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## Member Brief No 70

# EHRC Inquiry into Recruitment and Employment in the Meat and Poultry Processing Sector – Report Recommendations

## Introduction

This Brief provides an overview of the recommendations contained in the Equality and Human Rights Commission report of the inquiry into recruitment and employment in the meat and poultry processing sector. The full report can be accessed [here](#).

The report will influence the climate in which labour providers and their customers operate. Members should therefore be aware of the recommendations and may anticipate some pressure from their customers to change certain practices. Where the recommendations are unrealistic the Association will be making these points.

Under the Equality Act (2006) Schedule 2 para 18 “A person to whom a recommendation in the report of an inquiry, investigation or assessment is addressed shall have regard to it” and Schedule 2 para 17(1) “a court or tribunal may have regard to a finding of the inquiry.” If the EHRC receives complaints from workers about breaches of equality enactments and find that firms or agencies have paid no regard to the recommendations then the Commission may use its regulatory powers against individual firms. Any decision whether to take enforcement action will be taken in accordance with the [EHRC Enforcement and Compliance policy](#).

Members who supply into the meat and poultry processing sectors should sensibly discuss these recommendations with their clients. All other labour providers should review the recommendations from the perspective that supermarkets will continue to drive improvements in ethical standards through their supply chain in all food and agricultural supply sectors.

## What are the EHRC Recommendations?

Recommendation	Who	Why
1. Work agencies offer contracts of employment to workers engaged by them where possible.	Labour Provider	To reduce job insecurity
2. Processing firms regularly review their use of agency staff to ensure that they offer agency workers direct employment when being used on an ongoing basis, rather than to deal with short-term fluctuations.	Labour User	To reduce job insecurity
3. Processing firms do not use agency staff to avoid the obligations which come with a regular employment relationship, in compliance with the Ethical Trading Initiative (ETI) base code.	Labour User	To reduce job insecurity
4. The government reconsiders the extent of employment protection and rights that agency workers engaged on contracts	Government	To reduce job

for services require in order to reduce their vulnerability to losing their job if they raise any concern.		insecurity
5. All agency workers should have the same degree of legal protection as permanent employees from discrimination on any of the protected grounds. This should be the case regardless of whether: they have a contract of employment with the agency or are engaged under a contract for services the work agency or the end user is responsible for the discrimination.	Government	To protect agency workers from discrimination in the workplace
6. All processing firms take steps to ensure that the culture in their workplace is one that actively tackles harassment and discrimination and promotes an ethos where discrimination is viewed by all as being unacceptable, including the following actions: implementing an equal opportunities policy, providing diversity and equality awareness training to staff, providing specific training and guidance for line managers, including how to manage pregnant workers and workers of different nationalities ensuring that all staff have access to a confidential complaints and grievance procedure.	Labour User	To protect agency workers from discrimination in the workplace
7. The Gangmasters Licensing Authority (GLA) includes, as a licensing standard, a requirement for agencies to translate key employment documents into a language the worker easily understands or to take alternative steps to ensure that the worker understands the contents of the documents.	GLA	To address lack of understanding of employment rights and documentation.
8. The government explores methods of making standardised information available online that can be downloaded by companies, in the main languages spoken by migrant workers, to minimise costs to individual companies.	Government	To address lack of understanding of employment rights and documentation.
9. The Department for Business, Innovation & Skills (BIS) consider the requirement for standardised information on pay slips, so that workers understand any deductions.	Government	To address lack of understanding of employment rights and documentation.
10. In relation to agency workers' difficulties in understanding and taking their holiday entitlement, we recommend that Pay slips issued by agencies include details of the amount of accrued holiday entitlement.	Labour Provider	To address lack of understanding of employment rights and documentation.
11. In relation to agency workers' difficulties in understanding and taking their holiday entitlement, we recommend that BIS give a greater focus to raising workers' awareness of their rights to holiday pay.	Government	To address lack of understanding of employment rights and documentation.
12. Processing firms and agencies provide workers with a confidential and well-publicised process for raising issues of concern in a language they understand. This should be done as part of an integrated approach to providing an environment in which workers feel confident to raise issues informally and formally.	Labour Provider & Labour User	Helping vulnerable workers to raise issues of concern
13. Processing firms and agencies display or distribute information and contact details of the Pay and Work Rights Helpline and GLA to workers.	Labour Provider & Labour User	Helping vulnerable workers to raise issues of concern
14. BIS issue guidance to clarify the circumstances in which the agency has primary responsibility for dealing with a worker's problem, and those in which the processing firm has primary responsibility.	Government	Helping vulnerable workers to raise issues of concern
15. The Commission use its strategic litigation powers to highlight the unlawful victimisation of agency workers for making complaints about discrimination.	EHRC	Helping vulnerable workers to raise issues of concern
16. Processing firms and agencies provide workers with access	Labour Provider	Promoting

