

Guidance for Recruitment and Employment Practices in the Meat and Poultry Processing Sector in the UK

October 2011

This document is an agreement between retailers, meat processing companies, poultry processing companies, and labour provider representatives¹ (hereafter collectively called 'the sector'). 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 (EHRC).

Between 2008 and 2010 the EHRC 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

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

Recommended Management Practices

All meat and poultry processing companies should:

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 & 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. help-lines 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, focus groups with external organisations, &c;
 - 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.

~end~