



Gangmasters &
Labour Abuse Authority

GLAA LU/LP group meeting 19 January 2023

Working in partnership to protect vulnerable and exploited workers

Agenda

1. Welcome – Suzanne McCarthy, Chair and GLAA Board member
2. GLAA update, Elysia McCaffrey, CEO
3. GLAA Control Strategy, Donna Duffy, Senior Intelligence Analyst
 - High priority sectors – Jennifer Baines, Senior Investigating Officer
 - Seasonal Workers Scheme – Serena Barton, Senior Licensing Officer
 - Umbrella companies – Martin Jones, Senior Compliance Officer
 - Shellfish gathering – Martin Plimmer, Senior Investigating Officer
4. Seasonal Workers Scheme in 2023 - UK Visas and Immigration
Andrew Edgar, Assistant Director, Compliance Command and Jaine Sommerville,
Senior Officer, Sponsor Assurance and Investigations
5. Close





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GLAA update

Elysia McCaffrey, CEO



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GLAA Control Strategy

Donna Duffy

Senior Intelligence Analyst

What is a Control Strategy?

The Control Strategy sets the **strategic and operational priorities** of the GLAA and long-term priorities for prevention, intelligence and enforcement.

The Control Strategy is informed by the Strategic Assessment, and agreed by the Strategic Tasking and Co-Ordination Group.

Gaps identified in the GLAA intelligence picture will inform the Strategic Intelligence Requirement and can relate to the Control Strategy priorities but also emerging issues and threats outside of it.



The Control Strategy

The Control Strategy

Effective deployment of resources through tactical tasking and co-ordination ensuring areas of greatest risk and harm are prioritised

Consistent approach across the organisation

Emerging issues outside of the Control Strategy will be reported. Resources can be allocated via the tactical tasking meeting

Control Strategy can be amended should an emerging issue become higher risk than one of the existing priorities





- 1** Identify & Protect Vulnerable Workers
- 2** Disrupt & Deter Criminal Activity in the Labour Market
- 3** Maintain a Credible Licensing Scheme
- 4** Work in Partnership with Stakeholders to Protect Workers' Rights & Prevent Labour Exploitation



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Forced and compulsory labour in high priority sectors

Jen Baines

Senior Investigating Officer

High priority sectors:

- Agriculture
- Hand car washes
- Care homes



Why agriculture?

- Agriculture work includes working with livestock, dairy farming, growing and harvesting produce, growing and harvesting non-edible crops, rearing animals and insects and using land for agricultural work. All horticulture, for example growing flowers, falls within the definition.
- There is significant cross over and inter connectivity between GLAA unlicensed trading and exploitation under the Modern Slavery Act 2015.
- The agricultural sector presents an environment and opportunity to exploit workers - it is a labour intensive, often low skilled, low paid environment – considered a particularly hazardous industry to work in.
- Factors increasing the risk are that work is seasonal and temporary, takes place in isolated locations, worksites are often located in remote rural areas far from the oversight of law enforcement and regulators.
- Workers are often employed through third parties, some by word of mouth and workers often face linguistic barriers and high levels of mobility and movement between sites, increasing the physical and social isolation of the worker.
- Methods exploitation range from the basic recruitment of victims in their home country through direct contact and transportation to more complex schemes involving OCGs operating and collaborating to control recruitment, transport, accommodations and the exploitation of workers.
- The Seasonal Worker visa scheme adds further risk, with workers migrating over longer distances being at greater risk of exploitation, particularly through recruitment fees, bogus recruitment and debt bondage.
- The large recruitment fees charged, put workers in debt before they entered the country, leaving them financially vulnerable, and at higher risk of exploitation.



How do we work with partners to tackle threats and trends across the agricultural sector?

Regular, tasked Intensification and Intelligence led activity across Law Enforcement:

The GLAA proactively engages with multi-agency partners to investigate allegations of labour exploitation in the agricultural sector and we continue to build on this work and initiatives

There are key interdependencies between Police, HMRC, HSE, DEFRA, Immigration Enforcement and the Local Authority, for example.

- ❖ Typical examples of best practice include multi-agency partnership working as part of Operation BLOOM (covering the Horticultural sector) where producers are visited in order to provide education and awareness as well as investigating potential signs of exploitation
- ❖ The 'Growers Association' in Lincolnshire, bringing together partners and stakeholders to discuss and tackle issues within Lincolnshire's flower growing sector.

