



Department for Business, Innovation & Skills

Tackling exploitation in the labour market consultation response form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 07/12/2015.

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When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.

<input checked="" type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Labour provider
<input type="checkbox"/>	Large business (over 250 staff)

	Legal representative
	Local Government
	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

The case for more effective enforcement

- Do you agree that more needs to be done to tackle organised labour market exploitation?
 - Yes
 - No
 - Not sure

Please give your reasons:

The Association of Labour Providers (ALP) is a trade association supporting and representing businesses of all sizes that supply seasonal, agency and contingent labour into the UK food production, horticultural and agricultural sectors.

Around 300 businesses voluntarily choose to be members of the Association on payment of an annual subscription and commitment to abide by the Membership Regulations. ALP member organisations supply between approximately 60-70% of the temporary workers into the sectors regulated by the Gangmasters Licensing Authority (GLA). The ALP provides a range of services to help labour providers to achieve compliance and good practice in the supply of workers.

The ALP is the lead development partner in the “Stronger Together” initiative. Stronger Together was launched in October 2013 as a business led multi-stakeholder collaborative initiative to equip UK employers and recruiters with the practical knowledge and resources to tackle modern slavery in their business and supply chains by providing free good practice guidance and tools through www.stronger2gether.org. The other development partners are the GLA and Migrant Help. The project sponsors are Aldi, Asda, Co-operative food, Marks & Spencer, Morrisons, Sainsbury’s, Tesco and Waitrose.

Within Stronger Together, in two years:

- Almost 2000 industry representatives have registered with www.stronger2gether.org.
- Almost 1000 individuals from 600 businesses have attended "[Tackling Modern Slavery in UK Businesses and Supply Chains](#)" workshops and are taking the tackling slavery message back to over 450,000 workers.

Stronger Together was formed in response to the rising number of victims being trafficked into the UK for labour exploitation as identified by the annual National Referral Mechanism statistics released by the Home Office National Crime Agency UK Human Trafficking Centre (UKHTC).

In 2012, 634 potential victims of trafficking for labour exploitation purposes were reported to the UKHTC, in 2013 this figure year on year by 24% to 788 and in 2014 it rose by 29% to 1017 labour exploitation, almost on a par with the number of victims of sexual exploitation. These figures are regarded to be the tip of the iceberg.

So, the first reason that more needs to be done to tackle organised labour market exploitation is because of the evidence through UKHTC statistics that there is a rising incidence in the UK of identified cases of human trafficking for labour exploitation purposes.

The July 2014 Home Office Migration Advisory Committee (MAC) report, [Migrants in low-skilled work](#), concludes:

The counter-balance to a flexible labour market is to ensure that employers comply with the minimum protections for workers and that these are enforced. MAC found that the incentives to comply are weak. There are some serious gaps in protection, especially for migrant workers. There exist real disincentives for individuals to challenge poor employment practices and to raise grievances.

UK labour law is not providing a minimum level of protection in all cases resulting in a playing field that is not level. There is the risk of a continuum of exploitation starting with failure to pay minimum wages and ensure decent working conditions, leading to workers being forced to accept sub-standard accommodation, being forced to pay for things that they do not need through deductions from their wages, having their passport retained, and losing both work and accommodation with no prior notice.

The evidence is consistent with increasing migrant exploitation enabled by insufficient regulation of recruitment."

The second reason that more needs to be done to tackle organised labour market exploitation is because the need to do so was the conclusion of this recent independent and thorough investigation, conducted by the Home Office MAC, the findings of which are concurrent with the ALP's experience and which the ALP fully supports.

ALP members are required to be licensed by the Gangmasters Licensing Authority (GLA). The ALP Chief Executive and author of this response was a GLA Board member for ten years until the restructure of governance in February 2015.

The ALP conducts a biennial survey of GLA licence holders' perceptions. The latest survey was conducted in April/May 2015 with the comparative survey responses as follows:

GLA Licence Holder's Response	2011	2013	2015
In favour of licensing	71%	81%	93%
Perceiving the GLA doing a good job	49%	55%	73%
Improved conditions for workers	42%	73%	79%
Reduced Fraud/Illegal acts	69%	65%	79%
Improved level playing field	42%	50%	67%

Overwhelmingly, GLA licence holders are in favour of licensing, perceive that the GLA is doing a good job and believe that it has improved conditions for workers.

The ALP and its members have more experience of labour market enforcement than any other business sector in the UK. The experience of these organisations is that intelligence led, proportionate enforcement improves the competitive playing field for business, reducing exchequer fraud and offering protection for vulnerable workers.

