

An employer's guide to government enforced employment rights.



Check your workers' 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 workers in the UK. If you do not follow these rules you will be breaking the law.

Use the Pay and Work Rights Service to find out more about these rights, or for advice and help. You may call the helpline or visit the website **www.businesslink.gov.uk/payandworkrights**.

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.

You must also give your workers other employment rights, like paid holiday and rest breaks, and look after their health and safety at work. For advice about these, or other employment rights not covered here, call Acas on **08457 47 47 47**, or visit **www.businesslink.gov.uk**

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

National minimum wage

Almost everyone who legally works in the UK is entitled to receive a minimum level of pay. This is called the national minimum wage.

- You must pay workers aged over 21 at least £5.93 per hour. 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 workers receive must be paid on top of the minimum wage.
- You cannot take money out of workers' wages for things like equipment, protective clothing, or uniforms, if it reduces their pay to below the minimum wage.

The amount for the minimum wage can change every October so check on www.businesslink.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

An apprentice who is over 19 and who has been in their apprenticeship for more than one year must be paid the national minimum wage rate for their age group.

From 1st October 2010, an apprentice who is under 19 or in their first year of an apprenticeship must be paid the new Apprenticeship Rate of £2.50 per hour.

National minimum wage

Some exceptions

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

You can take up to £32.27 a week out of a worker's national minimum wage pay for accommodation. This is called the 'accommodation offset'.

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

Record Keeping

You should give all your workers a payslip showing what they are paid, and all deductions. Be sure you have calculated pay correctly – e.g. expenses do not count towards the minimum wage.

You must keep records of all pay for your workers. These may be inspected by enforcement officers to check that you are paying the minimum wage.

What happens if workers are underpaid?

Employers who do not pay the correct minimum wage will be issued with an automatic penalty of up to £5,000. You will have to pay this penalty even if the underpayment was a mistake. The most serious cases could be subject to an unlimited fine.

In addition, employers are required to pay arrears to the worker on the basis of calculations made using the current minimum wage rate, even if this is higher than the rate at the time of underpayment.

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

Working hours

- Workers do not have to work more than an average of 48 hours each week
- This applies to almost everyone working in the UK
- Workers over 18 can choose to work longer – but you cannot make them. You must get a written agreement for this

Calculating working hours

Some time on top of their normal work is counted in the 48 hours, such as:

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

Other time does not count, such as:

- lunch breaks
- travel to and from work
- unpaid overtime that a worker chooses 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.businesslink.gov.uk/payandworkrights**

Employment agencies

- Work-seekers must be paid for every hour they work
- You must not ask for money to find people work
- You cannot deduct money for things like equipment, protective clothing and uniforms without the work-seeker's agreement
- Extra services can be charged for, but not as a condition for finding people work

There are different rules for entertainment or modelling agencies – check on www.businesslink.gov.uk

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

Record-keeping

You must tell all work-seekers in writing how much they are paid, what type of work you will find for them, and other terms and conditions.

You must also keep records of all work-seekers and hiring companies that the agency deals with, for at least one year.

Other employment rights

Agency workers 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.businesslink.gov.uk/payandworkrights



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 pay at least £5.95 an hour, including for part-time, seasonal, casual or piecework
- For skilled workers or supervisors the minimum wage rate is higher
- You should normally pay the usual wages if a worker is sick or injured at work
- If you provide accommodation, you can take up to £32.27 a week from the worker's pay for this

Record-keeping

You must keep records of all workers' pay, and allow them access to their records.

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

Gangmasters

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

If you supply workers in any of these sectors, you need a gangmaster's licence. These last for 12 months, and can be reissued to gangmasters that keep to the rules.

- Workers for gangmasters have the same rights to pay and working hours as other workers
- You must not stop your workers taking another job, take away their passports or other documents, make them pay to leave the job, or threaten them in any way
- You cannot take money out of workers' pay for things like equipment, protective clothing or uniforms
- Workers do not have to stay in your accommodation. If you provide accommodation, it must be safe

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

Other employment rights

Workers 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.businesslink.gov.uk/payandworkrights**

How to find out more



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 want to check that you are paying the minimum wage

Calls to the helpline are free and in confidence. You can get help and advice in over 100 different languages.

There is also a lot of helpful information on www.businesslink.gov.uk/payandworkrights

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

