

Meat and poultry processing inquiry review

Report of the findings
and recommendations



Equality and
Human Rights
Commission

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Foreword

By Mark Hammond

Chief Executive of the Equality and Human Rights Commission

Two years ago we published the findings of our inquiry into recruitment and employment practices in the meat and poultry processing sector. The inquiry found that there were significant challenges facing the industry, including widespread mistreatment of agency workers, particularly migrant and pregnant workers. We also found examples of good practice, where all workers were treated fairly and with respect.

Rather than taking expensive and confrontational enforcement action, we decided to work with, and support, the industry to improve their recruitment and employment practices. We began by writing to processing firms setting out the main findings of the inquiry, relevant recommendations and encouraging them to draw up an action plan to tackle the challenges the industry faced. We also set up a representative industry taskforce chaired by the Ethical Trading Initiative. The aim of the taskforce was for the industry to take the lead and work together to tackle the challenges it faced, supported by the Commission. The solutions for business came from business.

The supermarkets and industry bodies identified and agreed management practices and key performance indicators (KPIs) to deal with many of the problems identified in our inquiry. These have already been adopted by meat and poultry processing firms supplying most of the major supermarkets.

In September 2011, a year after we began working with the industry, we set out to review the progress it had made in improving working practices. Our findings are set out in this report.

We are pleased with the progress the sector has made since the inquiry findings were published, particularly in light of the difficult economic environment. We welcome the significant improvements that have been made in some areas: pregnant workers are treated significantly better, workers are no longer segregated by nationality or suffer physical abuse; British workers we interviewed no longer experienced difficulties registering with agencies due to their nationality.

Challenges still remain, however. Management coercion and threatening behaviour are still a feature of workplace culture in some organisations. Job insecurity is still too common for agency workers, despite improved legal protection. Although there are clear signs of progress, further action is still needed by processing firms and agencies to ensure that all

workers are treated fairly and with respect. We are launching guidance to support the industry to make these changes.

Our research for the Review demonstrates the continued importance of the other industry regulators, particularly the Gangmasters Licensing Authority (GLA) and the Health and Safety Executive (HSE). The agencies we received evidence from reiterated their support for the GLA, and acknowledged its importance in preventing 'cowboys' illegally undercutting their business. The HSE is currently in the middle of a two year programme of inspections of meat and poultry processing firms, following on from the inquiry findings. Their report of findings in April 2013 will provide further evidence on the state of the sector.

Based on our Review findings, we are recommending a further series of steps to firms, agencies, supermarkets and government. We believe these recommendations will support the industry to continue the progress they have already made towards upholding ethical standards for workers, and promoting equality and inclusion in recruitment and employment. In the end better practices will mean better businesses, and both economy and society will benefit.

The role of the Equality and Human Rights Commission

The Equality and Human Rights Commission (the Commission) is here to help make Britain a fairer and more successful country. We do this by protecting people against unfair treatment and holding organisations to account for what they do. Parliament sets the equality and human rights standards for the way people should be treated and we are here to help organisations uphold those standards. We are not about red tape, political correctness or unnecessary bureaucracy.

We are responsible for promoting awareness, understanding and protection of human rights. This includes international human rights conventions, such as those covering human rights in the workplace, drawn up and overseen by the International Labour Organization.

In the employment market we want to create a fairer Britain based on an equal playing field where all uphold equality law and human rights.

We want to make sure that:

- the legal and regulatory framework governing the employment market effectively upholds equality and human rights, and
- workplaces are environments where diverse workforces can work together harmoniously.

We have worked with the meat and poultry processing sector since 2008, following reports that agency workers were treated less favourably than directly employed workers. We also received evidence of tensions between different nationalities. As many agency workers are migrant workers, differential treatment in terms of pay, conditions, and recruitment practices could also constitute racial discrimination on the basis of nationality.

The purpose of our work with the sector has been to identify practices that inhibit equality and damage relations between different nationalities and types of worker. We have also sought to identify examples of good practice which promote equality of opportunity for agency workers and good relations between different nationalities in this sector.

1. Introduction

The inquiry

In 2008, the Commission launched an inquiry into recruitment and employment in the meat and poultry processing sector in England and Wales. The purpose of the inquiry was to examine how people working in this industry are recruited, and how they are treated once they are at work. We looked at employment and recruitment issues relating to all stages of meat and poultry processing and packaging activity prior to the delivery to retail outlets but excluding the slaughter and initial preparation of red meat.

The sector

The food and drink manufacturing industry is the largest manufacturing sector in the UK. The meat and poultry sector is a significant part of this, employing 67,500 people; 30 per cent located in the East of England and East Midlands. The meat processing sector is of particular importance to the Welsh economy, employing 5,700 people and contributing a turnover of £600 million a year. Welsh meat exports are estimated to be worth £19.1 million a year which is 14 per cent of Welsh food and drink exports.¹

The sector uses agency workers extensively, an increasing number of whom are migrant workers. In 2011, migrant workers accounted for 34 per cent of the total workforce for the sector.²

The processing firms use agency workers to meet the fluctuations in demand from their customers (predominantly the supermarkets).³ Across the food processing sector, processing firms have 'just in time' production lines so that they are able to supply products to the supermarkets at short notice.⁴ Failure to meet orders can lead to the loss of contracts. The pressure to reduce costs and increase productivity combined with a high variability in labour demand, has resulted in what the Joseph Rowntree Foundation describes as 'a dual labour market in which a core of permanent staff exists alongside a variable workforce of agency and subcontracted labour'.⁵

We had received evidence that agency workers were treated differently to directly employed workers in terms of pay and conditions and their treatment at work, and that there were tensions between different

¹ Improve, Food and Drink Manufacturing and Processing. Labour Market Information 2011-12 and Improve Wales Sector Skills Assessment 2010-2011.

² Improve, Food and Drink Manufacturing and Processing. Labour Market Information 2011-12.

³ Inquiry report, available at: <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors/>

⁴ Ethical Trading Initiative's (ETI) written evidence to the inquiry.

⁵ Joseph Rowntree Foundation, 'Forced Labour in the UK: The Business Angle' 2012.

nationalities in the workplace. We wanted to explore the extent of these issues and recommend ways of resolving them, and so launched the inquiry.

Findings of the inquiry

The report of the inquiry findings was published in 2010, and found widespread evidence of mistreatment and exploitation of migrant and agency workers. A considerable number of workers reported physical and verbal abuse, a lack of proper health and safety protection, and poor treatment of pregnant workers, such as being forced to continue work that posed risks to their health and safety.

We found that many workers had little knowledge of their rights and feared raising concerns would lead to dismissal. While migrant workers were most affected, British agency workers who provided evidence also faced similar mistreatment. We found recruitment practices that may have been discriminatory in that they indirectly blocked British workers from getting jobs in the industry, and were influenced by stereotypical views about the reliability of some nationalities.

The inquiry also uncovered frequent breaches of the law and licensing standards in meat processing factories – some of which supply the UK's biggest supermarkets – and the agencies that supply workers to them. It also highlighted conditions which flout minimum ethical trading standards,⁶ and basic human rights.

However, the inquiry also found examples of good practice with firms treating permanent and agency workers of all nationalities with respect. These firms benefitted as a result, by being able to attract and retain well motivated, loyal and increasingly skilled workers. They expressed frustration about the perceived ability of competitors to undercut them by acting unethically and unlawfully, and welcomed increased enforcement by regulators to create a level playing field.

The full report can be downloaded from the Commission website at: http://www.equalityhumanrights.com/uploaded_files/Inquiries/meat_inquiry_report.pdf

Inquiry recommendations

The report contained recommendations to the key bodies in the industry – supermarkets, work agencies, processing firms, and their national representative bodies – to encourage a systemic change in behaviour.

⁶ Such as the ETI's Base Code which is founded on the conventions of the International Labour Organisation <http://www.ethicaltrade.org/eti-base-code> and <http://www.ilo.org/global/standards/lang-en/index.htm>

Our recommendations were also aimed at regulatory agencies, the government, and trade unions and addressed the need to:

- reduce the causes of vulnerability
- hold organisations to account in meeting equality law and human rights standards
- promote equality, human rights and good relations.

The full list of recommendations can be found in the inquiry report at: http://www.equalityhumanrights.com/uploaded_files/Inquiries/meat_inquiry_report.pdf

Review

One of the recommendations in the report was that 12 months after the publication of the inquiry report, the Commission would:

- review the extent to which relevant bodies have effectively implemented the report's recommendations, and
- take enforcement action as appropriate.

During these 12 months the Commission has been working with the meat and poultry processing sector following the establishment of a multi-stakeholder task force (also a recommendation in the report). The purpose of the taskforce was to agree standardised recruitment and employment practices for the industry, and to produce guidance to help processing firms and agencies address the issues raised in the inquiry report.

The aim of the Review was to enable the Commission to measure the progress of the sector against the recommendations set in the inquiry report. If the Commission decides, based on the evidence that we have collected, that sufficient progress has not been made then we can take further enforcement action under the Equality Act 2006.⁷

Structure of the report

The findings of our report are based on the evidence we collected from processing firms, agencies, supermarkets, and workers. Further information on our methodology and evidence base is contained in the next chapter: Our methodology. We start by presenting our findings on the Agency Workers Regulations, an important legislative development

⁷ For example this could include 1. A section 20 named investigation. This is an investigation into a specific organisation. A section 20 investigation could be launched into one or more firms. Or 2. A formal binding agreement known as a section 23 agreement with a specific organisation. Section 23 agreements may include undertakings that the firm refrains from committing further unlawful acts of any specified kind and take other specified action including preparing an action plan to ensure unlawful acts are avoided. Section 23 agreements can be in place with one or more firms.

designed to improve the position of agency workers, which was implemented in October 2011. We have then categorised our findings into three chapters: Progress, Areas for improvement and Significant problems .

