

GLA 37/10.2

Minutes of GLA Board Liaison Groups

17 April 2013

BOARD PAPER REFERENCE – GLA 37/10.2 – Minutes of GLA Board Liaison Groups

Issue

1. To update the Board on the work of the GLA Board Liaison Groups.

Recommendation

2. The Board is invited to note the minutes of the Labour User/Labour Provider meeting.

Background

3. The Labour Provider/Labour User group met on 18 January, 2013. Draft minutes of the meeting are attached at Annex A.

Annex A**GLA Labour Provider and Labour User Liaison Group Meeting****18 January - Nottingham****MINUTES****ATTENDEES**

GLA Representatives: Margaret McKinlay (Chair), Darryl Dixon, David Nix, Paul Broadbent.

Labour Provider Representatives: David Camp (ALP), Ben Farber (REC), Kevin McCormick (KHS Personnel Ltd), Matthew Pearl (Red Rock Partnership), Terry Waite (Vital Recruitment).

Labour User Representatives: Shayne Tyler (Manor Fresh), Fergus Morgan (2SFG), James Potter (NFU)

Apologies: Chris Gorton (Heads), Marshall Evans (Staffline), Terry Godfrey (Gangmasters Alliance), Colin Hall (50 Club), Doug Mitchell (Forestry), Nigel Jenney (FPC), Claire Joyce (Langmead Farms), Wendy Woolfe (Lincs FP), Hayley Campbell-Gibbon (NFU), Sarah Brooksbank (Industrious), Jon Tugwell (Fyffes), Rafiq Chohan (Goldteam), David Segust (First Call Contract Services); Jayne Garner, Tracey Clark (Vion), Joanne Young (GI), Harjit Padda (Fusion Personnel), Julie Giles (ExtraPersonnel), Tony Boorman (Stafforce), Sian Thomas (FPC), Jane Fielden (OSR Recruitment Services Ltd) Tom Easson (Ringlink Scotland), Sharon Cross (NFU/G's), Sue Hall (Winchester Growers).

MINUTES

1. Declarations of interest - None
2. Minutes of last meeting - No adjustments to previous minutes were requested.
3. Outstanding Actions

Meeting	Action	Comment
7/7/11	GLA to review media policy and stakeholder communication and to consider whether short and frequent releases should be made to the GLA Brief distribution list.	19/4/12 - MM accepted that GLA was not where it would like to be on Communications and would take personal ownership of this. DC reiterated that the focus should be on providing ongoing stakeholder communication. 12/7/12 – As yet no change to GLA media and stakeholder communication policy. GLA has made case to Defra for new Press & Communications Officer. 18/7/12 – As yet no change to GLA media and stakeholder communication policy. GLA Communications & Media Officer role approved. Recruitment commenced. 18/1/13 - GLA Communication & Media Officer appointed. GLA CEO to consider GLA media and communication policy as part of strategy review.
7/7/11	GLA to work with industry representatives and trade	19/4/12 - Initial meeting with working group took place on 19 January. The scope of the

	<p>associations to explain its scope across "grey areas". N.B. To include GLA position on voluntary disclosure of unlicensed activity</p>	<p>GLA would be one of the areas considered under the RTC. Following the RTC outcome further work would be needed to clarify the scope and to draft amended Exclusion Regulations.</p> <p>GLA will take a proportionate view when there is voluntary disclosure of unlicensed activity. When, in the view of the GLA there was a genuine and reasonable unawareness of the need to be licensed and there was no worker exploitation or tax evasion then it may not result in prosecution, and may be classed as "voluntary disclosure". The law says it is illegal to supply labour without a licence so whether the business decided to continue to trade is a risk for it to decide. The GLA does not have a 'stop' power. It is also an issue for a labour user who is using an unlicensed supplier. The GLA will consider the impact on workers of any decision it makes in a Community Impact Assessment</p> <p>24/7/12 – RTC has concluded that activities or sectors which are low risk, including: apprenticeships, forestry, cleaning contractors, land agents and voluntary workers will be removed from scope of the GLA. This will require consultation and amendment to the Exclusion Regulations which is a Defra responsibility.</p> <p>18/10/12 – GLA has updated Investigations and Inspections webpage to explain approach when there has been voluntary disclosure of unlicensed activity. GLA to email working group that met in January to collate "grey areas" requiring clarification whether they are in or out of scope. This to inform forthcoming consultation on amendments to Regulations on removal of low risk sectors and activities identified in RTC.</p> <p>18/1/13 – GLA action from 18/10 now not to take place before Defra consultation. Defra to shortly issue consultation on removal from scope of "low risk" activities and amendments to the Exclusion Regulations. ALP requested GLA to provide a full definition of "supplies a worker" as contained in Reg 4 (2) as part of process to clarify scope.</p>
7/7/11	<p>GLA to produce guidelines regarding release of information to retailers as part of Retailer/Supplier protocol and discuss with FPC/ALP</p>	<p>19/4/12 – The draft Retailer/Supplier protocol was still under discussion and legal advice was being sought on release of information to labour users and retailers whilst an investigation was ongoing.</p> <p>12/7/12 – GLA still taking legal advice.</p>

