

29 May 2024



Ref: OIA 2324-0992

Tēnā koe

Response to your Official Information Act request

Thank you for your email of 17 May to the Ministry for Ethnic Communities (the Ministry) requesting the following information under the Official Information Act 1982 (the Act):

...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...

In response to your request, two documents have been found within scope of your request and are summarized in the table below:

No.	Title	Comments
1	Parental Leave Policy	Released in full
2	Guide: Parental Leave	Released in full

Please note, due to the public interest in our work, the Ministry may publish responses to requests for official information on our website, shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team:

ministerial@ethniccommunities.govt.nz.

Ngā mihi

A handwritten signature in blue ink, appearing to read "Edward Firth".

Edward Firth

Director of Ministerial Services

Proactively Released by the Ministry for Ethnic Communities

Parental leave policy

Date approved	19 October 2021
Review date	30 November 2022
Policy owner	Human Resources
Cohesion link	HR and Capability

Policy overview

1. This policy sets out an employee's eligibility and entitlement to parental leave and the DIA ex-gratia payment. It also provides information about the government's paid parental leave scheme.
2. Parental leave eligibility and entitlement is based on the Parental Leave and Employment Protection Act 1987 (the Act). DIA provides some enhancements to the legislative provisions.
3. Parental leave is the overall term that covers all leave taken before, during and after the birth, adoption or becoming the primary person responsible for the care of a child under six. It covers primary carer leave, partner's leave, special leave, extended leave and negotiated carer leave.
4. Information about other leave provisions is contained in the Leave policy.

Application

5. This policy applies to:
 - a) permanent employees employed by DIA
 - b) employees employed on an events-based employment agreement
 - c) fixed-term and casual employees are covered by this policy except for the:
 - i) ex-gratia payment after return to work; and
 - ii) enhanced leave entitlements.

Delegated authorities

6. The delegated authorities that apply are set out in the [Delegation Policy](#) on the Department's intranet (1840).

Detailed policy

Eligibility

7. An employee employed on a permanent or events-based employment agreement is eligible for parental leave if:
 - the employee or their spouse or partner is having a baby

- they are assuming permanent care and upbringing of a child under the age of six including adoption, Home for Life parents, whāngai, grandparents etc, but not foster or temporary care
 - they have worked for DIA for an average of 10 hours or more per week over the previous six months (or lesser period when an employee has not been employed for six months).
8. An employee employed on a fixed-term or casual employment agreement is eligible for parental leave if:
 - the employee or their spouse or partner is having a baby
 - they are assuming permanent care and upbringing of a child under the age of six including adoption, Home for Life parents, whāngai, grandparents etc, but not foster or temporary care
 - they have worked for DIA for an average of 10 hours or more a week for the last six months before the baby's due date or the date they will become responsible for the permanent care of a child under six.
 9. Only an employee's current service with DIA is recognised for parental leave eligibility. Any previous service that may be recognised for other leave entitlements is not considered.
 10. When employees have previously taken parental leave, they must have returned to work for at least six months before they are eligible for parental leave for another child.
 11. Employees are not eligible for parental leave if they:
 - have been employed for less than an average of 10 hours per week
 - have not worked for at least six months since they returned from a previous period of parental leave
 - are employed on a fixed-term or casual employment agreement and have not worked for DIA for six months.

Length of parental leave

12. DIA provides an extended period of parental leave based on length of service. This extended period of leave does not apply to fixed-term or casual employees.
13. The length of parental leave that employees are able to apply for, subject to meeting the eligibility criteria, is:

Employment type and length of service at DIA at the baby's due date or the date of becoming the primary carer of a child under six	Maximum period of parental leave that may be requested
Permanent or events based employee with less than 12 months service	26 weeks
Permanent or events employee with 12 months or more service	78 weeks (18 months)
Fixed-term/casual employee with less than six months service	Nil may apply for negotiated carers leave
Fixed-term/casual employee with 6 months but less than 12 months service	26 weeks

Employment type and length of service at DIA at the baby's due date or the date of becoming the primary carer of a child under six	Maximum period of parental leave that may be requested
Fixed-term/casual employee with 12 months or more service	52 weeks
Employees with less than 6 months' service have no entitlement to special leave, primary carer leave or extended leave, but may apply for negotiated carer leave	

14. Employees 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. The amount payable is set out in the Act and is adjusted annually.

Types of leave

15. The term parental leave covers five different types of leave:
- primary carer leave
 - partner's leave
 - extended leave
 - special leave
 - negotiated carer leave
16. An employee may take parental leave exclusively or share it with their spouse/partner, either concurrently or consecutively. The total leave taken between both parents cannot exceed the overall maximum entitlement (see table above).
17. Where two or more children are born or adopted at one time, only one period of parental leave is available.