These chapters assess the progress made by the sector on the areas of interest to the Commission uncovered by the inquiry, including treatment of pregnant workers, fair and transparent recruitment and coercive and threatening behaviour. We then highlight the evidence we have gathered on the role of the supermarkets, with particular reference to the audits and inspections they undertake. We conclude the report by making recommendations for the industry as a way forward, to support and encourage the progress that has been made so far.

2. Our methodology

The Commission gathered information from a wide range of individuals and organisations across England and Wales to inform the Review. All parts of the sector have had an opportunity to inform the Review.

We asked processing firms and agencies what steps they had taken to improve recruitment and employment practices in light of the inquiry findings. We asked supermarkets, industry bodies and unions what action they had taken to support firms and agencies make these changes. We spoke to workers to obtain their perspective, and to find out if recruitment and employment practices had improved.

Our evidence was collected using qualitative research methods and our findings are intended to be illustrative of developments and conditions in the meat and poultry processing sector, rather than statistically representative.

Our evidence base includes:

Written information

We sent out a 'call for evidence' to over 1,500 processing firms and nearly 1,200 agencies (the majority of whom do not supply workers to the industry, but there are no classifications to distinguish which do).

We received written information from 53 processing firms: 32 had less than 500 employees, 13 had 500 or more employees and 8 declined to provide this information.

Sixteen work agencies submitted information to the review. We also obtained 34 pieces of written evidence from supermarkets, unions, industry representative bodies, regulators, and community organisations.

Worker interviews

We conducted 134 worker interviews in 13 different locations across England and Wales. Sixty per cent of workers were directly employed by processing firms and 40 per cent through agencies; 75% were based in meat processing firms and 25% in poultry processing firms. We interviewed workers across a range of different jobs: processing operatives, butchers, slaughter men, hygiene operatives, quality assurance, supervisors, and team leaders. We interviewed 114 migrant workers but found it more difficult to find British workers to interview and interviewed 20. This is likely to be a result of fewer British workers overall compared to migrant workers, especially at the operative level, plus reluctance on behalf of the workers to be interviewed.

We arranged 112 interviews through migrant associations, community groups and local or regional equality bodies. Twenty-two interviews were arranged through Unite the union. Arranging the interviews took far

longer than expected as a number of the organisations we used for the inquiry had either closed or were no longer offering services to migrant workers. This is likely to be the result of the reduced availability of funding.

Over 2,000 pages of verbatim transcripts of interviews were analysed using qualitative analysis software.

We used interpreters for the majority of interviews we conducted with migrant workers to ensure that workers were able to talk to us in their first language. Sometimes where we use quotes from workers they read as if they are about a third person, rather than the direct experience of the worker. This is a result of using interpreters: the 'he' or 'she' is used by the interpreter about the interviewee.

Case studies

We conducted in-depth studies of three organisations – two processing firms and one work agency – which were nominated by the supermarkets and industry bodies as representing good practice in terms of recruitment, employment, equality and integration. We spoke to managers and staff involved in production at various levels of seniority, and examined documentation the firms supplied to obtain a comprehensive understanding of how they conducted their employment and business practices.

All information provided to us for the Review was given in confidence and anonymised. Individuals and organisations have only been identified with the expressed consent of those concerned.

3. Agency Workers Regulations

The inquiry recommended that the industry reduced the job insecurity of workers in this industry and protected agency workers from discrimination in the workplace.

Since then, in October 2011, the Agency Workers Regulations (AWR) have come into force which significantly improve the position of agency workers and strengthen their job security.

We have included a standalone section on AWR as this is an important legislative development affecting the sector due to the relatively high numbers of agency workers. As the AWR had been in place for a matter of months we felt that it was too early to identify what impact it would have against the inquiry recommendations, but felt it was important to note the firms, agencies and workers comments on this subject.

Implications of AWR

From the first day of a placement, an agency worker is now entitled to:

- the same access to facilities as other comparable workers or employees of the organisation, e.g. staff canteens, toilets/showers, prayer room, workplace crèche, and transport facilities
- be informed about job vacancies.

If an employer does not provide equal access to such facilities, they must be able to show objective justification – i.e. a sound reason – for any less favourable treatment of agency workers.

After a 12-week qualifying period with the same hirer an agency worker is entitled to the same basic terms and conditions of employment as if they had been directly employed by the hirer. This includes:

- pay, including overtime payments and shift allowances, bonus or commission payments, and holiday pay (but excluding redundancy pay, contractual sick pay and maternity, paternity or adoption pay)
- working time rights, including any annual leave above what is required by law.
- paid time off for ante-natal appointments. Agency workers with less than 12 weeks service have the right to unpaid time off for ante-natal appointments.

The qualifying period is not retrospective, and started from 1 October 2011 for those already working on assignments.

Exemptions

Agency workers who have a permanent contract of employment with their agency and are paid between assignments do not have a right to equal pay with other workers or employees of the hirer. This is the case even where the agency worker has worked for 12 weeks in the same role with the same hirer. This exemption is sometimes referred to as the 'Swedish derogation'.⁸

Impact of the AWR on workers

As the regulations have been in place for less than a year, it is not possible to say conclusively at this stage what the impact has been. We spoke to workers between December 2011 and April 2012, when the regulations had been in place for six months or less.

We appreciate that this was too soon for many agency workers to have felt the full range of benefits from the change, although a few workers did tell us that their pay had already increased. Few agency workers we interviewed had any knowledge of the AWR, the changes to their rights, or what the changes meant to them.

Many agency workers reported that they had received very little information from their agencies regarding the changes. Most of those who were aware of the new legislation had received this information from friends, colleagues, migrant associations or trade unions.

Some agency workers reported that they had been required to sign documentation around the same time as the AWR was implemented, but often did not understand what they were signing. This was frequently due to the documentation not being translated, and a lack of time to scrutinise them in order to fully understand the implications. A few agency workers told us they felt under pressure to sign forms around the time the AWR was implemented.

'Me and many other people signed some kind of leaflets that were in English. ... Everything is always a rush when they want us to fill in things and they wait until it's time to go home and people are tired and just want to get out of there. Now nobody knows what we have signed. Nobody translated/explained what was written there.'

Agency worker, Wales⁹

⁸ For further information on the Swedish derogation or other aspects of the AWR please see the BIS guidance, 'Agency Workers Regulations', May 2011, <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance.pdf>

⁹ Quote included in the evidence submitted by Glamorgan GATES.

Impact on agencies, processing firms and retailers

Few agencies mentioned the impact of the AWR on their workers in their evidence. One agency told us that the Swedish derogation was used for a quarter of their temporary workers. These workers now have a contract of employment with the agency rather than working under a contract for services. For these workers, although their pay had not increased, their holiday entitlement had. Some processing firms have adopted the Swedish derogation.

‘...really nothing has changed for them (agency workers) even though they’re on Swedish derogation because they’re still on the pay they would have been prior to the regulation. They have certain benefits that are required outside of pay, which is required under Regulation 10, but they haven’t seen a detriment through it. They may not have achieved certain benefits that people may have said they’ll be entitled to, but they’ve been offered these contracts to work with these clients and they’ve undertaken them.’

Agency manager, North West

Some firms have also changed their contracts so that permanent workers start on the same terms and conditions as agency staff. An unintended consequence of the AWR in these cases may be that rather than improving pay and entitlements for agency workers, it lowers the wages of permanent workers. It is beyond the scope of this Review to evaluate the full impact of the AWR on vulnerable workers in this industry. However, based on the information we received we recommend that the Department for Business, Innovation and Skills carry out such an evaluation in the near future.

Supermarkets advised us of the steps they have taken to support their suppliers in implementing the AWR. This included compulsory training courses on agency and migrant workers for all technical staff, and providing guidance and training for suppliers on AWR which was run by the Association of Labour Providers.

In August 2011 Sainsbury's conducted a survey of their suppliers regarding the forthcoming implementation of the AWR which:

‘indicated that the bulk of suppliers had sufficient systems in place to be compliant with the AWR before it came into force.

‘The majority were also planning to manage the financial impact of the introduction of the AWR by giving agency workers increased rights in terms of pay and conditions rather than, for example, reducing numbers of agency workers or adopting the pay between assignments model.’

More broadly, a number of processing firms told us of the steps they have taken to support and improve agency workers' rights. These included undertaking regular independent ethical audits, using SEDEX (the Supplier Ethical Data Exchange)¹⁰, GLA licensed agencies (this is a legal requirement), and Recruitment and Employment Confederation recognised agencies, and having Service Level Agreements (SLA) with agencies which specify how agency workers should be treated. Below is an overview of Bernard Matthews' policies and the SLA with the agency

- 1) Service Level Agreements exist between Bernard Matthews and our labour providers which contain assurances that neither party will discriminate in breach of the Equality Act 2010 in the sourcing and management of agency labour. Recruitment is undertaken in line with Bernard Matthews Hourly Paid Recruitment Policy. All labour providers must be in possession of a current GLA Licence and are committed in the contract to advise of any issues within 24 hours.
- 2) Bernard Matthews have within this agreement the right to transfer agency workers to permanent after 13 weeks service if there is a vacancy. This is a benefit to the Company that ensures permanent vacancies are filled with those who have demonstrated their suitability.
- 3) The offer of permanent employment is totally non-discriminatory and based only on ability to fulfil their duties.
- 4) All internal vacancies are advertised on Company Notice Boards and applications are welcomed from all permanent and agency workers.

¹⁰ For further information on SEDEX please see <http://www.sedexglobal.com/>

4. Progress

The inquiry found practices that appeared to contravene legal requirements, for example on equality and health and safety, as well as endangering basic human rights.

The information we gathered in our Review revealed progress in a number of important areas:

- Treatment of pregnant workers
- Segregation of workers by nationality
- Access to personal protective equipment
- Provision of breaks and toilet breaks during the working day
- Physical abuse in the workplace

We received far fewer allegations of poor treatment in the above areas compared to both the inquiry evidence, and the wider Review evidence covered in the following two chapters. While the continued existence of poor practice means that processing firms and labour providers cannot be complacent about the progress they have made, we were satisfied that progress has been made in these areas.

