



Te Pūkenga

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3 February 2025

By email: [REDACTED]

Tēnā koe [REDACTED]

Request under the Official Information Act 1982

Thank you for your emailed letters of 15 November 2024. You asked for information regarding parental leave for kaimahi (staff) at the following business divisions and national office of Te Pūkenga – New Zealand Institute of Skills and Technology (Te Pūkenga):

- Open Polytechnic | Te Pūkenga
- Otago Polytechnic | Te Pūkenga
- Manukau Institute of Technology (MIT) | Te Pūkenga
- Unitec | Te Pūkenga
- Whitireia and WelTec | Te Pūkenga
- National office | Te Pūkenga

You specifically requested the following:

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.*

My office contacted you on 19 November acknowledging receipt of your request on behalf of the business divisions listed above. We advised we would be providing one response on behalf of those divisions. You kindly confirmed you were happy to keep your request to these six at this stage with my office on 22 January 2025.

On 6 December we wrote to you advising of an extension to the timeframe for making a decision on your request to 3 February 2025. This letter provides a formal decision on your request under the Official Information Act 1982 (OIA).

The decision

Business Divisions

With reference to section 16(1)(e) of the OIA each business division has provided an extracted collection of parental leave information in response to your queries, including policies, guidelines, relevant sections/clauses from employment agreements etc, as set out in the table below and attached as **Appendix One**.

Much of what is provided can be found in legislation and is repeated throughout many of the policies provided. To retain the integrity of the information from the five divisions, we have presented the information largely as it was received from each.

National Office

National Office has a small group of kaimahi covered by Te Hononga Tertiary Institutes Allied Staff Association (TIASA) Collective Agreement. Agreements can be found on TIASA website, through the link provided below. For National Office kaimahi covered by the TIASA Collective Agreement, they are covered by the schedule for the location in which they are based. National Office Individual Employment agreements do not have a specific parental leave policy, but rather reference statutory entitlements for parental leave. Parental leave is also mentioned within our *Kaupapa-here | Holidays and Leave Policy*. This along with our *Kaupapa-here | Flexible Working Policy* can be found online at the links provided below. We also attach here our *Ngā Hātepe | Flexible Working Procedure*, for your information, as Document 6 within **Appendix One**.

- Te Pūkenga and TIASA Kirimana ā-Tōpū mō ngā Kaimahi Tau Whanui Allied Kaimahi Collective Employment Agreement:
<https://tiasa.org.nz/branches/>
- Kaupapa-here | Holidays and Leave Policy:
www.tepukenga.ac.nz/assets/Policies/2022-policies/Holidays-and-Leave-Policy.pdf

- Kaupapa here | Flexible Working Policy:
www.tepūkenga.ac.nz/assets/Policies/2023/Flexible-Working-Policy.pdf

Table of Documents within Appendix One

Doc #	Business Division / National Office
1	Manukau Institute of Technology (MIT) Two kaimahi names on page 5 have been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons.
2	Open Polytechnic Our current Executive Director's name on page 38 has been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons as this is a template letter.
3	Otago Polytechnic A signature on page 44 and initials on page 51 have been withheld under section 9(2)(a) of the OIA to protect the privacy of natural persons.
4	Unitec
5	Whitireia and WelTec Please note pages 91 and 92 provide a summary response to each of your specific queries.
6	National Office <i>Ngā Hātepe Flexible Working Procedure</i>

We do not believe the need to withhold the information noted above under section 9 of the OIA is outweighed by the public interest in its release at this time.

You have the right to make a complaint to the Ombudsman under section 28(3) of the OIA if you are not happy with this response. Information about how to do this is available at www.ombudsman.parliament.nz or by calling 0800 802 602.

We may publish our OIA responses and the information contained in our reply to you on our website. Before publishing we will remove any personal or identifiable information.

Ngā mihi



Gus Gilmore
Tumuaki | Chief Executive

Payroll Information

- **Leave accrual during leave and the rate at which annual leave is paid after an employee returns from parental leave**

When an employee is on parental leave they continue to build up annual leave as long as they return to work at the end of parental leave. However, the payment rate for annual leave is affected in the 12 months after return to work. At MIT the annual leave rate is calculated as per the Holidays Act.

Below is the extract from www.employment.govt.nz website regarding payment of Annual leave when an employee is on parental leave.

How parental leave affects your annual holiday entitlement

If you have unused annual holidays that you were entitled to before going on parental leave, the normal calculation for annual holidays will apply, regardless of when the annual holidays are taken. However, the rules are different if you become entitled to annual holidays:

during parental leave, or

in the 12 months following your return from parental leave.

