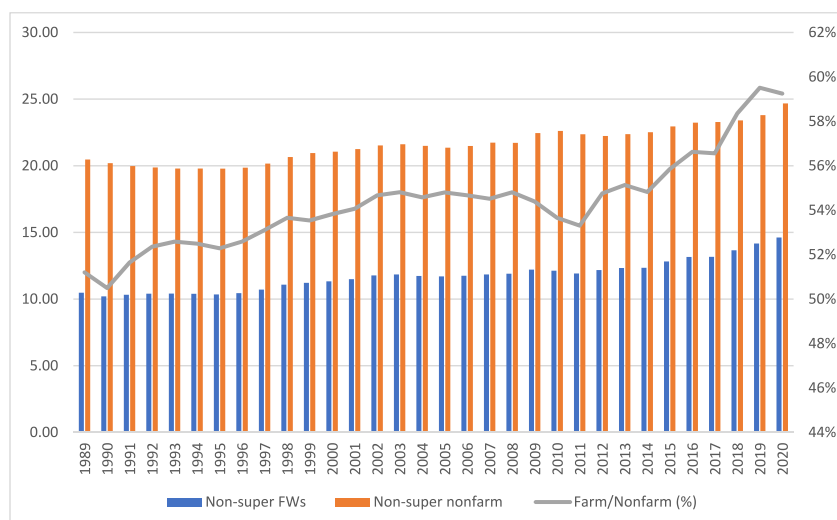


FIGURE 4 | Average farm and nonfarm hourly earnings, 1989–2020. Source: US DOL.

nonfarm employers, including farm labour contractors. In the US, the agriculture department surveys only farm operators, while the labour department surveys only nonfarm employers.

The six job titles with FLS-determined AEWRs accounted for 98% of H-2A jobs in recent years:

- Eighty-five percent of H-2A job certifications in FY 22 were for farmworkers and labourers, crop, nursery and greenhouse workers (SOC 45-2092);³¹
- Seven percent were for agricultural equipment operators (45-2091);

- Four percent were for farmworkers, farm, ranch, and aquacultural animals (45-2093);
- Less than one percent were for graders and sorters, agricultural products (45-2041) and all other agricultural workers (45-2099).

Worker advocates say there is widespread mis-classification, as when agricultural equipment operators drive commercial trucks or farm worker buses. Wages for these nonfarm occupations are typically much higher than for workers who are hired directly by farmers, often twice as high. Farm employers sued to block DOL's 2023 change to setting wages by occupation, but have

been rebuffed in court. Unions and NGOs that have long called for more higher and more reliable AEWRs.³²

Prevailing wage rates (PWRs) pose another challenge. Unions and NGOs argue that AEWRs act as a wage ceiling because workers who demand \$25 an hour to work in a high cost-of-living area such as Napa wine country are deemed unavailable, allowing employers to hire H-2A workers for the AEWR if \$19.75 an hour in 2024. However, if the SWA conducts a PWR and determines that the prevailing wage is \$25 an hour, then this \$25 wage becomes the minimum that the employer must pay to both H-2A and US workers.³³

There are few PWRs.³⁴ SWAs say that they do not receive enough funding to conduct surveys of employers and workers, and that many employers do not provide data for fear that the data may be used to increase the wage they must pay. The Washington SWA, the Employment Security Department, uses state funds to conduct more prevailing wage surveys than the rest of the US combined. However, a combination of a changed methodology and employer organisations urging farm employers not to provide data means ever fewer PWRs, so that the hourly AEWR becomes the minimum wage for employers who hire H-2A workers in the cherry, apple, pear and berry harvests. Unions sued, and a federal judge in July 2024 ordered DOL to require employers who are seeking certification to employ H-2A workers to offer at least the AEWR and older prevailing piece rates per pound or bin of fruit picked.

The government-set hourly AEWR and the employer-set piece rate per unit combine to create a minimum productivity standard that has implications for worker retention. A worker who picks six bins of apples in an 8-hour day for a piece rate wage of \$30 a bin earns \$180 or \$22.50 an hour. If the AEWR increases by 10% from \$15 to \$16.50, but the piece rate remains at \$30 a bin, a worker who picks six bins a day still earns \$180 a day or \$22.50 an hour, but has less incentive to work fast because piece rate earnings generate a smaller premium above the AEWR. Employers may fire workers whose piece rate earnings do not equal or exceed the AEWR.