Primary carer leave

18. Primary carer leave, of up to 26 weeks taken in one continuous period, is provided to the person who is taking the permanent primary responsibility for the care and upbringing of a child i.e. either the pregnant mother or a nominated person.
19. Primary carer leave begins:
- on the due date or the date childbirth starts
 - the date the employee becomes the primary carer of a child
 - any time up to six weeks earlier as agreed with the employee's manager.
20. Primary carer leave may start earlier than six weeks before the due date if the employee is directed to take leave either by a doctor or midwife or their manager. If an employee is directed to start their primary carer leave early they may still take twelve weeks' primary carer leave after the birth even if this means that they take more than 26 weeks primary carer leave. This additional leave is not counted in the total period of parental leave.

Partner's leave

21. An employee who is a spouse or partner who meets the parental leave eligibility criteria may take:

- one week's unpaid partner's leave if they are entitled to at least 26 weeks' parental leave
 - two weeks' unpaid partner's leave if they are entitled to at least 52 weeks' parental leave.
22. Partner's leave:
- must be taken in one continuous period
 - may start up to three weeks before the due date of the baby, or the date their spouse or partner becomes the primary carer for a child under six
 - ends three weeks after the baby is born (or the day the baby is discharged from hospital if this is longer than three weeks) or the date their partner or spouse becomes the primary carer for a child or
 - may start or end at a time agreed between the employee and their manager.
23. An employee cannot take partner's leave if:
- they are the biological mother and they have transferred their parental leave payment entitlements to their spouse or partner
 - the employee is the partner or spouse of the child's biological mother and the parental leave payment entitlement is transferred to the employee.

Extended leave

24. Extended leave may be shared by both parents and can be taken at the same time or one after the other.
25. Extended leave is unpaid leave available to an employee. It is the total leave they are eligible for less any primary carer leave (up to 26 weeks maximum) taken.
- Extended leave = parental leave entitlement – primary carer leave.
- Partner's leave and special leave are not included when calculating the total period of extended leave.
26. An employee may take extended leave over one or more periods as agreed with their manager.
27. Depending on the total period of parental leave an employee is eligible for, extended leave must start either:
- before the child is one year old or one year after becoming the primary carer of the child where the employee is eligible for either 52 weeks or 18 months leave
 - before the child is six months old or six months after becoming the primary carer of the child where the employee is eligible for six months leave.

Special leave

28. A pregnant female may take up to 10 days' unpaid special leave for pregnancy-related reasons such as antenatal classes, scans or midwife appointments.

Negotiated carer leave

29. If a primary carer is not eligible for primary carer leave they may request negotiated carer leave.

30. Negotiated carer leave provides leave that enables an employee to receive the government funded parental leave payments.
31. A request for negotiated carer leave should be made three months before the expected date of delivery or at least 14 days before the date on which the employee will become the primary carer of a child.
32. Requests for negotiated carer leave may only be refused in specific circumstances. Managers must contact HR at AskHR@dia.govt.nz before refusing a request for negotiated carers leave.

Requesting parental leave

33. An employee must give at least one month's written notice of their intention to take parental leave by completing the Parental Leave Application form.
34. The application must include the total period of parental leave being requested and if that includes taking extended leave over one or more periods.
35. If an employee is sharing any part of their parental leave with their spouse or partner, the application must also state:
 - the dates on which the employee and their spouse or partner plan to start and finish each period of leave
 - their spouse or partner's name and, if they are an employee, the name and address of their employer
 - that the employee and their spouse or partner are both eligible for the leave the employee is applying for
 - that the total amount of leave the employee and their spouse or partner are taking will not be more than the total amount of parental leave they are eligible for (not counting any partner's leave being taken).
36. Having received an application for parental leave DIA will reply, in writing, within 21 days providing the following information:
 - confirmation the employee is entitled to take parental leave
 - confirmation of the agreed date for starting parental leave and the periods in which parental leave will be taken
 - whether the employee's job can or cannot be kept open.

Job protection

37. An employee's job is held open while they are on parental leave and the employee returns to that job, unless alternative arrangements are agreed.
38. If a job cannot be held open because it is a key position, DIA will show that the job is critical, requires special skills and that it would not be possible to find a temporary replacement for the employee. An employee may dispute the decision that a job will not be held open.
39. Where a job is not held open the employee is given 'preference' over other applicants, for similar vacant jobs, for a period of 26 weeks beginning on the day after parental leave ends.

40. Where another employee is temporarily replacing someone on parental leave, that employee must be advised in writing, that they are employed on a temporary basis to cover parental leave and that the employee may return from parental leave early.
41. Where an organisational change process involves the job of an employee on parental leave, the management of change provisions in the employment agreement apply as they would to any other employee.

Ex-gratia payment

42. The purpose of the ex-gratia payment is to encourage employees to return to work following parental leave. It will be paid to permanent employees who take parental leave including the spouse/partner.
43. Permanent employees who return to work at the end of their parental leave and complete a further six months service qualify for an ex-gratia payment based on their salary that applied for the six weeks immediately before going on parental leave.
44. The ex-gratia payment is the smaller of either:
 - six week's pay
 - a pro-rata payment based on the actual number of working days leave taken.
45. The ex-gratia payment is pro-rated for part-time employees.
46. The ex-gratia payment is paid either:
 - as a lump sum after the completion of six months service after returning from parental leave
 - 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.
47. The ex-gratia payment will not be paid if an employee's partner receives a similar payment from DIA or another state sector employer.
48. A fixed-term or casual employee who returns to work after parental leave is not entitled to the ex-gratia payment.
49. An employee who temporarily reduces their hours before taking parental leave may have their case for full payment considered.

