

# **Code of Practice & Guidance for Labour Providers**

## **Appendices**

# Code of Practice Appendices

## Contents Pages 55 to 110

<b>Appendix 1</b>	<b>Legal Requirements</b>	<b>Page 57</b>
<b>Appendix 2</b>	<b>Labour Providers Toolkit</b>	<b>Page 74</b>
<b>Appendix 3</b>	<b>Health &amp; Safety Toolkit</b>	<b>Page 91</b>
<b>Appendix 4</b>	<b>Summary of Useful References &amp; Contact Details</b>	<b>Page 101</b>

# **Appendix 1.**

## **Legal Requirements**

## **Appendix 1 – Legal Requirements**

This section sets out in summary some of the specific legal requirements that labour providers must meet in the normal course of their business. It does not cover taxation and some other matters where the interests of labour providers are no different from those of other employers and for which sources of further information are given in the code itself. The intention is to give sufficient information for most labour providers most of the time. Website addresses and helpline numbers are given where further information is required.

### **Section 1 Basic Business Requirements**

#### **Statutory Requirements**

##### **Employment Agencies Act 1973 (Section 1.3)**

If labour providers provide workers which are then under the control of the client they are defined as labour businesses and are subject to regulation under the Employment Agencies Act 1973.

The Act distinguishes between an employment agency and an employment business. An employment agency introduces work-seekers to client employers for direct employment by those employers. This is usually known in the industry as “permanent recruitment” or employment even though the employment may only be for a fixed period. An employment business engages work-seekers under either contracts for services or contracts of employment and supplies those work-seekers to client hirers for temporary assignments or contracts where they will be under the hirers’ supervision or control. This is usually known in the industry as the “supply of temporary workers”. Most labour providers are employment businesses for the purposes of the Act.

A company engaged in both “permanent recruitment” and “the supply of temporary workers” will fall into the definition of both employment agency and employment business to reflect both sides of the business.

New regulations (The Conduct of Employment Agencies and Employment Businesses Regulations 2003) have been made under the 1973 Act and came into force on 6 April 2004. The main new provisions in respect of employment businesses are –

- A prohibition from withholding wages due to a temporary worker purely because the worker cannot produce an authenticated time sheet.
- A requirement to confirm the identity of the work-seekers and that they have the experience, training and qualifications that the hirer expects for that position.

## Code of Practice Version 9 Final July 2004

- A requirement to obtain information on any health and safety risks known to the hirer and the steps taken to prevent or control those risks.

It will no longer be a requirement for employment businesses -

- To disclose their status on business stationery.
- To provide the DTI with their current terms of business;
- To obtain written statements from the services of a lawyer on the list of the British Consul before supplying or hiring a work-seeker to an overseas employer or to use the services of an overseas agent.

Guidance on the regulations has been produced by the DTI in conjunction with the Recruitment and Employment Confederation and Equity. This guidance and the regulations can be accessed on the DTI website – [www.dti.gov.uk/er/agency/newregs.htm](http://www.dti.gov.uk/er/agency/newregs.htm).

The current intention of the government is that activity that is regulated under the forthcoming gangmaster legislation will not be subject to the provisions of the Employment Agencies Act. However, many Labour Providers supply workers to sectors covered by the Gangmaster Bill (broadly speaking agriculture, shellfish gathering and food processing and packaging) and to other sectors (eg catering and construction). In these cases the Employment Agencies Act legislation will continue to apply to that part of the business not covered by the gangmaster legislation. In any event the new regulations will apply to all labour providers until the gangmaster legislation is implemented – probably well into 2005/06.

## **Section 2 Taking on Workers**

### **Statutory Requirements**

#### **Right to Work in the UK (Section 2.2)**

##### **Nationality, Asylum and Immigration Act 2002**

It is a criminal offence to assist a person into the UK who is not entitled to enter. Penalties for people trafficking have recently been increased to a maximum of 14 years imprisonment.

##### **Asylum and Immigration Act 1996, Section 8**

It is a criminal offence to employ someone, aged 16 or over, who is not entitled to work in the United Kingdom or whose leave does not permit them to take the employment in question. The maximum penalty for employing someone who is not entitled to work is currently £5,000 per worker. This penalty can be charged for each person being illegally employed. Section 8 also provides a statutory defence for employers against prosecution for employing an illegal worker. This means that if the employer checks and copies a document or documents of a particular type before employing someone, he will not be prosecuted even if it turns out that the person is not entitled to work. The original documentation as set out below must be copied and checked.

Any one of the following single documents is acceptable –

- A passport showing that the holder is a British citizen, or has a right of abode in the United Kingdom.
- A passport or identity card showing that the holder is a national of one of the following countries: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland.
- A residence permit issued by the United Kingdom to a national from one of the countries listed above.
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from one of the countries listed above.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work being offered if they do not have a work permit.

## Code of Practice Version 9 Final July 2004

- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

If one of these documents cannot be produced then one of two combinations of documents must be produced –

The first combination is a document giving the person's permanent National Insurance Number and name (a P45, P60, National Insurance card, or a letter from a Government agency) together with one of –

- A full birth certificate issued in the United Kingdom, which includes the names of the holder's parents.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
- A certificate of registration or naturalisation stating that the holder is a British citizen.
- A letter issued by the Home Office that indicates the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A letter issued by the Home Office that indicates the person named in it can stay in the United Kingdom, and that this allows them to do the type of work being offered.
- An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay in the United Kingdom, and that this allows them to do the type of work being offered.

The second combination is a work permit or other approval to take employment that has been issued by Work Permits UK along with one of –

- A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question.
- A letter issued by the Home Office confirming that the person named in it is able to stay in the United Kingdom.

An employer must satisfy himself that the potential employee is the rightful holder of any of the documents and that these documents should also allow them to do the type of work being offered. The employer must carry out the following steps when checking all of the documents presented by a potential employee -

- Check any photographs, where available, to ensure that they are consistent with the appearance of the potential employee.
- Check the dates of birth listed to be satisfied these are consistent with the appearance of the potential employee.
- Check that the expiry dates have not been passed.

## Code of Practice Version 9 Final July 2004

- Check any United Kingdom Government stamps or endorsements to see if the potential employee is able to do the type of work being offered.

The employer must make a photocopy or a scan of the following parts of all documents –

- The front cover and all of the pages which give the potential employee's personal details, in particular the page with the photograph and the page which shows his or her signature.
- Any page containing a United Kingdom Government stamp or endorsement which allows the potential employee to do the type of work being offered.

A leaflet on the legislation is available from the Home Office at [http://www.ind.homeoffice.gov.uk/filestore/new\\_a5\\_guidance.pdf](http://www.ind.homeoffice.gov.uk/filestore/new_a5_guidance.pdf). More detailed guidance is available at [www.ind.homeoffice.gov.uk/default.asp?pageid=17](http://www.ind.homeoffice.gov.uk/default.asp?pageid=17).

The Home Office operates an Employers' Helpline on 0845 010 6677.

