



Department for  
Business, Energy  
& Industrial Strategy

Andrew Griffiths MP

Department for Business, Energy &  
Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

John Cryer MP  
House of Commons  
London  
SW1A 0AA

T +44 (0) 20 7215 5000  
E [enquiries@beis.gov.uk](mailto:enquiries@beis.gov.uk)  
W [www.gov.uk](http://www.gov.uk)

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Dear John,

During BEIS oral questions on 30 January 2018 you asked me how many complaints under the Agency Workers Directive have led to successful prosecutions. I said I would write and provide the information, below.

I should point out that the Agency Workers Regulations, which covers a number of agency worker rights such as equal treatment, are enforceable in the UK by an individual taking their employer to an employment tribunal, as is the case with most employment rights. It is worth highlighting though that, in response to the Matthew Taylor review into modern working practices, the Government is considering whether it should extend state enforcement to these sets of rights for agency workers.

The Government does enforce through the Employment Agency Standards (EAS) Inspectorate, regulations applying to employment agencies and employment businesses. This includes their responsibilities in relation to restrictions on fees, ensuring that temporary workers are paid for the work they have done, record-keeping, advertising, and ensuring that identity and suitability checks are carried out on work seekers.

In relation to the work of the EAS, it is important to be clear of the strategic approach to their work, which places prosecutions very much as a last resort where the agency is wilfully ignoring their obligations. EAS first aims to encourage and sustain compliance. This includes activity to raise awareness amongst agencies and employment businesses.

EAS also takes enforcement action, considering all worker complaints and carrying out targeted inspections of high risk activities by either targeting a geographical area or trade sectors. During an investigation EAS will aim to advise the relevant agency on what they need to do to meet their obligations set out in the legislation. Following an investigation or inspection, and where infringements are identified, EAS will issue a warning letter and seek to ensure that corrective measures are put in place. During the period 2016/17, EAS investigated 828 complaints and carried out 142 targeted inspections, resulting in 782 infringements being identified and 387 warning letters being issued. These typically result in agencies and employment businesses changing their behaviour and complying with the legislation. Although

compliance issues are not always about worker pay or fees, the effect of warning notices has been reflected in repayments of monies to workers that the EAS has helped secure. During 2016/17, the EAS secured around £69,500 for individuals related to non-payment of wages or where fees were being charged to workers to be found work. Since April 2008, the EAS Inspectors have recovered around £1.33 million for individuals whose employment rights have not been met.

In the most serious and wilful cases of non-compliance EAS considers prosecution. The EAS can also consider prohibiting individuals from running an employment agency/business on account of misconduct or unsuitability. The maximum prohibition period is 10 years. From the period 2011/12 there has been nine successful prosecutions brought by the EAS. During the same period EAS also brought proceedings at an Employment Tribunal to prohibit three individuals from running an employment business or agency. These enforcement tools are an important deterrent against non-compliance but only one part of the wider strategic approach that the EAS takes to help ensure a level-playing field across agency and employment businesses and the fair treatment of agency workers.

I hope this is helpful and I will place a copy of this letter in the House library.

A handwritten signature in black ink that reads "Andrew Griffiths". The signature is written in a cursive, slightly slanted style.

**ANDREW GRIFFITHS MP**  
Minister for Small Business, Consumers & Corporate Responsibility