



Gangmasters &
Labour Abuse Authority

GLAA63/15 Stakeholder Engagement

23 January 2019

Board Paper Reference – GLAA63/15 - Stakeholder Engagement

1. Purpose of the Report

1.1 To update the board on the work of the liaison groups

2. Recommendation

2.1 The Board is invited to note:

- Annex A: Minutes of the Worker/NGO Liaison Group meeting held on 7 November 2018; and
- Annex B: Notes of the Labour User/Labour Provider Meeting held 22 November 2018

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Senior Responsible Officer: Darryl Dixon



Gangmasters & Labour Abuse Authority

Minutes

Title of meeting	11th meeting of Worker/NGO Liaison Group		
Date	7 November 2018	Time	11:00
Venue	2 Marsham Street		
Chair	Margaret Beels	Secretary	Margaret Beels
Attendees	<p>Margaret Beels (MB), Chair GLAA Darryl Dixon (DDi), GLAA Ian Waterfield (IW), GLAA David Dickens (DD), Fishermen's Mission Ake Achi (AA), Right to Work UK Ltd. Bridget Henderson (BH), Unite the Union Matthew Creagh (MC), TUC Nahir de la Silva (NS), Latin American Women's Rights Service Katarzyna Zagrodniczek (KZ), East European Advice Centre Meri Ahlberg (MA), Focus on Labour Exploitation Narmada Thiranagama (NT), Unison Nicola Simpson (NS), Home Office (present only for NRM presentation)</p>		
Apologies	<p>Linda Dickens (LD) GLAA Board Member Andrew Wallis (AW), Unseen Caroline Robinson (CR), Focus on Labour Exploitation David Gill (DG), USDAW Lidia Estevez-Picon, (LE), The Connection St Martins</p>		

1.	<p>Welcome and Introductions</p> <p>Margaret Beels welcomed attendees from the Worker/NGO Liaison Group. Attendees introduced themselves. Availability of presenters meant the running order of the Agenda was subject to change.</p>
2.	<p>Apologies</p> <p>Noted as above.</p>

3.	<p>Agenda Item 3: Minutes of the last meeting (16 August 2018) Approved subject to clarification of which DD had actions; clarification of wording of CR comment (last para p3), (MA to speak to CR) and change to para 3 in section 10 to record that NT had said that unions <u>were not allowed by law</u> to give advice on immigration matters.</p>
4	<p>Agenda item 4: Matters Arising</p> <p>The Matters Arising report was noted.</p> <p>(a) DDI gave an update on the Construction Protocol. BH suggested that unions might usefully be involved in the drafting of such protocols. DDi said that GLAA was keen to get a Union protocol in place (Action AP3) Finding a date that all union reps at the group could attend was proving difficult. ACTION POINT 11.1: Union attendees at this meeting to send Katie Taylor (GLAA KT) asap times and dates they are available in early December. KT to undertake Doodle poll and fix a date. DD to circulate original draft protocol seeking views from TU representatives</p> <p>(b) DDi said that he would pick up Action AP4 (RB to contact PH about spotting the signs of vulnerability and use of the GLAA spotting the signs guidance. AA flagged examples of HO processes create problems for individuals who had been sacked because they had been unable to satisfy their employer that they had the correct documentation (1. New passport not picking up indefinite leave to remain from previous passport. 2. Individual with temporary leave being unable to secure permanent leave because on maternity leave. 3 Relatives of EU national being asked to produce eligibility to work documentation). These issues often affected low paid workers who became destitute because they lost their jobs. It had been an issue since 28.2.08. ACTION POINT 11.2: DDi to speak to Tim Woodhouse in HO</p> <p>(c) NS asked for an update on AP15: Latin American women from Spain recruited for UK university cleaning roles on three-month contracts in poor conditions. IW will respond ACTION POINT 15a: Ongoing</p> <p>For Action Point 16 (BH had requested more information on the technical exclusions promoted by Ringlink), IW read out the advice he had received but agreed, given its complexity to circulate a note. ACTION POINT 16: Ongoing</p>

