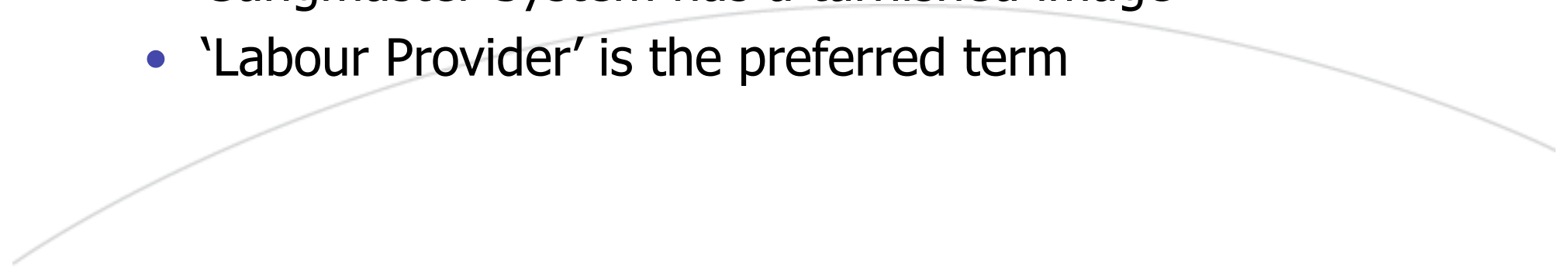





Gangmasters Licensing Authority

Peter Yensen
Enforcement officer


Gangmaster-Terminology

- Have played a role in the supply of agricultural labour for over a century
 - Can provide a flexible workforce to meet seasonal and market demands of both agricultural and food industries
 - The system itself is legal but not always operated legally
 - Gangmaster System has a *tarnished* image
 - 'Labour Provider' is the preferred term
- 

What are the issues?

- Extreme abuse of Workers
 - Organised Crime Links
 - Working / Living Conditions
 - Low Wages
 - Poor Health, Safety and Hygiene
 - Illegal working / False ID
 - VAT, PAYE, Ben Fraud etc
 - Sub-contracting
- 

Problems/Abuses

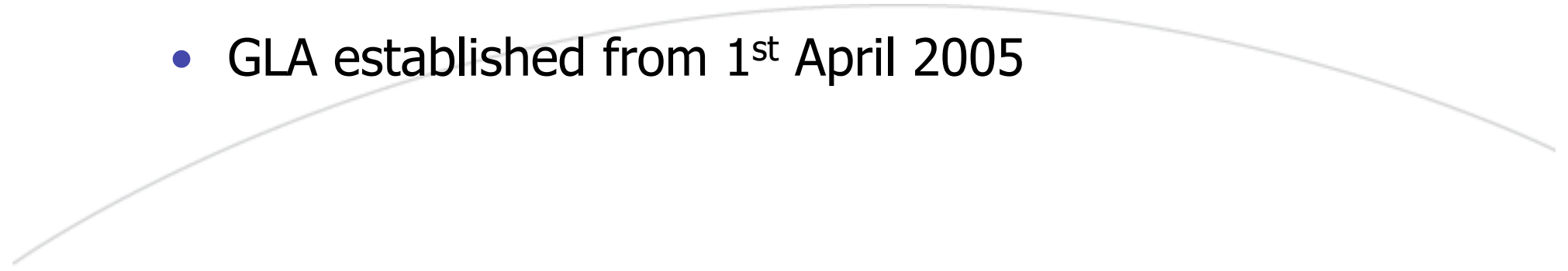
- Non compliance with national and/or agricultural minimum wage
 - Bonded Labour
 - Unlawful deductions from wages
 - Use of illegal immigrant labour
 - Use of underage workers
 - Evasion and non payment of taxes
 - Exploitation
- 

Community Issues


- Migrants facing 'racial tension'
- Most migrants work in the agricultural sector. Community leaders say migrant workers are facing increasing racial tension




Gangmasters (Licensing) Act 2004

- Private Members Bill introduced by Jim Sheridan MP for West Renfrewshire on 7th January 2004
 - Morecambe Bay Tragedy 5th February 2004
 - Received Royal assent 8th July 2004
 - GLA established from 1st April 2005
- 

