

# Employer Self-assessment Checklist

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Users of this guidance should not substitute this for legal advice.

The information should not be relied upon as a substitute for the wording of the Holidays Act 2003.

**Note: further references are standardised in this document to either “the Act” or “the Holidays Act”.**

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## Purpose

The Employment Standards Employer Self-assessment Checklist (Checklist) helps you as an employer measure your compliance with employment standards in your workplace by undertaking your own self-assessment.

Meeting employment standards is important. If you don't meet minimum standards it is a breach of the law. It can disadvantage and demotivate your employees, damage your reputation and undermine fair competition between employers. It can lead to you and/or your organisation being liable for penalties (fines) as well as corrective action.

Using the Checklist is a practical step that can help you identify any areas of non-compliance with employment standards.

**Note: To help you complete the Checklist you should refer to the Employment Standards Employer Self-assessment Guide (Guide) that provides detailed information in relation to each area of your self-assessment.**

## How to use the Checklist

The Checklist is very detailed, so prepare for it to take some time to complete and to refer to the Guide for more information.

For general questions in relation to employment standards, contact Employment New Zealand: visit [www.employment.govt.nz](http://www.employment.govt.nz) or phone 0800 20 90 20 toll-free.

The Checklist uses your employment records, wages and time records, holidays and leave records, and employment agreements. It is important to note that the wages and records need to be sufficiently detailed. For example, to check some public holiday entitlements you will also need to know what pattern of hours and days were worked ahead of the public holiday. Summary reports of amounts paid are insufficient and cannot be used to complete the Checklist properly.

Please complete the Checklist in full and keep it with the employment records and employment agreements that were audited in your self-assessment. This way if an employee asks, or a Labour Inspector visits, you will be able to clearly demonstrate your calculations and reasoning for your conclusions.

If your self-assessment reveals you have not met an employment standard, you should take action to correct errors for all affected employees and not just those in the audit list in Template 2. This includes payment of any arrears for the previous six years at least. Keep a record of any corrective action you have taken, with the completed Checklist.

The Checklist is divided into these parts:

### **Getting started**

Employer details

Scope of the self-assessment

### **Completing the audit**

Section 1: Employment and Individual  
Employment Agreements (IEAs)

Section 2: Records

Section 3: Wages

Section 4: Holidays

### **Summary and declaration**

Summary of the self-assessment results

Completion checklist

# Getting started: organisation details

Legal name of the employer:

Trading name of organisation:

Physical address of organisation:

Postal address of organisation (if different from physical):

Number of employees:

Name and position of person carrying out the self-assessment:<sup>1</sup>

*Name:*

*Position:*

Mobile of person carrying out the audit:

DDI of person carrying out the self-assessment:

Email:

Name of payroll provider and type/version of electronic payroll system (if used):

The name and contact details of the person who runs and/or administers your payroll system:

Date audit was completed:

/  /

<sup>1</sup> This person must either be the employer, chief executive, or a director of the company that is the employer, or be an authorised representative of the employer so that everything they complete is with the legal employer's consent and authority.

# Getting started: scope of your self-assessment

Generally, it is not practical to audit every single record for every employee and so it is usual to select a representative group of employees and audit their records. The exception to this rule is workplaces with a small number of staff.

It is important that a diverse group of employees is selected to get a good cross-section of the different types of employees found in your business operation. For example, think about including employees across different roles, different work sites, different methods of payment, for example salary vs wages, and those who have different arrangements for hours of work.

Making good decisions will give you a much fuller picture of how well you are complying with the employment standards and result in you completing a stronger self-assessment.

## 1. Create a full employee list

Use Template 1 (which follows) to create a list of all current employees and any others whose employment ended in the last six years.

## 2. Create an audit employee list

Use Template 2 (follows Template 1) to record your audit employee list of the employees that you select to use as the representative group for your self-assessment.

It will depend on the size and type of your organisation as to how many employee records you should include in your audit employee list. To review a proper range of individual employees some different types of employees must be included in your audit employee list.

For an example of that, some holiday calculations can only be checked using employees who have taken holidays after 12 months of employment. You can only check if holiday pay at termination is calculated correctly if the audit list has employees whose employment has ended. Holiday entitlements can become more complicated when the working hours and/or days are variable.

Therefore, ensure that your audit employee list includes at least the following employee types:

- › employees that have worked for more than a year and under a year
- › employees that are currently employed and those whose employment has ended (including some that have worked more than a year at termination and have “untaken annual holidays” (annual holidays that the employee is entitled to but hasn’t yet used) at the end of their employment)
- › if you have employees on varying arrangements for their hours and terms of work then include a mix of these in the audit employee list including:
  - employees who work standard hours and days and receive annual holidays
  - employees who work varying hours and days and receive annual holidays
  - employees who have their holiday pay included in their pay – meaning those
    - who are on a fixed-term of less than 12 months, or
    - whose work is so intermittent or irregular that it is impracticable to provide four weeks' holiday.





# Employment and individual employment agreements

## 1.1 Individual Employment Agreements (IEAs)

Every employee must have a written employment agreement and for IEAs there are mandatory elements that must be included in them.

Read the 'Individual employment agreements' section (1.1) of the Guide. Refer to your **full employee list** and complete the following:

