



Gangmasters  
Licensing Authority

# GLA42/13 Review of the Licensing Standards

16 July 2014

# Board Paper Reference – GLA42/13 – Review of the Licensing Standards

## 1. Purpose of the Report

- 1.1. To inform the Board of the approach and timetable for reviewing the GLA Licensing Standards.

## 2. Recommendation

- 2.1. The GLA is invited to:

- Note the issues to be considered and timetable,
- Provide comments on what could be included in the consultation document by 26 September 2014.

## 3. Reasons for Recommendation

- 3.1. The GLA “Strategy for Protecting Vulnerable and Exploited Workers 2014-17” includes the following delivery plan target:

*By March 2015 to have reviewed the GLA Licensing Standards to ensure they best support the Authority’s strategic aim, priorities and outcomes.*

## 4. Summary of the Key Points

- 4.1. The Licensing Standards set out the requirements of having a GLA licence. They were last reviewed in 2011-12. This review will assess how well the Licensing Standards supports the GLA strategic aim of:

*“Working in partnership to protect vulnerable and exploited workers”*

- 4.2. The review will also consider how the Licensing Standards support the GLA’s priorities and outcomes. The Authority’s strategic aim is delivered through three priorities:

- Preventing worker exploitation
- Protecting vulnerable people
- Tackling unlicensed/ criminal activity and ensuring those licensed operate within the law

- 4.3. Success against these priorities is measured through six outcomes:

- Target, dismantle and disrupt serious and organised crime/ early identification of human trafficking.

- Provide effective, meaningful engagement with stakeholders thereby enhancing reputation.
- Work with industry to recognise and address non-compliance without formal GLA intervention.
- Tackle tax evasion, health and safety negligence, fraud, breaches of employment and other law/ regulations.
- Maintain credible licensing scheme creating level field and promoting growth.
- Identify and tackle forced/ bonded labour by licensed and unlicensed gangmasters.

4.4. The table below sets out the timetable for the review. With the transfer to Home Office and current development of the Home Secretary's wider modern slavery action plan, the GLA intends to continue to gather evidence before publishing a public consultation after discussion at the January Board meeting.

<b>Action</b>	<b>Date</b>
Board to submit comments	26 September 2014
Draft consultation presented to January Board meeting	January 2015 (date to be confirmed)
Consultation exercise	January – March 2015
Revised Licensing Standards presented to April 2015 meeting	April 2015 (date to be confirmed)
Election	May 2015 (the timetable below may be delayed due to appointment of Ministers)
Ministerial approval	June 2015
Necessary secondary legislation laid before Parliament	July 2015
Summer recess	July/August 2015
Revised Licensing Standards in force	1 October 2015

4.5. Issues to be considered as part of the review:

#### *New Forced Labour Standards*

4.6. The Licensing Standards broadly cover the ILO's indicators of forced labour. The ILO's indicators<sup>1</sup> are listed below along with the relevant Licensing Standard:

<b>ILO Indicator</b>	<b>Relevant Licensing Standard</b>
Abuse of vulnerability	Not expressly covered
Deception	Not expressly covered
Restriction of movement	Licensing Standard 3.2

<sup>1</sup> International Labour Office, *Indicators of Forced Labour*, 2012

Isolation	Not expressly covered
Physical and sexual violence	Licensing Standard 3.1
Intimidation and threats	Licensing Standard 3.1
Retention of identity documents	Licensing Standard 3.2
Withholding of wages	Licensing Standard 3.3
Debt bondage	Licensing Standard 3.2
Abusive working and living conditions	Not expressly covered
Excessive overtime	Not expressly covered (although Licensing Standard 5.2 concerns working hours)

4.7. New Standards could be created to address the gaps in the current Licensing Standards, for example:

- A licence holder must not abuse a worker’s vulnerability.
- A licence holder must not deceive a worker about the nature of the work, pay or living conditions.
- A licence holder must not subject a worker to isolation.
- A licence holder must not subject a worker to abusive working, living conditions or excessive overtime.

4.8. Any such Standard would be classed as Critical to reflect the seriousness of the issues.

*Replicating the requirements of the Conduct regulations*

4.9. The Gangmasters (Licensing) Act 2004 disapplies the Employment Agencies Act 1973 (“1973 Act”) and its associated secondary legislation for the GLA licensed sectors. The Gangmasters (Licensing Authority) Regulations 2005 requires the Authority to include provisions of the 1973 Act in its licence conditions. The 2009 Rules reintroduces the relevant requirements of the Conduct of Employment Agencies and Employment Business Regulations. These requirements are presented in the Licensing Standards.

4.10. The Government is in the process of reviewing the Conduct Regulations. That review is subject to a separate consultation process and Impact Assessment.

4.11. The 2009 Rules and Licensing Standards will be amended as appropriate to reflect any changes to Conduct Regulations.

**5. Financial Implications and Budget Provision**

5.1. There are no financial implications.

**6. Organisational Risks**

6.1. None.

## **7. Policy Implications and Links to Strategic Priorities**

- 7.1. Reviewing the Standards is a delivery plan target in the “Strategy for Protecting Vulnerable and Exploited Workers 2014-17”.

## **8. Details of Consultation**

- 8.1. The review of the Licensing Standards will be subject to public consultation.

## **9. Background Papers and Relevant Published Documents**

- 9.1. Relevant documents:

- Strategy for Protecting Vulnerable and Exploited Workers 2014-17

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