



Gangmasters &
Labour Abuse Authority

Supermarkets' and suppliers' protocol with the Gangmasters and Labour Abuse Authority

Best practice guide

September 2017

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Hear

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Engage

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Learn

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Prevent

The Gangmasters and Labour Abuse Authority (GLAA) is the foremost investigative agency for labour exploitation in the UK

Our mission is to prevent, detect and investigate worker exploitation across the whole economy, working in partnership to protect vulnerable and exploited workers.

We have powers under the Immigration Act 2016 to investigate all forms of labour abuse, including modern slavery offences. Our investigating officers can arrest suspects, seize evidence and conduct searches as part of investigations into alleged offences.

There are believed to be more than 40 million victims of modern slavery across the world – 25 million are in forced labour. The GLAA seeks to protect all workers, regardless of employment status and we are committed to helping eradicate labour exploitation in all its forms.

Labour user and supplier best practice

This guide explains how supermarkets and suppliers can work with the GLAA to prevent worker exploitation and labour abuse. It includes information on how to spot the signs of modern slavery and guidance on who can help. It is supported by the major food retailers and supplier representatives.

Further information can be found at the back of this guide and at www.gla.gov.uk.

Modern slavery and labour exploitation

The illegal practice of modern slavery still continues today in many forms in every country in the world. It covers the spectrum of labour exploitation from debt bondage, with individuals or entire families forced to work for nothing in agriculture, domestic work, or factories and sweatshops, to human trafficking and forced marriage.

According to the International Labour Organisation (ILO) around 25 million people around the world are in forced labour.

Someone is in slavery if they are:

- forced to work through mental or physical threat
- owned or controlled by an “employer”, usually through mental or physical abuse or the threat of abuse
- dehumanised, treated as a commodity or sold as property
- physically restrained or has restrictions placed upon his/her movement.

The following are all forms of slavery that exist today in many parts of the world including here in the UK:

- forced labour
- bonded labour
- human trafficking
- slavery within supply chains
- child slavery
- forced marriages

The Modern Slavery Act (the Act), the first of its kind in Europe, received Royal Assent on 26 March 2015. The Act consolidates slavery and trafficking offences and introduces tougher penalties and sentencing rules.

The Act ensures that law enforcement agencies such as the GLAA, the police and the National Crime Agency have the powers they need to pursue, disrupt and bring to justice those engaged in human trafficking, slavery, servitude and forced or compulsory labour. It also introduces measures to enhance the protection of victims of modern slavery.

In addition, any organisation operating in the UK with a total turnover of £36 million or more is required to produce an annual statement on the steps they are taking to prevent modern slavery in their supply chains.

Modern slavery: The signs

If you notice any of the signs below, it could be an indicator of modern slavery or labour exploitation.

Check our guidance and the GLAA film highlighting modern slavery, or call the GLAA helpline for more advice. Workers may be at risk if you do not take action quickly, but you should always seek advice rather than try to solve the problem yourself.



Workers' details

- Did the workers arrive together when recruited?
- Do they live at the same address?
- Are wages being paid into one bank account?



Appearance

- Does the worker show any signs of injury or malnourishment?
- Do they look unkempt, or are they wearing the same clothes all the time, or inappropriate clothing?
- Do they have injuries that appear old, untreated or that they cannot explain?



Behaviour

- Do they appear to be frightened, sad or anxious?
- Are they always accompanied by others?
- Are they unwilling to engage or talk to anyone of authority or normally have someone talking on their behalf?



Working conditions

- Does the worker work excessively long hours without days off?
- Do they tend not to interact with work colleagues?
- Do they have the right PPE for the task they are to perform?



Restricted freedom

- Do they always travel with others and never alone?
- Do they appear to be in a situation of dependence on others?
- Are they in possession of their own identification documents?

