

[20/11/2023]

File Ref: OIA 47902

[REDACTED]
[REDACTED]
[REDACTED]
Tēnā koe [REDACTED]

Official Information Act request

Thank you for your information request dated 8 November 2023. Your request has been considered in accordance with the Official Information Act 1982 (the Act). Your questions and our responses are as follows:

1. *"A summary of support, information and entitlements you provide to your employees who take parental leave and return to work at your agency"*

Summary of Parental Leave Policy:

Te Puni Kōkiri 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).

There are five types of parental leave available to Te Puni Kōkiri kaimahi. Depending on their circumstances and length of service, kaimahi may be entitled to:

- a. Primary carer leave – up to 26 weeks' paid leave
- b. Partner's leave – up to two weeks' unpaid leave
- c. Extended leave – from 26 weeks' and up to 52 weeks' less any paid primary carer leave that has been taken
- d. Negotiated carer leave – unpaid for the negotiated period of time
- e. Special leave – up to ten days' unpaid leave for pregnancy related reasons. It can only be taken prior to any primary carer leave and is additional to primary carer leave and extended leave.

Pre- term baby payments

If an employee would ordinarily be entitled to parental leave payments, then additional parental leave payments of up to 13 weeks are available from between the date a baby is born prematurely and alive, and the date on which the 36th week of gestation would have ended. Employees entitled to pre-term baby payments are able to return to work during

the pre-term payment period (if they choose to) and recommence parental leave upon the original expected date of delivery. They will still be eligible for paid parental leave.

Keeping in touch days

In accordance with the provisions of the PLEPA 1987 an employee may perform a maximum of 64 hours of paid work for their employer during their paid parental leave period (that is the first 26 weeks of paid parental leave) of keeping in touch days.

Return to work:

As outlined in the Parental Leave Policy, Te Puni Kōkiri employees who take parental leave will be entitled to resume work in the same or similar position as they occupied at the time of commencing parental leave. Te Puni Kōkiri must, as a first preference, hold the position for the employee, or fill it temporarily. There are some circumstances, as outlined in the PLEPA, where it may not be possible to hold a position open or fill it temporarily, and it may be filled permanently, however, this is unlikely.

Ex-gratia payment

Permanent employees 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.

Te Puni Kōkiri Flexible Working Policy and remote working

In accordance with the Te Puni Kōkiri Flexible Working Policy, managers and employees 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.

Summary of Childcare Allowance Policy

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.

2. *“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”.*

Three documents have been identified in scope of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as Appendix A.

I trust my response satisfies your request.

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

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at uia@tpk.govt.nz.

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Manaia King', with a stylized flourish at the end.

Manaia King
Hautū, Te Puni Tautoko Whakahaere | Deputy Secretary, Organisational Support

Appendix A – documents OIA request from Monique Esplin dated 8 November 2023

Item	Date	Document description	Decision
1	25 May 2020	The <i>Childcare Allowance Policy</i> provides for financial assistance towards the cost of childcare, for one dependant to enable employees to continue to work at Te Puni Kōkiri.	Released in Full
2	19 May 2022	The <i>Flexible Working Arrangements Policy</i> provides guidance on the application of flexible working arrangements to enable kaimahi to request changes to their working arrangements. The Policy reflects the relevant sections of the Employment Relations Act 2000, as well as the flexible-by-default approach to working arrangements encouraged by Te Kawa Mataaho.	Released in Full
3	17 April 2023	The <i>Parental Leave Policy</i> outlines for Te Puni Kōkiri kaimahi the parental leave that they may be entitled to, depending on their circumstances and length of service. It also outlines the processes to seek parental leave, and associated entitlements.	Released in Full

Kaupapa Pūtea Tiaki Tamaiti

Childcare Allowance Policy

Attachment 1



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

To be eligible for this allowance you must:

- Work 32 hours or more per week, and
- Be employed on a permanent agreement.
- Fixed term employees and Contractors/Consultants are not eligible.

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

The objective of this policy is to support eligible employees to continue to work at Te Puni Kōkiri by helping with childcare. This will contribute to the cost of suitable childcare and help employees to meet their childcare responsibilities.

