

Ordinary Weekly Pay

Ordinary weekly pay means the amount of pay that the employee receives under his or her employment agreement for an ordinary working week and includes:

- Productivity or incentive-based payments (including commission) if those payments are a regular part of the employee's pay.
- Payments for overtime if those payments are a regular part of the employee's pay.
- The cash value of any board or lodgings provided by the employer to the employee.

It excludes:

- Productivity or incentive-based payments that are not a regular part of the employee's pay.
- Payments for overtime that are not a regular part of the employee's pay.
- Any one-off or exceptional payments.
- Any discretionary payments that the employer is not bound, under the terms of the employee's employment agreement, to pay the employee.
- Any payment of any employer contribution to a superannuation scheme for the benefit of the employee.

If it is not possible to determine an employee's ordinary weekly pay, the payment must be calculated in accordance with the following formula:

$$\frac{a-b}{c}$$

Where "a" is the employee's gross earnings for:

- The 4 calendar weeks before the end of the pay period immediately before the calculation is made; or
- If, the employee's normal pay period is longer than 4 weeks, that pay period immediately before the calculation is made

And "b" is the total amount of payments for productivity or incentives and overtime payments that are not a regular part of the employee's pay, plus any one-off or exceptional payments.

And "c" is 4.