Treatment of pregnant workers

Inquiry finding: The Commission found evidence of extensive poor treatment of pregnant workers. A few women who were interviewed attributed miscarriages to the lack of adjustment at work. Pregnant workers also reported being forced to continue work that posed risks to their health and safety, such as heavy lifting. Health and safety legislation requires employers to conduct risk assessments for pregnant staff, providing suitable conditions for pregnant workers to continue work where possible.

The inquiry also revealed that some agency staff were given no further work after managers realised they were pregnant. Agencies reported that they felt under pressure not to supply pregnant workers. Pregnancy and maternity discrimination, such as this, are unlawful under the Equality Act.

Only some workers we interviewed for the Review could comment on the treatment of pregnant workers. This was often because many of our interviewees worked in an area such as butchery, where there are relatively few female workers.

Where workers were able to comment, either as a result of their own experience or seeing the treatment of colleagues, most reported that

pregnant women were treated well. Workers who had been in the sector for a number of years, prior to the inquiry, observed that improvements had been made in recent years.

The improvements for pregnant workers included:

- Lighter duties, such as being given office work rather than working on production lines.
- Extra or longer breaks when needed
- Time off for ante-natal appointments
- Regular risk assessments
- Changes to shifts, particularly being taken off night shifts.

'As soon as we find out someone's pregnant we'll straight away do a risk assessment and depending on what their needs are is dependent on where they go. If they're standing on the shop floor where they're doing the sausages and stuff like that, we'll try and get them office based and that's what we'll put on the risk assessment, get them sat down, you can't be stuck there. Plus if you're pregnant you wouldn't be working nights because of the kind of chemicals we use.'

British male supervisor, directly employed, North West

We also noted improvements in the way pregnant agency workers in particular were treated. Most workers interviewed for the review were not aware of pregnant agency workers being dismissed or given no further work. One voluntary organisation in their evidence to us stated that they had intervened twice last year (2011) when agency workers in the meat and poultry processing sector were 'let go' when pregnant.

A number of agencies reported that they had offered specific training to staff on the treatment of pregnant workers, particularly in light of changes following the implementation of the AWR in October 2011. Some agencies advised us that they had been asked by firms to 'get rid of pregnant workers', but had refused to do so, citing the unlawful nature of this request.

Incidents of poor practice did feature, albeit in a small number of cases. We were told of instances where pregnant women (both permanent and agency staff) were:

- Not moved from cold areas when it caused a problem
- Not allowed a chair so had to stand for prolonged periods
- Had to take ante-natal appointments out of their holiday leave
- Had to sign documents stating that they will fulfil the responsibilities of the job at their own risk. Workers reported that they were scared of not signing and so losing their job.

These are all illegal practices.

Segregation of workers by nationality

Inquiry finding: Some processing firms submitting evidence to the inquiry, reported segregation of shifts, or production lines, by nationality as examples of good practice in managing a highly diverse workforce. Segregation was cited as a way of overcoming communication barriers or avoiding tensions. While the Commission recognised the positive intentions that were often behind this, especially in regards to communication challenges, segregation on the grounds of nationality can amount to unlawful discrimination, and can be damaging to workforce integration.

Nearly all workers we spoke to for the Review reported that there was no segregation along nationality or language lines. Several acknowledged that this had happened previously but the practice had been stopped. We were told of one incident of segregation: a meat processing firm specified that only English workers were allowed to work on a new product line for a retailer.

Most workers stated that they enjoyed working with a mix of people. Migrant workers in particular liked working with British workers as it gave them an opportunity to develop their English skills.

Following the Inquiry findings on segregation, the Co-operative Food worked with the Association of Labour Providers, the Workforce Cohesion Alliance and Poultec to produce a toolkit to help processing firms and labour providers with the challenges of managing a diverse workforce. The 'Effective Communication with a Multi-language Workforce' toolkit was launched in May 2012, as part of the Workforce Cohesion toolkit series. The purpose of the toolkit is to provide practical help and guidance to managers in the food industry on how to better communicate with a workforce where more than a single language is spoken.

Processing firms also told us of the steps they had taken to proactively promote integration amongst workers, trying to end the self-selecting segregation whereby workers naturally gravitated towards others of the same nationality during breaks. Often this was relatively simple steps like introducing Polish food to the canteen menu.

'Not only has this gone down well with our Polish employees but our indigenous British employees have enjoyed it too. Aside from the obvious benefits of happier workers at lunch ... it has provided an entry point into Polish culture for our British employees. This removes some of the misunderstanding between the groups of

nationals and provided a good topic of conversation between both nationalities about each other's food and in turn their wider culture.'

Meat processing firm

Access to personal protective equipment (PPE)

Inquiry finding: Workers gave evidence of being provided with poor quality, ill-fitting and inappropriate PPE, with agency workers often reporting the worst treatment. Workers also reported having to share wet and dirty overalls and boots, which were not cleaned or dried between shifts.

Workers interviewed for the Review stated that the provision of PPE has improved over the last few years, or that they do not have any particular problems with it. Many workers reported that the PPE is often of good quality, they do not have to share overalls or boots, they do not have to pay for it and that the same PPE was offered to all workers regardless of employment status. Interviewees stated that managers made changes to PPE when workers raised concerns about their poor quality.

Given the critical importance of appropriate PPE to workers, due to the nature of the work they do, we are pleased that overall this appears to have improved.

Where problems with PPE were reported in interviews with workers they were often specific to a small number of factories. Some workers reported that there was a difference in the PPE offered to agency and permanent workers. Often this related to items needed for the cold working conditions, such as fleeces or gloves. Some agency workers reported that they were not allowed to bring their own items in, but had to purchase additional ones from the firm. This contravenes health and safety legislation.

Workers in one particular factory reported significant problems with wet boots. This was attributed to cleaners inadvertently spraying water over the boots, which did not then dry out before the next day's work.

Workers said that they were not allocated boots so they took them (wet or not) on a first-come-first-served basis. Some workers reported that they were left with the wrong size boots or different sizes for each foot.

'But, you know, boots, I cannot even describe how bad they are. You pour water from the boots. They are so wet. People take tissues, they are supposed to be to dry your hands. They put in the boots. Because our socks are wet through. Also, before we had problem because some people, they take the hats that are provided for the hair nets. They put it on their socks and then they

put on the boots because the boots are so disgusting. We have no choice. Every time, it's like torture to put these boots on. And we're not allowed to buy our own boots. And all the time, boots are wet through. And in cold conditions, it's horrible.'

Latvian female, directly employed, East of England

Provision of breaks and toilet breaks during the working day

Inquiry finding: Agency workers reported receiving fewer and shorter breaks than directly employed staff. They were also less likely to be paid for breaks than permanent staff. Some workers also reported that they were prevented from using the toilet by their line manager. The degrading effect of refusing workers permission to go the toilet may contravene workers' rights under Articles 3 and 8 of the European Convention on Human Rights.¹¹

The Review finds considerable improvements in the provision of breaks and toilet breaks for workers. All of the workers that we spoke to for the Review reported having regular breaks, with both permanent and agency workers taking them at the same time, for the same duration.

The majority of workers reported that they had one paid break and one unpaid break. Where this applied to all workers this was not a discrimination issue. As explained above, agency workers who have not accrued 12 weeks service with the hirer may not be entitled to the same pay and conditions, but after this period they should be paid the same. In any event, paying permanent workers but not agency workers for breaks can create ill-feeling and tensions between workers.

Many workers reported that they had fewer problems taking necessary toilet breaks than previously reported during the inquiry, with some commenting that things had improved significantly in recent years. There was a small difference in workers' experiences depending on their role: some processing operatives reported more difficulties taking toilet breaks due to the impact on the production line than workers elsewhere in the factory. Pregnant workers and those with medical conditions whom we interviewed also reported they were allowed toilet breaks as and when needed.

The benefits to firms of treating workers fairly and with dignity regarding breaks, is the flexibility workers are then prepared to offer in return.

¹¹ Article 3: Inhuman or degrading treatment. Article 8: Right to privacy. For more information please see [Human Rights Act 1998](#).

‘...we know pretty much what we are allowed by our rights, but we’re willing to give and take, so some days it might be a lot easier, there might not be a lot of work on and we’ll have a little bit more. Some days we might be really busy and we’re quite happy to miss a brew, but that’s our choice, not the company’s. We know we’re allowed it if we want it but sometimes we’re quite happy to miss it.’

British male, directly employed, North West

Despite progress being made, however, some workers felt that breaks were too short (often 20 to 30 minutes). This was mentioned often in relation to the time that it took to remove PPE, which often left only 10 minutes by the time they reached the canteen.

A few workers reported difficulties leaving the production line when they needed the toilet, even if someone was available to take over. There were a few reports that managers compiled lists of people visiting the toilet and monitored time taken, with warnings issued if workers were too long in the toilet.

‘You knew there would be a problem so they’d rather not ask [to go to the toilet]. There was a rumour that if you go to the toilet you will get the sack.’

Polish female agency worker, East of England

Physical abuse in the workplace

Inquiry finding: Some interviewees reported being physically abused by supervisors and line managers while at work. They described being kicked, pushed or having items thrown at them. Employers are required under health and safety legislation to prevent workplace harassment and violence. Physical abuse can also constitute a breach of basic human rights.

Workers interviewed for the Review reported very few incidents of physical abuse. Where workers did mention physical abuse (which was rare) it was regarding threats of violence rather than actual physical abuse. For example, supervisors threatening to hit workers if they did not meet their output targets or to make them work faster.

Threats of violence are still not acceptable in the workplace, however, and can have a lasting physical and psychological impact on workers. Employers must ensure that they have procedures in place to tackle violence and harassment.

Some processing firms told us that they had implemented training for first line managers to enable them to identify and deal with incidents when they occur, as well as clearly communicating with all workers that such behaviour is not acceptable in the workplace. Some processing firms had also developed toolkits to support first line managers.