Policy | Kaupapa Here

1. The employee must be incurring costs relating to the provision of childcare. In these circumstances the Childcare Allowance can contribute to the cost of suitable childcare of the employee's choice.
2. The child, for whom the allowance is sought, must be a dependant of an employee and must remain a dependant of the employee for the allowance to continue to be paid.
3. A dependent child is defined as a child under the age of 14 years, for whom the employee has an ongoing responsibility, and for whom the employee has day-to-day responsibility for providing 24-hour physical care.
4. Where the responsibility for the child is shared between an employee and another person, written confirmation that the other person is unable to take daily responsibility (e.g. for employment or other reasons) for the child during normal work hours is required. The allowance is not payable when the person caring for the child is a person who shares the 24-hour responsibility for care of the child.
5. The employee must also provide a statement to the effect that the child for whom the allowance is being claimed, or any other dependent of the employee, is not the subject of a claim for the same or similar allowance from another employer. (Refer to the [Childcare Allowance Request Form](#) on the Intranet).
6. The allowance can be claimed for **one** dependent of an employee only and will cease when the:
 - Child ceases to be in childcare; or
 - Child turns 14 years of age; or
 - Employee leaves the employment of Te Puni Kōkiri
7. Only one allowance will be payable per family, regardless of the number of children in the family, and the number of caregivers working for Te Puni Kōkiri i.e. If both caregivers worked for Te Puni Kōkiri and they have two dependent children, they will still only qualify for one allowance in total.
8. 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). The average hours are calculated over a six-month period.
9. The full-time allowance rate is \$50 gross per week, the part time allowance rate is \$31 gross per week. The allowance is taxable at the appropriate rate.
10. Initial payment of the allowance will commence the payday following the initial application. Applications for renewal of the allowance should be submitted prior to the second payday in January and July thereafter. If a declaration form is not provided to Human Resources and Capability prior to the expiry of the current allowance, it will cease. On recommencement, there will be no "back payments" of the allowance.

11. These provisions will apply to Te Puni Kōkiri employees that are seconded to other organisations providing their employment contract is with Te Puni Kōkiri and Te Puni Kōkiri is paying their full salary.
12. This policy will not apply to employees who are on leave without pay, or to staff seconded into Te Puni Kōkiri from other agencies as they are employees of that agency.

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

Employees

Employees are responsible for making application for this allowance and ensuring that their application meets all the requirements of the policy.

Managers

Managers are responsible for approving employee applications when the criteria have been met.

Human Resources and Capability

Any enquiries should be referred to the Human Resources and Capability Business Partners. Payroll will ensure that approved applications are processed.

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
Human Resources and Capability	Deputy Chief Executive, Organisational Support	25 May 2020	June 2022

This policy replaces the previous Childcare Allowance policy dated 1 February 2015.

Related Documents | Ko Ētahi atu Kaupapa Here

[Childcare Allowance Request Form](#)

Contact | Whakapā Mai

If you have any questions, please contact your Human Resources Business Partner.

Kaupapa Mahi Whakaritenga Ngāwari

Flexible Working Arrangements Policy

Attachment 2



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

The purpose of this policy is to provide guidance on the application of flexible working arrangements to ensure all kaimahi are aware and have a consistent understanding of their ability to request a change in their working arrangements (hours and/or location). This policy is separate to any Business Continuity Planning which may include the requirement to work flexibly.

Background | He Kupu Whakamārama

The Employment Relations (Flexible Working Arrangements) Amendment Act 2007 took effect from 1 July 2008. This gave employees providing care for another person an entitlement to request flexible working arrangements. This right was extended to all employees by the Employment Relations Amendment Act 2014.

Since 2019, employees affected by family violence have had statutory rights to request a short-term (2-month or shorter) variation of their working arrangements to assist them deal with the effects of family violence.

All these matters have been incorporated into the Employment Relations Act 2000.

Additionally, in 2020 Te Kawa Mataaho (the Public Service Commission) provided guidance and resources to support agencies to introduce flexibility practices. Flexible Working Arrangements are an acknowledged mechanism to create more diverse and inclusive workplaces.

