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PARTNERSHIPS

Setting the Scene

The word “globalisation” has a wide-ranging meaning! It includes (a) the phenomenon of the opening of the national economies upon a liberal global market resulting from progress in Communications and transport; or (b) the liberalisation of exchanges resulting from the interdependence between countries; or (c) the fact of becoming global and therefore spreading throughout the world;¹ or (d) affecting the whole world or all peoples;² or again (e) to put something into effect worldwide.³

This paper proposes to treat the world of exploitation of vulnerable workers including economic migrants. The phenomenon of exploitation is a global one, but in this paper, because of limitations of space, it will be narrowed down to the United Kingdom situation where workers from all over the world are being exploited by unscrupulous employers and employment agencies. The word “exploitation” possesses all the features within the definition of “globalisation” given above for it has economic connotations; there are exchanges between countries; they are spread to different countries in the world; and peoples are affected.

This paper therefore falls squarely and fairly within the general title of this conference, namely “Globalisation in the Contemporary World” but why are partnerships being treated? The reason is that there has been a proposal made by Astute

¹ See the definition given by *Le Nouveau Petit Robert de la Langue Française* (2007 Edn.) at p. 1624.

² The definition of “globalisation” as given in Chambers *Concise Dictionary* (1999 Edn.) at p. 439.

³ See: *Collins English Dictionary* (2008 Edn.) at p. 361.

Solutions Ko. Ltd., a firm of management consultants in England, to form partnerships with Polish institutions to research into, and to find solutions regarding, a variety of problems existing across national and International boundaries.⁴ This paper proposes to examine the effectiveness of partnerships as a possible solution towards combating exploitation of vulnerable workers and economic migrants in the United Kingdom. The Gang masters' Licensing Authority (GLA), in partnership with other institutions and agencies has been chosen to illustrate this phenomenon. This choice was made in the knowledge that the GLA has had significant successes in its field of operation by use being made of the partnership concept.

The Effect of a Variety of Methods used in a Variety of Partnerships

The Gang masters' Licensing Authority in the United Kingdom⁵ and its partners have proved to be effective in curbing the exploitation of vulnerable workers⁶ in the limited field of the food chain⁷ by using a variety of methods and a variety of partners.

Before treating the varieties of methods and partnerships used by the GLA, it is proposed to give a short explanation on why and how this organisation came into existence. It will also be necessary to define the word "gang master".

The raison d'être of the Gang masters' Licensing Authority

The Gang masters' Licensing Authority was set up for the purpose of safeguarding the rights of vulnerable workers, including economic migrants globally, who work in the United Kingdom in the food chain.⁸ Any one who supplies workers to

⁴ For example, the reduction of crime and disorder and the development of sustainable communities and neighbourhoods.

⁵ Organisations or individuals (providers of labour) who supply or sub-contract labour to agriculture, horticulture, food processing, and the packaging sectors are required to apply for a license from the GLA as from 6th April, 2006. As from October, 2006 it is a criminal offence to operate in these sectors without a GLA license and from December, 2006 it is an offence to use an unlicensed labour provider.

⁶ The majority of whom come from Pakistan, Portugal, Romania, Poland, Lithuania, Bulgaria, Latvia, Slovakia and Hungary.

⁷ Which includes agricultural, horticultural, shell fish gathering, flower, vegetable and fruit packing and processing and the packaging industries.

⁸ For an analysis on the GLA and its activities see: J. Carby-Hall, *The Treatment of Polish and Other A8 Economic Migrants in the European Union Member States*, which was originally a 754 page Report commissioner by the Commissioner for Civil Rights Protection of the Republic of Poland and later published as a book in its English edition in May, 2008 by the Bureau of the Commissioner for Civil Rights Protection (Warsaw). A Polish edition of the book was published in September, 2008 in two volumes. The French and Spanish editions are currently being translated into the respective languages and will be published each in two volumes in 2011 and 2012 respectively.

those sectors of the food chain industry is legally required to obtain a license.⁹ The penalties for not doing so are severe. Anyone operating without a license in those industries is liable to unlimited fines and to a maximum of ten years imprisonment. Any farmer, packer or processor who makes use of an unlicensed gang master is liable to six months' imprisonment.

