

Response ID ANON-D3DV-X6NG-M

Submitted to **Good Work: the Taylor Review of Modern Employment Practices - Consultation on enforcement of employment rights recommendations**
Submitted on **2018-03-14 20:16:05**

About you

What is your name?

Name:

What is your email address?

Email:

Which best describes you?

An individual

If other, please specify :

If you represent employers' or employees'/workers' interests, are you:

Not Answered

If other, please specify :

If you are an employer, how would you classify your organisation?

Please type your response in the box below.:

Are you happy for your response to be published?

Yes, but without identifying information

Would you like to be contacted when the consultation response is published?

Yes

(optional) How did you hear about this consultation?

Where did you hear of this consultation?:

Other (please specify):

Uni law study module

State-led enforcement

1 Do you think workers typically receive pay during periods of annual leave or when they are off sick?

No

Please give reasons:

Yes to annual leave, but in my experience it is never as much as what I would get if I had worked the week.

A general day of sickness means a loss of wages, generally for those on lower paid jobs. Ironically the ones who can afford it the least.

2 Do you think problems are concentrated in any sector of the economy, or are suffered by any particular groups of workers? If yes, please specify which sectors/ groups and give reasons.

Yes

Please type your response in the box below.:

Those at the bottom of the food chain.

Those without good contracts, without knowledge of a union or even those who can't even afford to join a union.

3 What barriers do you think are faced by individuals seeking to ensure they receive these payments?

Please type your response in the box below.:

No knowledge of what to do or where to go for advice.
Employers lying or withholding information.
Employers not providing sick pay.

4 What would be the advantages and disadvantages for businesses of state enforcement in these areas?

Advantages:

Cooks, cleaners, carers. Typically your lowest paid jobs, minimal employee care, disposable staff. They end up spreading more illnesses by going to work sick due to not being able to afford the day off sick. Employers don't care because then they don't have to cover the work. It would be advantageous to the people to be able to get better in the best environment, it will boost staff morale.

Disadvantages:

I foresee more excuses to not give employees a pay rise etc if the company has to spend money on sick days. Staff will lose more hours when on zero hour contracts. There is already the fear/ knowledge that if you go off sick, you then receive less hours the following week as punishment.

5 What other measures, if any, could government take to encourage workers to raise concerns over these rights with their employer or the state?

Please type your response in the box below.:

Inform them of their rights.
Provide a number or contact they could essentially ring up and complain about their employer not doing their duty properly, without fear of being fired.

Enforcement of employment tribunal awards

6 Do you agree there is a need to simplify the process for enforcement of employment tribunals?

Yes

Please give reasons:

If a judge has ordered something, then the employer should follow his/her orders. The employee should not be punished further.

7 The HMCTS enforcement reform project will improve user accessibility and support by introducing a digital point of entry for users interested in starting enforcement proceedings. How best do you think HMCTS can do this and is there anything further we can do to improve users' accessibility and provide support to users?

Please type your response in the box below.:

Provide as much information as possible about the procedure. Provide a FREE contact number so if someone is unsure whether they have a case or not then they can find out. Many people won't even bother trying if they think they need to pay for a solicitor first.

8 The HMCTS enforcement reform project will simplify and digitise requests for enforcement through the introduction of a simplified digital system. How do you think HMCTS can simplify the enforcement process further for users?

Please type your response in the box below.:

Checked log ins for both parties. Where you can both acknowledge you have read and received certain documents online, which may help speed the process up rather than continuously waiting for items in post.

9 The HMCTS enforcement reform project will streamline enforcement action by digitising and automating processes where appropriate. What parts of the civil enforcement process do you think would benefit from automation and what processes do you feel should remain as they currently are?

Please type your response in the box below.:

10 Do you think HMCTS should make the enforcement of employment tribunals swifter by defaulting all judgments to the High Court for enforcement or should the option for each user to select High Court or County Court enforcement remain?

Please type your response in the box below and explain your answer.:

Depends on how much this will cost the employee. Even though they can claim court costs back, many won't have much money to begin with.

11 Do you have any further views on how the enforcement process can be simplified to make it more effective for users?

Please type your response in the box below.:

Establishing a naming scheme

12 When do you think it is most appropriate to name an employer for non-payment?

Issued with a warning notice

Please give reasons for your answer and if other please specify:

There is no excuse as to why employees should go unpaid.

13 What other, if any, representations should be accepted for employers to not be named? Please give reasons.

Please type your response in the box below.:

14 What other ways do you think government could incentivise prompt payment of employment tribunal awards?

Please type your response in the box below.:

Failure to do so within certain time frame results in prison sentence.

Awards and penalties at employment tribunal

15 Do you think that the power to impose a financial penalty for aggravated breach could be used more effectively if the legislation set out what types of breaches of employment law would be considered as an aggravated breach?

Yes

Please explain your answer:

Rich people won't want to lose even more money.

16 Is what constitutes aggravated breach best left to judicial discretion or should we make changes to the circumstances that these powers can be applied?

Yes

Please explain your answer:

Judge is a judge. It's their job to judge these things, especially as this may be rather varied.

17 Can you provide any categories that you think should be included as examples of aggravated breach?

Please type your response in the box below.:

Non payments.

Missed payments.

Under payments.

18 When considering the grounds for a second offence breach of employment status who should be responsible for providing evidence (or absence) of a first offence?

Please type your response in the box below and explain your answer.:

19 What factors should be considered in determining whether a subsequent claim is a 'second offence'? e.g. time period between claim and previous judgment, type of claim (different or the same), different claimants or same claimants, size of workforce etc.

Please type your response in the box below.:

20 How should a subsequent claim be deemed a "second offence"? e.g. broadly comparable facts, same or materially same working arrangements, other etc.

Please type your response in the box below.:

Same person responsible

21 Of the options outlined which do you believe would be the strongest deterrent to repeated non-compliance?

Costs order

Please explain the reasons for your answers:

If there's a risk of going to jail then employers may take it more seriously.

22 Are there any alternative powers that could be used to achieve the aim of taking action against repeated non-compliance?

Please type your response in the box below.:

