

HMSP Coordinator Submission for additional content to be added to the Draft Taxi Licensing and Private Vehicle Policy (19/03/21). The below content should sit as a separate section under Part D: Operators.

Exploitation and Modern Slavery

Taxi and private vehicle operators and proprietors must be aware of and meeting their obligations under all relevant legislation, including the Modern Slavery Act 2015, The Conduct of Employment Agencies and Employment Businesses Regulations 2003 and the National Minimum Wage Act 1998.

1.1 Overview

Modern slavery happens everywhere, including here in the UK. It operates in plain sight and can affect businesses without them even knowing. As covered within this strategy, drivers are on the frontline and may identify issues, which should be reported. However, it is also crucial that all businesses, including taxi and private vehicle operators, understand how they might be affected so that they can take steps to reduce the risk. Exploitation accounts for all situations that stray away from ‘decent work’, from labour market infringements and abuse, all the way to more severe forms of exploitation.

1.2 Examples of labour market infringements that have been known to be experienced by drivers include: 1) Long hours, 2) insufficient pay (e.g. non-payment of minimum wage), 3) poor working conditions, 4) bogus self-employment; and 5) control by an unscrupulous third-party agency.

1.3 Other examples of labour market infringements include: 1) Lack of personal protective equipment (PPE); 2) Few or no breaks; 3) Demeaning treatment; 4) Retention of identity documents or valuable possessions, 5) Restriction of movement or confinement to the workplace; and 6) Threat of denunciation to authorities (mainly illegal migrant workers).

1.4 There are also specific examples of practice that sometimes occur within taxi and private hire businesses, which can create vulnerability and increase the risk of exploitation of drivers and office staff. Subcontracting of private hire vehicles is a common practice used by licensed operators during peak times but results in more opacity in terms of worker welfare because the operator will be using drivers that it doesn't directly employ in this scenario. It is important that licensed operators take account of their own anti-slavery policies and practices, as well as those of subcontractors and third-party agencies.

1.5 In line with being a signatory of the [Modern Slavery Charter](#), the Council is committed to ensuring that there is no exploitation in its supply chains. In the same vein, it is also committed to ensuring that there are no exploitative practices taking place in Dacorum by any local businesses. The Council expects all taxi and private vehicle operators to operate in line with UK labour laws. If an incident were discovered and it was clear that no prior action had been taken to prevent or mitigate the risk of exploitation, this would prompt an investigation by the Council. Appropriate enforcement action may be taken, where complaints of such are substantiated. Dependent upon the severity and circumstances of such incidents, action may include prosecution and/or suspension or revocation of licences.

1.6 Taxi and private vehicle operators should work to prevent labour exploitation and modern slavery by taking steps to mitigate the risks of exploitation and undertaking effective due diligence. This includes 1) promoting awareness of worker rights, 2) encouraging reporting of concerns by drivers and head office staff, by creating a clear internal reporting pathway that is understood by workers, 3) conducting internal checks and checks of subcontractors and 4) committing to upholding

high ethical standards. All worker communications should be translated into the languages that make up the operator's workforce. (For more information on how to undertake these steps, see the [Modern Slavery SME Toolkit](#))

1.7 The Council is working towards updating the license application form to include a section for operators to demonstrate how their business is or will take steps to reduce the risks of exploitation/modern slavery of staff and drivers, including confirming use of any third-party agencies (agencies include those used for recruitment, temporary employment, and services). Supporting this, we encourage all taxi operators to produce modern slavery transparency statements, which would publicly demonstrate the company's commitment to this. The council will publish its own modern slavery statement by the end of 2021.

1.9 Taxi and private vehicle operators should ensure the following at a minimum in order to mitigate risk of exploitation among its workers: 1) ensure clear reporting channels for grievances and whistleblowing and that workers are made aware of these procedures, 3) check payroll to ensure earnings are paid directly to drivers and any employees, that employees are being paid the national minimum wage at a minimum, and that no employees have paid any fees related to their recruitment, 4) raise awareness of the signs of exploitation with drivers and any employees. It is important to ensure that any independent contractors (e.g. self-employed taxi drivers) are in fact agreeing to a fair contract and where work, fare and contract termination are agreed by both parties.

1.10 Taxi and private vehicle operators should also conduct effective due diligence of any third-party agencies. Due diligence should be conducted on all agencies before working with them to ascertain what standards they have in place to protect workers. Checks should later be conducted directly with workers to ensure the agency is upholding the agreed standard.

1.11 Before working with a third-party agency, taxi and private vehicle operators should always check that:

- 1.11.1. The company is licensed to provide temporary labour to the hackney carriage and private hire vehicle sector.
- 1.11.2 The company's directors are not listed on the Employment Agency Standards Inspectorate's list of people that have been prohibited from running an employment agency/business due to past misconduct.
- 1.11.3 The company only subcontracts with an operator's authorisation and conducts their own due diligence on subcontractors when we give permission to subcontract.
- 1.11.4 The company has a clear commitment to not charging recruitment fees and to covering the cost of recruitment when sourcing workers from overseas.
- 1.11.5 The company has an accessible and transparent reporting mechanism that all workers can use to report concerns or issues.
- 1.11.6 The company provides information to their workers on what optional services they offer, how much they cost, and how the workers can refuse or cancel them without penalty.

1.12 In the course of working with a third-party provider of drivers, taxi and private hire operators should periodically review a sample of driver's key documents to ensure required labour standards are being met. Key documents to be reviewed could include: 1) payslips where relevant (i.e. to check that the number of hours match operator records, that all employees are being paid at least the NMW, that optional services are clearly indicated, and that correct taxes and national insurance contributions are being paid); and 2) right to work checks. Additionally,

taxi and private hire operators are encouraged to speak with all drivers and employees directly, on occasion, to ascertain if any labour market infringements have been made.

1.13 If a taxi or private vehicle operator identifies any concerns or irregularities, they should discuss this with the third-party agency to ensure they are rectified. If the agency refuses or fails to rectify the issues, the taxi or private vehicle operator should report their concerns to the council licensing team and to the Gangmasters and Labour Abuse Authority (GLAA): 0800 432 0804.

1.14 If a taxi or private vehicle operator wishes to seek advice or report concerns anonymously, then they can contact the 24/7 Modern Slavery and Exploitation Helpline on 08000 121 700 or via their website. This information should be shared with workers as well who may wish to report concerns.