

## Introduction

1. LawWorks is pleased to be able to respond to this important and wide-ranging consultation on the establishment and remit of a new single enforcement body for employment rights, which is one of the many proposals to follow on from the Taylor Review. Our response draws from insights from our employment rights work, and our key concerns over access to justice.<sup>i</sup> Overall we support the proposal which would see a consolidation of existing enforcement functions, although it is unclear from the consultation what the structure, capacity and powers of the new body might look like, and how it may develop over time. We favour a collaborative approach engaging all the existing agencies, but addressing these operational issues must come *after* a clear policy framework has been developed reflecting on the key challenges and context for enforcement, and the most effective strategies for driving a labour market culture of respecting employment rights, especially for the most vulnerable workers. Key issues for LawWorks include:-
  - The access to justice and legal capability gap in employment rights (see our comments in answer to questions 17 and 18);
  - Ensuring that all workers are able to claim their full entitlements;
  - The enforceability of employment tribunal awards (see our answer to question 9).

## About LawWorks

2. LawWorks is the operating name of the Solicitors Pro Bono Group, an independent charity which promotes, supports and facilitates pro bono legal services that extend access to the law for individuals and communities in need and the organisations that support them. LawWorks supports a network of over 260 independent pro bono clinics across England and Wales, with several clinics providing specialist advice and support on employment matters. In the year to March 2018 17% of enquiries received by clinics in the network were employment law related,<sup>ii</sup> and since 2014 there has been over a 50% increase in employment advice taking place at clinics, demonstrating growing demand in this area.<sup>iii</sup>
3. LawWorks also runs an employment law pro bono project (on a 'secondary specialisation' basis) which is currently focused on unpaid wages claims. The project facilitates an inward referral network, triage and matches volunteer lawyers (from among LawWorks members) with clients in need. The project

supports the training and supervision of volunteer lawyers to enable them to take on unpaid wages cases from the start to completion of the matter, including representation and advocacy at tribunal.

## General Comments

4. Employment rights only exist in practice if they can be enforced. Without a robust and proactive enforcement system, other employment law reforms, including those proposed by the Taylor Review, may not have their intended impact. We therefore welcome the proposal to create a single enforcement body (SEB), replacing the current remit of the Director of Labour Market Enforcement, and adding additional responsibilities. The current system for employment rights enforcement is fragmented, legally complex and is widely seen as ineffective in enforcing workers' rights, with responsibilities split between different regulators, and a reactive enforcement model overly dependent on individual complaints.
5. Consequently, many workers do not know where to go for advice or to complain. Relatively few advice agencies provide end-to-end advice and legal support on employment rights, and regrettably employment law matters are no longer within the scope of legal aid (since the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012). For employers, the fragmented landscape can also be confusing, so a single body could provide better support and guidance for employers, with the emphasis on a compliance approach to minor breaches but tough enforcement against deliberate non-compliance.
6. A SEB could improve the effectiveness of employment rights enforcement by shifting to a more pro-active, intelligence-led system and potentially covering the whole spectrum of violations. As well as providing oversight of existing bodies and a simplified central resource both for workers and employers, the remit could extend to include enforcement of entitlements such as sick and holiday pay, as well as addressing more systemic problems with particular employment sectors. We therefore welcome the questions about the SEB's remit including possible roles in enforcing Employment Tribunal awards, and corporate reporting obligations under the Modern Slavery Act. However, we would also note that each question has its own unique policy context, and we would not want to see an overreach of expectations on any new body due to a lack of strategic focus.

### ***Q1. Is the current system effective in enforcing the rights of vulnerable workers?***

7. We do not doubt that current enforcement bodies (eg, HMRC, the Health and Safety Executive, Gangmasters' Licensing, Employment Agency Standards Inspectorate, EHRC) all do important and valuable work. However, the Government's own assessment is that the current labour market enforcement

landscape is difficult to navigate and the approach to inspection is often piecemeal. A survey amongst the Employment Legal Advice Network<sup>iv</sup> (ELAN) showed that most organisations (83%) do not consider the current system effective in enforcing workers' rights, and 17% consider it effective in some instances only. Even the minimum wage is not effectively enforced; according to the Low Pay Commission 439,000 people were paid less than the minimum wage last year. That means almost 1 in 4 (22%) workers eligible for the minimum wage aren't receiving the pay they are entitled to.<sup>v</sup>