5.	<p>Agenda item 7: Pilot Seasonal Agricultural Workers Scheme for non-EU workers</p> <p>MB reported that GLAA had asked for a HO attendee for this item. HO had said they would have more they could say at the next meeting. MB added that as this would be the joint meeting with LP/LU Liaison group so might also be appropriate. MB thanked FLEX for providing their paper which raised very good questions.</p> <p>DDI reported that the Invitation to Tender (ITT) to run the pilot had been issued. Applicants had to demonstrate that they operated in accordance with GLAA Licensing Standards to the extent that if they subcontracted to overseas agents, they too would have to meet the standards. Given that GLAA did not have working relationships with labour inspectorates all round the world, this would take GLAA into new territory. He noted that domestic laws varied round the world on matters such as job finding fees. MA suggested that overseas agents should be obliged to have a UK office. DDi pointed out that this would require legislation as in the case in the Republic of Ireland. BH asked whether GLAA was to be given a larger budget. MA asked whether applicants who had GLAA licenses would be re-inspected before being appointed. In Scotland there were inspectors who enforced pay standards set by the Agricultural Wages Board (AWB). What would be the equivalent in England and Wales? DDi said that existing GLAA licence holders would not be re-inspected. GLAA policy was only to inspect where it had negative intel. GLAA did not require overseas Labour providers to have UK offices. Discussion about funding the extra GLAA activity was active with HO.</p>
5.	<p>AA raised wider issues in relation to workers reporting exploitation. GLAA could not be available 24/7. How could compliance be policed at all times? By the time an inspector arrived, the issue may have disappeared. Also, exploited workers may have a fear of authority but be more open, for example within their faith community. IW assured him that GLAA would take intel from any source. DDi added that worker interviews were part of the GLAA inspection process.</p> <p>BH noted that the pilot scheme had come about due to extensive lobbying by the food industry. But there were other sectors heavily dependent on migrant workers – hospitality, social care. What would happen there? Also, the growing season was longer than six months. MB clarified that individual worker’s stay would be limited to six months, but the scheme would operate all year round. DD raised his concern about how the scheme might impact on Ghanaian fisherman working in UK waters. In principle there was a list of legitimate agencies in Ghana but it was not published. Keeping track of Ghanaian workers was difficult and there was a risk that the scheme might drive workers underground.</p>

6.	<p>Agenda item 8: Director of Market Enforcement (DLME) Strategy</p> <p>DDi noted that we were in an overlap period. The Government had not yet responded to the 2018 DLME Strategy, while at the same time, DLME was calling for evidence for his 2019 Strategy. Despite there not being a Government response to the DLME Office (ODLME) recommendations yet, the GLAA had taken work forward to support an industry-led accreditation scheme on car washes. The GLAA was supportive of the industry sponsored Responsible Car Wash Scheme (RCWS), which had been launched at the House of Lords on 22 October. If an industry-led scheme improves compliance, there would be less need for a statutory scheme. It would also enable the GLAA to be more targeted regarding the problem car washes. DDi did not expect there would be any formal licensing pilot before Brexit. Plans addressing nail bar issues were less advanced.</p> <p>As regards online recruitment (para 5.5 of the Strategy and Action AP13 – whether the GLAA could take on the regulation of online Recruitment websites)).GLAA had been approached by Security Industry Authority (SIA) and by the Sports Ground Security Authority (SGSA) regarding the increase in online recruitment. This is not limited to the UK. However, the first ODLME strategy noted this issue, so GLAA will raise it again at the next strategic coordination group or other ODLME meeting.</p> <p>ACTION POINT 13.</p> <p>BH commented that although there appeared to be lots of intel on car washes, this did not mean that it was the worst sector. IW agreed. GLAA had received information about 178 car washes. Only 28 were worth following up and only eight were still open. That said, there were some bad cases of abuse in the car wash sector. For GLAA, based on its own risk assessment, priority sectors were: construction, warehousing, domestic servitude, hospitality and, still, agriculture.</p> <p>MC asked about enforcement of holiday pay, which had featured in the 2018 DLME strategy. MB noted that the issue had also been addressed by Matthew Taylor. IW said that enforcing holiday pay was a priority area for GLAA. DDi added that GLAA’s view is that unpaid holiday pay amounted to withheld wages and it should not be viewed solely as a Working Time Directive issue. On that basis, the withholding of holiday pay by agencies outside of the GLAA regulated sector, should be enforced by Employment Agency Standards Inspectorate (EASI). Broader enforcement by National Minimum Wage (NMW),as suggested by ODLME, would require a change to their regulations.</p>
7.	<p>Agenda item 9. Review of Licensing Standards</p> <p>New standards had published on 1 October. Not major changes but tidied up.</p>

8.

