
STATUTORY INSTRUMENTS

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

Calculation of the average hourly rate of remuneration

7.—(1) This regulation applies for the purposes of determining the average hourly rate of remuneration referred to in regulations 5 and 6.

(2) In relation to any part of the relevant period when E is not furloughed, only—

- (a) the hours when the E was working, and
- (b) the remuneration payable for, or apportionable to, those hours,

are taken into account.

(3) If the relevant period includes a week where—

- (a) E is not furloughed, and
- (b) no remuneration falling within paragraph (2)(b) was payable by the employer to E,

remuneration in earlier weeks is taken into account so as to bring up to twelve the number of weeks of which account is taken.

(4) If, in determining the average hourly rate of remuneration in relation to any part of the relevant period when E is not furloughed—

- (a) account is taken of remuneration payable for, or apportionable to, work done in hours other than normal working hours, and
- (b) the amount of that remuneration was greater than it would have been if the work had been done in normal working hours (or, in a case within section 234(3) of the Act, in normal working hours falling within the number of hours without overtime),

that remuneration is taken into account as if the work had been done in such hours and the amount of that remuneration had been reduced accordingly.