For the purpose of clarity, flexible working arrangements refer to one or more of the following: hours of work, days of work, place of work. Examples of flexibility are outlined in the table below:

Flexi-time	Flexi-place	Flexi-role/career
Options that allow kaimahi to vary their work hours or from time to time	Options that allow kaimahi to work from locations other than their designated workplace	Options that allow kaimahi to manage their roles and careers more flexibly
<ul style="list-style-type: none">Flexible start and finish times - variable start and/or finish times are worked on a regular or needed basisSwapping workdays or hours with non-work hours or days (useful for part-time kaimahi)Part-time hours	<ul style="list-style-type: none">Remote working - working from another office or from home, regularly or from time to-time (this requires confirmation of a suitable workstation and suitable availability of technology including connectivity)	<ul style="list-style-type: none">Phased return to work i.e. kaimahi gradually increase their hours on returning from long-term leavePhased retirement i.e. kaimahi gradually reduce their hours as they approach retirementJob sharing - splitting a role with another kaimahi

At Te Puni Kōkiri there is an established practice of enabling kaimahi to work flexibly; this policy outlines how the intent to allow flexible working is to be applied.

Policy | Kaupapa Here

Kaimahi of Te Puni Kōkiri can engage with their manager at any time about flexible working arrangements.

This Policy applies to all flexible arrangements, regardless of whether it is a permanent/long term or temporary arrangement.

There are two ways of accessing a flexible working agreement:

1. Application for a formal flexible working arrangement (making a request under the Employment Relations Act 2000 ("the Act"))
2. Application for an informal flexible working arrangement

An arrangement agreed under the Act provides a high degree of certainty for both kaimahi and the employer and should be considered when requiring an ongoing, regular change to your normal pattern of work. A formal arrangement allows kaimahi to, for example, commit to care arrangements for an elderly parent with the certainty of knowing that the flexible arrangement is fixed (longer than 3 months) and not subject to change.

An informal arrangement is more appropriate when the changes required are for a short time (less than 3 months), or when there might be frequent changes to the arrangement. They are also appropriate when trialling or testing how an arrangement might work or utilising the flexi-time arrangement.

Kaimahi should review the information below, to determine which situation suits their needs best and discuss with their manager.

Managers should work with their Human Resources Business Partner when considering an application and before making a decision.

Requests under the Employment Relations Act 2000

All kaimahi have a statutory right to make a written request to vary the terms and conditions of employment relating to their *working arrangements*.

***Working arrangements*, in relation to an employee, means one or more of the following:**

- (a) hours of work
- (b) days of work
- (c) place of work (for example, at home)
- (d) if the employee is affected by domestic violence, additional terms that need variation

The written request to their manager must state the following:

- employee's name
- the date on which the request is made
- that the request is made under Part 6AA (the general flexible working) or Part 6AB (family violence short-term flexible arrangements) of the Act
- specify the variation of the working arrangements requested
- whether the variation is permanent or for a period of time
- the date on which the employee proposes that the variation take effect

- if the variation is for a period of time, the date on which the variation is to end
- explain, in the view of the employee, what changes, if any, Te Puni Kōkiri may need to make to business arrangements if the request is approved

Once an application is received the manager must notify the kaimahi of the decision as soon as possible. The recommended timeframe to respond would be one week but no later than two.

Refusal of a request to access a flexible working arrangement

A request can be refused if the manager determines that the employee is not eligible to make a request and/or the request cannot be accommodated on one or more of the grounds specified below. In refusing the request, the manager must notify the employee of the ground for refusal and provide an explanation of the reasons for that ground:

- (a) inability to reorganise and reallocate work among existing kaimahi
- (b) inability to recruit additional kaimahi
- (c) detrimental impact on quality of work
- (d) detrimental impact on work performance
- (e) Detrimental impact on the wider team
- (f) lack of work during the periods the employee proposes to work
- (g) planned structural changes
- (h) burden of additional costs
- (i) detrimental effect on the ability to meet the demand needs of customers.

A manager must refuse a request if the proposed new working arrangement is inconsistent with the provisions of the employee's collective agreement if the request were approved.

Requesting an informal flexible working arrangement

Kaimahi may request an informal flexible working arrangement by approaching their manager.

