

ID	70
Type	CS
Name	
Email	
Respondent type	Representing employers' or employees'/workers' interests
Which best describes you? - Other respondent type	Community trade union
Representative type	Trade Union
Other representative type	Community trade union
Organisation type	
Publication consent	Yes
Response contact consent	Yes
Where did you hear of this consultation?	Email from elsewhere
Other (please specify)	
Do you think workers typically receive pay during periods of annual leave or when they are off sick?	No
Please give reasons	<p>Community is a general trade union that has a rapidly changing membership. Where once it had a traditional manufacturing and industrial based membership, self-employment is a growing choice for those who no longer have industrial careers in their communities.</p> <p>Community is an affiliate of the TUC and is in support of the recommendations submitted by the TUC on enforcement of employment rights, however has additional comments around what more can be done by the Government for the self-employed.</p> <p>Unlike employees, the self-employed have no right to Statutory Sick Pay and subsequently have to rely on Employment Support Allowance (ESA). ESA is paid to most people at rate of £102.15 a week, and becomes means-tested after a year.</p> <p>The Government should reconsider its approach to supporting self-employed workers who should be entitled to receive the same protections and rights as other workers.</p>
Do you think problems are concentrated in any sector of the economy, or are suffered by any particular groups of workers?	Yes

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What barriers do you think are faced by individuals seeking to ensure they receive these payments?	<p>In the absence of statutory sick pay, the government should explore alternative ways of protecting the incomes of the self-employed at times of ill health.</p> <p>The Government should protect the self-employed against dips in income caused by illness and injury by considering the scope for a collective income protection insurance scheme, in the same form as Nest. As well as this, the Government could develop a 'breadfund' scheme for those self-employed likely to experience universal credit, and whose incomes are variable within a local community whilst also helping link such residents into a business development network and so make their employment more likely to be sustainable.</p> <p>The Government could also take the step of fully opening up the new Fit for Work service to the self-employed. The self-employed are able to access the advice line, however are currently excluded from the more comprehensive assessment. The self-employed should not be locked out of a service that could help them get back into work and into the economy.</p>
What would be the advantages and disadvantages for businesses of state enforcement in these areas?	

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What other measures, if any, could government take to encourage workers to raise concerns over these rights with their employer or the state?	<p>The Government should promote co-operatives as a form of mutual assistance for the self-employed. The Government, Co-operatives UK and trade associations should work together to champion coops and consider whether there needs to be legislative changes to remove barriers to collaboration between co-operatives and the self-employed.</p> <p>The Government and Co-Ops UK should help nurture platform co-ops that explicitly embed a social purpose into their mission, and government should consider supporting their growth by creating a fund to provide long-term equity investment.</p>
Do you agree there is a need to simplify the process for enforcement of employment tribunals?	Not Answered
Please give reasons	
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?	
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?	
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?	
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?	

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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)?	Not Answered
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?	Not Answered
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?	Not Answered
Please give reasons	
Can you provide any categories that you think should be included as examples of aggravated breach?	
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?	
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	Not Answered
Please give reasons	

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

