



## Compliance update

September 2017

Licence holders: 1008

Ongoing applications: 27 (with a further 23 being processed and at various stages)

Ongoing compliance inspections: 49 (Including compliance, new business and change of Principal Authority)

### Common areas of non-compliance

Licensing Standard	Title	Non-compliance
2.2 Paying Wages	Travel Time	Payment between assignments is an issue under scrutiny and review by HMRC and at present there is confusion within certain sectors namely poultry
	Training Time	Evidence that this is not being paid by some LPs debate between LP/LU over who should be responsible
	Transport	NMW is now indicating that if no actual "loan" money exchanges hands when workers take up transport, then it is not compliant with NMW rules (token/ticket/"laminated money" systems)
	Umbrella Companies	Increase seen in the use of various schemes such as "micro employer" scheme. Recommendations are being made pointing

	AWO	Knowledge of the Agricultural Wages Order (AWO) required for workers in Scotland and Wales
2.3 – Benefits	Holiday pay	<p>This area still remains the most common in terms of alleged non-compliance with large amounts of holiday pay being alleged as unpaid to workers. Workers not being advised of the balance of days and hence are losing out at year end.</p> <p>Lack of understanding of their holiday entitlement. No details at all provided in some cases</p> <p>Workers doing 3 days on/3 off on 12 hr shifts which cover weekends being told holiday pay only calculated on Monday-Friday days worked</p>
2.4 - Payslips	Lack of	None or sporadic payslips being provided especially at the start of the contract
3.1 Mistreatment	Threats	Workers subjected to threats of sack if they did not stop complaining about problems
3.2 Bonded Labour	Passports	Passports being removed from workers on arrival at seasonal work contracts and held until the contract completion
3.3 Withholding wages	Various	Mainly associated with holiday pay but we have received allegations of disputes over hours worked and wages being held back

4.1 Accommodation	Quality  Landlords	<p>There have been a number of recent occurrences of poor or very poor quality accommodation housing workers. Often difficult to address directly with the LP as often the LP merely recruits for the end user who supplies the poor accommodation (GLAA working with LA EH Depts. and also the Fire service)</p> <p>Increase in reports that landlords rather than LPs are exploiting workers, some within the sectors we regulate. In worst cases MS offences are being reported and evidenced. (GLAA working with appropriate agencies)</p>
5.1 Rest Breaks	Shifts  Days Off	<p>Breaks between shifts</p> <p>Workers expected to be available for work even on scheduled/anticipated days off</p>
6.1 Risk	Risk Assessments	<p>PAs visiting sites prior to a contract and during but not checking or being aware of RAs that affect their workers</p>
6.2 – Instruction & Training	Training	<p>No specific training in place at LU sites. Workers not aware of H&amp;S issues or what they should follow on site etc.</p> <p>Consultants employed to carry out H&amp;S visits but no systems in place to record formally any findings and control actions.</p> <p>No formal training, passed on by other workers only</p>

6.3 – Safety at Work	<p>PPE</p> <p>Night Workers</p> <p>Accidents</p>	<p>Allegations of PPE charges being made or workers made to buy</p> <p>Absence of PPE in some cases land workers and higher risk areas (chilled)</p> <p>Deposits charged for basic PPE</p> <p>Health &amp; RAs</p> <p>PA's not familiar with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 and many weren't sure of when to refer an accident to the HSE.</p>
6.4 - Transport	Drivers	<p>Hours, Pay, Limits of Driving Hours, Insurance. More recently some vehicles seen transporting workers that were not safe or legal (GLAA working with Police) See also 2.2</p>
7.1 Fees & Services	<p>Optional fees</p> <p>Travel &amp; Translation</p>	<p>This is an area that we continue to address especially with overseas businesses as workers report having to pay for services that may appear to be work finding fees GLAA Brief 38 refers</p> <p>Large fees within these 2 areas being charged</p>
7.3 Contracts	Contracts	<p>Lack of knowledge regarding contents of contract</p> <p>Zero hour contracts (seasonal workers and outside of the GLAA sector)</p>

		Copies not being provided
8.1 Sub-Contracting	Non-Declaration	S/C arrangements are not being declared to LUs & therefore there is no active check in place

## Other issues reported or identified

- Car Washes – Complete lack of adherence to legislation and respect of workers' rights
- Concerns over shortages of labour following BREXIT. Families returning home already seen
- Workers not sure who they are working for
- Lack of control by LUs over provision of labour
- Increase in illegal trading discovered at Application Inspection stage
- False details being used for field workers –ex workers details being re-used to enable LP to pay cash in hand but appearing to have more workers than they do or to enable a 2<sup>nd</sup> LP to utilise the same workers at the same time.
- Businesses charging workers and making money from required security checks (DBS certificates)
- Compliance (GLAA) have now introduced a new survey monkey short questionnaire to capture feedback on LU visits made by GLAA inspectors. If as an LU you receive a visit in respect of any labour provided you will be sent a hyperlink to provide feedback
- LP's are encouraging workers with cars to give colleagues a lift to work (evidence of LP's paying an additional 50p per hour to driver). This scheme gets around supplying workers in more rural areas where limited public transport is available. However the LP does not check if the driver has a valid licence/insurance/MOT etc. and could be seen as facilitating travel without taking due diligence checks etc.