

Association of Labour Providers

Minutes of the meeting of the Executive Committee held on Monday 8th December 2008, at 11:00am, Association of Charitable Foundations, Euston, London

Executive Committee Present

Mark Boleat (Chairman)
David Camp (Director)
Bernard Gaughan (Total Labour Solutions)
Andy Haselip (Pro-Force)
Mark Rye (DKM)
Joanne Young (Right4Staff)
Jimmy Davies (HOPS)
Ken Steers (Cordant Group)
Stephen Brewis (Blue Arrow)

Also Attending

Jerry Camp (ALP)
Duncan Pattison (Reliance)
Nick Gregory Jones (Single Resource)
Richard East (RE Personnel)

1. Apologies for absence

Lee Rand (Teamwork Resource)
Karen Lowe (Team Support Services)
Andy Hogarth (Staffline)

2. Membership of the Committee

The Committee noted that Gary Norman had now retired and that a suitable replacement would be sought before the next Executive Committee meeting in February 2009.

3. Minutes of the meeting held on 10 September 2008 (Paper 2008/30)

The minutes of the meeting held on 10 September 2008 were agreed as a correct record.

Gangmaster Licensing Authority Issues

4. GLA consultation on licence fees for 2009/10 (Paper 2008/31)

The Committee was pleased to note that the continued representations made by the ALP concerning GLA fee levels had led to a reduction from April 2009. The ALP will respond to the GLA consultation in line with the draft proposed at the meeting.

5. GLA Licensing Decision policy (Paper 2008/32)

The Committee agreed that there were considerable inconsistencies between different GLA inspections. The Committee expressed concern that Inspection Reports had been issued by the GLA to the BBC and subsequently openly published following Freedom of Information Act requests without the affected labour providers being notified of this.

The Committee supported the paper that had been sent to the GLA Chief Executive proposing a new approach to the current licensing decision process.

The Committee agreed that full Inspection Reports should be provided as a matter of course to labour providers following inspection. If the GLA are to adopt a policy of openly posting all inspection results the Committee felt that this should not be done until the labour provider

had been given an opportunity to correct any non-compliances. It was agreed that labour users should be named.

6. GLA Licensing Standards review and next GLA Labour Provider Group (Paper 2008/33)

GLA Licence Standards review

The Committee confirmed agreement with the Association response on the licensing standards consultation r and no new items were raised.

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 continue to be addressed with the GLA.

Issues relevant to members' business

7. Agency Workers Directive (AWD) (Paper 2008/34)

The Committee expressed concern that labour users were pre-empting the outcome of the AWD whilst still at the consultation stage.

Committee members were advised of the ALP meeting with BERR in January 2009. The ALP will continue to work closely with the REC and other relevant organisations, particularly with relevance to the food and drink sectors.

The Committee requested that the Association draft a paper addressing this issue that members can use to inform labour users on this matter.

8. 3rd Party Labour Provider Audit Standardisation (Paper 2008/35)

It was noted that the ALP is in a good position to shape the process toward standardisation of labour provider ethical audits and shared publication of these on Sedex.

The Committee felt that there should be no great push by the Association on this unless benefits to labour providers could be demonstrated and that it should not impose a further burden or expense on their businesses.

9. Policy Priorities for 2009

The Committee agreed prioritising policies as indicated in the table below:

Policy Issue - GLA related
Issue 1: Support for the Gangmasters Licensing Act to be extended to other sectors. To discuss with the GLA the process for labour providers outside the regulated sector to be licensed. If feasible to formally propose to retailers, trade unions, local authorities etc that they should consider requiring all labour providers within their supply chains to be in possession of a GLA licence.
Issue 2: Support for a smaller, more effective GLA Board.
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.
Issue 5: To work together with the GLA to improve the structure, management and effectiveness of the Labour Provider Group meetings.
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.
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.
Issue 8: To continue to request that the GLA be more open and clear regarding inspection processes (GLA has an outstanding action from November 2007 - "To produce and circulate draft document

"information sheet"/ booklet for inspectors to give to licence holders at inspection to explain process and what happens next).

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.

Policy Issue - Other

Issue 1: Support for abolishing the Agricultural Wages Order (AWO) and Agricultural Minimum Wage (AMW).

Issue 2: Amending the accommodation offset arrangements to continue to be pursued.

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.

Issue 4: Continue to press for the abolition of the Worker Registration Scheme (WRS).

Issue 5: Continued support for effective action on tax evasion

Issue 6: Seek to achieve a common consensus across the sector on ethical auditing standards

Issue 7: Seek to spread a positive message about labour provision within the sector

Issue 8: To improve the accessibility of legal support services to members

Issue 9: To support the continuation of a SAWS type scheme.

Issue 10: To contribute to the EHRC inquiry to ensure a balanced perspective is achieved

10. Taxation of migrant workers (Paper 2008/37)

The Committee expressed concern on the unintended consequence of the new legislation regarding people not domiciled in the UK. The current position taken by the HMRC appears to be changing and it is likely that low earners will be excluded. The Chairman will continue to lobby regarding low paid migrant workers.

11. Other issues (Paper 2008/38)

It was noted that a decision on the applicability of the AWO to agency workers on contracts for services is expected shortly through the GLA appeals process.

Stephen Brewis explained the new SAFER forum and will continue to keep the Committee informed of its progress.

The Committee confirmed that it had no objection to the continuation of a SAWS type scheme.

The Committee supported the Association's response on the EHRC draft terms of reference regarding the formal inquiry into the meat processing industry.

The Committee requested that the Chairman formally approach the HMRC Labour Provider Unit regarding the misrepresentation of minimum charge rates within proposed guidance they are about to publish.

12. ALP Financial Position (2008/39)

The Committee noted the financial position for 2008 and agreed the budget for 2009.

13. Membership and Membership Services (Paper 2008/40)

It was noted that the membership was 246 at December 08 2008.

14. Dates on next meetings.

Meetings for 2009 were agreed as February 19th, May 13th, September 15th and December 15th.