		YES	NO
1.1.1	Does every employee who is not on a union collective agreement have an IEA in writing?	<input type="radio"/>	<input type="radio"/>
<b>For employees on union collective agreements go straight to section 1.2.</b>			
1.1.2	For every employee on your full employee list who are on IEAs, have you completed all of the below:	<input type="radio"/>	<input type="radio"/>
	› kept and have easy access to signed copies of their IEA or the current terms and conditions of employment, and	<input type="radio"/>	<input type="radio"/>
	› copies of any intended IEA, and	<input type="radio"/>	<input type="radio"/>
	› given each a copy if requested?	<input type="radio"/>	<input type="radio"/>
1.1.3	Do all IEAs for employees audited contain the mandatory clauses? Consider the following:	<input type="radio"/>	<input type="radio"/>
	› the names of the employer and the employee	<input type="radio"/>	<input type="radio"/>
	› a description of the work to be performed	<input type="radio"/>	<input type="radio"/>
	› an indication of the place of work	<input type="radio"/>	<input type="radio"/>
	› any agreed hours of work (including the number of guaranteed hours, the days of the week the work is to be performed, the start and finish times of work, and any flexibility in these), or where there are no agreed hours of work or an indication of the hours of work	<input type="radio"/>	<input type="radio"/>
	› the wage rate or salary payable	<input type="radio"/>	<input type="radio"/>
	› a plain explanation of services available to help resolve employment relationship problems	<input type="radio"/>	<input type="radio"/>
	› a reference to the fact that personal grievances must be lodged within 90 days of any incidents occurring, or within 12 months if it relates to sexual harassment	<input type="radio"/>	<input type="radio"/>
	› for most employees, an employment protection provision that will apply if the employer's business is sold or transferred, or if the employee's work is contracted out	<input type="radio"/>	<input type="radio"/>
	› a provision that complies with the Holidays Act 2003 requirement for employees to be paid at least time-and-a-half for work on public holidays	<input type="radio"/>	<input type="radio"/>
	› any other matters agreed upon, such as trial periods or probationary arrangements	<input type="radio"/>	<input type="radio"/>
	In addition, you must give your employee information about their entitlements under the Holidays Act and where they can find more information.	<input type="radio"/>	<input type="radio"/>

YES NO

**If YES to all three questions above, attach copies of each employee's IEA to this self-assessment form and go to Question 1.2.**

1.1.4 If you answered NO to ANY of the above questions and you have now made corrections attach evidence to this Checklist showing the corrections made.

Evidence attached

1.1.5 If you have not taken corrective action, please explain why not:



## 1.3 Employment status

Employment standards only apply to workers who are employees. They do not apply to either self-employed people such as contractors or genuine volunteers. If you have any workers who are contractors or volunteers it is important to be sure that you have recognised their employment status correctly.

To determine whether someone is a contractor, you can use the gateway test.

Where a working arrangement meets all gateway test criteria, the worker will be recognised as a specified contractor.

The existing common-law tests of employment will continue to apply if any of the gateway test criteria are not met.

See the [employment.govt.nz](http://employment.govt.nz) website for further information.

Read the 'Employment status' section (1.3) of the Guide and complete the following:

		YES	NO
1.3.1	<p><b>Worker status</b></p> <p>Do you have people doing work for you who are not included on your employee list because you classify them as self-employed contractors or volunteers?</p>	<input type="radio"/>	<input type="radio"/>
<p><b>If NO go to Question 1.4</b></p> <p><b>If YES continue.</b></p>			
1.3.2	<p>Do you have evidence of that status such as contracts or written correspondence that shows they agreed to this classification (for example, an independent contractor agreement or a volunteer agreement)?</p>	<input type="radio"/>	<input type="radio"/>
1.3.3	<p>If you have classified someone as an independent contractor, have you checked this using the gateway test? This includes confirming</p> <ul style="list-style-type: none"> <li>› the agreement clearly states they are an independent contractor or not an employee</li> <li>› they are allowed to work for others (except while working for you)</li> <li>› they can choose when they work or they can subcontract others to do the work</li> <li>› they can decline extra work without ending the relationship</li> <li>› they had a reasonable opportunity to get independent advice before signing.</li> </ul> <p>If they do not meet all the criteria in the gateway test, have you used the common law test to check if they are considered a contractor?</p>	<input type="radio"/>	<input type="radio"/>
1.3.4	<p>Do you have systems in place to check if these arrangements have changed over time, for example after three and six months?</p>	<input type="radio"/>	<input type="radio"/>
<p><b>If YES go to Question 1.4</b></p> <p><b>If NO continue</b></p>			
1.3.5	<p>Please explain the reason these workers are defined as 'self-employed' or 'volunteers'</p>		

## 1.4 Employee eligibility to work in New Zealand

Under the Immigration Act 2009 employers must not employ foreign nationals who are not entitled to work in New Zealand or not entitled to work for that employer.

Read the 'Employee eligibility to work in New Zealand' section (1.4) in the Guide, refer to your full employee list and complete the following:

	YES	NO
1.4.1 Do you have a process in place to check whether a prospective employee is entitled to work in New Zealand?	<input type="radio"/>	<input type="radio"/>
1.4.2 If NO, have you now registered as an employer to use the Immigration New Zealand <b>VisaView</b> service at <a href="http://www.immigration.govt.nz/about-us/our-online-systems/visaview">www.immigration.govt.nz/about-us/our-online-systems/visaview?</a>	<input type="radio"/>	<input type="radio"/>
<b>Attach evidence of your enrolment to use VisaView and a print out of two VisaView searches using your audit employees as examples.</b>		
1.4.3 Do you currently, or did you ever, employ migrants who are not New Zealand citizens or permanent residents?	<input type="radio"/>	<input type="radio"/>
<b>If NO go to Question 2.1</b>		
1.4.4 Are all of your current migrant employees working consistently with their visa conditions?	<input type="radio"/>	<input type="radio"/>
1.4.5 If NO, confirm that you have contacted Immigration New Zealand to resolve the situation:		

## Records

Good record keeping is an employment law requirement. It helps you to be clear you are meeting employment standards and also protects you as an employer if there are any queries or disputes. The keeping of wages and time records, and holiday and leave records is a fundamental business system.