8. Labour market violations and insufficient enforcement of employment rights and duties is an ongoing problem, especially for the growing sector of the workforce that is un-unionised. Vulnerable workers, particularly those in low pay and on temporary contracts, experience repeated and multiple violation and face significant barriers in accessing their rights. A key issue for LawWorks is the persistent and growing problem of non-payment or underpayment of wages, and other entitlements such as holiday and sick pay, and unlawful wage deductions. According to the *Unpaid Britain* research report<sup>vi</sup> by Middlesex University, non-payment (or underpayment) of wages is widespread, with unpaid wages amounting to at least £1.3bn each year, unpaid holiday amounting to at least £1.8bn each year, and at least 2 million workers facing underpayment issues each year.
9. An overall weakness of the current system is that it is reactive and relies a lot on individual complaints, although some agencies undertake proactive investigations. As a recent report from the EU Fundamental Rights Agency observed though (with reference to the UK) inspections alone can be insufficient.<sup>vii</sup> As regards a complaints-led system, there is a particular enforcement gap for vulnerable workers, as they are unlikely to take formal action against their employers, or complain to a public body. Migrant workers are also less likely to complain due to links between workplace related enforcement and immigration enforcement. A system requiring individuals to act for themselves in courts/tribunals fails victims of the most severe exploitation, such as victims of trafficking, who due to traumatic experiences are unlikely to individually challenge employers, for example, for non-payment of wages or the National Minimum Wage.

## **Q2. Would a single enforcement body be more effective than the current system?**

10. We believe that the proposal for a new single enforcement could be a significant improvement to the current system, and we have called for more streamlined enforcement in the Taylor Review and subsequent BEIS consultations<sup>viii</sup>. A single enforcement agency is not a new idea; Citizens Advice called for the establishment of just such a body in 2004,<sup>ix</sup> and it was actively considered by the Coalition Government's Employment Law Review in 2011. However, it is an idea whose time has come and would be a logical

extension of the role of Directorate of Labour Market Enforcement established under the Immigration Act 2016.

11. Under existing arrangements, enforcement bodies have different though sometimes overlapping remits, and an inconsistent range of powers or regulatory tools (see Appendix 1). For example some have powers of inspection only whilst others can investigate complaints or apply sanctions. An SEB could streamline this landscape. Creating a single agency could also provide a focus for where workers who experience unfair treatment can go to resolve their problems, and ensure that individuals can be better and more consistently supported to secure their rights.
12. However, the intended model and structure for the new body is a little unclear at this stage – i.e. whether the long-term goal for the new body is to be the overarching “umbrella” organisation for existing labour market regulators and enforcement agencies, or whether Government envisages that it will amalgamate and replace other bodies (eg GLAA and EASI). It would have been useful if consultation had set out some options or questions on this. As we emphasise in responses to other questions, the new body will need a clear remit, strategy, and an underpinning set of principles.

**Q3. What do you think would be the benefits, if any, of a single enforcement body?**

13. As identified in the consultation paper, a key benefit of a SEB could be to provide a central intelligence “hub” function for labour market trends, analytics and enforcement issues. Information sharing from enforcement agencies and centralised data and records would strengthen intelligence-led enforcement capability, better identify trends in non-compliance, keep track of repeat offenders, and shift away from an enforcement regime that is strongly dependent on individual complaints. Other benefits would include monitoring and pro-active tackling of poor practice related to specific employment relationships, such as “bogus self-employment”, or practices that affect particular groups of workers, such as widespread discrimination of low paid women workers with regards to maternity rights and pay. We especially welcome the proposal to extend the enforcement remit to “umbrella companies.”
14. As identified in the consultation document, a SEB could also be better placed to identify gaps and monitor instances of bulk and multiple violations and take pro-active enforcement action. Workers may experience multiple violations; for example non-payment of sick pay and national minimum wage (NMW) violations often go hand in hand, but these are dealt with by different agencies and thus recorded separately. The *Unpaid Britain* report calculated from Citizens Advice’s data the proportions of the workforce experiencing more than one type of violation: 57% of those who were seeking advice for wage

and payslip issues also experienced other problems, including with holiday entitlements and unpaid wages.