To prepare for a discussion with a manager, kaimahi should be able to answer the following questions:

- Why is the request being made?
- What length of time will the arrangement be in effect? e.g. is it a one-off instance or for a few weeks?
- What specific changes are being requested? e.g. starting or finishing work at different times, changing the location of where your work is performed.
- What impact, if any, might your arrangement have on your work? your team? your wider colleagues? your customers?

The manager will consider the request, considering, amongst other things, the reason for the request, the workload of the team, customer and colleague interaction, health and safety considerations and equipment requirements.

The decision as to whether or not to approve the informal request remains with the manager. If the request is declined the manager will provide an explanation and the opportunity for the employee to submit any further requests that take into account, the feedback.

Managers should genuinely consider the request and its impacts and should aim to respond to the informal flexible working arrangement within one week.

Informal arrangements can be reviewed at any time in response to changing circumstances, work demands etc

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

All kaimahi and managers either making or considering a request for flexible working arrangements are expected to comply with this Policy.

Managers approving flexible working arrangements under this Policy are responsible for ensuring they have the required delegation.

Managers should consult with their People and Capability Business Partner for advice on any aspects of this Policy. Any breach of this Policy may constitute misconduct and will be dealt with in accordance with Te Puni Kōkiri's [Misconduct and Poor Performance Policy](#).

Informal arrangements can be reviewed at any time.

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This Policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
People & Capability	Deputy Secretary Organisational Support	19 May 2022	May 2024

This policy replaces the previous policy titled Flexible Working Arrangements Policy approved by the Deputy Secretary, Organisational Support on 11 April 2018.

Related Documents | Ko Ētahi atu Kaupapa Here

- [Te Kawa Mataaho Flexible-Work-by-Default Guidance and Resources](#)

Relevant Legislation

- [Employment Relations Act 2000](#)

Contact | Whakapā Mai

Please see your Human Resources Business Partner for assistance.



Why we have this policy | Ko Te Pūtake o tēnei Kaupapa Here

1. Te Puni Kōkiri provides employees with parental leave options, in accordance with the provisions of the Parental Leave and Employment Protection Act 1987 (the PLEPA 1987), to enable whānau to take leave from work to care for their new child. Additional parental leave provisions to support employees are outlined in this policy.

Policy | Kaupapa Here

2. There are five types of parental leave available to Te Puni Kōkiri employees. Depending on their circumstances and length of service, they may be entitled to:
 - a. Primary carer leave – up to 26 weeks' paid leave
 - b. Partner's leave – up to two weeks' unpaid leave
 - c. Extended leave – from 26 weeks' and up to 52 weeks' less any paid primary carer leave that has been taken
 - d. Negotiated carer leave – unpaid for the negotiated period of time
 - e. Special leave – up to ten days' unpaid leave for pregnancy related reasons. It can only be taken prior to any primary carer leave and is additional to primary carer leave and extended leave.
3. One months' written notice of the intention to take parental leave, of any type, is required to be provided to the appropriate manager, including any appropriate medical certificates.
4. The period of parental leave may commence at any time within:
 - a. six weeks of the expected date of delivery, or earlier upon medical advice; or
 - b. the date the employee becomes the permanent, primary carer in respect of the child under 6 years of age.
5. Parental leave taken earlier than a date six weeks before the expected date of delivery or the date employee becomes the primary carer shall not count against the parental leave payment entitlement.

Eligibility for parental leave and parental leave payments

Parental leave threshold test:

6. Employees must meet the parental leave threshold test in the PLEPA 1987 to be eligible for parental leave.
7. An employee meets the six-month employment test for parental leave if they will have been employed by Te Puni Kōkiri, for an average of ten hours a week in the six months immediately preceding the expected date of birth or permanent primary carer of the child under six years old.
8. An employee meets the 12-month employment test for parental leave if the employee will have been employed by Te Puni Kōkiri for an average of ten hours a week in the 12 months immediately preceding the expected date of birth or permanent primary carer of the child under six years old.

Employees with less than six months service

9. Employees with less than six months' service with Te Puni Kōkiri have no entitlement to parental leave. However, employees with less than six months' service may request negotiated carer leave.

10. Te Puni Kōkiri provides an employee who is the primary carer and has six months' service, but less than 12 months' service, unpaid parental leave.

