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Our ref: MCB2018/19049/AC  
Your ref: MW/GR

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*Dear Mr Raw,*

Thank you for your letter of 15 August 2018, to the Rt Hon Greg Clark MP, regarding your recommendations following the outcome of a debate at your Council meeting of Brighton & Hove City Council about unpaid trial shifts. I am replying as this matter falls within my Ministerial portfolio.

I welcome your positive contribution and proactive approach to this important area.

I would like to explain that unpaid work trials that are part of a genuine recruitment process are permissible – and can play an important role in helping people into work opportunities. However, they must be used for that reason, and the period should be reasonable and not excessive. An unpaid trial work period lasting a few hours may be reasonable and legal. This is because the main purpose would be to test the individual, and what is done would probably have little or no other value to the employer. However, an unpaid trial lasting more than one day is probably illegal in all but exceptional circumstances.

The Government is aware of reports of some unpaid trial work periods lasting as much as one week, or around 40 hours. Unpaid trials of this duration are highly likely to be illegal and the individual would therefore be entitled to the National Minimum Wage (NMW). It is simply wrong to exploit workers by setting up excessive unpaid trials.

I am committed to making sure that the NMW is enforced properly and that workers get the money they are legally entitled to. I will be considering how best to ensure that there is clarity for employers and workers, and that young people in the hospitality and retail sectors in particular are not exploited through unfair and excessive unpaid work trials. HMRC already follow up every complaint they receive, and they will take enforcement action where they see exploitation under the cover of a work trial. I would encourage any workers who have concerns about work trials to contact the Advisory, Conciliation and Arbitration Service (ACAS) on 0300 123 1100 for free and confidential advice or visit the ACAS website at: [www.acas.org.uk](http://www.acas.org.uk).

I would like to thank you for taking the time to write and I hope that this reply has clarified the Government's position regarding this matter.

*Yours sincerely,*  
*Kelly Tolhurst*

**KELLY TOLHURST MP**

Minister for Small Business, Consumers & Corporate Responsibility

