

# PARENTAL LEAVE REPORT:

PARENTAL LEAVE INFORMATION AND  
SUPPORT PROVIDED IN THE PUBLIC  
SECTOR

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## INTRODUCTION

It is likely that we all know people who have undertaken parental leave and returned to work in government. The reasons for parental leave can vary (adoption, natural birth, whāngai arrangement, fostering) and the circumstances for each person also varies greatly (solo parents, parents in de facto/civil unions/marriages, people with extended family support, people with no extended family support, people for whom it is their first child and those who have become parents to subsequent children).

I was a Government Women's Network Steering Committee member from 2020 to 2024 and received approval to complete this report by the Government Women's Network Steering Committee in 2023. The purpose of this report is to highlight what is happening across government in relation to support provided to kaimahi who are undertaking parental leave and returning to work. The report provides an outline for agencies about what is happening across government so they can replicate what is working and examine whether there are improvements they can make to support their kaimahi. The incentive for agencies is to demonstrate that the wellbeing of their kaimahi is a priority and that they have mechanisms of support in place for kaimahi who take time away from their workplace to care for a dependent child.

This report:

- Outlines the legislative obligations placed on agencies in relation to parental leave and entitlements for kaimahi
- Highlights any policies and procedures in existence at agencies that are in addition to statutory entitlements that relate to parental leave and support provided to kaimahi returning to work following the arrival of a child to their whānau
- Provides a summary of the experiences of kaimahi who have returned to work following the arrival of a child to their whānau.

This report was informed through legal research and the following two sources of information:

- An Official Information Act request to Public Service Agencies listed in Schedule 2 of the Public Service Act 2020 (attached at Appendix A of this report. The request was for information about policies and procedures at each respective agency. The Official Information Act request text is attached at Appendix B
- A survey of Government Women's Network (GWN) members about their experiences returning to their workplace following the arrival of a child in their whānau. GWN members were asked to respond to a survey about parental leave support in an ELN newsletter that was distributed on 11 December 2023. A copy of the survey is attached at Appendix C. There were responses from 29 GWN members.

## PARENTAL LEAVE LEGISLATIVE PROVISIONS

A kaimahi must meet the parental leave payment threshold test to be eligible for parental leave under the Parental Leave and Employment Protection Act 1987 (**the Act**). A kaimahi meets this test if they have been employed for an average of 10 hours a week for any 26 of the 52 weeks prior to the expected date of the delivery of the child (in the case of a child being born to the kaimahi or the

kaimahi's spouse/partner) or the date of the assumption of responsibility for care of the child (in any other case).<sup>1</sup> If a public service kaimahi changes jobs and moves between public service agencies their employment is considered continuous for the purpose of parental leave entitlements.<sup>2</sup>

A kaimahi who wishes to take parental leave must give written notice to their employer stating the proposed date the kaimahi wishes to commence leave and the proposed duration of the leave.<sup>3</sup> If the kaimahi is pregnant they must give 3 months' notice and provide a certificate confirming the pregnancy. If the leave is required for an adoption then 14 days' notice is required.<sup>4</sup>

Kaimahi's weekly parental leave payments equal the greater of:

- an applicant's ordinary weekly pay, or
- an applicant's average weekly income

up to the maximum weekly amount of \$754.87 gross (gross means before any deductions, for example income tax) per week.<sup>5</sup>

The extended definition of "primary carer" which was introduced by the Parental Leave and Employment Protection Amendment Act 2016 makes it clear that the Act is intended to apply to biological or formal adoptive parents to individuals who assume primary, non-temporary responsibility for raising a child.<sup>6</sup> The primary carer is entitled to 26 weeks' continuous leave.<sup>7</sup> They are also entitled to 10 days' unpaid special leave for reasons connected with the pregnancy.<sup>8</sup>

The Act provides minimal rights to parental leave.<sup>9</sup> However, the Act allows for parental leave provisions in an employment contract or other arrangements to prevail if those provisions are as favourable or more favourable than the provisions in the Act and are comprehensive.<sup>10</sup> The matters that would have to be addressed for an agreement to be comprehensive are the conditions of eligibility for any parental leave, the duration of any parental leave, the degree of protection accorded for the kaimahi's job during and subsequent to their parental leave, whether the leave is paid or unpaid, and the procedural requirements for parental leave.<sup>11</sup>

A kaimahi whose spouse is pregnant and who intends to assume the care of their child is entitled to partner's leave if they have been employed with the same employer for an average of 10 hours per

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<sup>1</sup> Section 2BA Parental Leave and Employment Protection Act 1987.

<sup>2</sup> Section 91 Public Service Act 2020.

<sup>3</sup> Section 31 Parental Leave and Employment Protection Act 1987.

<sup>4</sup> Section 33 Parental Leave and Employment Protection Act 1987.

<sup>5</sup> Section 71M Parental Leave and Employment Protection Act 1987 and Ministry of Business, Innovation and Employment website [Amount of parental leave payment » Employment New Zealand](#).

<sup>6</sup> Section 7 Parental Leave and Employment Protection Act 1987.

<sup>7</sup> Section 9 Parental Leave and Employment Protection Act 1987. Note there is scope for an extension of this period if the female employee must commence her leave before the due date of delivery for medical reasons (section 13) or because she is unable to perform her work adequately or safely and there is no other work available (section 14).

<sup>8</sup> Section 15 Parental Leave and Employment Protection Act 1987.

<sup>9</sup> *Manukau City Council v Auckland Provincial District Local Authorities Officers' IUOW* [1988] NZILR 747 (LC) at 750.

<sup>10</sup> Section 4 Parental Leave and Employment Protection Act 1987.

<sup>11</sup> Section 4(2) Parental Leave and Employment Protection Act 1987.

week for at least 6 months prior to the birth of the child.<sup>12</sup> Partners are entitled under the Act to one week of leave if they meet the 6-month employment test or 2 weeks of leave if they meet the 12-month employment test.<sup>13</sup> A primary carer is entitled to extended leave up to 52 weeks if they meet the requirements in section 23 of the Act.<sup>14</sup> Kaimahi may transfer their parental leave entitlement to their spouse or partner.<sup>15</sup>

A kaimahi must provide 21 days' notice of their intent to return to work and includes if they intend to return to work early.<sup>16</sup>

The Act currently provides that while a kaimahi is on parental leave the employer is not obliged to pay them statutory parental leave entitlements and their annual leave entitlements are accrued at their average weekly earnings for the 12 months immediately before the end of the last pay period before the annual holiday.<sup>17</sup> This means that the kaimahi will be impacted in the accrual of entitlements by their parental leave period. It is noted that this is currently under review by the Ministry of Business, Innovation and Employment (MBIE) as part of the Holidays Act review.<sup>18</sup> According to the MBIE website, drafting of legislation to implement the Holidays Act Taskforce recommendations and refinements began before the 2023 General Election but a Bill was not introduced. The Government considered it was important that time was taken to get it right first time in order to minimise the risk of implementation challenges and future compliance issues.<sup>19</sup>

KiwiSaver contributions are optional from paid parental leave payments. If a kaimahi is already a KiwiSaver member, they can choose to continue their contributions while on paid parental leave when they complete their Inland Revenue application. There are no employer contributions from paid parental leave payments.<sup>20</sup> From 1 July 2024, if kaimahi choose to have KiwiSaver deductions from their paid parental leave payments, Inland Revenue will also make employer contributions of 3 percent.<sup>21</sup>

Kaimahi are entitled to 64 hours of Keeping in Touch Hours but must not use these until 28 days after the baby is born.<sup>22</sup>

Outside the legislation, but still of relevance, is the availability of ex-gratia payments for kaimahi returning from parental leave. Te Kawa Mataaho/the Public Service Commission has provided information about ex gratia payments.<sup>23</sup> Most collective agreements include an entitlement to an ex-gratia parental leave payment. These payments are discretionary lump sums made to parents who

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<sup>12</sup> Section 17 Parental Leave and Employment Protection Act 1987.

<sup>13</sup> Section 19 Parental Leave and Employment Protection Act 1987.

<sup>14</sup> Sections 23 and 26 Parental Leave and Employment Protection Act 1987.

<sup>15</sup> Section 71E Parental Leave and Employment Protection Act 1987.

<sup>16</sup> Section 39 Parental Leave and Employment Protection Act 1987.

<sup>17</sup> Section 42 Parental Leave and Employment Protection Act 1987.

<sup>18</sup> <https://www.mbie.govt.nz/business-and-employment/employment-and-skills/employment-legislation-reviews/holidays-act-review/>

<sup>19</sup> [Holidays Act reform | Ministry of Business, Innovation & Employment \(mbie.govt.nz\)](https://www.mbie.govt.nz/business-and-employment/employment-and-skills/employment-legislation-reviews/holidays-act-review/)

<sup>20</sup> Kiwisaver and Paid Parental Leave, Inland Revenue website, <https://www.ird.govt.nz/paid-parental-leave/kiwisaver>

<sup>21</sup> Inland Revenue website [KiwiSaver and paid parental leave \(ird.govt.nz\)](https://www.ird.govt.nz/paid-parental-leave/kiwisaver)

<sup>22</sup> Section 71CE Parental Leave and Employment Protection Act 1987. There is an exception if the baby is born before the end of the 36<sup>th</sup> week of gestation.

<sup>23</sup> [Parental-Leave-Fact-Sheet-2023.pdf \(publicservice.govt.nz\)](https://www.publicservice.govt.nz/parental-leave-fact-sheet-2023.pdf)

take an extended period of parental leave. Historically, ex-gratia payments were seen to support, or encourage, kaimahi to return to work after parental leave, but it is not clear that this remains the primary driver for why these are provided. While these payments could be offered at any figure, in practice Te Kawa Mataaho has found that they are only offered with a value of either six weeks' pay, or 6.4 weeks' pay. Historically ex-gratia payments were made after a period of service after returning to work. This remains most common but is not the only time at which the payments are made by agencies. This most commonly is either in a lump sum after returning to work for a period or paid as a series of instalments over some time upon returning to work, although some other variations exist. The approach to ex-gratia payments is discussed further in the summary of Policies and Procedures.

## **LEGISLATIVE PROVISIONS RELATING TO BREAKS FOR BREASTFEEDING/EXPRESSING**

Part 6C of the Employment Relations Act 2000 requires employers to provide appropriate breaks (and facilities) for kaimahi who wish to breastfeed (including expressing breast milk), as far as is reasonable and practicable. In determining what is reasonable and practicable, employers can take into account their operational environment and resources. The breaks are unpaid unless the kaimahi and employer agree otherwise.

The breastfeeding breaks are to be provided in addition to the rest and meal breaks to which all kaimahi are entitled. However, the employer and kaimahi can agree that the rest and meal breaks can also be used as breastfeeding breaks.

MBIE developed a *Code of Employment Practice on Infant Feeding* to provide employers with guidance on how to fulfil their obligations on the provision of breastfeeding breaks and facilities.<sup>24</sup> The Code gives employers guidance on the factors to consider when negotiating a breastfeeding arrangement with a kaimahi. It includes practical advice on facilities, length and timing of breaks, health and safety, and resources and space for kaimahi who wish to breastfeed.

The Code says that so far as it is reasonable and practicable to do so in the circumstances, an employer is required to provide appropriate facilities in the workplace for a kaimahi who wishes to breastfeed in the workplace. It goes on to state that breastfeeding kaimahi need:

- a private, quiet, clean and warm room or space
- a suitable chair or couch.

The space does not need to be permanent i.e. a screened off area may be a practical option if a separate room cannot be provided. The space should be large enough to change a nappy unless the kaimahi is solely expressing milk.

The Code provides that if a kaimahi is expressing breast milk they may also need access to:

- a fridge (a communal fridge is acceptable)
- hygienic hand washing facilities
- a lockable room (with a power point if an electric pump is used)

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<sup>24</sup> [Code of employment practice on infant feeding](#)

- a clean space to store equipment (cupboard or locker).

These facilities do not need to be in the same room or space. The Code confirms that toilets are not considered an appropriate place to breastfeed or express breast milk.

The Code confirms useful guidance when it says that a few things an employer might consider when determining whether the facilities they are offering kaimahi are appropriate in the circumstances are:

- *workplace health and safety implications* – when considering a breastfeeding arrangement involving an infant in the workplace, an employer will need to identify any health and safety issues that might arise in relation to the mother, the infant and co-workers
- *facilities* - an employer should consider the standard of hygiene, comfort, and privacy of the allocated space; the suitability of equipment such as power points for breast pumps and the availability of clean running water
- *available resources* - the facilities provided for breastfeeding do not have to be permanent if there is not a long term need. The type of facilities provided to kaimahi will vary depending on the size and nature of the workplace and the resources available
- *space* - if the physical workplace is not a suitable environment for breastfeeding, employers and kaimahi may agree to make other arrangements

An employer and kaimahi may agree that breastfeeding breaks can be taken offsite where workplace facilities cannot be provided but it is reasonable and practicable to provide appropriate breaks. An employer is not obligated under the Employment Relations Act to identify appropriate offsite facilities in this situation. Other arrangements could include an appropriate space close by that is provided jointly by employers in the area for their kaimahi, home, or nearby amenities, such as an early childhood centre or Plunket room.

## **SUMMARY OF POLICIES AND PROCEDURES WITHIN AGENCIES**

The policies and procedures of the Public Service Agencies listed in Schedule 2 of the Public Service Act 2020 all included information about statutory entitlements outlined above in this report. This section of the report outlines anything that is offered by a particular agency in addition to the statutory requirements.

There are agencies that proactively support a myriad of flexible working and remote working arrangements more than others. The facilitation of flexible working arrangements to the greatest extent possible is helpful for those kaimahi returning to work from parental leave because it enables parents to return to paid employment to support their whānau but also continue in their role as a parent to their newborn.

All parental leave related policies referred to the entitlement to unpaid sick leave for pregnant wāhine. However, it would be beneficial if agencies explicitly confirmed that there are flexible arrangements to accommodate attendance at medical appointments that means that unpaid sick leave is not the primary option for this.<sup>25</sup>

It is suggested that Parental Leave Policies explicitly refer to the ability to take annual leave prior to the Paid Parental Leave payments commencing as a discretionary option. There are a small number

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<sup>25</sup> The Crown Law Office included this in their parental leave policy.

of agencies that explicitly refer to this in their Parental Leave Policy. However, it is important that the kaimahi is allowed the discretion to choose whether to use their annual leave as part of the financial support they receive during a parental leave period. The wording in a Parental Leave Policy should not indicate that the kaimahi must exhaust their annual leave accrual before utilising paid parental leave entitlements. This could imply that this is a requirement. However, explaining that there is the discretionary ability to use annual leave before utilising paid parental leave entitlements as an option may minimise the financial stress for expectant parents.

It is also noted that two agencies explicitly provide in their Parental Leave Policy that if kaimahi are union members and have union fees deducted straight from their salary, union fees will stop while they are on parental leave.<sup>26</sup> If this applies at a particular agency it is helpful for kaimahi to know in order to take this into account in financially planning for the arrival of a child. It is also important to confirm that despite not paying union membership fees during parental leave, the kaimahi will be considered a union member during parental leave and will be provided with cover as if they were working at the agency during this period.

There were some agencies that enable access to work phones, laptops and systems while kaimahi are on parental leave. There is an opportunity for this approach to be adopted across all public service agencies, particularly when the kaimahi is on parental leave for a relatively short period of time. Most policies and guidance did not refer to this option or explicitly stated that kaimahi had to return their equipment when going on parental leave. Enabling kaimahi to keep their laptop and phone so they have access to agency databases and emails is a huge benefit for those kaimahi to stay connected but also supports the facilitation of Keeping In Touch Hours. Limiting access of kaimahi on parental leave by requiring them to return swipe cards and equipment sends a message to those kaimahi that they are not a part of the team and the workplace while they are on parental leave. For some kaimahi this can create a sense of separation from their colleagues. It also makes it practically difficult to visit the workplace with their newborn whether this is for work related matters or for social reasons. This can add to a parent's anxiety and stress when considering the logistics of visiting their colleagues with their newborn. It is also noted that limiting access to equipment increases the responsibility on Managers to ensure that kaimahi on parental leave are informed about workplace developments and anything they need to know about their role in anticipation of their return to work.

It is noted that some policies explicitly refer to the ability to continue with development discussions, explore progression opportunities, be included in remuneration discussions and be entitled to standard remuneration increases. It is suggested that other agencies could expressly provide in their policies so that kaimahi on parental leave are also supported to continue their progression and development in the workplace despite their short-term absence. It is noted that Manatū Wāhine included in its Parental Leave Policy recognition of the valuable contribution women make, including through roles as primary caregivers, sole parents and heads of households. Manatū Wāhine acknowledged the skills gained by all kaimahi on parental and/or caregiving leave and that this should be acknowledged in performance management and learning and development opportunities and other means of career development and progression. These skills include:

- parenting and care-giving skills, including paid and unpaid care work
- economic and time management skills, including those in and outside of the home
- leadership and/or governance skills, including paid and voluntary community roles

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<sup>26</sup> Oranga Tamariki/Ministry for Children and Te Tūāpapa Kura Kāinga/ Ministry of Housing and Urban Development.



- emotional intelligence (EQ) including resilience, and cultural intelligence (CQ)
- lived experience of accessing social services and interaction with the education, healthcare and other systems to inform gendered policy advice.

Despite the statutory obligation for adequate breaks for breastfeeding/expressing and the existence of the MBIE developed a *Code of Employment Practice on Infant Feeding* to provide employers with guidance on how to fulfil their obligations on the provision of breastfeeding breaks and facilities, there was a general absence of information in policies and procedures to facilitate breastfeeding/expressing at work. While most agencies included a confirmation that there was a breastfeeding room, most agencies provided little to no information about what was included in the room and any arrangements for the use of the room. One agency explicitly referred to the facility available being a sick bay which conflates the purpose of the room for breastfeeding with the purpose being for illness and may put breastfeeding parents at risk of also becoming sick. The MBIE *Code of Employment Practice on Infant Feeding* explicitly provides that “when considering a breastfeeding arrangement involving an infant in the workplace, an employer will need to identify any health and safety issues that might arise in relation to the mother, the infant and co-workers” and “an employer should consider the standard of hygiene, comfort, and privacy of the allocated space”. There are also a variety of arrangements for access to Parents Rooms including online booking systems, accessing keys from reception or simply locking the door when in use, along other things. It would be beneficial for kaimahi to be made aware of these details and the location of facilities so that they can take this into account when making plans to return to work.