15. The intelligence function of a single body should be able to detect poor practice and identify exploitation in certain sectors, in order to better target enforcement action. Some sectors, such as hospitality, have previously been highlighted by the Director of Labour Market Enforcement as showing key risks of exploitation.<sup>x</sup> A further benefit of a single body would be a strengthened capability to detect and address negative impacts of labour market trends and practices or issues in particular industries, such as the use of zero hours contracts in the so called “gig economy”. It could also assess the potential impact of policies, such as new work visa proposals, and labour market regulations that may be changed following Brexit.

***Q4. What do you think would be the risks, if any, of a single enforcement body?***

16. There could be a risk that expectations will not be met unless the new body has sufficient resources to undertake the proposed range of tasks and enforcement activity. The principle of a SEB, whilst sound, could crash into the reality of overwhelming demand unless it has a clear strategic focus and the funding to deal in a timely manner with issues referred to it in a timely manner. The GLAA for example has rarely had capacity to progress more than a couple of dozen cases to prosecution each year.<sup>xi</sup> It will also be important that the body should be built on key basic principles, and should allow for participation of stakeholders (including NGOs for example) in both its governance structure and strategy setting. These principles should include accountability, accessibility and transparency, with the new agency underpinned by clear statutory powers, a statutory duty to act on complaints and provide updates on the status of complaints, and operational protocols (eg. data sharing) with other agencies. There should also be clear lines of separation between immigration enforcement and employment rights enforcement.
17. There might also be a risk that the SEB fails to address the current system’s deficiencies, if not informed by due reflection of the lived experiences of those who had had their employment rights violated and those with experience of trying to obtain redress. The consultation process should therefore include the participation of those with lived experience (i.e a “co-production approach), for example through focus groups.

***Q5. Do you think the current licensing scheme (for supply or use of labour) should be expanded to other sectors at risk of exploitation by gangmasters?***

18. Yes, we agree with this proposal that the licensing scheme should be extended to those sectors where violations linked to agency labour are well

documented and the risk of exploitation is known, as considered appropriate by the Director of Labour Market Enforcement. The Director's 2018/19 Strategy for example highlights car wash businesses.

***Q7. Should a single enforcement body take on enforcement of statutory sick pay if this process is strengthened?***

19. Yes, we strongly support strengthening statutory sick pay enforcement. However, it will be important that existing expertise and enforcement processes are not lost in any transition process.

***Q8. Should a single enforcement body have a role in relation to discrimination and harassment in the workplace?***

20. Yes, the SEB could have some role in relation to discrimination and harassment in the workplace. However, the Equality and Human Rights Commission (EHRC) should retain its mandate as the primary regulator for enforcement of the Equality Act 2010 and as an expert body on provision of advice in this area. A recent report by the Parliamentary Women and Equality Select Committee (WEC) noted deficiencies and significant room for improvement in the operational capability of the EHRC. It concluded that the current approach to enforcing equality law was “no longer fit for purpose” and a new strategy was needed to provide a sustainable deterrent for employers guilty of “institutional and systemic discrimination”.<sup>xii</sup> The WEC report envisaged that any new body could have a complementary (established through a “memoranda of understanding”) rather than an overlapping or duplicatory role in enforcing the Equality Act, and noted that there is scope to consider aspects of compliance currently outside the remit of the EHRC, such as action against employers who fail to comply with tribunal rulings.
21. The SEB could have a particular role in enforcement of pervasive non-compliances of equalities duties within a labour market context, where the matter of discrimination goes beyond individual complaints and is of a systemic or structural nature. Examples of such matters might include the gender pay gap, treatment of migrant workers or discrimination against pregnant women and parents. A single body with pooled intelligence and analytics functions could be well placed to identify and act upon such systemic issues in the labour market.