Typically the main areas of concern within the agricultural sector for workers are recruitment practices, accommodation, transportation, ill treatment and mistreatment and financial exploitation (pay, contracts, tax, debt bondage, fraud).

Working in partnership provides a collective 'toolkit' for law enforcement and protection of workers, for example, using local authority powers to prosecute for overcrowding or breaches of local selective licensing schemes, fire officers and HSE officers prohibiting unsafe homes (caravans) and dealing with dangerous working practices.

Education and Awareness

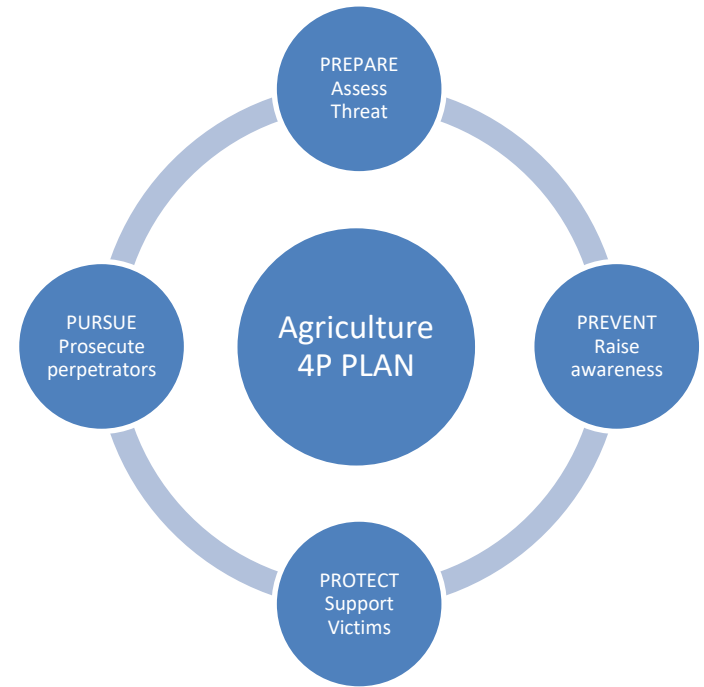
- Informing workers of their rights by providing information in their language and signposting
- Media awareness around Modern slavery and exploitation in the sector
- Delivery to stakeholders and public across the UK in 'spotting the signs' and working together
- Regular 'PREVENT' taskings across the UK



Risk, Tools, Response



- Serious injury to worker/s in unsafe accommodation, workplaces and vehicles
- Organised Criminal Gangs supplying labour into the sector generating considerable proceeds of crime
- Workers being exploited through forced/compulsory labour, debt bondage and human trafficking
- Loss of revenue to UK Economy



Current Enforcement 'Tools'

- The GLAA licence scheme, compliance visits to ensure adherence to licensing rules and regulation
- GLA (Licensing) Act 2004 offences – acting as and unlicensed 'gangmaster' and 'using' and unlicensed 'gangmaster'
- Modern Slavery Act 2015
- Slavery trafficking risk orders/prevention orders, LMEUs/LMEOs, Enforcement Notices
- Fraud Act 2006
- POCA 2002
- Fines – Immigration, local authorities, HSE



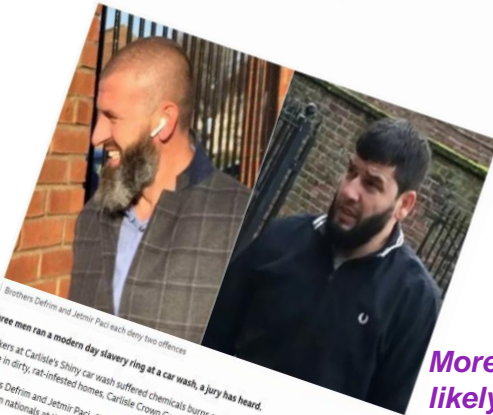
Why Hand Car Washes?



UK news
More than 90% of hand carwashes in UK employing workers illegally, study finds
 Only 7% had undertaken right to work checks and just 1% had out-of-pavement parking
 Nottingham Trent University research reveals
 Sarah Butler
 #handcarwash #uknews
 17 Aug 2022 09:04 GMT

Have you ever looked at a service and wondered how it could be so cheap? The reality is that cheap prices often come at a horrific human cost.

