

GLA 36/10.1

Minutes of GLA Board Liaison Groups

17 January 2013

BOARD PAPER REFERENCE – GLA 36/10.1– Minutes of GLA Board Liaison Groups

Issue

1. To update the Board on the work of the GLA Board Liaison Groups.

Recommendation

2. The Board is invited to note the minutes of the Labour User/Labour Provider meeting.

Background

3. The Labour Provider/Labour User group met on 18 October 2012. Draft minutes of the meeting are attached at Annex A.

Annex A**GLA Labour Provider and Labour User Liaison Group Meeting****18 October - Nottingham****MINUTES****ATTENDEES****GLA Representatives:** Margaret McKinlay (Chair), Darryl Dixon**Labour Provider Representatives:** David Camp (ALP), Terry Godfrey (Gangmasters Alliance), Ben Farber (REC), Joanne Young (GI), Kevin McCormick (KHS Personnel Ltd), Jane Fielden (OSR Recruitment Services Ltd), Tony Boorman (Stafforce), Terry Waite (Vital Recruitment), Harjit Padda (Fusion Personnel), Julie Giles (ExtraPersonnel).**Labour User Representatives:** Shayne Tyler (Manor Fresh), Sian Thomas (FPC), Fergus Morgan (2SFG), Tom Easson (Ringlink Scotland), James Potter (NFU), Sharon Cross (NFU/G's), Sue Hall (Winchester Growers).**Apologies:** Mark Boleat (ALP), Chris Gorton (Heads), Marshall Evans (Staffline), Colin Hall (50 Club), Doug Mitchell (Forestry), Nigel Jenney (FPC), Claire Joyce (Langmead Farms), Wendy Woolfe (Lincs FP), Hayley Cambell-Gibbon (NFU), Sarah Brooksbank (Industrious), Jon Tugwell (Fyffes), Rafiq Chohan (Goldteam), David Segust (First Call Contract Services); Jayne Garner, Matthew Pearl (Red Rock Partnership), Tracey Clark (Vion),**MINUTES**

1. Declarations of interest - None
2. Minutes of last meeting - No adjustments to previous minutes were requested.
3. Outstanding Actions

Meeting	Action	Comment
7/7/11	GLA to review media policy and stakeholder communication and to consider whether short and frequent releases should be made to the GLA Brief distribution list.	19/4/12 - MM accepted that GLA was not where it would like to be on Communications and would take personal ownership of this. DC reiterated that the focus should be on providing ongoing stakeholder communication. 12/7/12 – As yet no change to GLA media and stakeholder communication policy. GLA has made case to Defra for new Press & Communications Officer. 18/7/12 – As yet no change to GLA media and stakeholder communication policy. GLA Communications & Media Officer role approved. Recruitment commenced.
7/7/11	GLA to work with industry representatives and trade associations to explain its scope across "grey areas". N.B. To include GLA position on voluntary disclosure of unlicensed activity	19/4/12 - Initial meeting with working group took place on 19 January. The scope of the GLA would be one of the areas considered under the RTC. Following the RTC outcome further work would be needed to clarify the scope and to draft amended Exclusion Regulations. GLA will take a proportionate view when

		<p>there is voluntary disclosure of unlicensed activity. When, in the view of the GLA there was a genuine and reasonable unawareness of the need to be licensed and there was no worker exploitation or tax evasion then it may not result in prosecution, and may be classed as "voluntary disclosure". The law says it is illegal to supply labour without a licence so whether the business decided to continue to trade is a risk for it to decide. The GLA does not have a 'stop' power. It is also an issue for a labour user who is using an unlicensed supplier. The GLA will consider the impact on workers of any decision it makes in a Community Impact Assessment</p> <p>24/7/12 – RTC has concluded that activities or sectors which are low risk, including: apprenticeships, forestry, cleaning contractors, land agents and voluntary workers will be removed from scope of the GLA. This will require consultation and amendment to the Exclusion Regulations which is a Defra responsibility.</p> <p>18/10/12 – GLA has updated Investigations and Inspections webpage to explain approach when there has been voluntary disclosure of unlicensed activity. GLA to email working group that met in January to collate "grey areas" requiring clarification whether they are in or out of scope. This to inform forthcoming consultation on amendments to Regulations on removal of low risk sectors and activities identified in RTC.</p>
7/7/11	GLA to produce guidelines regarding release of information to retailers as part of Retailer/Supplier protocol and discuss with FPC/ALP	<p>19/4/12 – The draft Retailer/Supplier protocol was still under discussion and legal advice was being sought on release of information to labour users and retailers whilst an investigation was ongoing.</p> <p>12/7/12 – GLA still taking legal advice.</p> <p>18/10/12 – The matter of release of market sensitive/ confidential information to retailers as part of protocol is addressed in the GLA External Communications Policy (see below).</p>
19/4/12	GLA to consider ALP request to update the press release policy to cover general principles on confidentiality and releasing information to cover Press Releases, FOI requests, release of information as contained in the Suppliers and Supermarket Protocol and by Inspectors	<p>12/7/12 - GLA considering this request.</p> <p>18/10/12 – This has been addressed through the GLA External Communications Policy which was submitted to the GLA Board on 17/10/12 and whose comments are being incorporated. GLA confirmed they would name LU in press article where they had been complicit in negligence or conversely where they had contributed to control. In</p>

