



Parliamentary Question – Number of prosecutions for breaching LMEU

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Ref: 263218

Asked by:

Stephanie Peacock (Barnsley East)

Question:

To ask the Secretary of State for Business, Energy and Industrial Strategy, how many prosecutions there have been for breaching a labour market enforcement undertaking or order in each year since those undertakings and orders came into force.

Response:

The Immigration Act 2016 introduced the provision for three labour market enforcement bodies to serve labour market enforcement undertakings (LMEU) and orders (LMEO): the Employment Agency Standards (EAS) Inspectorate, the Gangmasters and Labour Abuse Authority (GLAA) and Her Majesty's Revenue and Customs – National Minimum Wage Team (HMRC – NMW).

To date, no prosecution has resulted from breaching a labour market enforcement undertaking or order.

Each enforcement body has a different legal framework for the disclosure of information related to LMEUs. Both EAS and HMRC – NMW cannot disclose the name of the employers or the nature of the offences without informed consent from the employers involved as this would be in breach of their respective customer confidentiality clauses. Section 9 of the Employment Agency Act precludes EAS from publishing the name or details of enforcement action without the permission of the employment business or agencies involved. Section 18 of the Commissioners for Revenue and Customs Act (CRCA) 2005 precludes HMRC from disclosing/sharing information about an individual or taxpayer to a third party.

The GLAA routinely discloses the dates and the type of trigger offences for which its LMEUs are served. Whilst the Gangmasters (Licensing) Act 2004 does not

preclude the GLAA from disclosing the names of the recipients of LMEUs, the GLAA does not deem appropriate to release their identity. Identity disclosure would defeat the purpose of LMEUs which are a voluntary agreement meant to be a proportionate sanction to encourage compliant behaviour from the recipient.

The table [here](#) displays the information that could be disclosed by the three enforcement bodies.