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Hear it	Engage with it	Learn from it	Prevent it
Heard something odd?	Seen something suspicious?	Make sure you are fully aware of what to look for	Be vigilant at all times
Observe your workers, get to know them	Engage with workers, talk to them often	Help and train others to be aware	Never ignore the signs
Watch them, especially when they arrive and leave work	Have you seen or heard anything that is giving you cause for concern	Make contact with those that can help and guide you such as the GLAA	Help others to be aware. Spread the word to colleagues and other businesses
Spend time in the canteen and other communal areas	Don't ignore what you have seen or heard	Attend training and seminars such as Stronger Together	Gain workers' trust, offer your help
Look out for unusual behaviours	Seek advice immediately	Sign up to alerts and use social media to keep up to date with news and any changes	Do not be afraid to seek help and guidance
Look out for individuals who may dominate and control	Engage safely, you may put workers at risk if you "intervene"	Never be complacent, it can happen anytime anywhere	Help the authorities to identify and deal with those responsible
Listen to comments and rumours about bullying, injuries, food theft etc.	Let others decide how serious the issue is	Make regular checks and record anything you see or hear however minor, it could be vital evidence	Share good practice and experience
Share and discuss concerns with others to see if they too have seen anything	Call the GLAA for advice and guidance, we will help you. If you feel that the matter is serious call the police	Never ignore the signs Your action will make a difference	Ignoring exploitation allows it to spread and others may suffer

GLAA requirements, licensing and labour provider auditing

This section explains how you can make your own checks to ensure you are meeting all your legal requirements and responsibilities. If you need further advice, guidance or have any concerns about your workers, please contact us.

By working together we can prevent worker exploitation and stamp out modern slavery.

High priority

Question: Is your labour provider licensed?

When striking a contract, do you deal only with the Principal Authority or other individuals named on the licence?

Who can help?

Go to www.gla.gov.uk and check the GLAA public register.

The public register displays entries alphabetically by business name. You can search for the name of the organisation or the trading name.

If a business is based in more than one place, you will only find the address for the head office. Branch addresses will only be listed if they are separately licensed.

Ask your labour provider for their licence number or Unique Reference Number (URN) as this will make it easier to check.

The public register shows the names of the Principal Authority and other persons authorised to act on behalf of the labour provider. Only those named on the licence are permitted to strike contracts for the supply of labour. In large organisations you may see only the job title.

Why? Legal requirement

Since 1 October 2006 all labour providers to the agriculture and food industries must be licensed under the Gangmasters (Licensing) Act 2004.

It is a criminal offence for a labour user to use an unlicensed labour provider. It is the responsibility of the labour user to ensure that they use licensed legal labour providers.

You should be aware of any other labour providers that your labour provider uses and ensure they have records of all sub-contracts. Check that all sub-contractor labour providers have a GLAA licence.

Question: Are you registered for active checks which will give you regular updates and notify you of changes in your labour provider's status?

If you register an interest in a labour provider through the active check process the GLAA will:

- have a record that you have made a check; and
- be able to inform you of any change to the status of this labour provider.

Who can help?

Go to www.gla.gov.uk and sign up for regular updates.

Ensure your contact details registered with the GLAA's active check service are fully up to date and that someone within your organisation can receive the message in your absence.

Why?

By registering your interest with the GLAA in one or more labour providers via the active check process, we will let you know if:

- they are inspected
- their licence is revoked
- they cease trading
- individuals named on the licence who are permitted to negotiate on behalf of the licence holder are changed.

If you have any doubts at any time as to whether the labour provider is licensed, you should contact the GLAA for confirmation on 0345 602 5020.

Making an active check on a labour provider will mean you have a record to show you have taken reasonable steps to use a licensed labour provider. It is a criminal offence to use a labour provider who does not have a GLAA licence.

The 'Reasonable Steps' guidance booklet has more information on how you can check your labour provider is licensed. Following the steps in the booklet and conducting an active check will protect you against prosecution should your labour provider be operating without a licence.

Question: Have you asked your labour provider for a list of all the workers' names who work on your site?

Who can help?

This should be listed on the timesheets which you authorise for payment.

Why? Legal requirement

You are responsible for all workers on your site.

Question: Do you have a clear Service Level Agreement (SLA) with your labour provider?

Does it contain:

- a minimum payment period for workers if they turn up to work and are no longer needed
- detailed charge rates
- payment agreement between the labour provider and labour user and confirmation that workers will be paid
- written agreement on responsibility for health and safety training
- notification of any subcontracting, if you allow it
- prompt notification by the labour provider of any change of their address.

Do you have a clear arrangement with your labour provider to ensure the health and safety of all workers?