Read the 'Records' section (2) of the Guide. Refer to the wages and time records, and holiday and leave records for at least two employees from your audit employee list (over the entire duration of their employment if possible) and complete the following:

**Please note that all wages and time records and holiday and leave records must be retained for no less than six years from the time they are created.**

		YES	NO
2.1	Do you keep a record of your employee's name?	<input type="radio"/>	<input type="radio"/>
2.2	Do you keep a record of your employee's postal address?	<input type="radio"/>	<input type="radio"/>
2.3	Do you keep a record of your employee's age, if under 20 years?	<input type="radio"/>	<input type="radio"/>
2.4	Do you keep a record of the date they started working for you, and if they have left – the date when employment ended?	<input type="radio"/>	<input type="radio"/>
2.5	Do you keep a record of whether they're on an individual employment agreement or a collective agreement (and if on a collective agreement, the title and expiry date of the agreement and the employee's classification)?	<input type="radio"/>	<input type="radio"/>
2.6	Do you keep a record of the kind of work they are employed for?	<input type="radio"/>	<input type="radio"/>
2.7	Do you keep a record of the number of hours your employees work each day in a pay period and pay for those hours?	<input type="radio"/>	<input type="radio"/>
2.8	Do you keep a record of the wages paid in each pay period and how these have been calculated?	<input type="radio"/>	<input type="radio"/>
2.9	Do you keep a record of the cash value for any board or lodgings provided?	<input type="radio"/>	<input type="radio"/>
2.10	Do you keep a record of the dates the employee last became entitled to annual holidays and sick leave, and their current entitlement to annual holidays and sick leave?	<input type="radio"/>	<input type="radio"/>
2.11	Do you keep a record of the dates annual leave is taken, including annual holidays, sick leave, bereavement leave, and family violence leave, and the payment received for each?	<input type="radio"/>	<input type="radio"/>
2.12	Do you keep records of any annual holidays cashed up, as well as the date and amount paid for each entitlement year?	<input type="radio"/>	<input type="radio"/>
2.13	Do you keep a record of the date and number of hours worked on public holidays, and the payment for these, or the date (or 24-hour period) the public holiday, or any part of it, has been transferred to?	<input type="radio"/>	<input type="radio"/>
2.14	Do you keep a record of the date the employee became entitled to any alternative holiday?	<input type="radio"/>	<input type="radio"/>
2.15	Do you keep a record of the dates of, and payments for, any public holidays or alternative holidays the employee did not work but were entitled to holiday pay?	<input type="radio"/>	<input type="radio"/>

		YES	NO
2.16	Do you keep a record of any alternative holidays cashed up, as well as the date and amount paid for each?	<input type="radio"/>	<input type="radio"/>
2.17	Do you keep a record of the details of any employment relations education leave that has been taken?	<input type="radio"/>	<input type="radio"/>
2.18	Do you keep a record of the amount paid to your employees as holiday pay when they left employment?	<input type="radio"/>	<input type="radio"/>

**If YES to any or all of the above attach a copy of the records checked to this Checklist.**

2.19	If you answered NO to any of the above questions, please explain why:	Evidence attached <input type="radio"/>
2.20	If you answered NO to any of the above questions and you have now taken corrective action, attach evidence showing how the records are now amended.	Evidence attached <input type="radio"/>
2.21	If you have not taken corrective actions, please explain why not:	



# Wages

## 3.1 Minimum wage

All employees who are 16 years old or over must be paid at least the relevant minimum wage for their work. Employees who are paid a salary also need to receive at least the equivalent of the current minimum wage for each hour worked. Take the time to ensure that your organisation complies with this entitlement, regardless of how they are paid.

Refer to the 'Minimum wage' section (3.1) in the Guide. Ideally, check the wages and time records for one or two employees of each employee type you have identified, but at the very least check two employees from your audit employee list and complete the following:

		YES	NO
3.1.1	Did you pay your employees at least the minimum wage rate for every hour they have worked for the duration of their employment?	<input type="radio"/>	<input type="radio"/>
	Also answer these questions:		
	› Did you record all hours each of your employees actually worked?	<input type="radio"/>	<input type="radio"/>
	› For any of your employees on a salary, did you record any extra hours they worked above their usual hours?	<input type="radio"/>	<input type="radio"/>
	› For any employees paid hourly, did they get paid at least the current minimum wage for each hour they worked?	<input type="radio"/>	<input type="radio"/>
	› For any employees paid by a piece rate, was the pay they received for the pay period (or fortnight if the pay period was longer than a fortnight) divided by the number of hours they worked in that period equal to at least the current minimum wage?	<input type="radio"/>	<input type="radio"/>
	› For any employees paid by salary, was the pay they received for the pay period (or fortnight if the pay period was longer than a fortnight) divided by the number of hours they worked in that period equal to at least the current minimum wage?	<input type="radio"/>	<input type="radio"/>
	› If the employee's usual pay did not cover minimum wage for all hours worked, did you make a top-up payment?	<input type="radio"/>	<input type="radio"/>
<b>If YES, attach a copy of the wages and time records of the employees audited and go to Question 3.2</b>			
3.1.2	If NO and you have now taken corrective actions, attach evidence to this checklist showing:	Evidence attached	
	› all records amended, and	<input type="radio"/>	
	› payments of arrears to audited employees, and		
	› payment of arrears to any other affected employees in the past six years.		
3.1.3	If you have not taken corrective actions, explain why not:		

## 3.2 Payment for trials and probation periods

Payment of at least the minimum wage applies to all work, this includes work during a probation period or a trial period, where all hours worked must be paid. To be valid, these provisions must be included in a written and signed employment agreement.

Read the 'Trials and probation periods' section (3.2) in the Guide. Refer to your full employee list and complete the following:

		YES	NO
3.2.1	Prior to 6 May 2019, have you started new employees on any type of trial or training period including 90-day trial periods or probationary periods?	<input type="radio"/>	<input type="radio"/>
	Have you recorded this in their written employment agreement before the start of employment?	<input type="radio"/>	<input type="radio"/>
	If any person was employed between 6 May 2019 and 22 December 2023, under a trial period did your organisation have less than 20 employees?	<input type="radio"/>	<input type="radio"/>
<b>If NO go to Question 3.3</b>			
3.2.2	If YES – Have you paid these employees no less than the relevant minimum wage rate from the time their trial or training period started?	<input type="radio"/>	<input type="radio"/>
3.2.3	If NO to Question 3.2.2 – Have you corrected this by back paying employees (on the full employee list) who have worked unpaid trial periods and amended your records accordingly?	<input type="radio"/>	<input type="radio"/>
3.2.4	If you have corrected this please attach evidence in support of this, including: <ul style="list-style-type: none"> <li>› copies of the correct calculations</li> <li>› records showing payments</li> <li>› evidence of payments made to all affected employees from the past six years.</li> </ul>	Evidence attached	<input type="radio"/>
3.2.5	If you have not corrected this, please explain why not:		

### 3.3 Deductions from pay

In general, all wages must be paid in full without deduction. There are exceptions to this, for example legally required deductions like tax, court ordered fines and child support.