Effect of parental leave on terms and conditions of employment

50. Taking parental leave affects an employee's terms and conditions of employment – specifically the accrual of annual, sick and long service leave.
51. Annual leave continues to accrue while an employee is on parental leave for the first 12 months. If an employee is on parental leave for longer than 12 months, annual leave stops accruing when the employee has been on parental leave for 12 months.
52. When an employee returns to work and takes annual leave in the first 12 months after parental leave, annual leave is paid at normal rate.

53. Sick leave and long service leave continue to accrue while an employee is on parental leave for the first 12 months. If an employee is on parental leave for longer than 12 months, sick leave and long service leave stop accruing when the employee has been on parental leave for 12 months.
54. An employee on parental leave does not receive payment for any public or departmental holidays that occur during their parental leave, nor are they entitled to bereavement leave.

Inland Revenue paid parental leave scheme

55. Inland Revenue administers a paid parental leave scheme. More information about the scheme can be found on ird.govt.nz.
56. An employee applies for paid parental leave by filling in the application form (IR880 Paid Parental Leave available from ird.govt.nz), sending it to AskHR@dia.govt.nz for completion of the employer declaration (after which the form will be returned to the employee), then submitting it to Inland Revenue.
57. If an employee decides not to return to work during the period they are receiving the paid parental leave payment, their payment continues up to a maximum of 26 weeks. If an employee decides not to return to work at the end of their parental leave they do not repay the paid parental leave payment.
58. If an employee returns to work (not including the keeping in touch days) during the period they are receiving the parental leave payment, these payments cease.

Keeping in touch days

59. 'Keeping in touch days' allow an employee to undertake up to 64 hours paid work during a period of paid parental leave. The work must not be started earlier than 28 days after the date of birth of the child.
60. If an employee works more than 64 hours during a period of paid parental leave or within the first 28 days after the birth of a child their paid parental leave payments will cease.

Returning to work after parental leave

61. An employee must advise their manager, in writing, no later than 21 days before their parental leave ends whether or not they will be returning to work.
62. Parental leave may end earlier than planned if:
 - the manager agrees to an early return to work, which may be conditional on a medical certificate stating that the employee is fit to return to work
 - the employee suffers a miscarriage
 - the child is stillborn or dies
 - the employee and/or their spouse and/or partner ceases to be the primary carer of the child.
63. If an employee decides not to return to work at the end of their parental leave, their employment is considered to have ended on the day they started parental leave.

Related policies, procedures, standards, guidelines, legislation, and/or websites

64. The following documents/websites are relevant to this policy:

- Parental Leave Application Form
- Guide: Parental Leave
- Ex-gratia Payment Application Form

Released under the Official Information Act 1982

Guide: Parental leave

2018

Released under the Official Information Act 1982

Introduction

You're having a baby, adopting/whāngai or becoming the primary carer for a child – congratulations!

The Parental Leave and Employment Protection Act 1987 (the Act) sets out the:

- minimum entitlements with respect to parental leave
- protection for you during pregnancy and parental leave
- entitlements for some people to receive paid parental leave.

It is really important to remember that becoming a parent and starting or adding to your whānau is different for everyone and individuals have different requirements – so this guide is not prescriptive. It provides information to support you and your manager to understand your entitlement to parental leave and help you prepare for, take and return from parental leave.

We expect managers to be as flexible as possible and provide appropriate support throughout your pregnancy and parental leave. This includes being flexible with time off for appointments, acknowledging there may be times when you are unexpectedly feeling unwell and understanding when things don't always go to plan.

This guide contains:

- information about the DIA processes you need to follow
- links to external websites which provide additional information on parental leave and paid parental leave
- checklists to help remind you and your manager of the steps that need to be completed to ensure everything is in place before your baby/child arrives.

SmartStart

The [SmartStart](#) website (a cross-agency initiative lead by DIA) provides step-by-step information and support to help you access the right services for you and your baby.

SmartStart enables you to create a personalised timeline and checklist of things to do based on your due date, so it's easy for you to keep track of your progress and see what to do before and after baby arrives. It helps you check that you're not missing out on financial assistance and provides tips on keeping you and your baby healthy and safe.

There is integrated information and contact details for agencies and organisations about services which can help you. You can register your baby, get an IRD number for them, adjust your Ministry of Social Development benefits and update your Working for Families application all in one place – no more having to fill in multiple forms!

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Parental leave terms

The following parental leave terms are defined in the Parental Leave and Employment Protection Act 1982 and used throughout this guide:

Primary carer – a primary carer is:

- a female employee who is having a baby
- the spouse or partner of a female employee who is having a baby and they have all or part of the birth mother's parental leave payments transferred to them
- an employee who is going to have primary responsibility for the care, development and upbringing of a child under six years on a permanent basis (i.e. through adoption, home for life, whāngai but doesn't include foster care or temporary care)

Examples

If a child under the age of 6 years goes to live with their aunt, who intends to raise the child in place of the child's biological parents, the aunt is the child's primary carer.

