

HOLIDAYS ACT BACK PAYMENTS FAQ'S

What are the issues?

The issues identified relate to employees' entitlements under the Holidays Act 2003, they primarily impact employees who work variable and unpredictable work patterns or regularly work above their contracted hours. In some cases, these employees may not have received correct payments.

Who was impacted?

The issue relates to a number of current and former employees who were employed between 7 September 2011 and 31 July 2019.

Not all employees have been affected. The issues largely relate to those employees who had fluctuating work patterns, worked additional hours, or regularly worked public holidays.

How do I know if I am entitled to a back payment?

We have contacted all current and former employees who are owed a back payment.

If you are a former employee and believe you have a claim, then please contact us via the website <https://chh.com/holidays-act-forms>

What period does the back payment cover?

Most impacted employees will receive a back payment for the period from 7 September 2011 to the date:

- The issue was resolved within the system (current employees), or
- Their last day of employment with CHH (former employees).

How much will my back payment be?

Payments to impacted employees vary by individual circumstances, including leave patterns and history.

Any back payments will be less PAYE, KiwiSaver deductions (if you are a member) and student loans.

What happens once I've lodged a claim form? (former employees only)

Once we receive and verify your documentation, your back payment will be processed and deposited into your nominated bank account on the last Friday of the month. If we need more information from you to process your claim, we will get in touch.

What happens if I was also overpaid?

We are not seeking repayment if you were overpaid and instead are resolving all underpayments.

When will I be paid?

Current employees will be paid on or about 18 October 2019.

For former employees, back payments will be made on a rolling basis on the last Friday of the month provided your documents are verified.

What documents do I need to make a claim?

If you are a former employee, we have a Holidays Act back payment form on our website <https://chh.com/holidays-act-forms> for you to complete.

Please complete and submit along with the following documents:

- Proof of identity (both sides if double sided) e.g.: copy of birth certificate, passport certificate of citizenship
- Tax code and IRD number: a signed Tax Code Declaration (IR330)
- KiwiSaver form
- Bank account details (This will need to be a screen shot of the account number with account name from internet banking, a scanned statement or a printout with the account number and account name from your banking provider)

Current employees do not need to provide any documentation

How do I claim on behalf of someone who has passed away, or for someone who I hold power of attorney?

We need to verify your identity and confirm you are authorised to act on behalf of the estate or person before processing any back payments.

If you believe you may be entitled to a back payment on behalf of an estate or a person for whom you hold power of attorney, please get in touch by visiting the website at <https://chh.com/holidays-act-forms> and submitting a query.

What happens to my KiwiSaver and/or superannuation contributions?

If you are a KiwiSaver member your back payment will be less your KiwiSaver/employee superannuation contribution. You will also receive the company contribution.

If you are a current employee this will happen automatically, but if you are a former employee you need to provide your KiwiSaver information as part of completing your verification form.

How will my back payment affect my tax and any other benefits?

Current employees will have income tax withheld at the appropriate extra payment rate as per IRD.

Former employees will have extra payment tax deducted in accordance with the tax code you provide to us as declared in your signed Tax Code declaration form (IR330)

We encourage you to discuss with the relevant organisations how your back payment may impact Working for Families credits or other such benefits.

Will I receive a detailed breakdown of how my back payment has been calculated?

The calculation is complex and involves a large amount of data and, as such, detailed breakdowns will not be provided. However, if you wish to obtain a detailed calculation this can be arranged on request.

Will I receive a payslip once my back payment has been made?

Yes, current employees will receive a payslip once the payment is made consistent with how payslips are currently managed.

Former employees will have a payslip emailed or mailed to their nominated email or mailing address.

What steps have been taken to ensure my future holiday pay is correct?

CHH has been working with MBIE and we have made changes to the payroll systems and processes we utilise to pay employees to ensure they are as strong as possible to comply with the Holidays Act.

What happens if my back payment isn't claimed?

All back payments related to this process will stay with CHH for a period of 6 years. If the payments are not claimed within this 6-year period, they will then go to IRD as unclaimed monies. This will then need to be claimed and processed through IRD.

Who can I contact if I have further questions?

You can ask further questions via <https://chh.com/holidays-act-forms> query on the right hand side of the webpage