



Gangmasters &
Labour Abuse Authority

Construction Protocol

October 2017

Introduction

This document seeks to establish a voluntary information sharing agreement or 'Protocol' with regard to how the GLAA will work with all parties involved in the supply and use of labour into the UK Construction Sector to include Labour Providers, Service Providers, Construction Product Suppliers, Contractors and Facilities Management companies not specifically covered by the Gangmasters (Licensing) Act with the overarching aim to protect vulnerable and exploited workers.

This Protocol does not seek to duplicate or replicate pre-existing arrangements with stakeholders.

The Gangmasters and Labour Abuse Authority (GLAA) regulates the activities of **gangmasters** in the farming, food processing and shellfish gathering sectors across the United Kingdom.

Further to the Immigration Act 2016 the GLAA has powers undertake the investigation of offences against the following legislation:

- The Gangmasters (Licensing) Act 2004 across each jurisdiction within the UK
- Sections 1, 2 and 4 of the Modern Slavery Act 2015 in England and Wales
- The National Minimum Wage Act 1998 in England and Wales
- The Employment Agencies Act 1973 in England and Wales

For the purposes of the Gangmasters (Licensing) Act 2004 (the Act) a **gangmaster** 'is a person who supplies a worker to do work covered by the Act; or who uses a worker to do work covered by the Act in the course of providing a service, or makes arrangements for that worker to do the work'. The term **Labour Provider** is also used for **gangmaster**.

Although not covered by the licensing regime companies and individuals operating in other sectors, including the construction sector, provide and use labour in a similar manner. This Protocol applies to all areas of business covered within the Construction Sector (this includes project clients, main (tier 1) contractors, sub-contractors, product manufacturers, suppliers/distributors and facilities management companies), in order to address similar risks.

A **supply chain** comprises all the businesses and individual contributors involved in providing a service or creating a product, from raw materials to finished merchandise or product.

The term "**supplier**" includes any business which supplies products or services to contractors or clients in the UK. Such businesses are often referred to as "**labour users**" or "Facilities Management companies" and product manufacturers, especially if they use labour supplied by **labour providers** as part of their production process.

The term "**contractor**" includes any business connected with the supply of goods and services to provide the design/construction/maintenance/deconstruction of an asset during an agreed period of time.

It is good practice to provide information lawfully that assists in the identification of offences, and assists the business in the exercise of its due diligence responsibilities. In return, the GLAA will provide feedback, when it is lawful to do so on specific cases, and provide trend information to the industry on high risk activities or methods of exploitation uncovered. This also enables the industry to feed into, and take joint ownership of, the analysis of the picture of the extent and methods of exploitation.

The GLAA is required by law to carry out its functions and nothing in this agreement precludes any such action that may be required.

This Protocol can be read alongside the Good Practice Guide for Labour Users and Suppliers which can be found on the GLAA website www.gla.gov.uk. The guide draws upon the GLAA experience gained through working alongside the agricultural sector.

The GLAA will work in partnership to protect vulnerable and exploited workers.

Terms of the Protocol

1. Sharing Information

- 1.1 Sharing information broadly relates to the sharing of information and concerns regarding potential abuses in a company's labour supply chain, to include from sub-contract suppliers, within the UK. However, where a company identifies concerns regarding part of its supply chain that operates outside the UK, and therefore outside the GLAA's jurisdiction, the GLAA will aim to seek assistance through its international partners to ensure the concern is addressed.
- 1.2. Contractors and their Suppliers hold and have access to information that may be of assistance in identifying forms of labour exploitation and abuse. This Protocol is predicated on the expectation that this information may be shared with the GLAA in order that there is a joint approach to maintaining an ethical supply chain where workers are protected against exploitation and abuse.
- 1.3. There should be a specific point of contact (SPOC) within each contractor and supplier for the exchange of information with the GLAA's single point of contact. It is expected that the individual or individuals who take on this role will have sufficient seniority to be responsible for the exchange of information and an understanding of how sensitive information should be handled. In the GLAA, the SPOC is the intelligence section.
- 1.4. Management of issues relating to the operation of the Protocol are the responsibility of the GLAA Director of Strategy using the email address darryl.dixon@gla.gov.uk or 0845 602 5020. To avoid delays when the industry SPOC is not able to read emails, each signatory should have a generic email address for information to be sent to which can be accessed by other designated contacts.
- 1.5. Any information received by any supplier or sub-contractor from the GLAA should be handled in confidence and must not be released externally without prior consultation with the original sender.
- 1.6. In support of the principles of transparency in supply chains, it is essential that stakeholders notify the GLAA of any cases of alleged exploitation that comes to their attention, whether within their own operation, or their supply chain. The GLAA also encourages contact where a stakeholder is unsure about any issue so that the GLAA can provide advice. This is particularly relevant at early stages e.g. where an audit of the business may have identified problems. Identified issues must not be concealed but passed on as soon as possible to prevent further exploitations or abuse.
- 1.7. Where significant issues¹ are identified Contractors, Suppliers and, where appropriate, their customers agree to notify the GLAA immediately by email or phone. Identified problems may indicate that urgent action is required to protect workers from exploitation or abuse. If there is a matter that is considered to be an immediate danger to life and limb the police should be contacted immediately.

