

The National Minimum Wage is the minimum pay per hour almost all workers are entitled to by law. Just about everybody over school leaver age (usually 16) with an employment contract is entitled to NMW and there are different NMW rates set according to your circumstances. These are set by HMRC and are usually updated in October each year. To find the current rates check the HMRC link here: <https://www.gov.uk/national-minimum-wage-rates>

Even if you don't have an employment contract, you may still be entitled to NMW. For example, if you work under a worker's contract, such as a contract to perform services personally, you are still entitled to NMW.

Workers are also entitled to the minimum wage if they are:

- part-time
- casual labourers, eg someone hired for 1 day
- agency workers
- workers and homeworkers paid by the number of items they make
- apprentices
- trainees, workers on probation
- disabled workers
- agricultural workers
- foreign workers
- seafarers
- offshore workers

What happens if you are self-employed?

If you are truly self-employed you are not entitled to National Minimum Wage. However, if you believe you are a worker but your 'employer' says you are self-employed, the 'employer' is responsible for proving this.

What if you are being underpaid?

If you think your pay is below the minimum wage rate you should first talk to your employer who should resolve the issue. If this doesn't solve the problem you can ask your employer in writing to see your payment records. You are entitled to take someone with you and also make copies of the records. If an employer owes you any arrears they will have to pay these back immediately as it's a criminal offence for employers not to pay the NMW or to falsify payment records. You can contact the pay and work rights helpline for free, confidential advice on solving payment disputes via this link: <https://www.gov.uk/pay-and-work-rights-helpline>

Who is not entitled to National Minimum Wage?

Here are a few of the types of worker who are not entitled to NMW:

- self-employed people running their own business
- company directors
- volunteers or voluntary workers
- family members of the employer living in the employer's home
- non-family members living in the employer's home who share in the work and leisure activities, are treated as one of the family and aren't charged for meals or accommodation (eg au pairs)
- workers younger than school leaving age (usually 16)
- higher and further education students on a work placement up to 1 year
- workers on government pre-apprenticeships schemes
- people working in a Jobcentre Plus Work trial for 6 weeks
- members of the armed forces
- share fishermen
- prisoners
- people living and working in a religious community

A full list can be found via this link: <https://www.gov.uk/national-minimum-wage/who-gets-the-minimum-wage>