



The UK has recently issued guidance on the National Minimum Wage! **Are you entitled?**

The UK government issued guidance in January 2018, explaining how the National Minimum Wage Act 1998 applies to seafarers. It also announced that it would be enhancing enforcement of the NMW.

The applicable NMW depends on age, and since the 1st April 2018, it is:

Age	£ hourly rate
25 and over:	£7.83*
21-24	£7.38
18-20	£5.90
16-17	£4.20

The law states that you will be entitled to the NMW if you: work on a UK ship; perform some work in the UK; and ordinarily reside in the UK.

The recent government guidance states that you should also be entitled to the NMW if you: work on a UK ship or a non-UK ship which operates within UK internal waters and ports, regardless where you live.

* The above hourly rate is known as the National Living Wage

Internal waters are those within three nautical miles of the coast.

The guidance also states that you may be entitled to the NMW if you work on a non-UK ship, if you have a sufficiently close connection with the UK. Some factors that may indicate such a connection would be that: you join and leave your ship at a UK port; you pay tax and national insurance contributions to the UK; you are paid in £ sterling.

If you have any questions on whether you are entitled to the NMW you should contact:

The Pay and Work Rights Helpline on 0300 123 1100: this service is run Monday to Friday 8am to 6pm by ACAS who can provide you with free and confidential advice and pass your complaint to the appropriate government department, HMRC. There will be a charge for the phone call but ACAS has a free translation service into 100 languages.

You can also submit your complaint online by visiting: **www.gov.uk/government/publications/pay-and-work-rights-complaints**

In addition, you can inform the UK's Maritime and Coastguard Agency about your complaint by emailing: **mlc@mcga.gov.uk**

Ultimately you can make a claim to a UK employment tribunal. Time limits apply and the first step that you must take is to complete and submit the ACAS Early Conciliation Notification Form **ec.acas.org.uk/Submission/Create** which must be done before the end of the period of three months beginning with the date of payment of the wages from which the deduction was made.

There is also an early conciliation support advice line: **0300 123 1122**. If you decide to take your claim to the employment tribunal, you must submit a ET1 claim form

within one month of completion of the early conciliation procedure before the deadline state on the early conciliation certificate which ACAS will provide you with.

The employment tribunal can be accessed on this link: **hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=3131**

If you have missed the three-month time limit you may be able to commence a contractual claim in the county court, for which there is a longer time limit of six years. You are advised to obtain specialist legal advice before taking such action.



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With the maritime profession under increasing risk of criminalisation, Nautilus Legal offers members an extensive range of legal services provided by specialist lawyers in nearly 60 jurisdictions.

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