5. Areas for improvement

The inquiry found practices that suggested employers were not fulfilling their obligations under health and safety legislation, with some breaching equality legislation. We also found a number of agencies that were directly breaching the Gangmasters Licensing Authorities' licensing standards around coercive and threatening behaviour, and pay.

The information we received for the Review from processing firms, agencies, workers and other organisations revealed varying levels of improvement in dealing with the following issues:

- Verbal abuse of staff by line managers
- Different treatment of directly employed and agency workers
- Agency workers treatment by their agencies
- Fair and transparent recruitment
- Coercive and threatening behaviour by agencies and firms
- Complaints procedures
- Communication barriers for agency workers

The Review finds evidence of progress, as the number of workers reporting problems in the above areas has decreased compared to the inquiry findings, but this progress is patchy. Some firms and agencies appear to have practices that contravene equality and employment legislation and there remains considerable room for improvement.

By changing their practices and addressing these issues processing firms and agencies will reduce their exposure to risk, and, in some cases, legal action.

Verbal abuse of staff by line managers

Inquiry finding: The inquiry found that many workers experienced or witnessed verbal abuse by both supervisors and colleagues. These were not isolated incidents, but were reported frequently by workers in England and Wales across numerous processing firms. Many workers reported incidents of racist abuse. Where abuse is, or is perceived to be, racially motivated, processing firms leave themselves vulnerable to legal challenges under the Equality Act. As with physical abuse, employers are required to prevent verbal abuse in the workplace (harassment) under health and safety legislation.

The Review interviews found that fewer workers overall reported experiencing verbal abuse, but it remained a serious issue in some firms. Interviewees reported fewer incidents of racist abuse compared to the inquiry evidence, and believed that racist abuse had decreased in

recent years. However, some workers reported abuse that was directed at their nationality or was racially motivated.

The experiences of abuse appeared to be linked to the practice of particular line managers rather than a reflection of a company-wide culture. Workers in the same factory reported very different experiences regarding verbal abuse, with the key difference appearing to be their production line, and line managers.

‘She [supervisor] would kick the walls, shout, swear, tell you you were worthless. Follow you around, every time you had your back turned the next minute she was shouting at you so you were having a fright and turning round to see what was going on. You were going home with shaking hands.’

British male, directly employed, Wales

Typical examples of abuse reported by interviewees included:

- ‘Fucking foreign bastard’
- ‘Why fucking come to England if you not understand English language’
- ‘Fucking stupid people’

Workers experienced being shouted at as bullying, humiliating and abusive in its intent. At its very worst, where references were made to nationality, this could constitute racial harassment.

Agency workers we interviewed appear to bear the brunt of the verbal abuse. Several interviewees speculated that this was a result of their reluctance to complain about the abuse.

‘She [the line manager] shouts, she humiliates, she calls them fools, they don't understand anything, for example a person comes from the agency, first day, doesn't know anything, she will insult him.’

Latvian female, directly employed, East of England

We found several examples of good practice, where firms dealt with the abuse promptly when it was reported. Management often addressed the issue through dignity at work training for supervisors/team leaders, which covers dealing with workplace harassment and bullying.

Most firms also told us that bullying and harassment policies feature in their staff handbooks, which all staff are made aware of in their inductions. Staff are told that bullying and harassment will not be tolerated. Some firms have put together specific bullying and harassment toolkits for managers to enable them to spot and take action

when issues arise. Firms also publicise the different avenues available to workers so they can report abuse, such as confidential helplines.

As part of the Workforce Cohesion series the Association of Labour Providers has produced a toolkit on Uncovering Hidden Migrant Worker Maltreatment. The toolkit is designed to help labour providers (agencies) and labour users (processing firms) identify the circumstances in which migrant worker forced labour, bondage and related maltreatment can come to exist. It provides a series of methods to help prevent this and actions to take where such activity is identified.

A few agencies also told us that they address issues of abuse with the client (the processing firm) as soon as agency workers raise it, and will work with the client to resolve it. Agencies reported incidents where permanent workers were disciplined or dismissed after bullying or harassing agency workers.

All processing firms should ensure that supervisors and managers understand that verbally abusing staff is not an effective way to manage and motivate staff. Verbal abuse exposes employers to increased risk of claims of bullying and discrimination. It can also have a negative impact on productivity, through poor staff morale and higher levels of absenteeism.

Different treatment of directly employed and agency workers

Inquiry finding: Most workers said that agency workers were treated worse than directly employed workers, like 'second class citizens'. The worse treatment covered every aspect of their work: allocated the least desirable jobs, long working weeks without adequate time off, less pay, not being granted holiday requests, and lack of training.

The previous chapter discussed noticeable improvements in the reported treatment of agency workers in some areas: treatment of pregnant workers, provision of better PPE, and access to breaks. Agency workers that had been employed in the sector for a number of years reported that there had been improvements in their treatment over the last few years. We found fewer instances of working time breaches such as: working weeks regularly exceeding 60 hours, agency workers being asked to work every day of the week with no days off, or with only a few hours rest between long shifts.

However less favourable treatment was apparent in a number of areas. Interviewees reported that:

- Permanent workers were more likely to be granted holiday requests.

- Agency workers were more likely to be shouted at by supervisors.
- Most agency workers were paid less than permanent workers for doing the same job and often were not given enhanced rates of overtime pay even after the implementation of the AWR.
- Some agency workers were denied training opportunities.
- Many agency workers said they were allocated the least desirable jobs.
- Agency workers were sometimes sent home without payment despite being asked to report for work by the agency.

We also found examples of good practice across a number of processing firms including:

- Same pay for all agency and permanent workers doing the same job (prior to the introduction of the AWR).
- Better pay for agency workers in recognition of their lack of job security and wider benefits compared to permanently employed workers.
- Same terms and conditions for all.
- Training open to all.

‘Agency workers are not distinguishable from permanent workers within the factory and have many of the same entitlements ... All training that takes place is exactly the same for the agency workers as for the permanent workers.’

Cranswick Country Foods

Pay parity

The Kerry site at Hyde has been paying permanently employed and agency workers the same rates of pay for carrying out similar work for several years prior to the introduction of the Agency Worker Regulations. Managers, permanent and agency workers all highlighted the benefits of this in retaining a skilled and motivated staff. The company also has strong, positive links to the agency with a manager on site, making it easier for workers to get information and raise grievances.

One processing firm told us that they have Employee Integration Co-ordinators whose role is to ensure that agency and migrant workers are integrated into the workplace. This includes being a contact with workers if they have any concerns, plus also offering interpretation and translation of internal job adverts and explanation of payslip information.

The co-ordinator's role is to minimise the differential treatment and experience between permanent and agency workers.

Agency workers treatment by their agencies

Inquiry finding: Most workers interviewed expressed some dissatisfaction with their agency. The causes included having to pay agencies to find work, problems getting full payment for completed work, unreasonable deductions for housing and transport, and problems with holiday and sick pay. It is unlawful for agencies in the UK to charge a fee before finding work for an individual. Failing to pay workers their full wages is a breach of the GLA licensing standards.¹²

Some agency workers that we interviewed for the Review reported noticeable improvements in their treatment by their agencies in recent years. These included:

- Agencies putting in place complaints systems such as access to a dedicated person to deal with any queries or issues. Having an agency manager on site also made this easier.
- A noticeable reduction in reports of unreasonable deductions from their wages. Only two workers reported problems with deductions from their wages.
- Better treatment of pregnant workers. Agencies advised us of instances where they were instructed to sack a pregnant worker by a processing firm but refused.
- No reports of agencies refusing to register workers on the grounds of their nationality.
- No reports of agencies supplying workers on the basis of their nationality.
- Only one incident of a worker paying a bribe to an agency for work.

However, some agency workers continued to report problems. These included:

- Pay: not receiving the right amount of pay, not being paid on time, and considerable delays in resolving pay issues with their agencies.
- Difficulties with requesting sick leave and obtaining sick pay (see chapter 6: Significant problems)
- Not understanding the employment documentation as contracts and terms and conditions were not often translated.

¹² The GLA licensing scheme regulates businesses who provide workers to the fresh produce supply chain and horticulture industry, to make sure they meet the employment standards required by law.

- Not being fully aware of their employment rights.
- A lack of knowledge of AWR (see Chapter 3: Agency Workers Regulations).

Fair and transparent recruitment

Inquiry finding: Inquiry evidence showed that recruitment practices lacked transparency, and relied on informal recruitment processes, such as word of mouth. Recruitment decisions also appeared to be influenced in some cases by stereotypical views about the reliability of some nationalities. This may have indirectly blocked British workers from entry into the industry. Most agencies had experience of firms asking for workers from specific countries. This was in breach of the Race Relations Act.

Processing firms and agencies told the Review that agencies remain the key entry point to the sector for most workers; across the industry the majority of recruitment for basic level factory jobs is done through agencies.

None of the workers we interviewed (whether British or migrant) reported that an agency had refused to register them on the basis of nationality. A few workers, however, reported that some agencies placed adverts in their windows written, for example, only in Polish. Although the agency may not have refused to register British or other workers, the impression the shop front gave was that this was an agency for Polish workers. This could constitute indirect race discrimination.

We received no reports that agencies were asked to supply workers on the basis of their nationality which might breach the Race Relations Act. This is a welcome improvement and prevents inaccurate and damaging stereotypes.

Processing firms told us of the steps they take to ensure fair and transparent recruitment. The majority of firms use formal recruitment processes such as advertising vacancies externally, often through agencies, but some through JobCentre Plus and in local media. This helps to ensure that the jobs are open to all, and not limited to a particular nationality.

Some firms also told us of the selection processes they use when recruiting, such as scoring against job specifications and pre-agreed criteria. Equal opportunities monitoring forms are used by some firms, with all personal data removed before shortlisting. Some firms also reported that a consistent set of interview questions are used at interviews, with interpreters used when needed.

Workers and processing firms told us that opportunities for moving from agency to permanent work (temp to perm) were advertised openly in many factories. This seems to be the main way for workers to gain permanent work in the industry. Most permanent jobs are not advertised externally.