The GLA was set up by reason of the public outcry resulting from the Moredun Bay tragedy in England where an unscrupulous Chinese gang master and his accomplices callously sent twenty three Chinese cockle pickers to their death by drowning in February, 2004.¹⁰ The Gang masters (Licensing) Act, 2004 was hurriedly enacted¹¹ in the limited field¹² of the food chain.

How is a Gang master defined?

What is the definition of a gang master? This word is a relatively new one¹³ and barely enjoys a pedigree of more than thirteen years. It is difficult to separate gang masters from employment agencies because both act as intermediaries between an employer and the workers, and both are a source of supply of labour to employers. In these contexts both gang masters and employment agencies perform similar functions. Gang masters however function as a source of supply of temporary labour for an employer when and where such labour is required, known as the flexible work force. Gang masters may also employ workers directly without acting as intermediaries. Gang masters whether working as intermediaries or as employers often exercise considerable control over the work of their labourers. Such control may include the transportation of workers from their accommodation to their workplace or various workplaces (if they work for different employers at different sites); the setting of the wage rate for the workers; the provision of accommodation; the supervision of the workers; *etc.*

For the purposes of this paper a gang master may be defined as an individual or business (a) who supplies labour to agriculture, horticulture, shellfish gathering,

⁹ The reader who wishes to pursue a study on this issue is strongly advised to consult the GLA's "Licensing Standards" booklet published in April, 2009, which provides an invaluable source of information for the beginner. Therein will be found the GLA's licensing standards on the "Fit and Proper" test; pay and tax matters; forced labour and worker mistreatment; accommodation; working conditions; health and safety; recruiting and contracts of employment; and the sub-contracting of labour (see: part two of the document). Part one treats *inter alia*, who needs a license; the application of license standards, compliance; inspectors and inspections; appeals, the public register; penalties and complaints.

¹⁰ See J. Carby-Hall, *op. cit.*, at p. 221–235.

¹¹ It received the Royal Assent on 8th July, 2004. The Bill was originally introduced as a Private Member's Bill in the House of Commons by Mr Jim Sheridan M.P. on 25th February 2004.

¹² See J. Carby-Hall, *op. cit.*; the criticism and recommendations made in chapter 10 at pp. 322–327 on the narrowness and limited field of this legislation.

¹³ But see the origins of this expression in *Gang masters Licensing Authority Evaluation Study – Baseline Report*, August 2007 University of Sheffield at p. 20 which shows that the origins of the gang master system can be traced to, at least, the early nineteenth century farming practices.

food processing and food packaging; (b) who uses labour to provide a service in the regulated sector, as for example harvesting or gathering agricultural produce, and (c) who uses labour to gather shellfish. Somewhat quaintly and interestingly Brass¹⁴ epitomises the modern gang master system as representing “the authentic face of twenty first century capitalist agriculture”.

The variety of methods and partnerships

Having given a truncated history as to why the GLA was established and having defined briefly the term “gang master,” it is proposed to examine the effect of the variety of methods used by the GLA in a variety of its partnerships.

One of the methods used by the GLA in partnership with other organisations is that of *supporting* operations to pursue a specific aim. Operation Ruby¹⁵ consisted of a partnership supported by the GLA, the Serious Organised Crime Agency (SOCA) and the UK Human Trafficking Centre (UKHTC) and led by the Northamptonshire Police and the UK Border Agency (UKBA). This operation started on 18th November, 2008 and by its first anniversary in 2009, seventeen persons were arrested and thirteen charged¹⁶ for offences of conspiracy in respect of people trafficking, exploitation and money laundering. The operation involved people trafficking for exploitation to and within the United Kingdom from Hungary, the Czech Republic, Romania, Slovakia and Poland. Apparently £10 million have been laundered through a variety of companies set up to conceal this activity. The aim of this operation (as indeed all others) was to safeguard the interests of economic migrants and other workers, against gang masters and their associates operating illegally by exploiting them.