	18/10/13 - GLA to propose how it wishes to progress the supply chain protocol	18/10/12 – The matter of release of market sensitive/ confidential information to retailers as part of protocol is addressed in the GLA External Communications Policy (see below). 18/1/13 – GLA to produce revised Supply Chain Protocol and review with stakeholders.
19/4/12	GLA to consider ALP request to update the press release policy to cover general principles on confidentiality and releasing information to cover Press Releases, FOI requests, release of information as contained in the Suppliers and Supermarket Protocol and by Inspectors during investigations.	12/7/12 - GLA considering this request. 18/10/12 – This has been addressed through the GLA External Communications Policy which was submitted to the GLA Board on 17/10/12 and whose comments are being incorporated. GLA confirmed they would name LU in press article where they had been complicit in negligence or conversely where they had contributed to control. In response to an issue raised regarding press photography policy, GLA said that it would continue to proactively engage with press. GLA to consider if External Communications Policy is sufficiently explicit on press relations. 18/1/13 – GLA stated that the External Communications Policy was a work in progress and would be reviewed by the CEO. ALP confirmed that it would submit comments on the policy for the GLA to consider.
19/4/12	GLA measurement and publishing of outcomes	12/7/12 - Further discussion at next meeting once GLA have developed their position on performance measurement and reporting. 18/10/12 – Position as above 18/1/13 – GLA CEO to consider as part of strategy review.
19/4/12	GLA to review Brief 12 and if necessary update to include information on 'Pay day by pay day' tax relief models.	12/7/12 –GLA confirmed that it had taken a number of decisions to refuse and revoke licences. GLA will await the outcome of appeals before considering whether any amendment to Brief 12 may be required. 18/10/12 – Still awaiting appeal outcomes. 18/1/13 – GLA do not consider that any amendments are required to Brief 12 at this point. CLOSED
12/7/12	GLA to update Inspection Information Sheet to include how closing meetings will operate	18/10/12 – Done. GLA to issue a Brief on issue of summary of findings. 18/1/13 – GLA Brief on issue of summary of findings outstanding.
18/10/12	ALP to write to retailers to express concern and request supermarkets to exert influence on supply chain. GLA to consider issuing a Brief on Charge Rates NFU/FPC to consider	18/1/13 ALP has written to all retailers. ALP is in discussion with Sedex for auditors to include questions on charge rates. GLA has not yet updated its Brief on Charge Rates. ALP requests that GLA issues revised

	communicating with their members regarding risk of being complicit where impossibly low charge rates are paid. Group to consider how BRC/ETI/Sedex audits can contain standard set of questions on charge rates.	Brief each time NMW changes. NFU/FPC have not communicated with their members
18/10/12	Liaison Group to discuss future format / timing / terms of reference of the meeting	18/1/13 – Meetings will continue as currently planned. GLA CEO to consider as part of strategy review.

4. Request for a GLA Brief on the Active Check process – Including which letters are sent in which circumstance and when; actions that might be taken by labour users on receipt.

ACTION

GLA agreed that this would be worthwhile. DN to prepare a draft Brief.

5. Request for GLA to provide a full definition of “supplies a worker” as contained in Reg 4 (2) as part of process to clarify scope.

ALP stated that the GLA has produced two documents that seek to interpret what supplying a worker means. There are types of involvement in the supply chain such as job boards, CV forwarding, consultancy services, neutral vendors etc. where it is not always clear whether such organisations would be considered as supplying a worker.

This matter will be addressed in the forthcoming Defra consultation on scope of licensing.

6. Request for a collaborative project with stakeholders to develop a best practice project for dealing with cases of “hidden worker exploitation” such as control/extortion of workers by third parties. To build upon the Uncovering Hidden Migrant Worker Maltreatment toolkit.

ALP advised that human trafficking for labour exploitation was a significantly growing crime in the UK with 20% of this occurring within the food and agricultural sectors. ALP advised that it would be working with a number of partners to build a range of tools for labour providers and users and to update guidance within the Uncovering Hidden Migrant Worker Maltreatment toolkit.

Shayne Tyler, Manor Fresh and Fergus Morgan, 2SFG confirmed their willingness to continue their involvement in this project.

ACTION

GLA to consider how it could be involved once CEO has had opportunity to review strategy and priorities.

7. GLA to provide an update on its statement, “The GLA is actively reviewing any information regarding companies that operate models which grant tax and National Insurance “relief” each pay day: “pay-day by pay-day models”. We are also aware of other models, involving allegedly offshore companies, which may have a UK presence and therefore be in breach of tax and NI regulations, and consequently may also be considered non-compliant. The GLA is working with

HMRC to help inform the Government's review of the use of offshore intermediaries used in the labour market announced at Autumn Statement"

GLA confirmed that this statement effectively summed up their activity with regard to this matter.

8. Next meetings: 18th April; 18th July; 17th October 2013

The meeting was closed.