

## Response ID ANON-D3DV-X6ND-H

Submitted to **Good Work: the Taylor Review of Modern Employment Practices - Consultation on enforcement of employment rights recommendations**  
Submitted on **2018-02-08 11:34:36**

### About you

**What is your name?**

Name:

**What is your email address?**

Email:

**Which best describes you?**

An employer

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.:**

SME

**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?:**

Mail from elsewhere

**Other (please specify):**

### State-led enforcement

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

Yes

**Please give reasons:**

We pay both to our workers.

**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.:**

Problems are concentrated in lower pay sectors and people who do not have security of full time permanent employment.

**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.:**

Employers resistance, or inability to pay due to narrow margins and low profitability.

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

**Advantages:**

level playing field  
healthier and more stable workforce

**Disadvantages:**

none

**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.:**

Blacklisting employers from government procurement

Government audit of employers

Government audit of employers who contract to government and their subcontractors

Ensuring that government contractors have to pass these obligations down their sub-contract supply chain

Have an anonymous whistle blowers line that is well resourced and able to follow up claims

**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:**

Too many claimants do not receive their awards.

**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.:**

**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.:**

**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.:**

It depends on how this is resourced.

the real issue is resource and support for claimants

**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.:**

Resource it so users are assigned a caseworker whose job it is to ensure the claim is handled swiftly and effectively

**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:**

They should be named and shamed, and blacklisted from government contracts at the first opportunity

**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.:**

None.

this behaviour is unacceptable. It should be strict liability.

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

**Please type your response in the box below.:**

Take a deposit from the employer when the employer enters their defence papers.

Hold that on trust for any payment of any award.

### **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:**

makes sense

**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:**

Badly worded question.

which part am I saying yes to?

aggravated breach should be set out in guidelines, with judicial discretion to bring in other cases that don't fit within the guidelines, but where it is clear that the employer should be penalised for their conduct

**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.:**

**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.:**

similar working arrangements

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

Uplift in compensation

**Please explain the reasons for your answers:**

**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.:**