If the hourly AEWR continues to rise and the piece rate remains unchanged, workers must work harder to earn the AEWR. DOL tries to avoid an upward ratcheting of the productivity standard by requiring employers to receive DOL approval before raising the standard³⁵; the employer must cite mechanical aids such as hydraulic platforms that replace ladders in orchards to justify a higher standard. In practice, DOL has found it hard to prevent employers from raising productivity standards. The Florida sugarcane industry raised 'task rates' as the AEWR rose in order to keep the cost of hand-harvesting cane constant by requiring H-2A workers to work faster (Martin 2009, Chapter 5).

Worker advocates want PWRs for all commodities that employ H-2A workers to prevent rising productivity standards from squeezing older US workers out of the farm workforce.³⁶ Employers and DOL disagree, arguing that the AEWR is the major protection for US workers; DOL says it 'is not obligated to establish a prevailing wage separate from the AEWR for every occupation and agricultural activity in every state,' and changed its methodology in 2022 to suggest ever fewer PWRs.³⁷

Piece rates, which give farmers predictable costs to get work done regardless of who did the work, were more common before child labour and minimum wage laws applied to farm work, when. By hiring everyone who showed up, the cost of picking a bin of apples was \$20 whether the bin was picked by a slow or fast picker. However, worker wages varied with yield and their own abilities.

1.6 | Immigration Reform

The US has struggled to determine the proper role of foreign workers in US agriculture. The Bracero programs of 1917–1921 and between 1942 and 1964 are more often remembered as government failures to determine the proper role of and to protect foreign and US workers than successes. Many books and articles emphasise that Braceros were exploited in both Mexico and the US, their presence in the fields encouraged rural-urban migration within the US, and most Braceros worked in crops that were not central to food security such as cotton.

IRCA fundamentally changed the US farm labour market (Martin 1994).³⁸ Most of the 1.1 million newly legalised SAWs soon found nonfarm jobs. Unauthorized Mexicans continued to arrive in the 1990s to join now-legalised friends and relatives, keeping the H-2A programme small. Farmers in the mid-1990s acknowledged that half of their workers were unauthorized and explained their reluctance to use the H-2A programme by citing the cost of planning ahead to recruit and house guest workers.

These farmers and their allies in Congress wanted a free-agent guest worker programme that would admit a certain number of foreign workers who would 'float' from farm to farm and become deportable if they were jobless more than 60 days. There were several market-based guest worker proposals in the 1990s, including a bill approved by the House Agriculture Committee in March 1996 that would have granted 250,000 temporary work visas to farm guest workers who would have entered the US, found their own housing and transportation, and moved from farm to farm. Employers of 'Pombo guest workers' would have sent 25% of their wages to the US government, which would have refunded the withheld wages in the worker's home countries to ensure that they returned.³⁹

There was bipartisan opposition to free-agent guest worker proposals from the framers of IRCA, Senator Alan Simpson (R-WY) and Representative Rep Romano Mazzoli (D-KY) as well as the bipartisan Commission on Immigration Reform, which issued a statement in June 1995 asserting that 'a large scale agricultural guest worker programme...is not in the national interest...such a programme would be a grievous mistake.' Then-President Clinton asserted: 'I oppose efforts in the Congress to institute a new guestworker or "bracero" programme that seeks to bring thousands of foreign workers into the United States to provide temporary farm labour.'

Farmers did not give up, and the Senate in July 1998 approved the Agricultural Job Opportunity Benefits and Security Act or AgJOBS to provide agriculture with a 'stable, predictable, and legal work force that would receive good, fair, market-based compensation.' AgJOBS would have created an alternative to

the H-2A programme by requiring DOL to establish registries of legal US farm workers. Farmers needing workers would request say 100 workers from the registry, but if only 40 workers were available, they would have been certified to hire 60 guest workers. AgJOBS would have required social security taxes to be collected on worker earnings and the monies used to cover government costs of administering the programme. If 'too many' guest workers failed to return to their countries of origin, 20% of their wages could be deducted and refunded at a US consulate in their country of origin.