Carlisle car wash owners 'ran modern slavery ring'
 04 May 2021



Three men ran a modern day slavery ring at a car wash, a jury has heard.
 Workers at Carlisle's Shiny car wash suffered chemicals burns and were made to live in dirty, rat-infested homes, Carlisle Crown Court was told.
 Brothers Deftim and Jetmir Pacj, 42 and 37, and Sitar Ali, 33, deny exploiting Romanian nationals at the Warwick Road business during 2016 and 2017.

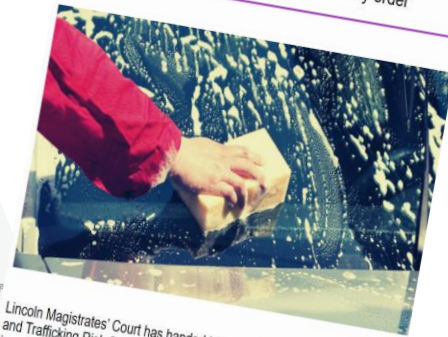


Fighting the modern slavery that is hiding in plain sight is more important than pulling down old statues
 Owner of car wash taken to court over pay and conditions of migrant workers
 By Andrew Parnham
 08:00, 4 Aug 2022 | UPDATED 10:00, 4 Aug 2022

More than 90% of hand carwashes are likely to be employing workers illegally, without proper pay, records and first aid measures
 Guardian 12/22*



Lincolnshire car wash owners handed slavery order
 17 Aug 2022



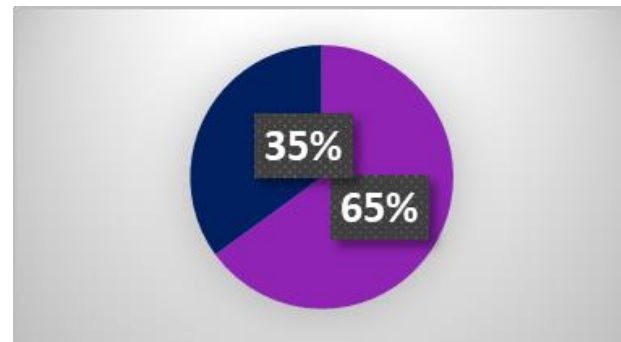
Lincoln Magistrates' Court has handed two men a Slavery and Trafficking Risk Order (STRO) lasting for seven years following a joint investigation by Lincolnshire Police and the Gangmasters and Labour Abuse Authority (GLAA).
 Shorah Ismail Hashmi, aged 34, and Humar Hamadamin Mustafa, aged 36, both of Mill Road in Boston, must follow the conditions set out in the order or they face a jail term if they breach the order.
 The order, given to the men on August 10, relates to Diamond Hand Car Wash, High Green, Sainsbury's, Boston. The Slavery and Trafficking Risk Order is in place for seven years.
 The STRO application was led by Lincolnshire Police with assistance from other organisations including the GLAA.



How do we work with partners to tackle threats and trends across the Car Wash sector?

Regular, tasked Intensification and Intelligence led activity across Law Enforcement:

- ❖ - GLAA Officers visited over 150 car washes, alongside stakeholders to conduct welfare checks in June 2022
- ❖ -GLAA HCW visits determined 65% HCW's had multiple indicators of exploitative employment practices.*
- ❖ Additionally, Immigration, Police, Environment, Health and Safety and local authority offences (Waste/business rates/Licensing) were detected and referred
- ❖ Where exploitative labour abuse found, workers were subject to multiple issues around pay, contracts, NI contributions, Tax, holiday/sick pay leading to coercion and control of workers.
- ❖ 'Illegal' workers often subject to debt bondage and coercion and threats around reporting to authorities
- ❖ Hand Car Wash workers are often vulnerable, subject to 'cash in hand', false accounting and inability to access services due to lack of Tax/NI payments – trapping workers in a cycle of abuse.