***Q9. What role should a single enforcement body play in enforcement of employment tribunal awards?***

22. Enforcement of employment tribunal (ET) awards is a significant challenge; given high rates of non-payment there is a strong case for looking at a

backstop option of state led enforcement through the SEB. Even in cases where a worker receives a judgment in their favour, the likelihood of receiving all of any of the award is 50%.<sup>xiii</sup> This is a significant issue, as it impacts on the effectiveness of the tribunal and a claimant's ability to access and achieve justice. For example:-

In September 2018 the first case in our unpaid wages project went to the ET and the claimant won his case. The claimant was a chef working in an Italian restaurant. He had been working at the restaurant for 4 months and took a day off sick and was instantly dismissed. The restaurant said he was self-employed so not entitled to notice pay or holiday pay. Volunteer lawyers from a City law firm took on the case and successfully argued the claimant was an employee. The claimant was awarded £2,850 for notice pay and holiday pay. The employer refused to pay the award. The claimant had to make a claim in the county court to enforce the ET award. Initially he was unable to find pro bono representation for this and faced having to represent himself even though he only speaks limited English. Fortunately, our referral partner, a law centre, was able to advise on using the High Court enforcement process, but this has taken time. The original unlawful deduction took place in January 2018; the ET made an award in September 2018, and after using the fast track enforcement form the Tribunal Registry got in contact in late February to say that he not included the £66 cheque/postal order with his application.

23. The obstacles that employees face in enforcing ET awards have been highlighted by Citizens Advice for over a decade,<sup>xiv</sup> and systemic avoidance by employers risks undermining the ET's jurisdiction and purpose. According to a recent BEIS survey, over one third of awards made by tribunals go unpaid, and only half of successful claimants get paid without having to take enforcement action.<sup>xv</sup>
24. Employees face significant hurdles and barriers to bringing enforcement proceedings against recalcitrant employers, with all the stress, technicality and cost involved weighing heavily in any calculation whether or not to enforce rights. Some employers game the system, with inevitable delays, for example by dissolving a business that faces enforcement action, only to set up the same business operating under a new name and run by the same individuals.
25. We support Government adopting a robust policy to address the problems with enforcement of ET awards but consider that it should be possible for enforcement to routinely take place in the ET, rather than the courts. Enforcement proceedings in the civil courts are too complex and intimidating for many employees, especially those unrepresented, not least as there is the additional consideration of costs (i.e. the employer being in a position to threaten costs against the employee meritoriously or tactically).

26. We proposed in our responses to the Taylor review consultations that Government explore whether ETs could be given direct enforcement powers, without the employee/worker having to fill in extra forms, pay an extra fee and having to initiate additional court proceedings. This approach is also being explored by the Law Commission in its recent consultation on the Employment Tribunal's jurisdiction.<sup>xvi</sup> However, the options explored by BEIS to date to make the process easier and more seamless, are still based on defaulting to the County or High Court to obtain enforcement. Transfer to the civil courts, even where that transfer is automatic, with no additional fee, does not sufficiently address the real barriers to enforcement for many employees. It is also inconsistent with the policy of handling employment disputes outside the civil courts by requiring employees to enforce awards in the courts system.
27. Some court based systems are already in place, for example the “Fast Track” scheme to enable High Court Enforcement Officers (HCEOs) authorised by the Lord Chancellor to enforce ET awards and ACAS settlements under the authority of a writ of control (previously called a writ of *fieri facias*). However, this involves a lengthy form process and an administration fee. We have argued instead that fairest and most effective solution for employees is to give the ET direct enforcement powers, backed by a state led enforcement system targeting employers/engagers who do not pay ET awards.
28. The SEB should keep a record of the awards not paid and who they are payable by and have the power to directly enforce the award should the payment not be made within a given timeframe. All Employment Tribunal judgments and determinations which result in an order for a respondent to pay money to a claimant, or to carry out a recommendation, should be automatically sent to the single enforcement body when sent to the claimant. The single enforcement body should keep records of Employment Tribunal determinations, including the name of the Directors of the company and any subsidiary/holding companies.

**Q10. Do you believe a new body should have a role in any of the other areas?**

29. The SEB could have a role in enforcement of holiday pay and unpaid wages, failures to provide a written contract, and statutory sick pay enforcement. There is considerable evidence of an “enforcement gap” in relation to these rights. There were only 24,000 cases of unlawful deductions of wages, a category that includes withholding holiday, sick and maternity pay, notified to tribunal in 2017/18<sup>xvii</sup> - despite the fact that 1.8 million workers are estimated to not be paid holiday pay alone.<sup>xviii</sup> The SEB could therefore potentially be given powers to receive and act on complaints about failures to pay awards, compensation and arrears.