### **EU Accession States Workers Registration Scheme**

Special arrangements apply to nationals from the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Poland, Slovakia and Slovenia. With a few exceptions, nationals from these eight countries starting a new job are required to complete, within a month of beginning work, a registration form, which includes information on their employer. This must be sent, together with a copy of their employment contract or a letter from an employer, two photographs, a passport or ID card and £50 to the Home Office. The Home Office will, if the application is valid, send the worker a registration card and a registration certificate specific to the employer. A copy of this certificate will also be sent to the employer. If a worker changes jobs the same form will have to be completed and a new certificate will be issued. No charge will be made in these circumstances.

The worker is responsible for registering, not the employer. However, employers will be committing an offence unless they have evidence that the worker has submitted an application form within a month of starting work or if they continue to employ someone after receiving a notice of refusal of a certificate. In practice, most employers will wish to help their workers complete the applications forms and ensure that they are signed and posted together with payment and the appropriate documents.

Guidance about the scheme and an application form are available at the following address [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk).

## **Employment of children and your persons (Section 2.3)**

### **Children and Young Persons Act 1933**

This Act limits the age at which children can start working, the numbers of hours they can work and the types of jobs that they can do. The minimum age for a young person to start paid work is 14, those between 14 and minimum school leaving age should have a signed agreement from the local education authority and their parents allowing them to work. You must ensure that the work does not affect their education. Children of school age cannot work:

- during school hours;
- before 7am or after 7pm;
- more than 2 hours on a school day or for more than 1 hour before school;
- more than 2 hours on a Sunday;
- more than 8 hours on a Saturday or during their holidays – 5 hours if they are under 15;
- more than 35 hours a week during school holidays or 25 hours if they are under 15;
- they should have a 2 week break from work during the school holidays;
- more than 12 hours in any week when he/she has to attend school.

Young workers aged between minimum school leaving age and 17 with few, if any qualifications have the right to reasonable paid time off work, to study or train.

## **Data Protection (Section 2.7)**

### **The Data Protection Act 1998**

This regulates the use of personal data. If you store sensitive data on a worker you may need to register with the Information Commissioner. Sensitive personal data includes information like the racial or ethnic origin of a person or their religious beliefs. Even if you are exempt from registering you are still required to comply with the data protection laws. They specify that data must be:

- fairly and lawfully processed;
- processed for limited purposes and not in a way that is incompatible with those purposes;
- relevant, adequate and not excessive;
- accurate;
- not kept for longer than necessary;
- processed in accordance with the rights of the person the data is about;
- secure;
- not transferred to countries that do not have adequate protection of data.

More detailed information can be obtained from -

<http://www.informationcommissioner.gov.uk/eventual.aspx?id=6111&expmovie=1>

There is also a helpline available on 01625 545745

## Section 3 Conditions of Employment

### Statutory Requirements

#### Employment Contracts, Terms & Conditions Section 3.1

##### Employment Rights Act 1996

###### Written contract of employment

All employees are entitled to receive a written contract provided that their employment lasts for one month or more.

The written statement must cover:

- the **names** of the employer and the employee;
- the **date** when the employment (and the period of continuous employment) began;
- **remuneration** and the intervals at which it is to be paid;
- **hours** of work;
- **holiday** entitlement;
- entitlement to **sick leave**, including any entitlement to sick pay;
- **pensions** and pension schemes;
- the entitlement of employer and employee to **notice** of termination;
- job **title** or a brief job description;
- where it is not permanent, the **period for which the employment is expected to continue** or, if it is for a fixed term, **the date when it is to end**.
- either the **place of work** or, if the employee is required or allowed to work in more than one location, an indication of this and of the employer's address; and
- details of the existence of any relevant **collective agreements** which directly affect the terms and conditions of the employee's employment - including, where the employer is not a party, the persons by whom they were made.

The statement must also include a note giving certain details of the employer's **disciplinary and grievance procedures**, and stating whether or not a pensions contracting-out certificate is in force for the employment in question.

###### Notice of Termination

If you employ a person continuously for one month or more, you must give that person at least one week's notice of termination of employment. Depending on the terms of your contract, notice can be worked or you may pay them in lieu of notice.

## Code of Practice Version 9 Final July 2004

### Disciplinary and Grievance Procedures

There is currently no requirement for an employer to actually have a formal disciplinary and grievance procedure. However, if you do have one you must, if you have 20 or more employees, include details of these procedures in their written statements of employment. If you have fewer than 20 employees, you need only provide a name to which an employee can apply to with a grievance and the manner in which such application should be made. Workers have a right to be accompanied by a colleague or trade union representative during a disciplinary hearing.

### Itemised Pay Statements

You are required to provide all employees with an itemised pay statement for each pay period. Every pay statement must give the following particulars:

- The gross amount of the wages or salary;
- The amounts of any fixed deductions and the purposes for which they are made (but if you have provided a standing statement of fixed deductions – which must be updated or repeated annually – it is not necessary to itemise fixed deductions);
- The amounts of any variable deductions and the purposes for which they are made;
- The net amount of any wages or salary payable;
- The amount and method of each part-payment if different parts of the net amount are paid in different ways.

### Deductions from Pay

Provisions restrict making deductions from workers' pay or receiving payments from them unless the deduction or payment is:

- required by law (e.g. tax and NICs);
- authorised by a term of the worker's contract (e.g. pension), provided that the worker has been given a written copy of the relevant terms or a written explanation of them before it is made;
- the worker has agreed in writing, in advance, to the deduction being made.

### Maternity, Paternity and Other Rights

As an employer you are required by law to pay Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) and Statutory Adoption Pay (SAP) to those workers that qualify. You can recover the amount of SMP, SPP and SAP you have paid to workers from the deductions that you have made for the Inland Revenue.

Under UK law workers are entitled to a reasonable amount of time off for looking after a dependant. Legislation sets out the circumstances in which time off can be taken but does not specify the amount of time off since this will vary according to the circumstances of the emergency.

Information on employment matters generally is available at <http://www.dti.gov.uk/er/regs.htm>

### **Health & Safety Issues Place of Work Section 3.3.1**

#### **Health and Safety at Work Act 1974**

This Act places duties on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees whilst they are at work. This applies in particular to the provision and maintenance of safe plant and systems of work, and covers all machinery and equipment used.

Employers have a duty to provide any necessary information and training.

The self-employed also have a similar duty. Both employers and the self-employed also have a duty to ensure, so far as is reasonably practicable, that persons who they do not employ are not exposed to risks to their health and safety. This covers, for example, members of the public who may be affected by work activities.

Employees have a duty under the Act to take reasonable care to avoid injury to themselves or others by their work activities, and to co-operate with employers and others in meeting statutory requirements. The Act also requires employees not to interfere with or misuse anything provided to protect their health, safety or welfare in compliance with the Act.

#### **The Management of Health and Safety at Work Regulations 1999**

These Regulations require a risk assessment to be carried out to identify the nature and level of risks associated with a work activity. Appropriate precautions need to be taken to eliminate or control these risks. A proportionate response according to the risk is required. The higher the level of risk identified through the assessment, the greater the measures that will be needed to reduce it. Risk assessment provides the basis for safe systems of work to eliminate or reduce risks as far as possible.

