



Ref: FOI 19-20 38	Date issued: 23 December 2019
Subject: Worker immigration status	
<p>Question(s) asked and answer(s):</p> <p>1. Does the GLAA enquire about workers' immigration status during workplace inspections? If this practice varies, please explain what the policy/guidance is for asking workers about their immigration status.</p> <p>2.If the GLAA becomes aware that a worker experiencing abuse does not hold a valid visa or leave to remain or is in breach of their work permit, will the GLAA support them to address the workplace issues they are experiencing prior to referring them to immigration enforcement?</p> <p>3.Does the GLAA have an internal policy or guidance that advises GLAA staff on what to do when they encounter migrant workers who do not hold a valid visa or leave to remain at the time of contact with the GLAA?</p> <p>a. If so, please provide a copy of this document.</p> <p>b. Please provide a copy of any guidance or policy formerly in use or superseded by those that are currently in place.</p> <p>4. Are Home Office Immigration Enforcement officers seconded to, or embedded in, the GLAA?</p> <p>GLAA response:</p> <p>1.The GLAA inspect businesses that are licensed and investigate those who operate without a licence or where there are allegations of worker exploitation. The Licensing standards set out the conditions that must be met to get a GLAA licence. Licensing Standard (LS) 3.2 Restricting a Worker's movement, debt bondage and retaining ID documents is a critical standard. Investigators will check to ensure that workers ID documents/papers are not withheld by the GLAA Licence holder, except where it is necessary to check a worker's entitlement to work in the UK, and only until the check is complete. Therefore, during the worker interview the worker, will be asked whether they possess their ID documents and the worker file held by the Licence holder will be checked. LS 7.2 Right to work requires the GLAA Licence holder to check that the worker has the correct entitlement to undertake work in the UK. The LS explains under 'Please Note' "A worker's visa restrictions must be complied with. In the event that it is discovered that a worker is not legally entitled to work in the UK, this standard will not be failed if the licence holder has established and retained a</p>	

statutory defence". S26 of the Gangmasters (Licensing) Act 2004, below, provides a definition of the meaning of worker

(1) In this Act "worker" means an individual who does work to which this Act applies.

(2) A person is not prevented from being a worker for the purposes of this Act by reason of the fact that he has no right to be, or to work, in the United Kingdom.

2 The GLAA has a single overarching aim: 'Working in partnership to protect vulnerable and exploited workers. Vulnerable and exploited workers should expect the support of the GLAA whenever they are encountered. Support can take many forms and the GLAA has a duty of care for the immediate welfare and support of a vulnerable or exploited worker. Each investigator is also a First Responder under the National Referral Mechanism, which is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support. If a worker identifies or discloses that they are subject to exploitative behaviours which may be due to the fact that they do not have the entitlement to work in the UK, GLAA investigators will follow the GLAA Victim Care Policy. This policy is exempt from disclosure under s31(1)(a) and s31(1)(g) by reference to s31(2) (a)&(c) of the Freedom of Information Act (FOIA).

3. The GLAA does not have an internal policy or guidance that advises GLAA staff on what to do when they encounter migrant workers who do not hold a valid visa or leave to remain at the time of contact with the GLAA. Information received by the GLAA suggesting illegal working will be referred to the relevant enforcement agency (e.g. HOIE). Where illegal working is identified during the course of investigative activity this will be subject of a report to HOIE (if they were not present at the time the illegal workers were identified). This is separate to any victim safeguarding considerations associated with the activity under investigation. The focus of the GLAA is on protecting vulnerable and exploited workers not immigration. However, as a public body we have a duty to report any activities that are of a criminal nature to the relevant authorities and each case will be considered on its own merits if it is right and appropriate to do so.

4. There are no Home Office Immigration Enforcement officers seconded to, or embedded in, the GLAA.