

# GLA 32/10.2

## Minutes of GLA Board Liaison Groups

18 January 2012

**BOARD PAPER REFERENCE – GLA 32/10.2– 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 Liaison Group and the Forestry Pilot Steering Group along with comments from the Worker Representatives Liaison Group.

Background

3. The Labour Provider/Labour User Liaison Group met on 18 December 2011. Draft minutes of the meeting are attached at Annex A.
4. The Forestry Pilot Steering Group met on 05 October 2011. Draft minutes of the meeting are attached at Annex B.
5. The Worker Representatives Liaison Group met on 08 December 2011. There were no minutes taken at this meeting, the focus of which was to raise awareness of the GLA's approach with attending union members and to discuss the development of the union equivalent of this protocol.

Hannah Reed TUC, has suggested keeping a national working group to achieve some continuity of representation and discussions. However, there may also be a place for one off regional events.

**Annex A MINUTES OF THE LABOUR PROVIDER/ LABOUR USER LIASION GROUP**

**GLA Labour Provider and Labour User Liaison Group Meeting**

**1 December 2011 - Nottingham**

**MINUTES**

**ATTENDEES**

**GLA Representatives:** Margaret McKinlay (Chair), Nicola Ray, Darryl Dixon.

**Labour Provider Representatives:** David Camp (ALP), Terry Godfrey (Gangmasters Alliance), Chris Gorton (Heads), Ben Farber (REC), Andy Mason (Interaction). Joanne Young (GI).

**Labour User Representatives:** Tom Easson (Ringlink Scotland), James Potter (NFU), Jon Tugwell (Fyffes), Shayne Tyler (Manor Fresh), Sharon Cross (NFU/G's), Sian Thomas (FPC), Fergus Morgan (2SFG).

**Apologies:** Mark Boleat (ALP), Marshall Evans (Staffline), Colin Hall (50 Club), Doug Mitchell (Forestry), Tina Rutter (Emmetts UK), Sarah Edwards (Emmetts UK), Nigel

Jenney (FPC), Claire Joyce (Langmead Farms), Wendy Woolfe (Lincs FP), Hayley Campbell-Gibbon (NFU), Sue John (Produce World), Sarah Brooksbank (Industrious).

## MINUTES

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

Meeting	Action	Comment
7/7/11	GLA to publish briefs on Employing and Supplying Romanian and Bulgarian nationals; How Licensing applies to businesses based outside the UK.	1/12/11 - GLA is awaiting clarification from HMRC on 'double taxation' issue. GLA will review and publish before Christmas if don't receive any response.
7/7/11	GLA to finalise and issue Employment Status brief which states the GLA position on agricultural workers on contracts for services.	1/12/11 - GLA had sought legal advice, and was reviewing position with regard to a statement received from BIS regarding employment tribunals. Original position will be reviewed as the preferred position, aiming to publish before end of December 2011.
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.	1/12/11 - A communications budget has been included to cover media activities for the forthcoming year. David Camp commented that the focus should be on improving stakeholder communications, including advance notification of any public/media statements.
7/7/11	GLA to work with industry representatives and trade associations to explain its scope across "grey areas".	1/12/11 - GLA to set up a meeting in January 2012.
7/7/11	GLA to produce guidelines regarding release of information to retailers as part of Retailer/Supplier protocol and discuss with FPC/ALP	1/12/11 – GLA had not received much feedback and would circulate the draft updated Protocol again.
7/7/11	TG to provide contact in Lincolnshire Police to MB. MB/ALP to continue to raise this issue with Low Pay Commission and to relevant government departments.	1/12/11 – DD asked TG to provide his questions which he would pass on to his contact to see if this would help progress the matter.

4. Lack of engagement/action by GLA regarding Liaison Group meeting

Both Labour Users and Labour Providers agreed that a new relationship was needed.

MM commented that there was a need for the GLA to prioritise its agenda for change and that there were resource implications. She said that the GLA Board was too large to work as a conventional Board running the GLA, however, given that it did represent a wide range of stakeholder interests, she wanted to see how to make best use of it.

Some of the papers presented were very detailed. She felt that more preparation and input could come from other sub-groups to the Board. Changes had already been made to the timing of the Audit Risk Committee meetings to facilitate this and to reflect the financial cycle of the GLA.

MM also commented on the series of reviews the GLA had undergone during its time as a legislative body and stressed that the GLA should look for areas where it is clear "harm is being done".

The need to engage fully with stakeholders was a clear direction MM wishes the GLA to pursue.

NFU asked for reintroduction of separate meetings to be held for Labour Users and Labour Providers. ST reiterated the FPC position which was that Labour Users had wanted a separate group. ALP did not see the benefit of this as there was a need for both groups to be integrated and consult on the same matters to reach a consensus opinion.

