IMMIGRATION BILL - MEMORANDUM TO THE DELEGATED POWERS AND REGULATORY REFORM COMMITTEE

FOCUS ON LABOUR EXPLOITATION (FLEX)

1. This Memorandum sets out Focus on Labour Exploitation’s (FLEX) concerns with respect to amendments tabled by the Government to the Immigration Bill at Committee Stage in the House of Lords which significantly amend existing powers of the Gangmasters Licensing Authority (GLA).

2. FLEX\textsuperscript{1} is a UK registered charity that works to prevent human trafficking for labour exploitation. Our work is focussed on strengthening measures to prevent severe exploitation from taking place, including but not limited to ensuring adequate labour standard enforcement mechanisms to tackle labour abuses before they develop into severe worker exploitation.

3. Our concerns relate to Amendment 77 inserting new Schedule (Consequential and related amendments) before Schedule 1: paragraph 21 amending section 25 of the Gangmasters (Licensing) Act 2004: power to make licensing rules.

4. This amendment has the effect of removing the requirement for a Statutory Instrument to be laid before Parliament in advance of changes to licensing rules made by the GLA.

5. The existing GLA license standards are designed to protect workers from abuse and exploitation. GLA licence standards cover minimum standards for worker treatment to prevent labour abuses developing into severe exploitation, including issues such as working hours, pay, accommodation and safe transport. In the course of its work monitoring and enforcing its licence standards the GLA prevented 779 vulnerable workers from facing exploitation in 2014-15.\textsuperscript{2}

6. FLEX is concerned that Amendment 77 paragraph 21 will be used to make changes to GLA licence standards without adequate transparency and scrutiny. Our fear is that unless Parliament is engaged in the shaping of licence standards then changes could be made without a clear evidential basis and without proper and full consultation of all stakeholders with expertise in labour sector licensing requirements.

\textsuperscript{1} For more information on FLEX’s work see www.labourexploitation.org
\textsuperscript{2} Gangmasters Licensing Authority, Annual Report and Accounts, 1 April 2014 to 31 March 2015. 2015.
7. FLEX finds the Government suggestion that this amendment would allow information to be updated more easily to be one of deep concern. GLA licensing rules should not be updated without the conduct of detailed impact assessments including worker consultation that might assure Parliament that any changes will not negatively impact the vulnerable workers they are designed to protect.

8. In this regard the Government suggestion that the power is adequate because the Secretary of State is answerable to Parliament is troubling since any answering will occur only after changes have been made and the lives of vulnerable workers affected. FLEX believes that changes to licensing that may have a profound effect on the protection of potential victims of modern slavery must not be taken lightly, in haste or without adequate Parliamentary scrutiny.

9. FLEX supports the position taken by the Delegated Powers and Regulatory Reform Committee in its 18th Report of Session 2015-16, paragraph 18 that 'the removal of Parliamentary control over rules made by the GLAA is inappropriate.' Likewise, FLEX supports the recommendation that paragraph 21 be omitted from this Bill.