

English



WORKERS' RIGHTS

Protecting workers through licensing



t: +44 (0)845 602 5020

www.gla.gov.uk

What is the GLA?

The GLA is an organisation set up to protect workers from exploitation.

Our licensing scheme regulates businesses who supply workers to the fresh produce chain. The scheme ensures that businesses who supply workers (labour providers, gangmasters or agencies) and businesses who need workers (labour users, farmers, packhouses) meet the employment standards that are required by law.

Which sectors are covered by the scheme?

A wide range of sectors are covered by the licensing scheme: agriculture, horticulture, fish processing, gathering shellfish, dairy farming, or the packaging or processing of food and drink products.

So if your labour provider supplies workers to any of these sectors they will require a gangmasters licence.

Your labour provider's responsibilities

Your rights as a worker are protected by law. Some rights take immediate effect, some are conditional on how long you work. To apply successfully for a licence, labour providers will need to show they meet the conditions of the GLA licensing standards. The standards are all current legal requirements, to protect workers from poor treatment and exploitation.

The following pages give a basic outline of what you should expect from your labour provider. These are not only conditions of the gangmasters licence, they are also your legal rights – your employer has a responsibility to ensure you are treated fairly.

If you feel that you have not been provided with the conditions you are legally entitled to please contact the GLA. If you would like to discuss your employment rights with an experienced advisor, you can contact your local Citizens Advice Bureau for help and guidance.

Your rights and responsibilities

Your contract of employment

This is an agreement between you and your employer. Legally, if you have been employed for over one month you must be given a written statement of your terms and conditions. You should receive this within two months of starting work.

Your written statement must include the following information:

- The names of you and your employers
- Your job title
- The date you started work
- Place of work
- The amount of pay and how often you will be paid (weekly or monthly)
- Hours of work
- Holiday entitlement
- Sick pay entitlement
- The disciplinary, dismissal and grievance procedures
- Notice you are required to give if resigning, or to receive following dismissal

Your employer can only change the terms and conditions of your contract without your permission in certain circumstances.

National Minimum Wage

You should receive at least the National Minimum Wage (NMW) if you are in a permanent job, on a short term contract or working for an agency. If you receive piece work pay you should still earn the minimum wage rate. There are a few exceptions, including self employed and voluntary workers. Call the NMW helpline or check their website for up to date information.

An itemised payslip

You should receive an individual written payslip on the day you are paid. This must show your gross pay and your take home pay.

Deductions which can change weekly, such as tax and national insurance, should be listed on each payslip. Any deductions which remain the same can be listed once a year. Only listed deductions can be taken from your pay. You should receive your agreed pay on time, including holiday or sick pay.

Deductions of wages

Your labour provider can only make certain deductions from your wages. These include statutory

deductions such as your tax and national insurance contributions, deductions you have agreed to in your contract of employment or deductions you have given written permission for, such as transport or accommodation. There is a maximum allowance that can be deducted for accommodation before your minimum wage is affected. Contact the NMW helpline for guidance.

Sick pay

Your contract of employment should state the payment you will receive if you are off work because you are ill. The minimum amount you are entitled to is statutory sick pay (SSP) if you are away from work for four days or more in a row, but your contract may give you additional pay or benefits.

Annual leave

You are entitled by law to a minimum of 24 days paid holiday a year, starting from your first day at work. This includes part time and fixed term contract workers.

Details of your holiday entitlement should be in your employment contract. It is based on your normal working hours (pro rata for part time workers), accrued during the time you work for your employer and should be paid at your normal working rate.

Health and safety

Your employer has a legal responsibility for your health and safety at work. Your labour provider and labour user must agree in writing who will be responsible for managing your health and safety. You should receive health and safety information, training and protective clothing free of charge. Any accommodation provided by the labour provider should conform to current legislation.

Hours of work

You should not have to work more than 48 hours a week, including overtime, unless you have chosen to do so. Your labour provider must keep a written record to show you have agreed to work additional hours.

You are entitled to take a minimum of one day off per week, and if you work for more than six hours a day you should have a rest break of at least 20 minutes.

Your responsibilities

You must be legally entitled to work in the UK and should have, or have applied for, a valid National Insurance number.

Licensing standards

Your labour provider will need to meet the conditions in the licensing standards to be granted a licence, and they must continue to meet the conditions to keep their licence.

