

From: Clive Hurst [mailto:info@anactor.net]
Sent: 08 June 2009 17:14
To: BERR EAS

Subject: EAS Agency Conduct Consultation 2009 - finishes 11 June 2009

I must thank you for the meeting we had on Wednesday last week...

I attach a copy of my on-line submission sent today. I have to say I was disappointed that I was not able to get a copy of this when/after I had completed this form; or even an acknowledgement that it was received at all. Luckily for me I had kept a pdf copy of the three relevant pages as I went through the document, which I now attach.

The consultation document did restrict me somewhat, in what I could actually respond on. As you know at our meeting I called on EAS Conduct Regulations to back up government regulations on holiday pay and the NMW. That it should be an offence under EAS Regulations for those deemed to operate under EAS agency regulations - to offer jobs to 'workers' that breached NMW Regulations. That agents must negotiate holiday pay for those deemed to be 'workers' and that it must be shown as a separate entry on their remittance advice to the 'worker'. For 7 years agencies have not done so, especially on commercials. That there must be an efficient licensing system. That those who broke the law faced being penalised. That the EAS should be a statutory body that could impose fines without the necessity of a trial, unless the fines were not paid.

That the 'worker' must receive at least the NMW after any agency deductions. That those who work through an employment business have such a right. Therefore, the same rights to the NMW should/must apply - to those who work through an employment agency. Currently an agent in our industry, can take the whole days earnings from those deemed to be 'workers'. That cannot be right!

Currently the criminal element in our industry thinks they can do what they like when they like and the EAS - has just stood by and let them do it. When we talk about the EAS supposedly enforcing regulations... Well, what I want is proper enforcement - where the EAS take action themselves against wrong doers, especially when it comes to getting refunds. It should not be down just to the victim - to do this.

Workers expect the EAS to take action. Remember the EAS is responsible for the conduct of employment agencies. The EAS cannot negate their responsibilities – by (currently) fobbing off victims, claiming they should seek other legal remedies, in order to get these tricksters to work within - EAS Regulations/the law.

Only the EAS have the powers to enforce EAS Regulations. Well that is what Trading Standards and the police have told me on numerous occasions...

What I am saying... Is that there should be specific regulations governing the conduct of employment agencies. If we do not have such regulations, then nothing will ever change!

I have dealt with dozens of 'Trading Standards' officers over the years. I do know what I am talking about. Agency 'misrepresentation' must come within the scope of EAS Regulations.

Sincerely,

Clive