



Gangmasters &
Labour Abuse Authority

GLAA64/18 Stakeholder Engagement

1 May 2019

Board Paper Reference – GLAA64/18 - 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 Joint Worker/NGO and Labour User/Labour Provider Liaison Group meeting held on 14 March 2019.

Report Author: Jennifer Clarke

Senior Responsible Officer: Darryl Dixon

Draft Minutes

Title of meeting	Joint LU/LP Liaison and Worker/NGO Liaison Groups		
Date	14 March 2019	Time	11.00
Venue	GLAA, Nottingham		
Chair	Margaret Beels	Secretary	Charlotte Woodliffe
Attendees	LU/LP and Worker/NGO Ake Achi, Right2workuk Ltd Andrew Wallis, Unseen Bridget Henderson, Unite the Union David Camp, Association of Labour Providers David Thurley, Gi Group Diana Holland, Unite the Union Douglas Amesz, AG Recruitment Ester Amesz, AG Recruitment Graeme Sutton, Sutton Recruitment Huw Fearnall-Williams, Nottingham Trent University Ian Clark, Nottingham Trent University Jane Bladon, Staffline Jo Drinkell, Cordant People Joanne Young, Flex Consultancy John Devine, Response Recruitment Kasia Zagrodniczek, East European Advice Centre Lorna Bramwell, The Staffing Group Meri Ahlberg, Focus on Labour Exploitation Nahir de la Silva, Latin American Women's Rights Service Rick Fletcher, Freshtime Rochelle Adlam, Recruitment and Employment Confederation Sam Zubaidi, Concordia Sarah Boparan, Hops Labour Solutions Sharon McLoughlin, Resolve ASB Shayne Tyler, Fresca Group Tamara Hill, National Farmers Union Tom Easson, Ringlink (Scotland) Ltd		

GLAA

Angela Coleshill, GLAA Board Member
Charlotte Woodliffe, Head of Licensing
Colin Sheehan, Appeals Officer
Darryl Dixon, Director of Strategy
Frank Hanson, Policy Officer
Linda Dickens, GLAA Board Member
Margaret Beels, GLAA Chair
Martin Jones, Head of Compliance
Michael Rich, Chief Executive
Nicola Ray, Director of People and Licensing
Paul Coffey, Head of Communications and Engagement
Suzanne McCarthy, GLAA Board Member

Home Office

Fin Hamilton-Collard, Home Office
Thomas Houghton, Home Office

Apologies

LP/LU Liaison Group

Andy York, Tulip Ltd
Claire Cracknell, Red Recruit
Claire Houchin, BTF Partnership
Clare Morris, Workshop HR Solutions
Colin Hall, 50 Club
Daniel Sandhu, MRN Recruitment Ltd
David Sequist, First Call Contract Services
Gavin Drink, 2 Sisters Food Group
Hanjit Singh, Fusion Personnel
Jackie Newman, PD Hook Poultry
Jayne Hambling, Meridian Business Support
Jon Tugwell, Fyffes
Kathryn Britton, GS Fresh
Kat Mieszkowska, Mploy Staffing Solutions
Kevin McCormick, KHS Personnel
Lindsey Buckley, 2 Sisters Food Group
Mark Straw, Abbey Personnel
Michael Posnett, Unique Employment
Nick Berry, NRS Recruitment Group
Nigel Stabler, Prestige Recruitment
Richard Griffiths, British Poultry Council
Rosie Byrne, Stafforce
Sian Thomas, Fresh Produce Consortium
Siobhan Marsh, Pro-Force Ltd
Sue Hall, Winchester Growers
Sue Johns, Pioneer Foods
Tania Cummins, Acorn Group
Wendy Wolfe, Lincs FP

Apologies

Worker/NGO Liaison Group

Avril Sharp, Kalayaan
David Carrigan, Citizens Advice
David Dickens, Fishermen's Mission
David Gill, USDAW
Justin Bowden, GMB
Matthew Creagh, TUC
Lidia Estevez-Picon, The Connection of St Martin's

GLAA

Ian Waterfield

1.	Welcome and introductions Margaret Beels(MB) welcomed attendees from both the LU/LP and Worker/NGO Liaison Groups to this joint meeting.
2.1	Presentation 1 - policy update, Darryl Dixon Director of Strategy (DD) Emerging risks in the labour market DD said that there's not much that he could say regarding Brexit and lack of labour supply but that the visa scheme may provide a partial solution. If agencies want to go outside of the EU to find workers, then GLAA doesn't currently have the same links with labour inspectorates in those countries. Within the EU these are established, and we have a strong and quick exchange of information. DD said that in terms of emerging risks the GLAA has written its second strategic assessment. The key things to come from this are: 1/ It reinforces the first assessment that the most common modern slavery victim profile is Romanian men between the ages of 25 – 35 and the most common modern slavery exploiter profile is Romanian men between the ages of 35 and 45. However, whilst these remain most common, the number of victims has gone down. Polish and Lithuanian referrals have also reduced, this is possibly Brexit related. There has been a change in profile in that there has been an increase in indigenous British victims. But this is a slow change. The next risk profile will be released after Brexit which will be more indicative as to any longer term change. 2/ In terms of the National Referral Mechanism (NRM) some victims do not wish to be referred into the NRM, however the GLAA does have a duty to notify in relation to these victims. This is important to get a true picture of volume of forced/compulsory labour.