If a couple formally adopt a child under the age of 6 years, or undertake to care for the child permanently, the couple nominate one of them to be the child's primary carer.

If a child under the age of 6 is temporarily placed with a foster parent, that person is not a primary carer because the placement is not permanent.

If a child's grandmother minds the child every day while his or her parents are at work, the grandmother is not a primary carer, because the child's parents still have primary responsibility for the child's upbringing.

Parental leave – is the term given to the total period of leave someone takes before and after the birth, adoption/whāngai or becoming the primary carer of a child. It is the combination of primary carer, partner's, special and extended leave. The total parental leave available to an employee depends on their length of service at DIA and based on that length of service cannot exceed six, 12 or 18 months.

Primary carer leave – is the continuous period of 26 weeks leave that is available to the primary carer. This leave can start up to six weeks before the baby's due date or the date of becoming the primary carer of a child. Primary carer leave may start earlier where a doctor or midwife directs a person to start leave, usually for health related reasons.

Extended leave – is the period of unpaid leave available to you after other types of parental leave have been taken. Extended leave = the total parental leave being taken less the amount of primary carer leave taken.

Partner's leave – is the continuous period of unpaid leave available to a spouse or partner. It is either one week for employees with six months' service or two weeks for employees with over 12 months' service. This leave can be taken any time from three weeks before the expected date of the birth/adoption/whāngai and three weeks after the birth/adoption/whāngai.

Special leave – is up to 10 days unpaid leave that can be taken by a mother for pregnancy-related matters (e.g. antenatal checks, scans, midwife appointments).

Paid parental leave – is the government-funded entitlement paid to eligible working mothers and adoptive parents when they take parental leave from their job(s) to care for their new born or adopted child.

Negotiated carer leave – is leave that can be agreed by your manager if you don't meet the criteria for parental leave (for example while you have worked for the last 12 months you only started at DIA five months ago therefore do not meet the six months eligibility criteria) but you meet the criteria to receive parental leave payments. Negotiated carer leave enables you to take leave to care for your child and receive parental leave payments.

The Ministry of Business Innovation and Employment (MBIE) website provides further information about the [types of parental leave](#).

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Employee checklist 1

You find out you're going to be a parent – you're having a baby, adopting/whāngai or becoming the primary carer for a child. The earlier you feel comfortable and are able to talk to your manager about how you want to manage things, the easier it will be for them to manage arrangements to meet your requirements

- Read the Parental Leave Policy and check your eligibility and entitlement to parental leave (see next section) – email AskHR@dia.govt.nz if you have any questions
- Think about when you will tell your manager and the team your news – you might tell your manager earlier than you tell your team. At the right time tell your manager and your team
- Start thinking about how much parental leave you are likely to take and when it might start
- Discuss with your manager how you and your partner will manage time off for scans, antenatal and doctors appointments. Note these are often scheduled outside working hours but you can use sick leave (where appropriate), leave without pay, annual leave, the 10 days parental special leave (without pay) or make up the time when you have these appointments during work hours
- Create your profile on the [SmartStart website](#)
- Check out the additional information on the [MBIE website](#)
- Check out the paid parental leave information on the [IRD website](#)

Manager checklist 1

You find out an employee is going to become a parent – they are having a baby, adopting/whāngai or becoming the primary carer for a child. It is important that you try to be as flexible as possible. Having a baby does not always go as planned and parents may suddenly need time off for appointments etc. You have the discretion to decide what leave is taken or how time is 'made-up'.

- Read the Parental Leave Policy – email AskHR@dia.govt.nz if you have any questions
- Check eligibility and entitlements to parental leave (see next section)
- Help the employee understand how parental leave works, their entitlements, answer any questions
- Discuss how antenatal or doctor appointments will be managed. Note that these are normally scheduled outside working hours, however the employee can use sick leave (where appropriate), leave without pay, annual leave, the 10 days parental special leave (without pay) or make up the time for these appointments
- Check out the additional information on the [MBIE website](#)

Eligibility/entitlement to parental leave

The MBIE website has an excellent interactive tool – the [parental leave eligibility tool](#). This will help you work out what and how much time off you and your partner are eligible.

DIA offers an additional 26 weeks leave to people eligible for 52 weeks parental leave. If you’ve determined through the [parental leave eligibility tool](#) you are eligible for 52 weeks parental leave, and you are a permanent or events based employee, you may choose to extend your parental leave to 78 weeks (18 months).