Safe systems of work are formal procedures that should be followed to ensure that work is carried out safely. They are necessary where risks cannot be controlled adequately by other means. Employers must ensure that the systems of work to be followed are properly implemented and monitored, and that details have been given to those at risk.

The duties required by the Management Regulations overlap with other regulations because of their wide-ranging general nature. Where duties overlap, compliance with the more specific regulation will normally be sufficient to comply with the corresponding duty in the Management Regulations.

## **Health & Safety Issues Employers Liability Insurance Section 3.3.2**

### **Employers' Liability (Compulsory Insurance) Act 1969**

Most employers are required by law to insure against liability for injury or disease to their employees arising out of their employment. Employers' Liability insurance policies enable employers to meet the cost of compensation for any such claims.

This Act requires employers to have at least the minimum Employers' Liability insurance cover. The policy must be with an approved insurer for a minimum liability cover of £5 million.

All labour providers must have employers' liability insurance where they employ people on their own premises, for example in an office. The legislation specifies that employers' liability insurance is not required for certain relatives of the employer, but it is still advisable to include relatives within employers' liability insurance for the financial protection of both employer and employees.

Labour Providers should have employers' liability insurance for the workers wherever they have any part in directing the work of these persons. Whoever controls the activities, at least in part, may be regarded as an employer and therefore should carry employers' liability insurance. This means that where a labour provider supplies workers to a packhouse and the packhouse then controls the activities of these workers, it is the responsibility of the packhouse to have the necessary employers' liability insurance.

The ABI has produced a worksheet that may be accessed from:

[http://www.abi.org.uk/display/file/child/134/workplace\\_comp\\_leaflet.pdf](http://www.abi.org.uk/display/file/child/134/workplace_comp_leaflet.pdf)

The HSE has a useful summary of the status of workers on:

<http://www.hse.gov.uk/enforce/enforcementguide/investigation/status/specific.htm>.

## **Health & Safety Issues Providing Accommodation Section 3.3.4**

### **Housing Act 1985**

Defines the statutory requirements as to overcrowding. The Room Standard is breached if two people of opposite sexes who are not living together as partners must sleep in the same room. Living rooms and kitchens as well as bedrooms can be treated as available sleeping accommodation. The Space Standard specifies the number of people that may sleep in a dwelling

## Code of Practice Version 9 Final July 2004

according to (a) the number of rooms (b) the floor area. The minimum allocation is 2 persons per 110 square foot.

### **Landlord and Tenant Act 1985**

It is the responsibility of the landlord to keep in good repair the external structure of the property including items such as drains and gutters, and internally, central heating and the installations for the supply of water, gas, electricity and sanitation.

### **The Gas Safety (Installation and Use) Regulations 1998**

Carbon Monoxide (CO) given off by faulty gas appliances can kill. CO causes poisoning, and poorly installed or badly maintained appliances or flues cause many serious gas related incidents each year.

These Regulations place responsibilities on those persons installing, servicing, maintaining or repairing gas appliances and other gas fittings, as well as suppliers and users of gas including landlords, mainly in domestic and commercial premises.

Landlords must have all appliances and flues checked every 12 months by a CORGI registered business and provide their tenants with a copy of the report (often referred to as a landlord's gas safety certificate). Any work on a gas appliance/fitting has to be carried out by a competent person (CORGI registered) and landlords must not use or permit the use of any unsafe gas appliance.

To check if a gas installer is registered with CORGI telephone 01256 372300. For more information on gas safety contact HSE's Infoline on 08701 545500.

The duties under The Health and Safety at Work etc Act 1974 may also apply where accommodation is provided for workers as part of the Labour Provider or Labour User's business. This includes situations in which caravans or other temporary accommodation facilities are used. Any electrical equipment provided for use by workers in such facilities should be regularly checked to ensure it is safe. An inspection and test by a competent electrician should be undertaken at regular intervals and a record of these tests (for example, a certificate) retained by the duty holder.

## Section 4 Treatment of Workers

### Statutory Requirements

#### Employment Relations Act 1999

##### Trade Unions

This identifies the procedures for the recognition of independent trade unions in organisations employing 21 or more workers, if that is the wish of a majority of the work force.

#### Agricultural Wages Order 2003

Workers who are paid to carry out work classified as agricultural under the Agricultural Wages Act 1948 must be paid at least the minimum pay rates set out in the Agricultural Wages Order (AWO). Agricultural work includes:

- crop/livestock production;
- site preparation, planting and crop maintenance;
- harvesting;
- horticultural production (including work in market gardens or nursery grounds);
- forestry;
- processing and packing of produce on the farm or enterprise where it is grown;
- work on a farm that is ancillary to the production process.

It **may** not apply to the following workers: seek advice accordingly

- in a packhouse away from a farm;
- in a packhouse on a farm when the produce being packed is not grown on that farm or enterprise.

Where workers are employed to undertake a mixture of agricultural and non-agricultural work, the AMW rates in the AWO apply to every hour of agricultural work. The AWO minimum rate for an adult standard worker is

## Code of Practice Version 9 Final July 2004

Higher minimum rates apply to workers with certain qualifications and responsibilities.

**Wages and conditions will change from 1<sup>st</sup> October 2004.** See DEFRA website for further information.

### Piece Workers

If an agricultural worker is paid piece rates, his or her wages must not be less than the appropriate minimum rate for the actual hours worked. In the event of a worker's piece-work earnings falling below the hourly rate for the hours worked, wages must be made up to the minimum time rate for the hours worked. Accurate records must be kept of all hours worked.

### Working Hours

Under the Agricultural Wages Order 2003 agricultural workers who work 39 hours or more in any week, work more than 8 hours on any day, or work on a Sunday or public holiday must be paid the relevant agricultural overtime rate. Fines may apply to a wilful failure to pay the AMW or to keep proper records as with the NMW. You may also be required to pay arrears of pay owed to a worker and to pay a penalty for each day this goes un-rectified.

### Rest Breaks

Under the AWO all agricultural workers are entitled to an uninterrupted break of at least 30 minutes where the working day is more than five and half-hours.

### Holiday and Sick Pay

Agricultural workers are covered by the AWO holiday provisions and are entitled to 22 days plus public holidays where they work a 5-day week. Holiday entitlements for people who work longer or shorter periods are adjusted on a pro rata basis.

Workers covered by the Agricultural Wages Order may be eligible for Agricultural Wages Sick Pay (AWSP), the rules for which are different from those for SSP. The worker should be paid the higher payment whether it is AWSP or SSP, you can recover the relevant amount of SSP from the Inland Revenue.

The Wages Order gives a contractual right to 3 days' full pay following the death of a dependent.

### Deductions for Accommodation

A deduction for a worker's accommodation is capped under the AMW and the NMW. Under the AMW the maximum deduction for a house or tied cottage is £1.50 per week or £24.40 per week for other accommodation.

More details on the agricultural minimum wage and employment in agriculture generally are available at <http://www.defra.gov.uk/farm/agwork.htm>.

## **The National Minimum Wage Act 1998**

### National Minimum Wage (NMW)

This requires all workers to be paid at least the NMW. A wilful failure to pay the NMW or not keeping proper records can incur a fine of up to £5,000 per worker.