The Modern Slavery strategy is based on very old figures of between 10,000 and 13,000 victims, this figure predates 2015 and likely comes from 2013. GLAA thinks this is an underestimate.

3/ GLAA has seen an increase in referrals from the gig economy and bogus self-employment. In terms of car washes, workers are sometimes being classified as self-employed where they are not. Car washers using a trolley wash may be told that they are self-employed, but they are not. It's an exploitative practice.

Some of the information received about workers is limited which limits GLAA's ability to take action. In terms of car washes we have had 178 referrals, but only 28 investigations, 8 running and only one arrest by the GLAA.

Questions raised by the group in response to this:

David Camp (DC) said that they appreciated the update. In terms of car washes is there liaison with the NMW team and are they undertaking investigations?

DD – The GLAA continues to work with NMW but they have not undertaken their own investigations.

Diana Holland (DH) asked if formal licensing was being considered.

DD said not yet, legislation would be required which would arrive in 2021 at the earliest.

DH said that people sometimes don't want to go into the NRM because there is a big fear around the Home Office (HO) immigration link. Is the duty to report mechanism anonymised?

DD said that DH was right. Historically in licensed sectors normally workers were entitled to be in the country however outside of sector, such as car washes, workers either do not have or believe they do not have the right to work and have run away.

Director Labour Market Enforcement – update on approved DLME recommendations that involve the GLAA

DD said that the government's response to the first DLME's strategy was published in December. The GLAA is currently working with DLME's office on the second draft strategy (which has to be presented to ministers for approval by the end of March) and providing evidence for the DLME's annual report. Once the second strategy has been published the Department for Business, Energy and Industrial Strategy (BEIS) and the HO will provide a response. But this probably won't be a rapid process.

In terms of the recommendations for the GLAA from the first strategy:

	<p>1/ Licensing of car washes: the approach is not as per the DLME's recommendation but will build an evidence base which would be needed to support any extension of licensing to car washes.</p> <p>2/ Clarify the Labour Abuse Prevention Officer role: the HO are looking at this.</p> <p>3/ Working with the Insolvency Service: GLAA already does this.</p> <p>4/ More proactive enforcement: GLAA is intelligence-led.</p> <p>5/ Look at different forms of partnership working: GLAA is doing this. It has put in place protocols for construction and textiles and is working on the retailer protocol at the moment. GLAA's approach to car washes is another model of partnership working. The GLAA is trying to get other industries to start up initiatives e.g. electrical recycling and nail bars. The GLAA has done some mapping work on nail bars in Manchester. In the London Boroughs local authorities have the power to licence nail bars. Elsewhere only nail bars associated with either a tattoo parlour or acupuncturist can be regulated by the LA. The GLAA has very little intelligence from nail bars regarding exploitation.</p> <p>6/ Assessing the effectiveness of the bodies. The GLAA recently had its HMICFRS inspection that was very positive.</p> <p>7/ Holiday pay: GLAA already looks at this as part of the licensing standards and through tier 1 resolutions.</p> <p>8/ Intermediates: GLAA works with HMRC concerning intermediates.</p> <p>9/ The review of the Licensing Standards was undertaken in 2018.</p> <p>The GLAA is also going to undertake a review of fees examining what full cost recovery looks like. This will require legislation and will take time.</p> <p>Questions raised by the group in response to this:</p> <p>Shane Tyler (ST) asked whether the retail protocol will be open to consultation. DD said yes, he would expect so.</p> <p>ST had read the main report and asked what nail bar engagement was like as there were no industry bodies. DD agreed that there was not. It was an emerging area for the GLAA.</p>
2.2	<p>Presentation 2 - GLAA performance - DD</p> <p>DD gave a presentation on GLAA performance as Ian Waterfield was unable to attend the meeting. DD said if anyone had any further questions after the meeting then please send them in.</p> <p>Questions after the presentation:</p>

Sam Zubaidi (SZ) asked that if 14% of intelligence reported is actionable, how good is that in comparison to other organisations? DD said that it is what we would expect when compared with the police etc. Thomas Houghton from the HO (TH) said that this was in line with HO immigration enforcement referrals.

DH said that key performance indicator questions seem to be about victims rather than workers in general. How much confidence do workers have that they are being protected? Trade Unions represent millions of workers, so there is probably something that they could do. It needs to be all workers not just victims. DH said that an 83% reduction in Compliance New Business (CNB) inspections was a concern.

