

GLA 23/8.4

Conduct Regulations Consultation

17 June 2009

BOARD PAPER REFERENCE – GLA 23/8.4 – Conduct Regulations Consultation

Issue

1. To inform the Board of the BERR consultation on changes to the Conduct of Employment Agency and Employment Businesses Regulations and explain how it affects the GLA.

Recommendation

2. The Board is invited to note the update.

Background

3. BERR have consulted on changes to the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ("the Conduct regulations"). The consultation closed on 11 June (see annex A for a copy of the consultation).
4. Section 27 of the Gangmasters (Licensing) Act 2004 disapplies the Employment Agencies Act 1973 and the Conduct regulations. To ensure consistency across all sectors, the GLA replicates the provisions of the Conduct regulations in the Gangmasters (Licensing Conditions) Rules 2009 ("the Gangmasters Rules"). Therefore, the GLA will look to mirror the relevant changes resulting from the BERR consultation.
5. There are two proposed changes in the BERR consultation which will impact on the provisions in the Gangmasters Rules:

Suitability checks for permanent recruitment

6. Under the Conduct regulations (and the Gangmasters Rules), labour providers must check the suitability of the worker being supplied for permanent and temporary recruitment.
7. The BERR consultation proposes to ease the requirements on labour providers supplying permanent workers making these suitability checks on the basis the duplicated by the labour user. These changes seek to reduce the administrative burden on business.

Requirements to agree terms with workers and labour users

8. Labour providers supplying permanent workers are currently required to agree terms with the candidates before providing them to clients. The BERR consultation comments that many in the industry consider this requirement as not relevant/burdensome as labour users have the responsibility as well. The consultation sought views on possible changes to simplify or remove the need to agree terms in relation to permanent recruitment.

What happens now?

9. The GLA will publish its own consultation document over the Summer to seek views on replicating the BERR proposals in the Gangmasters Rules.
10. BERR intends introduce changes to the Conduct regulations by 6 April 2010. The GLA will look to amend the Gangmasters Rules at the same time.