



Consultation on the GLA and Supermarket Protocol

May 2009

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Foreword

The Gangmasters Licensing Authority (GLA) mission is to “safeguard the welfare and interests of workers”. A recent study by the Universities of Liverpool and Sheffield¹ shows the GLA is continuing to make good progress in tackling exploitative labour providers. So far, approximately 1,200 licences have been issued, 57 applications refused and 88 licences revoked. As a result of this work thousands of workers in the UK have seen working conditions improve.

To support the Authority’s work, the GLA has explored ways to take advantage of the retailers and the food supply chains’ efforts to act in an ethical and socially responsible way. This consultation seeks views on a specific proposal to develop an agreement between the GLA and the retailers.

Over the past 12 months, the GLA has been developing an agreement with ASDA, Iceland, Marks and Spencer, Morrisons, Sainsbury’s, Tesco, the Co-operative and Waitrose setting out the principles for working together. The proposed draft Protocol is presented on page 4. The signed agreement between the GLA and the supermarkets will demonstrate the mutual determination to reduce exploitation. The purpose of this consultation is to allow all those affected by the initiative to contribute so that the agreement, once implemented, works fairly and effectively for all parties involved in the supply chain.

This consultation runs from 8 May until 31 July 2009.

¹ The research is available on the GLA website www.gla.gov.uk/index.asp?id=1013265

GLA and Supermarket Protocol

The draft protocol is split into eight parts:

- Introduction
- Sharing Information
- Working Together
- Supplier Visits
- Communications
- Action Following GLA Investigation
- Publicity
- Protocol Review

Comments are invited on all aspects of the protocol, including on how the agreement will directly or indirectly affect suppliers.

Introduction

1. This protocol establishes a common understanding of how the GLA and the retailers will work together. It provides a framework for the relationship between the GLA and retailers and details what the outcomes of this will be.
2. The GLA is required by law to carry out its functions and nothing in this agreement precludes any such action by the GLA.
3. There may be occasions when the GLA is not able to meet the terms of this protocol for operational reasons relating to the safety and protection of individuals. The GLA will advise the retailers if this occurs but reserves the right as a regulator to step outside this agreement if necessary.
4. There may be occasions when the retailer is not able to meet the terms of this protocol for operational reasons. The retailer will advise the GLA if this occurs but reserves the right to step outside this agreement if necessary.
5. The GLA agrees to keep all material of whatever nature disclosed by any retailer or supplier to it or which comes into its possession, confidential, subject to its obligations under the Freedom of Information Act 2000 or any other acts within UK law. Where requests are received that name specific retailers, the GLA will notify the retailer concerned.
6. This document refers to the GLA Licensing Standards. These are available on the GLA website: www.gla.gov.uk.

Sharing Information

7. Retailers have access to information that would be of assistance in identifying worker abuse. The GLA would welcome access to this and in return will provide information on the outcomes of operations. There should be a designated single point of contact (SPOC) within the GLA and each retailer for the exchange of information. It is expected that the individual who takes on this role will have sufficient seniority to be responsible for the exchange of information and an understanding of how sensitive information should be handled. In the GLA, this will be the responsibility of the Intelligence team using the intelligence@gla.gsi.gov.uk email address or 0845 602 5020. To avoid delays when the SPOC is not able to read emails, it would be helpful to have a generic email address for information to be sent to which can be accessed by other designated contacts.

It is agreed that the retailers will provide information to the GLA where it is believed breaches of the licensing standards have occurred.

8. Retailers will request their suppliers to notify the GLA of issues which they identify relating to labour providers. These issues should be notified to the GLA immediately by email, as these may indicate that a compliance inspection is required.

It is agreed that retailers will request that their suppliers make available to the GLA any information which may indicate that breaches of the licensing standards have occurred.

9. The GLA wishes to provide to retailers the same information as Labour Users who sign up for the active check. Therefore, the GLA will advise retailers when the following actions occur, if the GLA knows that the labour provider is providing workers to their supply chain:
 - Revocation with immediate effect,
 - Revocation without immediate effect when the decision date is met or any appeal is determined,
 - A labour provider has two entries on the register as this will potentially identify cases where a licence is being revoked, and
 - Use of an unlicensed labour provider (once a prosecution decision has been made).

It is agreed that the GLA will provide relevant data to retailers on known labour providers in their supply chain.

Working Together

10. The GLA will work alongside retailers. The GLA would like to meet regularly with retailers so that inspection findings can be disseminated to inform best practice.

Supplier Visits

11. The GLA and retailers believe that joint supplier visits will help to eradicate worker exploitation by labour providers within the supply chain.
12. The GLA will nominate senior operational staff to co-ordinate joint visits with retailers, and inform all retailers of the contact name and process for arranging and scheduling the joint visits.

It is agreed that the GLA and retailers will work together in order to assist suppliers in the management of the use of temporary labour. This may be achieved by joint GLA / retailer visits, telephone advice or education seminars. Retailers are invited to participate in two joint GLA / retailer visits per year but may decline any such invitation (in accordance with clause 4) if it is considered that this action may not be in its best interests.

