

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 | |
|--------------------------|--|
| <input type="checkbox"/> | List of payment codes (and names) included and excluded from gross earnings for each of the calculations: <ul style="list-style-type: none"> • Average Weekly Earnings(AWE) • Ordinary Weekly Pay (OWP) • Average Daily Pay (ADP) |
| <input type="checkbox"/> | Original gross earnings |
| <input type="checkbox"/> | Adjusted gross earnings |
| ANNUAL HOLIDAYS | |
| <input type="checkbox"/> | Dates annual holidays taken |
| <input type="checkbox"/> | What is a week (and how a week was determined if it is unclear) |
| <input type="checkbox"/> | Portion of week taken |
| <input type="checkbox"/> | OWP rate |
| <input type="checkbox"/> | AWE rate |
| <input type="checkbox"/> | Greater of OWP versus AWE selected |
| <input type="checkbox"/> | What was paid |
| <input type="checkbox"/> | What should have been paid |
| <input type="checkbox"/> | Difference |
| TERMINATION PAY | |
| <input type="checkbox"/> | Annual holiday anniversary date |
| <input type="checkbox"/> | Termination date |
| <input type="checkbox"/> | Entitlement remaining as a portion of a week (if applicable) |
| <input type="checkbox"/> | OWP rate |
| <input type="checkbox"/> | AWE rate |
| <input type="checkbox"/> | Greater of OWP versus AWE selected |
| <input type="checkbox"/> | Public holidays on termination |
| <input type="checkbox"/> | Alternative holidays paid on termination |
| <input type="checkbox"/> | Gross earnings since last anniversary date used |
| <input type="checkbox"/> | 8% Holiday pay value |
| <input type="checkbox"/> | Leave taken in advance amount |
| <input type="checkbox"/> | What was paid |



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| <input type="checkbox"/> | What should have been paid |
| <input type="checkbox"/> | Difference |
| BEREAVEMENT LEAVE, ALTERNATIVE HOLIDAYS, PUBLIC HOLIDAYS & SICK LEAVE | |
| <input type="checkbox"/> | Dates BAPS leave taken |
| <input type="checkbox"/> | Type of BAPS leave taken |
| <input type="checkbox"/> | Number of days taken |
| <input type="checkbox"/> | Method of calculation – state if RDP or ADP |
| <input type="checkbox"/> | Rate |
| <input type="checkbox"/> | What was paid |
| <input type="checkbox"/> | What should have been paid |
| <input type="checkbox"/> | Difference |
| PUBLIC HOLIDAY WORKED | |
| <input type="checkbox"/> | Dates of public holiday and hours worked on each day |
| <input type="checkbox"/> | RDP for the day (or ADP, if applicable) |
| <input type="checkbox"/> | Factor of at least time and a half |
| <input type="checkbox"/> | What was paid |
| <input type="checkbox"/> | What should have been paid |
| <input type="checkbox"/> | Difference |
| <input type="checkbox"/> | The date an alternative holiday was provided (where eligible) |
| ENTITLEMENTS | |
| <input type="checkbox"/> | Recalculated annual holiday entitlement balances and methodology |
| <input type="checkbox"/> | Recalculated sick leave entitlement balances and methodology |
| OTHER | |
| <input type="checkbox"/> | Pay period end dates |
| <input type="checkbox"/> | Pay frequency |
| <input type="checkbox"/> | Provincial anniversary (for public holidays) |
| <input type="checkbox"/> | Days per week worked or on paid holiday/leave |
| <input type="checkbox"/> | Hours per week worked if not salaried employee |
| <input type="checkbox"/> | Hours worked per day if not salaried employee |
| <input type="checkbox"/> | Dates for leave without pay and amount of leave without pay taken |



Calculations checklist

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

| AWE | |
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| <input type="checkbox"/> | Have the correct gross earnings period been identified <ul style="list-style-type: none"> 12 months of gross earnings from the pay period ending immediately before the annual holidays were taken If pay frequency is weekly or fortnightly, using the last 52 weeks as 12 months of gross earnings is accepted. |
| <input type="checkbox"/> | Has '52' been used as the divisor |
| <input type="checkbox"/> | Has the divisor been reduced when the following occurs: <ul style="list-style-type: none"> 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 | |
| <input type="checkbox"/> | Has an assessment of OWP been done as at the beginning of the annual holidays |
| <input type="checkbox"/> | Has an assessment of any regular payments been done and considered to be included in OWP |
| <input type="checkbox"/> | Where OWP as per s8(2) applies, has '4' been used as the divisor |
| TIMING OF CALCULATIONS FOR ANNUAL HOLIDAYS | |
| <input type="checkbox"/> | Have the OWP and AWE rates been calculated only in relation to when the annual holidays begin? <ul style="list-style-type: none"> 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 | |
| <input type="checkbox"/> | Has the calculation of 8% since the last anniversary date been calculated on the adjusted gross earnings (i.e. included all underpayments identified) |
| <input type="checkbox"/> | 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) | |
| <input type="checkbox"/> | Have days where the employee did not actually work been excluded (e.g. leave without pay days for any reason) |
| GROSS EARNINGS | |
| <input type="checkbox"/> | For any identified underpayments, have gross earnings been adjusted upwards to include the underpayment for sequential calculations |

