
ARTÍCULOS / ARTICLES

AGRICULTURAL EXCEPTIONALISM, MIGRANT FARMWORKERS AND THE PANDEMIC – EVIDENCE FROM POLAND AS A NEW IMMIGRANT DESTINATION COUNTRY

Kamila Fiałkowska

Centre of Migration Research, University of Warsaw
k.fialkowska@uw.edu.pl
ORCID ID: <https://orcid.org/0000-0002-1473-9987>

Kamil Matuszczyk

Centre of Migration Research, University of Warsaw
kamil_t_matuszczyk@uw.edu.pl
ORCID ID: <https://orcid.org/0000-0001-6721-4095>

Monika Szulecka

m.szulecka@inp.pan.pl
Institute of Law Studies, Polish Academy of Sciences
ORCID ID: <https://orcid.org/0000-0002-0145-3437>

Recibido: 10/01/2022; Aceptado: 24/03/2022; Publicado: 21/12/2022

Cómo citar este artículo/citation: Fiałkowska, Kamila; Matuszczyk, Kamil y Szulecka, Monika (2022). Agricultural exceptionalism, migrant farmworkers and the pandemic – evidence from Poland as a new immigrant destination country. *Estudios Geográficos*, 83 (293), e110. <https://doi.org/10.3989/estgeogr.2022116.116>

Abstract: This paper, based on ethnographic fieldwork the authors conducted among seasonal migrant farmworkers in Poland, discusses the impact of the COVID-19 fast track solutions adopted in the sector on the general situation of migrant farmworkers in agriculture. Based on the evidence from the field as well as policy analysis conducted in recent months, we argue that the fast track solutions and exemptions adopted in Poland (as in many of the EU member states) during the pandemic of 2020-2021 are not unique, but manifest the long-standing policy of agricultural exceptionalism. This has practical implications on the health and safety of migrant farmworkers and, paradoxically, may translate into a worsening of their working and living conditions on the farms. Against this backdrop we want to shed light on the predicaments of farmworkers during the pandemic, to better understand their position, which results from intersecting factors increasing the vulnerabilities of farmworkers (temporalities, isolation, low unionisation, intensification of work). To better understand the impact of the special solutions on the phenomenon of seasonal work, it is necessary to take into account the perspective of the employers. Together, these observations allow us to paint a more comprehensive picture of the situation of farmworkers during the pandemic in Poland – a new immigrant destination country.

Key words: Poland, seasonal migration, migration from Ukraine, COVID-19 pandemic, agriculture, migration governance

EXCEPCIONALIDAD AGRÍCOLA, TRABAJADORES AGRÍCOLAS MIGRANTES Y LA PANDEMIA - EVIDENCIA DE POLONIA COMO NUEVO PAÍS DE DESTINO DE INMIGRANTES

Resumen: Este artículo, basado en el trabajo de campo etnográfico que los autores realizaron entre los trabajadores agrícolas migrantes estacionales en Polonia, analiza el impacto de las soluciones de vía rápida del COVID-19 adoptadas en el sector sobre la situación general de los trabajadores agrícolas migrantes en la agricultura. Basados en la evidencia del campo así como en el análisis de políticas realizado en los últimos meses, argumentamos que las soluciones de vía rápida y las exenciones adoptadas en Polonia (como en muchos de los estados miembros de la UE) durante la pandemia de 2020-2021 no son únicas, sino que manifiestan la política de excepcionalismo agrícola de larga data. Esto tiene implicaciones prácticas sobre la salud y la seguridad de los trabajadores agrícolas migrantes y, paradójicamente, puede traducirse en un empeoramiento de sus condiciones de trabajo y de vida en las explotaciones. En este contexto, queremos arrojar luz sobre las dificultades de los trabajadores agrícolas durante la pandemia, para comprender mejor su posición, que resulta de la intersección de factores que aumentan las vulnerabilidades de los trabajadores agrícolas (temporalidades, aislamiento, baja sindicalización, intensificación del trabajo). Para comprender mejor el impacto de las soluciones especiales en el fenómeno del trabajo estacional, es necesario tener en cuenta la perspectiva de los empresarios. En conjunto, estas observaciones nos permiten trazar un cuadro más completo de la situación de los trabajadores agrícolas durante la pandemia en Polonia, un nuevo país de destino de inmigrantes.

Palabras clave: Polonia, migración estacional, migración desde Ucrania, pandemia de COVID-19, agricultura, gobernanza de la migración

INTRODUCTION

In this paper we focus on the situation of migrant farmworkers during the COVID-19 pandemic in Poland, a country that occupied first place among OECD countries between 2016 and 2019 regarding the number of temporary migrant workers (around 1 million) admitted each year (OECD, 2019, 2020). The great part of temporary workers from third countries work in agriculture, for which special instruments of admitting migrants to the labour market were introduced in 2006. At that time, the Polish authorities decided to significantly facilitate access for non-EU citizens from the neighbouring states (i.e. Ukraine, Belarus, Russia) to short-term work in Poland, without the obligation to obtain a work permit. More than a decade later, a seasonal work permit was introduced, as required by EU law¹, which meant a change of regulatory framework for migrant workers in agriculture. Both instruments, i.e. a simplified procedure for entrusting work to foreigners and issuing seasonal work permits, assumed facilitations in accessing the labour market in Poland (and thus also Polish territory).

Looking at both migrant farmworkers' presence in Poland and the regulatory framework of their access to the labour market from a longer time perspective, we want to understand how the situation of the migrant farmworkers and the conditions of working in agriculture look like during the ongoing COVID-19 pandemic. This time perspective also enables us to elaborate on the specificities of employment of migrant farmworkers in Poland, a new immigrant destination country and a European leader in employing temporary migrant workers. It also allows us to shed light on thus far little discussed special solutions adopted for employment in agriculture (Plewa, 2007). In doing so, we apply the perspective of 'agricultural exceptionalism' and analyse – throughout recent history – how exceptional the situation of (migrant) farmworkers was and why. As has been documented (Liebman and Augustave, 2010), (migrant) farmworkers have already experienced a long history of 'exceptionalism', translating to excluding the agricultural workforce from many regulatory laws (and poor enforcement of the regulations already in place). Our aim is to look at how this concept has been exposed during the exceptional pandemic circumstances in Poland.

The approach of countries to seasonal migration during COVID-19 outbreak is aptly summarised by Haley et al. (2020, p. 37): "while migrant farmworkers have been excluded from immigration policies that privilege 'skilled' workers, the pandemic has shifted the discourse to emphasize that migrant farmworkers are essential due to their expertise and skill". It has since been documented how migrant farmworkers were exposed to increased risks to their health and safety, by the introduction of fast track procedures allowing their travel and work, thus shifting entire categories of risk to seasonal workers (Fiałkowska and Matuszczyk, 2020; Molinero-Gerbeau, 2021; Papademetriou and Hooper, 2020). To date, the pandemic has accentuated many of the already long-existing problems of foreign employment in agriculture (Corrado and Palumbo 2022; Haley et al., 2020; Neef, 2020; Tagliacozzo et al., 2021).

Following the outbreak of the pandemic, all the special rules and exceptions introduced for agriculture with regard to migrant farmworkers, such as possibilities of border crossing, travel, testing, employment, living conditions, or work-quarantine, were not introduced in other sectors of the economy. In spite of the state of emergency under which all the measures were announced, our analysis indicates that this was not an exceptional situation for agriculture in Poland. The timing and pressure were exceptional, but extraordinary rules apply to agriculture even under regular circumstances. In this paper we argue that it is precisely because of the long standing policy of agricultural exceptionalism that work in agriculture enjoyed such special treatment during the pandemic.

Agricultural exceptionalism has for many decades efficiently insulated agriculture from regulations afforded to workers in many other sectors of the economy regarding labour and employment law (Daugbjerg and Feindt, 2017). In the context of e.g. the USA, the evolution of employment regulations since the New Deal labour laws has subsequently improved working conditions in various sectors of the economy (e.g. industry), but omitted employment regulations in agriculture with many aspects of work in agriculture left unregulated (Liebman and Augustave, 2010). Agriculture has long been an area of extremely compartmentalised and exceptionalist policy making. As has been argued, a special set of beliefs assign a special status to agriculture, linking it with a historical narrative and *raison d'état* that justifies and legitimises special treatment of agriculture by governments and international bodies (Daugbjerg and Feindt, 2017). The lit-

1 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94, 28.3.2014, p. 375–390 [Seasonal Work Directive].

erature has provided many explanations of how policy exceptionalism operates and what forces are at play – not only the farmers’ lobby, but also the state creating a set of policy arrangements that are difficult to dismantle and reach a level of complexity which makes it essential to formulate policies in isolation from other policies (Vitkauskaitė-Ramanauskienė, 2020).