These permanent opportunities are open to all, and workers did not report being prevented from applying. We received reports, however, of workers applying on multiple occasions and not getting permanent positions, or any feedback on why this might be. Many migrant workers still believe that British workers are looked on more favourably for these roles, and get permanent contracts more quickly despite sometimes having lower skills and less experience.

Recruiting predominantly from an internal workforce for permanent positions has advantages for firms and employees: managers know the applicants and their suitability for the job; workers can develop their skills and progress. It also has limitations. Recruiting from a limited pool means that an employer might not get the right person for the job; internal recruitment may indirectly block certain nationalities or protected groups from getting jobs in the industry. The workforce in this sector has a high proportion of migrant workers.¹³ Recruiting only from within the existing workforce may mean it is more difficult for British workers to find out about opportunities to apply for jobs. This could amount to indirect race discrimination unless the employer can show the recruitment practices are objectively justified.

Coercive and threatening behaviour by agencies and firms

Inquiry finding: Some migrant workers were forced to work or threatened with losing their job and further work from the agency. Workers reported that agency representatives entered their homes, and woke sleeping people to make them work on their day off. Workers also reported that agency managers had physically blocked factory exits to force them to work overtime when their shift had ended.

Some workers for the Review reported that they were still forced to work overtime (in excess of their normal working hours) by the processing firm or agency. Although there were no reports of workers being physically forced to work by exits being blocked, some workers were threatened with losing their job or being refused further work if they did not do overtime.

¹³ Improve, Food and Drink Manufacturing and Processing. Labour Market Information 2011-12.

‘...if you don’t want to stay [to do] overtime but no agency people come, they say you need to do overtime. If you don’t stay the agency [will] give you a warning. You can lose the job.’

Latvian male, agency worker, East Midlands

‘...and there is a big psychological pressure as well ... so many threats that we’ll throw you out and we’ll take off your bonuses if things are not going well ... all these problems with my heart happened because of this sort of nervous situation.’

Latvian female, directly employed, East of England

The threat of losing their job affected workers in different ways. They were:

- scared to be ill
- scared to turn down overtime
- scared to claim against the firm following an accident, even where the firm clearly had been negligent, and
- afraid to say work was too hard.

‘The problem is, you know, I never have a chance to say the truth. To complain or something. Because I see lots of people unemployed and you know, it’s a hard job to find a job. And I’m so tired after being at this place for so long time. And I just know if I say, tell someone truth so they know to do something, they will just laugh at me or they’ll find a reason to fire me. And I will be unemployed. And that’s why, you know, we have to put up with these conditions.’

Latvian female, directly employed, East of England

Complaints procedures

Inquiry finding: One-third of workers said they were afraid of complaining about poor treatment in the workplace or by their agency. Only around half of workers knew who to go to if they had a problem in the workplace. Workers were much more likely to raise concerns in firms that provided a risk free environment, but this environment was rare. Firms who did operate in this manner stated that listening to concerns from workers helped them operate more efficiently and solve problems before they disrupted production.

Many processing firms told us for the Review of the complaints processes they have put in place to enable workers to report complaints. These ranged from open door meetings with HR/senior managers, daily

worker surgeries, anonymous suggestion boxes to confidential telephone lines.

Agencies told us that workers had named contact people to speak to, and some also operated their own confidential helplines.

We found excellent examples where organisations are not only providing the channels for workers to raise concerns, but also using the information they receive to make changes to the firm or agency.

For example one agency told us that every complaint is logged on a database with patterns and trends recorded to 'identify weaknesses'. Changes are then made, where possible, to combat these weaknesses.

Some workers felt comfortable and confident in using the complaints systems that were in place. Issues were resolved quickly, with no repercussions for anyone involved. A few workers spoke very positively about the approaches firms had adopted to try and address any issues that came up before they escalated. This often took the form of informal regular meetings with senior managers.

'I know we have quite often meetings with XX, the big boy as they call him, and it's no holds barred. There's about eight or nine of us sat round here and he was sat with his secretary and we could just fire what we want at him. He'll either just say yes, no or I haven't got a clue, which I think is quite unique that a man of his stature, to put himself in the firing line and just say give it to me. If I'm doing something really poorly tell me.'

British male, agency worker, North West

Despite improvements to complaints processes made by some firms and agencies, however, many workers told us they would not use these for fear of potential reprisals.

Many workers reported that they were afraid of complaining about poor treatment or threatening behaviours, for fear of losing their job. Some workers reported that complaints were not upheld or investigated properly. Others said that they were treated worse after they had complained. Both agency and permanent workers stated they had been threatened with being replaced if they complained.

'...her colleague went to manager to make a complaint but the guy said 'well if you don't like it you know you can give up this work because we've got another 10 people willing to do it for you.'

Polish female, directly employed, North West

Communication barriers

Inquiry finding: Agency workers were vulnerable to poor treatment partly due to their limited English skills. This meant they:

- did not understand instructions from managers, particularly around health and safety and food hygiene
- did not understand employment documentation such as contracts and terms and conditions
- found it difficult to progress at work
- found it hard to integrate into the wider workforce
- did not complain about verbal abuse and other mistreatment.

As part of the Review we asked processing firms and agencies to tell us what steps they had taken to improve communication with agency workers.

Some processing firms told us that they regularly translated documents into a variety of languages, including all key documents on employment, health and safety, newsletters, vacancy notices and staff surveys. They provided interpreters for training sessions and at inductions, interviews and formal company meetings. Some firms had interpreters on site at all times, other sites relied on workers providing the service on an ad-hoc basis.

‘All applicants are interviewed in their native language apart from where there is a requirement (for a particular job) in place for them to have a reasonable level of either spoken or written English.’

Cranswick Country Foods

Agencies told us of similar initiatives; interpreters available at the agency office or on site, employment documents translated into the worker's first language where possible, and translation of health and safety documents.

Workers reported improved access to health and safety information in a familiar language. Many workers told us that health and safety documents were either translated or that people were available to translate the documents for them.

However, many workers said they were not offered key employment documents, such as contracts, in a language they understood, sometimes despite asking for a translation. Some workers found only the front page was translated, and the bulk of the document remained in English. Most workers who received documents in English without translation were not given any help in understanding what the

documents said. They relied instead on friends, family and voluntary organisations such as migrant associations, to translate for them.

The lack of translated documents meant that workers were often not aware of what they were signing, and what their rights were. Some workers reported being asked to sign employment documents while working on the production line, effectively being denied the opportunity to read what they were signing.

‘(on the) first day, you sign a lot of papers but you don’t really know what it’s about . You’re not getting a copy but doing the work. They’re not telling you, they don’t provide information what rights you’ve got ...’

Polish male, directly employed, Yorkshire and Humberside

A number of firms told us that they have basic English requirements for their jobs to ensure that workers are able to understand health and safety information and job instructions. Some firms assess workers’ level of English when they start to ensure they are able to carry out the basic requirements of the job, and train accordingly.

Some firms provide English lessons, often free of charge to workers. Some firms offer free online ESOL training to all employees which they can access at a time and place that suits them. One processing firm matches the time given voluntarily by workers with paid time; every hour the worker gives of their own time is matched by an hour of paid time from the firm.

A few firms told us they had previously provided ESOL classes but no longer did due to ESOL funding being cut, and the lack of take up amongst staff. Workers also reported English lessons no longer on offer. A few workers stated that the timing of the classes (before or after working hours) made it difficult to attend as there was no transport at those times.

One British manager told us that he was learning Portuguese from the line workers to improve communication.

6. Significant problems

The inquiry found that line managers were responsible for a significant proportion of unacceptable and discriminatory practice in the workplace. Line managers themselves were under pressure to meet production targets, with the lack of training to support them highlighted by workers. Job insecurity led many workers to endure poor treatment, and in some cases exploitation, in the hope of becoming permanently employed and the rights associated with it.

The evidence gathered for the Review shows that three issues are still significant problems for workers in the sector. These are:

- Sick leave and pay
- First line managers
- Job insecurity

These issues were mentioned by both permanent and agency workers, across England and Wales in both meat and poultry processing plants. The frequency with which workers reported often serious concerns and mistreatment suggest they are not isolated incidents. As a result they warrant further attention and action by the sector as a whole.

Failing to act on these issues could ultimately cost the sector more than addressing them as they may lead to reduced productivity, higher absenteeism and possible legal challenges. In some cases the change needed is simply to treat workers with dignity and respect which has a minimal financial cost.

Sick leave and pay

Inquiry finding: Some agency workers mentioned that receiving sick pay from an agency could be difficult. However, overall few workers raised sick leave as an issue.

During the Review interviews many workers reported not being allowed to take sick leave and not receiving sick pay. These workers believed the cold and fast-paced working environment, in particular the speed of production lines, contributed to their ill health, causing or exacerbating conditions such as repetitive strain injury, back pain and carpal tunnel syndrome.

Many agency workers reported problems which included:

- Being threatened with dismissal when on sick leave
- Being sacked after sick leave; one agency reported that it refused to sack a worker who had been absent for a day after being asked to do so by a processing firm

- Having disciplinary action taken against workers for taking sick leave
- Not being given further work by an agency after sick leave
- Frequent problems obtaining sick pay
- Having to sign contracts or forms stating that they would not be ill or would only be ill on days off.

‘You have no guarantee you will not be sacked next time you are sick or you are not fit to work. People with very bad health conditions, if they have pain in their back, if they are called, they are forced to go to work. Because, you know, they are afraid of losing their jobs. And it’s no wonder they are ill. We work in horrible working conditions, very, very cold there. And we have to work fast.

‘It’s very humiliating when you feel unwell and you’re trying to ask for permission to go home. It’s very humiliating because they mistreat people. They do not like people who actually are ill or sick. They’re trying to get rid of them if there is any case to get rid of them.’

Latvian female, directly employed, East of England

Both permanent and agency workers told us they were required to go into work when ill to report in as sick. Often this was despite having a doctor's note. Workers were told they had to report on a weekly basis. For some this meant having to travel long distances at their own expense. Some workers also spoke of having to see company nurses or doctors who declared them fit for work, ignoring the diagnosis and sick note from the worker’s own GP.

