

## Holidays Act Remediation Project FAQs

### Who may be impacted?

The issues identified may impact past and present Arvida employees who were employed on a permanent basis at any time from 15 May 2018 up to when Arvida has confirmed compliance with the Holidays Act 2003.

Not all individuals who were employed by Arvida during that period have been impacted, as many will have received their correct entitlements.

### What do I need to do now?

Former employees must apply through the Arvida Remediation Portal <https://employeeclaim.arvida.co.nz/> to confirm their identity and enable any payment to be processed.

We are unable to process payments until the required information has been submitted via the portal..

### How do I apply?

You can apply by completing the online form available via the link on the Arvida website. Arvida is required to ensure payments are made to the correct person and that appropriate verification has been completed. As part of the application process you will be required to:

- confirm your identity; and
- provide current contact and bank account details.

### When and how will I get paid?

Once your application has been received and verified, and if you are entitled to a remediation payment, payment will be made by direct credit to your nominated New Zealand bank account.

Timing will depend on when your application is submitted and processed as your details will need to be verified and payments will be made in batches. This could be up to 3 months after you have submitted your application.

### How much will my payment be?

Earnings history and leave patterns are unique. Each case has been assessed individually, and each payment amount will be different.

The remediation calculations compare what was paid with what should have been paid for each instance of leave. The amount that people will receive will vary depending on the circumstances for each individual employee, for example their hours worked, or payments made during the remediation period.

We are making all payments - even if you are due 1 cent. We have a legislative obligation to pay everyone correctly even if it is only a small payment.

### **What do I need to apply?**

As part of your application for remediation, you will need to provide/upload the following:

- Personal details, bank and tax details, and Arvida employment history details
- Proof of identity
- Proof of bank account
- Signed IR330 form
- Signed KS2 form
- Authority to Act (Optional/As Required)

### **What if I don't apply?**

If you do not submit an application via the portal, we will not be able to process any potential entitlement.

### **What does the payment cover?**

The payment will be a 'gross' remediation payment based on an employee's calculated underpayment of holiday pay. KiwiSaver deductions and contributions will be calculated as part of the remediation payment.

### **Is the payment subject to tax and other deductions?**

Yes, the total payment will be subject to income tax and any Kiwisaver deductions you have from lump sum income received will be applied.

The remediation payments will be treated as an 'extra pay' for tax purposes. We encourage you to contact IRD or other relevant organisations for advice about whether your remediation payment affects any agreement you have about:

- current earnings
- benefits
- child support
- working for families

- any other matters.

### **I'm acting on behalf of someone, how do I claim for them?**

To check if someone you act for is due a remediation payment, you'll need to verify your identity and provide documentation confirming you are authorised to act on their behalf. If you believe you may be entitled to a back payment of a person for whom you hold power of attorney, please get in touch at [holidaysact@arvida.co.nz](mailto:holidaysact@arvida.co.nz).

### **Why has this happened?**

Many New Zealand businesses miscalculated entitlements due to the complexities in the Holidays Act 2003 (which is now being reviewed by the Government). Businesses impacted have included Bunnings, McDonalds, Woolworths and many Government departments.

### **How far back do these issues go?**

Guidance under legislation stipulates that remediation should go back six years. Arvida will make calculations dating back to 2018. This would be six years back from the date (in 2024) when Arvida entered into an enforceable undertaking with MBIE.

Since becoming aware of the compliance issues Arvida has:

- Engaged with an external provider (who is an independent specialist in this work) to test and verify issues; and
- Engaged expert legal advice.

### **Can my payment be made into an overseas bank account?**

No, we can only make payments to New Zealand bank accounts.

### **Will I receive interest on top of my payment?**

Interest is not payable on remediation payments.

### **What steps have Arvida taken to ensure my future holiday pay is correct?**

Arvida has conducted an external review of its payroll processes and changes will be made going forward to ensure that leave is calculated correctly. We will continue to monitor our systems going forward.

### **Can I seek legal advice independently?**

Yes, you are entitled to seek advice independently.

**Does this project have anything to do with the Government agreeing to repeal and replace the Holidays Act 2003 with a new Employment Leave Act?**

No, this project isn't related as Arvida is still required to comply with the current Holidays Act legislation until any new laws are passed.

**Who can I contact if I need more information?**

If you have any questions, please contact the Holidays Act Remediation team via [holidaysact@arvida.co.nz](mailto:holidaysact@arvida.co.nz).