



GLAA Brief

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Relaxation of the requirements of licensing for packaging activities

This brief explains a new approach where the requirement to hold a licence may be relaxed for third party packaging activities.

Introduction

The scope of the GLAA licensing scheme is set out in the [Gangmasters \(Licensing\) Act 2004](#) (“the Act”), as modified by [The Gangmasters Licensing \(Exclusions\) Regulations 2013](#) and [The Gangmasters Licensing \(Exclusions\) Regulations \(Northern Ireland\) 2014](#)

The GLAA licences the processing and packaging of any produce derived from agricultural work or shellfish, fish or produce derived from shellfish or fish.

Processing work includes packaging of the food products. Although a licence is normally required, the GLAA is implementing a new approach that removes the need for a licence if a business meets the requirements set out below.

Supplying a worker or using a worker to provide a service

A licence will be required where a worker is being supplied in the United Kingdom to do work to which the Act applies.

A licence is also required when an individual or business uses a worker in the United Kingdom to provide a service to another person to do work covered by licensing.

Individuals or businesses also need a licence if they make arrangements for the work to be done. It does not matter if the worker works directly for the business, works for another person or is self-employed.

For further guidance please refer to the document [Guidance on who needs a licence](#) – see paragraphs 3.3 – 3.11.

Packaging

Packaging work may involve packing products by hand or by using machinery. All types of packaging materials are covered, including bottles, cans, bags, foil and paper. It does not matter if the worker does not actually directly handle the food product. Appendix 1 sets out activities which are considered to be part of 'packaging' work.

Exclusion

A person using a worker to provide a food and drink processing and packaging service is exempt where that person:

- employs the worker, and
- owns, hires or leases any equipment, tools or machinery used by the worker necessary to do the work, and
- owns or leases the premise where the work is carried out.

In order for this exemption to apply, **all** three of the above must apply.

This exclusion was designed to prevent situations where individuals/companies were involved in the supply of temporary workers but sought to step outside the legislation. Since the legislation was introduced business models in supply chains continue to evolve. The GLAA recognises this and considers that an alternative approach is required to reduce unnecessary business burdens in activities that are otherwise compliant.

New Approach

Where a business meets the exclusions in relation to packaging activities *except* that it uses temporary labour, the GLAA will relax the licensing requirement providing that:

- the business only sources its temporary labour from a GLAA licensed labour provider
- the business subscribes to the GLAA's active check service in respect of the labour provider(s) it uses
- where the business meets the threshold set in the "Transparency in Supply Chains" section of the Modern Slavery Act 2015 it publishes its transparency statement, and requires the same of its sub-contractors
- the business holds certification, which the GLAA will take into account as earned recognition, reducing the risk that the business is non-compliant e.g. BRC Global Standard for Food Safety
- the business advises the GLAA of its business model, and receives confirmation that a licence application will not be required under this approach, providing the other criteria above are met.

If you consider that the licensing requirements should be relaxed for your business then you should contact the licensing team and request a packaging activity questionnaire.

If you are unsure whether a licence is required please refer to the document [Guidance on who needs a licence](#), contact the GLAA helpline on 0345 602 5020 or email licensing@gla.gov.uk

Enforcement

It became illegal to operate without a licence on 1 October 2006. However, the GLAA takes a proportionate approach to enforcement where it identifies that unlicensed activity is occurring. Criminal investigation may also be required in relation to any person or company who uses workers or services supplied to them by an unlicensed business.

The GLAA will consider the following factors in determining whether a criminal investigation is appropriate, and whether prosecution, or a labour market enforcement undertaking is appropriate and is considered to be in the public interest:

- whether the application arose after an investigation had commenced
- **whether the work was an activity that required clarification, or had recently been clarified as work that requires a licence**
- whether there has been any labour exploitation
- whether the labour provider is compliant with the licensing standards.

The second bullet point above is particularly relevant to any information concerning unlicensed packaging activities which require a licence, where an exemption does not apply. GLAA enforcement activity against unlicensed gangmasters is targeted according to risk, with cases alleging worker exploitation representing the highest risks.

The GLAA will take a proportionate approach to labour providers engaged in packaging at this time unless there is evidence of exploitation of workers. This position reflects the recognised need to ensure that clear guidance of the requirement to hold a licence has been issued, with time to be considered, and action taken for businesses that require a licence to take steps to apply. This position regarding enforcement will apply for a period of 12 months. After 5/11/18 the GLAA may consider a more robust response is required for those businesses that should either have obtained a licence or have sought and obtained agreement to the licensing requirements being relaxed for their circumstances.

Further information

1. If you any questions about this Brief, please contact the GLAA helpline on 0345 602 5020 or email licensing@gla.gov.uk.
2. For the latest news and updates from the GLAA:



Twitter: [@UK_Glaa](#)



Facebook: www.facebook.com/TheGLAA

If you have received a hard copy of this Brief but would prefer electronic versions in the future, please email communications@gla.gov.uk

Appendix 1

Activities to be considered part of Packaging Work

- selecting suitable packaging
- operating packaging, canning, bottling and sealing machinery
- packing products by hand
- preserving perishable products
- packing items to prepare a product for sale
- quality checking
- weighing packaged products
- labelling packaged products
- breaking down pallets of food and drink into cases or part pallets
- putting already packed food items into other containers/ packets. This includes putting packets of crisps into boxes for onward distribution, confectionery into Christmas selection boxes or different products into gift packs/ hampers. It does not matter if the other containers also contain non-food items, or
- repackaging in a different location from where the product was previously packed is covered.

For further guidance on processing and packaging work please refer to the GLAA guidance by following this link: [Guidance on who needs a licence](#)