Agenda item 5 (a) CEO Report

MB reported that Roger Bannister, (Interim CEO), had left GLAA. The permanent CEO would start in January. His name could not be disclosed until he had completed security clearance. IW spoke about the paper that had been tabled. GLAA's perception that the problem in the construction industry was less the major sites run by multi-national companies – who were happy to sign up to the Construction Protocol - but more small renovation sites, especially in London and the South East.

BH referred to apps that encouraged individuals to report modern slavery, such as the Clewer Initiative? Was there a danger for GLAA in getting too close to individual faith groups? MB said that there was no exclusivity. GLAA worked with Santa Marta and would be happy to work with any faith group or any other group that can supply evidence. DD noted that some workers had greater confidence reporting issues within the faith group to which they belonged and whom they trusted. He added that many preferred to report verbally. Some of the contact they made with Border Force (BF) was informal and this could be helpful to victims. NS asked what the response to GLAA should look like. AA said it was hard to get information from workers in construction. IW said that GLAA might be able to influence the big companies to encourage reporting.

Agenda Item 5(b) Performance Reporting

IW said that some changes had been made to the pack, but he recognised that he had offered a pack tailored to the needs of this group. (There is a vacancy in the relevant Performance Analysis post at GLAA.). He will circulate a mock-up – without data – to get confirmation that it is along the right lines and then populate the pack.

ACTION POINT 11.3: IW to circulate a mock-up of new performance pack to group

IW noted that GLAA was missing its Proceeds of Crime target but there is a capacity issue at the moment.

The stats indicate less compliance activity than this time last year, but last year was the anomaly. GLAA had used compliance inspections as part of the training for the significant number of new recruits. All compliance breaches are actioned (the pack now shows those identified as possible breaches by Inspectors and then those taken into consideration by Licensing) – with 66 out of 156 resulting in formal licensing action. The growth in intel was marked – with three times the amount coming from the non-regulated sector compared with the regulated. But only 4% was from victims KZ said that in her experience, workers have never heard of GLAA. Many come from countries where there is a single labour inspectorate and they find the UK situation difficult to navigate. MB noted that the need for better signposting on the websites of government agencies dealing with employment issues was reflected in one of the recommendations in the 2018 DLME strategy.

IW noted the increase in the numbers of victim identified both in terms of entering the NRM and also covered by the Duty to Notify. Within the regulated sector the Romanian workers were the largest group, but the pattern was different in the non-regulated sectors. There were also different patterns regionally.

GLAA had identified £83k of unpaid holiday pay in Q1, but a further up to £500k was under investigation. There had been a 43% increase in the number of investigations undertaken by GLAA – 43% of which has modern slavery/human trafficking aspects.

