Consultation on the Certification Officer’s enforcement powers

Purpose of this consultation

The Government is consulting on the detail of our proposed implementation of the financial penalties regime under the Trade Union Act. We welcome views from unions, employer associations, and other interested organisations and individuals on our proposals.

The [consultation and draft Regulations](https://www.gov.uk/government/consultations/trade-union-act-2016-consultation-on-the-certification-officers-enforcement-powers) are available on GOV.UK

You can also [complete your response online](https://beisgovuk.citizenspace.com/lm/consultation-on-the-certification-officer-s-enforc)

Alternatively, you can e-mail or post the completed response form to:

Certification Officer’s enforcement powers consultation

Sponsorship and Trade Union Reform Team
Department for Business, Energy and Industrial Strategy,
3rd Floor, Abbey 1
1 Victoria Street,
London, SW1H 0ET

Email: tufinancialpenalties@beis.gov.uk

The closing date for the consultation is **21 May 2017**.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential [ ]

Comments: Click here to enter text.

**Questions**

1. Name: Click here to enter text.

2. Organisation (if applicable): Click here to enter text.

3. Email address: Click here to enter text.

4. If you are representing an organisation, what type of organisation is it?

Please check a box from a list of options that best describes you as a respondent. This allows views to be presented by group type.

|  | **Respondent type** |
| --- | --- |
| [ ]  | Trade Union |
|[ ]  Federated Trade Union |
|[ ]  Employer Association |
|[ ]  Federated Employer Association |
|[ ]  Individual |
|[ ]  Other organisation (please describe)Click here to enter text. |

5. If you are a union, a federated trade union, an employer association or federated employer association, is your total membership:

|  | **Respondent type** |
| --- | --- |
| [ ]  | Under 1,000 |
|[ ]  Between 1,000 – 5,000 |
|[ ]  Between 5,000 – 10,000 |
|[ ]  Between 10,000 – 25,000 |
|[ ]  Between 25,000 – 50,000 |
|[ ]  Between 50,000 – 100,000 |
|[ ]  100,000 or more |

**Questions**

**6. Do you agree with the proposed approach to set the level of financial penalty by type of obligation breached?**

[ ]  Yes

[ ]  No

Comment: Click here to enter text.

**7. Are the maximum levels by type of obligation breached (levels 1, 2 and 3) appropriate?**

[ ]  Yes

[ ]  No

Comment: Click here to enter text.

**8. Do you agree with the approach to reduce the penalty maxima by 50% for unions and employer associations whose membership size is less than 100,000?**

[ ]  Yes

[ ]  No

Comment: Click here to enter text.

The Trade Union Act 2016 provides that a person may appeal a decision of the Certification Officer to issue a financial penalty to the Employment Appeal Tribunal on the grounds that (a) it was based on an error of fact, (b) it was wrong in law, or (c) it was unreasonable.

**9. Do you agree with the proposed approach not to add to this list of grounds upon which an appeal may be made?**

[ ]  Yes

[ ]  No

Comment: Click here to enter text.

**10. Do you agree with the proposed approach that interest will accrue for late payment of financial penalties?**

[ ]  Yes

[ ]  No

Comment: Click here to enter text.