While agencies appeared to include information about the entitlement to ex-gratia payments in their policies, it is clear from the GWN survey results discussed later in this report that kaimahi are not accessing this entitlement. There is an opportunity for agencies to be more proactive in making kaimahi aware of this entitlement and facilitating access to it. There is also an opportunity to discuss various options for the payment of the ex-gratia payment with kaimahi when they inform the employer they will be taking parental leave. It may provide better financial support to pay kaimahi the ex-gratia payment in a lump sum when they go on parental leave, on return to work, as an instalment over a fixed period, or as a way to allow a kaimahi to work one day less per week and receive that day as an ex-gratia payment until the total entitlement is exhausted, among other options. There were a variety of approaches to the ex-gratia payment at agencies including the following examples:

- Oranga Tamariki/Ministry for Children states in the Parental Leave Policy that the ex-gratia payment upon return to work for 6 months can be paid to kaimahi as a lump sum payment or in pro-rata instalments for six months from the date of returning to work
- Te Tari Arotake Mātauranga/ Education Review Office enables a kaimahi to elect how the receive their ex-gratia payment:
  - a lump sum payment on the completion of six months service from the date of their return to work
  - continue to be paid normal salary during the unpaid portion of parental leave, to the equivalent of the lump sum payment leave. (e.g. pay for six weeks/30 days – pro rata for part time kaimahi)
  - continue to be paid normal salary for the six weeks immediately preceding paid portion of parental leave, to the equivalent of the lump sum payment leave. (e.g. pay for six weeks)

- if they return to work on a part-time basis, they may elect to take this sum equal to 30 days (for a full time kaimahi – this would be pro rata for part time kaimahi) salary as a top up allowance to supplement the part time wage. (e.g. one week's work could be made up of work 20 hours, top up allowance 20 hours making a total of 40 hours salary per week).
- Manatū Hauora/ Ministry of Health provides that the ex-gratia payment will be paid to the primary caregiver as follows:
  - Two weeks' salary is payable in the kaimahi's final pay before commencing parental leave.
  - A further four weeks' salary is payable to the kaimahi when they have completed a further six months service with Manatū Hauora upon their return to work. This also applies if the kaimahi returns to work immediately after taking at least 30 working days extended leave (excluding paternity leave).
- Te Kawa Mataaho/Public Service Commission enables the payment to be made to top up the pay of kaimahi returning to work on a part time basis and also as a lump sum before, during or following parental leave.
- Toitū Te Whenua/ Land Information New Zealand's Policy provides that if kaimahi are entitled to paid parental leave they will also be eligible for a top up payment from Toitū Te Whenua for 18 weeks within the 26 week period. Any top up payment entitlement will be calculated at the rate of the kaimahi's base pay that would have applied during the 18 weeks, less the paid parental leave they receive from Inland Revenue.

It is also noted that most agencies require kaimahi to have returned to work for 6 months before being entitled to the ex-gratia payment. However, three agencies required kaimahi to have returned to work for only 3 months in order to be eligible for the ex-gratia payment.<sup>27</sup> There was also one agency that provided for kaimahi to receive 30 working days payment at their equivalent base salary on the commencement of the parental leave, provided that if they resigned during parental leave they would be required to refund this payment.<sup>28</sup> It is also noted that two agencies provide in their policies that in the event of a restructure kaimahi on Parental Leave who are made redundant will still be entitled to the ex gratia payment.<sup>29</sup> The application of timing for ex-gratia payments and circumstances creates a precedent for flexibility across the public sector that could be taken into account by other Public Service Agencies.

It is noted that kaimahi in the public sector have a statutory entitlement to continue to accrue annual leave while on parental leave, as long as they return to their job. If kaimahi take annual leave that they became entitled to during parental leave or in the next 12 months after returning to work, they will be paid at the rate of their average weekly earnings over the last 12 months. This could be lower than their usual salary or wages. Without an enhancement, the standard averaging formula for calculating leave (see Employment NZ guidance on calculating leave pay), would lower a kaimahi's pay when they took annual leave due to the fact they are not earning while on parental leave and so their average pay is zero. This was being reviewed by MBIE and legislation was being prepared for introduction in the term of the previous Labour Government as discussed previously in this report. However, it appears this legislation has not progressed under the current Government.

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<sup>27</sup> Te Manatū Ahu Matua/ Ministry for Primary Industries, Te Tāhū o te Ture/Ministry of Justice and Te Manatū mō ngā iwi o te Moana-nui-ā-Kiwa/ the Ministry for Pacific Peoples.

<sup>28</sup> Manatū Wāhine/Ministry for Women.

<sup>29</sup> Te Manatū mō ngā iwi o te Moana-nui-ā-Kiwa/ the Ministry for Pacific Peoples and Te Tari Ture o te Karauna/ Crown Law Office.

There may be an opportunity to review whether this unfairly disadvantages kaimahi who take parental leave and whether this adequately supports kaimahi returning to work following parental leave. If legislative amendment is not progressed it may be that agencies consider what other kinds of leave allowances can be provided to adequately support kaimahi. There appears to be an arguable precedent for paying the annual leave accrued at the normal daily rate as outlined in a number of Public Service Agency policies. It may also be beneficial for other agencies to confirm in their policies that kaimahi continue to accrue continuous service and the relevant associated entitlements during parental leave.

Some agencies outlined in their policies that kaimahi can request to be reimbursed for personal costs incurred for the care of dependents if they cannot make alternative arrangements and they attend a course, travel on official business or are required to work abnormal hours. It is suggested that this should be explicitly outlined in policies if it is offered by a Public Service Agency and is something that would be beneficial to help parents balance work and personal responsibilities.

There are additional ways agencies can support kaimahi to feel connected, valued and supported before during and beyond parental leave in recognition of the ongoing role of a parent in the workplace. Public Service Agencies could provide resources and sources of information for parents on their intranet sites as a way to provide ongoing support to kaimahi with children. Oranga Tamariki provide additional resources and support for parents with children before they enter Primary School. On the intranet they have a page titled *Entitlements and Resources* for kaimahi raising Tamariki 0-5. This page is dedicated to helping kaimahi connect with key internal and external resources to support a smooth transition back to work. This is something that could be replicated at other agencies to create a sense of connection, value and support. It is also suggested that agencies refer to the availability of Employee Assistance Programme (EAP) services or other counselling and wellbeing support available to kaimahi in their policies.<sup>30</sup> These services ensure kaimahi returning to work following parental leave have an avenue for support should they need it, and this can remain anonymous.

## **INDIVIDUAL AGENCY POLICIES AND PROCEDURES**

### **Te Tari Ture o te Karauna/ Crown Law Office**

Te Tari Ture o te Karauna/ Crown Law Office indicated that it is currently updating the parental leave policy, process and guidance to ensure it aligns with the 2023 Collective Agreement and is also user-friendly for kaimahi. Te Tari Ture o te Karauna includes principles at the outset of its policy which provides that:

- working parents may have access to the Government's leave and payment supports depending on eligibility criteria.
- in addition, Crown Law is a family friendly organisation and provides other benefits to employees who are parents, as negotiated from time to time and recorded in an employment agreement.
- Crown Law recognises that returning to work can be a significant change, and that staff, and their whānau, may need time to adjust to a "new normal".
- Crown Law recognises that people experience parenthood differently and that it can bring challenges. These challenges may include pregnancy loss or adjustments returning to work. Crown Law is committed to supporting our employees across their range of experiences.

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<sup>30</sup> [EAP Services Limited](#)

A summary of the support that is provided in addition to the statutory entitlements is provided below:

- Kaimahi who do not meet the eligibility criteria may still be eligible for paid parental leave or negotiated carers leave. If not, Te Tari Ture o te Karauna will still provide support for kaimahi to take time off and kaimahi are encouraged to speak to their Manager or HR Advisor about this.
- Te Tari Ture o te Karauna recognises that kaimahi may wish to take more than 52 weeks' and are open to discuss options to support kaimahi to take the time they need and support a return to work when the kaimahi is ready. Where this is the case, kaimahi are encouraged to discuss this and make arrangements with their Manager.
- Kaimahi are not required to take special leave to cover appointments during work hours where they require two hours or less away from work. In most cases, these absences can be managed through flexible working.
- Kaimahi are encouraged to make use of development opportunities while on parental leave and are encouraged to speak to their manager for further information.
- Kaimahi who are on parental leave are included in progression/review processes. Any letters will be sent to the kaimahi's personal email address.
- Kaimahi who are on Parental Leave and are made redundant will be entitled to the lump sum payment (presumably this is in reference to the ex-gratia payment) they would have received if they returned to work.

#### **Te Papa Atawhai/ Department of Conservation**

Te Papa Atawhai provides the following support in addition to statutory requirements:

- Kaimahi continue to accrue annual leave during a period of parental leave. Te Papa Atawhai will pay all annual leave taken following the return from parental leave on the basis of the kaimahi's ordinary pay. Where the provisions of the Parental Leave and Employment Protection Act 1987 give a higher rate of payment, the Act will apply.
- Kaimahi are eligible for an ex-gratia lump sum taxable payment equivalent to six weeks (or up to a maximum of 30 working days), based on the kaimahi's annual rate of pay and hours or work prior to going on parental leave. This is paid six months after returning from parental leave.
- Kaimahi who resign to care for preschool children will have preference for re-employment if they reapply for a position within four years from the date of resignation and no more than five years from the date of taking parental leave (without pay).

#### **Ara Poutama Aotearoa/ Department of Corrections**

The OIA response included a statement that "Corrections prides ourselves on being a family-friendly organisation and operates our parental leave procedures and policies with the principles of good faith, transparency and timeliness. Parental leave provisions are set out in the Parental Leave and Employment Protection Act 1987. Any enhancement to the provisions in this Act is contained in an employee's employment agreements".

The support provided to kaimahi that is in addition to the statutory entitlements includes:

- Kaimahi are encouraged to review their annual leave balances and consider using annual leave before commencing parental leave.
- Time spent on parental leave does not break service.

- Flexible working arrangements are available and there is a Flexible Working Arrangements Policy that was provided through a link but that was not accessible through the OIA response.
- There was a section in the Policy entitled “breastfeeding facilities” which provided that at all sites a facility is available to continue breastfeeding. However, this indicated that an example of a breastfeeding facilities was the sick bay which suggests it is not a dedicated site for breastfeeding.
- The ex-gratia payment is calculated on a kaimahi's rate of pay over the six weeks immediately prior to their commencing parental leave and includes any salary increases backdated to that period. However, the ex-gratia payment does not include any allowances payable where, for example, a kaimahi was seconded to or acting in a higher paid position before starting parental leave unless the kaimahi returns to that position at the end of the parental leave period. An eligible kaimahi who takes less than six weeks' parental leave receives the proportion of the ex-gratia payment that their absence represents. Eligible kaimahi who are employed on a part-time basis receive the payment on a pro-rata basis. This excludes kaimahi who normally works full-time but reduces their hours temporarily before beginning parental leave because of the pregnancy or initially returns to work part time after taking parental leave. The period of time the kaimahi must have returned to work for in order to qualify for the payment is determined in the individual employment agreement and was not available in the information provided in the OIA response. The policy indicates the payment is made as a lump sum payment.

#### **Te Tari Taiwhenua/ Department of Internal Affairs**

In response to the OIA request Te Tari Taiwhenua/ Department of Internal Affairs stated that it meets the requirements of the Parental Leave and Employment Protection Act 1987 when providing parental leave entitlements. Kaimahi need to inform their manager through at least one month's written notice of their intention to take parental leave. Jobs remain protected during the period of parental leave. Kaimahi are encouraged to stay in touch with their work colleagues while on parental leave, including using the Keeping In Touch Hours. Kaimahi may work reduced hours or agree other flexible work arrangements on returning to work.

In addition to the legislative requirements Te Tari Taiwhenua provides the following to kaimahi who take parental leave:

- Leave of up to 18 months for kaimahi who have worked at the agency for more than 12 months.
- Kaimahi may take annual leave prior to commencing parental leave. Paid parental leave payments (administered by the IRD) will commence the day after the annual leave finishes even if it is after the baby arrives or the baby's due date.
- Paid time to attend appointments e.g. scans, antenatal, doctor or midwife appointments.
- Ex-gratia payment up to six weeks following return to work for 6 months after taking parental leave, includes partners taking parental leave. The ex-gratia payment is based on the kaimahi's salary that applied for the six weeks immediately before going on parental leave. The ex-gratia payment is the smaller of either six week's pay or a pro-rata payment based on the actual number of working days leave taken. The ex-gratia payment is pro-rated for part-time employees. The ex-gratia payment is paid either: as a lump sum after the completion of six months service after returning from parental leave; or in fortnightly instalments for the first three fortnights after returning to work subject to the employee

agreeing that should they leave before completing six months service after returning from parental leave, they will repay the ex-gratia payment in full.

- KiwiSaver employer contributions on return to work.
- When an employee returns to work annual leave taken is paid at the rate set out in the Holidays Act.
- There is a section on “supporting breastfeeding” in the Parental Leave Guide which provides information on breaks and facilities for breastfeeding and expressing. This section states that “Wherever possible, DIA will provide facilities and reasonable and practicable support so that mothers can balance continuing to breastfeed (or expressing milk) and working. If you want to breastfeed or express milk when you return to work you should talk to your manager as early as possible, ideally before you return to work. Appropriate arrangements will be agreed, on a case-by-case basis, between you and your manager. HR can also help provide guidance and answer your questions. While it is important that flexibility exists to enable your individual needs to be met, arrangements should involve minimal disruption to the workplace. Your request may be declined if it is not reasonable or practicable in the circumstances – for example when there would be a substantial imbalance between the impact on the team and your needs”.

#### **Te Tari o te Pirimia Me te Komiti Matua/ Department of the Prime Minister and Cabinet**

The response to the OIA request provided information related to parental leave for kaimahi within both the Department of the Prime Minister and Cabinet (DPMC) and the National Emergency Management Agency (NEMA). NEMA is a departmental agency hosted by DPMC, and as part of this arrangement, its kaimahi are offered the same entitlements and benefits afforded to DPMC kaimahi.

In addition to legislated entitlements, DPMC and NEMA provide the following benefits to kaimahi who are eligible for Parental Leave:

- A one-off ex gratia payment 6 months after returning from parental leave that is equal to 6 weeks of a kaimahi’s salary (at the time of taking parental leave). Anyone taking at least two weeks Parental Leave may request a portion of their ex-gratia payment in advance, at the start of their Parental Leave. The advance payment can be the equivalent of no more than two weeks salary, with the balance of the ex-gratia payment received after 6 months continuous service.
- Enhanced annual leave is provided for annual leave taken within the first 12 months of returning to work from Parental Leave. DPMC/NEMA will pay at the ordinary/normal hourly rate of pay. This includes annual leave that accrued before taking Parental Leave, leave accrued while on Parental Leave and leave that accrues during the first 12 months after the return from Parental Leave.

Information regarding these benefits is readily available to all DPMC and NEMA staff within the ‘Parental Leave Guide’ which is accessible through the DPMC intranet. Further support and information are available to kaimahi via their people leader and/or DPMC’s Human Resources team. Kaimahi are encouraged to remain in regular contact with their team leader prior to and during Parental Leave so that they may provide them with support during this time, whether they choose to return to work or not.

There is also a section in the Policy relating to “support for breastfeeding” which, among other things, provides detail about considerations for breastfeeding/expressing facilities. It includes the need for a private, clean, quiet, warm room or space – such as a screened off area (spaces don’t need to be sterile, just clean), which needs to be big enough to manoeuvre a pram – a low comfortable chair – to ensure privacy, windows or glass walls may need to be screened. It also refers to a lockable door, a washbasin, a fridge (or chilly bin with ice packs) for storing expressed breast

milk, a table, a clean space to store equipment (e.g. small locker or cupboard), a microwave for sterilisation is also handy, expressing equipment often needs to be sterilised before use], power point (if using electric pump). It also speaks to support for breastfeeding/expressing kaimahi including “making sure other staff know the workplace is breastfeeding-friendly and, if necessary, encouraging tolerance around any additional noise or disruption associated with having a baby at work; making sure the employee is comfortable with the arrangements and can raise any issues; checking with the employee every so often to make sure arrangements are working effectively; making sure any caregiver, partner and baby is welcome in the workplace”. It refers to the importance of communication between kaimahi and their manager to adapt to the changing needs of the kaimahi.

### **Te Tari Arotake Mātauranga/ Education Review Office**

Te Tari Arotake Mātauranga/ Education Review Office stated in its response to request for a summary of support, information and entitlements provided to kaimahi who take parental leave and return to work that:

*In relation to point one of your request, an employee notifies their manager of their intention to take parental leave. Their manager (in conjunction with the employee) liaises with HR about documentation (i.e. advice to apply for paid parental leave through MyIR, Keeping In Touch hours) and provides them with relevant and appropriate support.*

*The employee provides in writing their request to take parental leave including dates and leave types that will be utilised. Additional leave is granted at the discretion of the DCE when other types of paid leave have been exhausted.*

*The manager stays in touch during the period of parental leave. Ideally the manager and employee will have had some discussion prior to commencing parental leave about the employee's intentions for when they intend to return to work and how this will work. HR checks in with the manager prior to the return to work to determine what has been discussed and agreed.*

*ERO makes every effort to accommodate requests for flexible work (i.e. part time, limited travel, flexible hours – this is not necessarily a comprehensive list) and there is an expectation that this is an ongoing conversation with the employee about how things are going.*

A summary of support that is additional to statutory requirements in the specific policies includes:

- Leave Policy: In recognition of the value in having sick leave available for when it is needed ERO allows for the accumulation of sick leave up to a maximum of 260 days. This maximum entitlement includes any entitlement to sick leave granted for previous service under the Public Service Common Leave Provisions, under ERO's sick leave policy (current or previous), or under provisions in previous collective employment agreements.
- Leave Policy: A kaimahi may be granted special leave on pay at their manager's discretion. Kaimahi requesting special leave on pay should apply to their manager in writing, preferably well in advance of the leave applied for. Managers with the delegated authority to approve special leave on pay are members of the Executive Leadership Team, Directors of Review and Improvement Services, Toka ā-nuku and Corporate Services business unit managers.
- The Parental Leave Policy enables a kaimahi to elect how they receive their ex-gratia payment: a lump sum payment on the completion of six months service from the date of their return to work; continue to be paid normal salary during the unpaid portion of parental

leave, to the equivalent of the lump sum payment leave. (e.g. pay for six weeks/30 days – pro rata for part time kaimahi); continue to be paid normal salary for the six weeks immediately preceding paid portion of parental leave, to the equivalent of the lump sum payment leave. (e.g. pay for six weeks); if they return to work on a part-time basis, they may elect to take this sum equal to 30 days (for a full time kaimahi – this would be pro rata for part time employees) salary as a top up allowance to supplement the part time wage. (e.g. one week's work could be made up of work 20 hours, top up allowance 20 hours making a total of 40 hours salary per week).

