

2. Pay and payslips

Legislation on Pay is set out in the **Employment Rights Act 1996**, Part I (section 8 & 9) & II (section 13 – 27)

UK Gov: Employment Rights Act 1996

It is a statutory requirement that employers must pay employees and workers at least the national minimum wage.

The minimum rate of pay depends on age and the government reviews these rates every year usually in April. Employers are breaking the law if they do not pay their employees and workers the corresponding National Minimum Wage.

UK Gov: National Minimum Wage Act 1998

UK Gov: National Minimum Wage Rates

Employees and workers have the legal right to receive their payslips and these need to show a clear itemised breakdown of their pay.

Where employers have failed to pay the correct minimum rates of pay they must rectify this, even if the affected person no longer works for them. This can be done informally and directly between the affected individual and the employer. If the matter cannot be resolved informally then those affected have the right to make a formal written complaint.

Employers should understand that employees and workers have the right to access pay records and also to inspect, examine and copy part of them. Where there are breaches, compensation made to employees can be up to 80 times their corresponding National Minimum Wage. e.g. $80 \times £12.21$ (NMW from April 2025 age 21+) = £976.80.

HMRC have the power to investigate all the employer's pay records if there are concerns that the National Minimum Wage rules have not been followed. Please always check the rules for specific industry sectors in case different rules apply.

UK Gov: Contact HMRC

UK Gov: HMRC Tools and Calculators

Business tools and guidance on paying the Scottish Real Living Wage and employing people can be found here:

mygov.scot: Business Tools and Guidance

scottishlivingwage.org



If you need more help with employment rights, contact your nearest **Citizens Advice Bureau**.

Citizens Advice also provides information on pay and payslips aimed at employees and workers, the links below are also useful for employers.

Citizens Advice Scotland:
Problems Getting Paid



Citizens Advice Scotland:
Paid Less than Minimum Wage



South of Scotland Employment Rights Advice Service

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