In Poland, too, farm work is perceived as exceptional for many reasons. It is considered a dangerous industry, with many reported accidents (including fatal ones), and with farmworkers subject to long hours of strenuous work, working with heavy machinery, exposure to agricultural chemicals, and living in substandard accommodation. The crucial risk factor relates to the lack of adequate training (see also Puślecki and Lipińska, 2009), including training in an understandable language. In light of the fact that majority of farmworkers are not Polish nationals (Fiałkowska and Matuszczyk, 2021; Frelak, 2011; Górny and Kaczmarczyk, 2018, 2020; Iglicka and Gmaj, 2013), the latter point raises serious concerns. Their vulnerabilities come about at the intersection of their demographic makeup (gender, age, education, language skills), and the transient character intrinsic to their migrant status and migration policies (Górny and Kaczmarczyk, 2020). There is a high level of informality in the farm work in Poland, where working without a contract, or withholding of employees passports for the duration of their contract are not uncommon, as reported by the workers themselves (Frelak, 2011). Even if control activities and new regulatory frameworks have caused the level of informality and punishable practices to reduce, the conditions of work in agriculture still assume underpaid workers with almost unlimited time spent on hard work. These conditions are accepted only because in a short time they bring income unavailable in the workers’ countries of origin, or in other sectors (Górny et al., 2018). This is also consistent with Ruth McAreavey’s (2017) findings on new immigration destinations, in which migrant workers entering employment accept precarious conditions and inferior treatment, valuing the fact of having a better paid job over the conditions they experienced in their country of origin.

The conditions of work in agriculture, and thus the vulnerability of migrant farmworkers in Poland has not yet been at the centre of discussion between policy makers, employers and farmers associations, workers’ unions, and the media. Considering the latter, beyond several headlines reporting on fatal accidents involving temporary migrant farmworkers, their

presence has mostly been discussed in the context of lacking enough ‘hands for work’. Thus, interest in farmworkers is, similarly to much of their work, seasonal, focused on their presence/absence and the formalities linked to their employment, and not on the working conditions in agriculture. Migrant farmworkers are most often not in touch with, nor visible to the majority of society, being a hard-to-reach population living near the farmlands, on the outskirts of villages, and due to their long working hours they are hardly a visible element of the social fabric in rural areas (Stachowski and Fiałkowska, 2020). To different extents, these factors contribute to the peculiarity of agricultural exceptionalism in Poland, that being a strong focus on the needs of farmers during the pandemic and little consideration of workers’ rights, combined with a low level of enforcement of pandemic health and safety measures on the ground.

Against this background, we argue that agricultural exceptionalism played a crucial role during the pandemic, satisfying the needs of farmers, but also protecting state authorities from an influential lobby during potentially critical times. Fast track solutions adopted in the sector after the outbreak of the COVID-19 pandemic (which we will go on to discuss in greater detail) are thus nothing new, but rather follow an already beaten track. While documenting these aspects (including analysis of the legal solutions, observations from the field, and conversations with migrant farmworkers) we locate it in the larger context of migration to agriculture in Poland and against the background of the already adopted solutions to ease access of farmers to ‘hands for work’ and how they were called for or assessed by employers in agriculture during the COVID-19 outbreak.

In order to discuss farm work in Poland through the lens of agricultural exceptionalism and argue how it benefited farmers during the pandemic, we shed light on the migrantisation of this field in Poland and discuss how the legal framework around this issue was successively built to provide ‘hands for work’ to farmlands. We then move on to discuss the salience of farmworkers’ issues during the early months of the pandemic when we documented what steps were taken in order to ensure the workers’ presence despite the introduction of a general lockdown. Later, we present the sources of empirical data and move to discuss the situation of migrant farmworkers during the pandemic, based on observations and interviews with farmworkers and employers. In the conclusions, we refer to the exceptionality of agriculture in the

context of economic immigration to Poland, in both 'normal' and pandemic times.

MIGRANTISATION OF FARM WORK IN POLAND IN THE CONTEXT OF AGRICULTURAL EXCEPTIONALISM

Generally, foreigners need a work permit to be able to work in Poland, but there are many exceptions to this rule². The so-called simplified procedure (hiring migrants through declaration on entrusting work to a foreigner), introduced in mid-2006, could be treated as one of the exceptions from this obligation. This simplification concerned the possibility to hire citizens from Ukraine, Russia and Belarus in agriculture for a period of work not longer than three months within a six month period, without the obligation to apply for a work permit. Introduction of this instrument was lobbied for by farmers themselves, emphasising lack of workers and, at the same time, lack of flexible and economic solutions of employing foreigners (Duszczek et al., 2010; Plewa, 2007). Due to the development of the procedure, which in 2007 extended its application to all sectors of the economy, and in 2008 extended the allowed period of work based on a declaration to six months within twelve months, a few years later it began playing a crucial role in attracting migrant workers on a short-term basis (Górny et al., 2018). The modifications at the beginning of 2018 were supported by the introduction of a seasonal work permit dedicated to agriculture. However, they also responded to the phenomenon defined by control services as visa extortion, i.e. using declarations from Polish employers only to obtain visas, without taking the jobs stated in the declarations (Szulecka, 2016). Including the rules of the simplified procedure with new requirements in the main legal act determining foreigners' access to the labour market in Poland³, as well as the

popularity of the procedure (in particular, in agriculture until 2018) resulted in the procedure becoming a parallel system for admitting migrants to the labour market in Poland, alongside the 'old' work permit system and the 'new' seasonal work permit system. The difference between the simplified procedure and the other two pertains to the limited number of countries whose citizens may be employed based on the declaration. As of March 2022, the citizens of six countries either neighbouring Poland and/or cooperating with the EU within the Mobility Partnership were eligible for the simplified procedure (i.e. Ukraine, Belarus, Russia⁴, Moldova, Armenia and Georgia). Since 2019, however, this instrument no longer applies to seasonal work in agriculture.

Contrary to the declarations within the simplified procedure, seasonal work permits can be obtained by all third country nationals who do not have free access to the labour market in Poland. This (relatively) new instrument, introduced to implement the Seasonal Work Directive, allows access to work in agriculture, forestry, tourism and catering, in which the demand on labour force depend on the seasons of the year. The period of validity of seasonal work permits is up to nine months within a calendar year. This means that if farmers need foreign workers for longer periods or permanently, without rotation of personnel, they have to obtain 'traditional' work permits, issued for up to three years. For short-term work that is not specified in the law as seasonal, and thus not requiring seasonal work permits, employers in agriculture can still use the simplified procedure (declarations)⁵. The procedures of obtaining the mentioned documents differ – declarations and seasonal work permits are issued at local labour offices within seven days (30 days for complicated cases) at a relatively low cost

2 For instance, this obligation does not apply to, among others, EU/EEA citizens, third-country nationals with a permanent residence permit, graduates from Polish universities, or holders of the Card of the Pole. The latter is a document confirming the holder's belonging to the Polish nation through Polish roots or activity for the benefit of Polish communities and culture. It offers various privileges, such as free access to the labour market or (since 2017) the possibility to obtain financial support for the purpose of accommodating in Poland in case of applying for permanent residence permit. For the provisions determining this instrument – see Ustawa z Dnia 7 września 2007 r. o Karcie Polaka (t.j. Dz. U. z 2019 r. poz. 1598) [Law on the Card of the Pole].

3 Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy (t.j. Dz. U. z 2021 r. poz. 1100 z późn. zm.) [Law on Promotion of Employment].

Earlier, functioning of the simplified procedure was based on a very general and laconic provision included in the ordinance regulating exceptions from the obligation to possess a work permit by foreigners (Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 21 kwietnia 2015 r. w sprawie przypadków, w których powierzenie wykonywania pracy cudzoziemcowi na terytorium Rzeczypospolitej Polskiej jest dopuszczalne bez konieczności uzyskania zezwolenia na pracę; Dz. U. poz. 588).

4 According to new regulations, since 28 October 2022, Russian citizens can no longer be employed under the simplified procedure.

5 In January 2022, a new law amendment came into force, extending the allowed period of work based on a declaration to 24 months.

(approx. 7 EUR)⁶. In turn, work permits (in general, for the purposes of sectors of the economy other than agriculture) are issued by voivodeship offices within 30 days (60 days for complicated cases) and the procedure incurs costs between approx. 25 and 50 EUR.

The introduction of the simplified procedure in 2006 also served other two goals (apart from satisfying the needs of labour force on farmlands). The first one related to facilitating access to the territory through attaching the possibility to get a visa based on a declaration (later also via a seasonal work permit). This step was necessary in the context of the more restrictive visa issuance process after Poland's accession to the Schengen zone in December 2007. The second goal concerned the state's attempts to regularise work in agriculture and decrease the level of informal employment. Facilitated access to the labour market for foreigners was especially needed in agriculture due to the huge dependence of the sector on migrant workers⁷. The latter was also recognised by the state authorities, remaining under pressure of farmers claiming that regular employment contracts in agriculture are inadequate for agriculture, which depends on many external factors (such as weather). To further ease formalities regarding employment in this sector, those who enter under a seasonal work permit can be employed with a special type of civil contract, applicable only to seasonal workers in agriculture, for maximum period of 180 days within a calendar year (contract for persons assisting in harvesting).