¹ "Significant" is defined by comparison to a GLAA Critical Standard Non Compliance and/or connected criminality e.g. Trafficking/Forced Labour etc.

- 1.8. Whenever practicable the GLAA will work with the business and share the findings of any enforcement action or investigation with parts of the supply chain. All parties in receipt of confidential information shared this way will maintain it as strictly confidential. Information will only be shared externally (outside of the organisation) where there is considered to be a significant risk to both workers and/or to the supply chain. In these cases the supplier and/or Contractor and the GLAA will meet or liaise to consider any required action. In all other appropriate cases the GLAA and the affected parts of the supply chain will agree to work together to resolve any identified issues involving labour providers. Where there is a breach of such confidentiality that adversely affects an investigation the GLAA may not commit to the sharing of information in the future.
- 1.9. The GLAA will not pass on or share such information with any stakeholder unless it is considered necessary and lawful to do so. Any intelligence or information received by the GLAA will be analysed and investigated prior to any decision being taken on whether the information and outcome can be communicated to relevant stakeholders, and inform any generalised trend analysis for the wider industry and their stakeholder engagement.

It is agreed that all parties will, where possible, share information that will help stop or prevent the exploitation or abuse of workers.

All information will be treated sensitively and appropriately and in accordance with legislation.

It is agreed that suppliers and contractors will encourage their respective suppliers to make available to the GLAA any information which may indicate that labour exploitation has occurred.

- 1.10. Liaison between Suppliers and Contractors on issues in respect of labour exploitation is encouraged and where suppliers identify issues within labour provision that can be rectified, they are encouraged, where appropriate, to take action to remedy them and to accurately record those issues identified and any corrective action taken. Care should be taken however if criminal offences or significant issues are suspected, as workers may be put at risk. Contractors and Suppliers are advised to seek advice immediately in these cases via the GLAA who will assist, advise or take action as proportionate and necessary in the individual circumstances.
- 1.11. Need for contact between Suppliers and Contractors will be determined by the seriousness of the issue identified, together with Contractor's requirements. For guidance on reporting such issues and, if necessary, the Supplier or Contractor should contact the 'GLAA SPOC' for advice.

It is agreed that the GLAA will provide appropriate advice to suppliers and contractors when contacted.

The GLAA recognises and respects the contractual relationships between contractors, suppliers, and labour providers and looks to the contracting parties to ensure that their arrangements promote compliance with UK employment law, such that GLAA enforcement and contractual enforcement are in step.

2. Working Together

- 2.2. The GLAA will always seek to work in partnership with Labour Providers, Service providers, Suppliers and Contractors. The GLAA would like to meet regularly with suppliers and contractors so that inspection findings, lessons learned, positive initiatives etc. can be disseminated to inform best practice. This information could, if considered mutually beneficial, also be published on the GLAA website.
- 2.3. The GLAA will hold quarterly meetings with construction sector stakeholders in order to ensure there is an open dialogue in relation to any trends, issues and concerns.
- 2.4. The GLAA will actively work with suppliers and contractors to produce and continually review best practice guidance in order to help prevent exploitation within supply chains.
- 2.5. The GLAA will provide specific contact details of its staff who will act as liaison points for Suppliers and Contractors, and to provide advice and guidance on any issues. Suppliers, Contractors and their supply chain partners are encouraged to proactively develop contact with the GLAA.
- 2.6. The GLAA will provide and circulate to suppliers and contractors any material that is developed to assist with preventing worker exploitation and abuse.
- 2.7. Suppliers and Contractors are encouraged to display material and contact details for the GLAA to assist workers who may experience exploitation and abuse, and/or be victim to those committing more serious offences such as modern slavery or other forms of criminality.
- 2.8. The GLAA can liaise with auditors that have been commissioned by Contractors to provide third party assurance on sub-contractor labour conditions. The auditor's findings may be vital in observing offences or raising issues of concern. The contract conditions between the contractor and the auditor should enable/permit the auditor to contact the GLAA should any evidence of modern slavery emerge, and in so doing alert the Contractor at the same time.
- 2.9. All parties recognise the importance of a civic duty to report any allegation of criminal conduct to ensure that it is dealt with appropriately.

3. Communications

- 3.2. Suppliers and Contractors who use sub-contractors or agency workers as part of their overall supply to customers are encouraged to make themselves aware of all labour supply within those businesses. If suspected forms of labour exploitation and abuse are identified within lower tier suppliers these should be reported immediately to the GLAA.
- 3.3. Particular concerns identified by or reported to the GLAA in relation to named suppliers and associated labour providers will, where appropriate, be communicated to the Supplier, who should co-operate fully with the GLAA in the execution of its duties.
- 3.4. In cases where the GLAA does not receive co-operation from a Supplier who has been approached in connection with a GLAA investigation into a labour provider, the GLAA may, where appropriate, approach the Contractor for advice and/or assistance.
- 3.5. The GLAA will periodically issue information via the website in the form of a GLAA alert. This will include newsletters and GLAA briefs which will include trends analysis. Signatories to this protocol, and their stakeholders, are encouraged to regularly review information on the GLAA website.
- 3.6. The GLAA, as a regulator, reserves the right, for operational reasons, to change this communication agreement with all parties, but will, where possible, work with Suppliers, Contractors and labour providers to raise awareness of new risks and trends, reduce risk, ensure compliance, and prevent exploitation.
- 3.7. Where appropriate, Contractors and Suppliers could invite the GLAA to attend their key conferences/meetings to provide information on inspection findings and steps suppliers can take to eradicate worker abuse. The GLAA will seek to support such requests wherever possible, subject to resource constraints.