- For those kaimahi who are KiwiSaver members at the commencement of the Government paid parental leave, ERO will contribute the equivalent employer contribution rates as what would be applied to the government paid parental leave (i.e. 3 percent of the government parental leave contribution). This will be paid as a lump sum directly to the IRD on return to work from parental leave.

### **Te Tira Tiaki/ Government Communications Security Bureau and Te Pā Whakamarumaru/ New Zealand Security Intelligence Service**

Te Tira Tiaki/ Government Communications Security Bureau and Te Pā Whakamarumaru/ New Zealand Security Intelligence Service has a Parental Leave Policy and Childcare Allowance Policy. As expected, there were redactions made to these documents to avoid prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand and to protect privacy of individuals. Although the term 'kaimahi' generally refers to staff in this report, the scope of the Parental Leave Policy refers to "employees". When calculating entitlement to parental leave entitlements the agencies will recognise a kaimahi's current, continuous service within the agencies of NZSIS, GCSB and DPMC.

The policy confirmed that parental leave payments will only be paid if an employee meets the criteria set out by IRD and the Parental Leave and Employment Protections Act. Kaimahi can choose when they want the government paid parental payments to start. For example, they may want to take annual leave immediately after the baby is born and then start the paid parental leave payments. The policy also confirms that they cannot take parental leave payments and any type of paid leave at the same time or they will be liable to pay secondary tax on the lesser amount.

In addition to statutory entitlements NZSIS and GCSB provide the following:

- In addition to 10 unpaid days of sick leave there is an enhanced entitlement for medically required appointments associated with the pregnancy. Kaimahi are responsible for arranging medically required appointments (appointments with a doctor, midwife or obstetrician for pregnancy related matters, and any scans or tests ordered by them in relation to the pregnancy) outside working hours where possible, or without minimal disruption to the kaimahi's working day. However, if an appointment cannot be arranged outside of working hours, the agency will allow the kaimahi to treat this in the same way as sick leave ie. they do not have to make this time up if taking less than two hours out of the office (including travelling time). If the appointment takes more than 2 hours the kaimahi must use sick leave or unpaid special leave. Partners who want to attend these appointments cannot use sick leave and must make arrangements with their manager to make the time up or apply for another type of leave.
- The Parental Leave Policy also includes a section on the health and safety of the kaimahi and their baby. It provides that "the agencies are committed to providing a safe and healthy working environment for all people on our sites. You and your manager should promptly discuss any concerns about your working environment or duties that may impact on your



health, safety and comfort in the workplace during your pregnancy”. It goes on to provide that where practicable, the agencies will support kaimahi to continue carrying out normal duties, as long as this remains safe for the kaimahi, their baby and colleagues. It offers a workstation assessment or more detailed risk assessment through a Senior Health and Safety Advisor.

- The agencies offer an enhanced annual leave provision for kaimahi returning from parental leave. Annual leave that has accrued while they are on parental leave will be available to use at its full value (at the normal rate of pay) upon return to work.
- The agencies’ Flexible Working Arrangements policy provides details on relevant options, processes, timeframes and forms to complete to request changes to hours and/or days of work and location of work. The policy provides that a flexible arrangement is normally trialled on a temporary basis before making a decision on whether or not it will be made permanent. The policy encourages kaimahi to discuss options with the manager as early as possible so the trial hours are in place for the start date.
- The agencies offer a taxable childcare allowance to working parents to help alleviate the financial burden of paying for childcare for the kaimahi’s pre-school child(ren) (i.e up to the age of 5 years old or the first available date they can start primary school).
- The agencies provide an ex-gratia lump sum payment as an incentive to return to work after taking parental leave. Kaimahi are eligible for the payment after being back at work for 6 months following parental leave. The payment is equal to the less of a) 30 day (six weeks) at the rate of pay in the 30 days immediately before taking paid parental leave (however if the kaimahi worked reduced hours during this time due to pregnancy-related medical reasons the normal rate of pay will apply), or b) a pro-rata payment based on the actual number of working days of parental leave taken as primary carer (ie less than 30 days).

### **Te Tari Taake/ Inland Revenue Department**

In response to the OIA request Te Tari Taake/ Inland Revenue Department responded that a parent’s/carers’ primary work relationship is with their leader. Te Tari Taake provides kaimahi with a range of policy and guideline material, practical guidance and online checklists, to help ensure that they and their leader have all the information they need for all aspects of parental leave.

The guide *Parental Leave at IR: A guide to parental leave for our people* provides step-by-step support and information spanning before, during and return from parental leave. In addition to statutory entitlements Te Tari Taake also offer additional or more favourable entitlements, benefits and support options for kaimahi taking parental leave and/or returning to work. These are summarised below:

- Employer parental leave payment: Up to six weeks’ pay for eligible kaimahi. Can be taken on starting parental leave or on returning to work.
- KiwiSaver contribution: A lump-sum payment is made directly to eligible kaimahi on their return from parental leave. This enables them to make an additional contribution to their designated KiwiSaver account.
- Timing of access to parental leave or access to leave without pay: In general, kaimahi must have been employed for at least six months to be entitled to primary carer leave and extended leave. However, some Te Tari Taake employment agreements allow kaimahi to take up to 26 weeks’ parental leave even if they have been employed for less time. Te Tari Taake can also approve leave without pay and hold the role open, on a case-by-case basis.

- Discretionary leave: As well as legislative special leave (up to 10 days' unpaid leave for a pregnant employee), Te Tari Taake leaders have the option to consider a leave with pay option. Te Tari Taake will also consider up to 10 days' discretionary leave, with or without pay, for the partner of the primary carer for medical reasons related to the birth.
- Leave accrual while on parental leave: Annual leave continues to be earned while kaimahi are on parental leave (as per legislation). At Te Tari Taake, on return, it is treated the same as normal annual leave (paid at ordinary weekly pay or average weekly earnings, whichever is higher).
- Te Tari Taake also offer other benefits and assistance to support kaimahi around the time they take parental leave, and afterwards. These are not necessarily exclusive to people taking parental leave. Examples include: a childcare subsidy payment which is a contribution to the cost of childcare for pre-school age children for eligible employees; Parental rooms; preferential reengagement after childcare for employees on collective employment agreements (returning to Te Tari Taake within about four years); flexible working arrangements including part-time hours, flexible work times and working from home. In the context of parental leave, kaimahi can request flexible working arrangements, which may support them before going on parental leave and when returning to work.
- More general provisions, such as sick leave (including sick leave for dependants), and health and wellbeing support, such as the Employee Assistance Programme (a confidential counselling service available to all kaimahi), also support people before and after their return from parental leave.

#### **Toitū Te Whenua/ Land Information New Zealand**

Toitū Te Whenua/ Land Information New Zealand responded to the OIA request with copies of its Parental Leave Information Sheet, Holidays and Leave Policy, Collective Employment Agreement and Individual Employment Agreement. In addition to the statutory entitlements Toitū Te Whenua provided the following:

- If kaimahi are entitled to paid parental leave they will also be eligible for a top up payment from Toitū Te Whenua for 18 weeks within the 26-week period. Any top up payment entitlement will be calculated at the rate of the kaimahi's base pay that would have applied during the 18 weeks, less the paid parental leave they receive from Inland Revenue.
- Facilities and support are available at each office for kaimahi to breastfeed or express milk. These rooms provide storage space and cleaning facilities for equipment, and a fridge that can be used to store milk. The rooms that are available for parents are located as follows: Wellington Level 9; Hamilton Level 3; Christchurch Level 1. Appropriate breaks for breast feeding can be arranged between kaimahi and their manager.
- The Act provides that annual leave entitlement earned during or within 12 months of a return from parental leave is paid at average weekly earnings only. However, as a matter of policy, Toitū Te Whenua has elected to pay the annual leave entitlement earned over parental at the greater of ordinary weekly pay and average weekly earnings as an enhancement on the legal requirement in respect of kaimahi returning to work following a period of parental leave
- Each kaimahi's annual entitlement to sick leave is set out in your employment agreement. Sick leave can be used for your own illness or injury, or where a partner's illness or injury, or that of another member of the family or household, means that a kaimahi needs to attend

to them. Untaken sick leave can accumulate to a maximum of 130 days for potential use in the event of illness or injury.

### **Manatū Taonga/ Ministry for Culture and Heritage**

Manatū Taonga indicated in the OIA response that parental leave arrangements are stipulated by the terms outlined in clause 2.14 of the Ministry's Collective Employment Agreement (CEA), in accordance with the Parental Leave and Employment Protections Act 1987. A document entitled Parental Leave entitlements and guidance is available to all kaimahi on the Ministry's intranet page. Parental leave arrangements are discussed between the individual, their manager, and the Ministry's People & Culture team (Human Resources). Once arrangements have been finalised, it is the responsibility of the individual's manager to support and check in with the individual before, during, and after the arrangement (as appropriate).

Support provided to kaimahi in addition to the statutory entitlements includes:

- Kaimahi continue to accrue annual leave during a period of parental leave. To help kaimahi take a break and spend time with their family after they come back to work from parental leave, Manatū Taonga will pay all annual leave that the kaimahi takes during the 12 months following return from parental leave at the greater of their ordinary weekly pay or their average weekly earnings for the 12-month period immediately prior to taking the annual leave
- Following a kaimahi's return to work after parental leave, they will be eligible for the payment of six weeks' salary, i.e., 30 working days (pro-rated for part time). The payment will be made on the completion of six months' service after returning to work. The payment will be made as follows:
  - The amount will be calculated at the normal rate of salary applicable to the 30-day period prior to the commencement of the leave
  - Only one payment will be made where both partners are engaged in the State Sector, and both meet the eligibility criteria
  - The amount will be pro-rated where the kaimahi takes parental leave of less than six weeks. Where an employee works reduced hours prior to taking parental leave as a result of a medical condition arising from their pregnancy, the return-to-work payment will be calculated at the normal rate of salary for the 30-day period prior to the reduction of hours. If a kaimahi elects to work reduced hours prior to taking parental leave for reasons other than a medical condition arising from their pregnancy, the return-to-work payment will be calculated at the normal rate of salary for the 30-day period prior to the commencement of the leave
- If a kaimahi resigns to care for their dependent pre-school children, they will have preference for re-employment if they reapply for a position within one year from the date of resignation or two years from the date of taking parental leave. The period of absence will be treated as unbroken service but will not count for the purpose of any service-related leave entitlements. The preference will lapse where the applicant has not been appointed to a position within six months of reapplying.

### **Te Manatū mō ngā iwi ō te Moana-nui-ā-Kiwa/ Ministry for Pacific Peoples**

The OIA response from Te Manatū mō ngā iwi ō te Moana-nui-ā-Kiwa indicated that they are committed to supporting the wellbeing of kaimahi and offers additional support for kaimahi who choose to take parental leave including options for flexible working arrangements when they return to work. A summary of support provided is outlined below:

- Kaimahi entitled to Parental Leave and return to their duties before or at the end date of their leave will qualify for an ex-gratia payment after the completion of a subsequent three months' service with Te Manatū mō ngā iwi o te Moana-nui-ā-Kiwa, provided the kaimahi has not given notice to resign during that three-month period. The ex-gratia payment will equate to 30 working days leave on pay at the rate that applied for the 30 working days immediately following the commencement of Parental Leave. If a restructure occurs and the kaimahi has been made redundant whilst on Parental Leave, they will still be entitled to the ex-gratia payment.
- Where a kaimahi wants to request a flexible work arrangement for their return to work, the Ministry's Leave Management and Flexible Work Policies will apply.

### **Te Manatū Ahu Matua/ Ministry for Primary Industries**

The OIA response from Te Manatū Ahu Matua/ Ministry for Primary Industries indicated that all permanent and fixed term kaimahi are eligible for parental leave. The type of parental leave a kaimahi can take depends on meeting criteria set out in the Parental Leave and Employment Act 1987.

In addition to the entitlements set out under the Act, Te Manatū Ahu Matua offers a taxable, one-off, ex-gratia payment to kaimahi who return to the agency from approved parental leave and complete a further three months of full or part-time work. The OIA response indicated that this payment is to incentivise employees to return to the workplace after parental leave. The ex-gratia payment is equivalent to 30 working days at a kaimahi's base rate or ordinary rate at the time of commencing parental leave. If the kaimahi was absent on an approved period of parental leave (i.e., primary carer/extended leave) for less than 30 working days, they will receive the proportion of the payment that their absence represents in working days.

The OIA response also indicated that Te Manatū Ahu Matua also encourages managers to stay in touch with kaimahi while they are away on parental leave. This might mean setting up regular phone calls or allowing a kaimahi to use Keeping In Touch Hours. The response indicates that suitable use of Keeping In Touch Hours would be to attend a team day, join a series of meetings, or attend a change announcement. Kaimahi need to complete and submit a timesheet to claim payment for Keeping In Touch Hours.

Additionally, flexible working for those returning from parental leave can ease the transition to return to work. Gradual and phased hours can be progressively increased until a full complement of full or part-time hours is reached at a specified date. Once a kaimahi returns to work, they may request a flexible working agreement to support the transition back to the office and adjustment to parenthood. Workplace flexibility enables work to be tailored to both the employer's and kaimahi's needs and can be changed over time as required. Agreements are made in line with Te Manatū Ahu Matua's flexible working policy.

A summary of the non-statutory entitlements is provided below:

- In addition to statutory entitlements, Te Manatū Ahu Matua supports kaimahi before they go on parental leave by offering parental leave provisions in its collective agreement.
- Te Manatū Ahu Matua offers eligible kaimahi a one-off ex-gratia payment equivalent to 6 weeks at 100% of their rate of pay and their percentage rate of employment applicable 6 weeks immediately before they went on parental leave. If a kaimahi takes less than 6 weeks of parental leave, they will receive a pro-rated payment. The payment may be made before 3 months of service is complete, if agreed by the Director-General.

- Partners can receive a statutory entitlement of up to 2 weeks of unpaid Partner Leave and can share the Primary Carer leave if they meet the eligibility criteria.
- The Director General has the discretion to approve the payment of costs in caring for dependants in the situation where kaimahi cannot make alternative arrangements and they attend a course, travel on official business or are required to work abnormal hours.
- Kaimahi who resign to care for a dependent preschool child may apply to their former employer for preferential re-appointment. For preferential appointment to apply, the total period of childcare absence allowed is 4 years from the date of their resignation.
- Flexible working arrangements are available by agreement between the employer and kaimahi.

### **Manatū Mō te Taiao/Ministry for the Environment**

The OIA response from Te Manatū Mō te Taiao/Ministry for the Environment referred to information available on Crayon<sup>31</sup> which is the New Zealand Parental Leave Register. The information was last updated on 1 May 2023. A summary of the entitlements is provided below:

- Te Manatū Mō te Taiao supports kaimahi before they go on parental leave by offering Parental leave policy documentation and a parental leave section on the intranet.
- In addition, Te Manatū Mō te Taiao offers eligible kaimahi a one-off ex-gratia payment equivalent to 6 weeks at 100% of their rate of pay and ordinary hours of work before they went on parental leave. If a kaimahi takes less than 6 weeks of leave, they will receive a pro-rata payment. Payment is made 6 months after kaimahi return to work from parental leave. If kaimahi do not complete 6 months of service after returning from parental leave, they are not eligible for the ex-gratia payment.
- Partners can receive up to 2 weeks of unpaid Partner Leave and can share the Primary Carer leave if they meet the eligibility criteria in accordance with statutory entitlements. Te Manatū Mō te Taiao offers 1 week of the statutory 2 weeks' Partner leave as paid. Payment is made in line with payroll. In addition, if Partners separately take Extended leave, they could be eligible for the 6-week ex-gratia payment.
- Kaimahi continue to have access during parental leave to a work phone (if they have one), a work laptop, the Employee Assistance Program, email and systems access (if the kaimahi wishes).
- Kaimahi on parental leave who are eligible for a one-step increase in their remuneration at the annual review will begin to be paid at their new salary on return from parental leave.
- Kaimahi can request to be reimbursed for personal costs incurred for the care of dependents if kaimahi cannot make alternative arrangements and they attend a course, travel on official business or are required to work abnormal hours.
- Kaimahi returning from parental leave to Te Manatū Mō te Taiao can work reduced hours for the first 3 months and apply to extend this arrangement for up to a total of 12 months. A minimum of 3 days or 24 hours per week is preferred following the initial 3-month period. Te Manatū Mō te Taiao is flexible by default, so hybrid working (a mix of home and office) is applicable for returning parents. If a kaimahi requests to become a permanent remote worker after their period of parental leave, it would be considered on a case-by-case basis, depending on the role and individual.

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<sup>31</sup> [The New Zealand Parental Leave Register — Crayon \(gocrayon.com\)](https://www.gocrayon.com/)

- Te Manatū Mō te Taiao pays kaimahi the higher of their average weekly earnings or ordinary weekly pay when they take annual leave after returning from parental leave. Te Manatū Mō te Taiao also extends this benefit if kaimahi resign within their first 12 months back at work from parental leave for any untaken annual holiday entitlement. If kaimahi resign on parental leave, they are paid in line with the statutory requirements.
- Te Manatū Mō te Taiao's Wellington building has a breastfeeding/baby room. Te Manatū Mō te Taiao is flexible by default, which means that kaimahi can breastfeed or express as required around their schedules.