Such intelligence led, proportionate enforcement does not extend beyond the sector regulated by the GLA.

The third reason that more needs to be done to tackle organised labour market exploitation is that a level, competitive playing field is valued by and good for business.

A new Director of Labour Market Enforcement and more flexible enforcement

2. Do you agree with the following statement?
“Establishing a new Director for Labour Market Enforcement to set the strategic direction of the enforcement bodies will be effective in tackling worker exploitation”
- Yes
 No
 Not sure

Please give your reasons:

The ALP supports the establishment of the role of Director for Labour Market Enforcement.

The ALP recognises that a more joined up, intelligence led, cohesive strategic direction of these enforcement bodies will bring benefits in tackling worker exploitation.

However, the mere appointment of a new jobholder will not guarantee effectiveness. The other factors required are considered in Question 3 below.

3. What other factors should we consider in developing the new Director role?

Taking account of the UK Government’s “Prevent” strategy to crime and the State’s Duty to Protect Human Rights within the UK Action Plan on implementing the UN Guiding Principles on Business and Human Rights, the ALP proposes the following factors for consideration in developing the new Director role:

- i. There needs to be greater access to remedy for vulnerable workers.

The ALP recommended and consequently supported the incorporation of the Pay and Work Rights Helpline into acas.

However, do many, if any, of the vulnerable workers in the UK actually know of the existence of acas? It is unlikely. Its very name, an acronym for the Advisory, Conciliation and Arbitration Service is a throwback to the industrial relations regime of the 1970s.

acas needs to be renamed and rebranded into the modern employment era with a name that is clear to all such as “The Employment Helpline”.

This is merely a renaming exercise and no structural changes are required. The emphasis should remain on this body signposting and resolving matters before they reach Employment Tribunal.

All businesses above a certain size should be required to display a poster with the contact details of the Helpline. These can be made available in multiple languages.

Helpline call handlers should be required to ask appropriate questions in order to feed into the intelligence database of the enforcement bodies responsible for tackling worker exploitation under the control of the Director for Labour Market Enforcement.

- ii. There needs to be cohesive intelligence gathering and priority tasking.

This is considered further in Question 9.

- iii. There needs to be appropriate funding for enforcement

Whilst, a more joined up approach should deliver efficiencies, the Government should appropriately fund the enforcement bodies to undertake their designated responsibilities.

In reaching funding decisions the Government should be mindful:

- not to impose an unreasonable burden on responsible business
- to take account of reclaimed revenue to HM Treasury
- to enable enforcement bodies to retain a proportion of reclaimed Proceeds of Crime
- to take account of civil penalties reclaimed from exploitative employers
- not to divert these organisations from their core activity of enforcement towards self-funding activities
- to ensure clarity over and compliance with HM Treasury rules on funding.

- iv. The Director for Labour Market Enforcement should coordinate the move to a single Labour Market Enforcement Agency.

In his speech on 21 May 2015, David Cameron pledged to create “a new labour market enforcement agency to crack down on the worst cases of labour market exploitation.”

The ALP appreciates that the three enforcement bodies, HM Revenue and Customs National Minimum Wage Enforcement Team, the Employment Agency Standards Inspectorate and the Gangmasters

Licensing Authority are constitutionally very different and the creation of a single body will be an extended process.

The appointment of a Director for Labour Market Enforcement is therefore recognised as an interim measure to facilitate swifter improvements in tackling organised labour market exploitation.

The Government should fulfil David Cameron's pledge and the Director for Labour Market Enforcement should coordinate the move to a single Labour Market Enforcement Agency. Naturally this would seem to better fit under the enforcement remit of the Home Office.

New offence of aggravated labour law breach

4. Do you agree that a new offence of aggravated labour law breach is needed to tackle the exploitation of workers?

- Yes
 No
 Not sure

Please give your reasons:

- i. Vulnerable workers tend not to be organised. "Often located within the informal economy and hence difficult to organise because of geographical and social isolation, linguistic challenges and migrants' temporary status or mobility, old models of unionisation are often not adaptable, nor is there a one-size-fits-all approach to achieving collective action of any kind." N Pieper, M Segrave & R N Moore, 'Editorial: What's in a Name? Distinguishing forced labour, trafficking and slavery', Anti-Trafficking Review, issue 5, 2015, pp. 1–9, www.antitraffickingreview.org
- ii. Exploitative employers and their advisors know that there is virtually nil likelihood of vulnerable workers pursuing claims through the Employment Tribunal system and so see little risk in adopting models such as:
 - The Elective Deduction model (used within the non GLA regulated employment business sector) which contractually classes workers as employed for PAYE and NI purposes but as self-employed for employment law purposes.
 - Tax evasive Travel & Subsistence models for low paid workers (used within the non GLA regulated sector) which artificially manipulate taxable pay to enable retention of PAYE and NI by the employment business.