Another exception is that the law allows for deductions to be made from pay where the employer requests it in writing or specifically consents in writing. Read the information in the Guide carefully as deductions that are unlawful and/or unreasonable cannot be made.

Read the 'Deductions from pay' section (3.3) in the Guide. Use the wages and time records, and holiday and leave records for your audit employee list for the whole duration of their employment if possible, and complete the following.

		YES	NO
3.3.1	Have you deducted money from any employee's pay for things <b>OTHER THAN</b> those that are required by law?	<input type="radio"/>	<input type="radio"/>
<b>If NO then go to Question 3.4</b>			
3.3.2	Have you made deductions (other than those required by law) <b>without</b> the specific written consent or written request of the worker to make the deduction?	<input type="radio"/>	<input type="radio"/>
3.3.3	Was specific written consent or written request for a deduction obtained <b>without</b> employees being advised that they have the right to withdraw their written consent?	<input type="radio"/>	<input type="radio"/>
3.3.4	Have you deducted money from any employee's pay for personal protective equipment?	<input type="radio"/>	<input type="radio"/>
3.3.5	Have you deducted money without written consent from the employee's wages for board or lodging?	<input type="radio"/>	<input type="radio"/>
3.3.6	Have you made a deduction with written consent from any employee's wages for on-the-job training, recruitment, equipment or orientation costs?	<input type="radio"/>	<input type="radio"/>
3.3.7	If your employees took part in a partial strike, did you deduct pay using a method other than the 10% flat rate or the official calculation in section 95C of the Employment Relations Act 2000?	<input type="radio"/>	<input type="radio"/>
3.3.8	Have you made a deduction from any employee's wages that upon review went beyond a genuine estimation of cost?	<input type="radio"/>	<input type="radio"/>
3.3.9	If you answered YES to any of the six questions above and you have now taken corrective actions, attach evidence to the Checklist showing: <ul style="list-style-type: none"> <li>› policies, records or agreements amended, and</li> <li>› payments of arrears to audited employees, and</li> <li>› payments of arrears to any other affected employees in the past six years.</li> </ul>	Evidence attached <input type="radio"/>	
3.3.10	If you have not taken corrective actions, please explain why not:		

### 3.4 Premiums and direction on spending wages

A premium is where an employer charges or receives a payment from an employee or from any other person to obtain or secure a job for a person.

Penalties can be sought against employers who seek or receive premiums from employees or third parties. Premiums may be overt, such as a lump sum or regular amount paid by to employer, or less obvious such as partial or full wage repayments (often called 'wage recycling'). Some deduction or bonding arrangements where employees have agreed to have amounts deducted from their wages for on-the-job training or recruitment costs if they end their employment within a certain time, may also be considered premiums.

It is also prohibited for an employer to require an employee to spend their wages at a certain place or in a certain manner.

Read the 'Premiums and direction on spending wages' section (3.4) in the Guide. Use the wages and time records and holiday and leave records for your audit employee list for the whole duration of their employment if possible, and complete the following questions.

		YES	NO
3.4.1	Do you have bonding or deduction arrangements with any employees relating to on-the-job training, recruitment, start-up or orientation costs?	<input type="radio"/>	<input type="radio"/>
3.4.2	Do you have arrangements which require employees to spend their wages in a certain way or at a certain place?	<input type="radio"/>	<input type="radio"/>
3.4.3	Have you sought or received any premium/payment in respect of the employment of any person?	<input type="radio"/>	<input type="radio"/>
<b>If NO to these questions above go to Question 3.5</b>			
3.4.4	If you answered YES to either of the questions above and you have now taken corrective actions, attach evidence to the Checklist which shows: <ul style="list-style-type: none"> <li>› policies, records or agreements amended, and</li> <li>› any payments of arrears to audited employees, and</li> <li>› payment of arrears to any other affected employees in the past six years.</li> </ul>	Evidence attached <input type="radio"/>	
3.4.5	If you have not taken any corrective actions, please explain why not:		

### 3.5 Equal pay and pay equity

Males and females performing substantially similar work should receive rates of pay in which there is no differentiation solely on the basis of their sex.

Read the "Equal pay and pay equity" section (3.5) in the Guide. Use your full employee list and complete the following:

		YES	NO
3.5.1	Do your male and female employees receive rates of pay in which there is no element of differentiation based on gender, when performing largely similar work?	<input type="radio"/>	<input type="radio"/>
<b>If you answered YES to the above question, go to Question 4.1</b>			
3.5.2	If you answered NO – Have you now corrected this practice by back paying up to six years, employees of the opposite gender from the full employee list who have received rates of pay less than others doing work that is substantially the same?	<input type="radio"/>	<input type="radio"/>
3.5.3	If you have corrected this practice please provide evidence to show this, including: <ul style="list-style-type: none"><li>&gt; copies of correct calculations, and</li><li>&gt; amended records, and</li><li>&gt; evidence of back payments to all affected employees.</li></ul>	Evidence attached	<input type="radio"/>
3.5.4	If you have not corrected this practice, please explain why not:		



# Holidays

## 4.1 Definitions and formulae

There are some core calculations and definitions that are applied in relation to holiday entitlements.

Before we get to the provision of the holiday entitlements themselves you first need to make sure these core basics are being calculated and approached correctly. In the details below, you will be asked to check if your system correctly works out pay and entitlements for different leave types. Remember, the Holidays Act 2003 sets out minimum entitlements, and if your system uses formulas that are not in that Act, you must be able to show that your employees get at least the minimum payment and entitlements required by the Act, or better.