The policy of admitting migrants to the labour market (not only to agriculture) in Poland on a short-term basis has been perceived as quite advantageous for both employers and employees, which contributed to an increased scale of arrivals in Poland. However, this increase stems not only from relatively easy access to the labour market, especially temporary jobs. The increase observed since 2014, translating in the growing scale of arrivals from Ukraine as a result of a combination of factors – Russian aggression in eastern part of Ukraine, the deterioration of Ukrainian economy as a consequence, and developing liberal policies for admitting Ukrainian migrants to the Polish territory and la-

bour market⁸. The main legal channel for Ukrainian migrants coming to Poland was the facilitated procedure (based on the employers' declarations). Each year at least 90 per cent of holders of declarations issued under the simplified procedure were citizens of Ukraine. The same characteristic applied to the seasonal work permits introduced in 2018. In light of this information, the high numbers and share of Ukrainians employed in agriculture (e.g. 99 per cent of all migrant workers in this sector in 2017; see Górny and Kaczmarczyk, 2020) are not surprising. This phenomenon has been even dubbed the 'Ukrainization' of agriculture in Poland.

However, this term concerns the predominance of Ukrainian citizens among immigrants in general (Górny and Kindler, 2018, p. 222). The number of first residence permits, including long-term visas and temporary stay permits, issued by Polish authorities amounted to 108,000 in 2011, and in the pre-pandemic year 2019, it reached 724,000. Despite travel restrictions and lockdowns affecting also immigration offices in 2020, the number of first residence permits issued by Polish authorities remained as high as 598,000, which constituted 26 per cent of all first residence permits issued by all EU states to third country nationals in 2020. Ukrainians obtained almost 489,000 first residence permits issued by Poland in 2020, usually for work-related purposes (Eurostat, 2021). Intensive growth, with higher shares of Ukrainian migrants (always exceeding 60 per cent), relates to all kinds of documents allowing migrants' access to the labour market, i.e., work permits, seasonal work permits and employers' declarations on entrusting work to foreigners. In 2011, almost 41,000 of work permits were issued and 260,000 of employers' declarations registered. In 2020, these numbers amounted to, accordingly, 418,000 of work permits and around 1,500,000 of employers' declarations. In addition, in 2020, 137,000 of seasonal work permits were issued (2-4 per cent more than in 2018 and 2019, which is since the instrument was introduced; MRPIt Departament Rynku Pracy, 2021). Both the statistics on national level, and when compared to other EU states reflect the new migratory status of Poland and the increasing role of immigration for the functioning of its labour market (see also Okólski, 2021).

Agriculture, with the low wages pertinent to this sector, isolation from urban centres, and often a sub-standard level of accommodation, must compete with

6 Until 2018, registering declarations on intent to entrust work to a foreigner was free of charge.

7 According to the study covering the years 2016-2017, the share of immigrants in the structure of workers on the farmlands in Poland amounted to 90 per cent, whereas the same indicator for construction was equal to at most 30 per cent (Górny et al., 2018, p. 71).

8 Apart from simplified procedure, we should mention visa free regime between Ukraine and EU (since June 2017) and privileges attached to the Card of the Pole accessible for a substantial number of Ukrainian citizens (Keryk, 2021).

other sectors of the economy for workers (Górny and Kaczmarczyk, 2020). In particular, it must compete for Ukrainian workers, who are desirable due to their easy access to legal entrance on the Polish territory. However, due to the same reasons and perceived easiness in adaptation in Poland they are also desirable by other sectors, where they may achieve higher wages and better conditions of work.⁹ The situation of shortages of 'hands for work' in agriculture not only in Poland, but Europe-wide, begs the question of the sustainability of such mode of agri-food production in the future. The existing legal framework and the number of facilitations do not mean that entrusting work in agriculture to migrants is easy and free from violations (e.g. Górny et al., 2016; Szulecka, 2016). In brief, these violations, referring directly to the conditions of employment in agriculture, include the lack of a formal job agreement as many employers were allegedly convinced that the declaration or seasonal work permit would suffice, a lack of social contributions and medical insurance, and no specification of a minimum standard of accommodation. What is more, the possibility of inspection or control of the working and living conditions in agriculture has remained almost non-existent, with limited severity of sanctions for violations on the side of the employer. Violations associated with the use of the simplified procedure led to a greater interest by the control services in the legality of migrant work in agriculture, and the ambiguous role of intermediaries in this respect (Górny et al., 2018; Szulecka, 2016). Increase of control of this aspect has focused on the legality issue, but the living and working conditions remained untouched.

In this paper, we focus on the situation of migrant farmworkers in agriculture in the Mazovian region of Poland, where intensive horticulture and fruit farming would be impossible if not for migrant farmworkers¹⁰.

9 Such an observation was also shared by a representative of the Ministry of Development, Labour and Technology that is regularly contacted by farmers experiencing problems with employing Ukrainian workers attracted by employers in other sectors (Interview, Warsaw, 23.12.2020; interview conducted within a small-scale study on the impact of pandemic-related regulations on migration control practices performed by Witold Klaus and Monika Szulecka as a part of the project 'Ensuring the safety and public order as a justification of criminalisation of migration' financed by the National Science Centre, Poland under the grant number 2017/25/B/HS5/02961; see also Klaus 2021).

10 The highest share of both declarations and seasonal work permits were issued for this voivodship (MRPiT Departament Rynku Pracy, 2021).

It is argued that the importance of agriculture in the Polish economy has decreased since the democratic transformation started in 1989, but while this is the case, the number of people employed in the sector is still higher (more than 17 per cent in 2004 and 10 per cent in 2018) than the EU average (3 per cent) (Górny and Kaczmarczyk, 2020). The excess of workers in Polish agriculture has been estimated at the level of 500,000-900,000 (Wiśniewski and Rudnicki, 2016), with many of them being family members, and non-salaried workers. Nevertheless, under pressure of farmers, Poland introduced a series of exceptions for employment of foreigners in the sector, quite unexpectedly playing an important role in the recent history of immigration to Poland, which is thus an interesting case for agricultural exceptionalism.

THE STATE-INDUSTRIAL COMPLEX OF AGRICULTURAL EXCEPTIONALITY DURING THE COVID-19 PANDEMIC

The beginning of the pandemic in Europe in 2020 and the introduction of lockdowns coincided with the beginning of the harvesting season and intensive work in agriculture. When the lockdown was introduced, the expected seasonal workers were unable to come. Their absence due to the closed borders, instantly brought them to attention and recognised how they were valuable, important or even essential to certain sectors of the economy well known for reliance on migrant labour (Molinero-Gerbeau, 2021). During the first couple of months of the pandemic, amid the strictly closed borders to minimize the mobility and spread of the virus (but also delimiting who was eligible for state protection, that being citizens and limited groups of non-citizens; Nowicka et al., 2021), a series of exemptions were made for those who were deemed essential, i.a. migrant farmworkers, but who were simultaneously targeted with policies restricting cross border mobility (Molinero-Gerbeau, 2021).

As such, the announcement of the pandemic in March 2020 contributed to many uncertainties related to the functioning of labour markets. In particular, in the context of restrictions on cross-border mobility, it raised questions about seasonal workers, among whom third country nationals predominate. Concerns that seasonal workers would not be able to come led to a search for alternative solutions and – at the same time – to pressure on the authorities to establish special pathways for migrant workers. For example, the Polish Minister of Agriculture stated that work in agriculture would be beneficial to one's physical and psychological well-being after a period of lockdown,

especially among those who had lost their job due to the pandemic ('Minister do nauczycieli', 2020). This was no different to what was already happening elsewhere, in the UK ("Help feed the nation" campaign) or in Germany ("The country helps. Together for the agriculture and us all") where volunteers registered with local farms, declaring their willingness to work during the harvesting season. Meanwhile, in April and May, some 80,000 migrant farmworkers were allowed to enter Germany (Neef, 2020) and soon charter flights took off to deliver Central and Eastern European farmworkers to farmlands in Germany, but also to the UK, and Finland. Poland was a latecomer in introducing solutions to provide much needed 'hands for work'. The state's policies first and foremost aimed at facilitating border crossings in an era of 'immobility' that were very much dependent on pandemic-related policies in the source country, as in the case of Ukraine with its regulation closing the border crossings and thus preventing the previously very intense mobility between Poland and Ukraine.

