
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 5

Hours Worked for the Purposes of the National Minimum Wage

CHAPTER 2

Salaried hours work

Determining whether the worker works more than the basic hours in the calculation year

26.—(1) For the purposes of this regulation and regulations 22(6) and 28, a worker works more than the basic hours in a calculation year if all of the following hours added together are more than the basic hours in a calculation year—

- (a) hours worked which form part of the basic hours in the calculation year;
- (b) hours when the worker was absent from work which form part of the basic hours in the calculation year;
- (c) hours worked in the calculation year which do not form part of the basic hours in the calculation year in respect of which the worker had no entitlement under their contract to a payment other than annual salary or annual salary and a performance bonus;
- (d) hours treated as worked in accordance with regulation 27 to the extent that such hours consist of hours in respect of which the worker had no entitlement under their contract to a payment other than annual salary or annual salary and a performance bonus.

(2) Hours during which the worker was taking part in industrial action are not to be included in sub-paragraphs (a) to (d).