

Is your employer failing to give you payslips?

It's important to check your payslips regularly and ensure you are being paid correctly. You might want to check that correct pension, PAYE or other contributions are being made on your behalf correctly. You may even need payslips to support claims for benefits or applications for fee remissions at educational establishments or the like.

We understand how frustrating it can be not to get your payslips; so we've produced this information about your rights and what steps you might want to take.

Are you entitled to payslips?

Yes. The law says all workers are entitled to a written itemised statement about your pay.

When should your payslip be provided to you?

The law requires that the written itemisation of pay should be provided to you at the time you are paid; or before. Your employer will be in breach of this requirement if they provide it after you receive your pay.

What should the payslip include?

The law mandates that all of these items must be included within the written statement of pay:

- How much you are being paid. This'll be straightforward if you're paid the same salary each week/month. If your pay is variable the written statement should explain how your pay is calculated. An example of this will be if you are paid according to the number of hours you work and your hours of work vary from week to week.
- Any deductions made from your pay. If you earn enough, this will include tax, national insurance and if applicable, student loans. Unless you opt out, it'll include your pension

Employment Rights Act 1996:

Right to itemised pay statement

8 Itemised pay statement

(1) A worker has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemised pay statement.

(2) The statement shall contain particulars of—

(a) the gross amount of the wages or salary,

(b) the amounts of any variable, and (subject to section 9) any fixed, deductions from that gross amount and the purposes for which they are made,

(c) the net amount of wages or salary payable, . . .

(d) where different parts of the net amount are paid in different ways, the amount and method of payment of each part-payment, and

(e) where the amount of wages or salary varies by reference to time worked, the total number of hours worked in respect of the

contributions. It should also include any deductions you've agreed with your employer such as loans, cycle to work, overpayments, etc.

The only exception to identifying deductions in your pay is if your employer has issued you a separate statement of standing deductions has been sent to you, and this is updated every 12 months. If your employer chooses to do this, they must still state the total sum of deductions made on your payslip.

- How much your net pay is after the deductions have been made.
- If your pay is given in instalments, the amount and method of each payment.

What can you do if your employer hasn't given you your payslip?

Unfortunately, there isn't an easy or one size fits all answer to deal with problems at work. However, you may find the following tips useful:

1. Check whether there has been an administrative problem.

Find out how your employer usually sends out payslips. If they are sent by email, have you checked your spam folder? If your employer uses specific software/app, have you downloaded this and created an account?

Does your employer have all the information and documentation they need to process your pay? Is there any possibility they don't have your P45 from previous employment and/or bank details. Where your employer is a larger organisation is there a possibility that payroll isn't aware you've started your job or don't have the details relating to how much you've worked?

If anything like this applies to your situation, it is possible that making enquiries and ensuring the relevant people have everything they need may be enough to get the matter

variable amount of wages or salary either as—
(i) a single aggregate figure, or
(ii) separate figures for different types of work or different rates of pay.

Enforcement

11 References to employment tribunals

(1) Where an employer does not give a worker a statement as required by section ... 8 (either because the employer gives the worker no statement or because the statement the employer gives does not comply with what is required), the worker may require a reference to be made to an employment tribunal to determine what particulars ought to have been included or referred to in a statement so as to comply with the requirements of the section concerned.

...

(3) For the purposes of this section—

(a) . . .

sorted out.

2. Share information with your employer.

If there is no administrative problem, it could be that your employer is not aware of your need for the payslip and/or your right to have it. It may help to explain your need to have the payslip, the effect not having it will have on you and your legal rights (pursuant to section 8 of the Employment Rights Act 1996). You may want to explain this face to face to maintain a good working relationship, but it is always a good idea to follow this up in writing.

3. Contact the union.

If your workplaces recognise a trade union and you are a member of the union, now would be a good time for you to approach the union for advice and assistance. Your union representative should be able to give you advice and help you through the process of getting copies of your payslips. Your union representative may even act on your behalf to get this sorted out for you.

4. Raise a grievance.

If your attempts to sort this out informally have not been successful, you may want to have a look at your employer's policies to see how to raise a formal grievance. If your employer does not have a grievance policy, you can follow the [ACAS code of practice on discipline and grievance at work](#).

A formal grievance can be a useful tool to get your employer to think more seriously about your concerns. If your employer is a larger organisation, it can mean that your concerns can be looked at by someone who is impartial.

However, grievances can sometimes have their difficulties. Sometimes employers can

(b) a question as to the particulars which ought to have been included in a pay statement or standing statement of fixed deductions does not include a question solely as to the accuracy of an amount stated in any such particulars.

misunderstand the purpose of raising the grievance. Some employers might view it as a complaint or personal attack rather than an attempt to resolve a problem. Being careful about your tone and focusing on constructive outcomes can be a help towards maintaining good working relations and move the problem towards resolution.

5. Start ACAS Early Conciliation.

This is a statutory process that must be followed before you are allowed to make a claim to the Employment Tribunal; and must be started within 3 months less one day, from the date of the act or decision that you are complaining about.

However, it can be a useful tool in its own right; even if you do not intend to litigate. You'll be allocated a conciliation officer who has knowledge of employment rights and has been trained in mediation. After an initial discussion with you (and obtaining your consent), they will get in contact with your employer to try to help resolve the matter.

The fact that ACAS are a statutory organisation, they are part of the litigation process, have knowledge of your legal rights and have training in mediation can be significantly helpful facts that prompts your employer to sort the problem out.

6. Consider Employment Tribunal proceedings.

You can make a claim to the Employment Tribunal if your employer fails to give you a payslip or they give you a payslip, but it does not include the required information (see above). You can ask the Tribunal to issue a Judgment which states the information that payslip should have included.

You cannot ask the Tribunal to check the accuracy of figures provided; if you have been given a payslip that contains incorrect information, you could make a different kind of claim for unlawful deductions from wages if the amount paid to you is less than you

should have got.

Unfortunately, the Tribunal does not have the power to award compensation specifically for the failure to provide a payslip.

The content on this website is for information purposes and does not constitute legal advice. Please continue to seek independent legal advice that is tailored to your individual circumstances.

How long should you wait before deciding to take action?

Again, there isn't a one size fits all answer to this. It is recommended you start taking either of the informal steps to resolve this issue as soon as you have been paid, if you do not have your payslip by this time. You can then progress along each stage once you are convinced that you have exhausted a particular option. For example, if you are sure there is no administrative problem you can share information with your employer about your rights and the impact not having your payslip is having on you.

Generally, it may be reasonable to take further action if a week passes and there is no movement. Of course, you'll need to be flexible on this if your employer lets you know that there is something preventing them from getting back to you more quickly.

However, how quickly you progress through the stages of dispute resolution before getting to the litigation stage really depends upon your situation and how urgent it is for you to get your payslip. There is no prescribed time frame for starting the grievance process (other than Tribunal time limits) but the grievance policy itself might proscribe how the procedure should run.

The final step, starting Employment Tribunal proceedings, must be started within 3 months less 1 day, of the date of the failure to provide the payslip to you. Although this may be extended by ACAS Early Conciliation or if there are subsequent failures to provide payslips. Even if you are

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| <p>at the stage of awaiting the outcome of your grievance, you need to ensure you comply with the obligation to start Early Conciliation and lodge your claim with the Employment Tribunal within the time limits.</p> | |
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