- The Collusive Model (used in direct employment) where workers are paid £3.50-£4 per hour (illegal workers are usually paid less than £3 per hour) for 40-50 hours work per week. Facilitated by fraudulent accountants, timesheets and payslips show 16 hours worked per week at national minimum wage. Workers use these payslips to obtain working tax credits, child tax credits and housing benefit to supplement their wages. Having been made collusive in benefit fraud the workers feel unable to take any action to address this exploitation for fear of loss of benefits and state retribution.
- iii. Victims may also be inhibited or unable to make a formal complaint and act as a witness against their exploitative employers due to:
- Fear of retribution by their employers
 - A lack of knowledge of their rights or how to enforce them
 - A belief that no-one can or will do anything about it
 - The abuse is diffuse and difficult to identify and attribute.
 - Distrust or fear of state authority including fear of deportation
 - Being used to poor working conditions with acceptance of the situation as better than nothing. Particularly where work options are more limited because of limited English language skills.
5. Which of the options described would be effective in tackling labour market exploitation?
- A) create an offence involving a motivation intention to deprive a worker of their rights or to exploit a worker in connection with the commission of the offence;
- B) create a new type of improvement notice;
- C) both A) and B);
- D) None of the options.

Please give your reasons:

Unless exploitation by business is considered so severe that the offences of modern slavery, fraud, violence etc. are present, there is currently limited recourse for prosecuting exploitative businesses for the systematic deprivation of a person's rights as a worker.

6. What are the benefits of creating an offence involving intention to deprive a worker of their rights?

Whilst the vast bulk of enforcement should be achieved through civil powers it is essential for there to be a criminal offence:

- For the deterrent factor of criminal prosecution for those exploitative employers who will seek to adopt evasive measures to avoid paying such as liquidating and phoenixing their businesses.

- To enable the Proceeds of Crime Act provisions to apply against the personal assets of exploitative employers.
- To be considered by the Insolvency Service in their decision making to disqualify individuals from holding the position of director.

7. What are the benefits of creating an offence involving motivation to exploit a worker or exploiting a worker in connection with such an offence?

Such a criminal offence would enable enforcement action to be taken against the architects and “controlling hands” of such exploitation:

- The advisors and accountants that devise and facilitate the delivery of exploitative models of labour market exploitation and;
- The “controlling hands” that sit behind purportedly legitimate businesses and bankroll and profit through money laundering from the operations of these businesses. Whilst fronted by directors and managers who claim to run the business the real control is exercised by individuals with no identifiable connection to the business through Companies House or otherwise.

8. What are the benefits of creating a new type of improvement notice to tackle exploitation of workers?

As previously stated, the bulk of enforcement should be achieved through civil powers on the principle that rogue businesses should redress the harm they cause.

The proposed improvement notice should provide powers detailed in [The Macrory Review of Regulatory Penalties](#) which establish that sanctions should:

- change behaviour;
- ensure that there is no financial benefit from non-compliance;
- be responsive & consider what is appropriate to particular offender and particular regulatory issue;
- be proportionate to nature of offence and harm caused;
- restore the harm caused;
- aim to deter future non-compliance.

On 24 May 2012, the Minister of State for Agriculture and Food issued a [Written Ministerial Statement](#) regarding the GLA announcing plans to “introduce administrative fines and penalties for low-level and technical minor offences, including a measure similar to a Repayment Order to achieve rapid

reimbursement to an exploited worker of wages or other payment which has been removed.” This has yet to be implemented.

The ALP is supportive of this approach for:

- creating a more level playing field through prevention of competitive advantage through worker exploitation
- a proportionate means to change behaviour without requiring recourse to the courts
- achieving reimbursement to exploited workers

The enforcement bodies should continue to adopt a “regulation by reputation” strategy and should provide for a coherent policy approach towards “naming and shaming” of offenders. The current HMRC NMW name and shame policy is too blunt and disproportionate.

Information sharing

9. Do you agree on the need for powers to share data and intelligence across the enforcement bodies and with other organisations?