Read the 'Definitions and formulae' section (4.1) of the Guide. Use a calculation sheet from Template 3 (on the following page) to help you. Use one calculation sheet for each employee you audit in this section. You should audit at least one or two employees of each type in your audit summary list.

	YES	NO
4.1.1 Does your system work out annual holidays in weeks (as opposed to hours or days)?	<input type="radio"/>	<input type="radio"/>
4.1.2 Does your system correctly work out what a week is, and what portion of a week your employee is taking at the time they take the annual holidays?	<input type="radio"/>	<input type="radio"/>
4.1.3 Does your system correctly work out the formula for ordinary weekly pay (OWP)?	<input type="radio"/>	<input type="radio"/>
4.1.4 Does your system correctly work out the formula for average weekly earnings (AWE)?	<input type="radio"/>	<input type="radio"/>
4.1.5 Does your system correctly pay the greater of 'OWP' or 'AWE' for each period of annual holidays taken?	<input type="radio"/>	<input type="radio"/>
4.1.6 Does your system correctly work out relevant daily pay?	<input type="radio"/>	<input type="radio"/>
4.1.7 Does your system correctly calculate average daily pay?	<input type="radio"/>	<input type="radio"/>
4.1.8 Do you understand when to use relevant daily pay or average daily pay?	<input type="radio"/>	<input type="radio"/>
4.1.9 Does your system correctly work out whether a day is an 'otherwise working day' for an employee?	<input type="radio"/>	<input type="radio"/>
4.1.10 Have you correctly set up your system to include all earnings identified in section 4.1 of the Guide in order to correctly calculate gross earnings?	<input type="radio"/>	<input type="radio"/>

**If you answered YES to any of the above questions, attach a copy of the records audited and a detailed record of the calculation sheets (Template 3) you completed to ensure compliance.**

4.1.9 If you answered NO to any of the above questions and you have now taken corrective actions please attach:	Evidence attached
<ul style="list-style-type: none"> <li>› evidence showing records amended, and</li> <li>› payments of arrears to audited employees, and</li> <li>› payment of arrears to any other affected employees in the past six years.</li> </ul>	<input type="radio"/>

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4.1.10 If you have not taken corrective actions, please explain why not:

## Template 3: Holidays definitions and formulae calculation sheet

Employee name:

### 1. Four weeks annual holiday (in time off)

Working	Notes
	Check what time off was given to this employee for annual holidays. Was it a genuine working week for this employee at the time the holidays were taken?

### 2. Total gross earnings (AWE and OWP)

Read the 'Definitions and formulae' section (4.1) in the Guide.

#### AWE

Working	Notes
Total gross earnings for year to	Double check that the figure you used for total gross earnings included: > all wages, salary, commission, bonuses and piece rates > allowances (but not reimbursing allowances) > overtime > all types of holiday pay > cash value of board and lodgings > compulsory payments by employer under ACC (ie first week compensation).
Total gross earnings used: \$	
Does it include all the payments listed to the right? Yes <input type="radio"/> No <input type="radio"/>	
Number of weeks as divisor	Calculate the AWE manually on the basis of the total gross earnings for the year prior to the holiday divided by 52.
AWE working figure:	If the employee worked for less than a year and took annual holidays in advance, the AWE is the total gross earnings for a part year worked divided by the number of weeks or part weeks worked in that period.

## OWP

Working	Notes
OWP under the employment agreement: \$	Double check that the figure you used for total gross earnings included:
If OWP is not possible to determine, total gross earnings for the 4 weeks before the holidays are taken  <div style="text-align: center;">to</div>	<ul style="list-style-type: none"> <li>› productivity or incentive-based payments (including commission) if those payments are a regular part of the employee's pay</li> <li>› payments for overtime if those payments are a regular part of the employee's pay</li> <li>› the cash value of board and lodgings.</li> </ul>
Total gross earning used: \$	Work out the OWP if possible, to determine at the beginning of the annual holiday.
Does it include all the payments listed above? Yes    No	If OWP is not possible to determine, calculate OWP manually. This is done on the basis of the total gross earnings for the four calendar weeks before the end of the pay period calculation is made (or if the pay period is longer than four weeks, then the pay period immediately before the calculation is made) divided by four.
OWP working figure (total gross earnings divided by 4) \$	If the pay period is longer than four weeks, then use the pay period immediately before the calculation is made.

### 3. Ordinary weekly pay (OWP) and average weekly earnings (AWE)

Read the 'Definitions and formulae' section (4.1) in the Guide.

Working	Notes
Date annual holiday taken:	<p>Use the OWP and AWE working figures you worked out in step 2. Then follow these steps:</p> <ol style="list-style-type: none"> <li>1. Identify the higher figure between the OWP and AWE.</li> <li>2. Work out the proportion of a week's holiday that was taken.</li> <li>3. Multiply the higher of the OWP or AWE rate by the proportion of a week that was taken.</li> <li>4. Ensure that the figure paid by you was at least as high as the figure calculated.</li> </ol> <p>Note: When annual holidays taken span across multiple pay periods, the calculation of the annual holiday pay must still be in relation to the beginning of the annual holidays. Annual holiday pay can only be recalculated during the holiday if the recalculated amount is higher than what would have been paid using the calculation done at the start of the annual holiday.</p>
Amount of annual holiday taken:	
Amount paid: \$	
OWP figure at the time the holiday was taken:	
AWE figure – working:	
Higher of AWE and OWP:	
Proportion of a week taken:	
Amount payable for period of leave taken: \$	

#### 4. Relevant daily pay (RDP) and average daily pay (ADP)

Read the 'Definitions and formulae' section (4.1) in the Guide.

