

## The National Minimum Wage

### Who can get the National Minimum Wage?

In the UK, most workers aged 16 or over are entitled to a National Minimum Wage (NMW). The minimum wage covers you, whether you are in a permanent job, working for an agency or on a short-term contract. Some workers are not covered by the National Minimum Wage. These include:

- workers under the age of 16
- au-pairs and nannies if they are living with a family and not paying for accommodation or meals
- self-employed people
- members of the armed forces
- voluntary workers
- some trainees on government schemes.

For a full list of who is not entitled to the NMW, contact the Pay and Work Rights helpline or an experienced adviser. (See Further help).

### How much is the National Minimum Wage?

There are four different rates of pay under the National Minimum Wage:

- for workers aged 21 and over, the current rate of pay is £6.08 per hour
- for workers aged between 18 – 20, the current rate of pay is £4.98 per hour
- for workers aged 16 (who are above school leaving age) and 17, the current rate of pay is £3.68
- for apprentices who are either under 19 or in the first year of their apprenticeship, the current rate of pay is £2.60 per hour.

The NMW is an average hourly rate which must be paid for each working hour over a certain period of time. If you are paid weekly, this period of time is a week, and if you are paid monthly, the period is a month. As long as your average pay an hour is not below the NMW during this period, you may earn less than the NMW for some hours.

Working hours which count for the NMW will only include time spent 'on call' or time spent overnight at the workplace if you are actually awake and working during those hours. For example, if you have to perform duties through the night, such as a night watchman or night sleeper at a care home.

## If your employer is not paying the National Minimum Wage

If you think you should be getting the NMW but aren't, you can ask your employer to tell you why not. It may be that your employer did not realise they were not paying the NMW. Your employer can get information from the **Pay and Work Rights helpline** (see Further help). If you are a member of a trade union, you could ask for advice from your representative.

You can't be forced to agree to a wage which is lower than the NMW. If your employer has tried to force or persuade you to sign an agreement which gives you less than the NMW, this agreement will not be legally binding. If your employer will not talk about the NMW, or you don't feel able to approach them, you can contact the Pay and Work Rights helpline or talk to an experienced adviser (see Further help).

If you think your employer is aware of the NMW and is not paying it or you've been forced into an agreement that pays you less than NMW, you can contact the Pay and Work Rights helpline who will tell the **NMW enforcement agency**. This agency is run by HM Revenue and Customs and can investigate employers who do not pay NMW to their workers. If you don't want your employer to know that you have contacted the NMW enforcement agency, you can ask to remain anonymous. Sometimes, reporting an employer can lead to bullying or unfair treatment at work.

Most workers have the right to get the NMW by making a claim for **unlawful deduction of wages** to an **employment tribunal**. However, if you're an employee, it's a good idea to raise a **written grievance** with your employer first. If you're not an employee but are entitled to NMW, for example you're a subcontractor, freelancer or casual worker, you can take your claim straight to an employment tribunal. There are strict time limits for making a claim to an employment tribunal (see below). You don't need to have worked for your employer for any particular length of time in order to make a claim .

## What you can do if you are bullied or dismissed for complaining about NMW

If you feel you are being bullied or unfairly treated at work, or if you have lost your job because you reported your employer, you may be able to make a claim to an **employment tribunal** for harassment, or to sue your employer for breaking your contract of employment (**breach of contract**). You should not think about doing either of these things without talking to an experienced adviser or employment solicitor first (see below). If you want to stay in your job, you also need to think about the effect that taking this kind of action might have on your relationship with your employer.

## **Time limits for making a claim to an employment tribunal.**

If you want to make a claim to an employment tribunal, you've only got three months minus one day from the date the thing you're complaining about last happened. The time limit applies even if you're raising a grievance or appealing against a decision. It's important to get help from an experienced employment adviser as soon as you can to make sure you don't miss the deadline,

## **Further help**

### **Citizens Advice Bureau**

Citizens Advice Bureaux give free, confidential, impartial and independent advice on a limitless range of subjects, including employment rights. They can also refer you to a more specialist source of advice, if needed. To find your nearest CAB, including those that give advice by e-mail, click on nearest CAB, or look in your local telephone directory.

### **Pay and Work Rights Helpline**

The Pay and Work Rights helpline is a confidential helpline which can advise you on your rights and the National Minimum Wage. You can contact the helpline on 0800 917 2368 (text phone is 0800 121 4042).

### **Directgov**

You can find further information on the NMW on the Directgov website at [www.direct.gov.uk](http://www.direct.gov.uk).

### **TUC website**

The TUC has launched an online minimum wage calculator to help work out whether you are being paid the NMW. The calculator can be found on the TUC's worksmart website at [www.worksmart.org.uk](http://www.worksmart.org.uk).

## **Other Citizens Advice fact sheets and leaflets which might help**

- Holidays and holiday pay
- Rights of working fathers
- Employer withholds your pay
- Resolving disputes at work
- Maternity rights at work

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**This fact sheet was last updated on 18 October 2011 and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - [www.adviceguide.org.uk](http://www.adviceguide.org.uk) - where you can download an up-to-date copy.**