- Yes
 No
 Not sure

Please give your reasons:

It is hard to conceive why not to support improved data and intelligence sharing across the enforcement bodies and with other organisations.

Effective information sharing is the cornerstone of a coherent enforcement approach and enables effective intelligence analysis and the prioritisation of risk based operational tasking to flow from this. The absence of effective information exchange gateways is a barrier to co-ordination of activity.

ALP is aware of the GLA's intelligence led approach; that it is the only agency within scope of this consultation that has its own specific labour exploitation intelligence hub and that it has memorandums of understanding (MOUs) to share information with HMRC and other government departments.

ALP supports a review of data gathering and sharing systems, processes and effectiveness to consider amongst other things:

- What can be learnt from each enforcement bodies' approach to gathering and analysing intelligence and the ensuing operational tasking;
- The powers needed to share data and intelligence across the enforcement bodies and with other organisations;
- The appropriate structure to deliver a single labour exploitation intelligence hub
- How to improve data gathering and sharing by those with a statutory role such as acas, the Modern Slavery helpline, the police, Immigration Enforcement, HMRC, HSE, local authorities and others.
- How to improve data and intelligence sharing with overseas authorities
- How to improve data gathering and sharing from employee groups and support services such as trades unions, Citizens Advice, NGOs and charities.
- How to improve data gathering and sharing from the private sector.

Reforming the GLA

10. Do you agree with the proposal to expand the role of the Authority or should we retain the current model?

- Yes, expand the role of the Authority
- No, retain current model
- Not sure

Please give your reasons

The Joint Committee on the Draft Modern Slavery Bill Report stated that the GLA “has been much praised as an internationally-respected model of good practice. The weight of evidence we received suggested that expanding the GLA’s powers and industrial remit would yield positive results.”

Analysis of the annual NRM statistics released by the Home Office NCA UK Human Trafficking Centre shows that extreme forms of worker exploitation occur in many sectors. Certainly in many more sectors than those currently regulated by the GLA. The 2013 NRM statistics show that only 18% of cases of trafficking for labour exploitation occurred within the agricultural and food processing sectors.

Sectors where worker exploitation is more prevalent tend to be labour intensive and/or isolated industry sectors characterised by a high proportion of migrant workers undertaking unskilled and irregular work often supplied through recruitment intermediaries. There are a number of such sectors in the UK where exploitation occurs but which are not regulated by the GLA.

The objectives and remit of the new Authority

11. Do you agree that the mission of the new Authority should be to prevent, detect and investigate worker exploitation, in support of the Director’s annual plan?

- Yes
- No
- Not sure

Please give your reasons

The use of the prefix ‘Working in partnership’ in the current GLA mission statement ‘Working in partnership to protect vulnerable and exploited workers’ emphasises the need to work together with many stakeholders to achieve successful outcomes.

The term “in support of the Director’s annual plan” does not need to be stated and detracts from the clarity of the mission statement.

ALP proposes that the new Authority mission statement be slightly modified to 'Working in partnership to prevent, detect and investigate worker exploitation'

12. Should the new Authority work with business to provide training, and develop codes of conduct and voluntary accreditation schemes?

Yes

No

Not sure

Please give your reasons

The new Authority should indeed work with business representatives such as Trade Associations to provide training, and develop codes of conduct and voluntary accreditation schemes.

However, the new Authority should not develop and deliver training or other services on its own account.

There are several reasons for this:

- To deliver training and other services, particularly where these are fee generating creates a conflict of interest. Emphasis switches to creation and marketing of such services and revenue generation. This is in conflict with the primary and principal role of the authority being that of regulation and enforcement.
- The delivery of training and other services puts the new authority into competition for the delivery of such services with the private sector. This puts it into competition with organisations that it seeks to work with to achieve its mission. Indeed, because of its position as the Authority, this is an unfair and monopolistic competitive position. This has the effect of reducing trust and collaboration between the parties.
- The delivery of training and other services has the potential to put the new Authority at odds with the Regulators Code 5.1 by imposing unnecessary burdens on business, "Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself."
- The delivery of training and other services by the new Authority puts a Government body into performing the role undertaken by the private sector. Instead, the authority should work collectively, and sector by sector, with the appropriate business representative bodies and Trade

Associations to achieve the “prevent...exploitation” element of its mission statement.