There are two levels of minimum wage (three from October 2004):

- £4.50 (£4.85 from 1 October 2004) per hour for workers aged 22 years or older.
- A development rate of £3.80 (£4.10 from 1 October 2004) per hour for
  - workers aged 18 - 21 years inclusive
  - workers aged 22 years and above, starting a new job with a new employer and doing accredited training.
- A new young person's rate (for 16 and 17 year olds) of £3.00 from 1 October 2004.

The minimum wage also applies to people from overseas who work in the UK for a short time, as well as to people who ordinarily work in the UK even if they are working overseas for a short time.

### Piece Workers

If a worker is paid piece rates, his or her wages must not be less than the appropriate minimum rate for the actual hours worked. In the event of a worker's piece-work earnings falling below the hourly rate for the hours worked, wages must be made up to the minimum time rate for the hours worked. 'Fair Estimate' procedures may be applied under the NMW arrangements. From October 2004, employers will have to pay their workers the minimum wage for every hour they work or a fair piece rate initially set at 100% of the minimum wage. The rate will increase to 120% of the minimum wage in April 2005.

### Deductions for Accommodation

Under the NMW the maximum deduction for any accommodation is £22.75 per week; the type of accommodation is not prescribed but can include a caravan, bunkhouse etc.

Detailed guidance on the national minimum wage is available at <http://www.dti.gov.uk/er/nmw/index.htm>

## **Statutory Sick Pay Act 1994**

As an employer you are required by law to pay Statutory Sick Pay (SPP) to those workers that qualify. SSP is set at a fixed rate of £64.35 per week and can be paid for up to 28 weeks in one spell of sickness providing the worker has medical evidence. You can recover the amount of SSP you have paid to workers from the deductions that you have made for the Inland Revenue.

## **Working Time Regulations 1998**

These Regulations impose obligations on employers in relation to the working time of workers over the minimum school leaving age, including the provision of rest breaks and night work restrictions.

They specify the total hours that a worker is permitted to work. They also detail the requirements for days of rest, breaks when at work, holiday entitlements and other associated issues. For example:

### Holiday Entitlements

All workers, including part-time and casual staff, are entitled to at least four weeks' paid holiday each year, which can include public holidays.

### Working Hours

Workers cannot be forced to work more than 48 hours a week on average. If a worker wishes to work over 48 hours they must sign an 'opt-out' agreement. Young workers cannot work more than 8 hours a day or 40 hours a week and do not have the option to opt-out. Accurate records must be maintained which prove the number of hours that have been worked by an individual.

### Rest Breaks

If an adult worker is required to work for more than six hours continuously, the worker is entitled to a rest break of 20 minutes. If a young worker is required to work for more than four and half-hours continuously, that person is entitled to a rest break of 30 minutes.

More information is available from [www.acas.org.uk](http://www.acas.org.uk) or by telephoning the helpline on 0845 7474747

## **Race Relations Act 1976**

This makes discrimination on the grounds of race, colour, nationality (including citizenship), ethnic or nation origin unlawful. The law covers people from all racial groups, including white people.

## **Sex Discrimination Act 1975**

This deals with discrimination on grounds of sex, marriage or gender reassignment and applies to men and women. The requirement for equal pay is contained in the Equal Pay Act 1970.

## **Disability Discrimination Act 1995**

This deals with discrimination against disabled people – that is, when someone treats a disabled person less favourably than someone else, without justification, for a reason related to their disability. Discrimination also occurs if, without justification, a 'reasonable adjustment' is not made. The Act applies to all those who provide goods, facilities and services to the public. The employment provisions of the Act apply to employers with 15 or more workers.

## **The Employment Equality (Sexual Orientation) Regulations 2003**

This deals with discrimination on the grounds of sexual orientation. Sexual orientation includes orientation towards the same sex, the opposite sex or both sexes, i.e. it is unlawful to discriminate against any sexual orientation, and that includes heterosexual and bisexual, as well as lesbian and gay.

## **The Employment Equality (Religion or Belief) Regulations 2003**

This deals with discrimination on grounds of religion, religious belief or similar philosophical belief. They cover discrimination on grounds of perceived as well as actual religion or belief (i.e. assuming - correctly or incorrectly - that someone has a particular religion or belief). The Regulations also cover association, i.e. being discriminated against on grounds of the religion or belief of those with whom you associate (for example, friends and/or family).

# **Appendix 2.**

## **Labour Providers Toolkit**

## Labour Providers Toolkit

### Introduction

*This toolkit is designed to provide practical help to any Labour Provider who has or is thinking of providing temporary labour. These are examples taken from our experience of "good practice". As such you, as an established Labour Provider, may well have most of the following in place, in some format or another.*

*If you consider that your format in any particular area is worth sharing with other Labour Providers, please pass this on to either the ALP (Association of Labour Providers) or the ETI (Ethical Trading Initiative).*

### 1. Evaluation Checklist

In preparation for any evaluation/audit, you should make yourself a check list of items likely to be covered or asked for by the auditor. You can make this as detailed as you wish but standard items are covered within the example shown below. (Some items are covered within this toolkit)

#### Example 1. Evaluation/Audit Checklist

##### Labour Providers – Evaluation Process Checklist

<b>Personal Details</b>	<input type="checkbox"/>
<b>Trading Name/Names</b>	<input type="checkbox"/>
<b>Accountant/Bookkeeper details</b>	<input type="checkbox"/>
<b>VAT Details</b>	<input type="checkbox"/>
<b>PAYE Reference</b>	<input type="checkbox"/>
<b>Employers Liability Insurance</b>	<input type="checkbox"/>
<b>Workforce size details</b>	<input type="checkbox"/>

Code of Practice Version 9 Final July 2004

- Nationalities**
- Workforce ID Paperwork**
- Workforce Accommodation Details**
- Workforce Management**
- Workforce Rates of Pay**
- Workforce contracts**
- Methods of Payment**
- Databases**
- Clocking in/out Details**
- Sub- Contractors**
- Current Contracts**
- Written Contract with customer**
- Contract rates of pay**
- Transport Details**
- Transport Documents**
- Agency Contact Log**
- Notes/Comments/Concerns**

## Code of Practice Version 9 Final July 2004

Once you have begun with your list it is a good idea to move through the code section by section, checking what you have, and what you may need to think about, in terms of meeting any evaluation requirements.

If you have any areas you are unsure about talk to the relevant people as soon as possible and discuss and resolve any problem areas.

### **2. Sub-Contracting**

If you use or intend to use sub-contracted labour ensure you have accurate records of all Labour Providers you use. Make it clear to each one you use that they too will be evaluated against this Code of Practice and that they will be expected to meet the same compliance levels as yourself. It is a good idea to put together a Sub-Contractor check form, an example of which is shown below.

#### **Example 2. Sub-Contract Details Form**

Name of Sub Contractor

Trading Address (1)

Telephone Number

Mobile Number

Alternative address (If appropriate) (2)

If S/C seen at (1) or (2) above where and when

Date business established

VAT Number

Inland Revenue Number

Employers Liability (if appropriate)

Direct Workforce numbers available

Current Contracts held

Any other Sub Contractors used?