Education and Awareness

- Informing workers of their rights by providing information in their language and signposting
- Media awareness around Modern slavery and exploitation in the sector
- Delivery to stakeholders and public across the UK in 'spotting the signs' and working together
- Spreading awareness of the 'safe car wash app'
- Regular 'PREVENT' taskings across the UK



Risk, Tools, Response



- Serious injury to worker/s and/or members of public
- Organised Criminal Gangs operating HCW to facilitate multiple offences
- Workers forced into criminality
- Workers forced into collusion without understanding consequences
- Loss to UK Economy

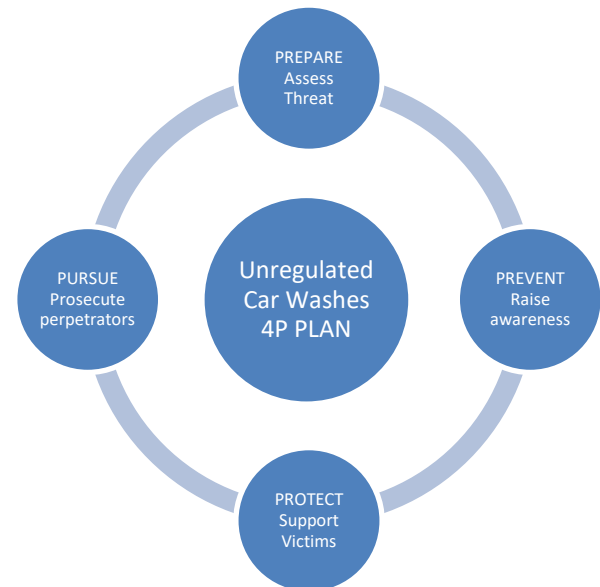
Current Enforcement 'Tools'



- Legislation; Non Regulated sector
- Employment act 2002
- Modern Slavery Act 2015
- Fraud Act 2006
- POCA 2002
- Fines – Immigration, local authorities, FRS
- Slavery trafficking risk orders/prevention orders

Agencies with responsibilities/interest to target and disrupt unregulated Car Wash operators:

GLAA
Police
National Crime Agency
Local Authorities (Environmental Health Officers, business rates, waste)
Environment Agency
Fire and Rescue Service
HMRC
DWP
Health and Safety Executive





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Control Strategy: Seasonal Worker Scheme

Serena Barton
Senior Licensing Officer

Background

- How the Seasonal Workers Scheme works:
 - Designed to provide workers for the edible horticulture sector; includes poultry
 - There is a formal visa route and applicants must have a sponsor – the SWS operator
 - The SWS operator must be GLAA licensed
 - Workers can be sourced from any part of the world and previously significant numbers came from Ukraine
 - The operators source workers and place them with the growers and have ongoing responsibility for their welfare



SWS

- GLAA is not the lead agency for the scheme
 - We don't make decisions on who is granted operator status – this is decided by UKVI
 - Our role is to ensure businesses who supply workers are compliant with the GLAA Licensing Standards and take action, if necessary
 - We can support UKVI with visits to farms to check the welfare of workers as part of the SWS



SWS

Currently we are:

- Receiving applications from businesses based overseas which can take longer to process
- Working with colleagues in FCDO to link in to the relevant embassies to ensure we have a good understanding of labour laws in source countries
- Investigating allegations of worker exploitation
- Working in partnership with colleagues in DEFRA, UKVI and the Home Office



Control Strategy Priority

- The GLAA recognises that the SWS has led to a number of allegations of worker exploitation
- GLAA resources will be prioritised to tackle exploitation arising from seasonal worker activity
- We're developing a plan to address different aspects of this area of exploitation



4Ps – What are we planning to do?

- Prevention
 - engagement with SWS operators to understand their recruitment portfolio
 - promote the Just Good Work app
 - video to help with worker expectations
- Protect
 - support UKVI in undertaking worker interviews
 - Support UKVI in developing their new compliance team
- Pursue
 - Investigate allegations of exploitation of SWS workers
 - Regulatory action – revocation
 - Enforcement action – STRO or LMEU



4Ps

- Prepare
 - engagement with stakeholders to improve the Intel picture enabling us to work more proactively





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Control Strategy Priority (CSP) - Umbrella Companies