13. Any joint visit will be conducted in a spirit of cooperation with the labour user (subject to those situations referred to in paragraphs 3 and 4). The retailer will notify the GLA of the location and the key reasons for the proposed joint visit. As retailers will not be aware of any detailed intelligence that may be held by the GLA they will nominate each one on an unprejudiced basis, and the GLA will then decide as to whether the joint action is appropriate and/or possible taking into account the available GLA resources. The purpose of the visits will be to enable the retailer to appreciate the work that the GLA do, and to check that the supplier is acting responsibly in managing the use of any temporary labour and to offer advice or guidance as required.
14. The purpose of the visit will be clearly communicated to the supply chain. If the GLA declines joint action, the reason, as far as possible, will be communicated to the retailer.
15. In addition retailers agree to provide support where the GLA is finding a labour user to be uncooperative with the GLA inspection process. This support could take the form of a phone call or a joint visit.

Communications

16. Retailers will encourage suppliers / labour users to register for the GLA's active check service.
17. The GLA will advise the retailers as to which of their suppliers have signed up to the active check service.
18. The GLA will maintain a list of labour users who have signed up for the active check.
19. Retailers will request their first tier suppliers to provide the information set out at annex 1 to the GLA directly on an annual basis. This sensitive information will not be disclosed to any other party without the express permission of the supplier or retailer but it will be used as the basis for the active check alerts so it is important that it is kept up-to-date. The GLA will inform individual retailers about which of their suppliers

have provided contact information to the GLA for whatever use they may wish to make of it.

It is agreed that the retailers will request their suppliers to provide the contact information requested by the GLA.

20. The GLA will run an event twice a year to provide details of the top ten inspection findings and the outcome of any joint inspections. These events will be publicised on the retailers' supplier facing websites.
21. Where appropriate, retailers will invite the GLA to attend their supplier conferences to provide information on inspection findings and steps suppliers can take to eradicate worker abuse.
22. The GLA will send copies of Licensing News to the retailer SPOC for dissemination to auditors as this provides information on licensing issues and legislative changes.

It is agreed that the GLA and retailers, individually and collectively, will communicate regularly.

Action Following GLA Investigation

23. The GLA expects the retailers to be seen to be taking decisive action following any operation which identifies worker abuse within their supply chain. The GLA would support this by highlighting this as a positive step in any press release or comment to the media.

It is agreed that where the GLA finds that a supplier in a retailer's supply chain is complicit in worker exploitation, the retailer will consider whether to take appropriate action which may include suspending or de-listing that supplier.

Publicity

24. The GLA communications strategy is to have a high media profile which will be achieved by issuing regular information to the press whenever it takes any action.
25. Retailers will provide the GLA with contact details for their media team and a named point of contact. Retailers can contact the GLA press office on:
 - 0115 900 8962 or 07825 797 130, or
 - communications@gla.gsi.gov.uk
26. The GLA will notify the retailers of the outcome of operations before information is released to the press, if it concerns their supply chain, up to 24 hours in advance depending on media interest.
27. The GLA will acknowledge collaborative work with suppliers and retailers in its press releases and media engagement.

28. The GLA will work with the retailer's media team when a joint press release can be issued. However, if a press release cannot be agreed then the GLA will still issue a release where it concerns an operation or revocation of a licence.
29. The GLA will provide copies of its press releases to the SPOC in advance of issue.
30. The GLA will advise the retailer's SPOC of any approaches for interviews if it considers that the retailer may wish to make a comment too.

Protocol Review

31. The purpose of the review is to ensure that the Protocol is a living, working process and is an actionable series of steps which reduce worker exploitation.

The retailers and the GLA will meet at least every six months to discuss progress, issues and exchange views and information.

The retailers and the GLA will review the Protocol every twelve months.

Annex 1

Information required from suppliers

Name

Address

Contact name:

Contact email:

Contact telephone number:

Nature of business (products supplied):

Which supermarkets do you supply to:

Name of labour providers and contact details

Numbers and nationalities of workers

How to Respond

The consultation began on **8 May** and will run until **31 July 2009**. The document can be found at www.gla.gov.uk. Please send your response to:

David Nix, Head of Policy and Communications
GLA, PO Box 8538, Nottingham, NG8 9AF
Telephone: 0115 900 8964
Email: consultation@gla.gsi.gov.uk

When responding please state whether you are replying as an individual, a business or as a representative body. A list of those consulted is available on the GLA website. Please contact us if you have any suggestions of others who ought, or who may wish to be consulted.

The information you send us may need to be passed to colleagues within the GLA and published in a summary of responses. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in your response.

Please make sure that if you want your name or response to be kept confidential, you state this clearly in your response. Confidential responses will be included in any summary of numbers of comments received and views expressed.

A summary of responses will be published following the consultation exercise on the GLA website. Paper copies will be available on request.

This consultation is conducted according to the Code of Practice on Consultation. The consultation criteria are:

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about who may be affected, what questions are being asked, and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

If you are not satisfied with how this consultation has been conducted, please contact Ray Dawson, Deputy Chief Executive, GLA, PO Box 8538, Nottingham, NG8 9AF.