



Gangmasters &
Labour Abuse Authority

GLAA58/16 Stakeholder Engagement

14 March 2018

Board Paper Reference – GLAA58/16 - Stakeholder Engagement

1. Purpose of the Report

1.1 To update the board on the work of the liaison groups.

2. Recommendation

2.1 The Board is invited to note the minutes at Annex A of the

- Labour User/Labour Provider and Worker/NGO Liaison Group meeting on 28 February, 2018.

Report Author: Jennifer Clarke

Senior Responsible Officer: Darryl Dixon

Draft Minutes

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| Title of meeting | Joint LU/LP Liaison and Worker/NGO Liaison Groups | | |
| Date | 28 February 2018 | Time | 11.00 |
| Venue | GLAA, Nottingham | | |
| Chair | Margaret Beels (MB) | Secretary | Katie Taylor |
| Attendees | LU/LP Jonathan Mason (JM) AG Thames Gillian Haythornethwaite (GH) Association of Labour Providers Hannah Newcomb (HN) Association of Labour Providers Stephanie Maurel (SM) Concordia Melville Miles (MM) Freshtime UK Ltd John Hardman (JH) HOPS Labour Solutions Graeme Sutton (GS) Jark (Hull) Ltd Kevin McCormick (KM) KHS Personnel Ltd Shayne Tyler (ST) Manor Fresh Ltd Lee Abbey (LA) National Farmers Union John Devine (JD) Response Recruitment Tom Easson (TE) Ringlink Scotland Ltd Jane Bladon (JB) Staffline Nicola Hope (NH) The Recruitment and Employment Confederation Lorna Bramwell (LB) The Staffing Group Ltd Worker/NGO Liaison Group Kasia Zagrodniczek (KZ) East European Advice Centre David Dickens (DVD) Fishermen's Mission Linn Aakvik (LA) Focus on Labour Exploitation Meri Ahlberg (MA) Focus on Labour Exploitation Nahir de la Silva (NS) Latin American Women's Rights Service Matthew Creagh (MC) Trades Union Congress Diana Holland (DH) Unite the Union GLAA Darryl Dixon (DD) Ian Walker (ISW) Charlotte Woodliffe (CW) | | |

Attendees (cont'd) GLAA Board

Simon Allbutt (SA)
Margaret Beels (MB)
Linda Dickens (LD)
Marshall Evans (ME)

Other

Phoebe Blagg (PB) Home Office, Modern Slavery Unit
Dr. Huw Fearnall Williams (HFW) Nottingham Trent University
Prof. Ian Clark (IC) Nottingham Trent University

Apologies

LP/LU Liaison Group

Tania Cummins (TC) Acorn Group
Douglas Amesz (DA) AG Recruitment
Estera Amesz (EA) AG Recruitment
David Camp (DC) Association of Labour Providers
Colin Hall (CH) BTF Partnership
Sue Johns (SJ) Butters Group
Matthew Dunstan (MD) Cordant Group
David Seagust (DS) Firstcall Contract Services Ltd
Sian Thomas (STH) Fresh Produce Consortium
Justin Emery (JE) Fruitful Jobs
Jon Tugwell (JT) Fyffes
Joanne Young (JY) GI Group
Sarah Boparan (SB) HOPS Labour Solutions Ltd
Sharon McLoughlin (SM) Independent Housing Practitioner
Julie Giles (JG) The Staffing Group Ltd
Andy Young (AY) Tulip
Terry Waite (TW) Vital Recruitment

Worker/NGO Liaison Group

David Carrigan, Citizens Advice
Caroline Robinson, Focus on Labour Exploitation
Justin Bowden (JUB) GMB
James Tullet, Migrant Help
Andrew Wileman, Salvation Army
Linda Estevez-Picon (LEP) The Connection of St Martins
Narmada Thiranagama (NT) Unison
Bridget Henderson, Unite the Union
Jerry Swain (JS) Unite the Union
Andrew Wallis (AW) Unseen
David Gill (DG) USDAW

GLAA

Frank Hanson (FH)
Ian Waterfield (IW)
Neil Court (NC)