	during investigations.	response to an issue raised regarding press photography policy, GLA said that it would continue to proactively engage with press. GLA to consider if External Communications Policy is sufficiently explicit on press relations.
19/4/12	GLA confirmed that it will take further advice from VOSA on Hire or Reward insurance and when received issue a Brief to confirm its position on LS 6.4.	12/7/12 - GLA propose to issue this Brief in the next few weeks. 18/10/12 – GLA has issued Brief 21. Closed. ALP expressed concern that for some labour providers finding transport insurance is proving impossible.
19/4/12	GLA measurement and publishing of outcomes	12/7/12 - Further discussion at next meeting once GLA have developed their position on performance measurement and reporting. 18/10/12 – Position as above
19/4/12	GLA to review Brief 12 and if necessary update to include information on 'Pay day by pay day' tax relief models.	12/7/12 –GLA confirmed that it had taken a number of decisions to refuse and revoke licences. GLA will await the outcome of appeals before considering whether any amendment to Brief 12 may be required. 18/10/12 – Still awaiting appeal outcomes.
19/4/12	GLA to produce and issue Brief detailing its approach to enforcing compliance with AWR.	12/7/12 To be developed. 18/10/12 – GLA Brief 22 issued. Closed.
19/4/12	REC to approach its contacts in BIS to obtain an update on the review of workplace-rights, compliance and enforcement.	12/7/12 -Ben Farber confirmed that there would be no radical review. There would be a consultation on the Conduct Regulations. Closed
12/7/12	GLA to update Inspection Information Sheet to include how closing meetings will operate	18/10/12 – Done. GLA to issue a Brief on issue of summary of findings.
12/7/12	GLA confirmed that it would review the Low Pay Commission call for evidence before determining whether it would be appropriate for the Authority to make a submission.	18/10/12 – GLA took decision not to make a submission. Closed

4. Update on GLA Strategy – “Compliance vs Enforcement” allocation of resources; Beecroft Report – “Refocused role for GLA being pursued”. Impact on industry stakeholders.

MM advised that the GLA programme of work until end 2014 arising out of the Red Tape Challenge and the written ministerial statement had been submitted to the GLA Board. The GLA Board had considered the draft consultation on the removal of the general requirement for an application inspection and associated fee. The GLA are considering ways in which it could test the competence of the Principal Authority and the factors to take into account which demonstrate “earned recognition”.

5. “New Business” category – GLA approach and alternative options

The group debated whether there was any benefit in adding additional categories other than "New Business" for those labour providers that had held a GLA licence for a number of years yet had not traded in the sector.

On balance it was felt that this did not offer any tangible benefit to licensing or protection of workers.

6. GLA approach/action on impossibly low charge rates

Representatives of labour providers expressed their considerable concern at the impossibly low charge rates being demanded by many labour users as a consequence of the pressures on margins throughout the supply chain. A rise in the use of rebates was being required so that it was more difficult to detect that rates significantly lower than the charge rate guidance was being paid. This was manifesting itself in an inability to pay holiday pay (in some cases workers accepting this as a necessary consequence of having work) or use of tax relief schemes. There was increased pressure on labour providers to break the law just to stay in business.

GLA confirmed that low charge rates on their own were not sufficient to instigate action. There needed to be evidence of breaches of the licensing standards.

ACTIONS

ALP to write to retailers to express concern and request supermarkets to exert influence on supply chain.

GLA to consider the issue of an updated GLA Brief 8 on Indicative Charge Rates, with the current rates, if evidence of significant non-awareness is identified.

NFU/FPC to consider communicating with their members regarding risk of being complicit where impossibly low charge rates are paid.

Group to consider how BRC/ETI/Sedex audits can contain standard set of questions on charge rates.

7. Supply Chain Protocol

GLA confirmed that it was taking stock of the best way forward with the Suppliers and Supermarket Protocol. GLA wished to consider what should be the future purpose and content of the protocol and whether it should be widened to become a "Supply Chain Protocol".

ACTION – GLA to propose how it wishes to progress the protocol.

8. Next meeting: 18th January 2012, GLA, Nottingham.

MM is reviewing all aspects of governance of the GLA. At the next meeting she asked that the group consider and discuss whether the current format/timing/terms of reference is the most effective way of running the liaison group or whether this could be improved.

ACTION – Liaison Group to discuss future format/timing/terms of reference of the meeting.

The meeting was closed.