



Ref: OIA 2024-049

[REDACTED]

12 December 2024

Tēnā koe [REDACTED]

Thank you for your request of 16 November 2024 seeking the following information under the Official Information Act 1982 (the Act):

*“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.*

*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:*

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

The Commission has considered your request in accordance with the Act. Please see our response below.

## Response

As an employer, the Commission is required to adhere to all employment-related legislation such as the Employment Relations Act 2000, Parental Leave and Employment Protection Act 1987, and Holidays Act 2003. As a Crown entity, we must have regard to the Government Workforce Policy Statement (found [here](#)) and any other workforce-related guidance issued by the Public Service Commissioner.



The Commission is committed to supporting staff through comprehensive leave entitlements, and we foster a family-friendly workplace with policies that include robust parental leave benefits, enhanced annual leave, childcare allowances, flexible working options, and compassionate policies for bereavement and sick leave. These provisions reflect a strong commitment to enabling staff to achieve a healthy work-life balance while meeting the needs of the organisation.

### Parental Leave and Benefits

The Commission refers staff to the [Employment New Zealand](#) website for leave entitlements and the [IRD](#) website for information on paid parental leave. Fixed-term employees may also qualify for parental leave if they meet the eligibility criteria under the Parental Leave and Employment Protection Act 1987, provided the birth or adoption occurs before the end of their agreement.

We encourage staff to discuss their individual needs with their manager, who will consult with the Chief Executive where requirements are unusual or extended. Support is confirmed on a case-by-case basis.

Eligible staff, under the Parental Leave and Employment Protection Act 1987, are able to access a range of parental leave benefits, including:

- A one-off ex gratia payment equivalent to six weeks of salary (pro-rata) following six months of continuous service upon returning to work. For shorter parental leave durations, the payment will be adjusted proportionally. This lump sum is taxed according to standard income tax rates, including ACC levies, and Kiwisaver deductions apply.
- Enhanced annual leave provisions, allowing annual leave taken within the first 12 months of returning to work to be paid at the employee's ordinary hourly rate. This enhancement applies to leave accrued before, during, and after parental leave.
- A childcare allowance of up to \$3,000 per annum (pro-rata for part-time staff), available six months after returning to work. This taxable allowance can be used for expenses such as childcare services or a nanny.

The Commission does not provide paid leave for partners/secondary carers or separate support for fertility, adoption and surrogacy to staff over and above their other leave entitlements.

### Eligibility and Conditions for Ex-Gratia Payments for parental leave

Ex-gratia payments to staff who take parental leave, is outlined above. This is provided for by the Parental Leave and Employment Protection Act and supported by our Policy.

To receive an ex-gratia payment, staff must:

- Have at least six months of service and work an average of 10 hours per week.
- Take a period of parental leave (annual leave alone does not qualify).
- Return to work and complete six months of continuous service.

If both partners work in the public sector, only one ex-gratia payment is provided between them. However, employees whose partners receive an ex-gratia payment from a private sector employer remain eligible for their payment under the Commission's policy.

### Accrued Leave and Bereavement Support

Under the Holidays Act 2003, staff accrue annual leave entitlements during parental leave, which will be available upon their return. Additionally, if a pregnancy ends by miscarriage or stillbirth, bereavement leave

is granted under section 69 of the Holidays Act. Further support, including sick leave for recovery, is also offered under the Commission's sick leave policy.

#### Commitment to Flexibility and Wellbeing

The Commission values a supportive work environment where employees can balance personal and professional commitments. All roles are treated as flexible by default, unless genuine business reasons prevent this. Requests for leave and flexible work arrangements are considered individually, with a principles-based approach to approval.

Staff on parental leave are included in remuneration reviews, and any revised remuneration applies upon their return. The Commission also offers actual and reasonable sick leave to recover from illness or injury or to care for an ill or injured dependent.

A copy of the Commission's current Leave Policy is attached to this letter.

You have the right to seek an investigation and review of this response by the Office of the Ombudsman, in accordance with section 28(3) of the Act. Contact details for the Ombudsman can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

Please note that the Commission proactively releases its responses to requests made under the Act. This is to help ensure others can also have access to this information. As such, this letter will shortly be published on our website with your name and contact details redacted to protect your privacy.

Nāku noa, nā



Astrid Nunns  
**General Manager, Corporate Accountability and Operations**