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National Minimum Wage Guidance - The Questions

- 01** What is the NMW?
- 02** Who is entitled to the NMW?
- 03** What are the different rates for NMW?
- 04** What are the most common causes of minimum wage underpayment?
- 05** What should I do if I'm not receiving payslips or my payslips do not reflect all hours I have worked?
- 06** What should I do if I think I've been underpaid?
- 07** What if I want to remain anonymous?

**For more information please visit
www.learnwithunite.org**

Source: Department of Work and Pensions



The Facts

- 01** A – It's the minimum amount you must get paid for the hours you work, and it is illegal for your employer to pay you any less.
- 02** A – Almost all workers are entitled and it's not something you can opt out of by saying you agree to be paid less.
- 03** A – for the current rates visit Gov.uk, these usually increase each year on 1 April. The rate you are entitled to depends on your age and whether you are an apprentice.
- 04** A – Even if your rate of pay is at, or slightly above, minimum wage rates you could still be underpaid. The most common causes of underpayment to look out for are;
 - Unpaid Working time
 - Paying for items or expenses connected with your job
 - Not getting increased rates of pay in line with the minimum wage
 - Being paid the minimum apprentice wage incorrectly

Unpaid working time – this includes any time added onto the start/end of a worker's shift where your employer requires you to do something like attend handover meetings, clear security checks or perform cleaning duties. If you travel in connection with your job, for example in between assignments, you must be paid for this time along with reasonable expenses for any costs incurred.

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Any time spent training must also be paid for and it doesn't matter whether this takes place at work or elsewhere and can even be outside normal working hours. Paying for items or expenses connected with your job – this includes things like uniform, reasonable travel costs, tools or other equipment needed for the job. Employers often require workers to wear specific uniforms, work wear or a dress code that includes generic clothing (such as plain black t-shirt and black trousers, but not from any specified retailer). It doesn't matter how you pay for these items or expenses; it can be a deduction from wages, or a payment made to your employer or a third party. Having to pay for items or expenses like this can cause the minimum wage to be underpaid. Not getting increased rates of pay in line with the minimum wage – sometimes an employer can forget to pay the correct minimum wage rate. They may not increase rates of pay on 1 April or maybe they don't move a worker onto the higher rate of pay when they turn 18, 21 or 23 years old. Being paid the minimum wage apprentice rate when you are entitled to more – Worker's wrongly being paid the apprentice rate is a common cause of underpayment. The apprentice rate only applies to genuine apprenticeships with structured training in place. Simply calling somebody an apprentice is not enough. If a worker isn't an apprentice, they are entitled to the higher minimum wage rate for their age. Before an apprenticeship actually starts or after it ends, a worker is entitled to the higher minimum wage rate for their age. Apprentices who are aged 19 or over have completed the first year of their apprenticeship are entitled to the higher minimum wage rate for their age.

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- 05** A – It's your employers' responsibility to keep accurate records and you are entitled to see these and take copies. You are also entitled to receive payslips <https://www.gov.uk/payslips> If payslips do not reflect all hours worked, then it's best to check your daily logs to compare and speak to your employer.
- 06** A – Approach your employer in the first instance to try to sort things out. If that doesn't work, speak to your trade union if you are a member. Trade unions may be able to approach your employer to resolve the issue. You also have the option of reporting your employer to HM Revenue & Customs (HMRC) who investigate minimum wage issues on your behalf. You can report your employer even if you no longer work for that employer. The easiest way to do this is to complete the pay and work rights complaint form online. If you would prefer to speak to somebody, you can call the Acas helpline on 0300 123 1100 who can transfer you through to HMRC (translation service available). If HMRC investigate your employer and find that you have been underpaid, they will instruct your employer to pay you the money you are owed.
- 07** A – As HMRC review all workers in the workforce (current and former) to check that the NMW has been paid correctly, it is easy for HMRC hide your identity if you made the initial complaint. You can ask HMRC to hide your identity during the course of the investigation whilst keeping you informed throughout.

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