



ARE YOU OWED MONEY BY YOUR FORMER EMPLOYER?

If you have recently left work you may be owed money by your employer. This could be for:-

- **Wages**
- **Bonus/Commission**
- **Holiday Pay**
- **Notice Pay**

If you think that you are owed money you should consider taking the following steps:-

Step One:

Calculate how much you are owed.

Check your pay slips and your contract of employment if you have them. Your contract should tell you how much notice of dismissal you should have been given and whether you are entitled to pay for unused holidays. If you do not have a copy of your contract, write and ask your employer for one.

If there was no written contract and you were employed for between one month and 2 years you are entitled to one week's notice. If you were employed for between 2 and 12 years you are entitled to at least 1 week's notice for each complete years service. If you have been employed for 12 years or more you are entitled to at least 12 weeks' notice.

If your employer did not give you the right amount of notice you can claim pay in lieu.

If you are entitled to paid holidays you may be able to claim for unused holidays that you could have taken before you left. This is not automatically the case. If you are entitled to claim holiday pay it usually accrues as a pro rata basis, i.e. if you leave halfway through the holiday year you would only have accrued half your holiday entitlement.

Step Two:

Write to your former employer. (See the sample letter in the pack)

Write to your former employer setting out exactly what you claim you are owed. Ask for a reply by a certain date and keep a copy.

Step Three:

If your employer disputes your claim consider if you have grounds for starting legal proceedings. You may want to consider any response you have had from your employer and the reasons which you have been given for any refusal to pay.

Step Four:

If you decide you want to pursue a claim, fill in an IT1 form to start proceedings at the Employment Tribunal, formerly known as Industrial Tribunal. You must get the claim to the Tribunal **within 3 months from the date your employment came to an end.**

See the attached example for the IT1 and fill in the form at the back of the booklet "How to Apply to an Industrial Tribunal". The booklet tells you where to send the form (keep a copy) and what happens to your application. It also gives you some guidance about preparing your case for a hearing.

You may be contacted by ACAS (Advisory Conciliation & Arbitration Service) to discuss the possibility of settling your claim.

If you are outside the 3 months time limit you could consider making a claim in the Small Claims Court. Contact Coventry County Court 140 Much Park Street, Coventry for details of the procedure. You can use the same letter and working for your claims.

SAMPLE LETTER TO YOUR EMPLOYER

Your Address

Date

Employers Name and Address

Dear Sir/Madam

I am writing to claim monies which I believe are owed to me following the ending of my employment. I am owed

- x amount of wages in the sum of £ for the period x –x^{*}
- bonus or commission for x period of time^{*}
- holiday pay of x days^{*}
- notice pay or pay in lieu of notice of x weeks pay^{*}
- any other money due^{*}

(^{*} please do not include those not applicable)

Please make arrangements to forward the outstanding monies within the next 14 days. If I do not receive payment I will have to consider starting proceedings for breach of contract/unlawful deduction from wages.

When replying please send me a copy of my contract of employment.

Yours faithfully

Your Name & Signature

SAMPLE WORDING FOR IT1

Part 11

1. I was employed by as a from
..... to

2. On I was dismissed by I
*was/was not given any notice of dismissal.

3. I am owed the following monies by the Respondent.

-
-
-
-

Total

4. On I wrote to my former employer requesting payment. To
date I have received no payment.

5. I believe that the Respondent's failure to pay me amounts to a breach of my
contract and/or unlawful deduction from my wages.

QUESTIONNAIRE

If you use this pack we would be interested to know how you get on. We would be grateful if you could complete and return the following short questionnaire.

1. Did you use our sample letter? **Yes/No**

2. If you did what was your employer's response?

3. Did you start proceedings? **Yes/No**

4. If you did what was the outcome?

5. Did you recover all the money which you think you were owed? **Yes/No**

6. Did you find our pack helpful? **Yes/No**

7. Do you have any suggestions for how it could be improved?

Return to: Coventry Law Centre
The Bridge, Broadgate, Coventry, CV1 1NG.