

# National Minimum Wage entitlement

The government sets a minimum amount workers must get paid on average for the hours they work. This is called the National Minimum Wage (NMW) or the National Living Wage (NLW) if you're aged 25 or over.

## 1. Current rates for the minimum wage

The minimum wage rate varies depending on your age and whether you are an apprentice.

Wage band	Rates from 1 April 2019
25 and over	£8.21
21 to 24	£7.70
18 to 20	£6.15
Under 18	£4.35
Apprentice	£3.90

See [previous minimum wage rates on GOV.UK](#).

## Who gets the apprentice rate

You're entitled to the apprentice rate if you're an apprentice aged:

- under 19
- 19 or over, and in the first year of your current apprenticeship agreement

If you're 19 or over and have completed the first year of your current apprenticeship, you're entitled to the minimum wage for your age.

Anyone classed as a [worker](#) must get the National Minimum Wage or National Living Wage.

You are entitled to receive a minimum wage if you are a:

- full-time worker
- part-time worker

- agency worker
- casual worker
- zero hours worker
- apprentice
- worker paid by commission
- worker paid by the number of items you make (piece work)
- home worker
- casual labourer, for example someone hired for one day
- trainee, or on probation
- disabled worker
- agricultural worker
- foreign worker
- seafarer
- offshore worker

You are not entitled to a minimum wage if you are:

- [self-employed](#) (if you choose to be)
- a volunteer (if you choose to be)
- a company director
- a member of the armed forces
- a work experience student, depending on the length of your placement
- under school leaving age

## 2. If you live in your employer's home

You are entitled to the minimum wage if you live in your employer's home, unless:

- you're a member of their family
- you are not a member of the family, but you do share in the work and leisure activities and are not charged for meals or accommodation, for example an au pair

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There are times when you will be entitled to a higher minimum wage rate, for example:

- when the government increases the rates (usually on 1 April each year)
- if you turn a year older

You start to get the higher rate from the next 'pay reference period' after the increase. This means your pay might not go up straight away.

### Example

There's a minimum wage rate increase on 1 April.

You get paid monthly on the 15th of the month. You'll still get the old rate until your next pay reference period starts on 16 April.

You'll get paid:

- the old rate for 1 April to 15 April
- the new rate for 16 April to 15 May

### 3. Pay reference period

Your 'pay reference period' is the period of time your pay covers. It will depend on how often you get paid. For example:

- if you're paid daily, your pay reference period is one day
- if you're paid weekly, your pay reference period is one week
- if you're paid monthly, your pay reference period is one month

The pay reference period cannot be longer than a month.

Use the [National Minimum Wage and National Living Wage calculator on GOV.UK](#) to check if:

- you're getting paid the National Minimum Wage or National Living Wage
- you've been paid correctly in previous years

On average, you must get the minimum wage for each 'pay reference period' (the period of time your pay covers).

You work out your average hourly rate using:

- your total ('gross') pay each time you're paid
- how many hours you worked for that pay

#### Example

You are paid weekly, work 40 hours a week and your weekly salary is £346.15 (before tax is taken out). You are 25 years old.

Your average hourly rate is £8.65 (£346.15 divided by 40). This is above the minimum wage for a worker aged 25.

### 4. What does not count towards the minimum wage

Some parts of your pay do not count towards minimum wage. These parts include:

- tips and gratuities
- premium payments (for example, extra pay for working bank holidays or overtime)
- a loan from your employer

- a pay advance

## Example

You are 22 years old, paid weekly and work 45 hours a week.

Your total weekly pay before tax is usually £400. This usually includes £100 in tips, so you'll need to use £300 as the starting point to work out if you're getting the minimum wage.

Your average hourly rate is £6.67 (£300 divided by 45). This is below the minimum wage for a worker aged 22. Your employer needs to pay you at least £7.70 an hour not including tips.

## Commission

Commission counts towards minimum wage.

Your total pay including commission must give you the minimum wage each time you're paid.

Your employer must 'top up' your pay if you have not made enough commission to earn the minimum wage.