Worker advocates opposed this version of AgJOBS, arguing that it eliminated the AEW and the requirement that farmers provide guest workers with free housing.⁴⁰ However, after the election of Mexican President Vicente Fox and US President George W. Bush in 2000, both of whom favoured new guest worker programs, employer and worker advocates negotiated a revised AgJOBS. The revised AgJOBS repeated the grand bargain at the heart of IRCA, viz, allow unauthorized farm workers to become immigrants in exchange for making it easier for farmers to employ guest workers, and won bipartisan support in the Senate. Unauthorized farm workers who did at least 100 days of farm work in the previous 12 months could become provisional legal farm workers and eligible for immigrant visas if they continued to do farm work,⁴¹ and employers could provide guest workers with provide free housing or a housing allowance so they could find their own housing.

A version of AgJOBS was included in the bipartisan immigration reform bills approved by the Senate in 2006 and 2013, but these bills were not enacted into law. The current bipartisan proposal is the Farm Workforce Modernisation Act (FWMA) approved by the House in December 2019 and March 2021.⁴² The FWMA includes the same legalise-the-unauthorise and make it easier to employ H-2A guest worker formula.

The farm labour grand bargain of legalisation for unauthorized farm workers and easier access to guest workers has been the leitmotiv of immigration reform efforts affecting agriculture since 1986. Legalising unauthorized farm workers speeds exits from the farm labour market, which explains why the FWMA would make previously unauthorized workers provisional immigrants who could earn regular immigrant visas only by continuing to do farm work. The hope is that making it easier for farmers to employ guest workers should give the US more legal than unauthorized farm workers, a goal last achieved before the mid-1980s.

2 | Conclusions and Recommendations

The US has 110,000 farm employers who employ 2.5 million hired workers sometime during a typical year. Two million or 80% of these hired workers were born in Mexico, including 1.7 million who have settled in the US and 300,000 who have H-2A visas that allow them to fill seasonal farm jobs. The number of settled Mexican-born farm workers is shrinking, while the number of Mexican H-2A workers is rising, so that there could be 1.5 million settled and 500,000 H-2A workers before 2030.

How should this rising number of guest workers be managed, and how does the presence of guest workers affect the cost and availability of fresh fruits and vegetables? About 10% of US farm employers rely on H-2A guest workers, and they account for 20% of average employment on US crop farms. Federal and state governments cannot monitor the 12,000 unique employers who file 20,000 applications a year for H-2A workers, nor can federal and state government labour agencies effectively enforce labour laws.

What could be done to improve the H-2A program? Three changes could benefit employers and workers. First, DOL could create an ABC rating system for employers and workers that allows A-rated employers to self-certify their need for guest workers and H-2A workers to skip the US consulate and travel directly to their US employer.⁴³

Second, crews of experienced guest workers could arrive with their supervisors and support staff. By imitating the way mining and oil extraction work is performed in remote areas, the fewest possible workers could accomplish seasonal farm tasks.

Third, fewer and larger H-2A employers can achieve economies of scale and are easier to monitor. Should governments favour labour contractor or labour hire firms, or encourage farms to form association, so that these entities employ professionals who understand and comply with guest worker regulations and benefit from economies of scale in recruiting, transporting, housing, and deploying workers? On the other hand, if labour contractors compete with each other to provide workers to farmers, the result could be a race to the bottom and more rather than less worker exploitation.

ABC ratings, streamlined procedures for A-rated employers, and monitoring fewer and larger employers could lower the cost of recruiting and employing guest workers and expedite the enforcement of labour laws. The development of standard contracts and policies, and ensuring that they are followed in large organizations, offers the best hope to protect often vulnerable farm workers, since there are unlikely to ever be sufficient enforcement agents, unions, and NGOs to root out all worker exploitation (Martin 2024).