If so details, numbers, addresses

COP held by S/C      Y/N

Documentary evidence of compliance towards COP

References available from previous customers

### **3. Employee Records**

You have a number of issues to consider when taking on your workforce and these are clearly listed within Section 2 of the Code of Practice. You will need to ensure that each person you take on has the right to both remain and work within the UK and that you, where appropriate, retain documentation to verify this.

Issues such as National Insurance numbers must be considered at some stage, and again there is guidance on this within the code.

Some Labour Providers choose to use digital photographs as workers as a means of identification, and store these on the employee or workers record.

You should ensure that you have adequate systems in place to verify identification of individuals and that you complete and retain, securely, an individual record of each worker.

An example of an employee record is shown on the next page (25).

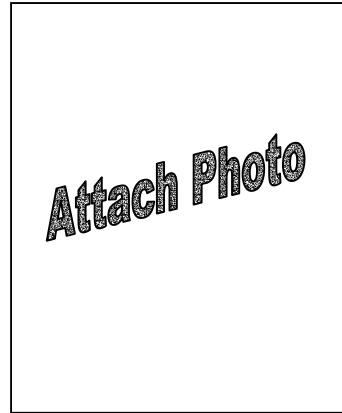
**Example 4. Employee Record.**

# Employee Record

**Name**

**Date of Birth**

**Address**



**National Insurance Number**

**Employee/Payroll Number**

Documentation required for a defence under Section 8 of the Asylum and Immigration Act 1996 has been checked and a copy is attached.

**Other Employee/Training Details**

#### **4. Employment Contracts, Terms & Conditions**

Within one month of taking on any of your workers, you must ensure that they are given a written contract. This can contain as much detail as you like about the terms and conditions of your workers but should contain basic details of many of the clauses within the Code of Practice against which you may be evaluated.

A sample contract is shown below.

##### **Example 5. Sample Contract of Employment**

#### **Contract of Employment**

1. You [employees name] began work for [employers name] on [date].
2. You ensure that you are legally entitled to work in the United Kingdom and that you are not claiming benefit.
3. You are employed as an [insert job title] that roles include [brief job description].
4. Your place of work is [insert address] **or** Your place of work may be at any one of [employer's name] customers premises, a list of which can be obtained from [employers name] that is located at [employers address].\*
5. You will be paid [insert amount] per hour and/**or** your piece rate work is [insert amount] per piece.\* Wages will be paid every [insert a day] and will be accompanied with a itemised payslip.
6. As far as they reasonably can [Insert employer's name] agrees to offer you at least [insert amount] hours per week. Only if your hours cannot be met by [insert employers' name] can you work for another labour provider.
7. Your hours of work are [insert start time] to [insert finish time] **or** Your hours of work are variable but you will be informed the day before the time you are to start.\*
8. You will not be expected to work over 48 hours a week **or** You have agreed that you are willing to work over 48 hours a week but no more than 60.\*
9. You are entitled to [insert amount] holidays a year.
10. Particulars of any terms and conditions relating to incapacity to work due to sickness or injury, including any provisions for sick pay, can be found in [employers name] handbook for employees.

## Code of Practice Version 9 Final July 2004

11. Particulars of terms and conditions relating to pensions and pension schemes can be found in [employers name] handbook **or** You have agreed that [employers name] is to deduct [insert amount] from your weekly pay to put into a [insert name of pension provider] stakeholder pension.\*

12. The amount of notice of termination of your employment you are entitled to receive is [insert length of time]. The amount of notice you are required to give is [insert length of time] **or** Particulars of the amount of notice of termination of your employment you are entitled to receive and required to give are given in the [insert employers name] handbook.\*

13. Your employment is permanent - subject to 10 above, to general rights of termination under the law and to disciplinary procedures set out in the [employers name] handbook **or** Your employment is for a fixed term and expires on [insert date] **or** Your employment is temporary and is expected to continue for [insert length of time].\*

14. The disciplinary rules and procedures which apply to you are [insert company rules] **or** The disciplinary rules and procedures which apply to you can be found in the [employers name] handbook.\*

Signed ..... Date .....  
**Employee**

Signed ..... Date .....  
**Employer**

\* Delete as appropriate

## 5. Service Level Agreements/Contracts with Customers

Once you have negotiated any contract with a customer it is good practice to draw up some sort of formal written contract between you. This will ensure that you both clearly understand what is expected of you and that you have covered important issues such as the health & safety of your workforce.

**This contract can also be used to set out clearly what you expect from any Sub-Contractors you may use, as they will be supplying you with workers, much the same as you would supply one of your customers, say a packhouse or a farm.**

An example of this agreement is shown below. To make it read easier to read we have used example names and dates for both the Labour Provider and the Labour User. **Moore Personnel** is the Labour Provider and **Fruity Ltd** is the Labour User.

**Entries in bold are where you would add in your own details.**

### Example 6. Service Level Agreement with Customers

#### Contract for Supply of Workforce by Moore Personnel

1. This agreement will run for a **3 month** period after which terms and conditions will be reviewed.
2. Both parties are required to give **2 weeks** notice to terminate this contract. Reason for termination must be provided in writing.
3. This agreement covers the **Moore Personnel** staff working at **Fruity Ltd, Fruit Lane, Spalding, Lincolnshire.**
4. **Moore Personnel** will agree to provide labour to meet the demands of **Fruity Ltd** within a **3 month period.**
5. **Moore Personnel** will ensure that they adhere to the Code of Practice for Labour Providers to the Agriculture and the Fresh Produce Trade.
6. The agreed rates of pay will be held for the agreement period. Rates can only change according to legislation or after an agreed annual review. The agreed rates are **£7.50 (seven pounds fifty pence) per hour, plain time and £8.00 (eight pounds) for any overtime.**
7. **Moore Personnel** staff are not required to work over 48 hours unless they have agreed in writing, in no instance should a worker work over 60 hours a week.

Code of Practice Version 9 Final July 2004

8. Each individual member of **Moore Personnel** staff will record the hours they work daily. These hours will be checked and signed off daily by a designated member of **Fruity Ltd** staff.

9. **Moore Personnel** will invoice **Fruity Ltd** weekly and **Fruity Ltd** will pay the invoice within 5 working days.

10 **Moore Personnel** agrees not to use any other Labour Providers known as Sub-Contractors, unless the required amount of labour cannot be provided by **Moore Personnel**, in which case this will be fully discussed and declared to **Fruity Ltd** and a joint decision taken

11. **Fruity Ltd** will provide employers liability insurance for all **Moore Personnel** staff provided or **Moore Personnel** will provide employers liability insurance for all staff provided to **Fruity Ltd**

12. **Fruity Ltd** is responsible for the health and safety of **Moore Personnel** staff whilst on their sites. Full training for the positions held by **Moore Personnel** staff will be provided and paid for by **Fruity Ltd**. Records of this training must be kept or **Moore Personnel** is responsible for the Health and Safety of the staff it provides to **Fruity Ltd**. Full details of the positions to be filled must be given to **Moore Personnel** so workers with the right training can be deployed.

