

## 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
- some apprentices
- 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 NMW helpline or an experienced adviser. See below for details of the NMW helpline.

### How much is the National Minimum Wage?

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

- for workers aged 22 and over, the current rate of pay is £5.73 per hour
- for workers aged between 18 – 21, the current rate of pay is £4.77 per hour
- for workers aged 16 (who are above school leaving age) and 17, the current rate of pay is £3.53.

The NMW is an average hourly rate which must be paid for each hour worked 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.

## Your employer is not paying you 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 **NMW helpline** (see Further help at the end of this fact sheet). If you are a member of a trade union, you could ask for advice from your representative.

If your employer will not talk about the NMW, or you don't feel able to approach them, you can contact the NMW helpline or talk to an experienced adviser (see Further help at the end of this fact sheet).

If you think your employer is aware of the NMW and is not paying it, you can contact the NMW 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 do not want your employer to know that you have contacted the NMW enforcement agency, you must tell them that you want to remain anonymous. In some cases, reporting an employer can lead to bullying or unfair treatment at work.

You can also enforce your right to get the NMW by making a claim for **unlawful deduction of wages** to an **employment tribunal**. If you are an employee, you will need to raise a **written grievance** with your employer first (you are unlikely to be an employee if you are a subcontractor, freelancer or casual worker). There are strict time limits for taking a case to an employment tribunal which you must make sure not to miss. You should get advice from an experienced employment adviser or solicitor (see below). You cannot 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.

## 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 complain to an **employment tribunal**, 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.

**There are strict time limits for making a complaint to an employment tribunal, which you must make sure that you do not miss.**

## 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.

### National Minimum Wage Helpline

For information about the NMW (and as a first step in contacting the enforcement agency), there is an NMW helpline, staffed by HM Revenue and Customs. The number is: 0845 600 0678 (local rates apply) (Minicom 0845 915 3296).

### Department for Business, Enterprise and Regulatory Reform (BERR)

A website has been set up by BERR to provide guidance on employment rights. The website provides guidance about how the NMW works. The website address is [www.direct.gov.uk/Employment](http://www.direct.gov.uk/Employment).

### 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
- What you need to know, Dealing with grievances, dismissal and disciplinary action at work
- Maternity rights at work

This fact sheet is produced by [Citizens Advice](#), an operating name of The National Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law on the subject. Please also note that the information only applies to England, Wales and Scotland.

This fact sheet was last updated on 1 October 2008 and is reviewed on a monthly basis. 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.