

BEWARE OF VULNERABLE WORK ENFORCEMENT FORUM

The Forum was launched in June 2007 to consider evidence on the nature and extent of abuse of work rights, examine the effectiveness of the existing enforcement framework and identify possible improvements.

The Forum has produced its report dated 5th August 2008. They have identified the following four issues:-

1. Low awareness of rights and how to enforce them amongst vulnerable workers
2. Vulnerable workers reluctance to report problems or, in some cases, lack of knowledge of how to do so.
3. Confusing enforcement picture with different Government Agencies enforcing different rights.
4. The low profile of some of the enforcement bodies.

Pat McFadden, Minister of State for Employment Relations and Postal Affairs confirmed that the Government will continue to gather and look at evidence about abuses of employment rights to ensure that we are doing all we can to deliver on our promise of protecting vulnerable workers and supporting good employers. There should be no hiding place for employers who exploit vulnerable workers and are not prepared to obey the law.



Therefore the Government is to start a campaign to raise awareness of basic employment rights and to encourage the reporting of abuses. The campaign will seek to address workers fears of reporting abuse. The Government is to promote a single enforcement helpline and is likely to establish a fair employment enforcement board.

The Government will also provide help and guidance to businesses to enable them to meet their obligations.

The employers must be aware of a range of basic work place rights such as a national minimum wage, a paid holiday entitlement of 24 days a year (increasing to 28 days in April 2009), hours of work, a right not to work more than 48 hours on average a week, rest breaks, unauthorised deduction from wages and protections against discrimination on grounds of sex, race, disability, sexual orientation, religion or belief, age and protection for public interest disclosure (whistle blowing). The employers are also under an obligation to provide a safe and healthy working environment.

The Forum has identified the following breaches of Employment Rights:-

1. No written terms of engagement
2. Workers being paid below the minimum wage and not being paid for all the hours worked
3. Unauthorised deductions being made from wages
4. Holiday pay not being paid
5. Wages and holiday pay owed not being provided after leaving a job
6. Inadequate rest breaks being given
7. Excessive hours
8. Workers not being provided with safety equipment
9. The provisions of sub-standard "tied" accommodation

The employers representatives appear to have accepted that the employers tend to fall into one of three categories:-

- Those who are largely compliant;
- Those who want to comply but perhaps, through lack of knowledge, find themselves in breach of regulations;
- Those who wilfully ignore the law and hope to get away with it.

It is clearly not in the interests of reputable employers to be subject to unfair competition from non-compliant employers.

Therefore from the employer's perspective, the focus should be on providing support and guidance for the employers who want to comply, and steps and guidance needed to change the behaviour of the wilfully non compliant.

In conclusion, the government believe that a minority of businesses are fully aware

that they are breaching the law. The enforcement bodies need to crack down on these employers. Others want to comply but need help and guidance to meet their obligations. Action to improve advice and guidance for employers and the accessibility to this advice is a priority for the government.

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