Martin Jones

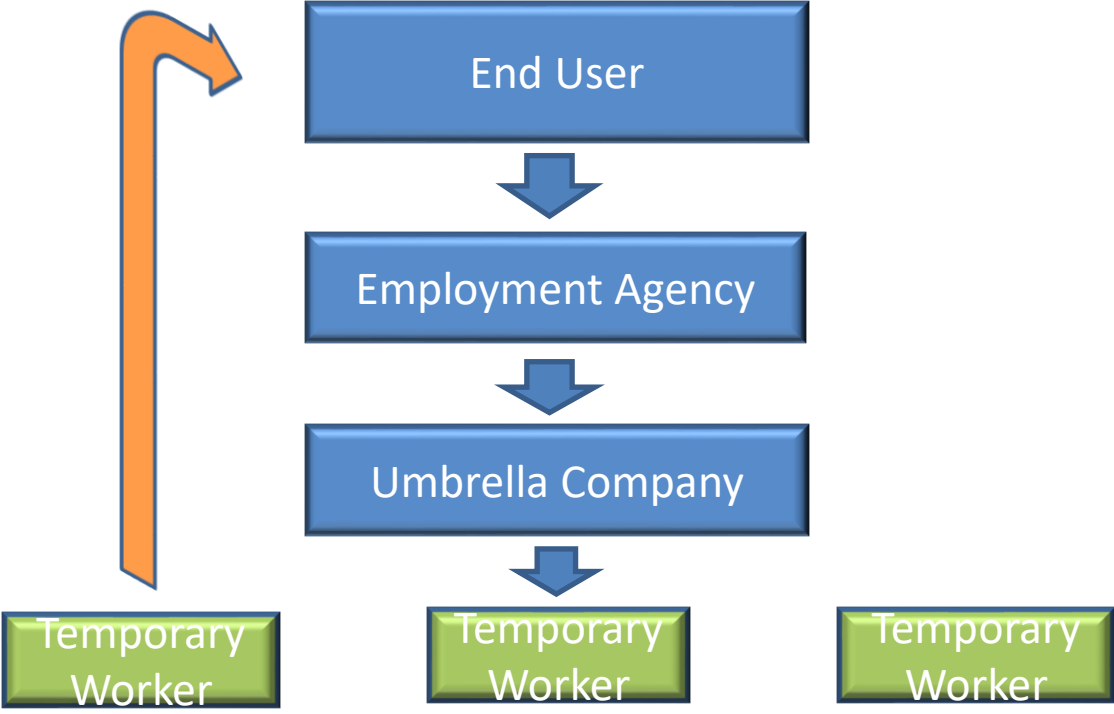
Senior Compliance Officer

Umbrella Companies - Why a priority?

