



Gangmasters &  
Labour Abuse Authority

# Equality Impact Assessment – Compliance Strategy

**December 2020**

## Equality Impact Assessment [EIA]

Demonstrating Compliance with the Public Sector Equality Duty (PSED)

### 1. Name and outline of policy proposal, guidance or operational activity

The GLAA operates a licensing scheme as set out in the Gangmasters (Licensing) Act 2004 to regulate the provision of workers for roles in the UK fresh produce sector - agriculture, horticulture, shellfish gathering and any associated processing and packaging. Any business supplying workers for roles in these sectors is required to have a GLAA licence. As part of the process for applying for a licence the business is required to provide information to show compliance with the GLAA licensing standards. This information is collected as part of the application process during an inspection conducted by a Compliance Investigator. The final decision to grant or refuse a licence rests with the GLAA licensing team. Once a licence has been granted, the business must renew their licence annually.

The GLAA may also conduct an inspection of a licensed business if information comes to light that indicates that they may be non-compliant with the GLAA's licensing standards. This could result in the licence being revoked or additional licence conditions being added to the licence. All licence decisions are appealable. It is therefore imperative that the compliance inspection activity is delivered in an efficient and timely fashion.

In this consultation, the GLAA is presenting a range of options for compliance activity which we believe could provide a more effective approach to licensing and provide the assurance that the GLAA's licensing scheme is credible and provides a level playing field for business. It also considers how productivity can be increased by identifying process improvements.

The GLAA has considered whether inspections related to applications for a licence should be delivered in a different way. The GLAA is proposing that applications can be verified without a physical inspection by checking compliance with the GLAA's Licensing Standards from the desk and using third party evidence.

The GLAA is proposing that physical inspection should only be used to assess whether a licensed business is compliant with the licensing standards. The consultation offers two options for triggering an inspection which are firstly linked to the annual renewal process or secondly a mixture of random and intelligence-led inspections.

The consultation also offers options for earned recognition which could be used to demonstrate compliance with the licensing standards and to determine who could be awarded a licence for a period longer than 12 months.

## 2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

The GLAA will take account of equality impacts as we develop any changes to compliance activity. The consultation process will seek to address some of the areas where the GLAA lacks evidence of potential impacts. Decisions on the consultation will take into account information deficiencies and reach the best judgement possible using what is available. This EIA is a living document and is being added to as part of the consultation process. A final version will be available on the GLAA website once the consultation process is complete.

The GLAA has approximately 1,000 licence-holders of which 55 are currently based outside of the UK (including the Republic of Ireland).

The GLAA is unable to provide data on the split of licence-holders by the protected characteristics as information is not collected on all these aspects. We do not collect information on sex, disability, sexual orientation, gender reassignment, marriage and civil partnerships, pregnancy and maternity and religion and belief. Personal information is collected as part of the application process to verify the identity of the person who has day-to-day responsibility for the business (the Principal Authority). Information is also collected on the Directors and those able to negotiate on behalf of the business. The only information that we collect about workers is which country they come from.

We are currently in the process of building a new licensing system and will consider how we can improve our understanding of the profile of our licensed sector.

We also publish data on the current intelligence picture on our website [www.gla.gov.uk](http://www.gla.gov.uk). In 2019 we identified that potential victims of exploitation in agriculture<sup>1</sup> were commonly of Romanian, Bulgarian or Lithuanian nationality, male, and of all ages. In food processing and packing<sup>2</sup> potential victims are often Romanian, male, and aged between 18 and 25 years old.

The GLAA also runs quarterly meetings with our key stakeholders: labour providers and labour users and workers and NGOs. These are used to provide a two-way flow of information, and to provide particular perspectives to inform the GLAA Board thereby assisting in the Board's oversight of the work of the GLAA.

The GLAA has also developed its website so that it meets accessibility standards and provides a browse aloud option so users can hear information in their own language. In 2019/20<sup>3</sup> there were 399,087 average monthly impressions (number of times content is displayed from the website).