There are several private initiatives to use ratings, standardized procedures, and publicity to improve compliance with farm labour laws. The US fresh produce industry adopted an Ethical Charter on Responsible Labour Practices in 2018 that, inter alia, calls on employers of farm workers to comply with labour laws.⁴⁴ This program is being implemented by inviting farm employers to assess their adherence to a checklist of steps that suggest compliance in the hope that buyers of fresh produce will purchase more from compliant employers.⁴⁵ As with Fair Trade programs, it is very difficult to find measurable effects of the Ethical Charter in the farm labour market.

Agriculture is the oldest industry in human societies, and the movement of labour out of agriculture is a hallmark of economic development. The supply of seasonal farm workers has been falling faster than the demand in societies that are richer than their neighbours, explaining the proliferation of farm guest

worker programs. There is no model program that achieves the goals of making needed workers available without hurting local workers and promoting development in worker countries of origin, but there are lessons that can benefit employers and workers and strengthen both worker protections and the development impacts of migration.

Concern about the proper levels and application of farm pesticides and chemicals led to a regulatory regime that increased the costs of mandatory training, certification, and specialized equipment. One result was specialized firms that understood and implemented safety standards, achieved economies of scale, and applied chemicals as a service to farms too small to justify hiring in-house staff and buying equipment. Similarly, an increased concern about the safety of fresh produce has created an ecosystem of experts who develop food safety protocols, monitor indicators from water quality to worker hygiene, and certify compliant farms. Developing a similar ecosystem to manage and protect farm labour could improve protections for the rising share of vulnerable guest workers in farm workforces.

Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Endnotes

¹ Some 2.5 million individuals are employed for wages on US farms sometime each year, including 2 million or 80 percent born in Mexico. These Mexican-born farm workers are in three major groups: about 850,000 are legal immigrants and naturalized US citizens, 850,000 are unauthorized, and 300,000 are H-2A workers. Mexicans are 90 percent of H-2A workers, followed by three percent each from South Africa and Jamaica, two percent from Guatemala, and the rest from 70+ countries. Additional foreign workers are employed in US agriculture with F-student visas and USMCA TN visas for college-educated foreigners.

² Tejon Ranch, with 270,000 acres, derives from an 1840s Mexican land grant and calls itself the largest privately owned US ranch. <https://tejonranch.com/>.

³ Enforcement of immigration laws before 1986 involved the Border Patrol driving vans into fields and orchards and attempting to apprehend workers who ran away. There were no penalties on employers who knowingly hired unauthorized workers until 1986.

⁴ Careful analysis found that perhaps two-thirds of the foreigners granted immigrant visas under the SAW program did not perform the qualifying farm work (Martin 1994).

⁵ Newly hired workers were required to present work-authorization documents to their employer, but employers were not required to verify the authenticity of worker-presented documents. Most employers copied worker-presented documents, protecting them in the event that their records were audited.

⁶ See <https://migration.ucdavis.edu/rmn/blog/post/?id=2469>.

⁷ Small farm employers are exempt from unemployment insurance in some states. Many farm workers are brought to farms by labour contractors and thus not counted in surveys of farm operators.

⁸ In a bid to reduce unauthorized migration from Central America, the US government in 2022 helped governments in El Salvador,

Guatemala, and Honduras to create work-ready pools and provided funds to contractor Palladium to cover the travel costs of H-2A workers selected by employers from these pools. USDA in 2024 is offering grants to farm employers who satisfy criteria that include recruiting H-2A workers in Central America: <https://www.ams.usda.gov/services/grants/flsp>.

⁹ DOL's September 15, 2023 proposed regulations to improve protections for H-2A workers is at: <https://www.federalregister.gov/documents/2023/09/15/2023-19852/improving-protections-for-workers-in-temporary-agricultural-employment-in-the-united-states> Over 500 comments were submitted in response: <https://www.regulations.gov/docket/ETA-2015-0004>.

¹⁰ <https://flag.dol.gov/programs/H-2A#:~:text=The%20H%2D2A%20temporary%20agricultural,a%20temporary%20or%20seasonal%20nature.>

¹¹ The job offer and other information are completed on Agricultural and Food Processing Clearance Order Form ETA-790A and the Application for Temporary Employment Certification ETA Form 9142A: www.foreignlaborcert.doleta.gov/h-2a_details.cfm.