### **Manatū Wāhine/ Ministry for Women**

In response to the OIA request Manatū Wāhine confirmed that the parental leave policy is contained within the current Collective Agreement 14 December 2021 – 31 March 2024. In addition to the statutory entitlements Manatū Wāhine provides the following support:

- In addition to the 26 weeks' unpaid leave for kaimahi who have worked at Manatū Wāhine for less than 12 months, those kaimahi who have worked at Manatū Wāhine for at least 12 months are entitled to unpaid leave for 104 weeks.
- Annual leave continues to accrue while kaimahi are on parental leave. On their return from parental leave any annual leave taken will be paid at the kaimahi's normal daily rate.
- The Parental Leave Policy provides that kaimahi returning from parental leave will be encouraged to take the annual leave accrued while on parental during the first 12 months after they return. The Policy states that this provides options for more flexible return to work arrangements and that the Ministry also wishes to avoid the continuing accrual of significant amounts of annual leave. It is noted that there are no other Parental Leave Policies in other agencies with a provision to this effect.
- The Parental Leave Policy also provides that after discussion between the manager and the kaimahi, the manager will provide kaimahi returning from parental leave with the opportunity to return to their positions on a part-time basis or job share basis or the opportunity to work from home or with greater flexibility of working hours.
- The policy states that the Ministry is committed to ensuring that all such requests from kaimahi returning from parental for flexible working are considered favourably under Section 13 of this agreement (Flexible Working) and where it meets the requirements of the Ministry and the kaimahi to agree to these requests.
- In line with the Ministry's work on valuing women's contribution, including roles as primary caregivers, sole parents and heads of households, the Ministry acknowledges the skills gained by all kaimahi on parental and/or caregiving leave, including:
  - parenting and care-giving skills, including paid and unpaid care work
  - economic and time management skills, including those in and outside of the home
  - leadership and/or governance skills, including paid and voluntary community roles
  - emotional intelligence (EQ) including resilience, and cultural intelligence (CQ)
  - lived experience of accessing social services and interaction with the education, healthcare and other systems to inform gendered policy advice.

These may be acknowledged in performance management and learning and development opportunities, and other means of career development and progression.

- Kaimahi will be entitled to a payment, equivalent to base salary for 30 working days on the commencement of the parental leave, provided that, if the kaimahi resigns during the period of parental leave this payment will be refunded in full. The kaimahi will sign an agreement to this effect prior to the commencement of the leave. A woman who works less than full normal hours for a short period only prior to their confinement may have their case for full payment considered by the Chief Executive.

#### **Hīkina Whakatutuki/ Ministry of Business, Innovation, and Employment**

The OIA response indicated that “MBIE strives to be a good employer and understands that this is more than just meeting its obligations under the relevant legislation that affect employment in New Zealand. MBIE continues to improve conditions for working parents and are always looking for enhancements to the parental leave policies that will benefit both MBIE and returning employees”. It is noted that as per the collective agreement, the parental leave payment is subject to the kaimahi being entitled to parental leave of up to 12 months and returning to work with MBIE before or at the expiration of the leave.

Non-statutory entitlements for kaimahi intending to go on parental leave includes:

- Sick leave: within Hīkina Whakatutuki’s employment agreements, sick leave of less than two hours will not be deducted from a kaimahi’s sick leave entitlement. This allows for expecting and new parents to attend scans and other doctors’ appointments for themselves or their dependents without impacting their sick leave entitlement.
- Hīkina Whakatutuki is a flexible-by-default agency. This means options can be explored for flexible working for all roles unless there is a clear business reason the desired option will not suit the role. The flexible options include:
  - Flexible time: when employees vary their work hours, e.g., reduced hours, staggered hours, or compressed 9-day fortnights
  - Flexible leave: when employees need extra leave, e.g., lifestyle leave, leave without pay or other types of leave
  - Flexible location: when employees work from locations other than the designated workplace, e.g., working from home
  - Flexible role/career: enabling employees to manage their career, e.g., gradually decreasing hours in the lead-up to retirement, job sharing, and working part-time to study.
- Kaimahi are eligible for a parental leave payment equivalent to up to 30 working days leave on pay and may elect to receive their parental leave payment in one of the following ways:
  - as a lump sum payment on completion of six months service from the date of their return to work, or
  - as a weekly allowance payable pro-rated over their first six months return to work, or
  - if they return to work at 80% of their pre-parental leave hours of work, as a weekly allowance paid for up to 30 weeks, whilst on those reduced hours. i.e., in conjunction with a flexible work arrangement.
- Hīkina Whakatutuki pays entitled annual leave above the legislative rate for parents returning from parental leave. Hīkina Whakatutuki continues to pay annual leave at the higher of the ordinary weekly pay, or average weekly earnings without impact from the

parental leave period. Under legislation the minimum requirement is to calculate payments using the average weekly earnings.

### **Manatū Kaupapa Waonga/ Ministry of Defence**

The OIA response from the Ministry of Defence enclosed a copy of the Ministry of Defence's Parental Leave and Returning to Work policy and noted that this policy is in the process of being updated to reflect the recent changes in legislation and that where the policy does not reflect current legislation, the Ministry of Defence provides the benefits stipulated in that legislation.

In addition to statutory entitlements the Ministry of Defence provides:

- The use of flexible and part time arrangements as part of the return to work
- Support for breastfeeding Support for breastfeeding, upon return to work, that allows a feeding schedule to be maintained. This includes that facilities and support are provided for kaimahi to breastfeed or express milk, including a suitable room which has a fridge.
- Childcare subsidy Provision of a childcare subsidy for the cost of childcare upon return to work from parental leave
- A one-off parental leave payment for kaimahi who have taken primary carer leave, payable at the completion of three months service following return from parental leave. Payment is equal to six weeks of kaimahi's salary at time of taking parental leave
- Enhanced annual leave which ensures that kaimahi returning from parental leave and then taking periods of annual leave will be paid their annual leave accrued during the period of parental leave at their current daily rate at the time of departing on parental leave
- An enhanced partner's leave policy means that kaimahi who are the spouse or partner of the biological mother or permanent primary carer of a child under six are entitled to a period of up to two weeks leave paid for by the Ministry of Defence.

### **Te Tāhuhu o te Mātauranga/ Ministry of Education**

In response to the OIA request Te Tāhuhu o te Mātauranga/ Ministry of Education referred to its reliance on the information provided on the Ministry of Business, Innovation and Employment website and the Inland Revenue website.<sup>32</sup> The relevant non-statutory entitlements from the Parental Leave Policy are outlined below.

- In line with our Flexible Working Policy, you and your people leader should discuss what working arrangements will best support your needs, and what will work for your team. For example, this could mean reducing to part-time on a temporary or permanent basis. Please discuss with your people leader what will work best for you as soon as possible, but no later than 21 days before your intended return to work.
- If you meet the criteria for an ex-gratia payment, you'll receive a payment equivalent to 30 working days' pay at the rate you were on when you went on extended leave. If you were on shortened hours before you began your parental leave, the calculation will be based on your normal salary before you began working shortened hours. If you're absent on parental leave for fewer than six weeks (30 working days), you'll receive an ex-gratia payment equivalent to the number of working weeks you were on leave. For example, if you are away 4 weeks, you'll get 4 weeks' pay ex gratia. The payment will be made automatically once you have completed the six months' service after returning to work. Alternatively, you might prefer to receive the pro rata payment in equal fortnightly instalments beginning on the first payday

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<sup>32</sup> [Parental leave eligibility » Employment New Zealand](#) and [Paid parental leave \(ird.govt.nz\)](#).



after you return to work, with the final payment made at the end of your six months' service. If you choose to receive the payment in instalments but you resign or your employment is ended before you have completed the six months' service, you will not be entitled to the balance of the payment.

### **Manatū Aorere/ Ministry of Foreign Affairs and Trade**

The Collective Employment Agreement provides that "The Ministry is committed to the development and maintenance of family friendly policies, including the provision of assistance with childcare, flexible hours and parental leave". The Collective Agreement goes on to provide that:

*The Ministry will endeavour to accommodate any special requirements during the period of pregnancy, including alternative duties, and to support employees undergoing fertility treatment, including through paid and unpaid leave options. Any temporary arrangements made for this reason will not disadvantage an employee in relation to either remuneration or conditions of employment.*

The support provided by Manatū Aorere in addition to statutory entitlements includes:

- An ex-gratia payment equivalent to six weeks leave on pay i.e. at the rate applying for the six weeks immediately following their ceasing duty. Kaimahi who are absent on parental leave for less than six weeks will receive that proportion of the payment that their absence represents in working days. Kaimahi can offset the statutory entitlement of 2 weeks of unpaid partner leave against the ex-gratia payment. This means they can take paid partner leave by utilising 2 weeks of the 6-week ex-gratia payment. The ex-gratia payment is paid upon return to work.
- Kaimahi who return from parental leave and wish to work reduced hours will be accommodated as far as possible.
- Temporary arrangements can be made for pregnant kaimahi to support their physical comfort, such as kaimahi undertaking alternative temporary duties, access to a rest area and a reserved nearby car park.
- For kaimahi undergoing fertility treatment, kaimahi can request 4 weeks of unpaid leave for them or their partner to undergo fertility treatment. If more than 4 weeks of unpaid leave is required, Manatū Aorere will favourably consider the request providing a guarantee that the kaimahi will be able to return to the same or a similar position. For kaimahi on an overseas posting they can request to end their overseas post early on a no fault basis (ie Manatū Aorere will meet the full transfer cost to enable this) or the kaimahi can remain on their overseas post and request \$1,000 towards the cost of the fertility treatment.
- Manatū Aorere has three types of subsidies to help working parents:
  - childcare subsidy for kaimahi in New Zealand and on postings which equates to up to \$3,000 per year in childcare costs for each child under the age of eligibility to enrol and commence primary school and up to \$1,000 per year for after school care for each child aged 5-13 years old
  - 20-hour Childcare Subsidy for employees on postings: kaimahi on postings can receive a subsidy up to 20 hours of the cost of childcare per week for children aged 3-5 years old before they start school and kaimahi in New Zealand can receive 20 hours ECE hours payment from their government entitlement.
  - Equalisation Allowance for employees on postings: where the average cost of childcare is higher than the average quarterly Wellington childcare costs can claim the difference.

- Manatū Aorere pays kaimahi the higher of their average weekly earnings or ordinary weekly pay when they take annual leave after returning from parental leave.
- Manatū Aorere provides returning parents with facilities, including a fridge, and breaks to breastfeed and/or express milk.
- Kaimahi travelling on Manatū Aorere business either domestically or internationally, or who are attending a course outside of business hours, or who are required to work, outside normal business hours may claim additional actual and reasonable childcare expenses where alternative childcare arrangements cannot be made.
- In addition to parental leave, kaimahi may take a “special period of absence” of up to 52 weeks if they are eligible for 52 weeks parental leave. This is to enable the kaimahi to care for the child and spend additional time with their child before returning to work.
- While kaimahi are on parental leave they may apply for vacancies that arise and promotion and offshore postings. They will be advised by their manager/HR how to retain contact in order to remain aware of vacancies arising.
- Prior to commencing parental leave managers should complete an interim assessment of performance with the kaimahi. This can feed into the full performance assessment once the kaimahi has returned to work. Kaimahi on parental leave will be eligible to participate in the annual remuneration review process if they have completed a minimum of 3 months service within the performance year. If a kaimahi on parental leave has had their performance assessed and rated in the performance year, their actual performance rating will be used to recommend remuneration increases. Kaimahi on parental leave without a performance rating will receive an increase that will be linked to the average increase for an employee rated ‘strong performance’ at the applicable pay band.
- Being on parental leave is treated as continuous service for the purposes of all leave types such as annual leave, long service leave etc.

### **Manatū Hauora/ Ministry of Health**

In addition to the statutory entitlements for kaimahi that go on parental leave Manatū Hauora provides the following:

- while on parental leave, kaimahi will continue to accrue annual leave. Manatū Hauora pays all annual leave taken following parental leave at the greater of ordinary weekly pay or average weekly earnings for the 12-month period immediately prior to taking annual leave. The policy provides “You continue to accrue annual leave during a period of parental leave. To help you take a break and spend time with family after returning to work from parental leave the Ministry will pay all annual leave taken following parental leave at the greater of your ordinary weekly pay or your average weekly earnings for the 12-month period immediately prior to taking the annual leave”.
- Kaimahi are also regularly kept in touch with while they are on parental leave to ensure they stay connected with their teams and are made aware of anything happening within their teams or the wider organisation.
- Manatū Hauora provides an ex-gratia payment to returning employees once a further 6 months’ service with Manatū Hauora has been completed. The policy provides “An ex-gratia payment equivalent to six weeks’ salary is payable when a further six months service with the Ministry has been completed. This applies if the employee returns to work immediately after taking at least 30 working days extended leave (excluding paternity leave). The payment will be calculated on the base pay and hours worked prior to going on parental

leave. If an employee and their partner both work for a state sector employer, only one will be eligible for the payment. Employees absent on parental leave for less than six weeks will receive the proportion of the payment that the absence represents in working days. The ex-gratia payment constitutes an enhancement to the legislation". The policy provides that the ex-gratia payment will be paid to the primary caregiver as follows: a) Two weeks' salary is payable in the kaimahi's final pay before commencing parental leave. b) A further four weeks' salary is payable to the kaimahi when they have completed a further six months service with Manatū Hauora upon their return to work. This also applies if the kaimahi returns to work immediately after taking at least 30 working days extended leave (excluding paternity leave).

- Manatū Hauora operates on a flexible first policy, which means kaimahi could work reduced hours or work flexibly upon their return from parental leave.

### **Te Tūāpapa Kura Kāinga/ Ministry of Housing and Urban Development**

Te Tūāpapa Kura Kāinga commences its Parental Leave Guidelines with a congratulations to kaimahi becoming parents (perhaps again) followed by an overview of the purpose of the guidelines. These are to highlight entitlements, ensure statutory obligations are met and to comply with the contractual terms of employment agreements. The Guidelines also encourages "a culture of continuous improvement" and invites suggestions to help us improve the content of the document.

The OIA response indicated that Breastfeeding and pumping facilities are available at Te Tūāpapa Kura Kāinga but this was not included in the Parental Leave Guidelines or any of the correspondence templates to kaimahi provided.

Te Tūāpapa Kura Kāinga recommends in the Guidelines that kaimahi take all available annual leave immediately prior to commencing parental leave. It states that "your term of parental leave without pay will begin once your annual leave is used". If the kaimahi has applied for parental leave of less than 3 months' duration the kaimahi can request to retain their annual leave entitlement accrued prior to taking parental leave.

The support provided in addition to statutory entitlements includes:

- Kaimahi must make alternative arrangements for deductions from their salary for retirement savings scheme deductions during parental leave. If they opt to suspend contributions for the State Sector Retirement Savings Scheme while on parental leave, they have the option to make 'catch-up' payments over the first 7 months of their return and Te Tūāpapa Kura Kāinga will match up to 3 percent of these payments.
- Union fees stop for kaimahi who are union members on parental leave. The union continue to regard kaimahi on parental leave as members and cover them as if they were at work.
- The parental leave period counts towards continuous service with Te Tūāpapa Kura Kāinga.
- Kaimahi are provided with an ex-gratia payment equivalent to 6.4 weeks' pay. The payment is made on the first suitable payday after the kaimahi returns from parental leave and is calculated based on the salary pay rate and hours of work (percentage of employment worked) that applied when the parental leave commenced.
- Annual leave is accrued while on parental leave paid at the pay rate when leave is taken.
- Preferential re-hiring is provided for those resigning to care for preschool-age children within four years of resigning or five years of taking parental leave.
- Flexible working provisions are available for all kaimahi.

## **Te Tāhū o te Ture/ Ministry of Justice**

The OIA response from Te Tāhū o te Ture indicates that the agency provides wellbeing support through the Employee Assistance Programmes (EAP) and aligned learning and development wellbeing webinars. It goes on to say that Benestar, one of Te Tāhū o te Ture's contracted wellbeing providers, offer free wellbeing webinars. Other than the Benestar resources, wellbeing supports for parents returning to work include a parent room, in the Justice Centre, Pōneke, for breastfeeding/pumping. A summary of the entitlements is provided below.

- In addition to the extended unpaid leave provided in the Act, Te Tāhū o te Ture provides a further 26 weeks of extended unpaid leave for kaimahi who meet the 12-month employment eligibility criteria (total of 78 weeks).
- Te Tāhū o te Ture provides female employees with up to ten days' unpaid leave during pregnancy for reasons connected with their pregnancy. As an enhanced benefit, female employees are entitled to five of those days as paid leave (pro-rata for part time employees)
- Kaimahi continue to accumulate annual leave during periods of parental leave. Te Tāhū o te Ture pays all annual leave taken in the first year following the return from parental leave, based on the kaimahi's ordinary pay. Where a kaimahi takes annual leave before parental leave, parental leave starts after annual leave ends. Kaimahi are entitled to request cashing up annual leave owing while on parental leave.
- Kaimahi on parental leave should have a performance rating aligned with the normal annual review process and timeframes. If the kaimahi has been away for the entire performance year period, assessment will be completed three months after an employee has returned to work.
- Te Tāhū o te Ture will make a one-off ex-gratia payment to kaimahi who return to work after a period of primary carer leave, extended leave or negotiated carers leave; and complete three months' continuous service. No ex-gratia payment is payable for special leave or partner's leave. The ex-gratia payment is equivalent to 6 working weeks' base salary calculated at the rate that immediately applied before the beginning date of parental leave. If a kaimahi takes a period of primary carer leave, extended leave or negotiated carers leave for less than 6 working weeks, they will receive the proportion of the payment the leave represents. The purpose of the ex-gratia payment is to support kaimahi returning to work after parental leave.
- Provided employees were contributing to KiwiSaver prior to beginning parental leave, and not on a KiwiSaver holiday, at Te Tāhū o te Ture employees can apply for the employer contribution to KiwiSaver on their return. The contribution will be made to their KiwiSaver account after they complete three months' continuous service after returning from parental leave, to coincide where practicable with the ex-gratia payment. After returning to work from parental leave, if the kaimahi resigns prior to completing 3 months continuous service, KiwiSaver contributions will be made in their final pay. The contribution will be calculated on base salary prior to proceeding on parental leave for the duration of the parental leave, up to a maximum period of 12 months, pro-rated for part time employees. Employer contributions to KiwiSaver will not be made for special leave or partner's leave. The employer contribution to KiwiSaver is aimed at reducing the retirement savings pay gap.
- People leaders' responsibilities are outlined in the policies to include advising kaimahi about their entitlements (and referring to appropriate links and documents), managing kaimahi absences on parental leave in line with the legislation and policy, reviewing kaimahi

performance and career goals on return from parental leave, and considering how to keep the kaimahi informed about workplans or any changes while on parental leave.