Gangmasters (Licensing) Act 2004


- Act seeks to curb the exploitative activities of Gangmasters
 - Licensing will make the provision of labour more transparent
 - Will create a clear distinction between legal and illegal operators
 - Creates four offences in this field:
- 

Offences

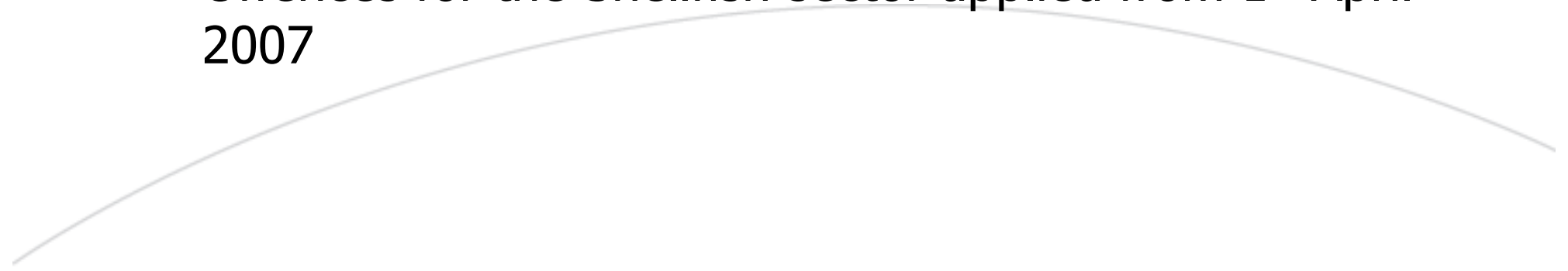
1. Acting as a labour provider without a licence
 2. Using the services of an unlicensed labour Provider
 3. Obstruction of an Officer
 4. Possessing a false relevant document
- 

Gangmasters (Licensing) Act 2004


At present applies only to.....

- Agriculture (includes horticulture and forestry)
 - Gathering Shellfish
 - Processing and packing agricultural and fish produce
- 

Current position

- From 6th April 2006 Licences have been applied for within the Agricultural and Processing and Packaging sectors
 - It became an offence to act as a labour provider without a licence from 1st October 2006
 - It became an offence to use the services of an unlicensed Labour Provider from 1st December 2006
 - Offences for the Shellfish sector applied from 1st April 2007
- 


Applying for a Licence

- Application process
 - Payment clearance - Fees
 - OGD checks
 - Inspection measured against standards
 - Licence issued for 12 months
 - Number of applications to date – Approx 2000
 - Number of Licenses issued thus far – Over 1188
- 

What next?

- Continuing the process of Inspection visits to Labour Providers and Users
- Building an Intelligence database to direct future Enforcement and Compliance operational activity
- Building Relationships with Partner Organisations
 - Industry Stakeholders
 - Other Government Departments (MOUs)
 - Workers welfare organisations

Enforcement

- Based on risk
 - Enforcement activity from 1st December 2006 to investigate offences under the Act
 - Joint investigations to tackle illegal activity by Labour Providers
 - Provide presence to deter, disrupt, or displace activity that cannot be prosecuted
- 

Operation Hannibal - Results

GLA

- 3 LP's reported for revocation decision
- 6 LP's identified for compliance inspections
- 1 un-licensed over seas LP identified as supplying into UK
- 1 licensed LP in UK identified as using un-licensed over seas agent
- 2 further agencies identified for further investigation


Other agencies

- 26 vehicle prohibitions issued
- 1 vehicle impounded for HMRC
- 3 un-licensed HMO's closed


Compliance

- To measure compliance with the GLA Standards
- Inspections based on risk but with a random element
- Licences to be revoked if not operating at satisfactory level
- Number of Compliance Inspections to date – 400 approx

Revocations so far

- Number of revocations with immediate effect
- 5
 - Number of revocations without immediate effect - 54
 - If action taken indicates that a licence may be revoked GLA Inspector completes a Community Impact Assessment
- 

Community Impact Assessment

- Includes information gained from Inspection process
 - Aims to provides sufficient details for Partner Agencies to plan for impact of licence revocation
 - Does not form part of the decision making process for revocation of a licence
- 

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