



Gangmasters
Licensing Authority

Supplier/Retailer Protocol

October 2013

Introduction

The Gangmasters Licensing Authority (GLA) regulates the activities of **gangmasters** in the farming, food processing and shellfish gathering sectors across the whole of England, Scotland, Wales and Northern Ireland.

- For the purposes of the Gangmasters (Licensing) Act 2004 (the Act) a **gangmaster** 'is a person who supplies a worker to do work covered by the Act; or who uses a worker to do work covered by the Act in the course of providing a service, or makes arrangements for that worker to do the work'.

Hence, as the Act relates to **gangmasters** or **labour providers**, this Protocol does not seek to duplicate or replicate pre-existing arrangements with this stakeholder, rather that this document seeks to establish a voluntary information sharing agreement or 'Protocol' as to how the GLA will work with suppliers, retailers and other organisations not specifically covered by the Act with the overarching aim to protect vulnerable and exploited workers.

- The Protocol applies equally to all produce covered by the GLA, namely agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.
- A **supply chain** is comprised of all the businesses and individual contributors involved in creating a product, from raw materials to finished merchandise.
- The term "**supplier**" includes any business which supplies products to retailers in the UK. Such businesses are often referred to as "**labour users**", if they use labour supplied by **labour providers** as part of their production process.

It would always be good practice to share accurate information in a timely and secure manner wherever it is necessary, legitimate, proportionate, relevant and justified to do so. Information and intelligence sharing should be regarded very much as a two-way process, from and to the GLA and stakeholder, and the development of a 'rich picture' should be a collective aspiration.

The GLA is required by law to carry out its functions and nothing in this agreement precludes any such action that may be required.

This Protocol should be read alongside the Good Practice Guide for Labour Users and Suppliers which can be found on the GLA website www.gla.defra.gov.uk.

The GLA will work in partnership to protect vulnerable and exploited workers.

Terms of the Protocol

1. Sharing Information

- 1.1. Retailers and their suppliers hold and have access to information that may be of assistance in identifying breaches of the GLA's licensing standards. This Protocol is predicated on the expectation that this information may be shared with the GLA in order that there is a joint approach to maintaining an ethical supply chain where workers are protected against exploitation. The default position will be that the GLA will commit to exchanging relevant supply chain information where it is practicable and appropriate to do so – see Appendix 2.
- 1.2. There should be a designated point of contact (SPOC) within each retailer and supplier for the exchange of information with the GLA's single point of contact. It is expected that the individual or individuals who take on this role will have sufficient seniority to be responsible for the exchange of information and an understanding of how sensitive information should be handled. In the GLA, the SPOC is the intelligence section. Management of issues relating to the operation of the Protocol are the responsibility of the GLA Director of Strategy using the protocol@gla.gsi.gov.uk email address or 0845 602 5020. To avoid delays when the industry SPOC is not able to read emails, each signatory should have a generic email address for information to be sent to which can be accessed by other designated contacts.
- 1.3. Any information received by any stakeholder should be handled sensitively and appropriately and must not be released externally without prior consultation with the original sender.
- 1.4. Where significant issues¹ are identified suppliers and, where appropriate, their customers agree to notify the GLA immediately by email or phone. Identified problems may indicate that urgent action is required to protect workers from exploitation or abuse.
- 1.5. Whenever practicable the GLA will share the findings of any enforcement action or investigation within the supply chain. All parties in receipt of confidential information shared this way will maintain it as strictly confidential. Information will only be shared externally where there is considered to be a significant risk to both workers and/or to the supply chain. In these cases the supplier and/or retailer and the GLA will meet or liaise to consider any required action. In all other appropriate cases the GLA and the supply chain will agree to work together to resolve any identified issues involving labour providers.
- 1.6. The GLA will not pass on or share such information with any stakeholder unless it is considered necessary, legitimate, proportionate, relevant and justified to do so. Any intelligence or information received by the GLA will be assessed, graded any subject to investigation prior to any decision being taken over stakeholder engagement.

¹ "Significant" is defined as a GLA Critical Standard Non Compliance and/or connected criminality e.g. Trafficking/Forced Labour etc.

It is agreed that all parties will, where possible, share information that will help stop or prevent the exploitation or abuse of workers.

All information will be treated sensitively and appropriately and will not be disseminated without prior reference to the original sender.

It is agreed that suppliers and retailers will encourage their respective suppliers to make available to the GLA any information which may indicate that significant breaches of the GLA Licensing Standards have occurred.

1.7. Suppliers and their customers recognise that they are able to sign up for the active check. This alerts subscribers to:

- revocation with immediate effect
- revocation without immediate effect coming into force
- when a licence holder has been inspected by the GLA

Signing up to the active check is a means of reducing risk in the event of problems with a labour provider. The GLA will acknowledge efforts made by suppliers and will seek to work with all involved where appropriate to resolve ongoing issues.