¹² The Standard Occupational Classification (SOC) system assigns job titles to 867 detailed occupations <https://www.bls.gov/soc/> SWAs post jobs are at: <https://seasonaljobs.dol.gov/>.

¹³ NPC analysts must explain what employers must do to make deficient applications acceptable rather than simply reject them.

¹⁴ The SWA or NPA checks whether employers have hired any US workers who respond to recruitment efforts or provided a valid reason for not hiring US workers who respond. The housing offered to H-2A and out-of-area US workers must satisfy the higher of federal, state, or local standards: <https://www.dol.gov/agencies/whd/fact-sheets/26g-housing-standards-for-rental-and-public-accommodations-H-2A>.

¹⁵ <https://www.uscis.gov/forms/all-forms/h-and-l-filing-fees-for-form-i-129-petition-for-a-nonimmigrant-worker>.

¹⁶ Workers who report that they paid recruitment fees can be denied visas or prevented from entering the US: <https://www.farmers.gov/working-with-us/h2a-visa-program>.

¹⁷ Prevailing wage and practice surveys can add conditions that employers must satisfy, such as paying at least a prevailing piece rate to workers if piece rates are the prevailing practice. SWA prevailing wage and practice surveys that have been accepted by OFLC are posted at: <https://www.foreignlaborcert.doleta.gov/aowl.cfm> In June 2022, there were no prevailing wage results published for CA for 2020 and 2021.

¹⁸ DOL tried to deal with this mis-classification program in regulations issued February 28, 2023. See <https://migration.ucdavis.edu/rmn/blog/>.

¹⁹ FLCs in the US context are nonfarm businesses that, for a fee, recruit and supervise crews of workers and typically move them from farm to farm to perform specific tasks, from pruning to harvesting. FLCs are the sole employers of the workers they bring to farms under most federal labour and tax laws, but not some state laws. For example, FLCs cannot be employers for union-organizing purposes in California.

²⁰ Employers have testified in many Congressional hearings on the difficulty of recruiting and retaining US farm workers in jobs they want to fill with H-2A workers. See <https://www.congress.gov/116/meeting/house/109235/witnesses/HHRG-116-JU01-Wstate-BrimB-20190403.pdf>.

²¹ Tofani, Loretta. 1987. Preferring Foreign Labour, Farmers Spurn Americans. Washington Post, May 25. Reprinted in US Senate. 1981, pp145-149.

²² Global was debarred from being certified for more H-2A workers, but the US workers were not reimbursed because Global went bankrupt: <https://migration.ucdavis.edu/rmn/more.php?id=1824>.