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<sup>1</sup> <https://www.gla.gov.uk/media/5069/industry-profile-agriculture.pdf>

<sup>2</sup> <https://www.gla.gov.uk/media/5076/industry-profile-food-processing-packaging-and-production.pdf>

<sup>3</sup> <https://www.gla.gov.uk/media/5781/public-facing-glaa-2019-20-end-of-year-performance-report.pdf>

In relation to specific issues around compliance activity, the GLAA has received feedback from stakeholders (The Association of Labour Providers and the Director of Labour Market Exploitation). They raised concerns around the levels of compliance activity the GLAA is undertaking and the impact this has on the credibility of the licensing system.

As part of the work on building a proposal for change, the GLAA ran a series of workshops with key stakeholders including labour providers, labour users and trade associations in October to share initial thoughts and ideas. The feedback from these helped us to finalise our proposals. We have followed up with a session with auditors who operate within the sector. They gave advice on how they operate their audit process, plan their work and ideas for how we could improve our approach. We also had a meeting with retailers to give them an overview of the areas for consultation. Formal notes of these meetings were not kept.

The views of workshop participants were shared with the GLAA Board in a Board paper (GLAA 71/09).

Stakeholders were also made aware of the consultation at the Labour Provider/labour User meeting on 26 November 2020 and invited to respond once the consultation went live.

Consultation responses will be considered by end of the financial year.

### **3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.**

#### **Age**

Direct Discrimination – none identified as not a requirement of the proposals. The Licensing scheme does not differentiate on the grounds of age, so any change to compliance activity should not impact adversely on the grounds of age.

Indirect Discrimination – none identified as people with this characteristic will not be inadvertently affected.

#### **Disability**

Direct Discrimination – none identified. The Licensing scheme does not differentiate on the grounds of disability, so any change to compliance activity should not impact adversely on the grounds of disability. To support this the GLAA offers more accessible ways of accessing the GLAA's online systems if required, e.g. telephone applications can be made. The GLAA can communicate using online/virtual systems if appropriate and telephone. In exceptional circumstances, the GLAA will accept paper applications. Inspections can be conducted with the Principal Authority (person with day- to- day

responsibility for the business) supported by the additional business representative, if required. There is also a browse aloud function on the website.

Indirect Discrimination – The GLAA’s systems as set out above can be accessed in a variety of ways, if required, so an individual with this characteristic would be no more adversely affected than any other users who may have difficulties accessing online systems.

## Gender Reassignment

Direct Discrimination - None identified in relation to this characteristic as information is not collected about this.

Indirect Discrimination – None identified that would impact on people with this characteristic.

## Marriage and Civil Partnership

Direct Discrimination – None identified in relation to this characteristic as information is not collected about this.

Indirect Discrimination – None identified that would impact on people with this characteristic.

## Pregnancy and Maternity

Direct Discrimination – None identified in relation to this characteristic as information is not collected about this.

Indirect Discrimination – None identified that would impact on people with this characteristic.

## Race

Direct Discrimination – when assessing if there is the potential for discrimination in relation to race, we have looked at the definition given by the Equality and Human Rights Commission “...a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.” The GLAA has therefore explored the widest implications of this by considering issues such as language as this can be linked directly to nationality. The GLAA conducts all of its regulatory activity in English. For example, licence applications must be made in the English language so that the information can be verified easily. There is also an expectation that the applicant business can communicate to a reasonable level in English as they will be supplying workers to British businesses. An interpreter can be made available for inspection work, if preferred. Calls to the GLAA can also be translated.

Indirect Discrimination – Our approach may adversely affect businesses overseas who supply workers in to the UK as we conduct all of our communications in English in relation to licensing. As set out above, this is a requirement to ensure that all parties understand what is expected when supplying workers. However, it would be expensive to translate documentation received from non-English speakers and add additional time into the process. Therefore, the expectation is that they apply in English. None of our Compliance Investigators speak a different language.

### **Religion or Belief**

Direct Discrimination - . None identified in relation to this characteristic as information is not collected about this.

