

Making a complaint against your employer

If making a complaint against your employer seems daunting, don't worry. HM Revenue & Customs (HMRC) have answered some of the most common questions to make everything a bit clearer.

I think I should be paid for the work I'm doing. Who do I contact?

The Pay and Work Rights Helpline provides free, confidential advice about the National Minimum Wage (NMW) to ensure that workers are paid what they're owed and employers understand their obligations. You can call on 0800 917 2368.

Do I have to provide any personal details to the helpline?

Helpline agents will be able to discuss your employment situation with you and, if appropriate, will pass your information onto NMW compliance officers for further investigation. You'll need to provide details about yourself, including your contact details and the work you've been doing.

Will the information I provide be shared with my employer?

All the information you provide will be treated in the strictest confidence.

What happens next?

Agents on the helpline pass details of all complaints to HMRC who review the information and where appropriate pass the case to the local NMW compliance office to carry out a full, impartial review of your complaint.

Will I have to provide any further information?

If you agree, an NMW officer will contact you to ask about your work, including details of the work you did, any payments you received and the hours you worked. To help the officer you'll need to keep a record of the hours you work and any other documents your employer has given you, such as time sheets, holiday forms or sick forms. We'll visit your employer to review their records. None of your details will be disclosed to your employer without your permission.

What happens if the NMW officer says I should have been paid for the work I have done?

Once the officer has reviewed all the available information, they will make a decision about whether or not you should have been paid the minimum wage. If your employer should have paid you the minimum wage for the work you did, the NMW officer will issue a formal notice (called a *Notice of Underpayment*) to them, which means they have to make payment of all money due to you, minus tax and national insurance, within 28 days.

Can my employer appeal against the decision?

If your employer disagrees with the notice they **must** lodge an appeal with a Tribunal within 28 days. If a Tribunal is necessary you may be asked by HMRC to provide a witness statement and appear as a witness. The compliance officer will help and guide you through the whole process.

Can my employer sack me for making a complaint?

If you suffer any discrimination from your employer due to taking action to secure wages you're entitled to you can make a claim for compensation to an Employment Tribunal.

I don't work for that company any more. Can I still get the money I should have been paid?

Yes. According to the law, employers must keep both time and pay records of all workers for three years and HMRC can enforce payment of wage arrears for both current and former workers for up to six years in arrears.

Where can I go for more information?

You can find out more about internships and the national minimum wage on the DirectGov website at:

www.direct.gov.uk/en/Employment/Employees/TheNationalMinimumWage/DG_19808