The table below also provides a summary of the parental leave you can take:

Eligibility criteria	Entitlement to parental leave
Permanent or events based employee: <ul style="list-style-type: none"> more than 12 months service working more than 10 hours per week 	Mother/primary carer able to take: <ul style="list-style-type: none"> 10 days special leave without pay 26 weeks primary carer leave (usually taken as 26 weeks paid parental leave) unpaid extended leave maximum 18 months parental leave (primary carer leave + extended leave = 18 months parental leave) Father/spouse/partner able to take: <ul style="list-style-type: none"> 2 weeks unpaid partner’s/paternity leave shared unpaid extended leave maximum 18 months parental leave shared between the mother and father/spouse/partner (includes 26 weeks primary carers leave)
Permanent or events based employee: <ul style="list-style-type: none"> less than 12 months service working more than 10 hours per week 	Mother/primary carer able to take: <ul style="list-style-type: none"> 10 days special leave without pay 26 weeks primary carer leave (usually taken as 26 weeks paid parental leave) unpaid extended leave maximum parental leave of 6 months (primary carers/paid parental leave + extended leave = 6 months) Father/spouse/partner able to take: <ul style="list-style-type: none"> 1 week unpaid partner’s leave (after 6 months service) shared unpaid extended leave maximum 6 months parental leave shared between the mother and father/spouse/partner (includes 26 weeks primary carers leave)
Permanent or events based employee: <ul style="list-style-type: none"> working less than 10 hours per week 	Mother/Father/Partner: <ul style="list-style-type: none"> no entitlement to parental leave talk to your manager about taking negotiated carers leave

Eligibility criteria	Entitlement to parental leave
<p>Fixed-Term / casual employee:</p> <ul style="list-style-type: none"> more than 12 months service working more than 10 hours per week 	<p>Mother/primary carer able to take:</p> <ul style="list-style-type: none"> 10 days special leave without pay 26 weeks primary carer leave (usually taken as 26 weeks paid parental leave) unpaid extended leave maximum parental leave of 12 months (primary carers leave + extended leave = 12 months) <p>Father/spouse/partner able to take:</p> <ul style="list-style-type: none"> 2 weeks unpaid partner's leave shared unpaid extended leave maximum 12 months parental leave shared between the mother and father/spouse/partner (includes 26 weeks primary carer leave)
<p>Fixed-term/casual employee:</p> <ul style="list-style-type: none"> greater than six months but less than 12 months service working more than 10 hours per week 	<p>Mother/primary carer able to take:</p> <ul style="list-style-type: none"> 10 days special leave without pay 26 weeks primary carer leave (usually taken as the 26 weeks paid parental leave) <p>Father/spouse/partner able to take:</p> <ul style="list-style-type: none"> 1 week unpaid partner's leave
<p>Fixed-Term / casual employee:</p> <ul style="list-style-type: none"> less than six months service <p>OR</p> <ul style="list-style-type: none"> working less than 10 hours per week 	<p>Mother/spouse/father/partner:</p> <ul style="list-style-type: none"> No entitlement to parental leave

Paid parental leave (IRD payments) usually starts when primary carer leave starts. However, you can choose an alternative start date.

Primary carer leave must be taken in a single continuous block.

Extended leave may be taken in more than one period.

Extended leave may be shared by both eligible parents, but the total leave taken by you must not be more than six, 12 or 18 months (including primary carer leave). Both you and your spouse/partner can take leave at the same time or you can take it one after the other. This applies no matter where you both work.

If you are on a fixed-term employment agreement you must return to work at DIA before the end of your fixed-term contract.

All leave must commence within the first year after the birth or adoption/whāngai.

Employee checklist 2

3 – 4 months before becoming a parent

- Talk to your manager about your plans for taking time off and options for returning to work – the earlier you are able to talk to your manager about your plans, the easier it will be for them to manage arrangements and meet your requirements
- Download the [parental leave application form](#) (see the application process in the next section)
- Consider whether you might like to take, or [cash-up](#) (if eligible), some annual leave, before commencing your parental leave
- If you are eligible for paid parental leave payments, think about when you want them to start
- Think about what working arrangements will help you when you return to work/mahi e.g. reduced hours or days for a period of time, coming back to work part-time
- Think about childcare arrangements for your return to work – providers, location, hours and booking a place in advance
- Check out the additional information on the [MBIE website](#) and paid parental leave information on the [IRD website](#)

Manager checklist 2

3 – 4 months before the employee becomes a parent. It is important that you try to be as flexible as possible – having a baby/adoption/whāngai does not always go as planned and parents may suddenly need time off for appointments etc. You have the discretion to decide what leave is taken or how time is ‘made-up’

- Support the employee to complete the application process (see next section)
- Review the employee’s annual leave balance. Where appropriate encourage the employee to take annual leave before baby arrives – remember annual leave continues to accrue while the employee is on parental leave
- Discuss the option of cashing-up annual leave if raised by the employee
- Discuss what parental leave the employee intends to take and when it will start – parental leave may be taken across more than one time period, with the employee returning to work in between
- Where appropriate discuss partners leave with the employee – this could simply be as broad as the employee saying ‘I want to take time off when the baby is born’
- Begin the process of replacing the employee – talk to them about this. How will their work be covered while they are off, e.g. fixed-term, secondment, talent development opportunity
- When appropriate, start the recruitment process

Applying for parental leave

If you are applying for parental leave you must give your manager at least one month's written notice. To do this, complete the [Parental leave application form](#).