Indirect Discrimination – None identified in relation to this characteristic

### **Sex**

Direct Discrimination - None identified in relation to this characteristic as information is not collected about this

Indirect Discrimination – None identified in relation to this characteristic

### **Sexual Orientation**

Direct Discrimination – None identified in relation to this characteristic as information is not collected about this.

Indirect Discrimination – None identified in relation to this characteristic

## **3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.**

### **Age**

Age is not considered as part of the Licensing scheme when making decisions. We know that workers tend to be young males from the industry profile, but we have no influence over who is engaged by a labour user business. When an investigation is conducted workers are selected randomly if an interview is required to check if they are being exploited.

### **Disability**

The GLAA has sought to ensure that it's licensing scheme is accessible by different groups, but has not received any feedback to indicate that disabled individuals are being adversely affected. The GLAA can deliver its inspection activity virtually as demonstrated

by its current approach but also can work with a business to ensure it can collect evidence appropriately.

### **Gender Reassignment**

We do not collect evidence of this characteristic and so it is not used to make decisions. Any workers who are interviewed during an investigation are usually selected randomly.

### **Pregnancy and Maternity**

We do not collect evidence of this characteristic and so it is not used to make decisions. Any issues in relation to workers who may be discriminated against because they are pregnant or on maternity leave would be addressed as part of the inspection process. We would also ensure that if a licence-holder was pregnant or on maternity leave, that any request to postpone an inspection is considered appropriately.

### **Race**

The GLAA conducts its business in English, but applicants can use the website in a different language using the browse aloud function. Some of the GLAA's printed information is available in different languages to assist understanding. The GLAA will also make interpreters available at inspection. These will be available for workers as well as the business. We produce a range of leaflets in different languages to ensure workers understand their rights.

### **Religion or Belief**

We do not collect information on this characteristic and it is not used to make decisions. Inspection work could be scheduled to ensure that it does not impact on religious festivals.

### **Sex**

We do not collect information on this characteristic and it is not used to make decisions. Any interviews of workers are usually selected on a random basis. We know from industry profiles that workers in our regulated sector are predominantly male.

### **Sexual Orientation**

We do not collect information on this characteristic and it is not used to make decisions.

## **3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it**

### **Age**

Nothing identified to suggest this would be viewed as discriminatory.

### **Disability**

The adjustments made for people with a disability are unlikely to cause an issue as they are designed to facilitate the use of the GLAA's systems and would not affect decisions about compliance with the licensing standards. Therefore, disabled people are unlikely to receive more or less favourable treatment.

### **Gender Reassignment**

Nothing identified to suggest this would be viewed as discriminatory

### **Pregnancy and Maternity**

Nothing identified to suggest this would be viewed as discriminatory

### **Race**

The provision of an interpreter service for non-English speakers could be construed as providing advantage if the person interpreting "helps" the applicant or licence-holder. However, to guard against this the GLAA uses an appropriate government approved translation service.

### **Religion or Belief**

Nothing identified to suggest that anyone with a religious belief or other form of belief would consider this discriminatory.

### **Sex**

Nothing identified to suggest either gender would consider this discriminatory

### **Sexual Orientation**

Nothing identified to suggest this would be viewed as discriminatory



#### 4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
Age	None	No evidence to suggest an impact on this group	
Disability	None	No evidence to suggest an impact on this group	
Gender Reassignment	None	No evidence to suggest an impact on this group	
Marriage and Civil Partnership	None	No evidence to suggest an impact on this group	
Pregnancy and Maternity	None	No evidence to suggest an impact on this group	
Race	Negative impact	The GLAA conducts business in English and will only accept applications and written communications in English. However, interpreters are available for inspection work, if required.	Consider seeking feedback from the affected group through consultation and review to ensure not discriminated against.
Religion or Belief	None	No evidence to suggest an impact on this group	

<b>Sex</b>	None	No evidence to suggest an impact on this group	
<b>Sexual Orientation</b>	None	No evidence to suggest an impact on this group	

**Review date: March 2021 as part of review of consultation responses.**