Martin Jones (MJ) said that CNB inspections have to be balanced against the number of other types of inspections to be undertaken. Cases are becoming more complex and time consuming and GLAA was reviewing this.

Ake Achi (AA) asked DD about how GLAA would work with TU's in an enforcement situation. DD noted that the GLAA would be happy to work with TU's e.g. in relation to "Prevent" but it would be inappropriate to use trade unions in enforcement situations.

AA then asked when people have not been paid, what is the mechanism for workers to engage with the GLAA. DD said workers could ring the GLAA hotline and that this would reach the GLAA more quickly than via ACAS or the Modern Slavery Helpline. Charlotte Woodliffe (CW) said that workers can also use the GLAA website where there is a contact form and other information about contacting GLAA.

AA asked how workers know about this. CW said through posters up at labour provider and labour users and through GLAA communications. MB added that the GLAA website had multi-lingual information. GLAA works with businesses and, with the trade union movement to seek to ensure the worker voice is heard.

AA asked what happens when people refuse to be referred into the NRM, what support do they get? DD said that the GLAA signposts workers to where they can get support wherever possible. MJ added that when he was a LAPO for the South West team on joint jobs they would sometimes work with Unseen who would be there in the background to speak to workers and offer them support if they didn't want to go into the NRM. Andrew Wallis from Unseen (AW) agreed that it works and that they work with potential victims as well as those who do not know what their rights are, although there are resourcing issues.

ST asked whether the 113 live cases (more than 50%) which were less than 3 months old was a spike or an efficiency. DD answered that the figures reflect GLAA's efforts to process cases more quickly.

ACTION 1 – everyone to review and reflect on the key performance questions and comment. Is the GLAA asking the right strategic questions? By 30 April

<p>2.3</p>	<p>Presentation 3 - Pilot season agricultural workers scheme for non-EEA migrants, <i>Thomas Houghton and Finn Hamilton-Collard HO</i></p> <p>TH gave a presentation on the new seasonal agricultural workers scheme which provided an overview of the scheme. A copy of the presentation has been circulated to attendees.</p> <p>Questions after the presentation:</p> <p>David Camp (DC) asked TH if he had the 50 questions he had sent to him on behalf of the ALP. TH replied that he had and that they would respond in due course.</p> <p>Meri Ahlberg (MA) asked what, in general, the tier 5 compliance officers looked at and specifically what did they look at in terms of workers' welfare. MA also asked how many compliance officers they had in comparison to the GLAA. TH replied that their compliance teams were reasonably large and based all over the country and could be moved around. More information was available in the sponsor guidance and request for information which are publicly available. TH said that he and his team were working with the GLAA.</p> <p>MA asked whether the non-zero hours contracts guaranteed workers hours and pay? TH said that they had covered this previously at a meeting with MA and that he could not break the commercial confidence of the two organisations contracted under the scheme.</p> <p>ST asked if the HO had worked with other government departments to ensure that workers would return home at the end of their visa. TH said that they had and that they would be working with others such as HMRC.</p> <p>DH said that transport has been used to exploit workers. Has the HO considered that? TH said that they have looked into this and that it would be checked.</p> <p>AA asked if a worker could change employer. TH said yes they could ask to be moved to another farm. AA then asked when the worker would get their contract. TH said on arrival. SZ added that Concordia was going to give workers their contract at the first point of contact in their country of origin. AA asked what support the workers would be given to understand their contract. TH said that this was also covered, and translations were required. TH said that they had taken this pilot very seriously. AA asked if TH would be open to suggestion about visits as workers may not speak to their officers but may speak to a NGO. TH said that it wasn't part of the system but that it was something they were open to.</p> <p>Angela Coleshill (AC) asked at what point in 2020 will it be evaluated and what was TH's view on extension? TH said the review would be in mid-2020, towards autumn, Brexit dependent. The decision to run the scheme had been quite contentious, but it was highly unlikely it would end overnight. This is a genuine pilot with no fixed conclusions.</p>
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<p>3</p>	<p>Three workshops were held on stakeholder engagement, the potential single enforcement body and how to drive compliance in non-regulated sectors. Feedback was given and will be comprised in a separate document.</p> <p>ACTION 2 from the feedback – all to read the consultation document when it comes out and respond.</p>
	<p>Closing comments</p> <p>MB said that GLAA will ensure that attendees are told when the consultation on the single enforcement body comes out. We have been told “spring”.</p> <p>In terms of stakeholder engagement MB asked Paul Coffey (PC) for his comments. PC said that the point he would take away would be to prioritise what GLAA is going to do and look at piloting activity in other sectors and accreditation. MB said that GLAA could be clearer with stakeholders about what it wants them to do and how to prioritise.</p>

Details of next meetings:

Worker/NGO Liaison Group: 11:00am, 4 June 2019 at Home Office, 2 Marsham Street, London

LU/LP Liaison Group: 11:00am, 20 June 2019 at GLAA Offices, Apex Court, City Link, Nottingham