Parental leave payment threshold test

11. Employees will meet the eligibility test to receive government funded parental leave payments if they have been employed as an employee for an average of ten hours a week for any 26 of the 52 weeks just before the due date of the baby or the date they or their partner becomes primary carer of the child. Note:
 - a. The employment can be with one or more employer.
 - b. The employment does not need to be continuous.
12. To determine eligibility for parental leave payments employees can use [the parental leave eligibility tool](#). Regardless of the result produced using the tool employees should consult with their manager, or People & Capability.

Primary Carer Leave

Permanent employees who meet the threshold tests (outlined in Clauses 6 to 11) are entitled to 26 weeks paid primary carer leave in accordance with the below.

13. Primary carer leave is available to eligible employees who are having a baby (including surrogates), or eligible employees who are a spouse or partner if they will be the primary carer. If a partner is the primary carer, they will have all, or part, of the primary carer parental leave payments.
14. Primary carer leave is also available to eligible employees who will have the primary responsibility for the care, development and upbringing of a child under six years on a permanent basis, including through whāngai/adoption. This does not extend to foster care or other temporary care arrangements.
15. Primary carer leave cannot be used by both parents or primary carers in respect of the same child or children.
16. Primary carer leave must be taken in one continuous period.
17. Where both the primary carer and partner are employed by Te Puni Kōkiri both are not separately entitled to Primary Carer Leave and Extended Leave. However, the entitlements can be shared between employees concurrently or consecutively.

Extended leave

18. The PLEPA 1987 provides that permanent employees with service of six months' or more but less than 12 months shall be entitled to 26 weeks' unpaid extended leave in respect of any child born to the primary carer or any child under the age of 6 years whom they are the permanent, primary carer of.
19. The PLEPA 1987 provides that permanent employees with service of 12 months' or more shall be entitled to 52 weeks' unpaid extended leave in respect of any child born to the primary carer or any child under the age of 6 years whom they are the permanent, primary carer of.
20. In addition to entitlements in the PLEPA 1987, Te Puni Kōkiri provides permanent employees with service of 12 months' or more who are the primary carer a further period of 52 weeks of unpaid extended leave (to be taken immediately after the first 52 weeks of parental leave has been taken), with the prior approval of their manager.
21. The amount of leave available to the primary carer is not determined by the number of children born, or whom primary care commences for. The entitlement remains the same.

Partners Leave

A spouse or partner may be entitled to partner's leave depending on the length of their service.

22. Employees who meet the parental leave threshold test for service of six months but less than 12 months (Clause 7), and who are a spouse or partner, may take one-week (continuous) unpaid leave.
23. Employees who meet the parental leave threshold test for service of 12 months or more (Clause 8), and who are a spouse or partner, may take two weeks (continuous) unpaid leave.
24. Where an employee takes unpaid partner's leave, this leave shall not reduce the amount of primary carer leave or extended leave available to either carer.

Negotiated Carer Leave

Employees who will be the primary carer but are not eligible for parental leave but meet the threshold test for parental leave payment may request negotiated carer leave.

25. Negotiated carer leave is a period of leave from work, which an employee should request:
 - a. At least three months before the baby's due date, if an employee or their partner are pregnant; or
 - b. 14 days before an employee, other than the biological mother or their spouse or partner, becomes the permanent, primary carer of a child under the age of 6 years.
26. The request for a period of negotiated carer leave must be in writing and include:
 - a. The proposed date to commence leave;
 - b. The proposed duration of the leave;
 - c. A statement that the employee will be the primary carer; and
 - d. A statement that they will be entitled to receive parental leave payments under the PLEPA 1987 if the request for parental leave is approved.
27. Te Puni Kōkiri can refuse the request if:
 - a. We can't reorganise the employee's work among existing colleagues or by recruiting extra staff; or
 - b. The period of leave would have an impact on quality, performance, or ability to meet customer demand; or
 - c. We are planning to make structural changes to the employee's area; or
 - d. There will be too many costs involved.
28. If an employee's request is refused, they will be provided with a written explanation of the reason/s why.