Another method used consists of GLA *initiated operations*. Operation Ajax¹⁷ is an example of such an operation lasting for eighteen months and focussed on enforcement targets of worker abuse. This programme of targeted enforcement involved some twenty to thirty surprise raids in various parts the United Kingdom where the GLA believed that abuses feature against workers. The aim was in the words of the GLA Chairman “a long term commitment... to enforce worker rights and stamp out exploitation wherever and whenever we find it.”¹⁸ The government minister responsible for the GLA when launching Operation Ajax said “I am deli-

¹⁴ T. Brass, *Medieval Working Practices? British Agriculture and the Return of the Gang Master*, “The Journal of Peasant Studies”, Vol. 31, No. 2, p. 313.

¹⁵ Source: Statement by the Northamptonshire Police of 18th November, 2009.

¹⁶ They included a 50 year old man and a 45 year old woman from Kettering. Four Indians aged between 21 and 53, two Polish men and one Polish woman, a Portuguese man and a 49 year old man from Coventry and two men from Wolverhampton, all of whom appeared in Willingborough Magistrates’ Court in Northamptonshire on 15th and 22nd December, 2009 (source: Northamptonshire Police Headquarters press release.).

¹⁷ This ran from 3rd May 2008 for a period of 18 months.

¹⁸ Source: GLA press release 3rd June, 2008.

ghted to launch Operation Ajax. The GLA has already achieved great results in the short time it has been in existence and by launching Ajax, the GLA is now determined to increase its efforts to leave no stone unturned to find the lawbreakers and abusers.”¹⁹ Some of the intelligence sources of GLA information originate from persons, who report gang master activity in certain areas of the country, or workers who are exploited, or hearsay evidence of suspected illegal activities, or from anonymous website reporters or telephone callers. Many other methods of intelligence gathering also exist including telephone tapping of suspects, e mail exchanges, bank accounts, files, etc...

The partnership which existed in Operation Ajax consisted in a group of GLA “allies” who sympathised with its mission and aims. Thus the Trades Union Congress (TUC) Deputy General Secretary said that “the TUC’s Commission of Vulnerable Employment²⁰ found that two million workers in the UK are facing extreme exploitation, so we welcome the GLA’s continued commitment to challenging abuse of employment rights.” The chairman of the Association of Labour Providers said complimentary words about the GLA “taking such a strong stance against labour exploitation.” He then went on to say “We firmly back moves to protect workers from abuse.” Similarly, the Chief Executive of the Recruitment and Employment Confederation posited that “Rogue agencies exploit workers and under cut legitimate agencies. The success of the GLA is important for those legitimate agencies as well as the workers. Operation Ajax should take the work of the GLA to the next level and the REC supports the GLA’s targeted approach to root out what are essentially criminal enterprises.”

Allied to that type of partnership is another. This consists of *cross-government partnerships* when the GLA, before granting a license to a gang master, makes cross government checks on all licence applications. Ali gang masters must meet the GLA licensing standards and the managers of the business must meet the “Fit and Proper Person” criteria. There is thus collaboration between the GLA and government departments and agencies even before a license is granted.

Yet another method is the *GLA initiated operation in collaboration with other agencies*. On 20th October, 2009, an operation followed a GLA investigation which was extended to include the additional support and expertise from a number of agencies because of the potential and wide ranging issues involved. In that operation there were involved, the Eastern Region Intelligence Unit assisted by the Norfolk Constabulary, the UK Border Agency, the Immigration Crime Team, the UK Human Trafficking Centre, HM Revenue and Customs, the GLA and the Migrant Workers Helpline staff. The operation which took place uncovered twenty three Indian nationals, five Hungarians and three Poles and the perpetrators were

¹⁹ *Ibidem*.