13. Should the new Authority be able to charge for such services?

- Yes
 No
 Not sure

Please give your reasons

The focus of the new Authority would inevitably switch to profit generation:

- Managers in the new Authority would be appointed and targeted to achieve revenue generation. The Authority would become a quasi-business in itself, applying unnecessary fee generating burdens on responsible business.
- Regulated businesses would feel compelled to take up the training and services of the new Authority, regardless of their fitness for purpose, to achieve “accreditation” or some other perceived stamp of approval.

14. What other tasks might the new Authority perform?

The new Authority should focus on its primary functions of detecting and investigating the labour market breaches and offences that fall under the remit of the Director for Labour Market Enforcement.

Powers of the New Authority

15. Do you agree that the new Authority should be able to investigate labour market breaches and offences that fall under the remit of the new Director, including the new aggravated breach offence and Modern Slavery Act offences, as well as breaches of National Minimum Wage/National Living Wage and employment regulations, where they are connected with labour exploitation?

- Yes
 No
 Not sure

Please give your reasons

Such powers, as have been applied by the GLA to ALP members and other GLA licence holders for the last 9 years have proved effective.

Of the GLA licence holders that responded to the 2015 ALP survey:

- 79% perceived that it had improved conditions for workers;
- 79% perceived that it had reduced fraud / illegal acts

16. Do you agree that the new Authority should have the power to investigate these offences across all sectors of the labour market?

- Yes
 No
 Not sure

Please give your reasons

The new Authority should have investigative powers into the more extreme forms of abuse of vulnerable workers across all sectors.

The ALP is reassured that the Government has taken this view in its proposal and supports this approach.

17. Are the investigative powers proposed appropriate given the new Authority's functions?

- Yes
 No

If No, which ones should not be designated?

- The ability to enter and search premises with a warrant authorised by a Justice of the Peace (under section 8 of the Police and Criminal Evidence Act (PACE))
- The power to enter premises to execute an arrest warrant or for the purpose of arresting someone for an indictable offence (under section 17 PACE)
- The power to search premises controlled by person under arrest (under section 18 PACE)
- The powers to search a person at time of arrest and, when a person is arrested for an indictable offence, to search premises in which person was immediately prior to arrest (section 32 PACE)
- The power to use reasonable force in exercise of PACE powers, (section 117 PACE)
- The ability to seize evidence and then sift through it under section 50 of the Criminal Justice and Police Act.

Please give your reasons

18. Are there any additional powers the new Authority should have? Please describe and give your reasons.

As previously stated, and in line with the powers currently held by the HMRC NMW Enforcement Team the new Authority should have powers to “introduce administrative fines and penalties for low-level and technical minor offences, including a measure similar to a Repayment Order to achieve rapid reimbursement to an exploited worker of wages or other payment which has been removed.”

19. Do you agree that the new Authority should be able to use Proceeds of Crime Act powers to recover criminal assets?

- Yes
 No
 Not sure

Please give your reasons

Proceeds of Crime Act powers include confiscation orders requiring convicted individuals to make payment to the State based upon the benefit obtained from their crimes, civil recovery of proceeds of crime from unconvicted individuals, taxation of profits generated from crime, UK anti-money laundering legislation, powers of investigation into suspected proceeds of crime offences, and international co-operation by UK law enforcement agencies against money laundering.

All these powers are an essential part of the toolkit that the new Authority should be able to use in pursuit of achieving its mission.

20. What are the benefits of the new Authority having a formal power to ask for assistance from relevant organisations?

The arguments are clearly laid out in the Consultation document paragraphs 125-130 and the ALP defers in its response on questions 20-22 to those with more appropriate expertise in this area.

21. Which organisations should this new power apply to?

See Question 20

22. Should other enforcement organisations be given the ‘right to ask’ the new Authority to offer operational support?

- Yes
 No
 Not sure

Please give your reasons

See Question 20

Licensing

23. Do you agree that the current licensing criteria should be reformed?

- Yes
 No
 Not sure

Please give your reasons

The GLA licensing regime, since its formation, has contributed to significant improvements in labour standards within the regulated sectors of food processing, agriculture and horticulture, and shellfish gathering.

Of the GLA licence holders that responded to the 2015 ALP survey, 93% are in favour of licensing.

Statutory licensing of labour providers sectors is supported by all the tiers of the supply chain including retailers, growers and food producers for whom it facilitates a fairer competitive trading environment and contributes to protection from reputation damage.

The message from the responsible business sector is clear - the current licensing regime should be retained in the current regulated sectors of food processing, agriculture and horticulture, and shellfish gathering.

Legitimate businesses want, and have a right to expect, a “level playing field” in order to compete fairly within the law, as do those using their services. Of the GLA licence holders that responded to the 2015 ALP survey, 67% perceived that it has improved the level playing field for business competition.

