

ID	12
Type	CS
Name	
Email	
Respondent type	Representing employers' or employees'/workers' interests
Which best describes you? - Other respondent type	
Representative type	Trade Association
Other representative type	
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?	Yes
Please give reasons	Local authorities have processes in place to ensure that their workers receive their correct pay entitlement when on leave or off sick.
Do you think problems are concentrated in any sector of the economy, or are suffered by any particular groups of workers?	Not Answered
Please give reasons	Local authorities have processes in place to ensure that their workers receive their correct pay entitlement when on leave or off sick.
What barriers do you think are faced by individuals seeking to ensure they receive these payments?	Ultimately enforcement through the tribunals is a time consuming and potentially costly process, the outcome of which is uncertain.
What would be the advantages and disadvantages for businesses of state enforcement in these areas?	The advantage of state enforcement is that it could help create a more level playing field across employers, as all employers would know they face the risk of enforcement, irrespective of the attitude and position of their employees.
What would be the advantages and disadvantages for businesses of state enforcement in these areas?	A disadvantage is that it could be more difficult for employers to resolve issues through negotiation with its employees, once HMRC are involved.
What other measures, if any, could government take to encourage workers to raise concerns over these rights with their employer or the state?	Concerns are best raised and most easily resolved through internal processes, which will sometimes involve trade union input. Government guidance could highlight this, alongside the protections employees have when raising such concerns.
Do you agree there is a need to simplify the process for enforcement of employment tribunals?	Yes

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Please give reasons	A simplified process will help prevent non-payment of tribunal awards and so help create a level playing field across employers.
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 only comment we have on this is that digital enforcement methods must take into account the needs of those that may find it difficult to access and operate such systems.
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?	No comment.
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?	No comment.
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, so there is still some flexibility.
Do you have any further views on how the enforcement process can be simplified to make it more effective for users?	No.
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	By the time the penalty notice is issued the employer will have been given the opportunity to make representations or pay the award. If they were named beforehand it could result in that happening when the employer had a good reason for not paying the award.
What other, if any, representations should be accepted for employers to not be named	No comment.
What other ways do you think government could incentivise prompt payment of employment tribunal awards?	No comment.

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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	We are not responding to this section as employment status claims are rare in the local government sector.
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	
Are there any alternative powers that could be used to achieve the aim of taking action against repeated non-compliance?	

