

# If your wages are not paid

By law (Employment Rights Act 1996), your employer must pay your wages on your agreed pay day.

If an employer does not pay on time, it can:

- · affect an employee's financial security and wellbeing
- · damage the working relationship
- · lead to legal action

## Checking how much you are owed

If you have not been paid, or were paid the wrong amount, work out how much you think you're owed.

It can help to take into account:

- how much you think you should have been paid after tax and other deductions <u>find out what your employer can deduct from</u>
   your wages
- when you should have been paid
- · how much you received, if you have been paid the wrong amount

You can find information about your pay in your:

- payslip this shows what's included and deducted each time you're paid
- employment contract your contract's written statement must say how much you'll be paid, and when you'll be paid

It can also help to check:

- how your employer pays you for example, by bank transfer or cash
- the period of time your pay covers, and how many hours you worked during that time
- if you need to follow any processes to get paid for example if you need to get your timesheets or overtime approved
- if your employer has a deadline for submitting timesheets or overtime, and what happens if you miss the deadline
- your hourly rate if you're paid by the hour, and if the rate varies for example, if you get a different rate for overtime or night
  work
- if the contract says your employer can withhold pay, and the situations this applies to
- if anyone else you work with has had a similar issue with their pay, and the steps they've taken

#### If it's your final pay

Your final pay will often be different from your usual pay when you leave a job.

Find out more about final pay

Help checking your pay

If you have not received your payslip or written statement, or need help getting information, you can:

- talk to your employer, payroll team or manager
- talk to your trade union representative, if you're a member
- · contact the Acas helpline for more advice

## Raising a pay issue with your employer

If you have not been paid your full wages, follow your organisation's policy for raising problems with pay. If there's no policy, raise the problem as soon as possible with your manager, payroll team or someone in HR.

It's usually best to first raise the problem informally by <u>talking with your employer</u>. This can help resolve it quickly if there's been a mistake.

If you cannot resolve it informally, you can raise a grievance. This is where you make a formal complaint to your employer.

Whether you raise it informally or formally, it can help to:

- explain how much you think you're owed and why
- · show any calculations you've done
- share any evidence of wages you're owed for example, copies of your payslip, contract, timesheet, roster or any written agreement about your pay or hours
- ask your employer to respond within a specific amount of time for example, within 7 days, or before your next pay day

If you talk with someone to raise the issue, it can help to also put it in writing so that you have a record. For example, confirm what you've discussed in a letter or email.

Your employer should look into it and respond as soon as they can. If you raise it formally, they must follow a full and fair procedure in line with the Acas Code of Practice for disciplinary and grievance procedures.

If you need more advice or support raising an issue about pay you can:

- talk to your trade union representative, if you're a member
- · contact the Acas helpline for advice

#### If you have not been paid the minimum wage

If you have not been paid at least the legal minimum wage and your employer does not resolve it by your next pay day, they could be breaking minimum wage law.

If it's a minimum wage issue, you have other options for raising it formally.

Find out more about the steps you can take if your employer has not paid the minimum wage.

## Making a claim to an employment tribunal

You might be able to make a claim to an employment tribunal if:

- · your wages have not been paid correctly
- · you have not been able to resolve this with your employer

If you want to do this, first you must tell Acas you want to make a claim to an employment tribunal.

When you contact Acas, you'll have the chance to try to resolve your case through Acas before formally submitting a claim to an employment tribunal.

If you make a claim, you will need to share evidence of what you're owed.

#### How far back you can claim

There are strict time limits for making a claim to an employment tribunal.

For claims about unpaid wages, you have 3 months minus 1 day from the date you should have been paid.

If you were underpaid or not paid more than once, you have 3 months minus 1 day from the last time it happened.

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 employment tribunal time limits

## If your employer is no longer trading

If your employer is legally registered as insolvent, you can contact the Redundancy Payment Service (RPS) to check if you can claim some or all of the wages you're owed.

Email RPS on redundancypaymentsonline@insolvency.gov.uk

If your employer has not registered as insolvent, you might be able to either:

- make a claim to an employment tribunal
- contact the Redundancy Payment Service if your employer registers as insolvent later

To talk through your options, you can contact the Acas helpline.

## Get more advice and support

For more advice about unpaid wages, you can:

- contact the Acas helpline
- · talk to your trade union representative, if you're a member

For advice on financial support:

- find advice on debt and money from Citizens Advice
- · check benefits and financial support you can get on GOV.UK
- find out what financial support your trade union offers, if you're a member