30. The SEB could also be given powers to enforce employment rights of domestic workers. Domestic workers, often migrant women living in the UK or arriving to the UK on an overseas domestic workers visa, are vulnerable to abuse. This has been well documented for example by the Independent Review of the Overseas Domestic Workers Visa conducted by James Ewins QC in 2015<sup>xix</sup>. Domestic work is a sector where inspection regimes are weak, despite the serious abuse. The SEB could be well placed to address this "enforcement gap" and mount intelligence-led investigations where other bodies, such as the Home Office will have data which can help flag potential abuses.
31. Finally, the SEB could be a resource for local authorities in respect of labour market shaping functions in their areas, eg Development control, Licensing, Trading Standards and Environmental Health, some of which may include an enforcement strand. A closer relationship with local government would also make reporting NMW non-compliance more likely.
32. In discharging its functions, there is a potential role for the SEB to publish an annual impact report, containing an assessment of the state of employment rights in the country, including regional statistical data on awards enforced, assessment of issues and industry trends. There is also a discussion to be had around identification of "repeat offenders" and those that have failed to exercise due diligence in their supply chains. The report could for example include a ranking of particular industries, perhaps using criteria similar to the "Index of Employer Delinquency" proposed in *Unpaid Britain*.

**Q17. Is there enough guidance and support available for workers/employers?**

33. Guidance and support provided by statutory bodies such as ACAS is insufficient and fragmented, and often the basics of employment law are not well understood. Workers have limited knowledge of their rights and often do not know where to go for advice, or whether they can access rights. Research evidence on "legal capability" backs this up. Law for Life's analysis of the civil and social justice survey, suggests that fewer than 40% of the working population have even the most rudimentary knowledge of employment rights.<sup>xx</sup> Many people do not know where to start in enforcing their employment rights, this is in particular the case for workers who may be told by their employers that they do not have any recourse, because of their self-employed status or because of their immigration status. Workers, especially migrant workers and vulnerable workers, such as those with disabilities or pregnant women, are often reluctant to raise concerns or complaint with their employers. Many vulnerable workers risk falling into poverty or becoming homeless if they complain and lose their job.
34. A lack of guidance and support for workers who are afraid to raise issues lead to underreporting and to serial offenders escaping with impunity. Better

guidance, access to support and simplified contact channels, would improve reporting and access and crucially the awareness of employment rights. The absence of a co-ordinated entry channel may make it less likely for workers to seek advice, because of the lack of clarity over which body to go to, or the difficulties in accessing individual bodies.

35. The SEB could therefore operate as a central advice and reporting hub with options to report through a variety of channels including phone, online, mobile phone application and access to a dedicated caseworker for very vulnerable workers with complex needs. The hub could signpost workers to further specialist advice and guidance, including to immigration advice as well as welfare benefits advice. However, the SEB should not be the *only* gateway or information source; all the enforcement bodies, ACAS and wider Government have a role to play in improving communication on employment rights and complaint handling.

***Q18. Should a new single enforcement body have a role in providing advice?***

36. Further to our previous answer, the single body could act as a "gateway" to advice and guidance for workers and employers, but it would need to work in partnership with the advice sector – perhaps by providing specialist support to frontline advice bodies. Advice is needed across all areas of employment law, with a signposting facility to other bodies with specialist expertise, specialist advice agencies and mediation as an alternative to litigation. Currently ACAS are not entitled to give advice tailored to the facts of an individual case, and the EHRC outsourced Equality Advisory and Support Services (EASS) is limited to discrimination issues.
37. Individuals also find it difficult to navigate the complex web of employment law and often do not access the right body to deal with their complaint. Taking matters to the Employment Tribunal is uncertain particularly when no advice is available, and is stressful, time consuming, expensive and often career damaging. Often employees do not want to litigate, but want to remain in work and resolve their concerns. Early mediation can achieve that, but often advice is needed to back it up. However, we would again emphasise that any advice or support service provided through the new body would need to be quality assured, independent, and should work in collaboration with the advice sector (i.e. Citizens Advice, Law Centres etc.) It is worth recalling that there were profound concerns over the decision to award G4S the contract to run EASS; it is a question about whether any new general employment law rights advice service will be seen as a trusted brand.