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| 1. | <p>Welcome and introductions</p> <p>Margaret Beels welcomed attendees from both the LU/LP and Worker/NGO Liaison Groups to this joint meeting, particular note was made of the extreme weather conditions, which made travelling difficult for many. MB noted that LD, SA and ME will be feeding back from this meeting into discussions at future GLAA Board meetings.</p> |
| 1a. | <p>Apologies See above.</p> |
| 2. | <p>GLAA update to include Licensing Standards</p> <p>NR defined the Licensing Standards as the framework within which the GLAA assess compliance and the basis for issuing businesses a licence, or that licence being revoked. The aim is to fully clarify and provide guidance and bring the Standards together in a logical way. The changes would come into effect later this year.</p> <p>As there are no proposed changes to the regulations requiring formal consultation GLAA is planning a series of informal consultative workshops. Documentation will be issued to all parties and published on the GLAA website. A wide circle of stakeholders will be involved. GLAA were hoping to have received Home Office approval to go ahead, however, at the time of the meeting, NR was still awaiting a response.</p> <p>The key areas to be looked at include:</p> <ul style="list-style-type: none"> • The 'Fit and Proper' standard (how the GLAA assesses non-compliance). The GLAA are proposing to include guidance on the treatment of non-compliances outside of the licensable sector which will be considered when determining compliance with the Licensing Standards. • Technical changes surrounding expiration of a licence and the application of a company VAT number. Currently, the regulations indicate that if your VAT number changes, the business will need to apply for a new licence. The GLAA are proposing to change this because a change of VAT number may not always indicate that the status of the business has changed. • Holiday pay – the withholding of non-payment of monies owed and overall calculation thereof – GLAA is aiming to bring all elements into a single place within the Standards for compliance assessments. • Physical and mental mistreatment of workers/forced labour – GLAA recognise the importance of reflecting the ILO standards regarding compliance. • Employer/Employee fees/charges – these will be clarified and consolidated under Standard 7.1 and 7.3. <p>Cross Government changes e.g. Department for Business, Energy and Industrial Strategy (BEIS) Conduct Regulations, will be reflected in GLAA Standards such as contractual agreements and record keeping.</p> |

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| | <p>ST raised the query of GDPR (General Data Protection Regulation) and the confidentiality of information shared, for example with auditors. NR noted the query as it is something the review of the Standards is addressing. MB stated that this is a new area where detailed requirements are still being clarified. Her understanding was that the underlying principle to follow is whether information needs to be shared and whether there is a lawful reason to share it.</p> <p>ACTION POINT 1 – NR TO REVIEW IMPACT OF GDPR ON RELEASE OF INFORMATION PERTINENT TO GLAA LICENSING.</p> <p>SM added that data is stored only as long as necessary. GH added that holiday pay configurations are multifarious across businesses to include piece-work and overtime. MB stated that the Government has just published its response to the Matthew Taylor Review to the Prime Minister. That report concentrated on whether employment law was fit for purpose given changing employment models. Holiday pay was flagged as one area requiring attention. The Government response recommended that National Minimum Wage (NMW) team should to take a lead role in enforcing policy on holiday pay. The government response accepts the case for the state taking responsibility for enforcing these rights on behalf of the most vulnerable workers.</p> |
| 3. | <p>Emerging Risks in the Labour Market (ISW)</p> <p>ISW (Head of Intelligence, GLAA) delivered a presentation on key findings on 'The Nature and Scale of Labour Exploitation across all Sectors within the UK'. It followed on from an initial threat assessment disseminated in November 2016. A refreshed version assessing threats was currently in development.</p> <p>The following key points were mentioned:</p> <ul style="list-style-type: none"> • Remaining the same since the original 2016 report: Vietnam and Albania are the highest source of potential victims referred to the National Referral Mechanism (NRM), while the GLAA holds information mostly around Romanian potential victims. Its information is predominantly around the agricultural sector. • Changes since the 2016 report include: a 50 per cent increase in victim referrals to the NRM with UK victims surprisingly being in the top three nationalities referred. GLAA wider powers allow investigation embedded in England and Wales. The 'gig' economy is a notable risk area. <p>The emerging picture displays links from high-risk sectors to organised crime and exploitation around self-employment status and NMW breaches.</p> <ul style="list-style-type: none"> • A forward look incorporates uncertainty resulting from Brexit and labour shortages leading to an increased risk of exploitation. |

Annex A

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| | <ul style="list-style-type: none">• Points of interest made mention of the GLAA triage process with a 'risk and harm' focus and multi-agency initiatives such as the Church of England-led Project Clewer and the Construction Protocol, the latter of which was launched at the GLAA Stakeholder Conference in October 2017. In addition, the Independent Anti-Slavery Commissioner, Kevin Hyland, has called for more regulation on nail bars, to include GLAA input.• ISW is working towards publication of the threat assessment by mid-March 2018, with an abbreviated, public-facing version being approved by the end of March 2018. |
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ACTION POINT 2 – ISW TO CREATE PUBLIC DOCUMENT ON FINDINGS