1.8. Liaison between suppliers and retailers on non-compliance issues is encouraged and where suppliers identify issues within labour provision that can be rectified, they are encouraged, where appropriate, to take action accordingly and to accurately record those issues identified and any corrective action taken. Care should be taken however if criminal offences or significant issues are suspected, as workers may be put at risk and suppliers are advised to immediately seek advice in these cases via the GLA who will assist, advise or take action as proportionate and necessary in the individual circumstances.

1.9. Need for contact between suppliers and retailers will be determined by the seriousness of the issue identified, together with retailer requirements and guidance on reporting such issues and, if necessary, the supplier should contact the GLA SPOC for advice.

It is agreed that the GLA will provide appropriate advice to suppliers and retailers in such cases.

The GLA recognises and respects the contractual relationships between retailers, suppliers and labour providers and looks to the contracting parties to ensure that their arrangements promote adherence to employment law such that GLA enforcement and contractual enforcement are in step.

2. Working Together

- 2.1. The GLA will always seek to work in partnership with suppliers and retailers. The GLA would like to meet regularly with suppliers at all levels and retailers so that inspection findings, lessons learned, positive initiatives etc. can be disseminated to inform best practice. This information could, if considered mutually beneficial, also be published on the GLA website.
- 2.2. The GLA will actively work with suppliers at all levels to produce and continually review best practice guidance in order to help prevent exploitation within supply chains.
- 2.3. The GLA will provide contact details for officers who will act as liaison points for suppliers, who may then seek advice and guidance on any issues. Suppliers and their customers are encouraged to develop contact with the GLA and the creation of business change and development advisors will only enhance this positive relationship.
- 2.4. The GLA will provide and circulate to suppliers and retailers any material that is developed to assist with preventing worker exploitation and abuse.
- 2.5. Suppliers are encouraged to display material and contact details for the GLA to assist workers who may experience exploitation and abuse, and/or be victim to those committing more serious offences.
- 2.6. The GLA will work with supply chain ethical auditors in order to encourage a consistent approach to those audits in the identification and prevention of GLA Licensing Standards non-compliances.

3. Communications

- 3.1. Suppliers and retailers will request their respective suppliers to register for the GLA's Active Check Service and to ensure they have appropriate arrangements in place to receive alerts.
- 3.2. The GLA will maintain a list of those who have signed up for the active check.
- 3.3. Suppliers who use other businesses as part of their overall supply to customers are encouraged to make themselves aware of all labour supply within those businesses and to ensure that all use of such labour is licensed, e.g. by using the active check. Issues, where suspected significant or critical breaches of licensing standards within lower tier suppliers are identified, should be immediately reported to the GLA.
- 3.4. Particular issues or concerns identified by or reported to the GLA in relation to named suppliers and associated licensed labour providers will, where appropriate, and in the first instance, be communicated to the labour user (supplier), who should fully co-operate with the GLA in its investigation.

- 3.5. In cases where the GLA does not receive co-operation from a supplier who has been approached in connection with a GLA investigation into a labour provider, the GLA may, where appropriate, approach the retailer for advice and/or assistance. Where necessary suppliers will subsequently update retailers. Should this not happen the GLA may, where appropriate, update retailers directly.
- 3.6. The GLA will periodically issue information to all stakeholders in the form of a GLA alert. This will include newsletters, GLA briefs and will also include those businesses that are no longer active within the sectors regulated by the GLA (shown on the GLA Public Register as “Ceased Trading”).
- 3.7. The GLA, as a regulator, reserves the right, for operational reasons, to step outside of this communication agreement with all stakeholders, but will, where possible, work with suppliers, retailers and labour providers in order to reduce risk, ensure compliance and prevent exploitation.
- 3.8. Where appropriate, retailers and suppliers should invite the GLA to attend their conferences/meetings to provide information on inspection findings and steps suppliers can take to eradicate worker abuse.

All parties agree to work together to raise awareness within the supply chain to help to prevent and protect workers from exploitation or abuse.

4. Action Following GLA Investigation or Operation

- 4.1. The GLA encourages all suppliers and retailers to take decisive action following any operation or investigation which identifies significant worker abuse within their supply chain. The GLA will always respond promptly to requests for advice.
- 4.2. Where GLA action identifies issues which relate to labour providers and/or suppliers, the GLA will, where possible, liaise with all parties in order to achieve a common solution and reduce risk to workers (see Appendix 2).
- 4.3. Where a GLA operation **identifies** abuse of workers in a retailer’s supply chain, the GLA will, where possible, and subject to any ongoing appeal or criminal proceedings, **inform** all relevant parties of the findings. Ideally this should be in the form of a full debrief to take place at the Supplier’s site, and should be attended by all parties and will include a senior member of the GLA management team (refer to Appendix 2).
- 4.4. If, following an approach to a supplier, the matter cannot be resolved satisfactorily and the GLA considers it has no other alternative, the retailer(s) will be contacted. Where possible retailers will be expected to support the GLA and mediate between all parties involved. Each case will, where appropriate, be fully discussed and a corrective action plan with timescales drawn up to the agreement of all stakeholders.