Addressing the issue of migrant workers in general, and seasonal workers in particular, the Polish authorities enacted two kinds of provisions that remain relevant for the purpose of this analysis. The first relates to the rules on border crossing during the pandemic. On March 14th, 2020, along with the 'closure' of the state's borders, the ordinance specifying the conditions of border crossings and persons eligible came into force¹¹. The first version already identified migrants with seasonal work permits as being entitled to enter Poland despite the general restrictions. Migrants with other titles authorising them to work in Poland were in the same situation – they could come to Poland for the purposes of work performance. All those who held no Polish or EU citizenship, or who lacked a permanent residence permit and access to the labour market, would not be allowed in. This relates, for instance, to holders of biometric passports who did not require any additional documents to travel across borders in the 'pre-pandemic' period. With time, this ordinance, along with its amendments, addressed other categories of migrants, whose status was previously omitted from the regulation. For instance, the authorities added to the list of persons eligible to enter Poland (during the time of cross-

border restrictions) migrants who needed a seasonal work permit, but whose applications for such a permit were already registered by Polish offices. In September 2021, the list of categories of persons allowed to enter Poland despite restrictions was enriched with the general term 'citizens of Ukraine'¹², which is the most common citizenship amid migrant farmworkers and all migrant workers in Poland.

The second group of provisions related to work and residence permits, the validity of which was prolonged under the special laws introduced as a counter-pandemic measure and remedies for all restrictions posed on individuals, companies and public institutions¹³. According to these provisions (since May 16th, 2020, under article 15.z⁷), all migrant workers who had any kind of authorisation to work in Poland (a work permit or employers' declaration) valid after March 13th, 2020 (the day prior to the introduction of the special provisions related to the pandemic) could take up jobs in agriculture or harvesting without any additional permits. The validity of this rule concerned only the period of the officially declared state of epidemic or epidemic threat¹⁴. Already in early spring of 2020 there was a consensus that third country nationals' access to jobs in agriculture could not be blocked by formal requirements¹⁵, but the idea was implemented in the provision in mid-May 2020, i.e. when the high season for agriculture had already started. Thus, the fast-track solution introduced assumed foremost that all those who were already present on the labour market in Poland and had rights to work (on any basis) could easily access jobs in agriculture and – in addition – be very mobile in it (change places of work without the obligation to obtain additional permits for this).

11 Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 13 marca 2020 r. w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych (Dz. U. Poz. 435 z późn. zm.) [Ordinance on limitations to cross-border mobility].

12 In September 2020, the general category of 'citizens of Belarus' was also added to the list. This was, however, aimed at easing access to Polish territory for Belarusian citizens fleeing political repression in their country of origin.

13 Ustawa z dnia 2 marca 2020 r. o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych (t.j. Dz. U. z 2021 r. poz. 2095 z późn. zm.) [Law on special measures to prevent and tackle spread of COVID-19].

14 The state of epidemic was in force till 16 May 2022, when it was replaced with a state of epidemic threat, which was prolonged until the end of 2022 in October 2022.

15 Such a conclusion can be drawn based on the small-scale study on the impact of pandemic-related regulations on migration control practices (Interview with a representative of the Ministry of Development, Labour and Technology, Warsaw 23.12.2020).

The authorities also provided guidelines regarding all those migrant workers who had entered Poland from abroad and started work in agriculture (usually based on documents obtained previously). The guidelines were elaborated under pressure of farmers who actively called for abandoning COVID-19 related restrictions (in particular, quarantine and testing) for paid activities conducted in the open-air¹⁶. The announced guidelines assumed that seasonal migrant workers taking up jobs on farmlands were allowed to work during the obligatory 14 day quarantine, provided that they were tested (and had negative results) and respected other rules aimed at preventing the spread of the virus. The costs of the testing of farmworkers against COVID-19 were to be covered by the state (as declared on 22 May 2022). Possibility to work during quarantine was not linked to possibility to leave the farm. The Ministry of Agriculture and the Sanitary Inspection announced a set of non-binding recommendations for both employers and farmworkers, e.g. reaching the employers' facilities within 24 hours after entering Poland, securing proper conditions of accommodation and commuting to work, introducing additional safety measures. In particular, detailed recommendations referred to higher numbers of workers – e.g., separate entries for a groups up to ten workers should be organised in order to prevent infections (see more MRIRW, GIS, 2020). The special provisions directly addressing seasonal migrant workers or seasonal work (in agriculture) as such illustrate to some extent the significance of the issue among the decision makers. Mitigated restrictions (the possibility to work already during the quarantine period) confirm the exceptionality of the sector. However, when it comes to practicalities, such as transport, organisation and cost of testing, deeper reflection came with a delay (see more below in the discussion of the empirical findings).

SOURCE OF EMPIRICAL DATA AND METHODS APPLIED

To shed light on the exceptional solutions for agriculture applied during the COVID-19 pandemic, we refer to multi-sited, replicated study initiated in May 2019 and carried out for over three years during the busiest times for horticulture in Poland. It enabled us to gain a better understanding of employment conditions, and above all, to capture the changes to the sector and the ability of farmers and migrant farmworkers to adapt to the new circumstances, as brought about by the global health crisis. Participa-

tory observation, consisting of employment on five farms, has to date consisted of 49 days (ongoing research). Not coincidentally, the research was carried out in the Grójec district, commonly referred to as the 'orchard heart of Europe', located about 50 kilometres south of Warsaw. Every year for the last two decades, tens of thousands of Ukrainians have been employed there to harvest fruits and vegetables (Górny and Kaczmarczyk, 2020). Brief characteristics of the research sites are presented in Table 1.

The daily participant observations included such elements as working and eating together, helping each other during everyday mundane work tasks and after work duties (e.g. shopping, cooking, cleaning, washing, etc.), socialising after work. Additionally, some employees agreed to recorded semi-structured interviews, which were usually carried out after a few days of getting to know each other and building up trust and rapport by the researcher. In total, 29 interviews were conducted with Ukrainian migrant farmworkers with different work experience (in terms of length as well as industry) in Poland. In addition, interviews were conducted with three Polish employees who were supervisors of migrant farmworkers on the visited farms. Interviews with both Polish and Ukrainian farmworkers lasted on average 30-60 minutes and were carried out during their free time (mainly on Sunday evenings). Daily interactions with the employers and 5 in-depth interviews with them, carried out at the end of the seasonal work (October, November of 2019, 2020 and 2021), complemented the field research.

POLICY EXCEPTIONALISM, FARMWORKERS AND THEIR EMPLOYERS – INSIGHTS FROM THE FIELD

Overcoming difficulties in crossing the border of the European Union

Crossing the EU external border from mid-March 2020 posed several difficulties for third-country nationals. These difficulties were coupled with the practices deployed in the third countries, as in Ukraine, where the authorities restricted cross-border mobility for short periods in spring 2020. Ultimately, despite a declaration on the closure of all border crossings, the Ukrainian authorities did not opt for strict solutions in this regard (Tymczuk, 2021; Wolska, 2020). Despite all restrictions on border crossing, farmworkers from Ukraine could count on exceptional treatment based on the regulations implemented in Poland, but also in other countries welcoming farmworkers from Ukraine amidst pandemic times (e.g. Finland or the UK).

¹⁶ Ibid.

TABLE 1:
CHARACTERISTICS OF THE FARMS WHERE EMPIRICAL DATA WERE COLLECTED

Farm	#1	#2	#3	#4	#5
Size (hectare)	3	8	4.5	10	10
Specification	Strawberries	Strawberries, cherries, apples, cucumbers, cabbages	Blueberries, plums	Cherries, apples	Blueberries, apples
Number of Polish workers	0	0	3	1	0
Number of Ukrainian workers	2	13	25	14	8
Accommodation	Old, tiny caravan, joint meals	Renovated storage rooms, no meals	New dwelling / employee hostel, no meals	Basement and rooms above garage, no meals	Adapted storage rooms, no meals
Employer (approximate age and character of involvement)	40s, involved in farm work with other workers	30s, involved in farm work with other workers	50s, not involved in farm work with other workers	50s, not involved in farm work with other workers	50s, involved in farm work with other workers

Source: own elaboration¹⁶.

As mentioned by some of the Ukrainian migrants during the ethnographic research, they were sometimes forced to cross the state border on foot, because this was the way to circumvent restrictions related to transportation. In Poland, only half of the seats on the bus could be occupied. A subsidiary transport was organised on the Polish side of the border by Ukrainian companies operating transnationally, to facilitate cross-border mobility and arrival at workplaces. A similar situation was reported during the first wave of the pandemic and the mobility of workers from Poland to Germany, who were able to count on the support of employers and private intermediaries (Nowicka et al., 2021).