- ²³ Some agents copy the logos of well-known US farming companies onto the jobs they offer at <https://seasonaljobs.dol.gov/>, and collect fees before disappearing.
- ²⁴ DOS does not release data H-2A worker demographics or the average number of seasons worked in the US.
- ²⁵ Elton Orchards Inc. v. Brennan, 508 F. 2d 493 - Court of Appeals, 1st Circuit 1974. https://scholar.google.com/scholar_case?case=4116686416235579922&hl=en&as_sdt=6&as_vis=1&oi=scholar upte...and easily put the price of tomatoes out of the range of the average housewife." (p66).
- ²⁶ Employment, Hours, and Earnings from the Current Employment Statistics survey, seasonally adjusted. Growers in North Carolina created the North Carolina Growers Association and those in Idaho formed the Snake River Farmers' Association to pool management resources to recruit and transport H-2A workers to members' farms. California has almost a third of these jobs, 425,000 years-round equivalent farm jobs, including 390,000 in crops. Associations may file as a joint employer with farmer-members of the association.
- ²⁷ USDA asks farm operators to report the total earnings of different types of employees, such as workers employed in crops, those involved with animals, and equipment operators, for the week that includes the 12th of the month. Employers also report the total hours worked by each type of employee during the survey week, so that FLS can divide the wage bill by hours worked to calculate the average hourly earnings of all hired farm workers, non-supervisory workers, crop workers, livestock workers, equipment operators and other occupations. Mean wages can be pulled up by high-wage workers.
- ²⁸ Non-supervisory workers do not have the authority to hire discipline, hire, or fire other workers.
- ²⁹ Piece rate wage systems provide incentives for workers to work fast without close supervision and are often used to motivate workers when it is easier to monitor their output rather than their effort.
- ³⁰ Most industry- and occupation-specific employment and earnings data are collected from employers. The FLS collects data only from farm employers, while the OEWS collects data only nonfarm employers, and labour contractors are classified as nonfarm employers. FLS wages are usually lower than OEWS wages, giving employers incentives to misclassify nonfarm workers such as truck drivers as farm workers.
- ³¹ <https://www.bls.gov/oes/current/oes452092.htm>.
- ³² <https://migration.ucdavis.edu/rmn/more.php?id=2871>.
- ³³ Employers must pay the higher of the federal or state minimum wage, the applicable wage in a collective bargaining agreement covering the workplace, the AEWR, or the PWR. The AEWR or PWR is normally the highest of these wages.
- ³⁴ <https://www.dol.gov/agencies/eta/foreign-labor/wages/agriculture>.
- ³⁵ In NAACP v. Donovan, 558 F. Supp. 218 (D.D.C. 1982), federal district judge Charles Richey blocked DOL's certification of West Virginia apple growers to employ then H-2 workers because they raised the minimum productivity standard from 80 to 90 bushels in an eight-hour day. Richey ruled that apple picking piece rates must increase in tandem with AEWRs. <https://law.justia.com/cases/federal/district-courts/FSupp/558/218/1811083/>.
- ³⁶ <https://migration.ucdavis.edu/rmn/more.php?id=2654>.
- ³⁷ The previous PWR methodology required SWAs to survey employers who account for at least 15 percent of total employment in a particular commodity, task, and area. DOL eliminated this 15 percent requirement and the requirement that SWAs confirm employer-provided data with their employees. DOL will now allow state entities such as universities to conduct surveys, and to make findings based on responses from as few as five employers and 30 workers.
- ³⁸ In a July 2000 report, the Inspector General of the Department of Justice noted that, in 1995, management at the then-Immigration and Naturalization Service estimated that 70 percent of SAW applications were fraudulent. <https://www.judiciary.senate.gov/grassley-opening-remarks-at-hearing-on-immigrant-farm-labor-reform>.
- ³⁹ <https://migration.ucdavis.edu/rmn/more.php?id=111>.
- ⁴⁰ If a state's governor certifies that there was sufficient farm worker housing in an area, an employer could offer guest worker employees a housing allowance equivalent to 'the statewide average fair market rental for existing housing for nonmetropolitan counties for the State ... based on a two-bedroom dwelling unit and an assumption of two persons per bedroom,' that is, one fourth of the rent of a two-bedroom apartment or \$400 a month in Fresno county to \$600 in Napa county. <https://migration.ucdavis.edu/mn/more.php?id=1595>.
- ⁴¹ By doing least 360 days of farm work in the next 6 years, provisional legal workers could become immigrants. Spouses and minor children of provisional farm workers in the US would not be deportable but could not work legally. However, they could become immigrants when the farm worker qualified by continuing to do farm work. <https://migration.ucdavis.edu/rmn/more.php?id=778>.
- ⁴² FWMA would have allowed unauthorized foreigners who did at least 180 days of farm work over the 2 years to become Certified Agricultural Workers (CAW) who would have to do 100 days of farm work a year for the next four to eight more years to become immigrants. Spouses and children US could receive work visas and become immigrants along with the qualifying CAW. The FWMA would have allowed for 3-year rather than the current usual 10-month maximum H-2A visa and allowed H-2A workers to be employed in both seasonal and year-round farm jobs: <https://migration.ucdavis.edu/rmn/blog/post/?id=2370>.
- ⁴³ As workers with current contracts enter the US, DHS would have to contact their employers to ensure that the contract is valid.
- ⁴⁴ <https://www.ethicalcharter.com/>.
- ⁴⁵ <https://ethicalcharterprogram.org/> The Ethical Charter Implementation Program certifies farms that have procedures in place to prevent worker abuses, but does not certify compliance with labour laws.

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