²⁰ This Commission was created by the TUC in May, 2007. For further analysis see: J. Carby-Hall, *op. cit.* at pp. 332–333 and Appendix 1. See too The Epilogue to this book at pp. 12–15. See also the first Report of the Commission 2008 (this footnote has been inserted by the author).

charged with illegal immigration offences, illegal gang master offences, facilitating illegal immigrants in the UK and money laundering.²¹

Members of this operation indicated clearly the effectiveness of partnerships.²² A senior investigating officer said “This is a joint... operation utilising the skills and expertise of partnership agency staff. The operation displays how criminal gangs can be dismantled using the powers and offences of all the agencies.” Another investigating member retorted “Today’s operation has been very successful and a great example of what can be achieved through multi-agency working we have worked with our partners to carry out the warrants and make an arrest.” A GLA spokesman said “Six enforcement officers from the GLA worked with partner agencies... to investigate suspected unlicensed gang master activity.” The chairman of the GLA suggested that “The operation was a major success with superb cooperation between the agencies involved.”

Another multi-agency operation led by the GLA took place in Cornwall.²³ Three gang masters’ licences were revoked as a result of this operation because a “tangled web of exploitation” was uncovered where a gang master supplied workers; another provided accommodation and transport and a third gang master whose function was believed to be the transfer of workers if other licenses were revoked.²⁴ Apparently, the information regarding the practices of these three gang masters came to light during Migrant Workers Action Week which was a multi agency operation in Cornwall involving the Cornwall County Fire Brigade, VOSA, the Devon and Cornwall Constabulary, the Kerrier and Penwith District Councils and the GLA. The exploitation related to Polish and Lithuanian labour employed to pick flowers in Cornwall (and Scotland). It consisted of economic migrants living on less than £10 a day,²⁵ and other financial irregularities,²⁶ lack of vehicle maintenance,²⁷ misleading statements made to the GLA²⁸ and being housed in overcrowded caravans.²⁹

²¹ Source: Norfolk Constabulary press release dated 20th October, 2009.

²² *Ibidem*.

²³ Source: GLA press release 14th September, 2009.

²⁴ This latter is termed by the GLA as a “lifeboat license” Thus the GLA suspected that as a life boat licence holder, the gang master would employ the workers of the two gang masters who had lost their licence. There would therefore be a transfer of workers to that third gang master who would carry on the exploitative practices as normal.

²⁵ Namely, receiving £50 a week and sometimes less, with the remaining portion of their salaries being held back until their contracts had been terminated. Economic migrants who had already left their employment were not refunded what they were owed and there were no records held of 27 workers’ addresses to which the GLA could send the money owed to them by the gang master!

²⁶ Consisting in migrants not receiving their pay slips, a lack of pay roll details, bank statements not being produced.

²⁷ In that the tyres of vehicles did not meet the necessary standards, the GLA was not informed that vehicles were used to transport workers and the vehicles were neither serviced nor repaired.

²⁸ E.g. failure in the managerial delegation process and evasive behaviour on behalf of the gang master.

²⁹ The maximum occupancy of caravans was breached in 22 out of 25 caravans where there should have been no more than four occupants in each caravan.

Partnerships between the *GLA and retail companies supplying food products* constitute another method of partnership used in situations of GLA investigations. GLA investigations have received the support of Marks and Spencer and Maple Leaf Bakery UK Ltd. which uncovered exploitation by a gang master who supplied workers³⁰ to the French Croissant Company which is a subsidiary of Maple Leaf Bakery.³¹ The exploitation consisted in the workers not being paid the minimum wage,³² weekly wage earners were not paid on time,³³ no pay slips were issued and payments were made in cash. Other irregularities had also been discovered by the GLA as a result of their retail partnership. Unsigned false passports and, fabricated documents were found including National Insurance cards. Visas which had expired were also found making some workers illegal migrants. Some workers stated that they had no contracts and the GLA found documents with forged workers' signatures. Contracts for workers who had them did not cover basic issues such as the paying of workers even if the client did not pay the gang master, notice periods, holiday pay, statutory sick pay, etc...³⁴