‘He had a car accident on the way to work ... and he was in hospital. It was at Christmas time, a very busy period and they called him and he has to come back to work. He said I can’t, I am broken, I can’t come back to work. They said if you don’t come there will be no job for you, you have to be laid off.’

Kurdish male, was directly employed, Yorkshire and Humberside

Despite an overall concern with sick leave and pay we did find a number of areas of good practice where:

- Workers were well treated during sickness and ill health, including support from occupational health or company medical staff.
- Workers were not afraid of the repercussions of taking sick leave.
- Workers received full sick pay.

- Adjustments were made to working conditions following the return to work. This included a phased introduction to work, lighter work or extra breaks for diabetic workers.

'I wouldn't be ... physically here right now if it wasn't for this company. Since I've been here, I've lost my ... son, I had a ... brain haemorrhage which [meant] I was off work for a while and they supported me and looked after me. They kept my job open ... supported my family, what more can you say about people.'

British male, directly employed, North West

First line management

Inquiry finding: Line managers were responsible for a significant proportion of unacceptable and discriminatory practice in the workplace. This ranged from physical and verbal abuse to differential treatment of employed and agency workers.

The Review evidence suggests little has changed. The quality of first line management appeared to have a significant bearing on whether workers felt they were treated fairly and equally. The behaviour of particular supervisors was often the cause of stark differences in the experience of workers in the same processing firms, but on different lines with different supervisors.

Many workers complained that first line managers, that is, their immediate supervisors or team leaders were responsible for:

- Verbal abuse of workers
- Problems with holiday or sick leave
- Differential treatment of permanent and agency workers
- Coercive and threatening behaviour.

'There is no problem with colleagues, the problem is with supervisors. There is no information policy in the company; they do not communicate with other workers. It is difficult to receive any support or information from the supervisors. They say that they are busy or they talk to the workers while talking over the phone so there is no interaction.'

Polish male, agency worker, Wales

Supervisors told us about the pressure they are under to deliver orders to time, to reduce costs, and prevent stoppages on the line. They acknowledged that shouting and threatening workers were not effective motivational tools, but sometimes the stress they felt manifested itself in this way.

Workers also acknowledged that poor communication and abusive treatment by line managers affected their attitude to work:

‘If you feel the negative attitude of the line leader you don’t want to do anything at all and if you feel that you have a good, positive attitude you want to help, you want to be helpful, you want to be hard working.’

Latvian female, directly employed, East of England

Processing firms told us of the steps they had taken to support first line management. These included producing anti-harassment and bullying training packs, and providing diversity training for all levels of management.

Some firms offer training for all managers, supervisors and team leaders on effective leadership skills, covering how to deal with bullying, harassment and inequality in the workplace, the importance of treating people with dignity and respect, good communication and motivation principles. Supermarkets have also taken action to support firms treating workers with fairness and respect, including recognising achievements with awards.

Marks & Spencer's has funded a pilot of the Ethical Trading Initiative supervisor training in the UK. This is an innovative training course designed to address some of the issues of harassment and discrimination uncovered in the inquiry. One of their key meat suppliers piloted the course and found it to be excellent at promoting dignity and equality at work. The course trains all levels of management.

Tesco award a major supplier a Trading Fairly Award in 2011 for ‘An innovative approach to diversity training across the whole business’

To address communication issues within a multinational workforce, a major Tesco supplier introduced two diversity programmes. The first, ‘Managing Diversity’ was aimed at senior management on site and the second, ‘Stepping Up To Zero (tolerance)’, was an anti-bullying programme for site managers and supervisors. The programme covers all of the sites in the processing firm group and by May 2011 70 per cent of managers had received the required training.

When workers gave examples of good practice, it was often simple courtesy and attentive, problem-solving management:

‘Just for example on the end of the day he always ask if it's okay, he always say thank you, the supervisor, and he always just, even if there's any problems he always say aloud don't worry, I can solve that.’

Polish male, agency worker, North West

‘He does loads of duties himself that we're supposed to do, because he can see, he understands that this line goes really fast so he helps a lot, he helps people a lot. Such a nice man, a beautiful man, a nice man.’

‘They never force you to do any heavy lifting, carrying and lifting, they will normally do it themselves and they help a lot.’

Latvian female, directly employed, East of England

Job insecurity

Inquiry finding: Agency workers said they would prefer permanent work due to the security and rights it offers. Many agency workers worked continuously for years but few were taken on as permanent staff.

The majority of agency workers we spoke to for the Review expressed worries about job insecurity. Processing firms report that using agency workers enables them to manage fluctuations in demand, thus better meeting the needs of their customers.

Job insecurity is an inherent and unavoidable part of agency work. Temporary assignments offer flexibility to some agency workers, but many felt that agencies and processing firms could improve the experience of agency workers. Most agency workers did not have regular shifts or hours; were used on an ad-hoc basis and expected to be available when called, even if at very short notice. Some interviewees reported being called by the agency at 6 am to start work two hours later. Other workers kept their phones switched on during the interviews in case they were told to report to work.

Some workers told us that occasionally the agency asked them to work but they were then sent home, often without payment even for travelling time. Some agencies regularly overbooked as many as 10 to 15 workers. Where factories are in rural areas, transport home is costly. One agency worker told us that he spent £50 on a taxi fare home as there was no alternative transport.

At particular firms, many interviewees reported that certain people received preferential treatment by receiving more regular work. The inquiry found this practice linked to nationality but the review evidence

suggests personal connections resulted in favouritism. This may mean processing firms are not getting the best person for the job.

As with the inquiry, some agency workers told us that they had worked continuously for a number of years as temporary agency staff in the same factory in the hope of finding permanent employment. A few had been taken on permanently, and spoke about the relief they felt as a result of this. Some still remained as agency staff despite sometimes five or more years at the factory.

‘In comparison with working for the agency, I can’t even put in words how different it is. We are all friends, we work together and they help me whatever they need to do. It was the best thing that happened to me because now I know I’m going to be paid that amount every week.’

Portuguese male, directly employed (was agency worker for 8 years), East of England

Some processing firms and agencies were taking positive steps to reduce job insecurity. These included avoiding using agency workers other than for a few weeks at peak season as having permanent employees was beneficial for individuals and the company. Other firms reported shift availability on a weekly basis or tried to ensure that agency and permanent workers had access to similar numbers of shifts.

Dovecote Park employs only permanent workers. Managers and staff reported this approach meant:

- Better quality products as trained staff know the job and there is less need to train new agency workers.
- Less potential conflict because of different rates of pay or agency workers being forced do overtime.
- Workers are able to build relationships promoting interaction between workers of different nationalities.

‘We are completely truthful with employees regarding the type of work they can be offered. Shifts are communicated to employees each Friday and workers are **only** sent in for booked shifts. None are asked to attend if they are not required, therefore none are sent home with no work.

Employees work hours that mirror those permanently employed: they are given the choice whether or not to work any or all shifts offered and no employee is coerced into working if they do not wish to. No employee works more than an average of 48 hours per week averaged over a 17 week period.’

Agency, East of England

At some firms all agency workers employed for longer than 12 weeks are transferred to a permanent contract. Other firms told us that regular agency workers are given set hours per week, similar to permanent workers.

Agency workers are brought into the firm on a temp to perm basis and from day one will be paid the same as permanent operatives with the same working hours and overtime pay. They will also have PPE, use of canteen and transport facilities (where appropriate). We do not employ agency workers for longer than 12 weeks, within this period they will receive a contract.

Poultry processing firm

We recognise that using agency workers gives firms flexibility to manage the peaks and troughs of demand. Where firms use agency workers on a regular basis, it would seem mutually beneficial for agency workers to have more regular working hours, and progress to permanent employment when vacancies arise. This would reduce job insecurity for the worker, and ensure that a firm has a supply of workers with the right skills for the role.

7. The role of supermarkets

Supermarkets have a significant amount of power over the meat and poultry processing sector. The processing sector supplies 80 per cent of their products to supermarkets.¹⁴ Evidence submitted to both the Inquiry and Review highlighted perceptions that this purchasing power affords supermarkets far more influence over the sector, than any other organisation. As one agency worker put it, 'the supermarket is king'.

The requirements of, and price paid by, the supermarkets for the product have an impact on the working practices and pay offered by processing firms.¹⁵ Processing firms tell us that continual downwards price pressure has a negative impact on the proportion of permanent staff they employ and the wages they offer, which can lead to greater reliance on agency staff.

Fluctuating demand, short notice orders and product promotions also have an impact on workers and their working conditions.¹⁶ Some workers reported line speeds being increased to unmanageable levels to increase output to meet orders. Workers said that this often led to increased pressure on first line managers, who then shouted at workers when they were unable to work faster.

'The advantage that we have at this site compared to other sites and it's quite fundamental, is that we only make branded products. We're making XX and XX brands. Most of the other sites are making a lot, if not all supermarket brands. And then the balance of power tips away to the supermarkets and that ... brings down all the terms and conditions.

'Yeah, well the supermarkets, once you get them through the door, they dictate and that drives down everything that's a race to the bottom.'

Supervisor, meat processing firm

Audits and inspections

Inquiry finding: The majority of supermarkets told us for both the inquiry and the Review, that they undertake regular independent ethical audits, often through SEDEX. While we welcome all steps that supermarkets take to improve industry standards, the inquiry found that the ethical audits used by supermarkets had not uncovered the problems in their supply chains that were apparent in our inquiry

¹⁴ Red Meat Industry Forum, A Guide to the red meat supply chain. Also taken from the inquiry findings report.

¹⁵ Joseph Rowntree Foundation, *Forced Labour in the UK: The Business Angle*, 2012.

¹⁶ ETI Evidence to the inquiry.

findings. These audits were often the only tool used by supermarkets in monitoring their supply chain.

For the Review a number of supermarkets told us of the steps they have taken to improve their audits in light of the inquiry findings. They had included issues revealed in the inquiry in their ethical audits, and held a workshop for all ethical auditors to familiarise them with the inquiry report.

