

10 October 2024

9(2)(a)

Tēnā koe 9(2)(a)

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request of 12 September for:

- *Copies of your organisation's parental leave policy and any relevant documents that outline*
- *support extended to employees during parental leave and returning to work. This includes*
- *policies/documents for employees on individual contracts and/or collective agreements.*
- *This should include:*
 - *Parental leave payment, ex-gratia payments and 'top-ups' for primary carers, as well as the conditions employees need to meet to receive such payments*
 - *Paid leave for partners/secondary carers, as well as the conditions employees need to meet to receive such payments*
 - *Remuneration review during leave*
 - *Leave accrualment during leave and the rate at which annual leave is paid after an employee returns from parental leave*
 - *Flexible work policies*
 - *Kiwisaver contributions*
 - *Any contributions towards childcare*
 - *Support in the event of a miscarriage or stillbirth*
 - *Any support provided for fertility, adoption and surrogacy*
 - *Any other parental leave benefits or support.*

The information you have requested is enclosed (**see Appendix 1**).

Manatū Wāhine Ministry for Women's parental leave policy is contained within our current Collective Agreement 1 May 2024 – 30 April 2027.

For ease of reference please refer to the table below for the relevant sections of the Collective Agreement 2024 – 2027:

Topic	Clause
Parental Leave and employment protection	24.1 – 24.17
Ex-gratia Payment	24.18.1 – 24.19.2
Miscarriage and stillbirth	23.6.6
Remuneration review	20.1 – 20.4.1
Flexible working	17.1-17.6

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.

There is no provision for paid leave for partners/secondary carers.

The Ministry conducts a standard remuneration review, as per employment agreements, while staff are on parental leave.

The Ministry provides ad hoc support where possible. We explain when the best time is to take annual leave while taking Parental Leave. We advise employees to get tax advice on the ex-gratia payment, assist with Keeping in Touch hours, and advise on annual leave entitlements during any period of parental leave or partner's 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)

Out of scope

17 FLEXIBLE WORKING

- 17.1 The Ministry supports the provision of flexible working arrangements, to the extent this is possible within business requirements, in order to recognise differing personal circumstances and preferences and to accommodate changing life stages, or to assist an employee affected by family violence. The Ministry will, through its managers, work with staff to create an environment where flexible working arrangements are an accepted part of the Ministry's culture.
- 17.2 All staff have the right to request flexible working arrangements. The Ministry will consider all such requests as soon as possible and within one month. The Ministry will only decline a request where there is a valid reason under the Employment Relations Act (Section 69 AAF) to do so.
- 17.3 A variety of flexible working arrangements can be discussed, including but not limited to:
- hours of work
 - days of work
 - place of work
 - job share arrangements.
- 17.4 The Ministry will consider all requests for flexible work in an open and constructive manner, in line with the flexible work principles outlined in the Ministry's Flexible Work Policy. These include that flexible work be provided on an "if not, why not" basis, but must work for the role, the team and the

agency and be mutually beneficial. Flexible work practices should be actively championed by leaders.

- 17.5 The Ministry is committed to all roles being flexible-by default. The Ministry and the PSA will work together to give effect to this through the Ministry's Gender Pay Action Plan.
- 17.6 These provisions align with Public Service Commission Flexible work principles.

Out of scope



Out of scope

20 REMUNERATION

20.1 Remuneration will be managed under the Ministry's Remuneration Policy.

20.2 **General**

20.2.1 The Ministry is committed to ensuring there is a fair and transparent remuneration system in place that is communicated and understood by all employees.

20.2.2 The Ministry aims to have a remuneration system that attracts and retains the best people and encourages and rewards employees for their contribution to a high performing policy agency.

20.2.3 The Ministry is committed to a remuneration system and human resources practices designed to remove bias, and ensuring all managers understand the impacts of bias and are equipped to address it.

20.2.4 A glossary has been provided in Appendix 5 for this section.

20.3 **Our focus and priorities**

20.3.1 Over the term of this agreement, the Ministry is committed to focusing on:

- transparency of our remuneration rates through human resources policies and practices including, but not limited to, recruitment and selection, progression, promotion, and development;
- eliminating the gender and ethnic pay gaps;
- reducing the gap between the highest and lowest earners in the organisation;
- ensuring all employees are paid at or above the Living Wage.

20.4 Gender Pay Principles

20.4.1 The Ministry and the PSA are committed to the Gender Pay Principles set out below and will work together to develop a Gender Pay Action Plan to give effect to these principles.

1. Freedom from bias and discrimination

Employment and pay practices are free from the effects of conscious and unconscious bias and assumptions based on gender. The Ministry will seek to ensure all job evaluations are gender neutral.