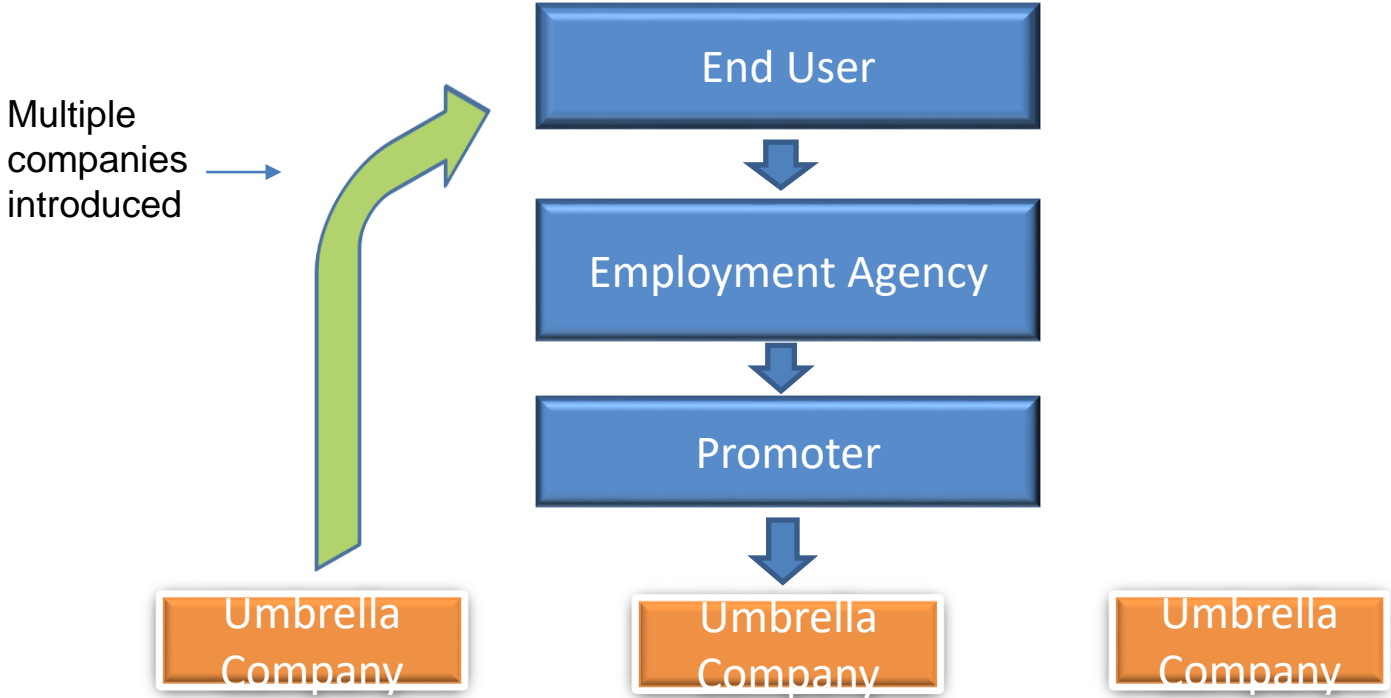
- An umbrella company is a business often used by recruitment agencies to pay temporary workers.
- In most cases, the umbrella company employs the worker and pays their wages through PAYE. It does not find the worker temporary work, this is done by the recruitment agency.
- Mini umbrella company (MUC) fraud is where multiple limited companies are created and only a small number of temporary workers are employed by each one.
- The creation of the mini umbrella companies and the complex layers of businesses within the supply chain help facilitate fraud and creates an uneven playing field.
- Can present an organised crime threat to the UK Exchequer.
- Potential criminal offences against the G(L)A 2004 are committed and potential breaches of Licensing Standards



Umbrella Model



MUC MODEL



Focus

- **Pursue** – to reduce the of use of MUCs through inspection/investigation, intelligence and disruption of activities.
- **Prevent** – to improve knowledge and understanding of the models used with LPs and LUs and design prevent interventions – working with external stakeholders such as HMRC and EAS.
- **Protect** – to protect workers/LPs/LUs through education and awareness and working with external stakeholders such as HMRC and EAS
- **Prepare** – reduce impact of MUCs through understanding and dealing with the threat of MUCS including where the use of MUCs has happened.



Intelligence gaps

- Information on who MUCs are and operating in the GLAA sectors.
- Trend on the use of MUCs
- Movement of workers from one MUC to another
- Registered address not reflecting activity
- Workers changing their bank account multiple times
- Workers employers names on payslips change multiple times



What you can do

- Conduct due diligence of Umbrella Companies
- Are they using MUCs?
- Consider why Umbrella Companies can offer services cheaply or indeed for free
- What contracts are workers going to receive with the Umbrella Company - do the terms match the terms you have provided the worker e.g. are leave periods the same?
- Let the GLAA know of the Umbrella Company





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Harm and Exploitation of Shellfish Gatherers by Unlicensed Gangmasters

Martin Plimmer
Senior Investigating Officer

Why Shellfishing?



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EXPLOITATION

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Importance of the seafood processing sector (2021)



