

Are You in Breach?

1. Do you require your workers to provide any item of uniform (e.g. black shoes)?
2. Do you offer your workers salary sacrifice arrangements (including pensions)?
3. Do your workers arrive early or leave late to start up/shut down machinery, for compulsory bag searches, or to change into their uniform?
4. Do you operate annualised hours contracts?
5. Do your workers pay a deposit (e.g. for a locker/uniform)?
6. If yes then these are just some of the areas where you could be in breach.

Consequences of a Breach:

1. **Arrears Payment** (to employee)
 - Can go back as far as six years
 - Covers both current and former employees
2. **Penalty Payment** (to HMRC)
 - £100 minimum penalty
 - Current maximum penalty is 200% of the underpayment, capped at **£20,000** per worker
3. **Potential Criminal Charges**
4. **Naming and Shaming**
5. **Employment Tribunal Claim**

The government committed £25.3 million for minimum wage enforcement in 2017 to 2018, as well as a £1.7 million awareness campaign.

How We Can Help

Now

- Conducting a full audit to assess compliance, including:
 - Preliminary discussion with HR, Reward and Payroll
 - Full review of employment contracts, staff policies, employee handbook and working practices
 - Producing a risk report, setting out risk areas in traffic light order
 - Making recommendations to rectify breaches

During HMRC Audit

- Support and guidance through process
- Advising on approach to take in responding to HMRC
- Drafting correspondence to HMRC
- Assistance with preparation for meetings with HMRC

After HMRC Audit

- Assistance with rectifying breaches
- Helping you future-proof your business

Who We Can Help

- Businesses of any size
- HR directors and HR managers
- In-house legal teams requiring specialist support
- Reward teams
- Payroll
- Financial Directors
- Business buyers and investors

Why Choose us?

- Access to expert advice from a dedicated NMW team
- Experience of supporting clients at each stage of HMRC audit
- Currently advising a number of clients across a range of sectors
- All our NMW advisers are employment law specialists



Contacts



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