Who can help?

See Annex A for suggested checks to make during an audit.

Why?

Licence holders must collaborate with labour users to ensure that responsibility for the identification and delivery of health and safety training or any induction training necessary to ensure safe working practices has been agreed and assigned.

Health and safety is the responsibility of both the labour user and labour provider.

Question: Do you conduct documented random checks of your labour providers' workers?

For example, checking wage slips, worker transport, etc.

Do you discuss their accommodation with them?

Who can help?

The GLAA can provide help and advice. Bear in mind that the labour provider has responsibilities under the Data Protection Act.

See also Annex B for other useful contacts.

Why?

Conducting regular checks will help you ensure that your labour provider is acting legally and responsibly towards their workers.

Document checks, formal interviews, informal conversations with workers or regular worker surgeries are good ways to find out about a worker's experience and if there are any issues.

A list of possible questions is included in Annex A, but please be aware that workers are likely to respond better to more informal conversations rather than formal interviews.

Labour users should be suspicious of rates that do not allow the labour provider to meet the following elements:

- Minimum unavoidable total wage costs required to meet basic legal requirements such as the minimum wage, National Insurance (NI), Statutory Sick Pay (SSP) and statutory holiday entitlement
- agricultural minimum wage (including overtime pay) where appropriate
- business overheads, transport costs, management costs and profit. Labour users should consider whether they are being offered a 'too good to be true' price for the provision of labour. If this is the case the GLAA would urge labour users to report the matter to them and not accept this offer.

Question: Have you asked your labour providers to notify you each and every time they have a visit or inspection from the GLAA and tell you about the outcome?

Who can help?

Register for the GLAA's active check service, which will inform you when your labour provider has been inspected.

You can then get in touch with the labour provider and find out the outcome of the inspection (the GLAA will write to the licence holder with the inspection's findings).

Why?

Not only will this help enhance your relationship with your labour provider if they are willing to share outcomes with you, it will also help you understand and deal quickly with any issues raised during the inspection.

The outcome of the inspection may be that the GLAA licence continues unchanged. This can mean that either no non-compliance was found, or if minor non-compliance was found, this was rectified during the inspection and no further action was taken.

Medium priority

Question: Do you conduct a regular audit of your labour provider?

Check:

- the correct amounts of wages, tax, NI and VAT are paid on time and that there are no improper deductions
- there is no debt bondage, harsh treatment or intimidation of workers
- workers' accommodation is of an acceptable standard
- working time regulations are complied with
- health and safety requirements, including training, are complied with
- workers' transport is safe
- proper recruitment and contractual arrangements are in place
- whether your labour provider sub-contracts.

Who can help?

Read the information in Annex A for checks you can make and sample questions to ask workers.

HM Revenue & Customs (HMRC) may well seek to recover input tax from a supplier whose labour provider has not paid tax and NI.

Why?

Labour users have an important role in making sure labour providers continue to act responsibly through their day-to-day contact.

Question: Are the workers on your site who work for labour providers aware of who to report problems to?

Encourage them to raise any issues with you or make sure they have contact details for the GLAA.

Who can help?

Provide the worker with contact details for the GLAA and/or pass the information on yourself directly to the GLAA by calling 0800 432 0804.

Why?

From time to time, you may hear of worker complaints ranging from not being paid by the labour provider for hours worked or questionable deductions, to the even more serious matters of threats and abuse. You may want to handle this yourself but in the event of threats and/or abuse you should immediately report your concerns to the GLAA. You

should also provide the worker with contact details for the GLAA and/or pass the information on yourself directly.

All information is handled in accordance with the National Intelligence Model which means the GLAA will acknowledge receipt of information but may not be able to provide you with any further details until any investigation is finalised.

The GLAA accepts some complaints may be misunderstandings and it would therefore not usually launch a full investigation without some evidence or other intelligence received in relation to a labour provider. If an investigation is launched, the GLAA will be happy to provide positive publicity to any supplier/labour user who has worked with us.

Annex A - Questions for labour provider worker interviews

Transport

How did the worker find the job with the labour provider?

Internet, friend, local advert

Did the worker pay any money to the labour provider for the job?

Who was this paid to, how much, what was included?