‘The ethical audits that have taken place over the past 12 months at our meat and poultry supplier sites have helped identify areas for improvement in the area of health and safety of agency and migrant workers. Through asking suppliers to implement all the recommendations relevant to them in your report, this has also helped to drive good practice in this area.’

Waitrose

For the Review we asked workers about the audits and inspections that occurred in their workplace. The vast majority of workers reported that there were frequent audits and inspections, but that they often did not know who was carrying them out. It is likely to have been a mix of supermarket auditors, and regulators such as the Health and Safety Executive or Food Standards Agency.

Workers told us that the focus of audits appeared to be predominantly health and safety, hygiene and quality of the product. Only a small number of audits appeared to focus on workers’ rights or working conditions.

Workers also reported that apart from health and safety, and environmental health inspections (where they felt little or no notice was given), processing firms knew in advance of audits or inspection which gave them time to prepare. This preparation included extra cleaning, slower line speed, extra staff, and fewer agency workers on shift. A few workers speculated that this advance warning enabled firms to hide poor practice.

‘Sometimes people come from Tesco and from Marks & Spencer. Well things get better. For example meat comes, but the slicer got blocked because after certain time we are supposed to clean it, but of course no one cleans that because they need to do percentages [hit targets]. Inspector comes, they clean it [the slicer] and the meat is better quality. So meat that comes on that day is just almost ideal. Otherwise in other circumstances we just cover the bad meat with the good meat. Otherwise we will be dismissed by manager.’

Polish agency worker, East of England

‘Nothing changed, nothing changed. Everything goes back to normal. Bucket with hot water was (back)... That day, when the visitors were in, they [managers] are saying, take from workers, the bucket of hot water.’

(The processing firm provided a bucket of hot water to warm hands in instead of proper gloves. The bucket was returned after the inspection.)

Polish female, directly employed, Yorkshire and Humberside

Most workers told us that they are not able to speak to inspectors or auditors. Sometimes managers selected workers to speak to inspectors, but the interviews were not confidential as the manager or supervisor was present, and the interview often took place on the factory floor. A few workers advised us of language barriers when speaking to inspectors.

‘It was not possible to talk to anybody during the inspection. First of all ... nobody is interested in workers’ rights or work conditions. They are interested in the quality of product they are going to buy. Another thing is that nobody would be so brave to risk their job to talk openly to someone else. And the third reason is that during the inspection they are all happy because they are working their normal pace.

‘There was one inspection when the workers were asked to come to the office and talk with someone about the working conditions and workers’ rights, but the supervisor went to the workplace and picked those who for sure would give some positive opinion.’

Polish male, agency worker, Wales

We asked workers what impact audits and inspections appear to have. Many workers said that they felt audits had little or no impact with any changes made for the inspection (such as slower line speeds) reversed once inspectors had left. A few workers mentioned some enduring changes such as better cleanliness and facilities, and workers not shouted at as a result of the inspections.

‘Whenever there is an inspection audit the whole factory is kind of cleaned out, tidied, everything works well. The workload is decreased and instead of 11 people working on the line there will be 15, and they do everything according to the regulations. But as soon as the inspection leaves then everything goes back to normal.’

Polish male, directly employed, Yorkshire and Humberside

Workers at one firm stated that inspections and audits made no difference and no special action was taken in preparation for their visits. Managers were confident that their operating and working practices met all requirements.

‘...you could probably call an audit or an inspection at any time and it would be fine, you wouldn’t have managers panicking.’

British male, directly employed, North West

We appreciate all efforts made by the supermarket to ethically audit their suppliers. It seems, however, that their effectiveness is limited by the advance knowledge of inspections, and the inability of workers to speak confidentially to auditors.

Standards

Supermarkets told us of the steps they have taken to set standards for their suppliers, and the support they give to enable suppliers to achieve these standards. Most supermarkets have some form of established code of conduct or supplier standards based on the Ethical Trading Initiative base code.

Supermarkets also told us of the actions they have taken to communicate the findings of the inquiry to their suppliers, and of the workshops, training courses and toolkits they have developed to help suppliers address the issues raised.

Since 2010 the Co-operative Food has arranged a series of regional workshops to bring all of its suppliers together to discuss challenges and share good practice on working with a migrant and multicultural workforce. These interactive events have brought together a range of speakers from the Association of Labour Providers, Institute of Community Cohesion, Equality and Human Rights Commission, Ethical Trading Initiative and regional industry organisations. They have focused on issues such as fair recruitment processes, managing and harmonising cultural differences on the shop floor, training and communicating with a multilingual workforce, and preventing and dealing with discrimination and harassment complaints. These events have been followed up with the establishment regional forums to facilitate ongoing collaboration amongst suppliers.

ASDA, Co-operative Food, Marks & Spencer’s, Morrisons, Sainsbury’s, Tesco, Waitrose, the British Meat Processing Association, British Poultry Council and Association of Labour Providers (the main industry bodies), have also adopted a set of management practices and key

performance indicators (KPIs).¹⁷ These focus on issues raised by the inquiry and try to ensure improved working practices across the whole sector. The management practices:

- set standards for suppliers across a range of areas to protect workers from discrimination
- raise awareness of employment rights
- help workers raise issues of concern
- promote integration and cohesion
- promote a safe workplace
- reduce job insecurity, and
- promote regular employment.

The supermarkets have rolled out these standards and KPIs to all meat and poultry processing suppliers. They will collect the data quarterly. This data will enable the supermarkets and the wider industry to track change and progress in the sector. Some supermarkets have advised that they plan to introduce these standards to all food processing suppliers.

The industry bodies have publicised the standards and KPIs to their members, and encouraged them to apply the guidance in order to help to ensure fair and proper treatment of all workers.

We welcome the implementation of these standards and KPIs, and the commitment of the supermarkets to supporting the industry to improve its practices in light of the inquiry findings. We recognise that these are a work in progress, and look forward to working with the supermarkets in developing these further.

¹⁷ The full text of the management standards can be found in Annex A

8. The way forward

Our Review has revealed that the meat and poultry processing sector have taken steps to improve recruitment and employment practices. We are pleased with the progress that has been made, the treatment of pregnant workers being particularly notable.

Firms and agencies have taken steps, with varying levels of success, to improve the treatment of agency workers, prevent coercive and threatening behaviour, and ensure fair and transparent recruitment. We welcome the actions that have been taken and hope the sector continues to build on these. We have also identified a number of significant problems that warrant further attention by the sector, particularly on line management, which can often have a significant bearing on workers' experiences.

In light of our findings we are making further recommendations to the key bodies in the industry, government and regulators to encourage further improvements.

These recommendations build on the progress that has already been made, and help the relevant bodies tackle some of the remaining challenges. Our focus is on helping the industry improve recruitment and employment practices to ensure that all workers are treated fairly and with dignity.

Our recommendations intend to:

- reduce the causes of vulnerability for all workers
- hold organisations to account in meeting equality and human rights standards
- promote equality, human rights and good relations.

Discrimination and coercion

Agency workers often believe that if they challenge decisions, refuse overtime or make a complaint, they may not be given further work. We also found examples of discriminatory and coercive treatment.

Work agencies and processing firms should:

1. Provide training to recruitment consultants and managers on their duty not to discriminate against, harass or coerce agency workers. This includes taking positive steps to address agency worker misperceptions and instil confidence in them to challenge decisions, without fear of repercussions.

2. Treat acts of discrimination, victimisation and coercion by their staff as a disciplinary offence.

Work agencies should:

3. Make sure all recruitment consultants and managers understand that coercion of agency workers is contrary to the GLA's licensing standards and could result in an agency losing its licence.

Audits

Supermarkets are carrying out independent ethical audits of their suppliers, but these could be more effective if they also collect information directly from workers and did not always give firms time to prepare for known inspections. We recommend that:

4. Supermarkets look at additional methods of collecting confidential evidence from all workers at audits. This might include interviewing individuals away from production lines and without the presence of managers, workforce engagement strategies and confidential staff surveys. Where possible we also recommend supermarkets occasionally conduct inspections and audits with no or little prior warning.

Supermarkets requiring higher standards from their suppliers

Fluctuating demand, short notice orders and product promotions can have an impact on workers and line speeds have been increased to unmanageable levels to increase output to meet orders. We recommend that:

5. Supermarkets work more closely with suppliers to develop sustainable approaches to ordering which supports a more balanced and manageable work flow.
6. The standards/requirements supermarkets set for suppliers should include a minimum notice period and shift length for agency workers. Some workers reported agencies gave them very little notice about when they were needed to work (often 1-2 hours), or that despite being told to turn up for work they were then not needed and sent home without payment. A minimum notice period, for example, could be eight hours and minimum shift length of six hours.

Service Level Agreements with labour providers

Some processing firms told us of the benefits of having Service Level Agreements (SLAs) with agencies which specify how agency workers should be treated. Not having formal and detailed SLAs has created problems for agency workers including problems taking forward complaints and processing companies requesting more agency workers

than needed and sending home those who are not required. We recommend that:

7. Processing firms should ensure that they have formal and detailed SLAs with labour providers. Agreements should clarify where the employer responsibilities lie regarding matters such as the provision of training, grievances/complaints processes, and payments to agency workers when they are requested to work by the agency but then not used or sent home early by the firm.

Training

Our findings show that the quality of first line management can have a significant bearing on whether workers felt they were treated fairly and equally. Problems were often related to the behaviour of particular supervisors. Some processing firms have introduced support for first line management, including training on bullying, diversity and leadership. These issues are also a risk for supermarkets, and they can support smaller processing firms in improving their employment practices. As part of an integrated approach to equality, cohesion and dignity at work, we recommend that:

8. Processing firms provide first line managers with appropriate training to enable them to operate in a way which promotes equality and respects the dignity of workers, and allows workers to raise concerns and promotes workforce cohesion.
9. We also restate the inquiry recommendation that supermarkets support processing firms in their supply chain with training programmes specifically aimed at first line managers, and build on current Ethical Trading Initiative schemes which promote equitable management practices.