Questions raised by the group in response to ISW’s presentation:

- DH expressed concerns over the ‘fear of approaching officialdom’, with specific reference to fear of Home Office/Immigration officials:
 - ISW used the example of GLAA partnership with Border Force at sea and airports whereby advice is given by GLAA should migrant workers encounter employment issues. This is separate from immigration enforcement. Information is fed back to GLAA for example, who is organising UK-based labour back in their home countries. It was emphasised that all GLAA operations work under complete confidentiality and only court judges can request divulgence of information sources.
 - ISW clarified that the triage process indicates which cases to investigate and follow up from risks to individuals, their families, business or property via an indicator scoring matrix.
- LA asked about indicators of impact and success, to which ISW responded, the strategic document will assess these two separate elements. MB added that the GLAA Performance & Insight Pack presented regularly to the liaison groups shows performance data analysis on a quarterly basis. DVD raised concerns over purported ‘heavy handed’ approaches by Border Force and potential problems relating to “shared-catch” fishers, designated as self-employed.
 - ISW was unable to comment directly on the information-sharing of other areas, however, gave assurance that information was provided appropriately and timely. GLAA will look further at issues relating to fishing crew employed on a shared-catch basis.

ACTION POINT 3 – ISW TO EXPLORE ISSUES RE SHARED- CATCH FISHERS

- MB emphasised how GLAA invests time in multi-agency working and information-sharing.
- In response to MA’s query regarding overseas labour licensing, CW explained that if they provide a service in the UK, the same Licensing Standards and processes apply. DD added that GLAA has forged good relationships with overseas Inspectorates e.g. Romania and Bulgaria.
- ST queried GLAA’s position as regards the ‘co-employment model’. CW responded that it is similar to an umbrella company providing payroll and they are the employer on record with HMRC. GLAA’s position was that co-employment companies would require a GLAA licence.

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| 4. | <p>Update following Task and Finish group on eliminating recruitment fees in the supply chain (CW)</p> <p>A document had been circulated prior to the meeting, comprising a summary of the workshops and anonymised polls taken throughout the two sessions.</p> <p>Employer Pays (transport fees) principle was discussed at the first workshop on 11 January 2018 with the outcome receiving further scrutiny in the second session on 1 February 2018 as well as the cost to the supply chain.</p> <ul style="list-style-type: none"> The outcome was ALP to conduct further work on the first draft Toolkit document to include input from human rights bodies on freedom of movement in EU and the definition of 'migrant worker'. <p>ACTION POINT 4 – DC/HN</p> <ul style="list-style-type: none"> The ALP has committed to producing a separate paper on transport fees. This will be circulated for comment to key stakeholders in the coming weeks before forwarding to the intergovernmental organisations and NGOs that have set policy on recruitment fees. This means ALP is now looking at a deadline for publishing the second version of the overall Toolkit later in 2018 potentially after the ILO Tripartite Meeting of Experts on the definition of recruitment fees and related costs taking place in Geneva in October 2018. <p>ACTION POINT 5 – DC/HN</p> <ul style="list-style-type: none"> ST raised the ongoing 'unintended consequence' that migrant employees bore no responsibility to commit to working with the employer who had paid transport fees and furthermore, that third party transport and accommodation suppliers are unregulated and often unscrupulous. HN noted that these issues were raised in the consultation events and are being considered. In addition, the issue of 'unintended consequences' was one that was raised several times in the Institute for Human Rights and Business's Annual Leadership Forum for Responsible Recruitment (which took place in Berlin on 19 June 2017) and one that the NGOs setting recruitment fees policy take seriously. JM requested ALP Toolkit revision to include guidelines on whether transport fee payment would occur before the employee had left their country of origin. SM brought up the soft launch of the Clearview certification the week before this meeting, asking what would be included for auditing until the questions surrounding fees are finalised and defined. DVD added the question of 'double dipping' whereby unscrupulous agencies took fees from both employer and employee. HN emphasised that due diligence, transparency and consistency are the steps to removing worker exploitation and will be taken into account for each country. <p>ACTION POINT 6: HN TO CREATE NOTE TO CIRCULATE TO THE GROUP.</p> |
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| 5. | <p>Feedback from Workshops including Actions</p> <p>1. Labour Shortages (Facilitator: NR):</p> <p>Under discussion: its impact and whether the industry is seeing an increase in illegal working supply?</p> <p>Abolition of the Seasonal Agricultural Workers Scheme (SAWS), the weak Pound and perceived xenophobia has discouraged workers of coming to the UK and other EU countries.</p> <p>Impact: Younger workers are favouring more attractive café work, for example, over agricultural. Also being seen is workers completing their allotted hours (e.g. by working 60+ per week) meaning they leave the country sooner. Therefore, change in how we operate is necessary.</p> <p>No real impact on pricing of goods and quantities on supermarket shelves has been seen, however, less scrupulous businesses are moving towards cash-model and use of child labour.</p> <p>MA stated it is important for workers to not feel threatened by their immigration status if they are to give information.</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • Crystallise engagement, build trust and information sharing for a vital tool for Intelligence. • The role of the media must be taken into account and that we challenge unsympathetic reporting, communicate with the media on what Modern Slavery is and what action can be taken against it. • Making sure other agencies e.g. Police understand the same processes. • Use of different channels of communication e.g. by going into communities in a non-work scenario. • Adequate checks on overseas labour providers. • Work with industries to enable them to feed information to us, so we can act quicker. |
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2. Voluntary Licensing (Facilitator: DD):