- 4.5. All parties involved are requested to inform the GLA of what steps are to be taken in order to correct or eradicate the identified worker exploitation.

All parties agree to take the necessary steps to ensure that exploitation of workers identified by a GLA operation is eliminated.

5. Publicity

- 5.1 The GLA will not pass on or share information with the media unless there is clear evidence following an investigation and therefore a case to protect workers. Prior to sharing information with the media, the GLA will discuss any proposed plan of action with relevant stakeholders.
- 5.2 Suppliers and their customers should provide the GLA with contact details for their media team and SPOC. Retailers and suppliers can contact the GLA press office on either 0115 959 7069 or by email at communications@gla.gsi.gov.uk.
- 5.2 Where appropriate, the GLA will acknowledge collaborative work with suppliers and retailers in its press releases and media engagement.
- 5.3 The GLA will work with the retailers' and suppliers' media teams on issuing joint press releases. If no agreement can be reached over a joint press release the GLA reserves the right to issue a release following revocation of a licence in line with GLA policy. If this is to contain reference to any retailers or suppliers, the GLA agree to notify those prior to the information being passed to the press.
- 5.4 The GLA will advise the supplier or retail SPOC of any approach made for interview or comment.
- 5.5 The GLA will issue an information alert to all stakeholders following the outcome of any GLA related prosecution.

All parties agree to work together in order to promote the benefits and achievements of the Protocol through media engagement at the appropriate times.

6 Protocol Review

- 6.1 The purpose of the review is to ensure that the Protocol is a living, working process and is an actionable series of steps which reduce worker exploitation.

All parties agree to communicate on a regular basis in the interests of an effective Protocol agreement.

What We Have Agreed

It is agreed that all parties will, where possible, share information that will help stop or prevent the exploitation or abuse of workers.

All information will be treated sensitively and appropriately and will not be disseminated without prior reference to the original sender.

It is agreed that suppliers and retailers will encourage their respective suppliers to make available to the GLA any information which may indicate that significant breaches of the GLA Licensing Standards have occurred.

It is agreed that the GLA will provide appropriate advice to suppliers and retailers in such cases.

The GLA recognises and respects the contractual relationships between retailers, suppliers and labour providers and looks to the contracting parties to ensure that their arrangements promote adherence to employment law such that GLA enforcement and contractual enforcement are in step.

All parties agree to work together to raise awareness within the supply chain to help to prevent and protect workers from exploitation or abuse.

All parties agree to take the necessary steps to ensure that exploitation of workers identified by a GLA operation is eliminated.

All parties agree to work together in order to promote the benefits and achievements of the Protocol through media engagement at the appropriate times.

All parties agree to communicate on a regular basis in the interests of an effective Protocol agreement.

Appendix 1

Strategy for Protecting Vulnerable and Exploited Workers 2013-16



Appendix 2

The Working Protocol – Engaging Suppliers and Retailers

1. The process of engaging with a Supplier or Retailer can, and will, only be adopted if it is considered relevant to do so by the GLA (i.e. lower level allegations) and where there is no suspicion of collusion between the parties concerned.
2. Suppliers are encouraged to advise Retail customers at the earliest possible stage of any issues in relation to the supply of labour and would be expected to do so in most cases of identified critical non-compliance, under the guidance of the GLA Protocol.
3. Where safety of workers is considered a risk, the GLA will decide which statutory or voluntary agencies are best placed to assist with the protection of workers to minimise exploitation.
4. There may be occasions where, for operational reasons, the GLA will step outside of this agreement, for example where the approach is one involving multiple enforcement agencies, the investigation is of a criminal nature or immediate physical risk to workers is apparent.
5. The GLA will, where possible, engage with relevant stakeholders. This will allow all parties to consider what action needs to be taken to correct any ongoing problems within agreed timescales.
6. In serious cases involving significant issues where workers are at risk the GLA will (where appropriate) work with Suppliers and, if necessary, Retailers to urgently correct the situation whilst ensuring that workers remain safe from any harm. In these cases the identification of critical non-compliances will signify the seriousness of the case and that immediate action is required and also that a revocation of the licence with immediate effect is a possibility. In all such cases the LU/GLA agrees to notify Retailers at the earliest opportunity.
7. If serious allegations are made but the Labour Provider has not been named but the Supplier has, the GLA may, where, and if appropriate, seek assistance from Retailers. In certain cases it may be appropriate to engage with Primary Suppliers.
8. Whereas the GLA will, where possible and appropriate, make every effort to facilitate open dialogue between Suppliers, Retailers and Labour Providers in order to resolve issues, any decision to retain or terminate contracts will be solely between the parties concerned. The GLA cannot be held responsible for the cancellation of contracts if allegations are found to be supported by non-compliance or criminal offence evidence.
9. The GLA agree to respect the commercial relationship and/or constraints between Suppliers, Retailers and Labour Providers within its investigations and will, where at all possible, engage with stakeholders when this conflicts with GLA requirements.

Appendix 3

Retailer/Supplier Protocol Decision Model



Appendix 3 -
Retailers and Supplier