Ex-gratia Payment

29. A permanent employee who has been on parental leave for at least six weeks' and who has been the primary carer, and who returns to work and completes six months' service, will qualify for an ex-gratia lump sum taxable payment equivalent to 30 working days based on their ordinary rate of pay and hours of work prior to going on parental leave.
30. If the employee took less than six weeks' parental leave, the payment will be calculated proportionately.
31. If an employee and their partner both work for a state sector employer with a similar payment provision, only one will be eligible for the payment.
32. Where the employee has worked for the employer for more than 12 months' prior to commencing parental leave, the Secretary for Māori Development may give consideration to paying the ex-gratia lump sum payment on return to work waiving the need to complete a further six months' service.

Return to Work and Employment Protection

33. Employee's need to provide one month's notice of their intention to return to work from parental leave. They will be entitled to resume work in the same or similar position as that occupied at the time of commencing the parental leave.
34. At least two weeks prior to an employee returning to work, managers must record in writing, with agreement from the employee, any changes to the terms and conditions of the employee's employment i.e. days of work, hours of work and remote working conditions. Managers must consult with People & Capability to record any changes.
35. In accordance with the Te Puni Kōkiri Flexible Working Policy, managers and employees may negotiate a phased return to work. This could include part-time hours, flexible start and finish times, and remote working arrangements.
36. Where an employee goes on parental leave, Te Puni Kōkiri must as a first preference hold the employee's position open and fill it temporarily.
37. It is unlikely that Te Puni Kōkiri will be unable to temporarily fill a position for the duration of a parental leave period. However, in accordance with the PLEPA 1987, Te Puni Kōkiri may only permanently fill the position if the position cannot be kept open due to one of the following:

- a. because a temporary replacement is not reasonably practicable due to the key position occupied within the employer's enterprise by the employee; or
 - b. because of the occurrence of a redundancy situation.
38. In determining whether a position is a key position regard may be given, among other things, to:
- a. the size of Te Puni Kōkiri; and
 - b. the training period or skills required in the job.
39. If Te Puni Kōkiri is considering permanently filling the position of the employee on parental leave then the manager must notify them in writing and provide the reasoning for this. The manager must advise the employee that when they return from parental leave they will be offered a similar position on their return at the same salary, in the same location, and with comparable duties and responsibilities.

Parental leave impacts on annual leave

40. Parental leave taken by employees does not affect their entitlement to four weeks of annual leave. However, the payments for the annual leave will be affected by the parental leave.
41. Normally payments for annual leave would be based on the greater of:
- a. **Average weekly earnings** for the 52 weeks immediately before the end of the last pay period before the annual leave is taken; or
 - b. The employee's **ordinary weekly pay** as at the beginning of the annual leave (the amount of pay the employee receives under their employment agreement for an ordinary working week).
42. However, under the PLEPA 1987, if an employee becomes entitled to annual leave while they are on parental leave or in the 12 months following any parental leave the payment amount will be determined by calculating the employee's average weekly earnings for the 12 months immediately before the end of the last pay period before the annual leave is taken.
43. This means if the employee takes their annual leave soon after coming back from parental leave it is likely the payment of annual leave will be a smaller amount than if the employee took their annual leave at another time. Annual leave is always calculated at the time the employee takes their leave.
44. Employees who take extended leave will not accrue Annual Leave for this period in accordance with the Te Puni Kōkiri Leave Entitlements Policy.
45. An employee's time on parental leave will interrupt but not break continuous service.

Keeping-in-touch-days

46. The PLEPA 1987 provides an employee may perform a maximum of 64 hours of paid work for their employer during their paid parental leave period (that is the first 26 weeks of paid parental leave) on keeping-in-touch days.
47. An employee may perform one or more hours of work on a keeping-in-touch day if:
- a. It occurs at least 28 days after the date on which the child was born; and
 - b. It is a day agreed by the employee and the employer.
48. Managers need to consult People & Capability prior to any agreement with an employee to perform work on keeping-in-touch days. Payroll will need to be advised.
49. An employee is not to be treated as having returned to work because they perform 64 hours or fewer of paid work for their employer during the employee's paid parental leave period (that is, the first 26 weeks of the government funded paid leave), if that work is performed on keeping-in-touch days.
50. An employee is treated as having returned to work, and all parental leave payments received by the employee in respect of a period after the date on which the employee is treated as having returned to work are recoverable under section 71X as an overpayment, if the employee—
- a. performs paid work for their employer within 28 days after the date of the birth of the child; or
 - b. performs more than a total of 64 hours of paid work for their employer during a period of paid parental leave.
51. Employees who are eligible for extended parental leave and choose to take extended parental leave will not be eligible for keeping in touch days. In this instance, employees and their manager may agree on transitional hours, up to a maximum of 64 hours, of paid work from the time they commence transitional hours until their agreed return to work. Managers must consult with People & Capability prior to any agreement. Employees will be paid at their usual salary rate for any agreed hours worked.

