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## Human Rights and Business

### Inquiry by the Joint Committee on Human Rights

#### WRITTEN SUBMISSION BY THE ASSOCIATION OF LABOUR PROVIDERS

##### Contact

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##### The Association of Labour Providers (ALP)

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.

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](http://www.stronger2gether.org). The other development partners are the GLA and Migrant Help. The project sponsors are Aldi, Asda, Co-operative food, Lidl, Marks & Spencer, Morrisons, Sainsbury’s, Tesco and Waitrose.

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).

Within Stronger Together, in two years:

- Almost 4000 industry representatives have registered with [www.stronger2gether.org](http://www.stronger2gether.org) to download the free guidance and resources
- Almost 2000 individuals from 1000 businesses have attended “[Tackling Modern Slavery in UK Businesses](#)” workshops and are taking the tackling slavery message back to over 500,000 workers.

Stronger Together’s recently released “Tackling Modern Slavery in Global Supply Chains” toolkit and workshop uses the UN Guiding Principles on Business and Human Rights methodology to guide organisations to tackle this gross form of exploitation.

##### Submission

###### National Action Plan

What is your assessment of the UK National Action Plan (*Good Business: Implementing the UN Guiding Principles on Business and Human Rights*) updated in May 2016?

A. Nil response

Does it demonstrate significant progress has been made on business and human rights since 2013? Is it ambitious enough in the commitments it makes for the future?

A. There has been some but not significant progress on business and human rights since 2013.

Very few businesses in the UK food and agricultural sectors have adopted a UNGP approach to addressing human rights risks in their supply chain. However an increasing number of medium sized businesses, in response to ethical standards required by supermarkets are now appointing Ethical Trade Managers, Responsible Sourcing Manager, CSR Managers or other similar such roles.

There are some positive signs that the TiSC reporting requirements and Corporate Human Rights Benchmark will focus attention on addressing human rights risks in forthcoming years.

Are any of the requirements placed on businesses ineffective or counter-productive?

A. None as known

How are small and very small businesses affected?

A. Small and very small businesses are generally not aware of the UN Guiding Principles on Business and Human Rights or do not see the relevance of it to their business or are unable to resource this.

What more could the Government and businesses be doing to improve human rights in the sphere of business?

A. Whilst large high profile brands have made progress, most businesses have yet to engage with human rights in their business and supply chains or are making early tentative steps.

The Corporate Human Rights Benchmark should be accelerated.

Additional responsibilities and requirements should be imposed upon public sector procurement

Trade associations should be engaged and funded as a route to develop and disseminate good practice

Businesses with a turnover above £36m should be required to name a Director responsible for addressing human rights in their business and supply chain.

Funding should be available for programmes like [www.stronger2gether.org](http://www.stronger2gether.org) to disseminate their resources to all business sectors.

To what extent are different Government departments engaged with the business and human rights agenda and the National Action Plan?

A. Unknown

What is the level of ministerial buy-in and commitment to the business and human rights agenda and National Action Plan?

A. Unknown

How effective is the cross-Whitehall Steering Group which monitors the Action Plan?

A. Unknown

### **Government engagement with business and human rights**

What more could be done to ensure consistent commitment from all Government departments?

A. Unknown

Does the National Contact Point have sufficient powers not only to monitor but to enforce compliance with the Action Plan?

A. Unknown

How effective are current rules in ensuring that human rights-related matters are reflected in the procurement of public goods, works and services?

A. Not effective, when, for instance compared with action taken by the United States in public procurement.

Procurement of public goods, works and services should model best practice to the private sector with regard to human rights-related matters. There is no evidence that this is the case.

One means to enhance effectiveness is to extend the current Transparency in Supply Chains reporting requirements to public bodies and exclude from public sector contracts any business that has not produced a statement by implementing "The Modern Slavery (Transparency in Supply Chains) Bill" which received its first reading in the House of Lords on 23rd May, "A Bill to require commercial organisations and public bodies to include a statement on slavery and human trafficking in their annual report and accounts; and to require contracting authorities to exclude from procurement procedures economic operators who have not provided such a statement; and for connected purposes.

Has significant progress been made in monitoring compliance with the National Action Plan (including, e.g., transparency of supply chains) since 2013?

- A. Not that is apparent. The government decided not to hold a central database of modern slavery statements as required under the Modern Slavery Act s54 Transparency in supply chains etc. reporting requirements.

### **Monitoring transparency and compliance**

How effective is the new reporting requirement introduced by the Modern Slavery Act for holding businesses to account?

- A. A positive start but it is early days. Initial indications are that most businesses are not adopting a transparency approach but are being legally cautious.

What more could be done to protect against slavery and exploitation?

- A. 1. An updated National Action Plan focused on each form of slavery i.e. sex, labour, criminal etc. This is necessary because of the substantial developments since the current national plan was issued, namely the Modern Slavery Act 2015, the UN Sustainable Development Goal 8.7 and the UK ratification of P029, the Protocol of 2014 to the Forced Labour Convention 1930. A consultation exercise should be facilitated through the office of the Independent Anti-Slavery Commissioner.  
2. A specialist Anti-Slavery unit in each police force  
3. Greater funding for the Gangmasters and Labour Abuse Authority  
4. Greater prison sentences, financial penalties and use of POCA  
5. Actions focused on UK communities in which slavery and exploitation is seen to be more prevalent i.e. Vietnamese, Indian etc.

How effective is the current system in ensuring victims have access to remedy?

- A. The current system is ineffective in ensuring victims have access to remedy. Refer to the Migration Advisory Committee report, Migrants in Low-skilled work report. Workers do not know how to report exploitation. Enforcement bodies, GLAA, HMRC NMW and EAS are constrained by their powers and resources

Are remedies available to victims sufficient, and if not, what more could be done?

- A. 1. Most migrant and vulnerable workers in the UK do not know of the existence of Acas. Acas (an acronym for the Advisory, Conciliation and Arbitration Service, a throwback to the industrial relations regime of the 1970s) needs to be renamed and rebranded into the modern 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. The workplace Health & Safety poster design should be updated to include this. These should 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.

2. The House of Common Justice Committee [review into Court and Tribunal Fees](#) found that that there has been a significant drop in the number of employment tribunal claims and the government's assertion that the drop is largely attributable to the success of Acas Early Conciliation is "even on the most favourable construction, superficial" (para 69). Fees "have had a significant adverse impact on access to justice for meritorious claims" (para 69) and the level of fees should be a "substantially reduced" (para 79) and the remission system overhauled, with only one application needed (to cover both issue and hearing fees).

3. As per the recommendation of Baroness Hale, employment tribunals ought to be given jurisdiction to award compensation under section 8 of the Modern Slavery Act to grant recompense for ill-treatment meted out to vulnerable migrant workers.

### **Access to remedy**

What more could be done to enable victims to access remedies when their human rights have been breached by a UK business?

- A. As above.

Would creating more criminal sanctions improve compliance?

- A. No. Civil penalties and Reparation Orders are more effective