



Innovative Tools to combat labour exploitation

OSCE, Vienna, June, 2011





Why established

- To address the Morecambe Bay tragedy
- To address labour exploitation in agriculture, and associated processing/packaging activity
- Does not cover Construction, or other sectors

Timeline

- Jim Sheridan Private member's Bill
- Feb 2004 Morecambe Bay tragedy
- July 2004 Gangmasters (Licensing) Act 2004
- April 2005 GLA established
- 01/04/06 SOCA operational
- 06/04/06 GLA accept licence applications
- 02/10/06 GLA unlicensed gangmaster offence
- 03/10/06 UKHTC opens
- 01/12/06 GLA offence of using an unlicensed gangmaster

Licensed labour providers in other sectors

Sector	Number of LPs identified as operating in that sector	% of LPs identified as operating in that sector
Non-Food Manufacturing	280	21.86
Administration and Office Work	239	18.66
Other	232	18.11
Transport	140	10.93
Construction	102	7.96
Hospitality and Catering	86	6.71
Health and Medical	59	4.61
Financial Services	30	2.34
Government	24	1.87
Retail	19	1.48
Computer Sciences	15	1.17
Utilities, Gas, Water, Electricity	12	0.94
Education and Cultural	11	0.86
Entertainment and Leisure	9	0.70
Security and Protection	7	0.55
Telecommunications	7	0.55
Law related work	4	0.31
Real Estate and Property	4	0.31
Mining	1	0.08

The licensing standards

- The key areas are:
 - ❑ Payment of wages, tax, NI, VAT and improper deductions
 - ❑ Debt bondage, harsh treatment or intimidation
 - ❑ Workers accommodation
 - ❑ Hours worked, working time regulations
 - ❑ Breaches in health and safety, including training
 - ❑ Recruitment and contractual arrangements
 - ❑ Sub-contracting
 - ❑ Identity issue, under-age working
 - ❑ Legality and rights of workers

Current Position

• Currently licensed	1160
• Applied since 2006	2366
• Refused	109
• Revoked	145

GLA powers

- S16 – power of entry for inspection,
- S17 – power of entry under force (under a court warrant) with the power to search and seize
- S19 – information exchange with other enforcement bodies
- Regulation of Investigatory Powers Act (RIPA):
surveillance; use of informants; interception of communications
- Proceeds of Crime Act (POCA):
powers to undertake financial investigation, and to seek asset recovery (the Gangmasters offences are “lifestyle” offences under POCA)

Offences

- Operating as an unlicensed Gangmaster
- Using workers supplied by an unlicensed Gangmaster
- Obstruction GLA officers



Templeton Farm



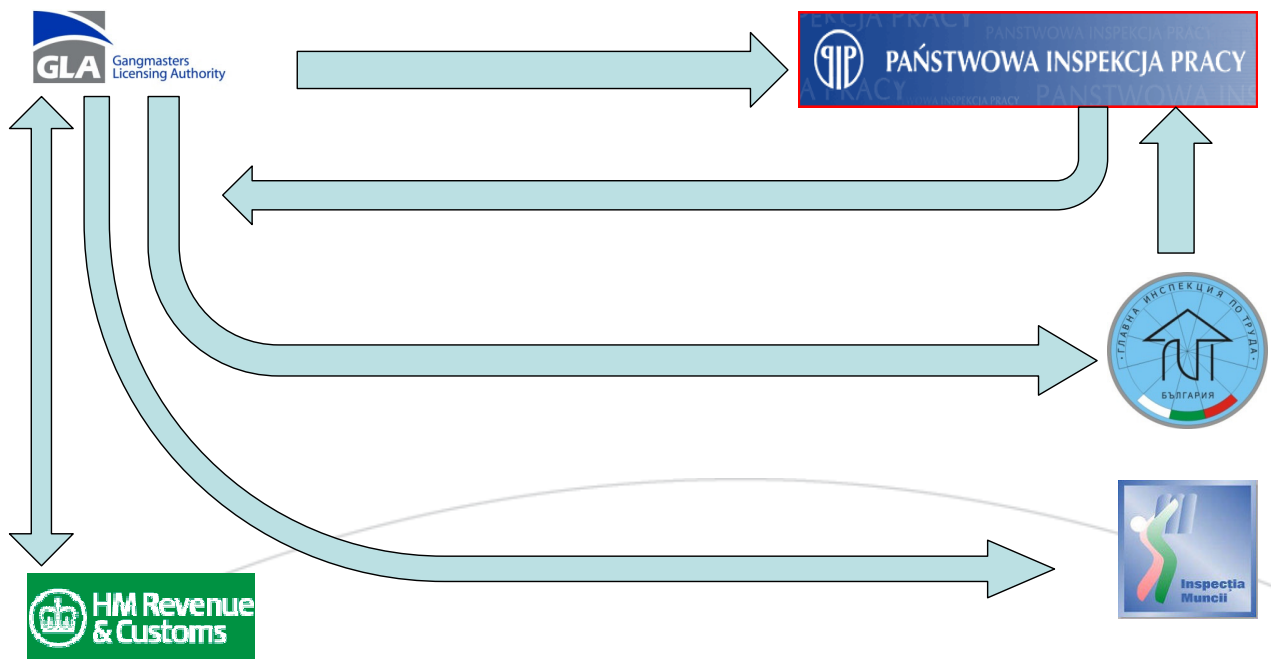
Current challenges

- Securing the support of the industry
- Overseas companies
- Ensuring that the full extent of exploitation is tackled and prosecuted

Supermarket protocol

- The GLA is a small organisation with a large territorial remit
- It needs to increase its “eyes and ears”
- The protocol engages the supply chain, up to the supermarkets, to enforce compliance with the GLA standards
- It acts as a prevention/deterrence mechanism, as well as a source of information

Overseas companies (2)



New Legislation

- S71 “**Slavery, servitude and forced or compulsory labour**” of the Coroners and Justice Act 2009,
- Unlike authorities in some countries, the GLA is not empowered to criminally investigate this offence
- Guidance on what constitutes the offence follows International Labour Organisation advice
- Ministry of Justice advice identifies the elements of evidence which mirror particularly the debt bondage and accommodation areas of the GLA licence standards

Conclusion

- Effectiveness requires:
- A control framework to inspect against
- Combined Labour inspectorate and enforcement powers
- Ensuring identified exploitation can and is investigated for the new forced labour offence
- International information exchange and operational liaison requires a common language and approach
- Worker awareness of their rights
- Practical support by the food industry to ensure ethical standards by the companies they use

Any Questions?

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