Entitlement to pre-term baby payments

52. If an employee would ordinarily be entitled to parental leave payments, then additional parental leave payments of up to 13 weeks are available from between the date a baby is born prematurely and alive, and the date on which the 36th week of gestation would have ended.
53. Pre-term baby payments end at whichever of the following comes first:
 - a. The date that would have been the end of the 36th week of gestation had the baby not been born pre-term; or
 - b. The date that the employee returns to work as an employee; or
 - c. The date the employee stops being the primary carer of the child (unless the employee is the birth parent).
54. If an employee who is receiving a parental leave payment then becomes entitled to a pre-term baby payment, then the employee's parental leave payment will be suspended for the period they are receiving the pre-term baby payment.
55. Employees entitled to pre-term baby payments are able to return to work during the pre-term payment period (if they choose) and recommence parental leave upon the original expected date of delivery. They will still be eligible for paid parental leave.
56. Where the employee chooses to return to work during the pre-term payment period the employee will forfeit some if not all of the remaining pre-term baby payments.

Additional keeping-in-touch hours for primary carers who receive pre-term baby payments

57. An employee who receives a pre-term baby payment may, during the period in relation to which the employee receives that payment (the **payment period**), perform paid work for their employer as follows:
 - a. the employee may work up to a total of 3 hours multiplied by the number of weeks in the payment period (the permitted number of hours);
 - b. The employee may work on any day in the payment period, if both the employee and the employer consent to the employee working on that day.
58. The permitted number of hours of paid work under this section is in addition to the number of hours of paid work permitted for keeping-in-touch hours (64 hours during the paid parental leave period).
59. An employee is not to be treated as having returned to work because the employee performs up to the permitted number of hours of paid work for the employer.
60. If an employee performs more than the permitted number of hours of paid work for the employer during the payment period:
 - a. the employee is treated as having returned to work on the day after the date on which the permitted number of hours is exceeded; and
 - b. all pre-term baby payments received by the employee in respect of a period after the date on which the permitted number of hours is exceeded are recoverable as an overpayment; but
 - c. the employee's entitlement to a parental leave payment is not affected.

Leave entitlements used prior to commencement of paid parental leave

61. Employees are encouraged to use their other leave entitlements (such as annual leave or alternative days) prior to commencing their paid parental leave (which is the 26 weeks of government funded leave to be taken in a consecutive period). Where this happens, the paid parental leave period will begin at the end of the paid leave period even if this is later than the baby's due date.
62. Leave entitlements can be taken:
 - a. Before the expected date of delivery; and
 - b. On or after the expected date of delivery or the date that the primary carer assumes responsibility for the care of the child.

Responsibility and Enforcement | Ko Ngā Haepapa me Ngā Uruhi

63. Employees are responsible for providing any required supporting documentation.
64. Managers are responsible for ensuring that employees meet the eligibility criteria and certifying the documentation as true and correct.
65. Any enquiries should be referred to the relevant People & Capability Senior Advisor.
66. Any breach of this policy may constitute misconduct and will be dealt with in accordance with the Te Puni Kōkiri Disciplinary Process Policy.

Policy Approval | Ko Te Whakaaetanga o te Kaupapa

This policy is owned and updated by:	It was approved by:	On the date of:	It is due for revision by:
People & Capability	Deputy Secretary, Organisational Support	17 April 2023	17 April 2025

This policy replaces the previous policy of 24 October 2018.

Related Documents | Ko Ētahi atu Kaupapa Here

- Leave Entitlements Policy
- Disciplinary Process Policy
- Parental Leave and Employment Protection Act 1987

Contact | Whakapā Mai

If you have any questions please contact your People & Capability Senior Advisor.