# Tackling exploitation in the labour market consultation response form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 07/12/2015.

Name:

Organisation (if applicable):

Address:

Please return completed forms to:

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When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.

|  |  |
| --- | --- |
|   | Business representative organisation/trade body |
|  | Central government |
|  | Charity or social enterprise |
|  | Individual |
|  | Labour provider |
|  | Large business (over 250 staff) |
|  | Legal representative |
|  | Local Government |
|  | Medium business (50 to 250 staff) |
|  | Micro business (up to 9 staff) |
|  | Small business (10 to 49 staff) |
|  | Trade union or staff association |
|  | Other (please describe) |

**The case for more effective enforcement**

1. Do you agree that more needs to be done to tackle organised labour market exploitation?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

**A new Director of Labour Market Enforcement and more flexible enforcement**

1. Do you agree with the following statement?

“*Establishing a new Director for Labour Market Enforcement to set the strategic direction of the enforcement bodies will be effective in tackling worker exploitation*”

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. What other factors should we consider in developing the new Director role?

**New offence of aggravated labour law breach**

1. Do you agree that a new offence of aggravated labour law breach is needed to tackle the exploitation of workers?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Which of the options described would be effective in tackling labour market exploitation?

[ ]  A) create an offence involving a motivation intention to deprive a worker of their rights or to exploit a worker in connection with the commission of the offence;

[ ]  B) create a new type of improvement notice;

[ ]  C) both A) and B);

[ ]  D) None of the options.

Please give your reasons

1. What are the benefits of creating an offence involving intention to deprive a worker of their rights?
2. What are the benefits of creating an offence involving motivation to exploit a worker or exploiting a worker in connection with such an offence?
3. What are the benefits of creating a new type of improvement notice to tackle exploitation of workers?

**Information sharing**

1. Do you agree on the need for powers to share data and intelligence across the enforcement bodies and with other organisations?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

**Reforming the GLA**

1. Do you agree with the proposal to expand the role of the Authority or should we retain the current model?

[ ]  Yes, expand the role of the Authority

[ ]  No, retain current model

[ ]  Not sure

Please give your reasons

**The objectives and remit of the new Authority**

1. Do you agree that the mission of the new Authority should be to prevent, detect and investigate worker exploitation, in support of the Director’s annual plan?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Should the new Authority work with business to provide training, and develop codes of conduct and voluntary accreditation schemes?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Should the new Authority be able to charge for such services?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. What other tasks might the new Authority perform?

**Powers of the New Authority**

1. Do you agree that the new Authority should be able to investigate labour market breaches and offences that fall under the remit of the new Director, including the new aggravated breach offence and Modern Slavery Act offences, as well as breaches of National Minimum Wage/National Living Wage and employment regulations, where they are connected with labour exploitation?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Do you agree that the new Authority should have the power to investigate these offences across all sectors of the labour market?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Are the investigative powers proposed appropriate given the new Authority’s functions?

[ ]  Yes

[ ]  No

If No, which ones should not be designated?

[ ]  The ability to enter and search premises with a warrant authorised by a Justice of the Peace (under section 8 of the Police and Criminal Evidence Act (PACE))

[ ]  The power to enter premises to execute an arrest warrant or for the purpose of arresting someone for an indictable offence (under section 17 PACE)

[ ]  The power to search premises controlled by person under arrest (under section 18 PACE)

[ ]  The powers to search a person at time of arrest and, when a person is arrested for an indictable offence, to search premises in which person was immediately prior to arrest (section 32 PACE)

[ ]  The power to use reasonable force in exercise of PACE powers, (section 117 PACE)

[ ]  The ability to seize evidence and then sift through it under section 50 of the Criminal Justice and Police Act.

Please give your reasons

1. Are there any additional powers the new Authority should have? Please describe and give your reasons.
2. Do you agree that the new Authority should be able to use Proceeds of Crime Act powers to recover criminal assets?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. What are the benefits of the new Authority having a formal power to ask for assistance from relevant organisations?
2. Which organisations should this new power apply to?
3. Should other enforcement organisations be given the ‘right to ask’ the new Authority to offer operational support?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

**Licensing**

1. Do you agree that the current licensing criteria should be reformed?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. What reforms do you think would improve the current licensing regime?
2. Do you agree that we should introduce a more flexible approach to licensing, based on a risk assessment, judged on a sector by sector basis and agreed by Ministers and Parliament?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

1. Are there any sectors that you would remove from the current licensing regime?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

**Governance and oversight of the new Authority**

1. Will the proposed governance arrangements enable the new Authority to achieve its mission under appropriate oversight?

[ ]  Yes

[ ]  No

[ ]  Not sure

Please give your reasons

**BIS/15/549**