to ESOL classes, where needed, at times and locations that best facilitate participation and learning.	& Labour User	integration, more effective working and reducing vulnerability
17. Processing firms assess migrant workers' knowledge of English and literacy in order to develop and deliver appropriate workplace communication, including training packages and signage.	Labour User	Promoting integration, more effective working and reducing vulnerability
18. The government ensure that the primary responsibility for checking that the worker is receiving parity after 12 weeks lies with the agency, rather than the onus being on each agency worker. In addition that agency workers understand and can access their rights.	Government	Forthcoming Agency Workers Directive improvements
19. Trade unions should build on the work they are already doing in recruiting and supporting migrant workers with wider well-resourced organising campaigns aimed at vulnerable workers, especially in sectors where precarious, low paid employment is common.	Trade Unions	Agency and migrant workers to gain the benefit of union activities
20. The government ensures that the GLA is funded at an appropriate level to deliver its remit and deal with the widespread breaches of licensing standards revealed by this inquiry. As a minimum the recent increases in staffing should be maintained.	Government	hold organisations to account
21. The GLA provide guidance to work agencies clarifying that, if they are asked by a processing firm to provide staff at less than the GLA indicative rate, or are aware of other agencies doing so, they should inform the GLA.	GLA	Upholding the GLA indicative rate
22. The Recruitment and Employment Confederation (REC) and the Association of Labour Providers (ALP) reinforce this guidance to their membership. The way forward	ALP & REC	Upholding the GLA indicative rate
23. HM Revenue & Customs review the need for non-transparent tax allowance schemes which allow unethical agencies to supply labour at very low rates, and undercut more ethical rivals.	Government	Ending abuse of tax-free allowances
24. Enforcement work in respect of umbrella companies who abuse tax free allowances for workers is prioritised and appropriately resourced, with publicity of enforcement activity so as to raise awareness of this issue.	GLA & Government	Ending abuse of tax-free allowances
25. The GLA be given formal authority and appropriate resources to investigate the new offence of forced labour when the legislation comes into force.	Government	Forced labour
26. The government produce guidance for work agencies and employers on forced labour, including clarifying the circumstances where the actions of recruitment consultants, including forced overtime, can amount to forced labour.	Government	Forced labour
27. The Health and Safety Executive (HSE) address the issues raised by our inquiry through targeted compliance and enforcement action.	Government	Health and safety
28. Processing firms take steps to safeguard the health and safety of agency workers, including: always providing work agencies with a health and safety risk assessment before sourcing their workers; working with agencies to make sure agency workers get the training and equipment they need to carry out their work safely; ensuring health and safety training is clearly understood by all participants, including those with limited English language skills.	Labour User	Health and safety