***Q19. Would having a single enforcement body make it easier to raise a complaint?***

38. Yes. It would certainly be helpful for workers to have one clear place to go for help. However, it may take the body some time to have a high enough profile to become the single point of entry for all complaints. We suggest that subject to a process of consolidation, multiple channels of reporting to remain open at least for a transitional period to ensure access to all, including most vulnerable workers. There will also be concerns about confidentiality to consider, and that of separation between employment rights and immigration enforcement is maintained.

***Q20. Would a single enforcement body improve the ability to identify the full spectrum of non-compliance, from minor breaches to forced labour?***

39. We welcome the proposal for the single enforcement body to focus on the full spectrum of non-compliance. Labour rights violations can occur on a spectrum, a "continuum of exploitation"<sup>xxi</sup> that spans between the informal work economy and forced labour. While most violations occupy the centre of the spectrum, individual workers' experiences will vary over time. Workers can also commonly experience multiple violations at the same time. If enforcement of minor breaches is not effective or underlying issues are not identified (such as exploitative business models and deliberate repeat offending), this could lead to more severe and or/more widespread exploitation.

40. While intelligence-led prioritising can help address entrenched problems in one area, the SEB should ensure that all claims made are pursued and appropriate enforcement is undertaken in a timely manner. Whilst all claims should be looked at regardless of severity of the abuse or the sector in which it occurred, the SEB may need to prioritise when addressing more serious issues or assisting more vulnerable individuals – a clear priority for example would be enforcement activity that could have a wider impact in changing employer practices. The SEB also has the potential to improve enforcement in instances where there may be overlap in mandate between regulators, or it is unclear which body has the responsibility to enforce.

***Q23. Do the enforcement powers and sanctions currently available to the existing enforcement bodies provide the right range of tools to tackle the full spectrum of labour market non-compliance?***

41. We would favour an extension or "levelling up" of enforcement powers and sanctions but with an emphasis on achievable outcomes. Currently prosecution rates are low - for example the GLAA rarely undertakes more than a couple of dozen cases each year<sup>xxii</sup>, which indicates that either existing tools, or the resources to use them, are insufficient. Various pieces of research, such as *Unpaid Britain* and *Tough Gig*,<sup>xxiii</sup> highlight that low

detection and inspection rates and low sanctions are insufficient deterrents, contributing what might be described as a “culture of impunity”. At the very least the Government should implement the recommendations of Sir David Metcalf, Director of Labour Market Enforcement, in respect of options for earlier interventions in the supply chains, and taking responsibility more broadly for tackling labour market breaches.<sup>xxiv</sup> Failure to use enforcement powers with regards to the EHRC have also been highlighted by the recent report of the House of Commons Women and Equalities Select Committee.<sup>xxv</sup>

**Q26. Should a single enforcement body have a role in enforcing section 54 of the Modern Slavery Act?**

42. Yes. Lack of enforcement and monitoring of compliance of s.54 has been repeatedly raised by civil society organisations, and in a recent independent review of the Modern Slavery Act.<sup>xxvi</sup> No public body is currently assigned the responsibility for enforcement of s.54. The single body is given the mandate to enforce s.54 in conjunction with the Independent Anti-Slavery Commissioner (ISAC). The IASC’s mandate is largely in the area of policy and victim protection, although their expertise could complement well the enforcement function of the single body.

**October 2019**

**Appendix 1: Enforcement tools and powers**

Agency	Inspection power	Licensing Power	Investigate Individual complaints	Complaint can lead to investigation on wider practice	Can recover money owed	Other civil penalties and sanctions eg fines, notices, undertakings, injunction	Criminal Law enforcement powers	Raise Awareness
HMRC NLW	No	No	Yes	No	Yes	Yes	No	Yes
HMRC SSP	No	No	Yes	No	Yes	No	No	No
HSE	Yes	No	No	Yes	No	No	No	Yes
GLAA	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
EASI	Yes		Yes	Yes	No	Yes (modest)	No	Yes
EHRC	No	No	Yes	Yes	No	Yes	No	Yes
Local Govt & trading standards	Yes	No	Yes	No	No	Yes	No	Yes

