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Association of Labour Providers

Minutes of the Meeting of the Executive Committee on Thursday 19 February 2009, at 11:00 am, Room 813, Grant Thornton House, Melton Street, Euston Square, London NW1 2EP

Executive Committee Present

Mark Boleat (Chairman)
David Camp (Director)
Jimmy Davies (HOPS)
Bernard Gaughan (Total Labour Solutions)
Andy Haselip (Pro-Force Ltd)
Andy Hogarth (Staffline)
Karen Lowe (Team Support Services Ltd)
Lee Rand (Teamwork Resource)
Mark Rye (DKM)
Ken Steers (Cordant)

Also Attending

Mike Cooper (Best Connection)
Neil Yorke (Best Connection)
Dave Jennings (Grant Thornton)
David Hamer - part (Lockton Affinity)

1. Apologies for absence

Stephen Brewis (Blue Arrow)
Karen Lowe (Team Support Services)
Joanne Young (Right4Staff)

2. Membership of the Committee

No issues.

3. Minutes of the meeting held on 8 December 2008 (Paper 2009/01)

The minutes of the meeting held on 8 December 2008 were agreed as a correct record.

4. Gangmaster Licensing Authority Issues (Paper 2009/02)

GLA Licensing Decision Policy

The Committee stated that the GLA policy of taking enforcement action without giving licence holders a chance to make representations was a significant issue and that the Association should continue to press for a change to the GLA Licensing Decision Policy in line with the paper previously submitted to the GLA. It was agreed that the GLA's response was unsatisfactory and that this matter should be raised as a matter of priority by the Association as part of the Better Regulation Executive GLA review.

GLA Labour Provider Group

The Committee expressed continuing concern that the GLA was failing to respond or take action on a number of issues. These concerns, expressed on a number of previous occasions, will be put

to the BRE GLA review. For future meetings the ALP will produce and distribute its own minutes of the Labour Provider Group meeting

The Committee requested that the Association raise at the next meeting the issues of the GLA's strategy to tackle the high number of unlicensed labour providers and clarification on the approach to overseas labour providers.

GLA Review of Licensing Standards

The Committee noted the input of the Association into the redrafting of the Licensing Standards. This exercise had gone very well, with the GLA taking many of the Association's comments on board.

5. Issues relevant to members' business (Paper 2009/03)

Applicability of the Agricultural Wages Order to Agency Workers on Contracts for Services

The Committee noted progress and stated that this remains a priority issue for labour providers supplying into agriculture. The Director will seek legal advice on the most appropriate method of progressing this issue.

Inquiry into the treatment of workers in the meat processing industry

The Committee provided useful input to an initial Association response to questions raised by the Equality and Human Rights Commission's formal Inquiry into the employment and recruitment practices of atypical workers in meat processing sectors in England and Wales.

The Chairman and Director meet with the EHRC on 26th February and will express initial views before producing a formal response. A draft of this response will be circulated for comment.

Accession States Worker Registration Scheme

The Chairman met the Borders and Immigration Agency Head of Policy on 12 February.

The Scheme ends automatically on 30 April 2009. The Government can ask the European Commission for an extension but only on the grounds that not continuing the scheme would cause serious disturbance to the labour market. The Migration Advisory Committee has been asked to produce a report on the impact of ending the scheme.

HMRC Guidance on using Labour Providers

The Committee noted the updated HMRC guidance document on due diligence checks that a labour user should undertake on a labour provider. This version contains amendments following representations from the Association.

Agency Workers Directive

The Committee noted that the Association Chairman and Director met with the Department for Business Enterprise and Regulatory Reform (BERR) on January 14th 2009 to put forward the views of labour providers to those drafting the UK legislation implementing the Temporary Agency Workers Directive (TAWD) into UK law.

The Association will continue to take a full role in this issue and will produce a formal response to the official consultation due to be issued in March.

Minimum Wage

The Committee noted the Low Pay Commission delay until 1 May 2009 of its report to the Government on recommendations on the 2009/10 national minimum wage.

The Association will make a further approach to the LPC for a more rational treatment of optional deductions from pay to which the worker has agreed, most notably transport, and payments for accommodation.

Transport to Work

The Committee noted that the GLA has advised that from April 2009 if a deduction from wages is made to cover transport to work, even if it is optional and signed for, it reduces pay for national

minimum wage purposes and if pay is reduced below NMW it will be regarded as a breach of the NMW Licensing Standard and regarded as a critical non compliance.

The Committee had no comment on the draft Brief on this matter.