Thus Marks and Spencer and the French Croissant Company supported fully the GLA investigation which helped to speed it up. Marks and Spencer commented that it takes "the welfare of all workers very seriously and this is the type of behaviour that we find totally unacceptable. We have worked closely with GLA not just on this investigation but since its inception to give clear guidance to labour users and providers on responsible behaviour, through both our conferences and regular communication with the supply base... We expect all our suppliers and labour providers to conform to our Code of Conduct which clearly sets out the standards we demand – including health and safety, freedom of employment. There has been an important development which has taken place and which relates to work and wages"³⁵ consultation with suppliers in the food industry. The *Consultation on the GLA and Supermarket Protocol* document is another form of partnership. Such consultation is aimed at driving out exploitation of workers in the food supply chain. All the major supermarkets³⁶ have agreed a protocol for action against worker exploitation and the consultation has run from 1st December, 2009 to 22nd January, 2010 with regard to involving suppliers. The purpose of that consultation was to³⁷ "allow all those affected by the initiative to contribute so that the agreement, once implemented, works fairly and effectively for all parties involved in the supply chain."

³⁰ From Sweden, Somalia, Eritrea and India some of whom were suspected to be illegal economic migrants.

³¹ Source: GLA press release, 3rd May, 2009.

³² Workers were paid, £3.27 and hour, others were paid £4.19 and hour, or £4.95 or £5.23 or £5 an hour in cash.

³³ One worker was not paid for a whole month.

³⁴ Nor were the workers aware of their holiday pay entitlement or their entitlement to sick pay. There were also irregularities with the pay they received.

³⁵ Source: GLA press release 3rd May, 2009.

³⁶ Namely Marks and Spencer, Waitrose, Tesco, the Co-operative, ASDA, Morrisons, Sainsbury and Iceland.

³⁷ See: Consultation on the GLA and Supermarket Protocol, December 2009 at p. 3.

The terms of the protocol include the sharing of information by retailers and suppliers which would be of assistance in identifying breaches of the GLA's licensing standards; retailers and their suppliers will request their respective suppliers to make available to the GLA any information which could indicate that breaches of the licensing standards have occurred; the GLA is to provide retailers and suppliers appropriate advice; there should be regular communication between the GLA and retailers and suppliers; retailers and their suppliers will take the necessary steps to ensure that any exploitation of workers identified by the GLA in its operations will be eliminated; representatives of retailers and suppliers and the GLA are to meet at six monthly intervals, at least, to discuss progress, issues and exchange views and information; and the protocol will be reviewed annually by the parties to it.³⁸ All these measures constitute a robust means of combating exploitation and abuse by use being made of this type of partnership.

A *joint statement* made by the GLA and the Home Office on the Seasonal Agricultural Workers' Scheme (SAWS) constitutes and illustrates another kind of partnership. This joint statement provides guidelines on the responsibilities of SAWS operators and the Gang master Licensing Act, 2004.³⁹ This statement outlines circumstances where a GLA license is required. There are also circumstances where such a license is not required. For a detailed study of this document the reader is referred to the original joint agreement but briefly, multiple SAWS operators will need to apply for a license because they are in the direct business of supplying SAWS students to employers. Sole operators do not need to apply for a license because they are generally using labour for their own purposes. As for labour suppliers and agents from overseas, each case will depend upon its merits and the Home Office guidelines⁴⁰ need to be consulted. Generally speaking a license is not required if the activities undertaken are in line with the guidelines. Overseas agents carrying on activities beyond the guidelines, which could include the supply of non-SAWS labour, may be required to hold a license.

Some Concluding Thoughts

The brief evaluation and analysis on partnerships which has taken place in this paper lead to a variety of conclusions. It will be recalled that the mission of the GLA is (a) to safeguard the welfare and interests of workers and also (b) to ensure at the same time that labour providers respect the provisions of the 2004 legislation. One of the ways⁴¹ the GLA is able to achieve this mission is by "supporting enforcement

³⁸ *Ibidem* at pp. 6–8.

³⁹ Source: Home News, 2nd August 2006.

⁴⁰ "Use of third parties/agents by SAWS operators", Home Office.