29. Processing firms take steps to safeguard the health and safety of pregnant workers, including: carrying out individual risk assessments for pregnant staff, including agency staff, and providing suitable conditions for pregnant women to continue work, where possible.	Labour User	Health and safety
30. Those supermarkets who are not currently members of the ETI sign up to the ETI base code in order to provide a basis for consistency of standards.	Supermarkets	Retailers apply similar standards.
31. All supermarkets encourage suppliers in their supply chain to adhere to the GLA Supermarket and Suppliers Protocol, including passing on any serious breaches of GLA licensing standards, revealed by ethical audits, to the GLA.	Supermarkets	Retailers apply similar standards.
32. To enable supermarket auditing systems to drill down the supply chain more effectively, we recommend that audits are: made appropriate to the risks in the UK; not reliant on a system of self-assessment; carried out by skilled auditors with the experience and investigatory skills necessary to identify issues highlighted in this report, and able to overcome the factors which are preventing agency workers giving an accurate picture of the conditions in which they work.	Supermarkets	Retailers apply similar standards.
33. We also encourage supermarkets to work more closely with suppliers to develop sustainable approaches to ordering which support the increased use of regular employment relationships.	Supermarkets	Retailers apply similar standards.
34. Agencies adopt a comprehensive equal opportunities policy which is communicated to clients and people seeking work through the agency, and is understood by all employees of the agency. The policy should make clear who to complain to if the policy is breached.	Labour Provider	Promote equality, human rights and good relations
35. Processing firms implement equal and transparent systems for recruiting staff, in particular the criteria and processes used in moving agency workers to direct employment. These should be communicated to agency workers and included in contracts between processing firms and agencies. Managers should receive training in their operation.	Labour User	Promote equality, human rights and good relations
36. Processing firms monitor the outcomes of their recruitment practices to ensure that particular groups, including British workers, are not disadvantaged.	Labour User	Promote equality, human rights and good relations
37. Jobcentre Plus consider how they can best meet the needs of meat processing firms looking for staff, with a view to increasing the supply of workers through Jobcentre Plus.	Jobcentre Plus	Promote equality, human rights and good relations
38. Work agencies and processing firms provide training to recruitment consultants and managers on their duty not to discriminate against, harass or coerce agency workers.	Labour Provider & Labour User	Promote equality, human rights and good relations
39. Work agencies and processing firms treat acts of discrimination, victimisation and coercion by their staff as a disciplinary offence.	Labour Provider & Labour User	Promote equality, human rights and good relations
40. Work agencies should make sure all recruitment consultants and managers understand that coercion of agency workers is contrary to the GLA's licensing standards and could result in the agency losing its licence.	Labour Provider	Promote equality, human rights and good relations
41. Processing firms and work agencies, supported by the government and supermarkets, take steps to promote cohesion in the workplace in this sector. Providing support to improve workers' English language skills is a key step in this.	Labour Provider & Labour User	Promote equality, human rights and good relations
42. Processing firms consider introducing pay parity between	Labour User	Promote equality,

agency workers and permanent staff carrying out like work from day one, including enhancements paid for overtime, weekend and night work.		human rights and good relations
43. Processing firms provide supervisors and managers, particularly first line managers, with appropriate training to enable them to operate in a way which promotes equality and cohesion and respects the dignity of workers.	Labour User	Promote equality, human rights and good relations
44. Supermarkets support processing firms in their supply chain with training programmes specifically aimed at supervisors and line managers, and build on current ETI initiatives which promote equitable management practices.	Supermarkets	Promote equality, human rights and good relations
45. The government work with the ETI to set up and lead a representative industry task force to produce standardised recruitment and employment practices for the meat processing industry.	ETI	Agree consistent standards to provide a level playing field.
46. This task force includes trade associations and other representative bodies, supermarkets, regulatory bodies, including the GLA and the Commission, selected work agencies and processing firms, the TUC, the Chartered Institute of Personnel and Development (CIPD) and relevant trade unions. The issues on which consistent standards would benefit the industry to cover the principle issues on which practices differ, including: pay parity, and when overtime rates are applicable the period of service after which a company should positively consider making a worker permanent, and the development of a standard audit methodology based on an investigatory approach for auditing under the ETI base code.	ETI Task Force	Agree consistent standards to provide a level playing field.
47. Key bodies in the sector, including the supermarkets, should increase the sharing of best practice in areas of concern highlighted by this inquiry.	Supermarkets	Agree consistent standards to provide a level playing field.
48. Twelve months after the launch of this report, we recommend that the Commission: reviews the extent to which relevant bodies have effectively implemented the report's recommendations, and takes enforcement action as appropriate.	EHRC	Reviewing the implementation of this report's recommendations
49. Although outside the scope of this inquiry, we believe that there is a case for broadening the GLA's remit to include other sectors where low-paid agency workers are at risk of exploitation, and we encourage the government to positively consider this.	Government	Licensing and regulation of agencies in other sectors

In a press statement the Association said –

“The Association of Labour Providers (ALP) welcomes the report and the recommendations merit careful study by government, regulators, supermarkets, labour providers and labour users. The ALP is willing to discuss the issues with the other parties. Some of the recommendations, such as paying workers for travelling time and engaging workers on contracts of employment rather than contracts for services, are not possible unless there is a commitment from retailers and labour users to meet such costs, and past experience suggests that this is unlikely.

The report says that the Commission has no evidence to suggest that supply chain practices in the meat processing sector are any more detrimental to workers than in any other sector that makes use of low paid agency migrant labour, yet it also calls for more resources to be available to the regulator, the Gangmasters Licensing Authority (GLA), in the only sector that has a regulator. The ALP supports the extension of the remit of the GLA into other sectors and a more joined-up approach by government across the whole of the economy would seem more sensible than a piecemeal sector by sector approach.”