Helping workers to raise issues of concern

Our findings show that processing firms and labour providers could do more to help workers raise concerns about workplace issues, and reassure them that they will not be victimised for doing this. An integrated approach will enable workers to raise concerns in a variety of ways through confidential helplines, HR surgeries and open door meetings with senior managers.

We expand our inquiry recommendation that processing firms and agencies:

10. Provide workers with a confidential and well-publicised process for raising issues of concern in a language they understand. This should be done as part of an integrated approach to providing an environment in which workers feel confident to raise issues informally

and formally. This should include the systematic analysis of concerns raised by agency as well as permanent workers.

Promoting integration and more effective working and reducing vulnerability through English language provision

Workers are more likely to attend ESOL classes when courses are provided at the factory, particularly if they are free or subsidised, where transport home is easily available. We restate our initial recommendation that:

11. Processing firms and agencies provide workers with access to ESOL classes, where needed, at times and locations that best facilitate participation and learning.

Health and safety

The inquiry found concerns about health and safety including the lack of appropriate personal protective equipment (PPE), and health and safety training not being provided. The Health and Safety Executive (HSE) is currently visiting and inspecting processing firms to check compliance with health and safety legislation, as identified in the initial report. This targeted compliance action is due to conclude in April 2013. We recommend that:

12. HSE provides feedback on its findings to the Commission, particularly in relation to the treatment of pregnant workers and the provision of PPE to all workers.

Recruitment

Despite evidence of some processing firms automatically transferring agency staff to permanent contracts, further work needs to be undertaken to ensure fair, transparent and non-discriminatory recruitment to permanent employment. We recommend that processing firms:

13. Implement equal and transparent systems for recruiting staff, in particular specifying the criteria and processes used in moving agency workers to direct employment.
14. Monitor the outcomes of their recruitment practices to ensure that particular groups, including British workers, are not disadvantaged.

Reporting sick leave

Some processing firms require workers to report in-person at the factory when sick. Where workers are paid Statutory Sick Pay (SSP) employers cannot insist, as a condition of payment, sickness is reported:

- in person

- before the first day of sickness or by a certain time
- on a form or medical statement (fit note)¹⁸
- more than once a week.

An employer may have more stringent rules associated with Occupational Sick Pay (OSP): this is a contractual matter between the employer and employee. Where OSP is in place we recommend that processing firms and agencies:

15. Review their contractual terms for reporting sick leave to take into consideration:
 - a. The impact of travelling on sick workers required to report in person.
 - b. The potential to spread illnesses to other workers
 - c. The possible repercussions for food hygiene/product contamination.

We advocate employers follow the same procedure for reporting sick leave as that specified under SSP (see bullet points above).

To address lack of understanding of employment rights and documentation

Agency Workers Regulations (AWR)

In our view it is too early to tell how effective the Agency Worker Regulations 2010 have been in protecting agency worker rights, the level of awareness agency workers have of their rights and the impact of Swedish derogation as a way to opt out of the legislation. We recommend that:

16. BIS reviews the effectiveness of the regulations in protecting agency workers to include whether agency workers are being informed of and understand their rights.
17. The TUC and trade unions should continue to build on the work they are already doing in supporting migrant workers particularly in relation to their rights under the AWR.

¹⁸ An employee cannot be required to provide a fit note or other medical information for spells of sickness in respect of the first 7 days of sickness. If sickness lasts for more than 7 days, the employer can ask the employee to provide some form of medical evidence or a fit note from their doctor to support payment of SSP. It is up to the employer to decide whether or not evidence of illness is required and, if so, what evidence is acceptable. Further guidance is available at:<http://www.hmrc.gov.uk/payee/employees/statutory-pay/ssp-calc.htm#8>

Supporting agency and migrant workers

In view of the reluctance of many migrant workers to report concerns and abuse, and their limited union involvement, grass-roots voluntary sector organisations play an important role in supporting migrant workers with work-related problems. Workers also reported that they were valuable sources of information on employment legislation such as AWR, plus assisting with the translation of key employment documentation when not offered by the firm or agency. Cuts in funding have led to the closure of many organisations or reduced the services they can offer. We recommend that:

18. The Government reviews the support and funding provided to grass-roots voluntary sector organisations in providing this support.

Gangmasters Licensing Authority (GLA)

The GLA play a crucial role in protecting agency workers through their licensing standards and inspections. We uncovered a number of breaches of the licensing standards, particularly around coercive and threatening behaviour. We recommend that the:

19. A includes the Review's findings, particularly in relation to coercion, into a risk-based approach to regulation.

Equality and Human Rights Commission

20. We recommend that the Commission:

- Continues to work with the major supermarkets to support the implementation of the management practices and KPIs, and to analyse the data collected from these.
- Takes enforcement action as appropriate.
- Facilitates a regulators roundtable to identify how we can more effectively co-regulate the industry and avoid duplication and overlap.

Annex A

Management Practices and Key Performance Indicators

This document is an agreement between retailers, meat processing companies, poultry processing companies, and labour provider representatives (hereafter collectively called ‘the sector’).¹⁹ The guidance contained here is that which the sector considers to represent good practice in meeting and exceeding the recommendations contained in the inquiry report by the Equality and Human Rights Commission.

Between 2008 and 2010 the Commission conducted a statutory inquiry into recruitment and employment practices in the meat and poultry processing industry in England and Wales. Key stakeholders have been working together subsequently to create practical and sustainable solutions to the problems identified in the inquiry.

This document will be reviewed – along with additional guidance on interpretation – after a period of 12 months. The review will assess effectiveness of the guidance in light of new legislation, such as the Agency Workers Regulations 2010, and other relevant developments.

Aim

To establish good practice for the UK meat and poultry sector and to promote continuous improvement across the industry.

Objectives

The recommended management practices contained in this guidance were developed:

- To protect workers from discrimination
- To raise awareness of employment rights
- To help workers raise issues of concern
- To promote integration and cohesion
- To promote a safe workplace
- To reduce job insecurity
- To promote regular employment

Recommended Management Practices

All meat and poultry processing companies should:

¹⁹ 1 Retailers: ASDA, Co-op, M&S, Morrisons, Sainsburys, Tesco, Waitrose
Meat processing companies: members of the British Meat Processors Association
Poultry processing companies: members of the British Poultry Council
Labour providers: Association of Labour Providers

1. Have an equal opportunities policy that is communicated in a comprehensible format and understood by all workers, prospective workers, and labour providers.

a. 'Communicated' may include a variety or combination of formats such as written, oral, or web-based.

2. Have a manager (of any kind) with responsibility for human resource policy and procedure, which includes implementing a comprehensive set of policies concerning equality, diversity, discrimination, harassment, complaints, grievances, and health and safety. The labour user must implement these policies for all directly employed workers and ensure that their labour providers have equivalent policies and procedures in place for agency workers.

a. This may involve an outsourced HR service for smaller businesses.

3. Have confidential communications channels (e.g. helplines and whistleblower channels) accessible to all workers (including permanent and temporary direct employed and agency workers, as well as non-English speaking workers) to allow them to obtain advice and report concerns. Concerns raised by agency workers will be communicated by a feedback loop to the management of their place of work. Grievances and complaints are to be tracked and monitored by site management.

a. This covers all ways in which all workers, irrespective of employment status, can confidentially obtain advice or report concerns.

4. Conduct regular confidential staff surveys for all workers (including permanent and temporary directly employed and agency workers)

a. Staff surveys may include a variety or combination of formats that gather confidential information from staff, for example web or paper based, or focus groups with external organisations,

b. 'Regular' means conducted on at least an annual basis.

5. Have a Service Level Agreement (between the labour user and labour providers) to contain relevant assurances that the labour user and labour providers will not discriminate in breach of the Equality Act 2010 in sourcing and management of directly employed or agency labour.

a. This requirement is over and above GLA licensing requirements.

6. Have written legally compliant procedures covering the fair management of all pregnant workers as described in the Equality Act

2010, including permanent and temporary directly employed and agency workers.

7. Ensure new workers – whether employed directly or through an agency – receive the same core level of essential induction and job-related skills training.

8. As labour users, commit to working in partnership with their labour providers to comply with the requirements of the Agency Workers Regulations 2010, a main purpose of which is to entitle agency workers – after a qualifying period of 12 weeks – to the same basic working and employment conditions as if they had been recruited directly.

9. Commit that, where used, ‘pay between assignment models’ guarantee a minimum of one shift per week and to be implemented with a view to promoting regular employment.

10. As labour users, commit to clearly define what constitutes a comparable employee in relation to each agency worker. This will be communicated to every agency worker in their worker assignment schedule. The definition may include:

- a. successful attainment of a specified qualification;
- b. completion of a training period culminating in a demonstrable skill level;
- c. other agreed criteria.

11. As labour users, after the qualifying period and where pay is performance related, set the same measures and targets for agency workers and directly employed workers doing the same or similar work; to ensure workers receive the same pay for the same amount and quality of work done.

12. As labour users, not engage permanent staff or agency workers on a false self-employed basis with the principal aim of avoiding obligations under the law; and ensure their labour providers make the same commitment.

13. As labour users, not automatically terminate assignments before the end of the 12 week qualifying period with the principal aim of avoiding obligations under the Agency Workers Regulations 2010.

14. Have a non-discriminatory workplace language policy that includes the following:

- a. Whether English language is required and if so what level is required for each role;

- b. An objective language testing method applied consistently in the recruitment of directly employed and agency workers (where English is specified);
- c. Procedures for training and people management appropriate to the level of English language required.

15. Clearly record and monitor working hours for all workers. To prevent breaches of working time regulation rights conduct a regular management review of working hours and exception reports for excessive hours.

16. Where there is a local trade union recognition agreement in place, and in line with the scope of that agreement, enable trade union representatives to meet workers who fall under the scope of that agreement, at locations and times to be agreed with site management and in line with UK legislation.

Contacts

www.equalityhumanrights.com

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