The areas covered are:

- Possession of a valid GLA issued licence to operate as a gangmaster
- Payment of wages, tax, NI, VAT: Improper deductions and allied matters
- Debt bondage, harsh treatment or intimidation of workers
- Workers' accommodation
- Hours worked, working time regulations, etc
- Breaches in health and safety, including training
- Recruitment and contractual arrangements
- Sub-contracting
- Identity issues, under-age working
- Legality and rights of workers

For further information you can request a copy of the GLA brochure 'An introduction to licensing standards'.

Help stop worker exploitation

From 1 October 2006 your labour provider will need a gangmasters licence to work legally in the regulated areas. The only exception is shellfish gathering.

In this sector, anyone supplying or using workers to gather shellfish will need a licence from April 2007.

Labour providers must continue to comply with the licensing standards to keep their licence.

If you are concerned that a labour provider is failing to meet the standards or is operating without a licence you should contact the GLA on +44 (0)845 602 5020 9am–5pm.

Or you can telephone Crimestoppers for free on +44 (0)800 555 111 at any time. They are an independent charity and you can call them with information about crime. You do not need to leave your name and your call cannot be traced, so you can contact them anonymously with your concerns.

Further help and guidance

There are a number of organisations who can give you detailed advice on all your rights.

Citizens Advice Bureaux – England, Wales and Northern Ireland

Free, impartial and confidential advice on all issues.

There are local offices around the UK.

www.citizensadvice.org.uk

www.adviceguide.org.uk

Telephone: +44 (0)207 833 2181

Citizens Advice Bureaux – Scotland

www.cas.org.uk

Telephone: +44 (0)131 550 1000

Directgov

Information from a wide range of government departments.

www.direct.gov.uk/en/Employment/Employees/

Advisory, Conciliation and Arbitration Service (ACAS)

Provide independent advice and up to date information to improve employment relations.

www.acas.org.uk

Telephone: +44 (0)845 747 4747

Worksmart

Information on worker rights from the TUC.

www.worksmart.org.uk

Trade Unions Congress (TUC)

www.tuc.org.uk

Telephone: +44 (0)207 636 4030

Employment matters

Department for Business, Enterprise and Regulatory Reform guidance for employers and employees.

www.berr.gov.uk/whatwedo/employment/index.html

Telephone: +44 (0)20 7215 5000

Employment agencies in other sectors

Department for Business, Enterprise and Regulatory Reform Employment Agency Standards Inspectorate

www.berr.gov.uk/whatwedo/employment/employment-agencies/index.html

Helpline: +44 (0)845 955 5105

National minimum wage

Department for Business, Enterprise and Regulatory Reform

www.berr.gov.uk/whatwedo/employment/pay/national-minimum-wage/index.html

Telephone: +44 (0)845 600 0678

Agricultural minimum wage

Department for Environment, Food and Rural Affairs
www.defra.gov.uk/farm/working/agwages/index.htm
Telephone: +44 (0)845 0000 134 or +44 (0)20 7271 6132

Health and safety at work

Health and Safety Executive
www.hse.gov.uk/workers/index.htm
Telephone: +44 (0)845 345 0055

Local councils in the UK
www.direct.gov.uk/en/D11/directories/localcouncils/index.htm

Sick Pay

Department for Work and Pensions
www.dwp.gov.uk/lifeevent/benefits/statutory_sick_pay.asp

HM Revenue and Customs
Contact your local HMRC office for information on your SSP entitlement.
www.hmrc.gov.uk/enq/index.htm
Telephone: Listed in The Phone Book under HM Revenue and Customs or Inland Revenue.

Form SC2 for Statutory Sick Pay
www.hmrc.gov.uk/payetaxpayers/fagsc2.shtml

Jobcentre Plus

Information on incapacity benefit, if you do not receive SSP.

www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/index.html

Telephone: +44 (0)800 882 200

National Insurance number

Department for Work and Pensions

www.dwp.gov.uk/lifeevent/benefits/ni_number.asp

Telephone: +44 (0)207 712 2171

Rest breaks and annual leave

Department for Business, Enterprise and Regulatory Reform

www.berr.gov.uk/whatwedo/employment/employment-legislation/employment-guidance/page28979.html

Crimestoppers

www.crimestoppers-uk.org

Telephone: +44 (0)800 555 111

Contact us



Gangmasters Licensing Authority

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