- The letter of notice of parental leave provided to kaimahi also informs them of the ability to take annual leave before taking parental leave and explicitly informs them about their entitlement to an ex-gratia payment, and an Employer Contribution to KiwiSaver if eligible.

### **Te Puni Kōkiri / Ministry of Māori Development**

Te Puni Kōkiri stated in the OIA response that it is “committed to creating an environment where all kaimahi feel supported to use the available parental leave entitlements and when returning to work following parental leave”. The parental leave available to Te Puni Kōkiri kaimahi reflects the entitlements of the Parental Leave and Employment Protection Act 1987 (the PLEPA).

In addition to the statutory entitlements Te Puni Kōkiri provide:

- An ex-gratia payment: Permanent kaimahi who have been on parental leave for at least six weeks and who have been the primary carer, and return to work and complete six months service, will qualify for an ex-gratia lump sum taxable payment equivalent to 30 working days
- In accordance with the Te Puni Kōkiri Flexible Working Policy, managers and kaimahi may negotiate a phased return to work arrangement or if appropriate a remote working arrangement. A reasonable request for flexible working can be discussed with their manager at any time during their return to work with Te Puni Kōkiri. Requests are considered on a case-by-case in accordance with the Employment Relations Act 2000
- Upon returning to work, Te Puni Kōkiri also offers eligible kaimahi a childcare allowance at \$50.00 gross per week (prorated for part-time employees). The allowance can be claimed for one dependant of an employee. To be eligible for the allowance the child must be in paid care for an average of no less than 32 hours per week (for the full-time allowance) or an average of no less than 10 hours per week (for the part-time allowance)
- Te Puni Kōkiri kaimahi can access information relating to parental leave, and other relevant policies, via the internal intranet, Te Pū Matua, and additionally can contact the People & Capability team for further advice and guidance.

### **Te Manatū Whakahiato Ora/ Ministry of Social Development**

In addition to the statutory entitlements Te Manatū Whakahiato Ora provides the following support:

- Flexible working arrangements: Te Manatū Whakahiato Ora information provides that “you may find that you are needing to lean on flexible working arrangements whilst on your pregnancy journey. This may look different and unique for each individual. You may find that you will be juggling doctor / midwife appointments along with morning sickness or fatigue. Sick leave or special leave (as described above in the definitions) may be appropriate depending on your circumstance. You may want to reduce your hour of work. Have a look at MSD’s flexible working guideline to help you work with your team leader to find a solution that works for the business, your team leader and yourself”.
- Ex-gratia payment: After six months return from parental leave, Te Manatū Whakahiato Ora provides up to 32 days’ pay as a lump sum payment if kaimahi have taken at least six weeks Primary Carer or Extended leave. Alternatively, the payment can be requested as fortnightly pro-rated payments upon return from parental leave, with the final payment made at the completion of six months. This option must be requested (in writing or via email) to the manager as soon as possible.

- Annual leave paid at the higher of either average weekly earnings or ordinary weekly pay. kaimahi will continue to accrue annual leave as parental leave is considered continuous service. If kaimahi take 52 weeks of parental leave, they will return with a year's worth of annual leave available. As parental leave is considered continuous service kaimahi continue to receive other leave types as well. If their anniversary date occurs during parental leave, they will receive their allocation of sick leave and dependant leave as if they were not away.
- The information provided to kaimahi confirms that annual leave is available before kaimahi want to utilise Paid Parental Leave entitlements but also clarifies that kaimahi are not obliged to use annual leave and that it is a personal preference.
- The information provided to kaimahi also includes references to the resources on the SmartStart website and the Plunket website and other sources of external information.
- There is a breastfeeding and expressing in the workplace guidance document for kaimahi. While this was not accessible through the OIA response, the information that was provided with the link to the guidance indicates that "We want to ensure that the transition back to work at MSD is a positive experience, this means that creating a safe and supportive environment for breastfeeding parents is essential. The breastfeeding and expressing at the workplace guide supports the conversation between you and your manager and to work together to put a plan in place that works for you both. \*Note: while the term breastfeeding is used, inclusive language such as chestfeeding or bodyfeeding should be used where appropriate to the individual".

#### **Te Manatū Waka/ Ministry of Transport**

Te Manatū Waka indicated in response to the Official Information Act request that it has seven policies that relate to kaimahi on parental leave or returning from parental leave. These are Parental Leave Guidelines, Leave Policy, Leave Guidelines, the MoT and PSA Collective Employment Agreement, the Non-Management Staff Individual Employment Agreement, Flexible Working Guidance, and a Working Policy.

In response to a request for a summary of the support, information and entitlements they provide to kaimahi who take parental leave and return to work at the agency, they said:

*The Ministry adheres to the Employment Protection Act 1987 and parental leave eligibility, entitlements and associated Amendments are based from this. As well as the Ministry's guidelines and policies that are provided to its people, the employees under either an Individual Employment Agreement (IEA) or Collective Employment Agreement (CEA) contract are supported by clauses outlining their rights to parental leave, ex-gratia payment, paid partners leave, annual leave accrual, other leave entitlements under the Holidays Act 2003 and the Ministry's flexible working policies. These guidelines and entitlements support the employee before and while becoming a parent and their reintegration back to work.*

A summary of the non-statutory entitlements based on a review of the documents provided is outlined below:

- On top of the statutory entitlement for unpaid special leave, Te Manatū Waka supports kaimahi before they go on parental leave by offering parental leave provisions in its collective agreement.
- Te Manatū Waka offers eligible kaimahi a one-off ex-gratia payment equivalent to 6 weeks at 100% of their base salary applicable on their first day back at work and their ordinary working hours for the 30-day period immediately before they went on parental leave. If a kaimahi takes less than 6 weeks of parental leave, they will receive a pro-rated payment. If a

kaimahi reduced their working hours for a short period before they went on parental leave, they may request that their ordinary working hours be calculated using the 30-day period immediately before they reduced hours. The payment is made 6 months after they return to work.

- Kaimahi returning from parental leave to Te Manatū Waka can request to work reduced hours. In addition, it is possible for kaimahi to use their accrued annual leave to help transition back to work e.g., using annual leave each week or at regular intervals.
- Kaimahi who resign to care for a dependent preschool child/ren may apply for preferential re-appointment. For preferential appointment to apply, the total period of childcare absence allowed is 2 years from the date of their resignation.
- Flexible working arrangements are available at the Te Manatū Waka depending on the role and individual needs.
- Te Manatū Waka pays kaimahi the higher of their average weekly earnings or ordinary weekly pay when they take annual leave after returning from parental leave.

### **Te Mana Ārai o Aotearoa/ New Zealand Customs Service**

It is noted that the OIA response clarified that at the time of the request for information the Parental Leave policy was under review to ensure this is aligned with relevant parental leave legislation and continues to reflect best practice.

Te Mana Ārai o Aotearoa offers support to kaimahi before, during and after parental leave. In the OIA response Te Mana Ārai o Aotearoa provided that it wants kaimahi to “feel prepared to leave the workplace, to stay connected while away and to be confident on their return”. It also states that when returning, Te Mana Ārai o Aotearoa wants to provide flexibility to achieve a balanced home and work life. The response goes on to state that “Customs believes that taking care of, and supporting our employees will enhance a long-term employment relationship”.

Te Mana Ārai o Aotearoa also encourages managers to have early conversations with kaimahi about the timing and management of parental leave. Flexibility is provided where possible to accommodate the needs of pregnant women, for example, adjusted start times, reduced working hours, the option to change work areas, and the flexibility to attend medical appointments. Te Mana Ārai o Aotearoa also uses 'keeping in touch hours', to encourage kaimahi to stay in touch with their manager while on parental leave. Kaimahi can also request flexible working arrangements on their return from parental leave.

Te Mana Ārai o Aotearoa provides kaimahi with a range of resources regarding parental leave. These include the parental leave policy and guides specifically tailored for kaimahi and managers in addition to occasional training sessions for managers, webinars and interactive sessions on request.

In addition to the statutory entitlements Te Mana Ārai o Aotearoa provides:

- A Parental Grant Payment: after completion of six months' service on return from parental leave, a kaimahi qualifies for payment of an ex-gratia lump sum of 30 working days at the rate the kaimahi was paid before the parental leave started. This provision is provided for in Customs' Multi Union Collective Agreement. The ex-gratia payment will be paid in the following manner:
  - 3 weeks' pay upon return from Parental Leave
  - 3 weeks' pay after 6 months from the date of return to work.
- Holiday Payment Calculation: where Holiday Pay (Annual Leave) for the 12-month period following return from parental leave is calculated at either the Average Weekly Earnings rate

or the Ordinary Weekly pay rate, whichever is higher in accordance with the Holidays Act 2003.

### **Oranga Tamariki/ Ministry for Children**

In response to the OIA request Oranga Tamariki acknowledged that having a child can be a stressful time for employees. Oranga Tamariki indicated it has comprehensive Parental Leave Guidelines in place covering policies and procedures for parental leave that provide information around taking leave prior to starting parental leave and keeping in touch to support the employee at both the beginning and end of parental leave. The guidelines also detail the ex-gratia payment upon return to work and eligibility criteria for those seeking parental leave. It also further details the circumstances where annual leave will continue to accrue while on parental leave; and upon return to work how kaimahi can use their leave and be paid at the rate ordinary weekly pay. All kaimahi are provided with a letter confirming the terms of the parental leave.

In addition to the statutory entitlements, Oranga Tamariki provide additional resources and support for parents with children before they enter Primary School. On the intranet they have a page titled Entitlements and Resources for kaimahi raising Tamariki 0-5. This page is dedicated to helping kaimahi connect with key internal and external resources to support a smooth transition back to work. This is something that could be replicated at other agencies to create a sense of connection, value and support.

The intranet page also contains links to:

- IRD and Employment NZ for entitlements and information on Working for Families, Child Support and Parental Leave.
- Plunket for information around returning to work and Dads' mental health.
- Mental Health Foundation related to Postnatal Depression.

In addition to the statutory entitlements Oranga Tamariki also provides the following support:

- In the parental leave approval letter Oranga Tamariki explicitly informs kaimahi that they can visit the office at any time during their leave and encourage them to ensure their personal contact details are up to date with the Human Resources Team. The letter indicates that Oranga Tamariki will do their best to keep them up to date with what is happening during their absence.
- The Parental Leave Policy contains a statement that "If you commenced employment prior to 1 July 2015, please contact the HR Services team via ServiceNow or speak to your regional HR Advisor for further information regarding your special leave entitlements". It is not clear what the significance of this date is and how it impacts on special leave.
- The Parental Leave Policy also includes information about the ability to take annual leave before commencing Paid Parental Leave.
- Oranga Tamariki also explains that the ex-gratia payment upon return to work for 6 months can be paid to kaimahi as a lump sum payment or in pro-rata instalments for six months from the date of returning to work.
- The Parental Leave Policy also explicitly states that time spent on parental leave counts towards continuous service with Oranga Tamariki.



## **Te Kawa Mataaho/ Public Service Commission**

It is noted that the Policy provided by Te Kawa Mataaho Public Service Commission (the Commission) refers to the “SSC”. This is the ‘State Services Commission’, a title they were previously known as. This policy has not yet been updated but is scheduled to be so later this year. The SSC Leave Policy commences by stating that:

“SSC is committed to supporting employees’ wellbeing and to meet the demands of their work and life through providing access to leave. In doing this, we act in good faith and aim to balance the needs of SSC and the employee through a spirit of manaakitanga”.

The SSC Leave Policy provides parental leave in accordance with the provisions of the Parental Leave and Employment Protection Act 1987 and that:

- An additional ex gratia payment may be provided at SSC’s discretion to incentivise employees to return to work (equal to six weeks of the employee’s salary as at the time of taking parental leave, payable at the completion of six months service following return from parental leave).

The Collective Agreement expands on when and how a person may be ineligible for an ex-gratia payment (or a pro-rated payment) and states that the ex-gratia payment can be used in the following ways to support parents returning to work:

- Returning to work on a part-time basis and having their pay topped up for a defined period up to the equivalent of six weeks base salary.
- An employee is paid a lump sum at a time agreed between the employer and employee which could be before, during or following parental leave.

The Collective Agreement states that “Whanaungatanga is a concept of collectivism which refers to the extent of the closeness, depth and importance of relationships, both professionally and personally, with the past, current and future generations. ‘Whanaungatanga encourages and acknowledges the support from agencies to employees prior to, during and/or post parental leave.’”.

The Collective Agreement also states that the purpose of parental leave is to support:

- Family and whānau well-being - primary carers, surrogates and whānau to bond with their new baby/child
- Improved health outcomes for mothers/birthing parents and baby/child – mothers/ birthing parents can recover from birth and return to work without negative consequences to their health and that of the baby/child
- The equitable sharing of unpaid work in families and whānau – fathers/spouses/partners share leave, parenting and caring responsibilities
- The retention of parents and primary carers in the workforce - who can return to paid work without disadvantage to their position or pay
- Income stability for families and whānau – the parental leave payment provides a period of financial security during leave.

For returning to work after a period of parental leave, the Collective Agreement states that “the Commission and the employee will work together to plan and support the employee’s return to work, including any flexible working arrangements that may be needed. The Commission will give due consideration to any changed circumstances of the new parent, and the needs of the team, and will not unreasonably decline flexible working requests”.

The Collective Agreement also explicitly provides that progression/pay review processes will include kaimahi on parental leave. If these processes occur while the kaimahi is on parental leave, the progression/pay review will be applied from the date of the kaimahi’s return to work.”

In both the Collective Agreement and Commission policy, there is a provision that affects the value of annual leave, following return from parental leave. In the policy it states that “employees returning from parental leave and then taking periods of annual leave will be paid their annual leave at their current daily rate as at the time of taking parental leave”. In the Collective it reads that “Annual holidays taken on return to work from parental leave will be paid at a rate based on the greater of the employee’s ordinary weekly pay at the beginning of the annual holiday, or their average weekly earnings for the 12 months immediately before the end of the last pay period before taking parental leave.”

#### **Te Tari Hara Tāware/ Serious Fraud Office**

Te Tari Hara Tāware/ Serious Fraud Office confirmed through the OIA response that kaimahi receive the parental leave entitlements set out in the Parental Leave and Employment Protection Act 1987 and these are explained to staff by our People and Culture Team as appropriate. They also communicate agency-specific benefits as set out in internal policies, noting where those are an improvement on the statutory minimum (for example, for the calculation of average earnings or performance reviews, kaimahi will be treated as if they have been at work for the related leave period, and the options for a graduated plan to build up to full time hours where operationally supportable.)

A summary of the Parental Leave Policies that extend beyond the statutory requirements is provided below:

- Remuneration Policy: “Employees on parental leave, provided they are not already being paid above their band, will be reviewed based on their performance ratings from the previous two years as if they were in the office”.
- Holiday and Leave Policy “Annual leave following parental leave: Employees continue to accrue annual leave whilst on parental leave. In accordance with the Parental Leave and Employment Protection Act 1987, annual leave value on leave taken within the first 12 months of returning is calculated by using the average earnings for the full 12 months prior to when the annual leave is taken. This results in a reduced value of annual leave due to the unpaid parental leave period. The SFO makes an exception to this legislated calculation and pays the full value of annual leave that is taken within the first 12 months of a return from parental leave. This means that employee will receive ordinary weekly pay for annual leave taken within the first 12 months of a return from parental leave. If the employee reduces their normal working hours on their return to work, the annual leave balance will decrease to reflect the ‘four week per annum annual leave’ entitlement which is stated in the employment agreement. If the employee resigns within 12 months of returning from a period of parental leave the SFO will revert to the treatment of annual leave value in accordance with the Parental Leave and Employment Protection Act 1987 of average earnings to calculate the annual leave payout as a component of the employee’s final pay.”
- Flexible Working Arrangements Policy “Part-time of less than 3 days per week – unless it is to support a return to work from an extended absence on a temporary basis (e.g. parental leave or medical reasons), in a job-share position or other exceptional circumstances. Working less than 3 days per week is not considered manageable from a productivity and resourcing perspective.”

#### **Tatauranga Aotearoa/ Statistics New Zealand**

Tatauranga Aotearoa confirmed in the OIA response that kaimahi are entitled to parental leave as per the Parental Leave and Employment Protection Act 1987. Coverage under this Act is specified in both the Collective and Individual Employment Agreements, rather than separately in a stand-alone

policy. Tatauranga Aotearoa also provides basic guidance to kaimahi on paid parental leave and return to work plans through the staff intranet.

In addition to the legislative entitlements Tatauranga Aotearoa also provide:

- that kaimahi only have to provide one months' notice of their intention to take leave
- a six-week ex-gratia payment, which kaimahi can opt to take at the start of their leave. Payment will be made to the kaimahi once they have completed six months' continuous service after returning from parental leave, unless the kaimahi requests in writing to receive the payment earlier. A kaimahi can request early payment to be made at any time on or after the date of commencement of their parental leave
- Tatauranga Aotearoa will make employer contributions to an employee's Kiwisaver account for the period of any parental leave. The actual contribution payment will be made in a lump sum on the kaimahi's return from parental leave
- A kaimahi who resigns to care for pre-school children will be interviewed if they apply for a position within four years from the date of resignation or five years from the date of taking up parental leave. The preference will apply to a suitable position where the kaimahi has the necessary skills to competently fill the vacant position. The period of absence will be treated as unbroken service but will not count for the purpose of any service-related leave entitlements. The preference will lapse where the applicant has not been appointed to a position within six months of reapplying.

#### **Te Tai Ōhanga/ The Treasury**

Te Tai Ōhanga/ The Treasury provided the following summary in response to the OIA request:

*The Treasury provides employees with a parental leave guidance document that details all the required steps to take parental leave. This document details support channels that keep employees in touch with their managers and colleagues as well as offering flexible work arrangements to reintegrate employees following a return to work from a period of parental leave. The Treasury also offers support to staff members who experience pregnancy and baby loss. Employees who take parental leave may be entitled to Paid Partners leave, enhanced annual leave provisions, ex-gratia payments, childcare allowances, health insurance subsidies for eligible staff, and continued payment of employer contributions to superannuation to for eligible staff.*

The detail in the policy that relates to support provided above statutory entitlements includes:

- While Employee Kiwisaver contributions stop during parental leave, the employer superannuation contributions will continue.
- Kaimahi who receive subsidised medical insurance will continue to receive this while on parental leave.
- The policy also explicitly provides for Keeping In Touch Hours as well as methods to stay informed about work related matters. It states "In most cases your People Leader will continue to be your point of contact while on parental leave. They are responsible for keeping you informed on significant updates. It is important to set expectations around communication method, frequency, the type of information you wish to receive and any activities you would like to continue to be part of. Options could include: a monthly phone call/email; quarterly work updates; invitations to social events and visits; discuss other ideas that will work for you".

