

Department for Business, Energy & Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET



20<sup>th</sup> April 2018

Good Work: The Taylor Review of Modern Working Practices  
Consultation on Agency Workers Recommendations.

Consultation on Measures to Increase Transparency in the UK Labour Market.

Dear Sir,

I am pleased to include below my response, as an individual, to the above consultation. I am not currently employed, but I spent many years in the world of work, including some of that time as an union steward.

Section A: Written Statements – Questions for individuals

**Question 6**

If you are employed, have you received any of the following from your employer:

a) A written statement?

(A written statement is a legally binding agreement between employer and employee, which is formed when an employee agrees to work for an employer in return for pay. Employers are legally required to put some of the main particulars of employment in writing. It is not itself a contract of employment but is evidence of the contract of employment. Currently employers are required to give the written statement to employees within two months of starting work, ideally on their first day. Employers can issue the written statement in instalments; however key information must be included in a single document which is known as the 'principal statement').

Yes/No/Don't know.

*This would have been back in the mists of time, but I think that I received something like this.*

b) An employment contract or other employment particulars?

Yes/No/Don't know.

**Question 7**

If yes, when did you receive the following in relation to starting paid work with your employer:

a) A written statement

Before paid work started/On the first day of starting paid work/Two days to a week after starting paid work/More than one week but less than two weeks after starting paid work/More than two weeks but less than a month after starting paid work/More than a month but less than two months after starting paid work/More than two months after starting paid work/Don't know/Not applicable.

*This would have been back in the mists of time, but I think that I received it in about this time period.*

b) An employment contract or other employment particulars

Before paid work started/On the first day of starting paid work/Two days to a week after starting paid work/More than one week but less than two weeks after starting paid work/More than two weeks but less than a month after starting paid work/More than a month but less than two months after starting paid work/More than two months after starting paid work/Don't know/Not applicable.

*This would have been back in the mists of time, but I think that I received it in about this time period.*

### **Question 8**

If yes, was the information presented in a way that was easy to understand?

Yes, very easy to understand/ Yes, fairly easy to understand/ No, quite difficult to understand/ No, very difficult to understand/Don't know.

## **Section A: Written Statements – Questions for all**

### **Question 9**

To what extent do you agree that the right to a written statement should be extended to cover permanent employees with less than one month's service and non-permanent staff?

Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

Please provide reasons for your answer.

*It is important that the employment market is properly regulated.*

### **Question 10**

The following items are currently prescribed contents of a principal written statement. Do you think they are helpful in setting out employment particulars?

a) The business's name

Yes/No/Don't know. If no, please explain why.

b) The employee's name, job title or a description of work and start date

Yes/No/Don't know. If no, please explain why.

c) If a previous job counts towards a period of continuous employment, the date that period started

Yes/No/Don't know. If no, please explain why.

d) How much, and how often, an employee will get paid

Yes/No/Don't know. If no, please explain why.

e) Hours of work (and whether employees will have to work Sundays, nights or overtime)  
Yes/No/Don't know. If no, please explain why.

f) Holiday entitlement (and if that includes public holidays)  
Yes/No/Don't know. If no, please explain why.

g) Where an employee will be working and whether they might have to relocate  
Yes/No/Don't know. If no, please explain why.

h) If an employee works in different places, where these will be and what the employer's address is  
Yes/No/Don't know. If no, please explain why.

### **Question 11**

Do you agree that the following additional items should be included on a principal written statement:

a) How long a temporary job is expected to last, or the end date of a fixed-term contract?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

b) How much notice the employer and the worker are required to give to terminate the agreement?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

c) Sick leave and pay entitlement?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

d) The duration and conditions of any probationary period?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

e) Training requirements and entitlement?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

f) Remuneration beyond pay e.g. vouchers, lunch, uniform allowance?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

g) Other types of paid leave e.g. maternity, paternity and bereavement leave?  
Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

If you disagree that any of the above additional items should be included on a principal written statement, please provide reasons.

### **Question 12**

To what extent do you agree that the principal written statement should be provided on (or before) the individual's start date?

Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know.

### **Question 13**

To what extent do you agree that other parts of the written statement should be provided within two months of their start date?