ST commented that previously the group had received GLA operational update briefings and asked for these to be reintroduced.

## 5. ALP Survey Results

DC issued a summary of the findings of the ALP members' survey on the GLA (attached).

DC summarised the finding as follows: 71% said that they were in favour of licensing (79% in 2008), 61% said the GLA had improved conditions for workers (60% in 2008), and 69% said the GLA had reduced fraud/illegal activity (60% in 2008). A significant change was the drop from 69% to 49% of those that felt the GLA was doing a good job.

DC also issued a draft set of 20 areas that the GLA should address to better target non-compliant operators and reduce burdens on the compliant businesses. These were due to be discussed at the ALP Executive Meeting and ALP would address these with GLA separately.

## 6. GLA position on voluntary disclosure of unlicensed activity

DC commented that currently within GLA processes, a business that realises that it is caught by the Gangmasters Licensing Act and voluntarily discloses this is required to stop trading and faces criminal sanction. This particularly applies to businesses in the 'grey areas' where the scope of the GLA licensing regime is not clear for example, a company that supplies food processing equipment cleaners. DC stated that the consequence of this was that many such organisations did not want to come forward.

ST commented that concern had been expressed by Labour Users that signing up for active checks put them 'on check' by the GLA and that this was hampering effective voluntary disclosure of information. Action by the GLA to revoke a licence without prior notification to the Labour User could lead to workers being put in a worse position, for example, without pay and accommodation. Labour Users wanted to assist workers to find an alternative Labour Provider and to maintain employment with the Labour User. DD stated that it undertook a 'community impact assessment' to consider the

implications of their actions on the workers. It was commented that there was a limit to the extent to which the GLA could provide advance notification during the revocation.

DD stated that the GLA was preparing to make changes to its website, including dedicated areas for Labour Providers, Labour Users, and Workers. Action: The group was invited to provide feedback to DD on what it would like to see in these areas. Clarity of processes involved in leading up to revocation of a licence could be improved, including the status of active checks.

MM stated that she wished to consider the GLA position on voluntary disclosure of unlicensed activity as part of the review of its scope across "grey areas".

#### 7. GLA position on Section 4 (5) of Gangmasters (Licensing) Act 2004

NFU raised concerns about interpretation of this section as without further urgent clarification it could be interpreted as being applicable to the majority of UK farmers and growers who routinely buy and sell land/standing crops. Farmers did not realise that the regulation could apply to them. NFU stated that this was a 'low risk' group and to apply the regulation in this context would be ridiculous. NR commented that there are people who exploit workers in this context but that the GLA was reviewing the clause on the basis of risk. An exclusion clause was not available. The NFU reiterated the need for a clear public statement for responsible landowners.

MM reiterated her point made earlier about GLA focus on areas where harm is being done and that this would form part of the review of the GLA's scope across "grey areas".

#### 8. Updates

9. Progress of new GLA strategy – MM intends to issue this for discussion at April GLA Board Meeting.

10. GLA Licensing Standards Review – This is to be agreed at the January GLA Board Meeting.

11. GLA Supermarket Protocol – GLA to circulate the draft updated Protocol again.

12. BIS review of workplace-rights, compliance and enforcement – At this stage there had been no formal response on this or the Red Tape Challenge.

#### 13. Any other business

Liaison with LOCOG – 2012 Olympics - FPC asked for an update on the GLA's briefing of LOCOG and the position regarding exemption of wholesalers. DD said he was unclear of the FPC position and it was agreed that he would discuss further with Nigel Jenney before the January Board meeting.

14. Next meeting – Thursday 19 April, GLA, Nottingham.

The meeting was closed.

## **ANNEX B MINUTES OF THE GLA FORESTRY PILOT STEERING GROUP**

### **GLA FORESTRY PILOT STEERING GROUP MEETING**

**05 OCTOBER, 2011 - Nottingham**

### **M I N U T E S**

#### **In attendance:**

Darryl Dixon- GLA  
Ian Japp - GLA  
Ian Leggat - Defra  
James Brown – Confor  
Jamie Farquhar - Confor  
Jennifer Clarke - GLA

#### **Apologies:**

Cath Speight - Unite  
Stephen Moorcroft - Defra  
Kevin Ruston - Defra  
Wayne Scurrah – Scurrah Associates  
Doug Mitchell – Forestry Commission

#### **Welcome and introductions**

1. **Darryl Dixon** welcomed the meeting.