- There is also a section entitled “returning to work” in the policy. It provides “returning to work can feel daunting after being away on parental leave. Take your time to adjust and find your new normal. We are committed, where possible, to accommodate flexible working arrangements that support a transition back into the workplace and strike a fair balance between the needs of our people and the business. It is important to begin discussions with your People Leader about your return-to-work arrangements as early as possible, and no later than 21 days before you are due to return. Return to work plans may include requests to work alternate arrangements, return to work earlier or later, a change to part-time work or not returning from parental leave.”
- Paid partner’s leave: Partner’s leave is a type of parental leave which is unpaid under legislation, however Te Tai Ōhanga offer this as paid leave for up to two weeks paid leave in one continuous period (after 12 months employment) or up to one week of paid leave in one continuous period (after six months employment)
- Annual leave earned while on parental leave will automatically be paid at your normal pay when you return from parental leave.
- Te Tai Ōhanga pay an ex-gratia payment as a lump sum equal up to a maximum of six weeks of the kaimahi’s base salary as at the time of taking parental leave. The kaimahi must return to work and complete a further six months’ continuous service. Kaimahi can receive the ex-gratia payment at the start of Parental Leave or paid in full on the completion of six months’ continuous service after Parental Leave.
- Te Tai Ōhanga provide a childcare allowance to kaimahi with Tamariki under five years of age of up to \$3,000 per annum, per kaimahi, towards childcare expenses (e.g., day-care, crèche, nanny), which is available six months after returning from parental leave. This is a taxable allowance.

## **THE EXPERIENCE OF GOVERNMENT WOMEN’S NETWORK MEMBERS**

There were 29 responses to a survey that was sent to Government Women Network members in an ELN newsletter on 11 December.

The survey results provided valuable insights into the experience of people returning to work after the birth of a child and the support provided by their employer. The responses demonstrated that there is a good degree of information and support provided to kaimahi but also that there are opportunities for improvement.

Questions related to the experience of kaimahi leading up to taking parental leave, during parental leave and when returning to work after parental leave. A majority of respondents took 9-12 months parental leave following the birth of their child. It was interesting to note that none of the respondents took less than 3 months’ parental leave. This may be a positive indication that respondents have not felt pressured to return to work before they are ready.

Respondents were asked about access to information about their parental leave entitlements. While a majority of respondents (79 percent) indicated that information was accessible to them through their employer about their parental leave entitlements, there is room for improvement in the accessibility to information and support available to kaimahi. Improvements could be made in providing information through the induction for new kaimahi and also through informing existing kaimahi when they indicate they will be taking parental leave. The information would relate to both

their parental leave entitlements and also the support available upon return to work. Respondents indicated they relied on the Inland Revenue website for information to compensate for a lack of information provided by employers.

The same issue arises for knowing where breastfeeding/expressing facilities are within the workplace. There were 55 percent of respondents who indicated that their employer did not provide information about breastfeeding/expressing facilities available in their workplace. The adverse impact of this on kaimahi is mitigated somewhat by the flexible and remote working arrangements in some public service agencies. However, the lack of information could be remedied by making this information readily available through staff intranets and during induction for all kaimahi.

In addition to knowing where facilities are located survey responses suggested an opportunity for employers to provide support to kaimahi to use the facilities available too. There were 34 percent of respondents who indicated they felt there was not the ability to use breastfeeding/expressing facilities. Comments from respondents included that there were no facilities available and others that were not told about the availability of facilities. A few comments indicated that some kaimahi chose to stop breastfeeding in anticipation of the difficulty it would cause when returning to work. There were 24 percent of respondents who found it a challenge to manage breastfeeding/expressing while working, 31 percent who found it quite difficult and 37 percent who provided a neutral response. Again, providing information about facilities on staff intranets and in inductions for kaimahi could improve this. However, there is also a cultural shift required to ensure that kaimahi feel supported to use the facilities. Examples include encouraging kaimahi to book time in their diaries for breastfeeding/expressing and managing expectations across the agency so that the cultural norm is that people respect these times and do not book meetings that conflict with this.

We also asked respondents about the support provided following their return to work. A large majority of respondents (48 percent) indicated they had not received an ex-gratia payment upon returning to work for 6 months. It is unclear what the reason was that they did not receive the payment. However, there is an opportunity to make kaimahi aware of the availability of the ex-gratia payment on the staff intranet and in inductions for kaimahi and training material to ensure that those kaimahi who are entitled to an ex-gratia payment receive this. There is also an opportunity to discuss various options for the payment of the ex-gratia payment with kaimahi when they inform the employer they will be taking parental leave. It may provide better financial support to pay the kaimahi the ex-gratia payment in a lump sum on return to work, as an instalment over a fixed period, or as a way to allow a kaimahi to work one day less per week and receive that day as an ex-gratia payment until the total entitlement is exhausted. There are a variety of arrangements regarding the timing of the ex-gratia payment discussed in the summary of agency policies above in this report.

There were a variety of flexible working arrangements for kaimahi returning to work following parental leave. There were 20 percent of respondents who returned to work on a full-time basis (at least 37.5 hours per week). A majority of respondents (41 percent) indicated that they returned to work 4 full time days a week. The results suggest that employers accommodate flexible working arrangements for kaimahi returning to work following parental leave. This was further demonstrated by the 66 percent of respondents who indicated they worked remotely at least one day a week upon returning to work following parental leave and 44 percent who worked part-time hours.

Managing sleep deprivation proved to be a challenge for respondents with 24 percent indicating it was “very difficult” and 48 percent indicating it was “quite difficult”. This is something for employers to be aware of when supporting kaimahi who return to work following parental leave. It is noted that the flexible working arrangements outlined above are a way to mitigate the impacts of sleep deprivation.

Respondents also indicated they found managing drop offs and pick-ups for their child very difficult (6 percent) or quite difficult (48 percent). There were 27 percent of respondents who indicated it was very difficult to manage childhood illnesses and absences from childcare and 41 percent who found this quite difficult. Again, flexible working arrangements will assist with mitigating these difficulties but employers should be aware of the impact of this stress on kaimahi with children.

A majority of respondents (44 percent) found it very difficult or quite difficult to get up to speed on their work environment after time away from the workplace. This suggests there is an opportunity for agencies to improve their communication with people on parental leave and following their return to work about the work being progressed in their absence. This is particularly relevant given that 62 percent of respondents indicated their Manager did not make an effort to keep them informed about work related matters while they were on parental leave. This includes in relation to remuneration reviews when a kaimahi is on parental leave. For those respondents who were subject to remuneration reviews during parental leave, 24 percent indicated that their employer effectively engaged with them regarding this while 37 percent said their employer did not.

People who are the primary carer on parental leave are entitled to up to 64 Keeping in Touch Hours which enables them to engage in work while not impacting their eligibility for Paid Parental Leave payments. While there was a small number (3 percent) who accessed 50-64 hours of Keeping in Touch Hours, 62 percent of respondents did not access any of the Keeping in Touch Hours. There was also 20 percent who did not know about Keeping In Touch Hours. There is an opportunity for employers to make kaimahi aware of the availability of Keeping In Touch Hours and think about whether there is work the kaimahi can be engaged in to help their transition back to work.

Respondents were asked whether they felt like taking parental leave negatively impacted on their development or progression prospects in the workplace. A majority (58 percent) indicated they felt it did while 41 percent indicated they felt it did not. While this is a fairly even split, the numbers who felt adversely impacted by their choice to take parental leave suggests that there is an opportunity for employers to consider how to engage more effectively with kaimahi about their career ambitions and the opportunities available so that time away from the workplace is not an actual or perceived impediment to development and progression.

Respondents were asked what information or support they would like their employer to provide to kaimahi who take parental leave and return to work. Responses included:

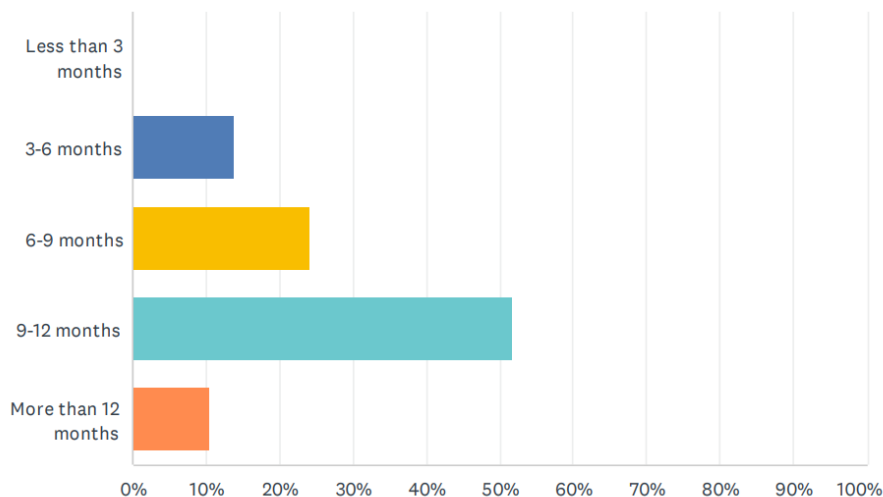
- clear information on entitlements during parental leave and following the return to work from parental leave. There is a fact sheet on parental leave that Te Kawa Mataaho/Public Service Commission has developed for this purpose [Parental-Leave-Fact-Sheet-2023.pdf \(publicservice.govt.nz\)](https://publicservice.govt.nz/public-service-commission/fact-sheet-on-parental-leave-2023.pdf)
- agreement on the level of communication during parental leave and the method of communication

- agreement on the degree of flexibility the employer is willing to afford around sick leave and other leave to accommodate illness in children and childcare arrangements
- support through remote and flexible working arrangements
- being more mindful about meeting times so that parents with childcare responsibilities are able to participate
- adequate facilities for breastfeeding and expressing at work and information about the policies and procedures for their use
- information about the ex-gratia payment available to kaimahi returning from parental leave
- information about the availability of Keeping In Touch Hours while on parental leave.

## SURVEY RESULTS

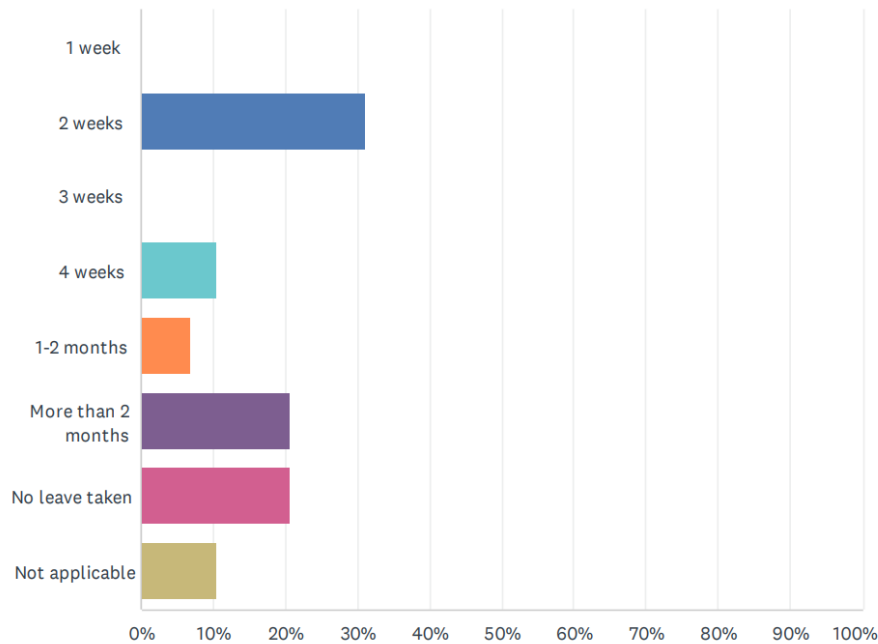
When asked how long kaimahi took for parental leave after the birth of their last child, none of the respondents indicated they took less than 3 months, 13 percent took 3-6 months, 24 percent took 6-9 months, 51 percent took 9-12 months and 10 percent took more than 12 months. This demonstrates that most kaimahi take 9-12 months parental leave following the birth of their child.

**Table 1: Length of time taken for parental leave**



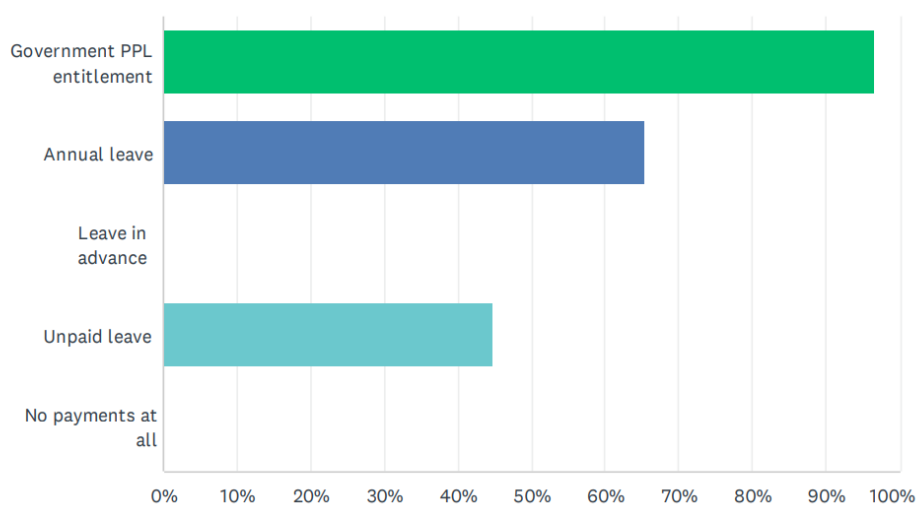
Most of the respondents (31 percent) indicated that their spouse/partner took parental leave for 2 weeks. There were 10 percent of spouses/partners that took 4 weeks parental leave. There were 20 percent who took more than 2 months parental leave. There was also 20 percent of spouses/partners who did not take any leave. This demonstrates that spouses/partners take a wide range of time to support the birth of a child but that most take 2 weeks parental leave. It is also noted that 10 percent of respondents indicated that this question was not applicable to them.

**Table 2: How long spouses/partners took for parental leave (not as the primary carer)**



Respondents were also asked what types of payments they relied on during their period of parental leave. Respondents could select as many options as applied. A large majority (96 percent) relied on the Government Paid Parental Leave entitlement. An additional 65 percent relied on annual leave and 44 percent relied on unpaid leave. This demonstrates that parents often rely on annual leave in addition to the government entitlements to financially support their absence from paid employment. There were a small number of respondents who selected “other” and indicated they relied on their partner’s salary or their partner’s entitlements.

**Table 3: Types of payments relied on during parental leave**

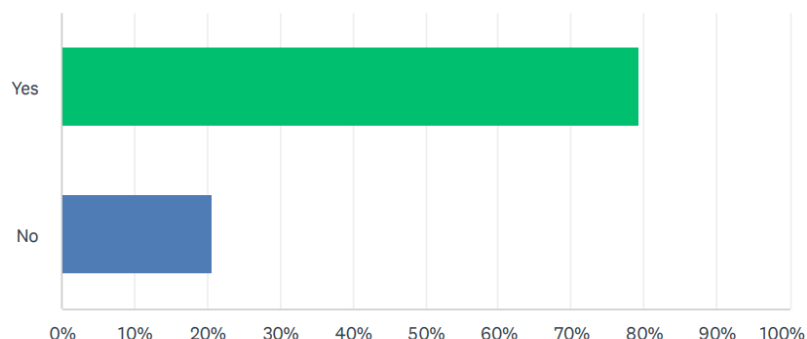


There was a large majority of respondents (79 percent) who indicated that information was accessible to them through their employer about their parental leave entitlements. In the written



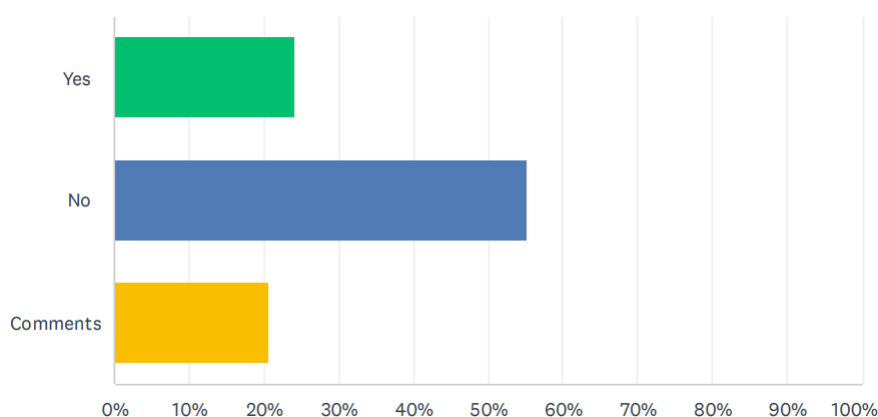
responses some respondents noted that the information was difficult to locate on the staff intranet and that they relied on the information on the Inland Revenue website.

**Table 4: Accessibility of information from employer about parental leave entitlements**



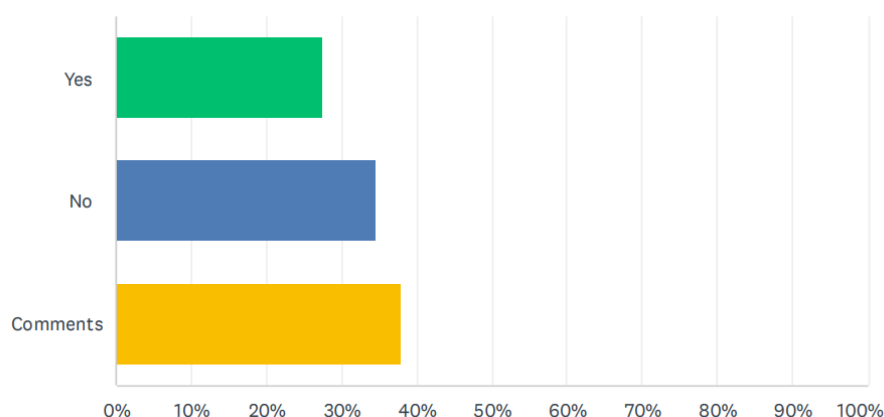
There were 55 percent of respondents who indicated that their employer did not provide information about breastfeeding/expressing facilities available in their workplace. There were only 24 percent who indicated their employer did provide information about breastfeeding/expressing facilities available. There were a number of comments in response to this question. This included comments about difficulty locating the parents' rooms and the difficulty of procedural requirements to access the room including accessing keys and using sign in sheets. This created delays in accessing the room and impacted on their ability to complete work during work hours. Some respondents opted to stop breastfeeding in anticipation of returning to work. There were also comments about the inadequacy of the parents' rooms including that they lacked privacy and were uncomfortable.

