

05 December 2023

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OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request of 8 November 2023 for:

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.

The Ministry's parental leave policy is contained within our current Collective Agreement 14 December 2021 – 31 March 2024. The relevant clauses are 19.4 and 19.5. Copies of these clauses are enclosed (see appendix one).

In addition to our Collective Agreement obligations, the Ministry complies with all obligations under the Parental Leave and Employment Protection Act 1987, as well as any guidance from the Public Service Commission related to employees on parental leave.

Official Information Act responses

Please note that this response, with your personal details redacted, may be published on the Ministry's website. If you have any concerns or comments related to this, please let us know by emailing ministerialservicing@women.govt.nz, within two weeks of the date of this letter.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Maxine Shortland
Director Corporate Services (Acting)

Appendix One:

Parental Leave and Employment Protection

- 19.4.1 Employees who, at the expected date of delivery, would have less than 12 months' service with the Ministry shall be entitled to up to 26 weeks' unpaid leave in respect of any child born to, or child under the age of five years adopted by, an employee or their partner.
- 19.4.2 For employees who at the expected date of delivery would have at least 12 months' service with the Ministry, this entitlement to unpaid leave shall increase to 104 weeks.
- 19.4.3 Where two or more children are born or adopted at the same time the leave shall be calculated as if only one child had been born or adopted.
- 19.4.4 Where the employee proposes to take such leave, one month's written notice is required, wherever possible. Appropriate medical certificates may be required. The leave may commence at any time within six weeks of the expected date of delivery or adoption, or earlier on medical advice. Leave taken earlier than a date six weeks before the expected date of delivery or adoption shall not count against the parental leave entitlement.
- 19.4.5 In addition to parental leave the employee shall be entitled to up to 10 days special unpaid leave for reasons connected with their pregnancy.
- 19.4.6 In addition to parental leave an employee, whose partner is pregnant or plans to adopt a child, shall be entitled to up to 14 days special unpaid leave within a period beginning three weeks before the expected date of the birth or adoption and concluding three weeks after the birth or adoption.
- 19.4.7 Where both of the prospective parents are employed in the Ministry, only one parental leave entitlement will be available, but may be shared between them consecutively. In the case of the payment provided for in clause 19.5.1 only one payment will be available to be paid as they shall elect.
- 19.4.8 Where an employee goes on parental leave the Ministry must, as a first preference, hold the employee's position open and fill it temporarily.
- 19.4.9 Subject to giving 21 days' notice of their intention to return to work from parental leave the employee will be entitled to resume work in the same or a similar position as that occupied at the time of commencing the leave. "Similar" in this context means at the same total remuneration, in the same location or another location within reasonable commuting distance, and with comparable duties and responsibilities. If the same or a similar position is not available when the employee wishes to return to work the Chief Executive may approve, if the employee agrees, an appointment to a different or lesser paid position.
- 19.4.10 Annual leave continues to accrue while employees are on parental leave.

- 19.4.11 On their return from parental leave any annual leave taken will be paid at the employee's normal daily rate.
- 19.4.12 Employees returning from parental leave will be encouraged to take the annual leave accrued while on parental during the first 12 months after they return. This provides options for more flexible return to work arrangements. The Ministry also wishes to avoid the continuing accrual of significant amounts of annual leave.
- 19.4.13 After discussion between the manager and the employee, the manager will provide employees 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.
- 19.4.14 The Ministry is committed to ensuring that all such requests from employees 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 employee to agree to these requests.
- 19.4.15 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 employees 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.

- 19.4.16 In the event that the employee's position ceases to exist while the employee is on parental leave the provisions of Section 21 of this Agreement shall apply.

19.5 Ex-gratia Payment

- 19.5.1 An employee 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 employee resigns during the period of parental leave this payment will be refunded in full.
- 19.5.2 The employee will sign an agreement to this effect prior to the commencement of the leave.
- 19.5.3 The ex-gratia payment will be calculated at the rate at the time the parental leave commenced, and the payment will be calculated pro-rata on the employee's usual hours. At the discretion of the Chief Executive other options, equivalent to the value of the ex-gratia payment may be made available.

- 19.5.4 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.