Did the worker travel from abroad to the UK for the job?

Who arranged the transport?

Did the worker pay for transport costs to the UK?

Who was this paid to, did they pay cash, was a receipt issued?

How did the worker travel to the UK?

Plane, minibus, car

How does the worker travel to work?

Is the transport provided by the labour provider?

If yes, was it optional?

Is the worker charged for transport?

How much does the worker pay for transport?

How does the worker pay for the transport?

Cash paid to driver, variable direct debit

Working conditions

Was the worker given a copy of the worker contract?

Did the worker understand the contents of the contract?

If English is not first language, was the contract translated into own language?

Did the worker understand what was expected of them?

Is the job they applied for the one they are employed to do?

How many hours a week does the worker work?

The worker may be working two jobs

What are the most hours the worker has worked in a week?

Did the worker sign a 48 hour opt out agreement?

Was this optional for the worker?

Has the worker been paid for holiday pay?

Is worker aware they are entitled to it and the number of days?

Finances

What hourly rate does the worker receive?

Should be at least National Minimum Wage or National Living Wage

Are there any deductions from the worker's wages, other than tax and National Insurance?

Such as transport, accommodation, insurance

Does the worker receive an itemised payslip?

How often and how do they receive it?

Does the worker get paid regularly?

Is this by cash, cheque, BACS, and how often - weekly, fortnightly, monthly?

Has the labour provider ever failed to pay the worker?

Accommodation

Where does the worker live?

Do a number of workers give the same address?

Is the accommodation provided by the labour provider?

Was this optional?

What type of accommodation is it?

Caravan, room in shared house

Did the worker pay a deposit for the accommodation?

When and how was this paid?

How much rent does the worker pay for the accommodation?

Does the rent paid include all bills?

If not, how much are they paying and what for?

Who does the worker pay the rent to?

How many people does the worker share with?

How many beds are provided?

Behaviour

Does the worker seem uncomfortable and are they willing to share any issues?

Do they glance at anybody when answering your questions?

Are they poorly dressed or do they seem malnourished or constantly tired?

Do all the workers you interview indicate they are happy and contented but do not seem so?

Annex B – Useful links

Government and other public bodies

Gangmasters and Labour Abuse Authority

www.gla.gov.uk

General enquiries 0345 602 5020

Report problems 0800 432 0804

GOV.UK

www.gov.uk

Telephone 0800 917 2368

Information from a wide range of government departments – guidance on pay, rest breaks, holiday entitlement, health and safety and redundancy.

Acas helpline

www.gov.uk/pay-and-work-rights

Telephone 0300 123 1100

Advice on the legal minimum wage, working hours and employment agencies. Free to call. If you would like to complain about your treatment you can fill in a [Pay and work rights complaint form](#)

Modern slavery helpline

www.modernslavery.co.uk

Telephone 0800 012 1700

Citizens Advice Bureaux – England and Wales

www.citizensadvice.org.uk

Telephone 0207 833 2181 for your local office number

Citizens Advice Bureaux – Scotland

www.cas.org.uk

Telephone 0131 550 1000 for your local office number

Citizens Advice Bureaux – Northern Ireland

www.citizensadvice.co.uk

Telephone 0289 023 1120 for your local office number

Northern Ireland Local Government Association

www.nilga.org
0289 024 9286

Industry

Association of Labour Providers

www.labourproviders.org.uk
01276 509 306

Recruitment and Employment Confederation

www.rec.uk.com
0207 463 3265

British Retail Consortium

www.brc.org.uk
0207 854 8900

Fresh Produce Consortium

www.freshproduce.org.uk
0173 323 7117

Food and Drink Federation

www.fdf.org.uk
0207 836 2460

Sea Fish Industry Authority

www.seafish.org
0131 558 3331

Shellfish Association of Great Britain

www.shellfish.org.uk
0207 283 8305

Trade Unions and other Organisations

Ethical Trading Initiative

www.ethicaltrade.org
0207 841 5180

National Farmers Union

www.nfuonline.com

0247 685 8500

National Farmers Union Scotland

www.nfus.org.uk

0131 472 4000

Trades Union Congress

www.tuc.org.uk

0207 636 4030

Unite the Union

www.unitetheunion.com

0207 611 2500

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