All parties agree to work together to raise awareness within the supply chain to help to prevent and protect workers from exploitation or abuse.

4. Action Following GLAA Investigation or Operation

- 4.2. The GLAA encourages all Suppliers and Contractors to take decisive action following any operation or investigation which identifies significant worker exploitation or abuse within their supply chain. The GLAA will always respond promptly to any requests for advice.
- 4.3. Where GLAA action identifies issues which relate to Labour Providers, Suppliers and/or Contractors, the GLAA will, where possible, liaise with all parties in order to achieve a common solution and reduce risk to workers.

- 4.4. The steps to be taken will be determined on a case by case basis and must not put any worker at risk nor prejudice any ongoing enquiry.
- 4.5. Where positive action is taken by a business which has been connected by association to exploitative practice, the GLAA will recognise the contribution made by that business in ensuring the exploitation was identified and investigated appropriately.
- 4.6. Where a GLAA operation **identifies** abuse of workers in a Contractor's supply chain, the GLAA will, where possible, and subject to any ongoing appeal or criminal proceedings, **inform** all relevant parties of the findings. Ideally this should be in the form of a full debrief to take place at the Supplier or Contractor's site, and should be attended by all relevant parties and will include the member of the GLAA team leading or investigating the enquiry.
- 4.6 All parties involved are requested to inform the GLAA of what steps are to be taken in order to eliminate the identified worker exploitation.

All parties agree to take the necessary steps to ensure that exploitation and abuse of workers identified by a GLAA operation is recognised and addressed with the appropriate safeguards put in place to ensure that exploitative practice is not repeated.

5. Publicity

- 5.1 The GLAA will not pass on or share information with the media unless there is clear evidence of exploitation following an investigation (and alerting affected parties) and therefore a case to protect workers. Prior to sharing information with the media, the GLAA will discuss any proposed plan of action with relevant stakeholders.
- 5.2 Suppliers and their customers should provide the GLAA with contact details for their media team and SPOC. Contractors and suppliers can contact the GLAA press office on either 0115 9597069 or by email at communications@gla.gsi.gov.uk.
- 5.3 Where appropriate, the GLAA will acknowledge effective and cooperative liaison with Suppliers and Contractors in its press releases and media engagement.
- 5.4 The GLAA will work with the Contractors' and Suppliers' media teams on issuing joint press releases. If this is to contain reference to any Contractors or Suppliers, the GLAA agree to notify those prior to the information being passed to the press.
- 5.5 The GLAA will advise the supplier or contractor SPOC of any approach made for interview or comment.
- 5.6 In the case of Freedom of Information Requests made to the GLAA, information will only be provided if it is not sensitive i.e. part of an ongoing investigation. If the investigation is "live" the request can be refused. Post investigation and historic

case requests can be provided. If the information to be provided includes specific business names the business will be contacted and advised beforehand.

- 5.7 The GLAA will issue an information alert on the website following the outcome of any GLAA related prosecution.

All parties agree to work together in order to promote the benefits and achievements of the Protocol through media engagement at the appropriate times.

6 Protocol Review

- 6.1 The purpose of the review is to ensure that the Protocol is reviewed and updated periodically and is an actionable series of steps which reduce worker exploitation.

All parties agree to communicate on a regular basis in the interests of an effective Protocol agreement.

What We Have Agreed

1. All parties will, where possible, share information that will help stop or prevent the exploitation or abuse of workers.
2. All information will be treated sensitively and appropriately and in accordance with legislation.
3. Suppliers and contractors will encourage their respective suppliers to make available to the GLAA any information which may indicate that labour exploitation has occurred.
4. The GLAA will provide appropriate advice to suppliers and contractors when contacted.
5. The GLAA recognises and respects the contractual relationships between contractors, suppliers and labour providers and looks to the contracting parties to ensure that their arrangements promote compliance with UK employment law, such that GLAA enforcement and contractual enforcement are in step.
6. All parties will work together to raise awareness within the supply chain to help to prevent and protect workers from exploitation or abuse.
7. All parties agree to take the necessary steps to ensure that exploitation and abuse of workers identified by a GLAA operation is recognised and addressed with the appropriate safeguards put in place to ensure that exploitative practice is not repeated.
8. All parties will work together to promote the benefits and achievements of the Protocol through external engagement at the appropriate times.
9. All parties will communicate on a regular basis in the interests of an effective Protocol agreement.