

PRESS RELEASE

No Christmas Cheer for Temporary Workers

As demand for labour surges to meet the seasonal peak many growers are refusing to pay agricultural overtime rates to agencies and it is the workers who suffer, reports the Association of Labour Providers.

Workers covered by the Agricultural Wages Order are entitled to overtime at time and a half for hours worked in excess of 8 in a day or 39 in a week. Historically, though contrary to the Order, this has often not been paid for agency workers supplied by labour providers to farmers, growers and agricultural packhouses.

Recently however the Gangmasters Licensing Authority have taken the position that failure to pay agricultural overtime is a critical non-compliance and so, whilst it may be fine in every other respect, this issue on its own will result in a labour provider having its licence to trade revoked by the GLA.

Labour providers therefore have no option but to pay agricultural overtime if they want to stay in business.

Many growers however are refusing to pay overtime, stating that supermarket margins just do not allow enough profit to pay it and they are finding a number of ways, legal and illegal, to avoid doing so.

The legal way often involves growers restricting agency workers to 39 hours work per week so that no overtime is due. Workers generally prefer 50-60 hours at basic rate but now find that their income is restricted and therefore they must go short or find additional work elsewhere to top up their wages.

The illegal way is for a farmer to find a labour provider ignorant of the Agricultural Wages Order or one who is willing to be complicit in breaching its requirements in order to win the business.

David Camp, Director of the Association of Labour Providers, says,

“This is another case of the law of unintended consequences. The enforcement of this requirement is driving the provision of agricultural labour towards the more dishonest providers. Our members who seek to comply with this requirement are stuck between a rock and hard place - if they don't pay overtime they run the risk of losing their licence; however the farmers won't pay it and instead find a complicit agency to supply their labour. The GLA just don't have the resources to enforce this consistently around the UK. This is another case of the Agricultural Wages Order failing to meet the needs of temporary workers.”

ENDS

Notes:

The Association of Labour Providers (ALP) is the specialist trade association for organisations that provide and use temporary, contract and seasonal workers within the food, agricultural and other GLA regulated sectors.

The ALP is a centre of expertise and good practice on temporary labour issues for both labour providers and labour users alike.

The ALP's goal is to help improve the standard of labour provision in the food supply chain whilst supporting the need for an ethically managed, cost effective, flexible labour force within the sector.

The ALP welcomes growers, producers and packers as Associate Members.

A list of members and further information can be found at www.labourproviders.org.uk.

Contact 01276 509306 or info@labourproviders.org.uk for further details.