13. All staff provided by **Moore Personnel** will be expected to adhere to the regulations set by **Fruity Ltd**. These regulations must be made available to all staff provided by **Moore Personnel**. Any disciplinary incidents involving **Moore Personnel** staff must be dealt with according to the procedures set out in the regulations and with agreement of **Fruity Ltd** management or all staff provided by **Moore Personnel** will be expected to adhere to regulations set out in their handbook. All disciplinary matters must be reported to **Fruity Ltd** within **24 hours** so that it can be treated accordingly.

Signed.....  
**MOORE PERSONNEL**

Signed.....  
**FRUITY LTD**

**Name:**  
**Position:**  
**Date:**

**Name:**  
**Position:**  
**Date:**

## **6. Recording Workers Supplied**

If your agreement with any of your customers, insists that you supply details of your workforce each week (as it is good practice to do so), then you should use form **ACU2** or similar. This will show details of workers names addresses, dates of birth, national insurance numbers or home office reference and also hours worked.

Details supplied must be accurate and must reflect the changes within your workforce on a daily or weekly basis. If any information is not immediately to hand you should advise your customer of the reason and ensure that it is provided as soon as possible.

An example of an ACU2 is given on the next page (31).

Code of Practice Version 9 Final July 2004

**Example 7.ACUC2 (Agricultural Compliance Unit 2) - Weekly Record Sheet for Employees**

Workforce Providers name \_\_\_\_\_ Trade name, if any \_\_\_\_\_ PAYE week number \_\_\_\_\_

**How to fill in this sheet**

Please use CAPITALS when completing this form. Enter above the Workforce Providers full name and the PAYE week number. For PAYE purposes week 1 begins on 6 April, Week 2 on 13 April and so on throughout the year. Then for each Employee, enter the name, full address, National Insurance number and works number, if any. Then enter **either** the amount earned in the week **or** the number of hours worked.

**Please remember to use a separate sheet for each Workforce Provider every week and to enter the PAYE week number.**

Full name	Full address (including post code)	National Insurance/Home Office Ref Number	Date of Birth	Enter amount earned <b>or</b> hours worked £	

ACU 2



**7. Health & Safety Issues**

As there are many issues involved with Heath & Safety we have included these items in a separate toolkit contained in the **Appendix 3** of this Code of Practice. However we have included at this point an example of a driver records form, which forms part of the evaluation where transport is provided.

**Example 8. Drivers Records**

<b>Drivers Name</b>	<b>Licence Number</b>	<b>Entitlements</b>	<b>Country of</b>	<b>Date driver entered the UK (if applicable)</b>	<b>Drivers Signature (I have a good understanding of English)</b>



**8. Enforcement Issues**

Throughout the course of your business you may come into contact with any number of different enforcement agencies. It is important that you fully co-operate with their requests at all times and provide any requested information accurately and timeously.

Certain agencies require you by law to follow certain procedures both before and during your engagement of workers.

It could help your business if you were to keep an ongoing record of all your dealings with enforcement agencies and the reason for any request that was made. One idea that has been put forward is an Enforcement Log and examples of these are shown below.

**Example 8 Enforcement Agency Log**

<i>Date</i>	<i>Method Of Contact</i>	<i>Reason</i>	<i>Result/Action</i>	<i>Confirmation &amp; Date (Agency Signature/Initials)</i>
-------------	------------------------------	---------------	----------------------	--

<b>10/11/2003</b>	Phone	ACU2	Fax ACU2	
<b>11/11/2003</b>	Visit	Query	ID Details	
<b>12/11/2003</b>	Visit Site	Interviews	4 Detained by UKIS	
<b>06/02/2004</b>	E-Mail	Query	ID Details Faxed	
<b>15/01/2004</b>	Fax	Counterfeit	Documents Faxed	
<b>22/01/2004</b>	Visit Site	Interviews	Query on 1 ID	

## Casual Labour Provider - Agency Contact Log - H&S Executive

<i>Date</i>	<i>Method Of Contact</i>	<i>Reason</i>	<i>Result/Action</i>	<i>Confirmation &amp; Date</i> (Agency Signature/Initials)
10/11/2003	Phone	S/C	Accident	
11/11/2003	Visit	Query	Sub Contractors	
12/11/2003	Visit Office	HSE	Annual Inspection	
06/02/2004	E-Mail	Accident	Employee Query	
15/01/2004	Fax	S/C	ELCI Query	
22/01/2004	Visit Site	S/C	Site Visit	

There are various other agencies that this type of log can apply to and this will provide good evidence of your work towards compliance, especially in relation to matters of illegal working and compliance towards Sec 8 for example.

# **Appendix 3.**

## **Health & Safety Toolkit**

## Health & Safety Toolkit

### PART 1 - HEALTH AND SAFETY INDUCTION TRAINING CHECKLIST

Induction training should provide all workers with basic information and instruction about health, safety and welfare at work. All Labour Providers should ensure that all of their staff who are new to a Labour User's premises, or who are returning after a significant period of absence (eg from the previous harvesting season) receive adequate induction training. This is particularly important for migrant workers, young workers and those who are new to the industry or process to be undertaken.

When developing an induction scheme, it is important to ensure that the health and safety content and style are appropriate for the workforce. This includes providing the training in a form that the workers can understand, particularly for those who have little or no understanding of the English language. In such cases you may need to make special arrangements. These could include:

- providing translations (both oral and written)
- using interpreters or intermediaries
- supplementing written notices with clear symbols or diagrams.

Steps should be taken to check that workers have understood the training material. An increased level of supervision may be necessary in the early stages of employment both to observe worker's response and to provide additional help if needed.

Site induction training should include as a minimum the following:

- **A commitment to health and safety:** explanation of the Labour User's and Labour Provider's commitment to ensure a safe and healthy working environment for all staff. All workers are equally valued and are entitled to the same level of protection at work.
- **Arrangements for managing / supervision of work:** who to report to, names of those persons authorised to give instructions and key personnel
- **Employee/worker duties:** information about the individual's responsibilities for health and safety
- **Communication:** explain who to go to for assistance or help in case of any difficulties or problems.
- **Risk Assessments:** the significant findings of the health and safety risk assessments to be communicated to staff
- **Other health and safety assessments:** the findings of any other relevant assessments eg. on noise, hazardous substances, manual handling, use of work equipment and personal protective equipment

## Code of Practice Version 9 Final July 2004

- **Site Rules:** any other general or specific site rules laid down by the Labour User eg. In relation to access, transport, site contamination etc
  - **Authority for operating plant / equipment:** instructions / prohibitions/ authorisations for use of specified equipment eg Fork Lift Trucks, Telescopic Handlers, All Terrain Vehicles
  - **Personal Protection Equipment (PPE):** requirements for obtaining and wearing suitable clothing and footwear together with any other PPE (gloves, masks, coveralls, hearing protection etc), availability of replacement PPE, where to find it, how to use it, where to store it, location of hearing protection zones and the areas or activities for which such equipment must be used.
  - **Training:** arrangements for providing health and safety training or refresher training
  - **General Housekeeping:** arrangements for housekeeping and material/product storage including arrangements for dealing with slip/trip/fall hazards
  - **Welfare:** location of toilets, washing facilities, drinking water, areas for rest/meal breaks, including any special arrangements eg non smoking / facilities for disabled persons
  - **Temporary Accommodation** (where provided): including safe use of gas and electrical appliances, the need to report gas leaks and to whom, arrangements for dealing with damaged/defective equipment and safety checks on personal equipment.
  - **Fire and evacuation:** fire precautions, action to take in the event of a fire including use of portable fire fighting equipment, procedures for sounding the alarm, fire escape routes, assembly points
  - **First Aid:** the location of First Aid kits and details of First Aid trained staff and / or Appointed Persons
  - **Accident Reporting:** the procedure for reporting all work related injuries / ill health / dangerous occurrences and other incidents
  - **Workforce representation:** arrangements for workforce representation and consultation, including the identity and role of any appointed trade union safety representatives. Also representatives for employee safety and safety committees, and the liaison arrangements between the workers, the Labour User and the Labour Provider
- Special Requirements:** any additional requirements for groups of workers identified as being particularly at risk eg. young workers under the age of 18