The exacerbating obstacles in the first year of the COVID-19 pandemic reinforced the importance of private drivers to the migration infrastructure that has been operating in agriculture since the 1990s (Bieniecki and Pawlak, 2009; Brunarska et al., 2016). Private drivers were delivering workers door-to-door, as

well as offering various services to Ukrainian workers (Frelak, 2011; Iglicka and Gmaj, 2013). They have also played a crucial role in arranging documents for migrant workers and connecting employers with workers in demand, however this usually meant additional costs for both sides (Szulecka, 2016). Although private drivers have been always crucial in providing migrants with job offers, reliable information on travel and border crossing, along with the development of formal intermediary business (Górny et al, 2018), their role seemed to either decrease or be modified. Some of the experienced private drivers, previously offering their paid services informally, decided to establish their own businesses and take advantage of both regulatory framework and the increasing demand on migrant workers in Poland. This allowed them to operate on a broader scale. In the pandemic times, however, not the scale mattered. It was rather capacity to act flexibly and quickly react to either restrictions or opening fast tracks, which characterises private drivers collaborating with farmers in Poland.

Apart from farm #1, the supply of workers was made possible through relationships with one or more drivers

16 Characteristic valid for 2019, i.e. the beginning of collecting data through participatory observation.

who, during the pandemic with a commission from employers, brought the required number of workers of a specific profile (e.g. women for strawberry harvesting). These employers pointed out that due to the restrictions caused by the pandemic, the price that drivers asked for supplying one worker had increased (the cost 'per worker' in 2021 was between 23-67 EUR). Despite this, the farmers appreciated the fact that they did not have to worry about finding and bringing workers at the harvest time. They also indicated a reliance on proven drivers who have developed their strategies for moving workers across the border, regardless of prevailing restrictions and barriers. The use of drivers also meant costs on the side of the worker, e.g. for transport or for arranging the job.

From the workers' perspective, the most noticeable consequence of the pandemic and the associated increased travel restrictions appeared to be the cost of transport to and from Poland. In 2020, the majority of Ukrainian workers with whom we had direct contact complained about much higher fares, regardless of the distance between their place of residence and the farm in Poland. Fares in 2020, whether by coach or with a private driver, doubled on average. For example, a married couple employed at farm #4 paid 364 EUR per person for round trip transport in June 2020 (a distance of about 400 km one way, including some waiting time at the border, which could vary from one hour to 10 hours, depending on season and crossing point), instead of 182 EUR. As a result, some of the workers, who in previous years would shuttle between the two countries several times per season, during the pandemic decided to stay longer in Poland without breaks which would have incurred more costs on their side. Both the costs of cross-border mobility during the pandemic, as well as limitations regarding the possibility to enter Poland (mentioned earlier) proved to be particularly problematic for those who took up employment in Poland on the basis of a biometric passport. On each of the surveyed farms, one could meet employees who, without a seasonal work permit, took up paid work in this way for a period of several weeks.

While workers were reluctant to share their experiences of crossing the border during the pandemic, their employers were much more likely to recall stories they had heard about Ukrainians circumventing the law. For example, an employer from farm #2 in the 2021 strawberry season mentioned during a daily conversation that several regular workers did not hide the fact they had bought fake negative tests for COVID-19 at the border. In this way, they were able to

enter Poland and avoid the obligatory quarantine. Another farmer, who has been employing migrants from Ukraine for more than 20 years, appreciated their ingenuity in this respect, thanks to which they could arrive at work on time without major problems. Ukrainian workers' ability to adjust to a changing legal and institutional context in Poland has been already recognised by researchers studying this topic (Bieniecki and Pawlak, 2009). Assessing seasonal workers as good workers, characterised by diligence, hard-working and work ethic, now also included a new perspective related to smooth crossing of the Polish-Ukrainian border in the era of structural impediments to international mobility, which could put their health at risk (see also Fiałkowska and Matuszczyk, 2021; Klaus, 2021).

Let's stop talking about this stupid pandemic all the time! Negation of the pandemic by the farmworkers and employers

Based on participant observations, numerous small talk comments, and in-depth interviews with workers and employers, we conclude that the daily realities of work in horticulture during the pandemic were not significantly different from that experienced before 2020. The social isolation and low population density meant that both workers and farmers repeatedly stressed that working in agriculture in these 'strangely turbulent times' guaranteed safety and normality. Typically, as we observed, it was understood as not having to wear masks and being able to work outdoors. Although the Polish sanitary inspectorate recommended masks in open spaces and social distancing (with separate entries and exits in case of groups of 10 and more workers), as per our knowledge, this was not a feasible approach to maintain in the usually substandard and overcrowded accommodations of migrant farmworkers. Allowed to work during quarantine, an exceptional solution only adopted for agriculture in Poland, farmworkers thus were at increased risk of exposure to infection.

The employers with whom we were in contact did not perceive the migrant population as a threat, nor as agents spreading the virus. However, the press portrayed Ukrainian labour migrants differently, and framed them as a major epidemiological threat to the local communities in Ukraine (Tymczuk, 2021). Similarly, during an outbreak of COVID-19 on farm in north-east Poland, a one of the biggest regional daily papers reported that seasonal workers had circumvented the restrictions and entered Poland via Czechia and Slovakia, thus escaping the obligatory quarantine

for arrivals from Ukraine, indirectly pointing to migrant workers as disease spreaders (Kurs, 2020).

Surprisingly, and in contrast to other channels of seasonal migration in the world, migrant farmworkers in Poland with whom we were in touch reported a relatively high sense of security and stability of work. In both 2019 and 2020, they repeatedly asked the rhetorical question, “what kind of bad thing can happen to me while picking strawberries or blueberries, after all, a brick will not fall on my head”. The pandemic and related risks had not changed their perception of these issues, including the risks of infection. Being convinced that farm work is not a risky job contrasted with stories of other Ukrainians who had experienced sunstroke, broken leg or arm falling off a ladder, as well as deaths during a heatwave in previous strawberry seasons. It is possible that such incidents became the point of reference for assessing the health risks related to the spread of COVID-19. Perceiving them as minimal was also reinforced by the fact that (as of 1 July 2021) to the knowledge of employers and workers interviewed, no migrants or Poles employed during harvesting seasons in 2020 and 2021 had tested positive for the SARS-CoV-2 virus. Regardless of this, employers reported not being informed of procedures for action in the event of a positive test result among the employees. However, they assured us that they would not leave the employee without appropriate support, although they could not provide a catalogue of actions they would take at that time. Moreover, during the pandemic, none of the observed farms developed recommended solutions to prevent spread of the SARS-CoV-2 virus. While employers did not deny the existence of the pandemic and the risks associated with it, they were critical about the restrictions on workers’ international mobility.

This ‘relaxed’ approach to the pandemic in rural areas and lack of concern about the many restrictions introduced in Poland was also evidenced by the low interest in vaccination. Only on two of the studied farms were employers and adult family members vaccinated (as of 1 July 2021), and one employer had a plan to do so. On two other farms, their owners did not plan to vaccinate. With a reported high level of vaccine hesitancy and a belated start to the vaccination programme in Ukraine when compared with other European countries, it was safe to assume that the majority of farmworkers from Ukraine in Poland were also not vaccinated (or not fully vaccinated) (Holt, 2021). The approach of employers in this respect may also influence the extent to which they were eager to

apply the additional safety measures recommended by the authorities and Sanitary Inspection to prevent infections. Only on two farms (#1 and #3) did employers provide disposable gloves or liquid soap to workers during the initial phase of the pandemic, but they did not require their use. The owners of these farms explained that they were unable to control the behaviour of all workers, and that, after all, they were adults and aware of the risks of infection.

In total, during 25 days of participant observation in the 2020-2021 seasons on the five farms, not once did workers wear face masks during work breaks or shared transport. Fruit picking, unlike working in the confined spaces of shops, factories or offices, allowed for greater freedom, which also resembled pre-pandemic normality. This also applied to daily transport between farmlands or shopping trips. For example, on farm #2, there were 13 people travelling tightly squeezed into a bus-type van to a field about 15 kilometres from the employer’s house. Sanitary rules were not respected during the journey. None of these people wore a face mask, and the employer did not require this. When asked about this situation, he replied that face masks for employees were only carried in the glove compartment of the car in case of an unexpected police check. He also explained that he himself did not wear a mask due to the high air temperature. This stance, and avoidance of taking proper protective measures commonly used in other industries, was also encountered at the start of the 2021 season. This sense of safety and being far from pandemic-related risks among the farmers contacted in Poland contrasted with the attitudes reported elsewhere. For instance, farmers in the USA implemented measures to prevent the spread of the virus and to quickly contain the virus, which is critical for harvesting especially when finding replacement workers, in light of the ongoing shortage of experienced workers, is near to impossible (Charlton and Castillo, 2021).