Working	Notes
Date holiday occurred:	<ol style="list-style-type: none"> <li>Find a time (ideally more than one instance) when this employee has been paid for either a sick day, bereavement day, domestic violence day, alternative holiday or unworked public holiday.</li> <li>Calculate RDP by asking yourself – What would the employee have received on this day had they worked? This includes any productivity or incentive payments, commission, piece rates or overtime that would have been earned.</li> </ol> <p>An employer can only use the ADP calculation instead of the RDP calculation if:</p> <ul style="list-style-type: none"> <li>› it is not possible/practical to work out the RDP, OR</li> <li>› the employee's daily pay varies within the pay period in question.</li> </ul>
Type of holiday:	
Amount paid: \$	
Date holiday occurred:	
Type of holiday:	
Amount paid: \$	
Relevant daily pay (RDP) working:	<p>If using the ADP calculation – manually work this out taking the total gross earnings for the 52 calendar weeks prior to the pay period in question and divide by the number of days worked (including part days and days on paid leave).</p> <p>Ensure that the amount you have paid is at least the RDP (or the ADP if this is an option for this employee).</p>
If applicable – average daily pay (ADP)	
1. Reason the ADP calculation can be used:	
2. Working:	
Amount calculated as payable: \$	

## 5. Otherwise working day (OWD)

Read the 'Definitions and formulae' section (4.1) in the Guide.

Working	Notes
Public holiday: _____	<p>1. Look for three public holidays that have fallen during this employee's service. Ideally – find some that were treated as an OWD and some which were not considered to be an OWD.</p> <p>2. Ask yourself the key question – <b>If it hadn't been a public holiday would the day have been worked by that employee?</b></p> <p>Factors that can be part of your thinking include:</p> <ul style="list-style-type: none"> <li>› patterns of work</li> <li>› rosters or similar systems</li> <li>› the employment agreement</li> <li>› the expectation that the employee would work the day in question</li> <li>› the employee works only when work is available.</li> </ul>
Date of the public holiday: _____	
Day of the week it fell: _____	
Was it treated as an OWD? Yes <input type="radio"/> No <input type="radio"/>	
Reason why: _____	
Public holiday: _____	
Date of the public holiday: _____	
Day of the week it fell: _____	
Was it treated as an OWD? Yes <input type="radio"/> No <input type="radio"/>	
Reason why: _____	
Public holiday: _____	
Date of the public holiday: _____	
Day of the week it fell: _____	
Was it treated as an OWD? Yes <input type="radio"/> No <input type="radio"/>	
Reason why: _____	

## 4.2 Annual holidays – payment for holidays taken

From working through the previous section of the Checklist you will be familiar with the terms of AWE and OWP and paying the higher of the two.

Read the 'Payment for holidays taken' section (4.2) of the Guide. Use the wages and time records, and holiday and leave records for at least two employees from your audit employee list for the whole/entire duration of their employment and complete the following:

		YES	NO
4.2.1	Have you paid your audit employees correctly each time they have taken paid annual holidays?	<input type="radio"/>	<input type="radio"/>
<b>If YES attach a copy of the employees records audited and a detailed record of the calculations you performed to ensure compliance.</b>			
4.2.2	If you answered NO to the question above and you have taken corrective actions attach evidence showing: <ul style="list-style-type: none"><li>&gt; all records amended, and</li><li>&gt; payment of arrears to audited employees, and</li><li>&gt; payment of arrears to any other affected employees in the past six years.</li></ul>	Evidence attached	<input type="radio"/>
4.2.3	If you have not taken corrective actions, explain why not:		

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## 4.3 Annual holidays – pay at termination

The other time that employees receive payment for annual holidays is at the end of their employment.

Read the 'Annual holidays – pay at termination' section (4.3) in the Guide. Use the wages and time records and holiday and leave records for employees on your audit employee list who have left your employment and complete the following:

**Did you correctly pay the following two types of audit employees the correct holiday pay entitlements at termination?**

	YES	NO
<p>4.3.1 For those who worked <b>less than 12 months</b> before ending their employment – did you:</p> <ul style="list-style-type: none"> <li>› pay them at least 8% of their total gross earnings since commencement less the dollar value of any annual holidays paid in advance?</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>› include in the gross earnings figure any alternative holidays untaken and paid out at termination?</li> </ul>	<input type="radio"/>	<input type="radio"/>
<p>4.3.2 For those that have worked <b>more than 12 months</b> before finishing – did you do the following:</p> <ul style="list-style-type: none"> <li>› Pay them any untaken annual holidays they are entitled to (up to the time the employee last became entitled to annual holidays, that is, up to their last anniversary date), calculated at the rate of the greater of their ordinary weekly pay at their termination date, or their average weekly earnings during the 12 months prior.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>› Calculate payments for any public holidays which would have fallen on otherwise working days if the employment had been notionally extended by the amount of untaken annual holidays?</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>› Pay them at least 8% of their total gross earnings for any part year from their last anniversary date to termination?</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>› Include in the total gross earnings figure the payments for the 8% calculation these details:               <ul style="list-style-type: none"> <li>– untaken annual holidays paid at termination?</li> <li>– alternative holidays paid out at termination?</li> <li>– payments for any public holidays due which would have fallen on otherwise working days if the employment had been notionally extended by the amount of untaken annual holidays?</li> </ul> </li> </ul>	<input type="radio"/>	<input type="radio"/>

**If YES to any of the above, attach copies of the employees records audited and a detailed record of the calculations you performed to ensure compliance.**

- 4.3.3 If you answered NO to any of the above questions and you have now taken corrective actions, attach the following:
- › evidence showing all records amended, and
  - › payment of arrears to any affected audited employees, and
  - › payment of arrears to any other affected employees from the past six years.

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4.3.4 If you have not taken corrective actions, please explain why not?

## 4.4 Annual holidays – closedowns

Some employers operate a regular annual closedown for all (or part) of their organisation. Employers can direct employees to discontinue their work and take annual holidays during a regular annual closedown. However, the holidays legislation has rules about how this is done and how the holiday pay is calculated for the closedown – especially for employees who have worked for less than one year at the date of the closedown.