## **PART 2 - LABOUR PROVIDERS TOOLKIT FOR TRANSPORTATION OF WORKERS**

This toolkit provides guidance for those Labour Providers who transport workers and other staff during the course of their business. For example, the use of minibuses to collect workers from their homes and transport them to the Labour Users premises for the start of work and then transport them home again after work.

Before taking a vehicle on a public road it must:

- Be registered with DVLA (a vehicle registration document)
- Have a valid vehicle licence (tax disc) displayed
- Be insured (a valid insurance certificate providing appropriate insurance cover)
- Hold a current MOT certificate (depending on age/status of vehicle)

Before driving a vehicle you must:

- Hold the appropriate driving licence for the vehicle being driven
- Meet driver minimum age requirements
- Meet the legal eyesight standards

### **DRIVER LICENCE REQUIREMENTS – MINIBUSES**

Minibuses are vehicles constructed or adapted to carry more than 8 but not more than 17-seated persons, including the driver.

- If the driver has entitlement to drive cars prior to 01/01/97 (shown as group A or B for automatics) on an old style driving licence or as category B and D1 **not for hire or reward** on a new style licence, the driver may drive a minibus provided that the driver is 21 or over, the minibus has a maximum of 17 seats including the driver's seat and is not being used for hire or reward.
- To drive a minibus which has 9 or more passenger seats **for hire or reward** the driver will normally need passenger carrying vehicle entitlement (PCV) shown as category D1 or D. To obtain this, the driver must meet higher medical standards and take a further driving test.
- **Hire or reward** in this guidance means that a fee is charged or the passengers make a payment. It includes any payment in cash or in kind by (or on behalf of) passengers that gives them a right to be carried.
- A driver's entitlement to drive a minibus will remain valid until the licence is next renewed. When this happens the entitlement to drive a minibus can only be issued if the driver makes a special application that will involve meeting higher medical standards.

PCV licences are valid until the holder's 45th birthday and at 5 yearly intervals until the 65th birthday, when renewal is annual. DVLA sends out renewal reminders.

Employers can obtain urgent information from DVLA on driver entitlement and endorsements of employees and potential employees to ensure that any drivers employed operate within the law. This information can only be released with the drivers' consent.

## Code of Practice Version 9 Final July 2004

### SEAT BELTS IN MINIBUSES:

Belts in vehicle first used:	01/04/82 to 30/09/88	1/10/88 to 30/09/2001	From 01/10/2001
Driver	C	D	F
Front passenger (furthest from the driver)	C	D	F
Other front passengers	NB	E	F
Rear passengers	NB	NB	F

#### Key:

NB = No belt required

C = in vehicles with unladen weight of 2540kg or less and not capable of carrying more than 12 passengers, a 3 point belt (lap and diagonal) or harness belt. In vehicles with unladen weight of more than 2540kg or vehicles capable of carrying more than 12 passengers, no belt required.

D = in vehicles with a gross weight of 3500kg or less, a 3 point belt (lap and diagonal) or harness belt. In vehicles with a gross weight of more than 3500kg, no belt required.

E = in vehicles with a gross weight of 3500kg or less, a 2 point belt (lap) or 3 point belt (lap and diagonal). In vehicles with a gross weight of more than 3500kg, no belt required.

F = In vehicles with a gross weight of 3500kg or less, inertia reel 3 point belts in forward facing seats and inertia reel 3 point belts or retractable lap belts in rearward facing seats. In vehicles with a gross weight of more than 3500kg, inertia reel 3-point belts or retractable lap belt in forward and rearward facing seats.

Note that the above applies to adult persons. There are additional requirements where children are carried. If a vehicle is required to have a seat belt then all seat belts that are fitted must meet the relevant British/European standards. They must be correctly installed, in good working order, and display an approval mark.

### VEHICLE MAINTENANCE

Check regularly that lights, brakes, steering, exhaust system, seat belts, demisters, wipers and washers are all working correctly. Also check the following:

- Lights, indicators, reflectors, and number plates must be kept clean and clear
- Windscreens and windows must be kept clean and free from obstructions to vision
- Lights must be properly adjusted to prevent dazzling other road users. Extra attention needs to be paid to this if the vehicle is heavily loaded
- Exhaust emissions must not exceed prescribed levels
- Ensure that drivers check and adjust where necessary their seat, seat belt, head restraint and mirrors before they drive
- Items of luggage are securely stowed.

Tyres must be correctly inflated and be free from certain cuts and other defects. They should be checked on a regular basis (tyres cold).

## Code of Practice Version 9 Final July 2004

Cars & light vans must have a tread depth of at least 1.6mm across the central three-quarters of the breadth of the tread and around the entire circumference

Large vehicles and passenger carrying vehicles must have a tread depth of at least 1mm across three-quarters of the breadth of the tread and in

**STEP 4** – Record your findings

**STEP 5** – Review your assessment and revise it if necessary

**HAZARD** means anything that can cause harm.

**RISK** is the chance, high or low, that somebody will be harmed by the hazard.

**Example Form for Recording a RISK ASSESSMENT**

LP Name-----

LP Address-----

-----

---

LU Name-----

LU Address-----

-----

-----

---

Assessment undertaken by (Name)-----

Signed-----

Date-----

Assessment review date-----

## Code of Practice Version 9 Final July 2004

• STEP 1	• STEP 2	• STEP3
<p><b>Hazards</b> Look for hazards, which you could reasonably expect to result in significant harm under the conditions in the workplace. Use the following examples as a guide</p> <ul style="list-style-type: none"> <li>• Slipping or tripping hazards</li> <li>• Fire</li> <li>• Chemicals</li> <li>• Moving parts of machinery</li> <li>• Vehicles</li> <li>• Electricity</li> <li>• Dust</li> <li>• Manual handling</li> <li>• Noise</li> <li>• Work at height</li> </ul>	<p><b>Who might be harmed?</b> List groups of people who are at risk from the significant hazards you have identified</p> <ul style="list-style-type: none"> <li>• Machine operators</li> <li>• Packers</li> <li>• Labourers</li> <li>• Staff with disabilities</li> <li>• Inexperienced or young workers</li> <li>• Others sharing the workplace</li> <li>• Members of the public</li> </ul>	<p><b>Control Measures</b> List existing control measures, also risks, which are not adequately controlled, and the action needed.</p> <ul style="list-style-type: none"> <li>• Do the precautions meet the legal/ industry standards?</li> <li>• Reduce the risk as far as is reasonably practicable?</li> <li>• Provide adequate information, instruction or training?</li> <li>• Where the risk is not adequately controlled indicate what action you need to take</li> </ul>
<p>List significant hazards here:</p>	<p>List those persons at risk from the hazards:</p>	<p>List existing control measures or risks not controlled and action needed:</p>



