

19-D-00627

s 9(2)(a)

Stuff News

s 9(2)(a) @stuff.co.nz

Dear s 9(2)(a)

Thank you for your email of 11 April 2019 requesting the following under the Official Information Act 1982 (the Act):

- *parental leave policies, procedure and arrangements for your organisation*
- *this should include: parental leave payments and 'top-ups', leave for partners' or secondary carers, pay review while on leave, any payments on leave accrued while on parental leave (is this the full rate?), flexible work arrangements, Kiwisaver contributions, and any contributions towards childcare.*

The Ministry for the Environment has identified one document in scope of your request, the Collective Employment Agreement (CEA) (14 September 2017 to 30 June 2019). Note that employees covered by the Ministry's CEA and current individual employment agreement are covered by these provisions. The parental leave provisions for employees on older employment agreements and Managers are aligned to these provisions and specified in their agreement. Note that the same parental leave provisions apply to all current employment agreements covering Ministry employee's.

Employees apply for parental leave by completing a data form on the Ministry's intranet. Sections from the Collective Employment Agreement, which are in scope, have been provided to you in the attached. The sections in scope are:

• **Section 17.14 Parental leave**

This section provides information and guidance on:

- employees' entitlements;
- leave and payment details for partner's/secondary carer's leave;
- discretionary leave prior to taking parental leave;
- leave accrual whilst on parental leave;
- rate of pay for leave once the employee has returned to work depending on eligibility criteria;
- extended leave entitlements, including the additional extended leave entitlement the Ministry offers to eligible employees;
- process for notifying the Ministry of return to work or resignation at the end or during their parental leave.

- **Section 17.14.1 Ex-Gratia Payment**
This section provides information on the eligibility and criteria for the ex-gratia payment after the employee returns to work and completes six months service
- **Section 17.14.2 Phasing your return to work**
This section gives information and explains the process required for phasing an employee's return to work after returning from a period of parental leave. The maximum phased return to work period is twelve months.
- **Section 11.3 Flexible Working**
This section advises the employee of the principles guiding the flexible working arrangements, which employees can request on return from parental leave. This section links with section 17.14.2, where the employee can phase their return to work.
- **Section 14.2 Dependent Care Reimbursement**
This section details the provision of dependent care reimbursement if an employee incurs additional costs for the care of their dependants due to a work requirement.

The Ministry complies with all legislation under the Parental Leave and Employment Protection Act 1987 in regards to Parental Leave provisions.

In addition, the Ministry offers eligible employees:

- An additional 52 weeks extended unpaid leave
- Accrual of annual leave paid at the employee's ordinary rate of pay
- Phased return to work and flexible working options
- Baby Factory Gift card for new parents

While an employee is on parental leave they are no longer receiving income, so both the employee and employer contributions to Kiwisaver cease. These contributions restart on return from parental leave. Individuals can choose to continue contributions directly to Inland Revenue, but no employer contribution would be paid on these voluntary contributions.

Employees on parental leave are included in yearly pay reviews if they have worked a minimum of three months in the review year.

Some out of scope information has also been removed from the documents being released to you. Only the sections of the employment agreement relating to parental leave, ex-gratia payments, special leave, and partners leave have been included.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our website on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely



Neil Hurley
Director, People and Culture

List of documents

Document no.	Document date	Content	Decisions	OIA sections applied
1	October 2017	Collective Employment Agreement, Sections: <ul style="list-style-type: none"> • 17.14 Parental Leave • 17.14.1 Ex-Gratia Payment • 17.14.2 Phasing your Return to Work • 17.9 Caring for Dependants • 11.3 Flexible Working • 14.2 Dependent Care Reimbursement 	Released the following in scope sections of the document: <ul style="list-style-type: none"> • 17.14 • 17.14.1 • 17.14.2 • 17.9 • 11.3 • 14.2 	

Released under the provision of
the Official Information Act 1982

17.14 Parental Leave

Parental leave will be granted in accordance with the provisions of the Parental Leave and Employment Protection Act 1987 (as amended or replaced), except where specifically varied in this agreement.

The minimum entitlements of the Parental Leave and Employment Protection Act will be applied in accordance with the provisions of that Act and include the following entitlements:

- Primary carers leave not exceeding (except in certain limited circumstance) 18 weeks
- Up to 10 days discretionary leave for reasons connected with the pregnancy prior to taking primary carers leave;
- Up to two weeks leave for partners of the primary carer either prior to or post the expected date of delivery (at MfE one week is paid and the second week unpaid).
- Extended leave of:
 - 26 weeks extended leave for any employee who has been continuously employed for less than 12 months; or
 - 52 weeks extended leave for any employee who has been continuously employed for more than 12 months;

In accordance with the Parental Leave and Employment Protection Act, it will be presumed, subject to the limited exceptions in the Act, that the Ministry will be able to keep your position open for until the end of your parental leave.