## What can be deducted from the minimum wage

Your employer is allowed to make some deductions that could leave you with less than the National Minimum Wage or National Living Wage in your take-home pay. This includes:

- tax and National Insurance contributions
- paying back an advance or overpayment
- pension contributions
- trade union fees
- a charge for accommodation provided by your employer (see [accommodation rate information on GOV.UK](#))

## What cannot be deducted from the minimum wage

Some pay deductions and work-related expenses cannot reduce your pay below the minimum wage.

These include:

- tools
- uniforms
- travel costs (except getting to and from work)
- training courses

For example, you might be required to buy a uniform for work. This is allowed as long as your total pay minus the uniform cost is still above the minimum wage.

If you're not getting paid the correct National Minimum Wage or National Living Wage rate you can try resolving the issue with your employer.

If you cannot resolve with your employer, you could either:

- report to HMRC to investigate
- make a claim to an employment tribunal

## 5. Resolving directly with your employer

If you are not getting paid the minimum wage, you can try [raising the issue with your employer](#). If there has been a mistake, an informal chat can be the quickest way to resolve it.

It can help if you:

- show a copy of any calculations from the [National Minimum Wage and Living Wage calculator on GOV.UK](#)
- show other evidence, for example a copy of your payslips or employment contract
- say what you'd like to happen to resolve the issue

If a minimum wage issue cannot be resolved informally, you can make a formal complaint to your employer. This is called '[raising a grievance](#)'.

If you are not able to resolve the issue with your employer and feel you need to take things further, you can speak to an [Acas helpline](#) adviser who will explain possible next steps and the risks and benefits of each.

Acas advisers cannot tell you what to do, give legal advice or do calculations for you, for example calculate the National Minimum Wage.

## Reporting to HMRC to investigate

If you have not been paid the minimum wage you are entitled to, you can make a complaint to HMRC (HM Revenue & Customs).

Complaints to HMRC can be anonymous.

HMRC has the power to investigate complaints about minimum wage, and can issue a notice for money owed to you. They can also fine employers and take them to court if they refuse to pay.

To report a complaint to HMRC you can either:

- use the [pay and work rights complaints form on GOV.UK](#)

- [call the Acas helpline](#)

## Making a claim to an employment tribunal

If you believe you have not been paid the minimum wage, you might be able to [make a claim to an employment tribunal](#).

If you make a claim, your most recent National Minimum Wage or National Living Wage underpayment needs to be within 3 months of the day you start your claim.

## If you've been treated unfairly because of minimum wage

Your employer should not dismiss you or treat you unfairly (cause you 'detriment') if you:

- become entitled to a higher rate of the minimum wage
- assert your right to minimum wage
- make a complaint to HMRC

Detriment means unfair treatment that leaves you worse off, for example:

- reducing your hours
- overlooking you for promotions or development opportunities
- saying no to your training requests without good reason

If you feel you've experienced detriment or been dismissed because of minimum wage entitlement, you might be able to make a claim to an employment tribunal.

Related content

[National Minimum Wage and Living Wage calculator on GOV.UK](#)

[/how-to-raise-a-problem-at-work](#)

[/helpline](#)

It is against the law to pay workers below the National Minimum Wage or National Living Wage or to falsify pay records.

## 6. Investigation by HMRC

Workers can report employers to HMRC (HM Revenue & Customs) for not paying the minimum wage. Initial reports can be anonymous.

If HMRC finds that an employer has not paid at least the minimum wage, they can send a notice of arrears plus issue a penalty for not paying the correct rate of pay.

HMRC can also take employers to civil court for not paying the National

Minimum Wage or National Living Wage. The maximum fine for non-payment is £20,000 per worker. Employers who fail to pay can be named publicly and banned from being a company director for up to 15 years.

## Taken to tribunal or court

Employers can be taken to employment tribunal or civil court if a worker feels they have:

- not been receiving the National Minimum Wage or National Living Wage
- been dismissed or experienced 'detriment' (unfair treatment) because of their right to the National Minimum Wage or National Living Wage
- been discriminated against because their age means they are entitled to a higher minimum wage rate

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