	<p>GLAA had investigated two very serious cases in the last quarter. Both had involved reporting by NHS staff and one also included a neighbour. Having gone through three years with only one conviction, in the last year GLAA has secured seven convictions and 18 further cases are with Crown Prosecution Service (CPS). GLAA was also using its powers in relation to Labour Market Enforcement Undertakings and Order (LMEU/LMEOs). There was discussion about how to energise local authority staff to spot the signs in the way that NHS staff had been alerted to safeguarding. NT said that Unison members would be keen to help but they needed training. MC said that there is an online training module. IW said that a protocol with the textile industry was being put in place involving high street brands. We would share this with TU reps</p> <p>ACTION POINT 11.4 7: IW to circulate textile protocol to the group. DD asked if it was possible to get a national view on NRM and law enforcement activity in relation to labour exploitation</p> <p>ACTION POINT 11.5: IW to supply</p> <p>Agenda Item 7: HMICFRC Inspection of GLAA. This had taken place w/c 15 October. A report was expected in December.</p>
9.	<p>Agenda Item 6 – Review of NRM</p> <p>Nicola Simpson gave the attached presentation. Points made at the end. DD asked what plans does Her Majesty’s Government (HMG) have to address the cases of people who disappear from the system? Cases take years to come to court. Where the reason the worker ended up in the NRM system is still extant should there not be a system of presumption that leave to remain should be ongoing? AA spoke about three days being a very short period from the victim’s point of view to decide whether or not to go into NRM. DD agreed noting that individuals within NRM are not allowed to work. Workers had only come to the UK so that they could earn money to remit back home. NT expressed concern about the basis on which the 2020 Modern Slavery Victim Care Contract would be awarded. Caring for victims with complex needs would not be done by going for the lowest bid. NS said that the Quality vs Price issue had been discussed with potential suppliers at the industry day they had held recently. The ITT would set out the outcomes but in ways that allowed potential suppliers to be innovative. Concern was also expressed for the care of those who elect not to go into the NRM. Could better use be made of reparations money to support victims?</p> <p>ACTION POINT 11.6: NS to circulate information about how to apply to be on one of the newly to be created panels to review negative NRM decisions and also sign up details to receive NRM newsletter GLAA to circulate NRM presentation</p>
10.	<p>Agenda item 10. Worker Exploitation</p> <p>DD raised a question in relation to taxation. MB asked if he could write a note to explain the issue. ACTION POINT 11.7</p>
11.	<p>Agenda item 11. Future topics for discussion</p> <p>Communications and stakeholder engagement Pilot Seasonal Agricultural Workers Scheme for non-EU workers</p>

12.	Agenda item 13. AOB AA asked about his suggestion that a future meeting might be hosted by Right to Work in Birmingham? MB said that LD was happy with this suggestion in principle. It might be the June meeting next year.
13.	Agenda item 14. Date of next meeting: Joint meeting with LP/LU Liaison Group, 11.00 – 14.30 14 March 2019 in Nottingham.



Gangmasters & Labour Abuse Authority

Meeting Notes

Title of meeting	Labour Provider and Labour User Liaison Group Meeting
Date	22 November 2018
Time	11:00
Venue	GLAA, Nottingham

1. MB updated the meeting as regards the **appointment of Michael Rich** as CEO with effect from early January.
2. **CEO Quarterly Report** to include GLAA Strategic and Operational was provided by NR covering broadly the same ground as was presented to the Board meeting the day before.
3. **Performance and Insight Report** was tabled in its new format and well received
4. **Apparel and General Merchandise Public and Private Protocol** – DD reported that the textile protocol had been launched on 12 November and was receiving good support from retailers
5. **Compliance Update**, Neil Court's written report had been circulated. The group was informed that Neil was retiring and a new Head of Compliance was being appointed.
6. **GLAA update on Licensing Standards**, CW and NR gave an update on the new licensing standards which had gone live on 1 October. Printed copies available on request.
7. **GLAA/LU/LP/Worker/NGO Joint Liaison Group**, action schedule from workshops was discussed
8. Frank Hanson gave a presentation on the **pilot scheme being run at Boston FE college** to raise the awareness of students on relation to modern slavery and labour exploitation. This was welcomed by the group who felt that more work like this should be undertaken by GLAA.
9. An update was given on **HMICRFS Inspection**.

10. Estera Amesz updated the group on the investigations she had made as regards **Changes to Romanian contract law** and the interaction with UK law.
11. DD explained that GLAA was now being drawn into discussions with HO as regards **Brexit and EU Settlement Scheme**
12. CW had considered a request from the previous meeting to see whether GLAA could publish the **status of “consultants”** offering their services to GLAA licensees. She confirmed that as GLAA publishes information about refused and revoked license it was already possible to check the status of an individual
13. Members of the group were invited to suggest topics for discussion at the next **Joint Liaison Group meeting** and to comment on the format of the meeting. Topics already suggested were Stakeholder Engagement and Social impact Assessment of enforcement activity. There would also be a presentation from HO on the Pilot Seasonal Agricultural Workers scheme.
14. Date of next meeting: Joint LU/LP and Worker/NGO Liaison Group, 14 March 2019 11:00 – 14:30, GLAA Offices, Apex Court, Nottingham

M Beels
16.1.19