



GLA Brief

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GLA Additional labour market powers

This Brief provides awareness on new powers provided to authorised GLA officers to support wider labour market enforcement. These powers came into force on 25 November 2016.

Introduction

The Immigration Act 2016 provides wider policing powers for the investigation of labour market offences. The GLA will commence using those additional policing powers, under the Police and Criminal Evidence Act (England and Wales) (PACE) 1984, in the first half of 2017. Further information on those powers will be issued at that time.

GLA Brief 50 on Labour Market Enforcement Undertakings and Orders (LMEU/LMEO) explained that offences under the Gangmasters (Licencing) Act 2004, Employment Agencies Act 1973, and the National Minimum Wage Act 1998 are labour market offences, which may be dealt with by the use of LMEUs and LMEOs as alternative sanctions.

Additionally, the GLA has been granted powers to investigate breaches of the 1973 and 1998 Acts by the Secretary of State for Business, Energy and Industrial Strategy for use in England and Wales only. These powers will continue until the GLA's new policing powers come into full operation in 2017.

What are these powers?

The powers given to the GLA are powers to inspect under:

[Section 9 \(inspection\) of the Employment Agencies Act 1973](#) (EAA), and

[Section 14 \(powers of officers\) of the National Minimum Wage Act 1998](#) (NMW)

and to investigate criminal offences of those Acts, where there are multiple offences of more than one Act.

How will the authorised GLA officers using those powers identify themselves?

All GLA officers carry identification. Authorised officers, who are empowered to use the additional powers, will carry an additional authority to confirm that position. Where they are required to use those powers they will explain that they are doing so, and will produce the additional authority, where required, to ensure cooperation with their inspections, or other investigations.

What circumstances will those additional powers be used in?

GLA inspections and investigations may identify that a person or business may be breaching labour market legislation wider than the sector of the labour market that is controlled by the GLA's licensing regime. Inspections by the authorised GLA Officers into potential breaches of EAA and/or NMW in the wider labour market would be carried out under the additional inspection powers. This may also identify criminal offences including obstruction, which they are authorised to investigate.

The GLA may use these powers in serious cases of abuse and exploitation where breaches of the 1973 and 1998 Acts occur together or a breach of one or more of these Acts is combined with a breach of the Gangmasters (Licensing) Act 2004. The GLA will liaise with the Employment Agency Standards (EAS) inspectorate and the HMRC NMW teams in any investigation it undertakes in relation to offences in the 1973 and 1998 Acts. Single breaches of either EAA or NMW will continue to be dealt with by the EAS inspectorate and the HMRC NMW teams respectively.

What action will the GLA take?

Where the authorised GLA Officers undertake an inspection under section 9 of the EAA and/or section 14 of the NMW they will undertake those inspections in the same way as officers from EAS or NMW would do. They will then pass the findings from such wider inspections to EAS or NMW for them to consider whether any sanction, prohibition or notice of underpayment may be appropriate.

Where the GLA identify potential offences they will investigate such matters to the criminal standard, and consider whether prosecution may be appropriate in liaison with EAS and HMRC NMW teams, as appropriate and by referral to the Crown Prosecution Service.

Where investigation into alleged breached of multiple offences identifies a single breach they will refer that to either EAS or HMRC NMW teams so that they can also consider whether to seek a LMEU. However, where multiple breaches are identified the GLA will consider whether a combined LMEU may be appropriate. Where non-compliance with a combined LMEU leads to a combined LMEO, which is then also breached, GLA officers may also initiate a criminal investigation in those circumstances.

Further information

1. If you any questions about this Brief, please contact the GLA helpline on 0345 602 5020 or email licensing@gla.gsi.gov.uk.
2. For the latest news and updates from the GLA:



Twitter: [@UK_Gla](https://twitter.com/UK_Gla)



facebook: www.facebook.com/GangmastersLicensingAuthority

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