## Key

- HMRC National Living Wage Compliance Team (HMRC NLW )
- HMRC Statutory Sick Pay disputes Team (HMRC SSP)
- Health and Safety Executive (HSE)
- Gangmasters and Labour Abuse Authority (GLAA)
- Employment Agency Standards Inspectorate (EASI)
- Equality and Human Rights Commission (EHRC)

## Endnotes

- <sup>i</sup> <https://www.lawworks.org.uk/about-us/news/employment-rights---policy-update>
- <sup>ii</sup> [www.lawworks.org.uk/sites/default/files/files/LW-Clinics-Report-2017-18-web.pdf](http://www.lawworks.org.uk/sites/default/files/files/LW-Clinics-Report-2017-18-web.pdf)
- <sup>iii</sup> [www.lawworks.org.uk/sites/default/files/LawWorks%20Clinic%20Network%20Report%202014-15.pdf](http://www.lawworks.org.uk/sites/default/files/LawWorks%20Clinic%20Network%20Report%202014-15.pdf)
- <sup>iv</sup> Survey conducted in August 2019.
- <sup>v</sup> National Minimum Wage: Low Pay Commission Report 2018.
- <sup>vi</sup> Clark, N., Herman, E.: *Unpaid Britain: wage default in the British labour market. Executive summary*. Middlesex University & Trust for London, 2017
- <sup>vii</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-protecting-migrant-workers-boosting-inspections\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-protecting-migrant-workers-boosting-inspections_en.pdf)
- <sup>viii</sup> <https://www.lawworks.org.uk/about-us/news/employment-rights---policy-update>
- <sup>ix</sup> <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/work-policy-research-surveys-and-consultation-responses/work-policy-research/nowhere-to-turn/>
- <sup>x</sup> *United Kingdom Labour Market Enforcement Strategy 2018/19*
- <sup>xi</sup> <https://www.gla.gov.uk/our-impact/conviction-totals/>
- <sup>xii</sup> *Enforcing the Equality Act; the law and the role of the Equality and Human Rights Commission. Tenth Report of the Session 2017-19*. House of Commons, Women and Equalities Committee. July 2019
- <sup>xiii</sup> Clark, N., Herman, E.: *Unpaid Britain: wage default in the British labour market. Executive summary*. Middlesex University & Trust for London, 2017
- <sup>xiv</sup> <https://www.citizensadvice.org.uk/about-us/policy/policy-research-topics/work-policy-research-surveys-and-consultation-responses/work-policy-research/justice-denied/>
- <sup>xv</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/253558/bis-13-1270-enforcement-of-tribunal-awards.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/253558/bis-13-1270-enforcement-of-tribunal-awards.pdf)
- <sup>xvi</sup> <https://www.lawcom.gov.uk/project/employment-law-hearing-structures/>
- <sup>xvii</sup> Tribunal statistics 2017 -18
- <sup>xviii</sup> Clark, N., Herman, E.: *Unpaid Britain: wage default in the British labour market. Executive summary*. Middlesex University & Trust for London, 2017
- <sup>xix</sup> Ewins, J., *Independent Review of the Overseas Domestic Work Visa*  
<https://www.gov.uk/government/publications/overseas-domestic-workers-visa-independent-review>
- <sup>xx</sup> <http://www.lawforlife.org.uk/wp-content/uploads/Legal-needs-Legal-capability-and-the-role-of-Public-Legal-Education.pdf>
- <sup>xxi</sup> Skrivankova, K.: *Between decent work and forced labour: examining the continuum of exploitation*. Joseph Rowntree Foundation, November 2010.
- <sup>xxii</sup> <https://www.gla.gov.uk/our-impact/conviction-totals/>
- <sup>xxiii</sup> Broughton, N., Richards, B.: *Tough Gig: Tackling low paid self-employment in London & the UK*. Social Market Foundation, 2016
- <sup>xxiv</sup> *United Kingdom Labour Market Enforcement Strategy 2018/19*
- <sup>xxv</sup> *Enforcing the Equality Act; the law and the role of the Equality and Human Rights Commission. Tenth Report of the Session 2017-19*. House of Commons, Women and Equalities Committee. July 2019
- <sup>xxvi</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/796500/FINAL\\_Independent\\_MSA\\_Review\\_Interim\\_Report\\_2\\_-\\_TISC.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/796500/FINAL_Independent_MSA_Review_Interim_Report_2_-_TISC.pdf)