



Northern Ireland

Employment Fact Sheet: The National Minimum Wage

Who can get the National Minimum Wage? In the UK, most workers aged

FACTSHEET

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 **Pay & Work Rights 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 **Pay & Work Rights Helpline** or talk to an experienced adviser.

If you think that your employer is aware of the NMW and is not paying it, you can contact the **Pay & Work Rights Helpline** who will refer the case to the local NMW Compliance team, run by **HM Revenue and Customs**, who will investigate the employer. If you do not want your employer to know that you have contacted the NMW Compliance team, you should tell them that you want to remain anonymous. If the Compliance team find that NMW has not been paid they will order the employer to pay arrears of wages to employees. The Compliance Team can investigate cases even after a worker has finished working for an employer.

You can also enforce your right to get the NMW by making a claim for **unlawful deduction of wages** to an **industrial 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 industrial tribunal which you must make sure not to miss. You should get experience 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 the 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 **industrial 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 industrial tribunal, which you must make sure that you do not miss.

Further help

Citizens Advice Bureau

Citizens Advice Bureau gives free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

Pay & 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**).

Department for Employment and Learning (DEL)

The DEL website provides guidance on employment rights and NMW. The website address is www.delni.gov.uk

nidirect

You can find further information on the NMW on the nidirect website at www.nidirect.gov.uk.

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Contact Details:

Citizens Advice, 46 Donegall Pass, Belfast, BT7 1BS

Telephone: (028) 9023 1120 Fax: (028) 9023 6522 E-mail: info@citizensadvice.co.uk Website: www.citizensadvice.co.uk