

## Response ID ANON-D3DV-X6NW-4

Submitted to **Good Work: the Taylor Review of Modern Employment Practices - Consultation on enforcement of employment rights recommendations**  
Submitted on 2018-02-07 18:23:55

### 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

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?:

Email from elsewhere

Other (please specify):

Daniel barnett

### 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:

For annual leave yes enshrined in law. For sickness no, most do not meet the criteria for SSP

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.:

Casual workers, zero hours workers, illegal workers,

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.:

Sick pay is difficult to get right, ssp rules are harsh for those genuinely sick but there has to be a no pay rule for those not genuinely sick. Gp sick notes don't help

either as gps will give anyone a sick note for anything these days

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

**Advantages:**

**Disadvantages:**

**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.:**

**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:**

**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.:**

Default process to high court.

**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:**

**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.:**

The naming and shaming list hasn't shamed any of the employers on the NMW list. Why would it work better for non payment of ET awards? Who actually reads the lists? Employees definitely don't. There have to be sanctions to being on the list.

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

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

Criminal offence for directors, heavier fines if not paid within a short set time.

**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?**

No

**Please explain your answer:**

If it's solely to do with employment status then nothing more is needed. That in itself is a definition.

**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:**

Judicial discretion is very dangerous and over used as it is. Even more dangerous now we have Et judges sitting alone.

**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.:**

☒ 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.:**

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

Aggravated breach penalty

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

depends who gets the money? Costs order would go to employee as would uplift. Presumably ABP would/could go to the state which would be better.

**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.:**

☒ Criminal penalties