Total income:
£4.1bn*



Net profit:
£427m*



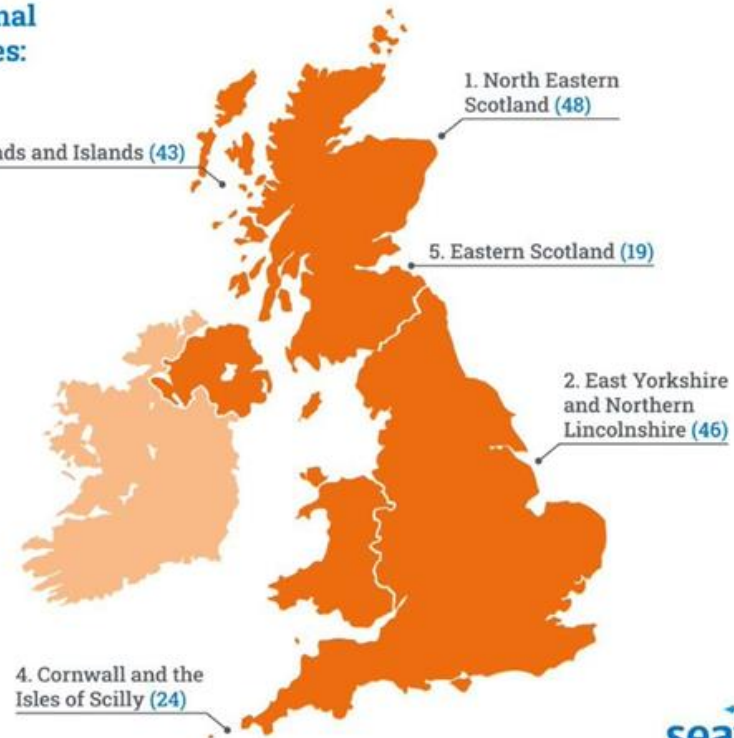
No. of processing sites in the UK:
344 (-1%)



Full-time equivalent jobs:
18,021 (0%)

* Data 2018

Top 5 regional hubs by sites:



By Jobs

By Sites

seafish



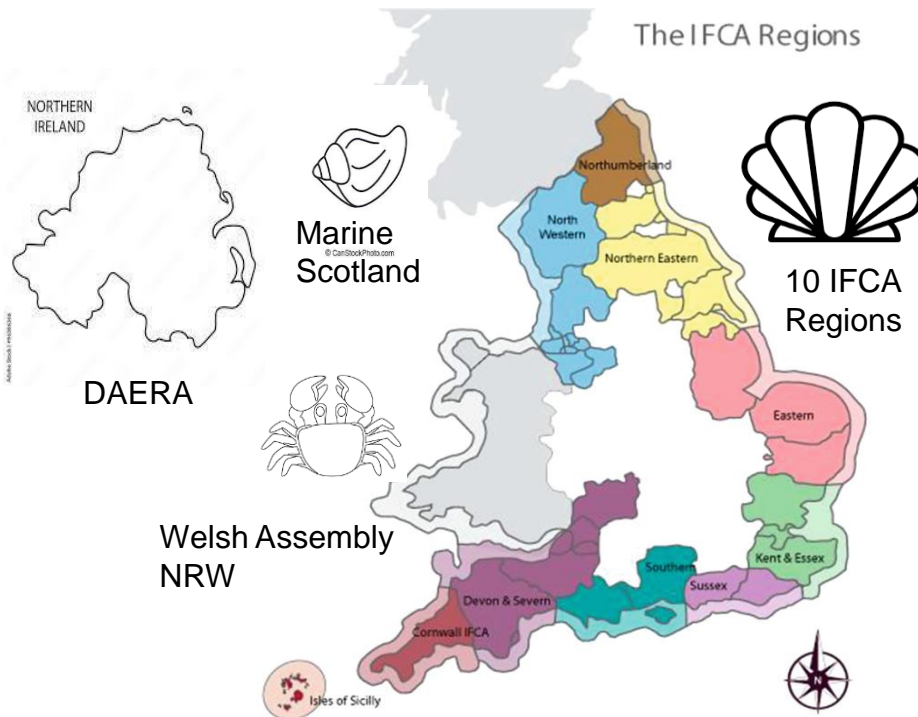
Working with partners

Agencies involved in Shellfishing Regulation

- Welsh Assembly – National Resource Wales
- Food Standards Agency
- Local Authorities (Environmental Health Officers)
- Marine Management Organisation
- CEFAS
- Sea Fisheries Committee
- Environment Agency
- IFCA
- Marine Scotland
- DAERA
- Health and Safety

Legislation;

- Permits for shellfish gathering areas (varies by Region)
- Licensing of shellfish gathering
- Classification of gathering areas
- Movement of shellfish gathered for Consumption
- Processing of shellfish gathered for consumption
- Licensing of Labour Providers to gather shellfish (GLAA)