Agree strongly/Agree slightly/Neither agree nor disagree/Disagree slightly/Disagree strongly/Don't know. Section A: Written Statements – Questions for individuals

### **Question 14**

Have you ever worked for an organisation that has not provided you with a written statement of employment particulars within 2 months of starting your job?

Yes/No.

### **Question 15**

If you answered yes to question 14, did you:

a) Consider lodging a complaint with an employment tribunal (even if you did not end up doing it)?  
Yes/No/Don't know.

If no, please explain your reasons for this.

b) Pursue compensation?

Yes/No/Don't know/Not applicable.

If no, please provide your reasons for this.

### **Question 16**

If you answered yes to question 15b, were you successful in securing compensation for failing to receive a written statement within 2 months of starting your job?

Yes/No/Don't know/Not applicable.

If no, please provide a reason for your answer.

### **Question 17**

If we introduced a standalone right for individuals to bring a claim for compensation where an employer has failed to provide a written statement, what impact do you think this would have? Please consider the impact on:

- a) Individuals
- b) Employers
- c) The Tribunal Service

*Only a limited proportion of individuals would probably feel strong enough about the issue to bring a claim for compensation. However, the fact of the existence of potential compensation could have a helpful influence on employers, who probably would be more likely to provide a written statement. Employees would therefore benefit too. The Tribunal Service would probably have more claims than it does now.*

## Section A: Written Statements – Questions for all

### Question 18

Which of the following best describes your awareness of the Acas guidance on Written Statements?

I have not heard of the Acas guidance/I am aware of the Acas guidance but do not know much about it/I am aware of the Acas guidance and have some knowledge of what it says/I have a good knowledge of the Acas guidance/Don't know.

### Question 19

If you have some knowledge of the Acas guidance on written statements, how helpful did you find it?

Have not used/Very helpful/Quite helpful/Not very helpful/Not helpful at all.  
Please provide reasons for your answer.

## Section B: Continuous Service

### Question 20

What do you think are the implications for business of the current rules on continuous service?

*Bearing in mind the position as outlined in paragraphs 30 to 37 of this consultation document I expect that business are quite happy about the situation.*

### Question 21

If you are employed, or represent employees what are the implications for you or those you represent of the current rules on continuous service?

*Not applicable*

### Question 22

Do you have examples of instances where breaks in service have prevented employees from obtaining their rights that require a qualifying period?

Yes/No/Don't know.

If yes, please provide examples.

### Question 23

Do the current rules on continuous service cause any issues in your sector?

Yes/No. Please specify your sector and explain your answer.

*When employed (in local government) I recall that the employer referred to a potential break in continuous service if strike action was embarked on. However, strike action was embarked on, and there was no break in continuous service.*

### Question 24

We have committed to extending the period counted as a break in continuous service beyond one week. What length do you think the break in continuous service should be?

2 weeks/3 weeks/One month/6 weeks/Other - please specify.  
Please provide your reasoning.

*It is a matter of judgement as to what the period should be, but six weeks seems a reasonable period.*

**Question 25**

Do you believe the existing exemptions to the break in continuous service rules are sufficient?

Yes/No/Don't know.

If no, do you have views on additional circumstances that should be added?

**Question 26**

We intend to update the guidance on continuous service, and would like to know what types of information you would find helpful in that guidance? (Select all that apply)

Real examples from case law/Signposts to further information/Information on what to do if you feel your employer has not complied with the legislation/Other - please specify.

Section C: Holiday Pay

**Question 27**

Do you think that the government should take action to change the length of the holiday pay reference period?

Yes/No/Don't know.

If no, explain your answer.

**Question 28**

If you answered yes to Q27, should the government:

a) increase the reference period from the current 12 weeks to the 52 weeks recommended in the review?

Yes/No/Don't know.

b) Set a 52 week default position but allow employees and workers to agree a shorter reference period?

Yes/No/Don't know.

c) Set a different reference period

Yes/No/Don't know.

If yes, please specify.

**Question 29**

What is your understanding of atypical workers' arrangements in relation to annual leave and holiday pay?

For example:

a) Are they receiving and taking annual leave?

Yes/No/Don't know.

b) Are they receiving holiday pay but not taking annual leave?

Yes/No/Don't know.

c) Do you know of any other arrangements that are used?