Under discussion: This workshop considered it more appropriate to talk about 'non statutory models' rather than 'voluntary licensing' so as not to undermine or devalue statutory licensing. Certification was one potential approach.

The question of the benefit of having a certificate was raised and what levers could be used to put pressure on those without, who may otherwise, it was said, simply carry on without one.

Action Plan:

- Changes within the business community are a way to improve this and can be achieved by giving 'teeth' to the supply chain e.g. the responsible fishing scheme with certified vessels and subsequent supermarket engagement. Testing is required if this is to be pursued.
- Code of Practice to also have 'teeth' and make it specific to individual industries e.g. car washes and environmental conditions.
- Examine and understand consumer behaviour.
- Certification display to be comparable to Health and Safety notices with Unions and NGO involvement in the scheme – consistency would be required with questionnaires for comparability. A resulting issue could arise if businesses refuse access or to liaise with enforcement bodies.
- It was thought that non-voluntary licensing could cast doubt on whether businesses will comply and if workers are told not to speak with the authorities. A solution would be to sell the benefits of a 'kite mark/badge', updated knowledge to maintain compliance and due diligence within the supply chain.
- DH mentioned the comparison of Spanish strawberry pickers and Union involvement in addressing agency standards and inspecting worker accommodation as a model worth examining.
- JM raised the point that Trade Associations could be helpful in getting people to co-operate without enforcement as information can be cascaded down.
- MB added that there is disappointing evidence that consumers' behaviour is more driven by price than by expressed ethical views.
- NH suggested educating suppliers as all parties in the chain look at different aspects (e.g. money, ethics).

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| 6. | <p>3. Women Workers and Labour Exploitation (Linn Aakvik):</p> <p>A forthcoming report from FLEX was introduced and its five step plan for enforcement bodies was outlined.</p> <p>The workshop noted that it is important for GLAA and other labour market enforcement agencies to consider this issue, as traditionally ‘feminised’ sectors e.g. care, hospitality, cleaning and domestic work are all high risk of victimisation. The situation is also mirrored in sectors dominated by men with the risk of sexual harassment against women. Examples were discussed.</p> <p>Action Plan:</p> <ul style="list-style-type: none"> • Business can assist through the creation of accessible, effective grievance mechanisms • Building of trust with workers, enabling collective voice e.g. through unions or an appointed officer in non-unionised industries • There is a need for data in the feminised sector. MA stated women workers experience specific issues and research is needed to understand these sectors. |
| 7. | <p>Any Other Business</p> <p>The Chair invited feedback from the group on the day’s meeting. SM was keen to see the next steps resulting from the three workshops and group discussions. DH welcomed the group discussion format for cross-fertilisation of ideas. KM congratulated the GLAA on its processes for working on issues, JH proposed retailers be invited to subsequent meetings.</p> <p>LD made mention of the meeting’s format being good to bring together the two Liaison Groups and its value in contributing to an ongoing conversation within the GLAA and at Board level about key issues. The next Worker/NGO liaison meeting in May 2018 will decide which issues should be added into the group’s workplan. ME indicated the LP/LU group may wish to make suggestions regarding format of that group’s meetings.</p> <p>ME suggested the Labour User/Labour Provider format might benefit from a refresh to be more interactive.</p> |