The discussion of the pandemic and its associated impacts caused general dissatisfaction and in extreme cases anger on the part of the employees, which could repeatedly be heard in daily conversations at work. Employees emphasised their boredom with the issue in 2020 and 2021, often stressing that they did not believe in the need for restrictions or further lockdowns. This attitude may have been due to the relatively low level of infection in both countries in spring and summer 2020, and the personal experiences of both employers and farmworkers. A female worker, aged 25, previously working as a nurse in a hospital in Ukraine,

stated during blueberry harvesting that she did not believe in the pandemic, explaining her position by the fact that none of her friends had fallen ill. Also several Poles (all over 50 years of age) employed for many years on two farms, argued that they were tired of the pandemic, did not think about it and did not intend to get vaccinated. The overseer of the Ukrainian workers, when asked about their opinion on the pandemic while supervising the work, erupted with aggression and categorically forbade any conversations related to the pandemic. In her opinion, work in fruit harvesting is supposed to be a pleasure, without any problematic issues.

Direct profits of exceptional rules for accessing jobs in agriculture

If fruits were ripening for harvest without being collected, not only would the crops and thus profits for the employers be lost, so would employees' wages. Thus, the possibility to legally work under quarantine on the farm was welcomed by both employees and employers. To work legally on farmlands, upon arrival in Poland, farmworkers were obliged to provide detailed information to the border guards about their place of stay and work, together with information on their employer. In one observed case, at the request of a long-term employee from Ukraine, the employer hired a couple from Ukraine despite their lack of experience in farm work and an initial lack of interest in taking such jobs. However, in light of the obligatory quarantine (initially lasting 14 days, later reduced to 10, and then 7 days), for many income seeking temporary migrants, time without income became difficult to endure. Only work in agriculture offered them the possibility to start working and earning immediately after arrival.

However, to meet all the requirements, employers in agriculture had to inform the sanitary services of their entrusting work to foreign nationals, and the farmworkers were supposed to work on the farmlands declared in the information passed to sanitary services. As we observed, that information was passed on with a delay, and work for other farmers, in other workplaces, took place (at the initiative of farmworkers or the employers), including during the time of obligatory quarantine, when migrant workers' mobility should have been reduced. Despite the pandemic restrictions, employers were 'lending' their employees to other farmers, usually their neighbours or family members, which was regularly practiced in previous years (Górny et al., 2016). In case of infection, such

situations, which we repeatedly heard about from both employees and employers, would make it difficult to track the contact and to contain the spread of the virus.

These practices were undeterred by the fact that during the first months of the pandemic in 2020, the police inspected individual farms to verify that workers were serving the mandatory quarantine. However, as a farmer we talked to pointed out, for a certain period, the police officers who came to inspect them every day never actually left their car to check whether the worker(s) were actually maintaining isolation or even staying with the employer in question. This was, she argued, due to their fear of becoming infected, although it resulted in the employers' forming the impression that the control was a facade and *de facto* no one was monitoring the conditions of accommodation for farmworkers and the execution of safety measures. This led to interpreting the guidelines and laws as *de facto* non-binding. Such perceptions of new rules, restrictions and guidelines served the traditional objective of employment in agriculture – maximising profits without focusing on issues seen as potentially reducing them (such as additional investment in safety measures or time spent on controlling their use).

Old problems revisited – living and working conditions during quarantine times

Employment in agriculture is closely linked to exploitative and undignified employment conditions for workers, regardless of their nationality (Corrado and Palumbo, 2022). The ethnographic research carried out over the last three years also revealed that there has been little improvement in the situation of seasonal workers. The living and working standards on the farms are often criticised by workers, and are one of the reasons of high workers turnover and why the farmers face problems with satisfying their needs in terms of a productive workforce. During the pandemic, the situation became even more dire. Despite repeated statements in the media about the dramatic situation of farmers who would wait in vain for the arrival of farmworkers during the early months of pandemic in 2020, employers overall pursued a strategy of maintaining the *status quo* regarding conditions of employment, particularly with respect to wages and standards of accommodation.

Regarding the forms of contracts between farmers and farmworkers, before the implementation of the Seasonal Work Directive and the availability of a new

kind of contract dedicated to seasonal workers, oral (not eligible) contracts prevailed. However, even the written contracts were often not proper, since they lacked health and social contributions. Civil-law contracts, common among migrant temporary workers, provide both parties with a high degree of flexibility, but offer a low level of social protection for the workers. Aware of the negative effects of potential accidents or injuries during agricultural work, all employers met during fieldwork complied with the law regarding health insurance. However, they pointed to challenges in meeting the formal requirements in the context of high employee turnover, which did not significantly decrease during the pandemic. A way to overcome it, as indicated by the employers, is to officially register the farmworkers not immediately upon their arrival at the workplace, as required by the law, but instead a few days later. These few days usually were to observe whether a person would stay longer to work. Only after this initial observation the employers were ready to 'invest' their time in going through bureaucratic procedures to make the farmworkers' employment compliant with the law.

Despite additional migratory costs on the part of workers, they could not count on higher wages during the global pandemic. In the case of soft fruits, employers in Poland offer a piecework wage model. This means that daily earnings depend on the worker's productivity, the pace of work and the amount of fruit available on a given day. This model also continued during the pandemic, forcing workers to work every day, regardless of their physical condition and overall wellbeing. The minimal increase of the rate for harvested fruit (e.g. for 2 kg of strawberries it was approx. 0.5 EUR) or per hour of work (below 3 EUR on the researched farms) is dictated by the deepening deficit of seasonal workers and increasing competition for them. Unlike in the case of transnational labour mobility to the care sector (Nowicka et al., 2021), the interviewed fruit producers did not introduce additional monetary benefits for employees in the spring 2020 season to encourage them to make the effort to get to Poland at a time of impeded international mobility.

The relatively low wages may be mitigated by the lack of expenses related to accommodation. On each of the observed farms, workers were offered employer-owned space to live in during the fruit picking season (see Table 1). Farmworkers did not have to pay for accommodation and usually they lived a few metres away from the employer's home. This situation has its pros and cons. Living close to workplace allows

saving time to be otherwise spent on commuting. On the other hand, however, farmworkers' accommodation is dependent on the employer and tied to employment. This makes workers particularly vulnerable, making them reluctant to raise concerns about the job, quality of accommodation, the wages offered or other forms of abuses of their rights, as these could potentially result in termination of the job and thus losing a place to live. Aware of high employee turnover and the general difficulties in recruiting workers, some employers have made systematic efforts to improve the quality of offered accommodations, knowing that, in the future, the quality of accommodation offered may be a competitive advantage in attracting migrants. Both in the context of pandemic and before it, the aspects of accommodation in which farmworkers were particularly interested in did not concern security issues or measures preventing the spread of the virus. For instance, Ukrainian workers paid special attention to Wi-Fi access, as a mean of communication with family back home, and lack of it sometimes resulted in leaving the workplace, as reported on by the employers interviewed.

It is necessary to state, however, that despite efforts to improve conditions of accommodation, as declared by farmers, many times the places of living observed were below the minimum accommodation conditions that are standard for workers in other industries. Above all, the available accommodation did not meet the standards for obligatory quarantine. Workers could not count on a separate sleeping area or access to a separate kitchen or bathroom that would separate workers arriving from different areas or at different times. It was therefore not possible to observe the principles of social distancing under the conditions available. Our ethnographic research revealed, however, that Ukrainian workers often denied the existence of the pandemic, minimized its significance, or reduced the topic to jokes when working or talking to each other. We cannot say, however, that they did not feel disrespected by their employer or were not indeed frightened by the possibility of falling ill, yet did not feel they have a real choice to contest the living and working conditions. What was noticeable, however, was that they were appreciating the possibility to work legally in Poland (especially when other newcomers in non-agriculture type of work had to undergo quarantine and cover the costs of it themselves).

Despite restrictions on movement and access to shops, employers did not offer prepared food to seasonal workers during the pandemic. On one farm

only (#1), two women employed to pick strawberries could count on shared lunches with their employer and their family, although this practice had already been introduced before the COVID-19 pandemic. They were also given all required products and did not have to do grocery shopping. On the other farms surveyed, workers could rely on their employer to do the shopping or provide free vegetables. The employer approach towards offering food to migrant farmworkers seems to stem directly from a profit and loss account made by employers. As learned from the interviews with employers, as recently as 5-7 years ago, they provided full board with a hot lunch. Over time they preferred to pay a higher hourly rate than to prepare meals for a dozen or more than 20 people. This seems to be another argument showing that employers' commitment to following the rules and offering additional support to migrant farmworkers is determined by their expectations regarding profits. The latter are understood here as reduced turnover of the personnel, reduced bureaucratic burdens and employment-related costs, as well as adjusting farmers' strategies for accommodating migrant farmworkers to maximise their interest and capacity to perform seasonal work.