Along with this form, you need to give your manager a medical certificate that confirms you or your spouse/partner is pregnant, or documentation that confirms a proposed adoption/whāngai or becoming the primary carer for a child. Adoption includes whāngai (adoption under Māori customary practice). Where whāngai takes place supporting evidence including a reference(s) from within the Māori community must accompany the application form.

You need to let us know the type of leave you want to take and the start and end date for each type of leave. We know that babies do not always arrive on their due date – sometimes they are early and sometimes they are late. We will do our best to be as flexible as possible to support you and your whānau when the unexpected happens.

This flexibility often applies to partners leave – when you want to take time off when baby is born or comes under your whānau's primary care. If you are applying for partners leave you should complete your application with the dates you know and let your manager know that you are going to take time off specifically when baby arrives.

If you are sharing any part of your parental leave with your spouse/partner you must also include the following information:

- the name of your spouse/partner
- the name and address of their employer
- the proposed start and end dates of each period of leave to be taken by your spouse/partner
- an assurance that the total periods of primary carer leave and extended leave taken by you and your spouse/partner will not exceed the maximum total amount to which you are entitled (either six, 12 or 18 months)
- a declaration that you and your spouse/partner are going to share the care of the baby or the child you are becoming responsible for.

Once you have submitted the completed form, your manager will approve the leave (or decline it if you do not meet the eligibility criteria) and forwards the application to AskHR@dia.govt.nz.

Your manager will consult with HR if you do not meet the eligibility criteria and they intend to decline your application.

Within 21 days you will receive a letter which will:

- approve or decline your parental leave application
- confirm the date of commencement of parental leave
- advise whether your position can/cannot be kept open.

If your position cannot be kept open, we will talk you through your options and the letter will let you know how you may review this. You will also be given a period of time where you will have preference for vacant positions over other applicants, when a vacant position is substantially similar to the position you held at the beginning of your parental leave. This preference is for a period of 26 weeks and begins on the day after your parental leave ends.

What happens if my baby comes early

If your baby comes early get in touch with your manager, when you can, to discuss whether you need to make any changes to your parental leave arrangements.

Your parental leave payments may also be adjusted. If your baby is born before 37 weeks you may be entitled to preterm baby payments.

When your preterm baby payments stop, you will automatically be paid your paid parental leave entitlement. If you had planned to take annual leave before you started your parental leave you can continue to take the annual leave but you will pay tax at secondary tax rates (this is because you will be receiving two payments – your paid parental leave and your annual leave).

To avoid paying secondary tax you could consider taking your annual leave after your paid parental leave period finishes.

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Employee checklist 3

6 – 8 weeks before becoming a parent

- Get your medical certificate, confirming your expected date of delivery, from your midwife or doctor or the confirmation of adoption/whāngai
- Confirm your parental leave plans, including return to work arrangements, with your manager
- Complete the [Parental Leave application form](#)
- If eligible, complete the [Paid Parental Leave application form](#) (IR880) and forward it to AskHR@dia.govt.nz. HR will send the completed form back to you so that you can send it to Inland Revenue
- Put in your request for annual leave through the Yourself self-service kiosk on 1840. If cashing up annual leave, complete the [application form](#) and give it to your manager for their approval
- Understand the impact parental leave has on your terms and conditions of employment – see below. If you have any questions talk to your manager
- Check out the additional information on the [MBIE website](#)
- Check out the paid parental leave information on the [IRD website](#)

Manager checklist 3

6 – 8 weeks before the employee becomes a parent – remember to try to be as flexible as possible – having a baby does not always go as planned

- Confirm leave plans with the employee – remember to talk to them about taking annual leave
- Sign off the Parental Leave Application form and send it to AskHR@dia.govt.nz
- Remind the employee to complete the Paid Parental Leave Application form (IR880) and send it to AskHR@dia.govt.nz. HR will send the completed form back to the employee so that they can send it to Inland Revenue
- Where appropriate discuss partners leave with the employee – this could simply be as broad as the employee saying ‘I want to take time off when the baby is born’
- Approve any leave request through the Yourself self-service kiosk on 1840
- Approve, as appropriate, any request to cash-up annual leave
- Discuss return to work arrangements

The effect of parental leave on terms and conditions of employment

Taking parental leave affects some of your terms and conditions of employment – specifically the accrual of your annual, sick and long service leave.

Annual leave

Accruing annual leave

Annual leave continues to accrue while you are on parental leave for the first 12 months.

If you take longer than 12 months parental leave, your annual leave stops accruing once you have been on parental leave for 12 months.

Taking annual leave after you return to work

When you return to work and take annual leave you will be paid at normal rate.

Sick leave and long service leave

Sick leave and long service leave continue to accrue while you are on parental leave.

Payment for public or departmental holidays

After you start parental leave you will not receive payment for any public or departmental holidays that occur during your period of parental leave.

Payroll deductions

When you start parental leave any payroll deductions you have will stop.

