

4 December 2024

s9(2)(a)

Via email: s9(2)(a)

Dear s9(2)(a)

Thank you for your Official Information Act request, received on 18 November 2024. You requested:

"1. Copies of your organisation's parental leave policies and relevant documents outlining information and support provided to employees on individual contracts and/or collective agreements who take parental leave.

2. Please provide a summary of support, information and entitlements you provide to your employees who take parental leave and return to work at your agency. This should include:

- a. Parental leave payment, ex-gratia payments and 'top-ups' for primary carers, as well as the conditions employees need to meet to receive such payments*
- b. Paid leave for partners/secondary carers, as well as the conditions employees need to meet to receive such payments*
- c. Remuneration review during leave*
- d. Leave accrualment during leave and the rate at which annual leave is paid after an employee returns from parental leave*
- e. Flexible work policies*
- f. Kiwisaver contributions - particularly whether employer contributions are paid during parental leave grant / ex-gratia payment / paid parental leave*
- g. Any contributions towards childcare*
- h. Support in the event of a miscarriage or stillbirth*
- i. Any support provided for fertility, adoption and surrogacy*
- j. Any other parental leave benefits or support."*

The parts of your request have been numbered for ease of reference in our response below.

Part 1: copies of parental leave policies and relevant documents

For part 1 of your request, the relevant New Zealand Infrastructure Commission/Te Waihanga policies are the Parental Leave Provision in our Individual Employment Agreement (IEA) and the Parental Leave Policy in a supplementary document to our *The Way We Work – Te Waihanga Operations Policy*. As these policies are contained in larger documents covering other topics, I have decided to release the relevant excerpts to you (as permitted under section 16(1)(e) of the Official Information Act 1982). The excerpts can be found in Appendix A.

Part 2: summary of support, information and entitlements for parental leave and returning to work

For part 2a and 2b: This is provided for under the Parental Leave and Employment Protection Act (1987).

For part 2c: Employees on parental leave are eligible for an annual remuneration review.

For part 2d: Employees on parental leave accrue leave while on parental leave. This is calculated in line with ordinary weekly earnings or average weekly earnings (whichever is higher).

For part 2e: We offer a range of flexible working arrangements based on current guidelines from the Public Service Commission/Te Kawa Mataaho, which are publicly available here: <https://www.publicservice.govt.nz/guidance/guidance-flexible-work-by-default-guidance-and-resources>.

For part 2f: Our employees can make voluntary contributions to their KiwiSaver fund while taking (unpaid) extended parental leave, as per Inland Revenue's guidelines here: <https://www.ird.govt.nz/paid-parental-leave/kiwisaver>.

For part 2g: We do not currently contribute to employee childcare.

For part 2h: Support in the event of a miscarriage or stillbirth would be provided based on guidelines provided by Wheturangitia, which are publicly available here: <https://wheturangitia.services.govt.nz/for-workplaces>. Our employees have access to different types of leave, including sick leave and bereavement leave where eligible, along with our Employee Assistance Programme.

For part 2i: Support for adoption and surrogacy is provided as per the Parental Leave and Employment Protection Act (1987). Our employees may take annual or sick leave (where appropriate) to undertake fertility treatment and/or can take flexible time needed to attend

medical appointments. Flexible working arrangements during treatment could also be considered where agreed with an employee's manager.

For part 2j: We do not provide any other parental leave benefits or support.

Please note that this letter (with your personal details removed) and the enclosed documents may be published on Te Waihanga's website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely



Caine Garrity
Acting General Manager – Operations

Appendix A: Excerpts relevant to part 1 of your request

Parental Leave provision in our Individual Employment Agreement

15. Parental Leave

You will be entitled to parental leave in accordance with the Parental Leave and Employment Protection Act 1987.

Supplementary – The Way We Work (Operations Policy): Further Details and How To's (pages 8-9)

Parental Leave Policy

"In the exciting event that you are expecting a new addition to your family, you will be entitled to parental leave in accordance with the Parental Leave and Employment Protection Act 1987.

We know spending time with your new family is important, and we want to ensure you and your family feel fully supported during this time.

There are different types of leave, and what you may be entitled to take depends on your personal situation (e.g. how long you have worked for Te Waihanga). These include:

- *Primary carer leave*
- *Special leave*
- *Partner's leave*
- *Extended leave (which can be shared by two parents who both meet the criteria, and they can take it at the same time or one after the other)*
- *Negotiated carer leave*

You will need to apply for parental leave in writing to your Manager at least three months before the baby is due (please note that special provisions apply for adoption). Your letter should include all details of the leave you (and if applicable, your partner) intend to take (dates, type of leave, length of leave) and must include a certificate from your doctor or midwife naming who is pregnant and when the baby is due.

Once your Manager has approved the leave, you must complete the 'Applicant' section of the Paid Parental Leave Application Form (IR880) and send it to your Manager with copies of your letter of application, Manager's letter of approval and the certificate of pregnancy. The paid parental leave form can be downloaded from the IRD website. Your Manager will complete the employer section of the paid parental leave application form by confirming your details and

forward it to IRD. You may take any outstanding annual leave before your parental leave commences.

We also strongly encourage you, prior to your return, to explore a flexible working option that might suit you, your family and work."