#### **Minutes of the previous meeting**

2. **Darryl Dixon** provided an update on the action points from the previous meeting on 9<sup>th</sup> May: **Action point 1** was for the GLA to release a press statement referring to a revised industry guidance note on the pilot. The note had been cleared with Defra but a press release had not been made.
3. **Action point 2** was for the GLA to add a reference to the press release to the proposed approach on voluntary disclosure. Although this was not carried through, **Darryl Dixon** suggested a new action for some basic wording about the approach to be added to the website, in addition to some more clarity about fencing inspections, in order to help businesses determine whether or not exclusion should apply. **NEW ACTION: GLA as above.**
4. **Action point 3** required Wayne Scurrah to provide details of ISO certification. Although the details had not been provided, the issue had moved on since the last meeting. It was decided not to pursue ISO for earned recognition because so few businesses were affected and as such ISO was considered to be a poor indicator.

5. **Action point 4** rested with Confor to provide a list of factors that could be used in determining earned recognition. Confor had yet to consider any further factors that could be used during the pilot phase.

6. Leading on from this issue, **James Brown** suggested Defra should reconsider the definition of a knapsack sprayer, in the context of developing the exclusion regulations. Currently sprayers of this type were defined in the regulations as non-mechanical, but it was pointed out that some models do require mechanical power and some users may not be qualified to operate such equipment. **NEW ACTION:** Defra to consider if spraying activity should be excluded in the regulations, subject to users being formally qualified.

7. **Action point 5** concerned the proposed application process and fees. Defra Lawyers had duly confirmed that the proposals were in accordance with Ian Livsey's duties as Accounting Officer.

8. **Action point 6** tasked Confor to consider appropriate events and opportunities to publicise the new approach for the forestry sector. This action was still open and being considered. **NEW ACTION:** Confor to advise following discussion with the Forestry Commission.

#### **Feedback on application levels**

9. **Darryl Dixon** provided a brief update on the Forestry Regulation Task Force findings. The Task Force had provided Defra with a draft report which the GLA had commented on. The Task Force had largely focussed on the introduction of a system of earned recognition to reward compliant and trustworthy companies and recommended that "Forestry should be excluded from the scope of the Gangmasters Licensing Act". It also recommended that "in the short term, forestry should be exempt from the cost and administrative burden of the requirement for licensing and inspection under the Gangmasters Licensing Act". Following publication of the full report, Defra would be working with the Forestry Commission and other Departments to consider its response, reporting in the early New Year. If accepted by Ministers, implementation of the recommendations would follow but might not be a quick process. **Darryl Dixon** added that the Forestry Pilot would continue notwithstanding, not least because it was a testing bed for other sectors.

10. **Darryl Dixon** presented some statistics on levels of applications under the pilot (see Annex). The statistics suggested that the recent GLA briefing notes on the pilot were having a positive impact on levels of awareness. The figures also showed that changes of legal entity for Labour Providers continued to be an issue. Further clarification was required because businesses were still failing to update their licence when changing from a sole trader to a limited company.

11. Table 4 of the presentation (see Annex 1) showed a breakdown, by country location, of the numbers of Labour Providers that included Forestry as one of the sectors they supplied. **Darryl Dixon** explained that some clarification of the figures was required and therefore GLA would initiate a survey to establish; 1) whether or not most of the 55 LPs in Scotland were actually in Forestry but not supplying to other licensable activity and 2) whether or not most of the 220 LPs in England wishing to supply across all activities are speculatively including Forestry but not undertaking such activity. **ACTION: GLA**

**Discussion on GLA brief 14 and 15**

12. **Darryl Dixon** explained that the GLA were looking to supplement the advice provided in GLA briefs 14 and 15 by adding further information on the GLA website. He invited members of the Pilot Steering group to feed ideas into him for consideration. Steve Moorcroft from the Defra GLA Sponsorship team was already giving consideration to contributing some material for a Q&A note for the web site.

Discussion about introducing a 2 year (or longer) licence for forestry was raised by Jamie Farquhar, however such changes would need to be considered against the wider red tape challenge debate and any recommendations regarding the GLA.

13. Related to brief 14, **Ian Leggat** suggested that clearer advice should be provided on how LPs apply for a certificate of non- trading status.

**AOB**

14. In terms of developing a framework for earned recognition, **Darryl Dixon** proposed that a lighter touch approach could be applied to organisations that already operated in a controlled environment but were currently required to be licensed by the Gangmaster licensing regulations. An example of this would be an apprenticeship training agency, formed by a group of farmers. Such an organisation, by its very nature, would have to meet a variety of recognised standards and qualifications and therefore would automatically have earned recognition.

15. **Darryl Dixon** had been in dialogue with LANTRA about this James Brown promised to find out when the LANTRA report would be published in order for it to be circulated to forestry members. **Action: CONFOR**

16. With reference to the section entitled "*What work is covered*" on page 2 of GLA brief 15, **James Brown** raised an issue around the precise definition of "woodlands" and "trees" in the context of amenity and conservation areas. He asked that Defra should consider clarifying the position in any changes to the exclusion regulations.

**ACTION: Defra****Date of next meeting**

17. A date would be fixed in 2 – 3 months time.