If you want to continue any current payroll deductions (e.g. KiwiSaver, SSRSS) you must make arrangements directly with the provider.

Keeping in touch when on parental leave

A couple of months before your parental leave starts is a good time for you to think about how you would like to keep in touch with your team and manager while you are away.

Discuss your preference with your manager.

Options for keeping in touch include:

- regular emails or phone calls from your manager
- attending regular team meetings
- coming into work for social events
- you contacting your manager when it's appropriate for you.

Employee checklist 4

One month before becoming a parent

- Make sure your manager has received your completed parental leave application form. This MUST be provided at least one month before going on parental leave
- If you haven't already done so, confirm your return to work date and arrangements with your manager
- Discuss with your manager how you can stay in touch while you are on parental leave
 - regular email or phone calls
 - attending team meetings or social events
 - attending training programmes
- Consider how any payroll deductions such as KiwiSaver, SSRSS, Southern Cross medical insurance, etc, will be managed once parental leave commences

While you are on leave and when returning to work

Keeping in touch

- When you are ready, let your manager and the team know baby has arrived
- If appropriate, come into work for a visit
- Try to keep in regular contact with your manager and team
- Where possible come in for team meetings or social events
- If appropriate attend training programmes – you can get paid for these through the ['keeping-in-touch'](#) days

21 days before you are due to return to work

- Write to your manager to confirm your date of return – you can do this by email
- Agree with your manager if/when it would be appropriate for you to collect your portable device if you want to catch up on what has been happening in your team or across DIA while you have been on leave. Note you do not need to do this before you return to work
- Ensure childcare arrangements are in place
- Consider whether you are going to continue breastfeeding or expressing when you return to work – discuss arrangements with your manager
- If you are eligible for the ex-gratia payment complete the [Ex-gratia Application Form](#) and send it to AskHR@dia.govt.nz
- Consider how you will manage if you or your child is unwell. Think about any arrangements you may need to put in place

- Discuss and agree with your manager realistic expectations for your return to work including how you will both manage:
 - some flexibility while you initially balance childcare and work (e.g. hours)
 - any impact when work is assigned at short notice
 - any requirement to work outside core hours

Returning to work

- Discuss with your manager any requirements you have to integrate back into work – meeting new colleagues, learning new systems or processes etc
- Are you going to continue with breastfeeding or expressing milk while at work – see below
- Is your workstation set up correctly
- If you haven't already done so and you are eligible for the ex-gratia payment, complete the [Ex-gratia Application Form](#) and send it to AskHR@dia.govt.nz
- Try to be flexible as things may not always go as planned – have some contingency plans in place

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Manager checklist 4

One month before employee becomes a parent

- Schedule time to have a performance and development review discussion – important when the employee will be on parental leave at year-end review time. Where appropriate discuss aspirations and how these might be represented in talent development discussions
- Make sure you have signed the Parental Leave Application form and sent it to AskHR@dia.govt.nz
- Discuss keeping in touch while the employee is on parental leave
 - regular email – ask for the employee’s personal email address – or phone calls
 - coming in for team meetings or social events
 - attending training programmes – talk about [keeping in touch](#) days
- Discuss arrangements for returning to work which will meet the requirements of DIA, the needs of the employee and their child. Options may include returning to work less than full-time, part-time work or flexible working hours. You might agree on one of these options for a short period of time

While the employee is on leave and when returning to work

Keep in touch

- Keep in touch – email or call
- Let the team know if you hear any news
- Send flowers when the baby arrives
- When appropriate encourage the employee to come into work for a visit
- Invite the employee to team sessions or training – use the keeping-in-touch days

21 days before the employee is due to return to work

- Contact the employee to remind them you need written confirmation of their return date
- Ask the employee if they would like to collect their portable device before returning to work to catch up on what has been happening in your team, branch or across DIA while they have been on leave. Note they do not need to do this before they return to work
- Re-activate their IT log on, set up, access cards, update 1840 contacts
- Confirm any return to work arrangements previously discussed with the employee
- Email AskHR@dia.govt.nz the date the employee will return to work, their hours and pattern of work etc, specifically noting if this is a temporary (e.g. for six months) or permanent change to the employees working arrangements. The HR

- team will organise a return to work letter for you to give to the employee
- Let your team know when the employee is returning and if appropriate their hours of work etc
- Think about what the employee will need when they return to work:
 - introductions to new colleagues
 - new systems they will need to learn
 - re-do induction where appropriate
 - flexibility while they initially balance childcare and work
 - the impact when work is assigned at short notice
 - any requirements to work outside core hours
- Is the employee going to continue breastfeeding – make sure appropriate arrangements are in place if needed – see below

Employee returns to work

Try to be as flexible as possible when the employee returns to work. This is likely to be a difficult time for them having to learn how to manage and balance their work and family responsibilities. Also be mindful that when a child first starts at day-care they and their parents are more likely to get sick.