Please explain your answer.

### **Question 30**

How might atypical workers be offered more choice in how they receive their holiday pay?

Please provide examples including how worker's entitlement to annual leave could be safeguarded so they are not deterred from taking leave.

*No comment.*

## **Section D: Right to Request**

### **Question 31**

Do you agree that we should introduce a Right to Request a more stable contract?

Yes/No/Please explain your reasons.

*Doing this would help move towards a level playing field between employers and employees.*

### **Question 32**

Should any group of workers be excluded from this right?

Yes/No/Please explain your reasons.

*I favour the playing field being as level as possible.*

### **Question 33**

Do you think this will help resolve the issues the review recommendations sought to address?

Yes/No/Please explain your reasons.

*Hopefully.*

### **Question 34**

Should employers take account of the individual's working pattern in considering a request?

Yes/No/Please explain your reasons.

*Doing this ought to help ensure a meaningful approach.*

### **Question 35**

Should there be a qualifying period of continuous service before individuals are eligible for this right?

Yes/No/Please explain your reasons.

*No comment.*

**Question 36**

What is an appropriate length of time the employer should be given to respond to the request?

1 month/2 months/3 months/more than 3 months.

**Question 37**

Should there be a limit on the number of requests an individual can submit to their employer in a certain period of time?

Yes/No.

*I do not feel strongly about this one way or the other.*

Please explain your reason for this and include a suggestion of what an appropriate limit might be and why.

**Question 38**

When considering requests, should Small and Medium Enterprises (SMEs) be included?

Yes/No/Don't Know.

If yes, do you think they should have any dispensations applied e.g. longer to respond?

*No, on balance, regarding dispensations.*

**Section E: Information and Consultation of Employees Regulations (2004) (ICE)**

**Question 39**

Are there formal provisions in your workplace for informing and consulting employees about changes that may affect their work?

Yes/No/Don't know.

*Not applicable.*

If yes, were these provisions:

- ☐ requested by employees?
- ☐ initiated voluntarily by the employer/ manager?

**Question 40**

For employees only

Have you ever requested Information and Consultation of Employees (ICE) provisions in your workplace?

Yes/No.

*Not applicable.*

If no, please describe why you have not made a request for ICE provisions. Please select all that apply:



- ☐ My workplace has less than 50 employees, and so does not qualify for ICE regulations
- ☐ There were not enough employees wanting to make a request to meet the required 10% threshold
- ☐ It was too complicated/ difficult to make the request
- ☐ I was not aware of the ICE regulations
- ☐ I don't believe that the ICE regulations would make a difference to my working conditions
- ☐ Other – please explain

If you answered yes, did this lead to positive outcomes for you at work?

Yes/No/Don't know.

Please explain your answer.

#### **Question 41**

How might the ICE regulations be improved?

*No comment.*

#### **Question 42**

Should the ICE regulations be extended to include workers in addition to employees?

Yes/No/Don't know.

Please explain the reasons for your answer.

#### **Question 43**

In your opinion, should the threshold for successfully requesting ICE regulations be reduced from 10% of the workforce to 2%?

Yes/No/Don't know.

Please explain your answer.

*Bearing mind what is stated Section E of this consultation document this seems reasonable.*

#### **Question 44**

Is it necessary for the percentage threshold for implementing ICE to equate to a minimum of 15 employees?

Yes/No/Don't know.

Please explain your answer.

#### **Question 45**

Are there other ways that the government can support businesses on employee engagement?

*There has traditionally been a role for trade unions in doing this, and it is appropriate for this to continue.*

#### **Question 46**

How might the government build on the expertise of stakeholders such as Investors in People, Acas and Trade Unions to ensure employees and workers engage with information about their work?

*I had not noticed this question before I responded to Question 45 above! Of the three examples in this question I expect that Trade unions would be able to help most on the ground.*

#### **Question 47**

What steps could be taken to ensure workers' views are heard by employers and taken into account?

*It will probably be easier for employers to hear the views of workers than necessarily for those views to be taken into account. Collective bargaining can be a short cut to achieving progress.*

**Question 48**

Are there other ways that the government can support businesses on employee/worker engagement?

*No comment*

Yours faithfully