CONCLUSION

In this paper our aim was to analyse how the exceptional policies were used, rationalised and applied in the sector during the pandemic, from the perspective of the state and its institutions, and this is the view that prevail in current analysis. Farmworkers' rights are an area practically excluded from the regulatory framework and this was not different during the COVID-19 pandemic. Yet, during the fieldwork we uncovered that exceptionalism also operates at the level of employers and migrant farmworkers, who from their respective positions implement a series of exceptional practices, beliefs, convictions and rationalisations related to their situation as employers or migrant workers. Importantly, both sides have different reasons, linked to their asymmetric power relations and the intrinsic hierarchies on the farms, but overall it influences the general conditions of employment and worker-employer relations in agriculture. And it is aimed at maximising expected profits on both sides.

Migrant farmworkers' position on the Polish labour market is very peculiar. Despite this sector being first migrantised sector of employment in Poland, there is little or no institutional support afforded to the mi-

grant farmworkers. In spite of the long lasting presence of migrant farmworkers in the region of Grójec (since early 1990s), no immigrant organisations or trade unions have been established in the region, and the locally functioning welfare state institutions do not offer any form of support for third-country workers. Therefore, unlike in the region of Apulia, Italy (Tagliacozzo et al., 2021), there were no actors that could support workers in need during the pandemic. Thus migrant farmworkers mostly rely on their migrant networks and on their contacts with the drivers in order to escape difficult working conditions, abuse or mistreatment. The lack of institutional support and the still high level of informality in agriculture increases the vulnerability of migrants to malpractice or fraud by employers. For many of them, mainly those working for the first or second time in Poland, the coping strategy in case of possible illness would be a quick return to Ukraine. This shows that, regardless of new pandemic circumstances, workers would rather retreat to mechanisms they were familiar with before the outbreak of the global health crisis (Fiałkowska and Matuszczyk, 2021).

Exceptional solutions adopted during the pandemic to address the demand on seasonal workers in Polish agriculture served first and foremost the employers. However, migrant workers also took advantage of these solutions. They could start work in Poland after arrival much sooner than migrant workers hired in other sectors. Moreover, migrants who were already authorised to work in Poland had free access to lawful work in agriculture, of greater importance especially in the context of reduced operations in other sectors (such as hospitality and catering, services). However, from the perspective of potential health risks, Izabela Florczak offers a summary of the exceptional rules of quarantine and access to work after crossing the border regarding seasonal migrant workers: "Trying to find justification of introducing such an exception from the unconditional obligation of having quarantine in isolation, it seems that [in agriculture] the rule 'the end justifies the mean' is applicable. The supreme objective was to guarantee the continuity of work in agriculture, here considered as the value of higher rank than health and life of people" (Florczak, 2020, p. 73). Similar conclusions were reached by Corrado and Palumbo (2022, p. 163), who, when analysing the situation of seasonal workers in agri-food systems in Italy and Spain, concluded that the pandemic period was not a time of labour shortage, but rather a shortage of respect for workers' rights.

Despite the common threats posed by the pandemic to everyone, the conditions of work and accommodation in agriculture have not changed when compared to the state of play before 2020. This means that recognition of seasonal workers at the political level, or even raised awareness in the society were not very influential as far as health and safety are concerned, in particular in the context of increased health risks (see Charlton and Castillo, 2021). Nevertheless, it seems that the recognition of essential workers (with farmworkers included within this group) during the pandemic at least partially contributed to raising awareness of migrant work and the conditions of such work among general population. This conclusion, however, cannot be isolated from the awareness and perceptions of migrant workers themselves. Pressure on employers regarding safety measures could change the employers' strategies. However, if both migrant workers and the control institutions do not insist on the counter-pandemic guidelines being applied, it is unsurprising that employers take full advantage of this situation. Having said that, it must be stressed that the agency of migrant farmworkers in this respect is limited, along with their opportunities for e.g. unionising and to apply pressure for improvement of the living and working conditions on farms.

ACKNOWLEDGEMENTS:

We are thankful to two Reviewers for their careful reading and commenting on this manuscript. We also want to thank participants from CMR UW and NTNU in Trondheim of the seminar "Global labour, precarious work", held in Warsaw, 2-5 November 2021 for their comments on early draft of this manuscript. Finally, our work would have not been possible if not for the people whom we were able to talk to, to better understand the workers-employers relations during the COVID-19 health crisis. We owe them our biggest gratitude.

FUNDING:

This paper was prepared thanks to funding available through the Excellence Initiative – Research University Programme, under the grant "New Ideas", at the University of Warsaw, for research project entitled: "Essential workers or essential hands for work? Multi-sited research on migrant farmworkers' safety in Poland and Germany". Pre-pandemic part of the research was made possible within the "Global Labour in Rural Societies" research project, funded by the Norwegian Research Council (grant no: 261854/F10).

REFERENCES

- Bieniecki, M., and Pawlak, M. (2009). Strategie przetrwania. *Adaptacja ukraińskich migrantów zarobkowych do polskiej rzeczywistości Instytucjonalnej. Skróty raportu. Badania, Ekspertyzy, Rekomendacje*. Warsaw: Institute of Public Affairs.
- Brunarska, Z., Kindler, M., Szulecka, M., and Toruńczyk-Ruiz, S. (2016). Ukrainian Migration to Poland: A "Local" Mobility? In O. Fedyuk and M. Kindler (Eds.), *Ukrainian Migration to the European Union: Lessons from Migration Studies* (pp. 115–131). Springer International Publishing. https://doi.org/10.1007/978-3-319-41776-9_7
- Charlton, D., and Castillo, M. (2021). Potential Impacts of a Pandemic on the US Farm Labor Market. *Applied Economic Perspectives and Policy*, 43(1), 39–57. DOI: 10.1002/aepp.13105
- Corrado, A., and Palumbo, L. (2022). Essential Farmworkers and the Pandemic Crisis: Migrant Labour Conditions, and Legal and Political Responses in Italy and Spain. In A. Triandafyllidou (Ed.), *Migration and Pandemics. Spaces of Solidarity and Spaces of Exception* (pp. 145–166). Cham, Switzerland: Springer. DOI: https://doi.org/10.1007/978-3-030-81210-2_8
- Daugbjerg, C., and Feindt, P. H. (2017). Post-exceptionalism in public policy: Transforming food and agricultural policy. *Journal of European Public Policy*, 24(11), 1565–1584. DOI: <https://doi.org/10.1080/13501763.2017.1334081>
- Duszczyk, M., Lesińska, M., Szczepański, M., Stefańska, R., and Szulecka, M. (2010). Polityka migracyjna w Polsce oraz jej wpływ na napływ i osiedlanie się imigrantów. In A. Górny, I. Grabowska-Lusińska, M. Lesińska, and M. Okólski (Eds.), *Transformacja nieoczywista. Polska jako kraj imigracji* (pp. 69–124). Warszawa: Wydawnictwa. Uniwersytetu Warszawskiego.
- Eurostat. (2021). *First residence permits visualised*. (n.d.). Retrieved 21 March 2022, from <https://ec.europa.eu/eurostat/de/web/products-eurostat-news/-/wdn-20211102-1>
- Fiałkowska, K., and Matuszczyk, K. (2020). Essential hands for work. *CMR Spotlight*, 12(18).
- Fiałkowska, K., and Matuszczyk, K. (2021). Safe and fruitful? Structural vulnerabilities in the experience of seasonal migrant workers in agriculture in Germany and Poland. *Safety Science*, 139, 105275. <https://doi.org/10.1016/j.ssci.2021.105275>