⁴¹ For there are others as, for example, effective communication of legal requirements to labour providers, developing and promoting standards for best practice in collaboration with others, taking enforcement

of the law by, or in conjunction with, the enforcement authorities of other government departments, and others as appropriate through shared information and joint working⁴². This, in other words, spells partnerships. Although there remains, in this author's opinion, still a great deal to do in order to achieve its mission, the GLA is working successfully⁴³ to curb the exploitation of workers by harnessing the support and good will of all the elements in the food chain which include suppliers, labour users, food processors, packers as well as retailers. It appears that the GLA has demonstrated, *inter alia*, partnership activities, as examined above, on how working with the supply chain and others, can lead to the achievement of positive results in bringing manipulative⁴⁴ and exploitative gang masters to task.⁴⁵

In spite of the Draconian measures already taken by the GLA, it currently estimates that 25% of gang masters are operating without a licence. It is submitted that in order to protect vulnerable workers from exploitation and protect responsible labour users from being undercut, it is essential that the GLA puts into operation the powers it is given by legislation to focus upon those operating outwith the licensing system.⁴⁶ Given the successes the GLA has had in the recent years it is thought that, given time, the GLA will catch up with most of the gang masters who are currently operating illegally.

The GLA has adopted an innovative approach by targeting the supply chain to bring about disruption rather than relying on routine inspections. Enforcement activity has thus been emphasised, its media profile has been raised to make people aware of the GLA's work, a "name and shame" policy has been adopted and operations and non-compliances have been published. In 2007/08, twelve operations were carried out. These concentrated on exploitation and abuse in the various sectors of the food chain industry which resulted in twenty licences being revoked and four being refused.⁴⁷

action against those who operate illegally, constantly checking licence holders for continued compliance, monitoring continuously reviews of the activities of gang masters, etc...

⁴² Source: Gang masters Licensing Authority Annual Report and Accounts 1st April 2008 to 3¹st March 2009 atp. 3.

⁴³ See: the Hampton Implementation Review findings that the GLA is making good progress towards better regulation practices.

⁴⁴ For example a case on 10 November, 2009 where a Gravesend gang master was refused a license to operate because his business would breach the conditions of his work permit. Mr Vinay Sharma was granted a work permit to work for a company as an office systems manager. Another manipulative case regarding the bending the rules was that of Mr Imran Riaz, on 2nd November, 2009 who was found unsuitable to run a compliant business for "He made no notes or records of the advice given by the GLA officer at the interview" and thus could not demonstrate an ability to comply with the licensing standards.

⁴⁵ The Hampton Implementation Review did say that "strong relationships with compliant businesses will be critical in ensuring the GLA receives the right level of intelligence to act effectively against rogue businesses".

⁴⁶ See too the original criticism directed at the GLA and made by this author in his Report to the Commissioner for Civil Rights Protection of the Republic of Poland at the time when the GLA was being set up. J. Carby-Hall, *op. cit.* at pp. 232 to 235.

⁴⁷ Source: GLA Corporate Plan 1st April 2008 to 3¹st March 2011 part 6.

It is gratifying to note that the GLA's objectives for the year 2009-2010 is to carry out a series of some twelve projects which will include planned operations and planned enforcement activity by means of road stops and labour user visits which will disrupt and deter non-compliant labour providers.⁴⁸

Comments received from the Fresh Produce Consortium (FPC) indicate that the GLA is experiencing two weaknesses in relation to that sector. First, there needs to be the building of a stronger tie between the GLA and the FPC and second, there needs to be a better understanding of that industry at its grassroots. It will be recalled that a supermarkets protocol⁴⁹ is in operation whereby the GLA is working hard as a result of it, to develop a better understanding of the views of suppliers and labour users. The Chief Executive of the FPC said that "the Hampton Review recognises the importance of the trade Associations such as the FPC to provide valuable insight, and also suggests that the GLA should do more to work closely on the ground to gain direct exposure to conditions in the field as a basis for building a closer understanding of issues affecting the sector."⁵⁰ It appears as though these weaknesses will be remedied in due course as a result of the Protocol.

