

Factsheet B50: Help at Work

There are some very confusing definitions used to describe what pay you might be entitled to.

The **National Minimum Wage** (NMW) is the minimum pay per hour most workers *under the age of 25* are entitled to by law.

The government's **National Living Wage** (NLW) is the minimum pay per hour most workers *aged 25 and over* are entitled to by law.

There is also a difference between what the government calls the National Living Wage, and something known as the **Living Wage**, which is set independently by an organisation called the Living Wage Foundation. They base it on the cost of living in the UK. It is an hourly rate of pay that is updated every year and employers can choose to pay the Living Wage on a voluntary basis. It is not a legal requirement – only the rates the government sets have to be paid to you.

The rates used to change every October, but now they change every April.

Year	25 and over	21 to 24	18 to 20	Under 18	Apprentice
April 2018 (current rate)	£7.83	£7.38	£5.90	£4.20	£3.70
April 2019	£8.21	£7.70	£6.15	£4.35	£3.90



Apprentices are entitled to the apprentice rate if they're either:

- aged under 19
- aged 19 or over and in the first year of their apprenticeship

Apprentices are entitled to the minimum wage for their age if they both:

- are aged 19 or over
- have completed the first year of their apprenticeship

Discrimination at work

It's against the law for employers to discriminate against you because of a disability. The Equality Act 2010 protects you and covers areas including:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment, including pay
- promotion, transfer and training opportunities
- dismissal or redundancy
- discipline and grievances

You are classed as disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities:

- 'substantial' is more than minor or trivial - e.g. it takes much longer than it usually would to complete a daily task like getting dressed



- 'long-term' means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection

There are special rules about recurring or fluctuating conditions, for example, arthritis.

Reasonable adjustments

An employer has to make 'reasonable adjustments' to avoid you being put at a disadvantage compared to non-disabled people in the workplace, e.g. they could make adjustments to your working hours or provide you with a special piece of equipment to help you do the job. There is potential help available from the Access to Work Scheme, which can make grants for any of the following:

- adaptations to the equipment you use
- special equipment
- a support worker or job coach to help you in your workplace
- fares to work if you're unable to use public transport
- disability awareness training for your colleagues
- a communicator at a job interview.

You will find more information on the Access to Work scheme at

<https://www.gov.uk/access-to-work/overview>

Time off from work should not be recorded as an 'absence from work' if you're waiting for your employer to put reasonable adjustments in place.

Dismissal and redundancy

Your employer can't dismiss you just because you've become disabled.

However, you can be dismissed if your disability means you can't do your job even with reasonable adjustments.



You can't be chosen for redundancy just because you're disabled. The selection process for redundancy must be fair and balanced for all employees. Your employer cannot force you to retire if you become disabled. They must also keep your job open for you and can't put pressure on you to resign just because you've become disabled.

For advice about work issues, the Advisory, Conciliation and Arbitration Service (known as ACAS) may be able to help. Have a look at their guides at <http://www.acas.org.uk/index.aspx?articleid=1339>. You could also talk to your trade union representative.

If you require further information or would like this Factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