ALP Legal Support Services and Insurance Services

The Committee noted as beneficial the forthcoming introduction of an ALP Legal Support Service and ALP Insurance Scheme specially geared to labour providers and valued the further explanation provided by David Hamer of Lockton Affinity Insurance.

ALP Roadshows 2009 - Protecting your Labour Provider Business

The Association noted the forthcoming free roadshows for GLA licensed labour providers.

6. Policy Priorities for 2009 (Paper 2009/04)

The Committee noted progress against the 2009 policy priorities:

Policy Issue - GLA related	
Issue 1: Support for the Gangmasters Licensing Act to be extended to other sectors.	Little interest from the Director of Strategy on voluntary licensing of labour providers outside the regulated sector. In practice it would be difficult for the GLA to regulate businesses that do not operate in the licensable sector.
Issue 2: Support for a smaller, more effective GLA Board.	GLA expected to issue new proposals during 2009
Issue 3: To participate fully in the redrafting of the GLA licensing standards to aim to remove many of the inconsistencies and confusion that exist regarding the current Licensing Standards.	The Association has been extensively involved in the GLA licensing standards review, securing substantial improvements to the benefit of labour providers. Completed.
Issue 5: To work together with the GLA to improve the structure, management and effectiveness of the Labour Provider Group meetings.	GLA expected to issue new proposals during 2009
Issue 6: To propose to undertake a series of national roadshows jointly with the GLA on an ongoing monthly basis to communicate current issues and recent developments to labour providers and users.	Decision taken to run 6 roadshows in March/April separately to GLA to allow a freer exchange of views and information.
Issue 7: To press for the GLA to undertake a strategic management review of its performance against the seven principles of the Regulators Compliance Code and to implement actions to improve compliance.	The GLA will be undergoing a formal review in March 2009 by the BERR Better Regulation Executive. The Reviews assess how well regulators are following the Hampton principles of better regulation and the characteristics of effective sanctions defined by the Macrory review. They encourage best practice and continuous improvement among regulators. The purpose of the reviews is to promote more effective and efficient regulatory activity. As the primary stakeholder the ALP will play a full role in this
Issue 8: To continue to request that the GLA be more open and clear regarding inspection processes	GLA has produced "Information Sheet for inspectors to give to licence holders at inspection to explain process and what happens next. Ongoing
Issue 9: To seek amendment to the GLA Licensing Decision process so that labour providers are provided with a formal right of response before a final decision is made following inspection.	To be raised with the BRE

Policy Issue - Other	
Issue 1: Support for abolishing the Agricultural Wages Order (AWO) and Agricultural Minimum Wage (AMW).	Appeal case to be heard in April. Legal advice to be sought
Issue 2: Amending the accommodation offset arrangements to continue to be pursued.	Response made to Low Pay Commission Issue raised with CBI
Issue 3: Amending the ruling that deductions from wages with the agreement of the worker should not be regarded as deductions for the purpose of meeting NMW rules to be pursued.	Response made to Low Pay Commission. Further approach to be made. Meeting being arranged with NMW Head of Operations. Issue raised with CBI
Issue 4: Continue to press for the abolition of the Worker Registration Scheme (WRS).	Likely to end 30 April 2009
Issue 5: Continued support for effective action on tax evasion	Issue raised to Critical within GLA regulations.

	Issue of HMRC Labour Provider due diligence leaflet; Meeting scheduled with HMRC.
Issue 6: Seek to achieve a common consensus across the sector on ethical auditing standards	Ongoing - Global Social Compliance Programme will seek to address this
Issue 7: Seek to spread a positive message about labour provision within the sector	Meetings being held with all retailers
Issue 8: To improve the accessibility of legal support services to members	To be implemented March 2009
Issue 9: To support the continuation of a SAWS type scheme.	Ongoing
Issue 10: To contribute to the EHRC inquiry to ensure a balanced perspective is achieved	Meeting arranged 26/2. Formal paper to be drafted

7. ALP Financial Position and Annual Accounts (2009/05)

The Committee noted the financial position for 2008 and the budget for 2009 and agreed that the final accounts may be approved by email.

8. Constitutional matters and the AGM (Paper 2008/06)

Mark Boleat was reappointed as Chairman until the first Executive Committee meeting of 2010.

It was agreed to incorporate the annual report into the May ALP Directory & Handbook and that the AGM be held prior to the Executive Committee meeting on 13th May in open form.

It was noted that there are two positions available on the Executive Committee.

9. Dates of next meetings

Meetings for 2009 are May 13th, September 29th (note new proposed date) and December 15th.