- To help the employee settle back to work:
 - arrange training on new systems they will need to learn
 - re-do induction where appropriate
 - review, update and agree their performance and development plan
 - support them to manage childcare and work
- Confirm with payroll the employee has returned
- Where eligible, check that the employee knows about and applies for the [ex-gratia payment](#)
- If the employee is going to continue breastfeeding or expressing make sure appropriate arrangements are in place if needed

While on parental leave – keeping in touch hours

While you are on parental leave you may want to keep in touch with your team. In agreement with your manager you can use 'keeping in touch hours' for this purpose.

Keeping in touch hours can be used for you to come into work from time to time, for example, to attend a team day or change announcement or do a short piece of work as long as:

- you only do a total of 64 hours or less of paid work during your parental leave payment period, and
- you do not work within the first 28 days after your child is born.

If you do more than 64 hours or work within the 28 days after the birth of your child, then you may be considered to be back at work. This means that you won't be able to receive any more parental leave payments, and any payments you received after you're considered back at work are treated as an overpayment.

These keeping in touch days don't apply to paid work completed during a period when you're getting or are able to get a preterm baby payment. For more information on keeping in touch days and the preterm baby payment talk to your manager or contact AskHR@dia.govt.nz.

Returning to work

21 days before you are returning to work you need to confirm with your manager whether or not you will be returning.

You usually come back to work on the date that was agreed when you applied for parental leave. If you want to return early you should discuss your preference with your manager as early as possible.

You may come back to work by giving us 21 days' notice if:

- you or your partner are no longer the primary carer of the child
- the child is miscarried, stillborn or dies.

Ex-gratia payment

If you are a permanent employee who returns to work at the end of their parental leave and you complete a further six months service you qualify to receive an ex-gratia payment by completing the [ex-gratia payment application form](#). The payment, which is based on your salary for the six weeks immediately before you went on parental leave, is the smaller of either:

- six week's pay

- a pro-rata payment equal to the actual number of working days leave taken.

The ex-gratia payment is pro-rated for part-time employees.

You can choose to have the ex-gratia payment paid either:

- as a lump sum six months after you return from parental leave
- in fortnightly instalments for the first three fortnights after you return to work

If you choose to be paid in fortnightly instalments you must agree to repay the ex-gratia payment, in full, if you leave DIA before completing the six months service.

You are not able to receive an ex-gratia payment if your partner receives a similar payment from DIA or another state sector employer.

Fixed-term or casual employees who return to work after parental leave are not entitled to the ex-gratia payment.

Supporting breastfeeding

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.

Breaks

Breastfeeding breaks are provided in addition to standard rest and unpaid meal breaks to ensure you have sufficient time to breastfeed or express milk. These breaks are unpaid, unless otherwise agreed.

The length, timing and frequency of breaks will depend on the nature of breastfeeding, the needs and age of the infant, and whether you are solely expressing milk. These may be different for you compared to another employee and may change over time. An appropriate break should be long enough to provide you with enough time to breastfeed or express milk.

Facilities

Appropriate facilities for breastfeeding/expressing will be provided, as long as it is reasonable and practicable to do so. The room (or space) should be private, quiet, clean, warm, large enough to change a nappy, and wherever possible include a comfortable chair or couch. If a separate room is not available, a screened off area may be an option (but should not be located in an area where a crying infant could be disruptive to other people).

If you are expressing milk, wherever possible a room with a power point (for an electric pump), access to a washbasin, a clean space to store equipment (cupboard or locker) and a fridge will be available. If there is a communal fridge you are expected to ensure the milk is clearly labelled. Appropriate waste disposal facilities will also be provided. These facilities may not be in the same room or space, but may be located close by.

The facilities provided may not be permanent if there is not a long term need and the type of facilities provided may vary depending on the resources available.

A first aid room is an option that can be used as a breastfeeding/expressing space when not otherwise being used.

If the physical workplace is not a suitable environment for breastfeeding/expressing, and both parties agree, other arrangements may be made, such as breaks being taken off site if it is reasonable and practicable to do so.

Toilets are not considered acceptable places to breastfeed or express milk.

Agreeing a breastfeeding/expressing arrangement

When determining an appropriate breastfeeding/expressing arrangement, your manager should discuss and agree the following:

- length, timing and frequency of the break(s)
- location where the break(s) will be taken
- if the break(s) will be paid or unpaid
- if another staff member will need to cover the employee's work during the break
- if start and finish times can be shifted to accommodate breastfeeding requirements
- the process to change the arrangements.

It is important that any agreed arrangements are documented to make clear the obligations and expectations. You and your manager should communicate regularly, and re-evaluate any arrangement if either party's needs change. Any changes to the arrangements should be agreed by both you and your manager.

The impact of any agreed arrangement will be monitored by your manager.

Additional information

The following documents provide additional information:

- Flexible working arrangements
- [Cash-up of annual leave](#)
- [Parental Leave and Employment Protection Act 1987](#)
- [The Employment Relations \(Flexible Working Arrangement\) Amendment Act 2007](#)
- [Ministry of Business, Innovation and Employment website](#)
- [Inland Revenue information on paid parental leave](#)

- Ministry of Health, [Breastfeeding at your Workplace](#)
- [Breastfeeding Friendly Workplaces](#)

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