

Remediation Calculations Checklist

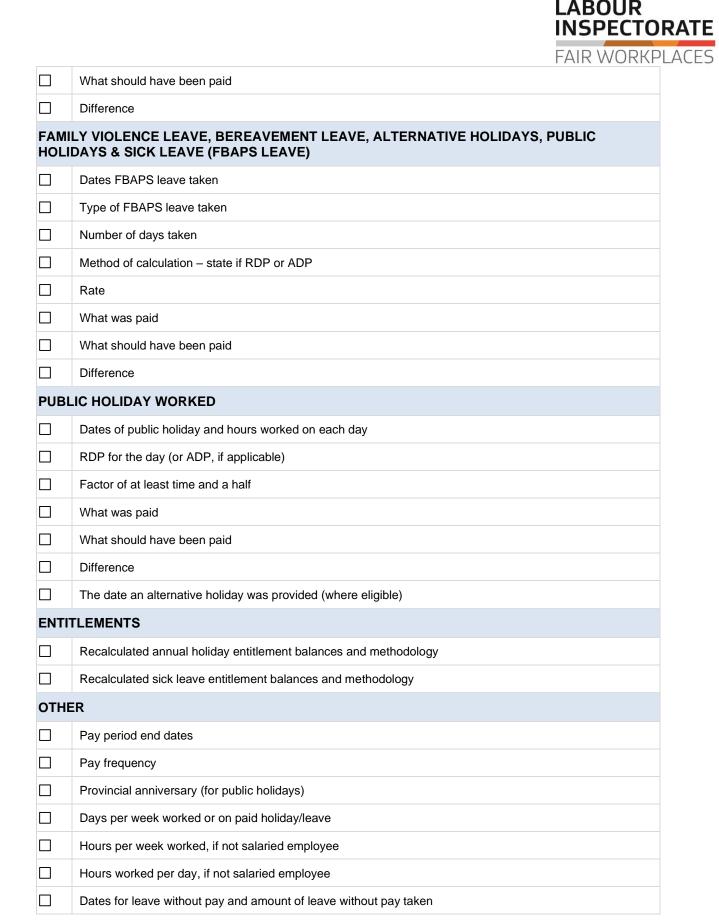
This is a guide for employers when providing evidence to a Labour Inspector. A Labour Inspector may request further information if they require it. A Labour Inspector needs to see the following, but not limited to:

GROSS EARNINGS	
	 List of payment codes (and names) included and excluded from gross earnings for each of the calculations: Average Weekly Earnings (AWE) Ordinary Weekly Pay (OWP) Average Daily Pay (ADP)
	Original gross earnings
	Adjusted gross earnings
ANNUAL HOLIDAYS	
	Dates annual holidays taken
	What is a week (and how a week was determined if it is unclear)
	Portion of week taken
	OWP rate
	AWE rate
	Greater of OWP versus AWE selected
	What was paid
	What should have been paid
	Difference
TERMINATION PAY	
	Annual holiday anniversary date
	Termination date
	Entitlement remaining as a portion of a week (if applicable)
	OWP rate
	AWE rate
	Greater of OWP versus AWE selected
	Public holidays on termination
	Alternative holidays paid on termination
	Gross earnings since last anniversary date used
	8% Holiday pay value
	Leave taken in advance amount
	What was paid



Labour Inspectorate 0800 20 90 20 1







Labour Inspectorate

0800 20 90 20

2



Calculations checklist

This is a guide for Employers when performing remediation calculations and may be subject to change.



AWE		
	 Have the correct gross earnings period been identified? 12 months of gross earnings from the pay period ending immediately before the annual holidays were taken Note: If pay frequency is weekly or fortnightly, using the last 52 weeks as 12 months of gross earnings is accepted. 	
	Has '52' been used as the divisor?	
	 Has the divisor been reduced when the following occurs: more than one week of unpaid leave has been taken and it is deemed as part of continuous employment the employee has been employed for less than 12 months (i.e. leave taken in advance)? 	
OWP		
	Has an assessment of OWP been done as at the beginning of the annual holidays?	
	Has an assessment of any regular payments been done and considered to be included in OWP?	
	Where OWP as per section 8(2) applies, has '4' been used as the divisor?	
TIMING OF CALCULATIONS FOR ANNUAL HOLIDAYS		
	 Have the OWP and AWE rates been calculated only in relation to when the annual holidays begin? If annual holidays span across multiple pay periods, the calculations of the rates should only be done once (i.e. not in accordance with the pay period the holiday falls in, but in relation to the beginning of the annual holidays taken). The payment amount should be allocated to each pay period in which the annual holidays relate to, so that gross earnings are not distorted. Note: continuous periods of annual holidays are not broken by public holidays taken that falls in between the annual holiday period. 	
TERMINATION PAY		
	Has the calculation of 8% since the last anniversary date been calculated on the adjusted gross earnings (i.e. included all underpayments identified)?	
	Have you recalculated the annual holiday taken in advance value based on the adjusted values for annual holidays taken in advance (i.e. included all underpayments identified)?	
ADP (WHERE APPLICABLE)		
	Have days where the employee did not actually work been excluded (e.g. leave without pay days for any reason)?	
GRO	GROSS EARNINGS	



underpayment for sequential calculations?

Labour Inspectorate

0800 20 90 20

For any identified underpayments, have gross earnings been adjusted upwards to include the