

If your employer pays less

It's against the law for your employer to pay less than the [National Minimum Wage or National Living Wage](#).

They also must keep accurate pay records and make them available when requested.

If your employer has not been paying the correct minimum wage, they should resolve the problem as soon as possible.

Your employer must also resolve any backdated non-payment of the minimum wage. This is even if you no longer work for them.

Resolving the issue informally

If you believe you're not getting the minimum wage, you can raise this with your employer. It's usually best to raise the problem informally first.

To check if you've been getting the right pay, you could:

- [use the National Minimum Wage and Living Wage calculator on GOV.UK](#)
- check your payslips and employment contract

[Find out more about how to raise a problem at work](#)

Raising a grievance

If you're not getting the minimum wage, you can [raise a grievance](#). This is where you make a formal complaint to your employer.

Raising a grievance can help get the issue resolved without the need for legal action.

Taking legal action

If you cannot resolve the issue with a grievance, you can either:

- complain to HM Revenue and Customs (HMRC)
- make a claim to an employment tribunal

If you have questions about minimum wage, or are not able to resolve an issue, [contact the Acas helpline](#).

How HMRC enforces payment of the minimum wage

If you have not been paid the minimum wage, you can make a complaint to HMRC.

Complaints to HMRC can be anonymous. Third parties can also make a complaint. For example, a friend, family member or someone you work with.

If HMRC finds that you've not been getting the minimum wage, they can take any of the following actions against your employer:

- issue a notice to pay money owed, going back a maximum of 6 years
- issue a fine of up to £20,000 and a minimum of £100 for each worker affected, even if the underpayment is worth less
- take legal action including criminal legal proceedings
- pass on the names of businesses and employers to the Department for Business and Trade (DBT) who may put them on a public list

To make a complaint to HMRC, either:

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

Making a claim to an employment tribunal

If you have not been paid the minimum wage, you can make a claim to an employment tribunal.

You must choose either to do this or to complain to HMRC. You cannot take the same issue through 2 legal processes.

How much money you can claim will depend on the type of claim you make.

For example, if you make a claim for non-payment of the minimum wage, you can claim for money owed going back 2 years.

There are strict time limits for you to make a claim to an employment tribunal:

- if there was 1 underpayment or non-payment, you have 3 months minus 1 day from the date you should have been paid
- if there were several wrong underpayments or non-payments in a row, you have 3 months minus 1 day from the most recent wrong deduction

You can claim up to 2 years back as long as either of the following apply:

- there's less than 3 months between each underpayment or non-payment
- the underpayments or non-payments are linked – for example, they might be linked if they are caused by the same error

Find out more about:

- making a claim to an [employment tribunal](#)
- [employment tribunal time limits](#)

Protection against being treated less favourably

An employer must not cause you 'detriment' if you:

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

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having your situation made worse

Examples of detriment could be:

- you experience [bullying](#)
- you experience [harassment](#)

- your employer turns down your training requests without good reason
- you are overlooked for promotions or development opportunities
- your employer reduces your hours without good reason

If you think you've experienced detriment because of the minimum wage entitlement, you might be able to make a claim to an employment tribunal.

If you have been dismissed because of the minimum wage entitlement, this could be classed as 'automatically unfair'. If you have the [legal status of employee](#), you may be able to claim automatically unfair dismissal.

If you have the [legal status of worker](#) you cannot claim unfair dismissal. However, you might be able to claim to an employment tribunal that being dismissed was a detriment.

[Find out more about dismissals](#)

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