To enable this fair competitive trading environment to continue it is essential that a regulator is maintained within the food industry labour supply chain that effectively prevents rogue businesses from undercutting legitimate labour providers, either through tax evasion, worker exploitation or both. To remove licensing would be a significant backwards step.

There is wide support for an intelligence-led, risk-based proportionate compliance and enforcement regime.

Paragraph 133 of the consultation document states that, “licensing can also create burdens for the consistently compliant businesses within licensed sectors.” This may have been the case previously, particularly up to 2010, but is not the case now. This is demonstrated as follows:

- The GLA conducts compliance inspections on only approximately 10% of licence holders in any year.

- These are intelligence-led inspections based on risk profiling and operational tasking where information has been received by the GLA that the licensing standards are being breached.
- The GLA has no reason, nor the resources, to visit “consistently compliant businesses” and indeed this would be contrary to the Regulators Code.
- The only requirement for “consistently compliant businesses” is to complete the annual licensing renewal with payment of the appropriate fee.

24. What reforms do you think would improve the current licensing regime?

The ALP does not consider that reforms are necessary. The licensing regime is established and works well.

Some improvements can be made, as always, but the licensing criteria do not need to be reformed.

The ALP proposes consideration of the following developmental improvements - numbering and headings refer to the current GLA Licensing Standards:

1. Fit and Proper Test
 - Remain as is with some clarification of wording and notification requirements
 - Position on new businesses to be clarified
 - Position on whether it is within the GLA’s powers to make a decision whether the licence holder is fit and proper to trade in the licensed sectors based on actions it undertakes in the unregulated sectors.
2. Pay and Tax Matters
 - Clarification on position taken on under-payment of holiday pay
 - Inclusion of gross non-compliance with pension requirements
 - AWR position to remain as current
3. Prevention of Forced Labour and Mistreatment of Workers
 - Inclusion of more indicators of forced labour
4. Accommodation
 - Consolidation of 4.2 and 4.4
5. Working Conditions
 - Consolidation of 5.1 and 5.2
 - Consolidation of 5.3 and 5.4
6. Health and Safety
 - No changes proposed
7. Recruiting Workers and Contractual Arrangements
 - Removal of duplication from 7.3 and 7.1
8. Sub-Contracting and Using Other Labour Providers
 - Consolidation of 8.2 into 8.1

Improvements to Process

- Signposting to the GLA scope of licensing document
- Inclusion of conditions where a licence decision may be taken without an application inspection
- Inclusion of description of Licence Suspension and Interim Licence Decisions
- The provision of the extension of powers previously referred to in this document
- Additional Government funding to increase the Licensing Team to include in-house employment lawyers.
- A review of Licensing fees to reward the consistently compliant

25. Do you agree that we should introduce a more flexible approach to licensing, based on a risk assessment, judged on a sector by sector basis and agreed by Ministers and Parliament?

- Yes
 No
 Not sure

Please give your reasons

Some parties would advocate a sector by sector expansion of the remit of the new Authority. The ALP is aware of the challenges this presents in defining such sectors and has previously commented on this as follows: “Whilst there are sectors believed to harbour higher levels of exploitation, such as hospitality, care and construction, it is not proposed to limit the extension of remit to such defined sectors. Such definition of sectors is difficult to achieve (the guidance for sectors which come within the current scope of GLA licensing extends to 34 pages).

The remit of the body is better defined by the type of exploitation it enforces. The GLA should have investigative powers into the more extreme forms of abuse of vulnerable workers. Such forms of abuse should be consulted upon during the review of the GLA.”

However, the ALP can see merit in extending the licensing remit to certain high risk definable areas such as car washing and valeting services.

26. Are there any sectors that you would remove from the current licensing regime?

- Yes
 No
 Not sure

Please give your reasons

Such a review was conducted as part of the red tape challenge and announced on 24 May 2012 by the Minister of State for Agriculture and Food in a [Written Ministerial Statement](#) which removed low risk activities or sectors from the scope of the GLA including: apprenticeships; forestry; cleaning contractors; land agents; and voluntary workers.

Governance and oversight of the new Authority

27. Will the proposed governance arrangements enable the new Authority to achieve its mission under appropriate oversight?

- Yes
- No
- Not sure

Please give your reasons

ALP supports the Government proposal that the new authority is an Executive Non-Departmental Public Body (NDPB) with its own Board and budget.

BIS/15/549