2. Transparency and accessibility

Employment and pay practices, pay rates and systems are transparent, information is readily accessible and understandable.

3. Relationship between paid and unpaid work

Employment and pay practices recognise and account for different patterns of labour force participation by workers who are undertaking unpaid and/or caring work.

4. Sustainability

Interventions and solutions are collectively developed and agreed, sustainable and enduring.

5. Participation and engagement

Employees, their unions and agencies work collaboratively to achieve mutually agreed outcomes.

Out of scope

Out of scope

23.5 **Dependent Care**

- 23.5.1 The employee may be granted leave on pay, when the employee must be absent from work to attend to a family member or close personal associate who through illness becomes dependent on the employee (see clause 23.4).
- 23.5.2 Employees have the option to use their own sick leave entitlement in these circumstances. In such cases leave records will differentiate personal sick leave from leave taken to care for others under this provision.

23.6 **Bereavement/Tangihanga Leave**

- 23.6.1 The employee shall be granted bereavement leave on full pay to discharge their obligations and/or to pay their respects to a deceased person with whom they have had a close association. Such obligations may exist because of blood or family ties or because of particular cultural requirements such as attendance at part or all of a Tangihanga (or its equivalent).
- 23.6.2 In granting time off the employee's manager shall administer these provisions in a culturally sensitive manner taking into account:
- the closeness of the association between the employee and the deceased. (Note: This association need not be a blood relationship);
 - whether the employee has to take significant responsibility for any or all of the arrangements to do with the ceremonies resulting from the death;
 - the amount of time needed to discharge properly any responsibilities or obligations;

- reasonable travelling time shall be allowed, but for cases involving overseas travel that may not be the full period of travel;
- a decision shall be made as quickly as possible so that the employee is given maximum time possible to make any arrangements necessary. In most cases the necessary approval will be given immediately, but may be given retrospectively where necessary;
- if paid special leave is not appropriate then annual leave or leave without pay should be granted.

23.6.3 Employees will be entitled to a minimum of three days paid bereavement leave on the death of a close relative.

23.6.4 A minimum of one day's paid leave will be provided on the death of any other person if the employee's manager accepts that the employee has suffered bereavement.

23.6.5 Employees will be entitled to a minimum of one day's paid leave to attend an unveiling.

23.6.6 An employee is entitled to take up to three days' paid bereavement leave if they or their partner experiences a whakatahe, miscarriage or stillbirth. An employee planning to have a child through surrogacy or adoption is also entitled three days paid bereavement leave if the pregnancy ends by whakatahe, miscarriage or stillbirth. An employee requesting this leave is not required to produce proof of pregnancy, whakatahe, miscarriage or stillbirth.

Out of scope

Out of scope

24 PARENTAL LEAVE AND EMPLOYMENT PROTECTION

- 24.1 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.
- 24.2 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.
- 24.3 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.

- 24.4 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.
- 24.5 In addition to parental leave the employee shall be entitled to up to 10 days special unpaid leave for reasons connected with their pregnancy.
- 24.6 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.
- 24.7 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 24.18 only one payment will be available to be paid as they shall elect.
- 24.8 Where an employee goes on parental leave the Ministry must, as a first preference, hold the employee's position open and fill it temporarily.
- 24.9 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 salary, 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.
- 24.10 Annual leave continues to accrue while employees are on parental leave.
- 24.11 On their return from parental leave any annual leave taken will be paid at the employee's normal daily rate.
- 24.12 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.

- 24.13 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.
- 24.14 The Ministry is committed to ensuring that all such requests from employees returning from parental for flexible working are considered favourably under Section 17 of this agreement (Flexible Working) and where it meets the requirements of the Ministry and the employee to agree to these requests.
- 24.15 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.
- 24.16 These may be acknowledged in performance management and learning and development opportunities, and other means of career development and progression.
- 24.17 In the event that the employee's position ceases to exist while the employee is on parental leave the provisions of Section 26 of this Agreement shall apply.
- 24.18 **Ex-gratia Payment**
- 24.18.1 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.
- 24.18.2 The employee will sign an agreement to this effect prior to the commencement of the leave.

24.18.3 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.

24.18.4 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.

24.18.5 If an employee is absent on parental leave for less than six weeks (30 working days) they will receive that proportion of the payment that their absence represents in working days.

24.19 Re-entry after Resignation to Care for Dependents

24.19.1 Should the employee resign from the Ministry to care for dependents the employee shall be given serious consideration for any vacancy for which they have the skills to fill competently, on reapplying within four years of resignation. In such circumstances, the employee must satisfy the Chief Executive of the dependent's status.

24.19.2 If, after six months of first applying for a position under clause 24.19.1 above, the applicant is not appointed to any position the benefits under these provisions will lapse.

Out of scope