

**Want to know
more about
your rights at
work?**

**You have
a powerful
friend**



Find out about your rights on:

- **National minimum wage**
- **Working hours**
- **Working for an agency**
- **Working in agriculture**
- **Working for gangmasters**



This leaflet sets out certain employment rights for everyone who works in the UK. If your employer does not follow these rules they are breaking the law.

There is now a Pay and Work Rights Service you can go to online or call to find out more about these rights. You can get advice and help with what you are entitled to.

The rules on pay and working hours apply to all workers. There are also special rules for some kinds of work. These are explained in the rest of the leaflet.

Your employer must also give you other employment rights, like paid holiday and rest breaks, and look after your health and safety at work. If you have concerns about these, or other employment rights not covered here, call Acas for advice on **08457 47 47 47**, or visit **www.direct.gov.uk**

For health and safety queries, contact HSE on **0845 345 0055**.

The rules on national minimum wage pay

- Almost everyone who legally works in the UK is entitled to receive a minimum level of pay. This is called the national minimum wage.
- If you are 21 or over you must be paid at least £5.93 an hour. This is the national minimum wage. From 1 October 2010 the full adult rate must be paid from 21 years old, rather than the previous 22.
- Almost everyone has a right to the national minimum wage. This includes temporary, part-time and casual workers, homeworkers, pieceworkers, and people from other countries.
- Any tips you are paid must be extra, on top of the minimum wage.
- Your employer cannot take money out of your pay for things like equipment, protective clothing, or uniforms, if it reduces your pay to below the minimum wage.

The minimum wage amount can change every October, so check on www.direct.gov.uk to see the latest rates.

Young workers

The minimum wage amounts for people under 21 are;

- £4.92 an hour if they are aged 18 to 20
- £3.64 an hour if they are aged 16 or 17

Apprentices

- If you are an apprentice over 19 years old and have been in your apprenticeship for more than one year, you are entitled to the national minimum wage rate for your age group.
- If you are an apprentice under 19 years old or are in your first year of your apprenticeship you are entitled to the new Apprenticeship Rate of £2.50 per hour.

The rules on national minimum wage pay

Some exceptions

Some people do not need to be paid the national minimum wage, e.g. students on work experience.

Your employer can take up to £32.27 a week out of your national minimum wage pay for accommodation. This is called the 'accommodation offset'.

If you work in any type of agriculture, there are different minimum wage rates that can be found further through this leaflet.

Are you getting the national minimum wage?

You should get a payslip showing what you are paid. It should also show how much is taken out, e.g. for tax.

But it may not be clear if you are getting the minimum wage.

Not all of the money you receive from your employer can be counted towards your minimum wage pay.

Money which cannot be counted includes:

- Additional money over and above basic pay for overtime or shift work
- Allowances (e.g. for hazardous conditions or cost of living)
- Reimbursement of expenses incurred in the performance of the job (e.g. travel)
- Reimbursement of the cost of equipment to do the job (e.g. uniform, tools)

Money which can be counted includes:

- Basic pay (including tax and National Insurance contributions)
- Bonuses
- Commission

In addition sometimes people may be paid by the amount of work they do or for specific tasks, rather than for the hours they work. Under the law your employer must still pay you a certain rate if this applies to you.

To find out more visit **www.direct.gov.uk/nmw** or call the Pay and Work Rights Helpline on **0800 917 2368**.

The rules on working hours

- You do not have to work more than an average of 48 hours each week
- This applies to almost everyone working in the UK
- If you are over 18, you can choose to work longer if you want to – but your employer cannot make you. You must sign a written agreement about this

Working out how many hours you work

Some time you spend on top of your normal work counts as part of your 48 hours, such as:

- training for the job
- travelling time if it is part of the job
- paid overtime

You cannot count in your working hours:

- lunch breaks
- travel to and from work
- unpaid overtime that you choose to do

Young workers

Young people (from school leaving age up to 18) can only work up to eight hours a day, and up to 40 hours a week.

Some jobs are not always covered

There are some jobs where longer hours are allowed under certain circumstances. These include:

- some work in the armed forces, police, fire and ambulance services
- working on seagoing fishing boats, or merchant ships on lakes and inland waters
- servants in private houses

To find out more, call the helpline free on **0800 917 2368**, or visit **www.direct.gov.uk/payandworkrights**

If you work for an agency

- The agency must pay you for every hour you work
- They must not ask for money to find you work
- The agency must tell you in writing how much they are paying you, your terms and conditions and what type of work they will find for you
- The agency cannot take money out of your pay for things like equipment, protective clothing or uniforms unless they tell you and you agree
- They can charge for extra services, but cannot make you use these services as a condition for finding you work

There are different rules for entertainment or modelling agencies. Check with your agency, or look on **www.direct.gov.uk**

The Employment Agency Standards Inspectorate makes sure agencies keep to the law. They investigate complaints against employment agencies.

Other employment rights

You also have a right to things like paid holiday and rest breaks.

To find out more, call the helpline free on **0800 917 2368**, or visit **www.direct.gov.uk/payandworkrights**



If you work in agriculture

There are some special rules for people working in agriculture.

Agriculture includes livestock farming, any kind of food production on a farm, horticulture, market gardening or nursery work, food packaging and orchard or woodland management.

- You must be paid at least £5.95 an hour
- You have a right to this, even if you do part-time, seasonal, casual or piecework
- You should normally still be paid the same amount if you are sick or injured at work
- If your home is provided by your employer, they can take some money for this. They can only take up to £32.27 a week
- You can ask to see your pay records, and your employer must show them to you.
Then you can check what you are being paid

To find out more, call the helpline free on **0800 917 2368**, or visit **www.direct.gov.uk/payandworkrights**

If you work for a gangmaster

Gangmasters are businesses that provide workers for certain industries. These include agriculture, market gardening, collecting shellfish, and processing and packaging food and drink.

- You have the same rights to pay and working hours as other workers
- Your employer must not stop you taking another job, take away your passport or other documents, make you pay to leave the job, or threaten you in any way
- Your employer cannot take money out of your pay for things like equipment, protective clothing or uniforms
- You do not have to stay in a home your employer provides. If your employer provides your home, it must be safe

The Gangmasters Licensing Authority was set up to protect people who work for gangmasters. It can stop a gangmaster trading if they do not treat workers fairly.

Other employment rights

You also have a right to things like paid holiday, sick pay and training. To find out more, call the helpline free on **0800 917 2368**, or visit **www.direct.gov.uk/payandworkrights**

How to find out more



PAY & WORK RIGHTS HELPLINE

0800 917 2368

Direct.gov.uk/payandworkrights

Calls from some mobile phones will be free and others may vary. Check with your mobile phone provider for more information.

Call the helpline if:

- you want more help or advice
- you think you are not being paid the right amount, or the rules on your pay and work rights are being broken
- you want to find out if you are getting the minimum wage

Calls to the helpline are free and in confidence. You can get help and advice in over 100 different languages. If you want to make a complaint, you do not have to say who you are.

There is also a lot of helpful information on **www.direct.gov.uk/payandworkrights** or you may find it helpful to talk to your employer.

For all other employment rights issues not covered here, talk to Acas for advice on **08457 47 47 47**, or visit **www.direct.gov.uk**

Alternatively you can visit your local Citizens Advice Bureau. To find your nearest office see your local phone book or visit **www.citizensadvice.org.uk**