It will be recalled that the GLA's mission is to "safeguard the welfare and interests of workers". An evaluation study made in 2007 by the University of Sheffield⁵¹ shows that the GLA is making good progress in tackling exploitative labour providers. The baseline review was designed to assist the GLA and other relevant bodies, monitor the effectiveness of licensing in tackling worker exploitation and business fraud; identify the key output of the GLA; support independent assessment of the GLA; raise awareness and inform the annual review of the GLA.⁵² There are some 1,230 licences held by gang masters while seventy five were refused. There have been one hundred and eight licences revoked. It may therefore be said that as a result of the work of the GLA, thousands of workers in the United Kingdom, a great number of them being economic migrants from the Central and Eastern and other European Union Member States as well as those from other countries from the rest of the world, have experienced an improvement in working conditions. The work of the GLA in taking advantage through the Protocol, of the retailers' and food supply chains' efforts to act in an ethical and socially responsible manner has paid dividends.

Much of the GLA's effective work has been performed by using the partnership method. It is through partnerships that forced labour, threats, verbal abuse and violence has been detected. It is through partnerships that illegal deductions from wages, unsuitable or overcrowded accommodation were discovered. It is through

⁴⁸ See: GLA Annual report, *ibidem*, p. 19.

⁴⁹ See: discussion at p. 8, *ante*.

⁵⁰ Source: FPC press release.

⁵¹ **Gang masters Licensing Authority Evaluation Study: Baseline Report, August 2007.** Professor Andrew Geddes, Dr. Sam Scott and Miss Katrine Bang Nielson.

⁵² *Ibidem*, p. 4.

partnerships that forged or manipulated documents, health and safety risks, travel in “death trap” minibuses, workers not being paid the minimum wage and a host of many financial and other irregularities came to light.

It should be noted, that although only the United Kingdom has been treated in this paper, exploitation is a global phenomenon which occurs in almost every country in the world. To be noted too, is the fact that numerous workers from all over the world (globalisation) and working in the United Kingdom are victims of exploitation and abuse.

The Gang master’s Licensing Authority needs to be praised⁵³ for its energies, imagination, efforts and determination in continuing to put better regulation principles into practice. The Better Regulation Executive report states that “The GLA’s impact in improving working conditions for some vulnerable workers has been impressive, particularly in view of its small size. The GLA has done well in developing and understanding of a complex sector with significant economic impact, and its Community Impact assessment process provides a good model on how to reduce the possible unintended consequences of enforcement action. Its leaders emphasise that now that the licensing scheme is well established, it is entering a phase of operations where its strategic emphasis will focus less on bringing the majority of well – meaning businesses into a higher level of compliance, particularly by those labour providers that currently operate outside the licensing system altogether. This will entail reorienting its work towards the areas of highest risk. If these plans are successfully implemented, the GLA will be in a strong position to demonstrate Hampton⁵⁴ compliance to a high standard.”

The GLA’s achievements to date have been commendable in eradicating much of the exploitation and abuse which vulnerable workers experience thus weakening the *ugly face* of “twenty first century capitalist agriculture⁵⁵” there is however still very much for GLA to achieve in eradicating this *ugly face*.

⁵³ See also the praise the GLA received from the Better Regulation Executive Report (2009). The Report focuses on the assessment of regulatory performance against the Hampton Principles and Macrory characteristics of effective inspection and enforcement. The Hampton Review in 2005 led by sir Philip Hampton recommended an end to the one “size fits all approach” to regulation and that regulation should take a risk-based approach to enforcement and information gathering. Among its findings were that regulators should carry out inspections only when needed and avoid unnecessary form-filling and duplication of effort or information. The 2006 Professor Richard Macrory review of penalties for failure to comply with regulatory obligations recommended that regulators should focus on outcome, rather than action. He recommended that sanctions should be aimed at changing the behaviour of non compliance.

⁵⁴ To use Brass’ terminology quoted at 4 *ante*.

⁵⁵ See footnote 53 above for an explanation of the Hampton principles (footnote inserted by this author).