**Table 5: Whether employers provided information about breastfeeding/expressing facilities**



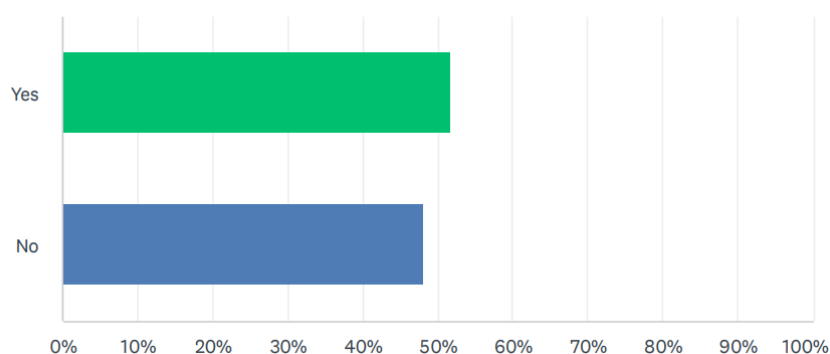
There was a relatively even spread of results in response to the questions about whether respondents felt that the opportunity to use adequate breastfeeding/expressing facilities was provided to them when they return to work. There were 27 percent of respondents who felt there was the opportunity to use such facilities, 34 percent who indicated they felt there was not and 27 percent who provided comments. Comments included that there were no facilities available and others that were not told about the availability of facilities. A few comments indicated that they chose to stop breastfeeding in anticipation of the difficulty it would cause when returning to work.

**Table 6: whether opportunity to use adequate breastfeeding/expressing facilities was provided upon return to work**



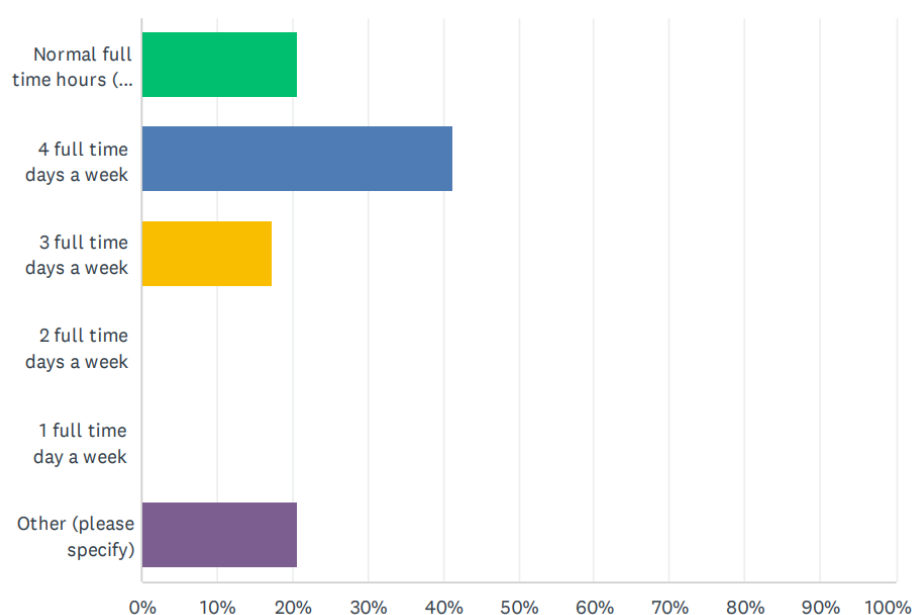
Only 51 percent of respondents indicated they had received an ex-gratia payment. It is noted that the 48 percent who did not may have been ineligible for the payment but equally may have been unaware of their entitlement.

**Table 7: whether you received an ex-gratia payment**



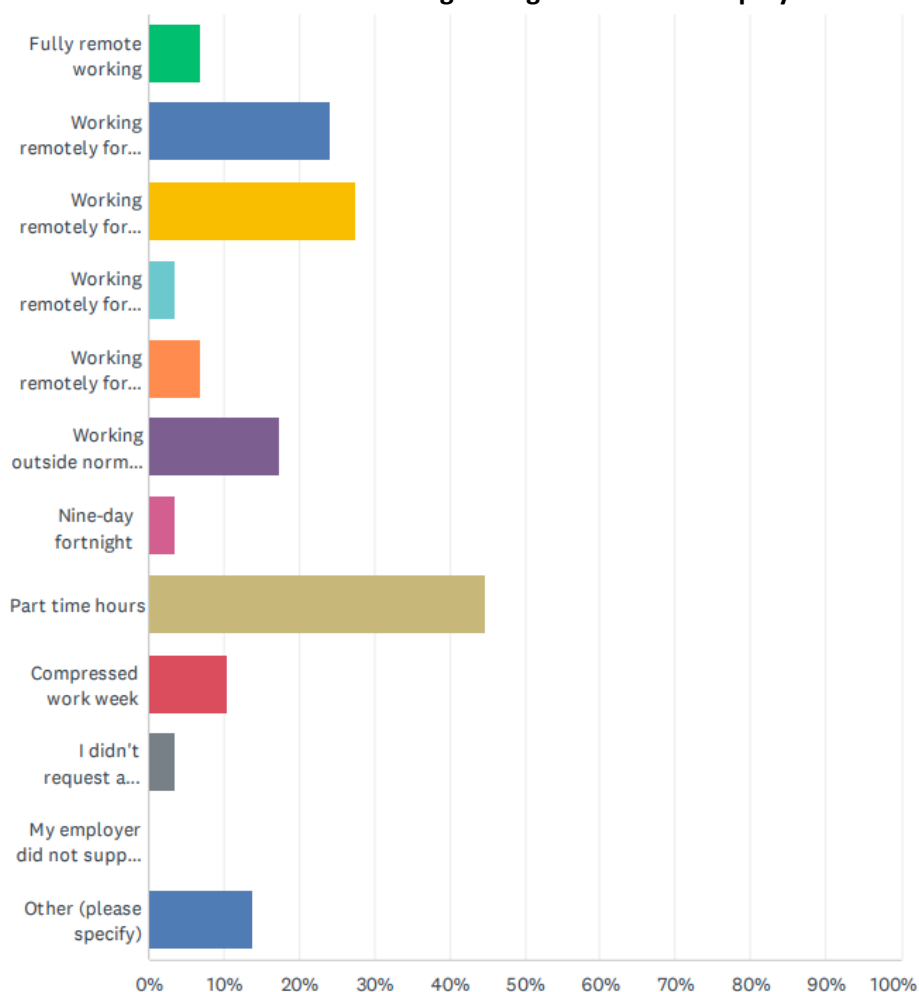
There were 20 percent of respondents who returned to work on a full-time basis (at least 37.5 hours per week). A majority of respondents (41 percent) indicated that they returned to work 4 full time days a week following their parental leave. There were 17 percent who returned to work for 3 full time days a week. None of the respondents returned to work for less than that on a weekly basis. The comments indicated that there were a variety of flexible arrangements regarding the hours worked over the week.

**Table 8: Hours worked when returning to work**



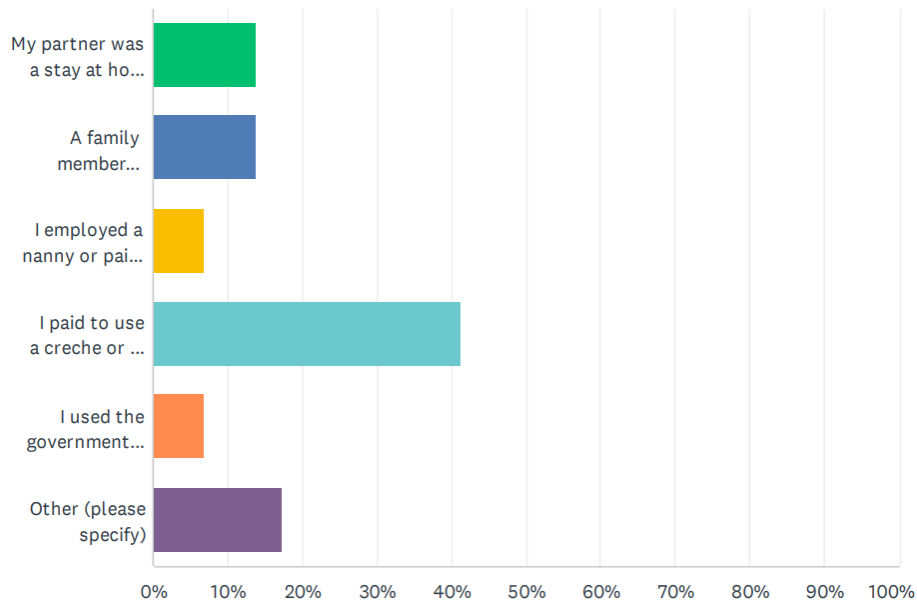
The flexible working arrangements upon respondents' return to work varied a lot. There were 6 percent of respondents who undertook remote working on a full-time basis. Others undertook remote working for one day a week (24 percent), 2 days a week (27 percent), 3 days a week (3 percent) and 4 days a week (6 percent). There were 17 percent who worked outside normal business hours (9am to 5pm). A majority of respondents (44 percent) worked part-time hours. The comments suggested that working from home was less of a possibility a few years ago as opposed to post-Covid.

**Table 9: Flexible working arrangements with employer**



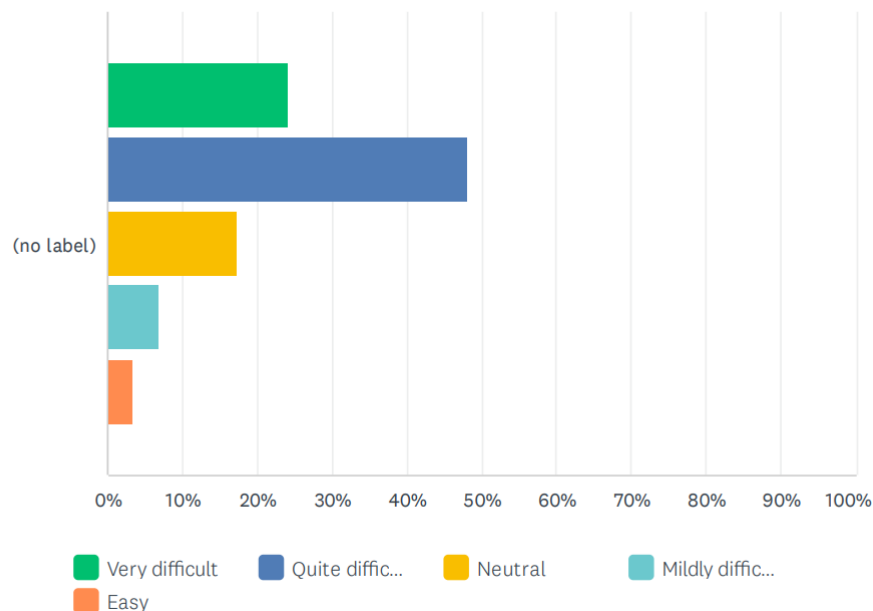
Most respondents paid to use a creche or day care facility for their child when returning to work (41 percent) but other popular options included a partner being a stay at home parent (13 percent) or a family member undertaking unpaid childcare for the child (13 percent). Comments indicated that it was common for parents to work flexible hours to accommodate child care.

**Table 10: childcare arrangements when returning to work**



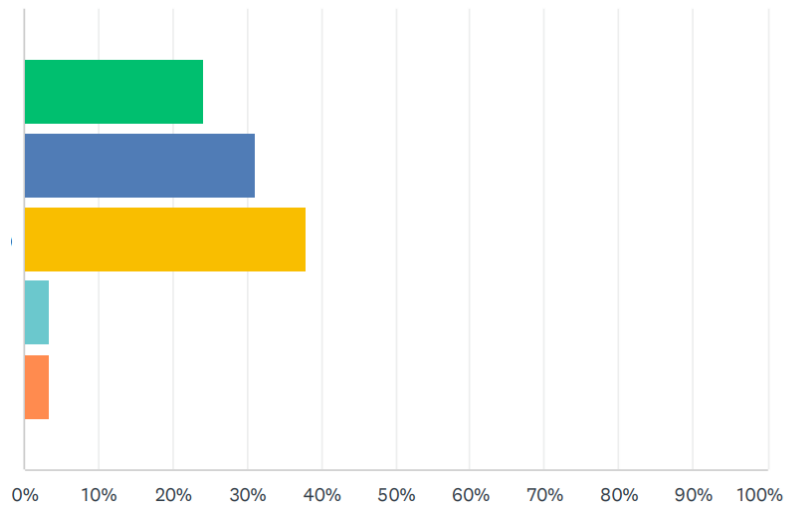
Managing sleep deprivation proved to be a challenge for respondents with 24 percent indicating it was “very difficult” and 48 percent indicating it was “quite difficult”. There were 17 percent who indicated a neutral response, 6 percent who found it “mildly difficult”, and 3 percent who found it “easy”.

**Table 11: Managing sleep deprivation while working**



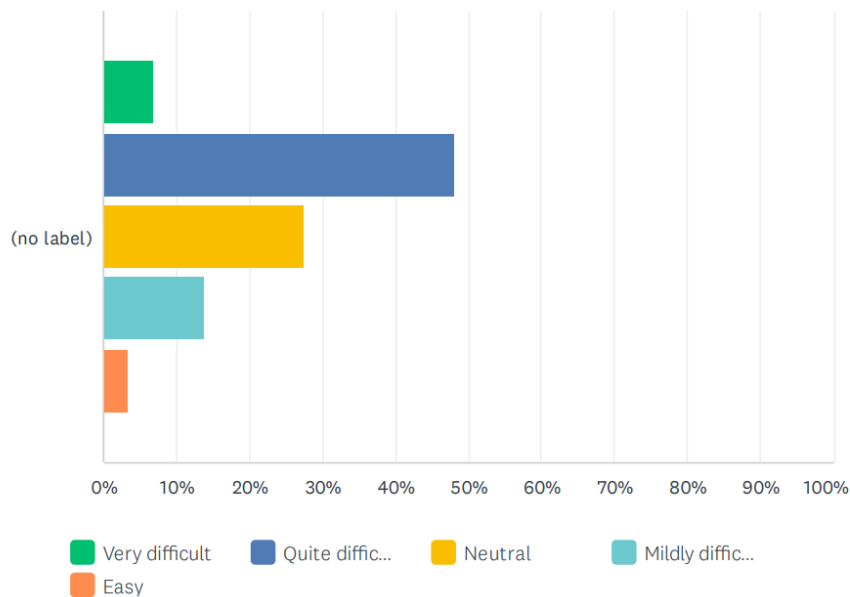
There were 24 percent of respondents who found it a challenge to manage breastfeeding/expressing while working, 31 percent who found it quite difficult and 37 percent who provided a neutral response.

**Table 12: Challenge in managing breastfeeding/expressing while working**



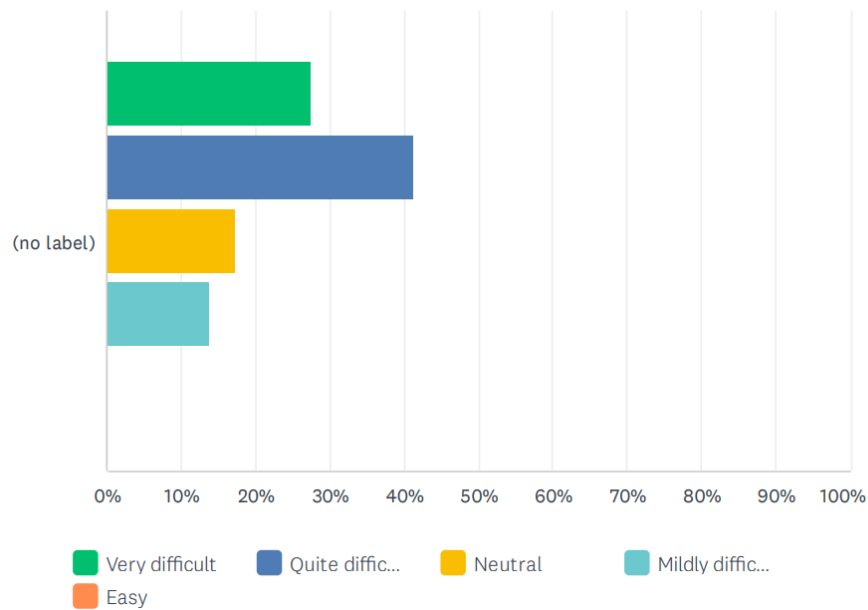
Respondents also indicated they found managing drop offs and pick ups for their child very difficult (6 percent) or quite difficult (48 percent). There were 27 percent of respondents who provided a neutral response and 13 percent who found it mildly difficult.