- Florczak, I. (2020). Pandemia COVID-19 jako papierak lakmusowy sytuacji migrantów ekonomicznych z krajów trzecich na polskim rynku pracy. *Władza Sądzenia*, 18, 63–77.
- Frelak, J. (2011). Cudzoziemcy zatrudnieni przy pracach rolniczych. In W. Klaus (Ed.), *Ziemia obiecana? Warunki pracy cudzoziemców w Polsce* (pp. 127–146). Warsaw, Poland: Stowarzyszenie Interwencji Prawnej.
- Górny, A., and Kaczmarczyk, P. (2018). A known but uncertain path: The role of foreign labour in Polish agriculture, *Journal of Rural Studies*, 64, 177–188. <https://doi.org/10.1016/j.jrurstud.2017.12.015>
- Górny, A., and Kaczmarczyk, P. (2020). Temporary farmworkers and migration transition: On a changing role of the agricultural sector in international labour migration to Poland. In J. F. Rye and K. O'Reilly (Eds.), *International Labour Migration to Europe's Rural Regions* (pp. 86–103). London, United Kingdom: Routledge.
- Górny, A., and Kindler, M. (2018). Cudzoziemcy w Polsce na przełomie XX i XXI wieku. In M. Lesińska and M. Okólski (Eds.), *25 wykładów o migracjach* (pp. 221–234). Warsaw, Poland: Wydawnictwo Naukowe Scholar.
- Górny, A., Kaczmarczyk, P., Fiałkowska, K., Piechowska, M., and Szulecka, M. (2016). *Imigranci z Ukrainy w Polsce. Raport z badania*. Warszawa: OBMF.
- Górny, A., Kaczmarczyk, P., Szulecka, M., Bitner, M., Okólski, M., Siedlecka, U., and Stefańczyk, A. (2018). *Imigranci w Polsce w kontekście uproszczonej procedury zatrudniania cudzoziemców*. WISE-Europa, Ośrodek Badań nad Migracjami UW. <http://www.migracje.uw.edu.pl/wp-content/uploads/2016/11/raport-power.pdf>
- Haley, E., Caxaj, S., George, G., Hennebry, J., Martell, E., and McLaughlin, J. (2020). Migrant Farmworkers Face Heightened Vulnerabilities During COVID-19. *Journal of Agriculture, Food Systems, and Community Development*, 9(3), 35–39. DOI: <https://doi.org/10.5304/jafscd.2020.093.016>
- Holt, E. (2021). COVID-19 vaccination in Ukraine. *The Lancet Infectious Disease*, 21, 462. DOI: [https://doi.org/10.1016/S1473-3099\(21\)00156-0](https://doi.org/10.1016/S1473-3099(21)00156-0)
- Iglicka, K., and Gmaj, K. (2013). Circular Migration Patterns between Ukraine and Poland. In A. Triandafyllidou (Ed.), *Circular Migration between Europe and Its Neighbourhood: Choice or Necessity* (pp. 166–187). Oxford, United Kingdom: Oxford University Press.
- Keryk, M. (2021). Does Polish Origin Matter? The Integration Challenges of Polish Card Holders in Poland. *Ethnopolitics*, 20(1), 123–135. <https://doi.org/10.1080/17449057.2020.1808330>
- Klaus, W. (2021). The Porous Border Woven with Prejudices and Economic Interests. Polish Border Admission Practices in the Time of COVID-19. *Social Sciences*, 10(11), 435. <https://doi.org/10.3390/socsci10110435>
- Kurs, T. (2020). *Rekord zakażeń koronawirusem na Mazurach. Obcokrajowcy nauczyli się omijać kwarantannę*. gazeta.pl. <https://olsztyn.wyborcza.pl/olsztyn/7,48726,26149251,17-zakazen-koronawirusem-na-mazurach-obcokrajowcy-nauczyli.html>
- Liebman, A. K., and Augustave, W. (2010). Agricultural health and safety: Incorporating the worker perspective. *Journal of Agromedicine*, 15(3), 192–199. DOI: <https://doi.org/10.1080/1059924X.2010.486333>
- McAreavey, R. (2017). *New immigration destinations: Migrating to rural and peripheral areas*. London, United Kingdom: Routledge.
- Minister do nauczycieli: Idźcie do pracy w polu zbierać truskawki! (2020, May 25). *Głos Nauczycielski*. <https://glos.pl/minister-do-nauczycieli-idzcie-do-pracy-w-polu-zbierac-truskawki>
- Molinero-Gerbeau, Y. (2021). The Problem is not Covid-19, it's the Model! Industrial Agriculture and Migrant Farm Labour in the EU. *EuroChoices*, 20(3), 69–74. DOI: <https://doi.org/10.1111/1746-692X.12308>
- MRiRW, GIS. (2020). *Wytyczne MRiRW i GIS dla producentów rolnych zatrudniających cudzoziemców przy pracach sezonowych w związku z rozprzestrzenianiem się SARS-CoV-2*.
- MRPiT, Departament Rynku Pracy. (2021). *Informacja o zatrudnieniu cudzoziemców w Polsce*. <https://psz.praca.gov.pl/web/urząd-pracy/-/8180234-informacje-o-zatrudnieniu-cudzoziemcow-w-polsce>
- Neef, A. (2020). Legal and social protection for migrant farm workers: Lessons from COVID-19. *Agriculture and Human Values*, 37(3), 641–642. <https://doi.org/10.1007/s10460-020-10086-w>
- Nowicka, M., Bartig, S., Schwass, T., and Matuszczyk, K. (2021). COVID-19 Pandemic and Resilience of the Transnational Home-Based Elder Care System

- between Poland and Germany. *Journal of Aging and Social Policy*, 33(4-5), 474–492. DOI: <https://doi.org/10.1080/08959420.2021.1927615>
- OECD. (2019). *International Migration Outlook 2019*. OECD Publishing. <https://doi.org/10.1787/c3e35eec-en>
- OECD. (2020). *International Migration Outlook 2020*. OECD Publishing. https://read.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2020_ec98f531-en
- Okólski, M. (2021). The Migration Transition in Poland. *Central and Eastern European Migration Review*, 10(2), 151–169. <https://doi.org/10.17467/CEEMR.2021.16>
- Papademetriou, D. G., and Hooper, K. (2020). Commentary: How is COVID-19 Reshaping Labour Migration? *International Migration*, 58(4), 259–262. DOI: <https://doi.org/10.1111/imig.12748>
- Plewa, P. (2007). The Rise and Fall of Temporary Foreign Worker Policies: Lessons for Poland 1. *International Migration*, 45(2), 3–36. DOI: <https://doi.org/10.1111/j.1468-2435.2007.00402.x>
- Puślecki, D., and Lipińska, I. (2009). Wypadkowość przy pracy w rolnictwie na tle wybranych krajów zachodnioeuropejskich. *Roczniki Naukowe Stowarzyszenia Ekonomistów Rolnictwa i Agrobiznesu*, XI(5), 258–263.
- Stachowski, J., and Fiałkowska, K. (2020). ‘Living on the edge’?: A comparative study of processes of marginalisation among Polish migrants in rural Germany and Norway. In J. F. Rye and K. O’Reilly (Eds.), *International Labour Migration to Europe’s Rural Regions* (pp. 104–120). London, United Kingdom: Routledge.
- Szulecka, M. (2016). Paradoxes of formal social control. Criminological aspects of foreigners’ access to the Polish territory and labour market. *Biuletyn Polskiego Towarzystwa Kryminologicznego Im. Prof. Stanisława Batawii*, 23, 79–95.
- Tagliacozzo, S., Pisacane, L., and Kilkey, M. (2021). The interplay between structural and systemic vulnerability during the COVID-19 pandemic: Migrant agricultural workers in informal settlements in Southern Italy. *Journal of Ethnic and Migration Studies*, 47(9), 1903–1921. DOI: <https://doi.org/10.1080/1369183X.2020.1857230>
- Tymczuk, A. (2021). Bringing the Virus Back Home: Media Representations of Ukrainian Labour Migrants in a Time of Pandemic. *East European Politics and Societies*, 36(3), 913–934. <https://doi.org/10.1177/08883254211018770>
- Vitkauskaitė-Ramanauskienė, J. (2020). Policy Exceptionalism: Analysis of ideational framework governing agricultural sector in Lithuania. *Viešoji Politika Ir Administravimas*, 19(3), 86–101. DOI: <https://doi.org/10.5755/j01.ppaa.19.3.26320>
- Wiśniewski Ł., and Rudnicki, R. (2016). Labour Input in Polish Agriculture Against Size of Agricultural Holdings – Spatial Analysis. *Journal of Agribusiness and Rural Development*, 3(41), 413–424. <https://doi.org/10.17306/JARD.2016.69>
- Wolska, A. (2020, March 27). *Koronawirus: Ukraina całkowicie zamyka granice. Czy także dla własnych obywateli?* [www.euractiv.pl](https://www.euractiv.pl/section/polityka-zagraniczna-ue/news/koronawirus-ukraina-calkowicie-zamyka-granice-czy-takze-dla-wlasnych-obywateli/). <https://www.euractiv.pl/section/polityka-zagraniczna-ue/news/koronawirus-ukraina-calkowicie-zamyka-granice-czy-takze-dla-wlasnych-obywateli/>

LEGAL ACTS

- Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375–390).
- Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 21 kwietnia 2015 r. w sprawie przypadków, w których powierzenie wykonywania pracy cudzoziemcowi na terytorium Rzeczypospolitej Polskiej jest dopuszczalne bez konieczności uzyskania zezwolenia na pracę (Dz. U. poz. 588).
- Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 13 marca 2020 r. w sprawie czasowego zawieszenia lub ograniczenia ruchu granicznego na określonych przejściach granicznych (Dz. U. poz. 435 z późn. zm.).
- Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy (t.j. Dz. U. z 2021 r. poz. 1100 z późn. zm.).
- Ustawa z dnia 2 marca 2020 r. o szczególnych rozwiązaniach związanych z zapobieganiem, przeciwdziałaniem i zwalczaniem COVID-19, innych chorób zakaźnych oraz wywołanych nimi sytuacji kryzysowych (t.j. Dz. U. poz. 1842 z późn. zm.).
- Ustawa z dnia 7 września 2007 r. o Karcie Polaka (t.j. Dz. U. z 2019 r. poz. 1598).