- ❖ Fast moving Tides and quick sands pose significant dangers
- ❖ Inexperienced workers, poor equipment poor quality boats and inflatables
- ❖ Exploitation of Workforce – NMW, Modern Slavery and violence between rivals.
- ❖ Contaminated shellfish into food chain
- ❖ Interpretation and enforcement of GLAA Legislation
- ❖ Who needs a licence
- ❖ Education of Industry, partners and the Public
- ❖ Intelligence Gaps
- ❖ Difference in Regional approaches by partners
- ❖ Personal gathering against commercial gathering
- ❖ Cultural profiling





UK Visas
& Immigration

Seasonal Worker Route

Sponsor Auditing

The Seasonal Agricultural Workers (SAWs) Team will audit Sponsors through a blend of assurance (data analysis) and compliance inspections at farm premises, including interviewing migrant workers, and Sponsor locations.

This is in response to the recent report completed by the **Independent Chief Inspector of Borders and Immigration (ICBI)**:

[Inspection Report Published: An inspection of the immigration system as it relates to the agricultural sector May to August 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/An_inspection_of_the_immigration_system_as_it_relates_to_the_agricultural_sector_May_to_August_2022.pdf) The department has accepted all the ICBI's recommendations notably:

Compliance

With regards to the monitoring and reporting regime, the department intends to form a dedicated team to monitor the operational immigration elements of the scheme. This will include introducing new guidance and training, developing specialist staff, and enhancing existing use of intelligence.

Communication

The department will produce a communications and engagement roadmap which will be completed by April 2023.

Clarity of roles and responsibilities

We will prepare a document setting out the roles and responsibilities of various Home Office units involved with the Seasonal Worker route. This will be completed by July 2023.



Sponsor Responsibilities

Our auditing and compliance regime will focus on the following:

Monitoring workers' welfare

We will ensure there is robust and comprehensive monitoring of all the workers in their workplace, including ensuring that:

- the workers' work environment is safe and complies with relevant Health and Safety requirements
- employers take adequate steps to ensure workers understand Health and Safety procedures, including providing translations into the workers' first language if required
- workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate
- workers are given an employment contract in their first language, as well as in English – these must not be zero-hours contracts
- workers are paid properly – this includes paying the stipulated minimum hourly rate, alongside satisfying relevant National Minimum Wage regulations, including those on fair rates for piece work, and holiday pay
- workers are allowed time off and proper breaks
- workers are made fully aware of procedures if they are sick or injured, including how to make a claim on any medical insurance they may have



Sponsor Responsibilities cont'd

- workers are provided with appropriate equipment to do their job safely and are not charged for it, including any replacements of worn and accidentally damaged items
- employers with whom workers are placed do not impose additional, unnecessary charges on workers, whether directly or indirectly
- workers are housed in hygienic and safe accommodation that is in a good state of repair
- workers are not transported in unsafe vehicles
- workers are not threatened with, or subjected to, violence
- workers are not subject to any discrimination
- workers' passports, travel documents or any other identity documents are not withheld from them
- procedures are in place to enable workers to report any concerns to the Sponsor
- workers are made fully aware of the expectations on the Sponsor and the employer, and how to report any concerns where those expectations are not met



Sponsor Compliance

Compliance with visa requirements

Sponsors must satisfy that any worker sponsored on this scheme can meet the [immigration requirements](#) of this route and will comply with the [conditions of their stay](#).

We will revoke their licence if, within any 12-month period, any of the following occur:

- fewer than 95 percent of your sponsored workers are granted entry clearance (a visa)
- 3 percent or more of your sponsored workers who obtain entry clearance (a visa) fail to arrive at their place of employment
- fewer than 97 percent of your sponsored workers who obtain entry clearance (a visa) leave the UK at the end of their permitted stay

Pay requirement for Seasonal Workers (correct at January 2023)

- For workers sponsored to undertake [horticulture work](#), Sponsors must confirm they will be paid at least £10.10 for each hour worked.
- For workers sponsored under occupation code 5431 or 5433 in the [poultry production sector](#), Sponsors must confirm they will be paid at least £25,600 pro rate each year (only the first 48 hours a week will be considered towards this salary threshold), that they will be paid at least £10.10 for each hour worked and will receive at least 30 hours of paid employment each week.
- These pay rates only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions), and does not include other pay and benefits



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Survey Link:

<https://www.surveymonkey.co.uk/r/R8PTGK8>

