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STATUTORY INSTRUMENTS

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**2020 No. 814**

**The Employment Rights Act 1996 (Coronavirus,  
Calculation of a Week's Pay) Regulations 2020**

**PART 2**

**Calculation of a week's pay**

**Normal working hours and remuneration varies with the amount of work done**

**5.—(1)** This regulation applies where E's remuneration fell within the description in section 221(3) of the Act (remuneration for employment in normal working hours which varies with the amount of work done) on the relevant date.

(2) The amount of a week's pay is the amount of remuneration for the number of normal working hours in a week, calculated at the average hourly rate of remuneration payable by the employer to E in respect of the relevant period.

(3) Where E is furloughed for any part of the relevant period—

- (a) E's normal working hours in a week, in relation to that part of the relevant period, include E's furloughed hours, and
- (b) for the purposes of the calculation of the average hourly rate of remuneration payable for the relevant period, the hourly rate of remuneration for that part of the relevant period is the hourly rate payable under E's contract of employment in force on the calculation date, disregarding any reduction in the amount payable as a result of E being furloughed.

(4) For the purposes of this regulation, subject to regulation 7(3), the "relevant period" means the period of twelve weeks ending—

- (a) where the calculation date is the last day of a week, with that week,
- (b) otherwise, with the last complete week before the calculation date.

(5) This regulation is subject to regulations 6, 9 and 10.