

ID	72
Type	CS
Name	
Email	
Respondent type	An individual
Which best describes you? - Other respondent type	
Representative type	Not Answered
Other representative type	
Organisation type	
Publication consent	Yes, but without identifying information
Response contact consent	Yes
Where did you hear of this consultation?	GOV.UK alert
Other (please specify)	
Do you think workers typically receive pay during periods of annual leave or when they are off sick?	Yes
Please give reasons	
Do you think problems are concentrated in any sector of the economy, or are suffered by any particular groups of workers?	Yes
Please give reasons	
What barriers do you think are faced by individuals seeking to ensure they receive these payments?	Minimum working hours
What would be the advantages and disadvantages for businesses of state enforcement in these areas?	Workers rights would be enforceable
What would be the advantages and disadvantages for businesses of state enforcement in these areas?	None
What other measures, if any, could government take to encourage workers to raise concerns over these rights with their employer or the state?	The rights should be automatically given to these workers by the state
Do you agree there is a need to simplify the process for enforcement of employment tribunals?	Yes
Please give reasons	Tribunal awards are not currently enforceable straight away and this allows companies with poor credit and cash flow to dissolve their companies without paying the award.
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?	HMCTS to verify that online application is valid within 5 working days.

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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?	Assignment of dedicated case officers who can be contacted directly by the applicants.
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?	The entire system should be automated up to the hearing.
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?	The option should remain with each user to allow for different sums of monies owed.
Do you have any further views on how the enforcement process can be simplified to make it more effective for users?	
When do you think it is most appropriate to name an employer for non-payment (issued with a penalty notice / issued with a warning notice/ unpaid penalty/ other)?	Issued with a penalty notice
Please give reasons	
What other, if any, representations should be accepted for employers to not be named	
What other ways do you think government could incentivise prompt payment of employment tribunal awards?	
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 give reasons	
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 give reasons	
Can you provide any categories that you think should be included as examples of aggravated breach?	Deliberate avoidance by companies to pay redundancy payments to employees.
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?	

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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.	
How should a subsequent claim be deemed a "second offence"? e.g. broadly comparable facts, same or materially same working arrangements, other etc.	
Of the options outlined which do you believe would be the strongest deterrent to repeated non-compliance? a. Aggravated breach penalty b. Costs order c. Uplift in compensation	Aggravated breach penalty
Please give reasons	
Are there any alternative powers that could be used to achieve the aim of taking action against repeated non-compliance?	