For permanent employees who have been continuously employed by the Ministry for a period of more than 12 months, the following additional entitlements are available:

- An additional period of 52 weeks extended leave up to a total of 104 weeks.

Employees continue to accrue annual holidays during a period of parental leave. The Ministry will pay for those annual holidays in accordance with the provisions of the Parental Leave and Employment Protection Act 1987. In addition, subject to meeting the below criteria, the Ministry offers additional benefits as set out below:

- Subject to the employee returning to work after a period of parental leave:
- The Ministry will pay for annual holidays accumulated during the parental leave period at the employee's ordinary rate of pay, which will be the employee's base salary (gross) at the time of going on parental leave, exclusive of any allowances or additional payments that may have been paid during the period prior to taking parental leave. Where the provisions of the Parental leave and Employment Protection Act 1987 provide for a higher rate of pay, then that rate will apply.
- Should an employee resign during a period of parental leave the payment for any untaken annual holiday entitlement will be in accordance with the statutory minimum.
- Should an employee resign during their first 12 months back at work following a period of parental leave, any untaken annual holiday entitlement will be paid in accordance with the statutory minimum.

Note — it is possible for an employee who takes two years' parental leave to return to work with 8 weeks of annual holiday's entitlement. This leave may be utilised to help transition back to work, e.g. using annual holiday each week or at regular intervals. It is expected the annual holiday

entitlement earned during a period of parental leave will be utilised within the first 12 months following an employee's return to work.

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. 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.

17.14.1 Ex-Gratia Payment

An employee, who has been on primary carer and/or extended leave for at least six weeks and had care of their child in terms of the Act, and who returns to work and completes six months service, will qualify for an ex-gratia lump sum taxable payment equivalent to 6 working weeks' pay, based on their ordinary hours of work prior to going on parental leave.

If the employee took less than 6 working weeks leave, the payment will be prorated. So that, for example, an employee who takes 3 weeks' parental leave would be entitled to an ex-gratia payment equivalent to 3 working weeks' pay.

If an employee and their partner both work for a state sector employer, only one will be eligible for the payment.

17.14.2 Phasing your Return to Work

The Employment Relations Act 2000 provides for you to request flexible working arrangements. You can phase your return to work by working reduced hours for a maximum of three months. The hours you work during this time will be agreed between you and your manager. You will be entitled to apply to your manager to extend this arrangement for up to a total of 12 months.

You may apply to phase your return to work for the full twelve month period when you notify your intention to return to work. A minimum of 3 days or 24 hours per week is preferred following the initial three month period and can be agreed with your manager.

Agreement to extend this arrangement up to the full twelve months will take into account your needs as well as the requirements of the Ministry to meet work objectives within the resources available.

The Ministry will consider your application in accordance with the criteria set out in section 69AAF of the Employment Relations Act 2000 and in doing so will make all reasonable efforts to accommodate requests for up to 12 months of reduced hour arrangements following a return from parental leave or a return from any extended leave without pay following parental leave. Any proposed decline of the request must be subject to one up approval.

The maximum phased return to work period is twelve months.

A request to work reduced hours beyond the maximum twelve months of phased return to work must be applied for under the provisions of clause 11 of this agreement, Flexible Working Arrangements

11.3 Flexible Working

The parties recognise that flexible working is important to give employees real choices in managing their work/life balance. The principles guiding flexible working arrangements are as follows:

- Flexible working is an option for all permanent and fixed term employees in the Ministry.
- Flexible working options will be available to you wherever it is feasible without compromising the delivery of the Ministry's work.
- The type of flexible arrangement, its duration and the hours and days shall be determined by mutual agreement between you and your manager. The delegated Manager is required to sign off this agreement.
- Any formal flexible working arrangements will be recorded in writing.
- Successful flexible work arrangements require flexibility and co-operation by you and the Ministry.
- Each arrangement will be reviewed after 3 months and then every 12 months to ensure it is meeting the needs of both the Ministry and you. The arrangement may be reviewed otherwise if agreed by you and your Manager.
- Your manager will need to provide you with a clear explanation if declining a flexible working request.
- A review process for any declined flexible working requests is available as per the Flexible Working policy.

14.2 Dependent Care Reimbursement

(applies when working abnormal hours or away from the office)

When an employee attends a course or is travelling out of town on official business or is required to work abnormal hours and the situation is such that they cannot make alternative arrangements for the care of their dependants without incurring an extra personal cost, upon receipt actual and reasonable expenses may be reimbursed.

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