Read the ‘Annual holidays – closedowns’ section (4.4) of the Guide. Use the wages and time, and holiday and leave records for all employees on your audit employee list for the duration of their employment and complete the following:

	YES	NO
4.4.1 Do you operate a regular annual closedown each year?	<input type="radio"/>	<input type="radio"/>
<b>If NO got to section 4.5</b>		
4.4.2 When you operate the regular annual closedown – do you give at least 14 days’ notice to employees that you will do this?	<input type="radio"/>	<input type="radio"/>
4.4.3 For the audit employees who had no entitlement to annual holidays did you: <ul style="list-style-type: none"> <li>› move their annual holiday anniversary date to a date near the beginning of the closedown?</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>› pay them 8% of their gross earnings to date as ‘holiday pay’?</li> </ul> <b>AND, IF AGREED</b> <ul style="list-style-type: none"> <li>› allow them to use some annual holidays in advance?</li> </ul>	<input type="radio"/>	<input type="radio"/>
4.4.4 If public holidays fell during the regular annual closedown period – were employees paid for these days as public holidays when they fell on their otherwise working days?	<input type="radio"/>	<input type="radio"/>
<b>If YES to any of the above, attach a copy of the employee’s records audited and a detailed record of the calculations you performed to ensure compliance.</b>		
4.4.5 If you answered NO to any of the above questions and you have now taken corrective actions, please provide: <ul style="list-style-type: none"> <li>› evidence showing all records amended, and</li> <li>› payment of arrears to any affected audited employees, and</li> <li>› payment of arrears to any other affected employees from the past six years.</li> </ul>	Evidence attached	<input type="radio"/>
4.4.6 If you have not taken corrective actions explain why not:		

## 4.5 Pay-As-You-Go (PAYG) holiday pay

In limited and specific circumstances employers and employees can agree to provide annual holiday pay together with, and in addition to, wages each pay day.

That arrangement for annual holiday pay may seem attractive but you must be sure that the employee's situation qualifies for this and that you have set it up correctly. Otherwise you may have to provide the employee with paid annual holidays in addition to the PAYG holiday payment.

Read the 'Pay-As-You-Go holiday pay' section (4.5) in the Guide and complete the following:

		YES	NO
4.5.1	Did any of your employees on your full employee list receive their annual holiday pay paid with their wages each pay period?	<input type="radio"/>	<input type="radio"/>
<b>If NO got to section 4.6</b>			
4.5.2	If YES, have you met your obligation to allow this only when the following applies:		
	‣ Did the employees work so intermittently or irregularly that it is impracticable to provide for four weeks annual holidays in the standard way?	<input type="radio"/>	<input type="radio"/>
	<b>OR</b>		
	‣ Were the employees on genuine fixed-term agreements for less than 12 months?	<input type="radio"/>	<input type="radio"/>
4.5.3	Was the PAYG arrangement is clearly recorded in the signed employment agreement?	<input type="radio"/>	<input type="radio"/>
4.5.4	‣ Did the records (and any payslips) identify the 8% holiday pay rate as a separate component from the wages?	<input type="radio"/>	<input type="radio"/>
	‣ Was the 8% paid in addition to their usual wages?	<input type="radio"/>	<input type="radio"/>
<b>If YES to all of the above, attach a copy of the records of the employees audited to show consistency with the law on PAYG holiday pay.</b>			
4.5.5	If you answered NO to any of the three questions above and have now taken corrective actions, please attach evidence showing the records amended and the reinstatement of annual holiday's entitlements. This may involve changing how you pay some employees and you may need to seek advice how best to manage the process.	<input type="radio"/>	<input type="radio"/>
4.5.6	If you have not taken corrective actions, please explain why not:	<input type="radio"/>	<input type="radio"/>

## 4.6 Cashing-up annual holidays

Annual holiday pay should generally only be paid when annual holidays are taken or employment comes to an end. However, employees can ask to “cash-up” up to one week of their holidays each year.

Read the ‘Cashing-up Annual Holidays’ section (4.6) in the Guide and complete the following:

		YES	NO
4.6.1	Do you have a policy that employee requests for cashing-up annual holidays will not be considered?	<input type="radio"/>	<input type="radio"/>
<b>If YES, go to Question 4.7</b>			
4.6.2	<p>If employees ask to cash up their annual holidays and you agreed, have you:</p> <ul style="list-style-type: none"> <li>› cashed up the correct proportion allowed (up to a maximum of one week)?</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>› have you recorded it?</li> </ul> <p>Attach evidence of the amount cashed up and what portion of annual holidays it related to.</p>	<input type="radio"/>	<input type="radio"/> None occurred  <input type="radio"/> Evidence attached  <input type="radio"/>
<b>If no cash ups occurred go to Question 4.7</b>			
4.6.3	<p>If you answered NO to the above question and you have now taken corrective actions, please attach evidence showing:</p> <ul style="list-style-type: none"> <li>› all records amended, and</li> <li>› payments of arrears to any affected employees in the past six years.</li> </ul>	Evidence attached  <input type="radio"/>	

4.6.4 If you have not taken corrective actions, please explain why not:

## 4.7 Public holidays

When a public holiday falls on an otherwise working day for them, employees are entitled to have that day off on pay. If an employee works a public holiday then they are entitled to be paid no less than time-and-a-half for their hours actually worked and if it happens to be an otherwise working day for them then they also earn an alternative holiday.

Read the 'Public holidays' section (4.7) of the Guide. Use the wages and time records and holiday and leave records for your audit employee list for the whole duration of their employment if possible, and complete the following:

		YES	NO
4.7.1	Did you correctly pay employees for un-worked public holidays that fell on their otherwise working days?	<input type="radio"/>	<input type="radio"/>
4.7.2	Did you pay at least time-and-a-half for each hour actually worked on a public holiday?	<input type="radio"/> N/A: <input type="radio"/>	<input type="radio"/> <input type="radio"/>
4.7.3	Did employees who worked a public holiday on an otherwise working day receive a paid alternative holiday?	<input type="radio"/> N/A: <input type="radio"/>	<input type="radio"/> <input type="radio"/>
4.7.4	If an employee was 'on call' on a public holiday, and they did not get called out but the nature of the restriction was such that they could not enjoy the holiday – did they receive a paid alternative day?	<input type="radio"/>	<input type="radio"/>
4.7.5	Are all unworked public holidays and alternative holidays paid at the employee's relevant daily pay (or average daily pay where applicable)?	<input type="radio"/>	<input type="radio"/>
4.7.6	If a public holiday fell during a period of annual holidays, sick, bereavement or domestic violence leave for an employee – was the day treated as a public holiday, not as annual, sick, bereavement, or domestic violence leave?	<input type="radio"/>	<input type="radio"/>
4.7.7	If any of the public holidays that mondayisation applies to fell on a weekend for your employees – have you applied the mondayisation rules correctly to make sure that they received the correct pay (and alternative holidays) for the days in question? These days are: Christmas Day, Boxing Day, New Year's Day, the second day of January, Waitangi Day, and ANZAC Day.	<input type="radio"/>	<input type="radio"/>
<b>If YES to any of the above questions, attach the employees records audited and a detailed record of the calculations you performed to ensure compliance.</b>			
4.7.8	If you answered NO to any of the above questions and you have now taken corrective actions, please provide evidence showing: <ul style="list-style-type: none"> <li>› records amended, and</li> <li>› payment of arrears to audited employees, and</li> <li>› payment of arrears to all other affected employees from the past six years.</li> </ul>	Evidence attached <input type="radio"/>	
4.7.9	If you have not taken corrective actions please explain why not:		

## 4.8 Other leave

Beyond annual holidays and public holidays there are also minimum entitlements that must be provided for sick leave, bereavement leave and family violence leave. Employers also have obligations in relation to parental leave where employees are having or adopting children.

Read the 'Other leave' section (4.8) in the Guide. Using the wages and time records, and holiday and leave records for your audit employee list for the whole duration of their employment and complete the following:

	YES	NO
4.8.1 Once employees complete 6 months of continuous work, does your system allot them at least 10 days sick leave for each ensuing year, and is unused sick leave allowed to accrue to at least 20 days in total?	<input type="radio"/>	<input type="radio"/>
4.8.2 Once employees complete 6 months of continuous work, does your system allot them at least 10 days family violence leave for each ensuing year?  (An employee cannot carry forward any family violence leave not taken in any of those 12-month periods).	<input type="radio"/>	<input type="radio"/>
4.8.3 Once employees complete 6 months of continuous work, is your system able to allot bereavement leave?	<input type="radio"/>	<input type="radio"/>
4.8.4 If you have any employees who are not continuous employees – have they also been entitled to sick leave, bereavement leave and family violence leave when they have completed the following hours in a 6-month period: <ul style="list-style-type: none"> <li>› at least an average of 10 hours a week?</li> </ul> <b>AND</b> <ul style="list-style-type: none"> <li>› no less than 1 hour in every week or no less than 40 hours in every month?</li> </ul>	<input type="radio"/> N/A:	<input type="radio"/> <input type="radio"/>
4.8.5 Were employees who took sick leave, bereavement leave and family violence leave paid at the employee's RDP (or ADP where applicable)?	<input type="radio"/> N/A:	<input type="radio"/> <input type="radio"/>
4.8.6 If you had any employees that were sick, bereaved, or affected by family violence while receiving ACC, did you treat the leave as ACC instead of sick, bereavement, or family violence leave?	<input type="radio"/> N/A:	<input type="radio"/> <input type="radio"/>
4.8.7 If you had any employees that were receiving ACC and asked to top up their pay with sick leave, did you use 1 day of sick leave for every 5 days they were receiving ACC?	<input type="radio"/> N/A:	<input type="radio"/> <input type="radio"/>
4.8.8 Did you pay employees returning from parental leave their average weekly earnings when they took annual holidays after returning to work?	<input type="radio"/> N/A:	<input type="radio"/> <input type="radio"/>
<b>IF YES to any of the above questions, attach the employees records audited and a detailed record of the calculations you performed to ensure compliance.</b>		
4.8.9 If you answered NO to any of the above questions and you have now taken corrective actions, please provide evidence showing: <ul style="list-style-type: none"> <li>› records amended, and</li> <li>› payment of arrears to audited employees, and</li> <li>› payment of arrears to any other affected employees in the past six years.</li> </ul>	Evidence attached	<input type="radio"/>
4.8.10 If you have not taken corrective actions, please explain why not:		

# Summary of your self-assessment results

Complete the table below to summarise the outcome of the self-assessment.

For each criterion assessed tick the relevant outcome. The table will provide an overview of areas which require attention.

<b>Self-assessment section</b>	<b>Not applicable</b>	<b>Meets criteria (all criteria ticked in each section)</b>	<b>Not compliant – corrected</b>	<b>Not compliant – not corrected</b>
1.1 Individual employment agreements				
1.2 Rest and meal breaks				
1.3 Employment status				
1.4 Eligibility to work in NZ				
2 Records				
3.1 Minimum wage				
3.2 Trials and probation periods				
3.3 Deductions from pay				
3.4 Premiums and direction on spending wages				
3.5 Equal pay				
4.1 Holidays – definitions and formulae				
4.2 Annual holidays – payment for holidays taken				
4.3 Annual holidays – pay at termination				
4.4 Annual holidays – closedowns				
4.5 Pay-As-You-Go holiday pay				
4.6 Cashing-up annual holidays				
4.7 Public holidays				
4.8 Other leave				

# Completion list

Once you have completed this self-assessment (including acting upon any corrections required) make sure you safely store all the related documentation with the Checklist. This record will provide a point of reference should you, your staff or any employee need to re-visit what was done and how conclusions were reached. It may also be that a Labour Inspector will want to see what was performed as part of your self-assessment process.

Using this completion list to ensure that you have attached all the following information to the Checklist document:

› the full employee list	<input type="radio"/>
› the audit employee list	<input type="radio"/>
› copies of all written employment agreements used and intended agreements or current terms and conditions of employment	<input type="radio"/>
› copies of all wages and time records and holiday and leave records used	<input type="radio"/>
› calculation sheets used for the holidays definition and formulae section	<input type="radio"/>
› calculation and working sheets you used for all sections of your self-assessment <ul style="list-style-type: none"><li>– calculations</li><li>– evidence of amended records</li><li>– confirmation of any arrears payments.</li></ul>	<input type="radio"/>



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