## **Appendix 4.**

### **Summary of Useful References and Contact Details**



# Summary of Useful Contacts and References

Code Section	Subject	Organisation	Telephone Number	Website
1.2	Tax and NI	Inland Revenue – New Employer’s H/L	0845 6070143	<a href="http://www.inlandrevenue.gov.uk/employers">www.inlandrevenue.gov.uk/employers</a>
1.3	VAT	HMCE – National Advice Service	0845 0109000	<a href="http://www.hmce.gov.uk">www.hmce.gov.uk</a>
1.4	Employment Agencies Act	Employment Agency Standards Inspectorate	0845 9555105	<a href="http://www.dti.gov.uk/er/agency">www.dti.gov.uk/er/agency</a>
2.2	Employing EU workers	Workers Registration Scheme		<a href="http://www.workingintheuk.gov.uk">www.workingintheuk.gov.uk</a>
		NASS – Fraud Investigation Hot line	0208 6330501	
		Home Office Employer’s H/L	0208 6497878	
2.5	Benefit Fraud	National Benefit Fraud Hot line	0800 854440	
2.7	Data Protection	Information Commissioner’s Office	01625 545745	<a href="http://www.dataprotection.gov.uk">www.dataprotection.gov.uk</a>
3.4	Health and Safety	HSE Infoline	0870 1545500	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
3.4 cont.		HSE books	01787 881165	<a href="http://www.hsebooks.co.uk">www.hsebooks.co.uk</a>
3.4	Vehicle licensing/MOT	DVLA		<a href="http://www.dvla.gov.uk">www.dvla.gov.uk</a> <a href="http://www.vosa.gov.uk">www.vosa.gov.uk</a>
3.4.	Employers Liability Insurance	Association of British Insurers		<a href="http://www.abi.org.uk">www.abi.org.uk</a>

## Code of Practice Version 9 Final July 2004

Code Section	Subject	Organisation	Telephone Number	Website
3.4.4	Gas Safety	CORGI Info line	01256 372300	
4.1	Trade Unions	TUC (Trades Union Congress) TGWU (Transport & General Workers Union)	020 7636 4030 020 7611 2500	<a href="http://www.tuc.org.uk/rights">www.tuc.org.uk/rights</a> <a href="http://www.worksmart.org.uk/unionfinder/index.php">http://www.worksmart.org.uk/unionfinder/index.php</a> <a href="http://www.tgwu.org.uk">www.tgwu.org.uk</a>
4.5	Minimum Wage	Agricultural Minimum Wage H/L	0845 0000134	
		National Minimum Wage H/L	0845 6000678	<a href="http://www.tiger.gov.uk">www.tiger.gov.uk</a> <a href="http://www.dti.gov.uk">www.dti.gov.uk</a>
		Inland Revenue Employers H/L	0845 143143	
4.7	Working Hours	ACAS H/L	0845 7474747	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
		ACAS publications	0870 429090	
4.8	Discrimination	Equality Direct Advice Service	0845 6003444	<a href="http://www.equalitydirect.org.uk">www.equalitydirect.org.uk</a>
4.10	Pensions	Recruitment & Employment Confederation		<a href="http://www.rec.uk.com">www.rec.uk.com</a>
4.10	Pensions	Occupational Pension Regulatory Authority		<a href="http://www.opra.gov.uk">www.opra.gov.uk</a>

Code of Practice Version 9 Final July 2004

Code Section	Subject	Organisation	Telephone Number	Website
<b>Other useful contacts:</b>	Trade Association for Labour Providers	The Association of Labour Providers		<a href="http://www.labourproviders.org.uk">www.labourproviders.org.uk</a>
	Employment in Agriculture	DEFRA		<a href="http://www.defra.gov.uk">www.defra.gov.uk</a>
	Employment (general)	DTI		<a href="http://www.dti.gov.uk">www.dti.gov.uk</a>
	Ethical Trading	Ethical Trading Initiative		<a href="http://www.ethicaltrade.org.uk">www.ethicaltrade.org.uk</a>

## Summary of Useful References and Contact Details HSE

### REFERENCES AND GUIDANCE ON HEALTH AND SAFETY

Infoline is HSE's public enquiry contact centre. A multi-lingual service is available for non-English language enquiries. You can contact HSE Infoline in confidence, and do not have to give your name or other details.

Tel: 08701 545500

HSE priced and free publications are available by mail order from:

HSE Books  
PO Box 1999  
Sudbury  
Suffolk  
CO10 2WA  
Tel: 01787 881165  
Website: [www.hsebooks.co.uk](http://www.hsebooks.co.uk)

HSE priced publications are also available from bookshops. The text of most free publications can be viewed and downloaded from the main HSE website; [www.hse.gov.uk](http://www.hse.gov.uk)

The following table gives examples of publications that may be relevant for Labour Providers to the agricultural and fresh produce trade:

## Code of Practice Version 9 Final July 2004

Reference	Title	Reference	Title
<b>HEALTH AND SAFETY ASSESSMENTS</b>			
L21	Management of Health and Safety at Work – Approved Code of Practice and guidance	INDG163	Five Steps to Risk Assessment
L23	Manual Handling – Manual Handling Operations Regulations 1992, guidance on regulations.	INDG143	Getting to grips with Manual Handling – a short guide for employers
L5	General COSHH Approved Code of Practice	INDG136	COSHH – A brief guide to the Regulations
INDG75	Introducing the Noise at Work Regulations – a brief guide to the requirements for controlling noise at work	INDG362	Noise at Work – A guide for employers
<b>ACCOMMODATION</b>			
INDG285	Landlords: A guide to Landlords’ Duties – Gas Safety (Installation and Use) Regulations 1998	INDG238	Gas appliances – Get them checked – Keep them Safe

Code of Practice Version 9 Final July 2004

Reference	Title	Reference	Title
	<b>EMPLOYERS LIABILITY INSURANCE</b>		
HSE39	Employers Liability (Compulsory Insurance) Act 1969 – A guide for employees and their representatives	HSE40	Employers Liability (Compulsory Insurance) Act 1969 – A guide for employers
	<b>THE WORKPLACE</b>		
L22	Safe Use of Work Equipment – Provision and Use of Work Equipment Regulations 1998, Approved Code of Practice and Guidance	INDG199	Managing Vehicle Safety at the Workplace: A short guide for employers
L24	Workplace health, safety and welfare – Approved Code of Practice	INDG244	Workplace Health, Safety and Welfare – a short guide
INDG147	Keep your top on – health risks from working in the sun, advice for outdoor workers	INDG279	Fatal traction – Practical advice on avoiding agricultural transport accidents