**Table 13: Managing childcare drop offs/pick ups**



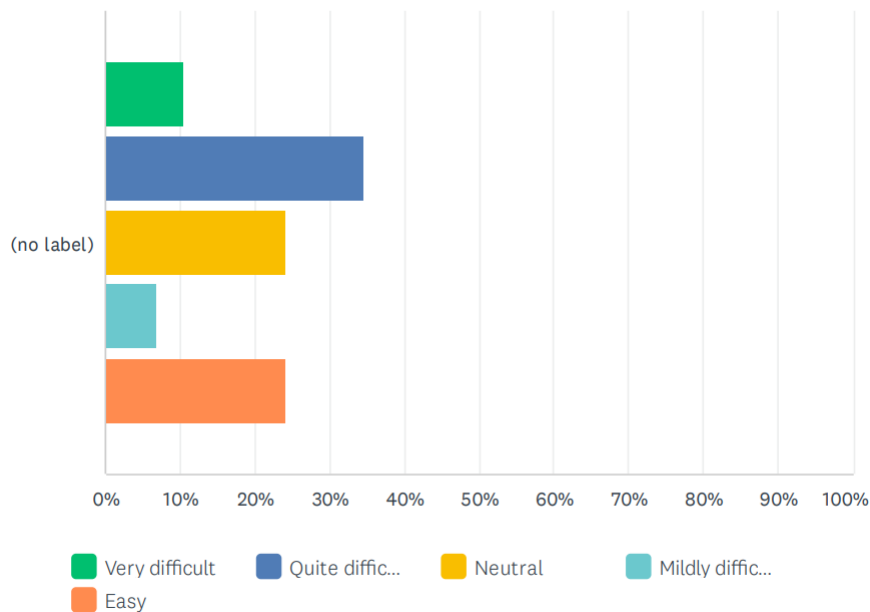
There were 27 percent of respondents who indicated it was very difficult to manage childhood illnesses and absences from childcare. There were 41 percent who found this quite difficult, 17 percent who provided a neutral response, and 13 percent who indicated it was mildly difficult. None of the respondents indicated it was easy.

**Table 14: managing childhood illness and absences from childcare**



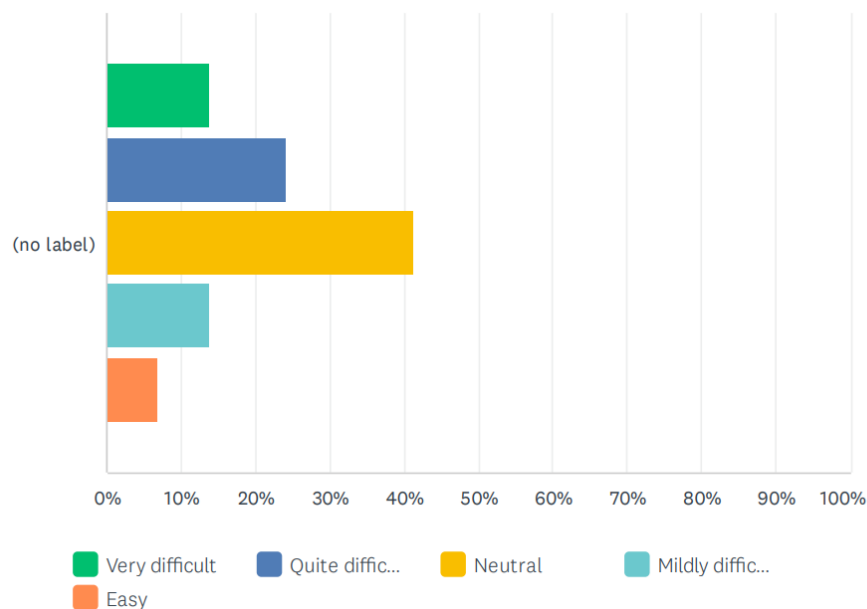
There were 10 percent of respondents who found it very difficult to get up to speed on with their work environment after time away from the workplace. The majority of respondents (34 percent) found it difficult and 24 percent provided a neutral response. There were 6 percent who found it mildly difficult and 24 percent who found it easy. Comments from respondents included reflections on the difficult adjustment of being away from their child, sometimes significant structural changes to teams that they were unaware of and a lack of support from colleagues to come up to speed.

**Table 15: Getting up to speed with work environment upon returning to work**



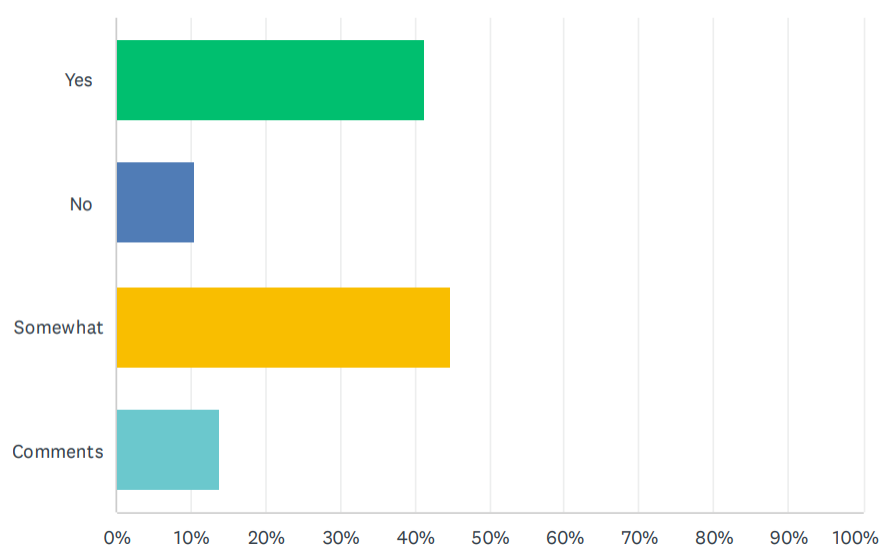
When asked how challenging it was to stay connected to their team, respondents indicated this was not particularly difficult. There was 13 percent of respondents who found it very difficult, 24 percent who found it quite difficult and 41 percent who provided a neutral response.

**Table 16: How challenging it was to stay connected to the team**



There were 41 percent of respondents who felt supported by their colleagues when juggling returning to work with parenthood. An additional 44 percent said they felt somewhat supported and 10 percent who did not feel supported. Amidst the comments was a theme that colleagues were busy with work but that there was a sense of support despite this.

**Table 17: Support from colleagues when returning to work**

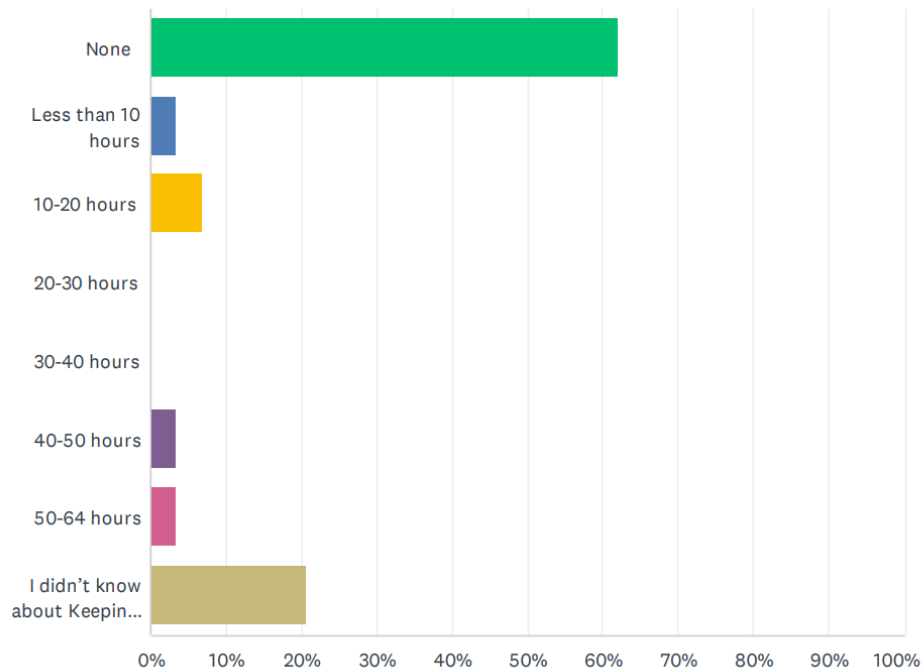


People who are the primary carer on parental leave are entitled to up to 64 Keeping in Touch Hours which enables them to engage in work while not impacting their eligibility for parental leave



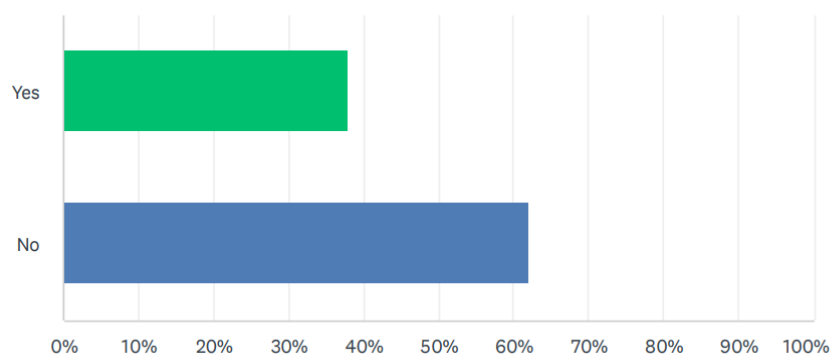
payments. There was 62 percent of respondents who did not access any of the Keeping in Touch Hours, 3 percent who accessed less than 10 hours and 3 percent who accessed 50-64 hours. There was 20 percent who did not know about Keeping In Touch Hours.

**Table 18: Keeping in Touch hours used**



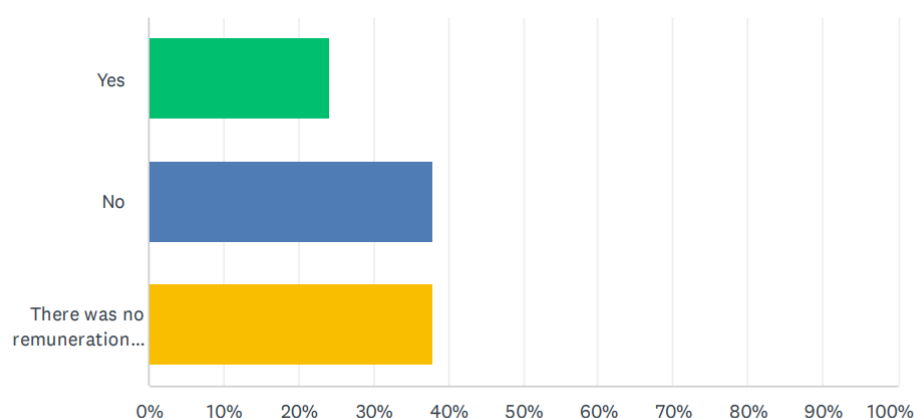
A majority (62 percent) of respondents indicated their manager did not make efforts to keep them informed regarding information and updates at their workplace while they were on parental leave. The majority of comments indicated the contact was minimal but a few indicated they were happy with that approach. There was also a question about the level of support from an employer leading up to parental leave ranging from 1 to 10 (10 being very supportive). The average response indicated that employers generally achieved a level 7 of supportiveness. This level dropped to an average of level 5 in response to a question about the level of supportiveness of the employer during parental leave. This increased again to level 7 following the return to work following parental leave.

**Table 19: Managers' efforts to keep staff on parental leave informed**



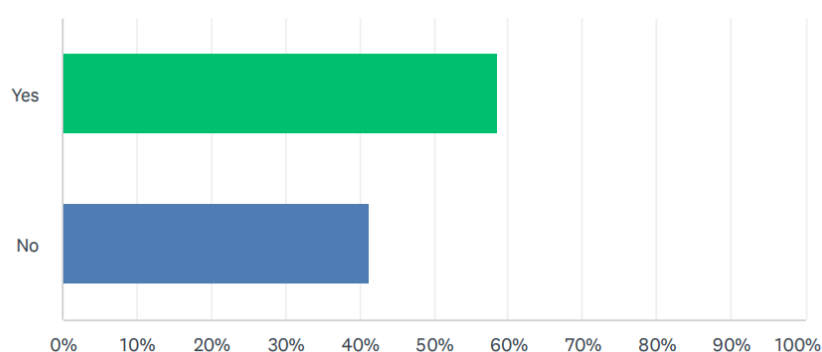
There were 37 percent of respondents who indicated that there was no remuneration review during their period of parental leave. For those respondents who were subject to remuneration reviews during parental leave, 24 percent indicated that their employer effectively engaged with them regarding this while 37 percent said their employer did not.

**Table 20: Engagement on remuneration reviews while on parental leave (if relevant)**



Respondents were asked whether they felt like taking parental leave negatively impacted on their development or progression prospects in the workplace. A majority (58 percent) indicated they felt it did while 41 percent indicated they felt it did not. The theme amongst the comments from respondents was that their career opportunities stagnated as a result of having children, that they in some cases were told by senior members of the organisation that having children impacted on their career progression prospects, and that they were not considered as a result of their physical absence from the workplace.

**Table 21: Negative impact of parental leave on development or progression**



Respondents were asked what additional benefits their employer provided that had not been addressed in other survey questions to assist them in parental leave. The responses included facilitating flexible and remote working options, being more supportive around sick leave taken, annual leave being paid at the normal rate after returning to work (rather than at average earnings) and childcare payment assistance.

## **APPENDIX A**

### **DEPARTMENTS OF THE PUBLIC SERVICE IN SCHEDULE 2 OF THE PUBLIC SERVICE ACT 2020**

Crown Law Office  
Department of Conservation  
Department of Corrections  
Department of Internal Affairs  
Department of the Prime Minister and Cabinet  
Education Review Office  
Government Communications Security Bureau  
Inland Revenue Department  
Land Information New Zealand  
Ministry for Culture and Heritage  
Ministry for Pacific Peoples  
Ministry for Primary Industries  
Ministry for the Environment  
Ministry for Women  
Ministry of Business, Innovation, and Employment  
Ministry of Defence  
Ministry of Education  
Ministry of Foreign Affairs and Trade  
Ministry of Health  
Ministry of Housing and Urban Development  
Ministry of Justice  
Ministry of Māori Development—Te Puni Kōkiri  
Ministry of Social Development  
Ministry of Transport  
New Zealand Customs Service  
New Zealand Security Intelligence Service  
Oranga Tamariki—Ministry for Children  
Te Kawa Mataaho Public Service Commission  
Serious Fraud Office  
Statistics New Zealand  
The Treasury

## APPENDIX B

### OFFICIAL INFORMATION ACT REQUEST

9 November 2023

To whom it may concern

#### **Official Information Act request: Policies and procedures relating to parental leave**

The Government Women's Network is drafting a report which:

- Outlines the legislative obligations placed on agencies in regards to parental leave and employee entitlements
- Highlights any policies and procedures in existence at agencies that relate to parental leave and support provided to parents returning to work following the arrival of a child to their family
- Provides a summary of the experience of employees who are returning to work following the arrival of a child to their family

The purpose of this project is to highlight what is happening across government regarding support and information provided to those employees who are undertaking parental leave and returning to work. The objective is to provide an outline for agencies about what is happening across government so they can replicate what is working and examine whether there are improvements they can make to support their employees. The incentive for agencies is to demonstrate that the wellbeing of their employees is a priority and that they have mechanisms of support in place for employees who take time away from their workplace to care for a dependent child.

We propose to inform the report through two sources of information:

- An Official Information Act request to agencies for information about their policies and procedures
- A survey of GWN members about their experiences leaving and returning to their workplace following the arrival of a child in their family.

Please supply the following information under the Official Information Act (OIA):

- A summary of support, information and entitlements you provide to your employees who take parental leave and return to work at your agency; and
- Copies of policies and procedures at your agency that relate to information and support provided to employees who take parental leave and return to work.

## APPENDIX C

### GWN PARENTAL LEAVE SURVEY

1. How long did you take for parental leave?

Less than 3 months  
3-6 months  
6-9 months  
9-12 months  
More than 12 months

2. If your spouse/partner took parental leave (not as the primary carer) how long did they take?

1 week  
2 weeks  
3 weeks  
4 weeks  
1-2 months  
More than 2 months

3. What types of payments did you rely on during your period of parental leave (select as many as apply)?

Government PPL entitlement  
Annual leave  
Leave in advance  
Unpaid leave  
No payments at all  
Other

4. Was information accessible to you through your employer about your parental leave entitlements?

Yes  
No  
Comments

5. Did your employer provide information about breastfeeding/expressing facilities available to you at your workplace?

Yes  
No  
Comments

6. Did you feel that the opportunity to use adequate breastfeeding/expressing facilities was provided to you when you returned to work?

Yes

No

Comments

7. Did you receive an ex gratia payment of 6 weeks full time salary from your employer after you had returned to work for 6 months?

Yes

No

8. When you returned to work how many hours per week did you work?

Normal full time hours (at least 37.5 hours per week)

4 full time days a week

3 full time days a week

2 full time days a week

1 full time day a week

Other

9. What flexible working options (if any) did you arrange with your employer upon your return to work (select as many as apply)?

Fully remote working

Working remotely for 1 day a week

Working remotely for 2 days a week

Working remotely for 3 days a week

Working remotely for 4 days a week

Working outside normal business hours (9am to 5pm)

Ten day fortnight

Part time hours

Compressed work week

Other

My employer did not support flexible working

10. What child care arrangements did you use when you returned to work?

My partner was a stay at home parent to my child

A family member undertook unpaid childcare for my child

I employed a nanny or paid child care professional

I paid to use a creche or day care facility

I used the government funded ECE hours

Other

11. What were the biggest challenges you experienced when returning to work (rate each)?

Managing sleep deprivation while working

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Managing breastfeeding/expressing breastmilk while working

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Childcare drop offs/pick ups

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Managing childhood illness and absences from childcare

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Feeling supported by my colleagues as I juggled returning to work with parenthood

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Coming up to speed with my work environment after time away from the workplace

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Feeling connected to the team

1 (easy) 2 (mildly difficult) 3 (neutral) 4 (quite difficult) 5 (very difficult)

Comments

12. How many Keeping in Touch Hours did you use during parental leave?

None

Less than 10 hours

10-20 hours

20-30 hours

30-40 hours

40-50 hours

50-64 hours

I didn't know about Keeping in Touch Hours

13. Did your manager make efforts to keep you informed about information and updates at your workplace while you were on parental leave?

Yes

No

Comments

14. If you were due for a remuneration review while on parental leave did your employer effectively engage with you about this?

Yes

No

There was no remuneration review during my parental leave period

15. Do you feel like taking parental leave negatively impacted on your development or progression prospects in your workplace?

Yes

No

Comments

16. What additional benefits that have not been addressed by the other survey questions did your employer provide to assist you in parental leave?

17. On a scale of 1 to 10, how supportive was your employer leading up to parental leave

1      2      3      4      5      6      7      8      9      10

Comments

18. On a scale of 1 to 10, how supportive was your employer during parental leave

1      2      3      4      5      6      7      8      9      10

Comments

19. On a scale of 1 to 10, how supportive was your employer following your return from parental leave?

1      2      3      4      5      6      7      8      9      10

Comments

20. What information or support would you like your employer to provide to people who take parental leave and return to work?