The pay for these annual holidays is calculated at the rate of your average weekly earnings for the 12 months preceding the end of the last pay period before the annual holidays are taken. There is no comparison to your ordinary weekly pay. This can result in you receiving less than you would normally do for your annual holiday pay when you return.

The payment rate for your holidays will increase gradually and over time your holidays will again be paid at their full value

- Kiwisaver contributions - particularly whether employer contributions are paid during parental leave grant / ex-gratia payment / paid parental leave

As per IRD if an employee continues to receive a salary or wage from the employer while on parental leave, then the Employer must deduct KiwiSaver contributions and make compulsory employer contributions unless the employee is on a savings suspension.

At MIT, when an employee is on parental leave, Employer contribution to Kiwi saver is made in accordance with the above legislation. Hence when an employee is on Parental leave, Employer contributions towards Kiwi Saver is made on the all the taxable payments paid to the employee including salary/wages/ parental leave grant / ex-gratia payment / paid parental leave.



INDIVIDUAL EMPLOYMENT AGREEMENT (ACADEMIC)

Permanent

7.15 Parental Leave

Parental Leave is leave without pay.

- (a) Tenured and limited tenure employees appointed for more than 12 months who are employed for at least 10 hours per week are entitled to parental leave on the following basis:
- (i) An employee who is pregnant or an employee whose partner is pregnant is entitled to parental leave and protection of employment in accordance with the provisions of the Parental Leave and Employment Protection Act 1987. Leave may commence at any time during the pregnancy subject to the employee giving the employer one month's notice in writing, supported by a medical certificate. A shorter period of notice shall be accepted on the recommendation of a medical practitioner;
 - (ii) Employees whose partners are pregnant shall support their application for leave with their partner's medical certificate;
 - (iii) The total amount of leave taken shall not exceed 52 weeks, excluding paternity leave which may be additional (two weeks leave without pay);
 - (iv) Employees with 12 months' or more service, as defined in the Education (Salaries and Staffing) Regulations 1957 but excluding any periods of teachers college or university training, shall be entitled to 12 months' leave;
 - (v) Employees with less than 12 months' service shall be entitled to six months' leave and may be granted up to six months additional leave at the discretion of the employer;
 - (vi) An employee intending to legally adopt or whaangai a child under the age of 12 months subject to satisfactory evidence shall be entitled to parental leave from the date of assuming responsibility for the child as in sub clauses (iv) or (v) above applied. The requirement of one month's notice does not apply

7.16 Parental Leave for Male Lecturers

Attention is drawn to the Parental Leave and Employment Protection Act 1987. The provisions of this Act or any amendment or Act passed in substitution of this Act shall apply for male lecturers (two weeks' leave without pay).

INDIVIDUAL EMPLOYMENT AGREEMENT (SUPPORT)

9.5 Parental Leave

The provisions of the Parental Leave and Employment Protection Act 1987 shall apply to all Employees.

- (a) An Employee who is employed either part-time or full-time, for at least 10 hours a week for the preceding 12 months, will be eligible for parental leave (granted as leave without pay) upon each occasion that she bears or he fathers a child while employed by the Employer.
- (b) Leave of up to 12 months is to be granted to an Employee with at least one year's service at the time of commencing leave.
- (c) For an Employee with less than one year's service parental leave of up to six months is to be granted.
- (d) An Employee who is entitled to parental leave of up to 12 months shall qualify for a grant equivalent to a maximum of 6 weeks pay. S/he may elect to have this paid in one of the forms identified below. The quantum shall be in accordance with the circumstances applying at the time that it is paid.
 - (i) A 'top-up' grant for each week that the Employee is entitled to paid parental leave of the difference between the State funded paid parental leave and the Employee's normal weekly pay, paid up to the maximum, or
 - (ii) As a single payment upon returning to work from parental leave and completing a further three months service.
- (e) An Employee who is absent on parental leave for less than six weeks (30 working days) will receive the appropriate proportion of the payment provided in sub clause 9.5(d).
- (f) Parental leave is not to be granted as sick leave on pay or sick leave without pay. Annual leave due will not be required to be taken before the Employee proceeds on parental leave but may be held over and taken when the Employee returns to work.
- (g) An application for parental leave must be made at least three months before it is intended to commence such leave and must be supported by a certificate signed by a registered medical practitioner.
- (h) An Employee returning from parental leave is entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave. That is, a position at the equivalent salary and grading involving responsibilities comparable to those of the previous position, and in the same location or other location within reasonable commuting distance.



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INDIVIDUAL EMPLOYMENT AGREEMENT

10.7 Parental Leave

Parental leave will be granted in accordance with the Parental Leave and Protection Act 1987.

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Holidays and Leave Policy



Audience and scope:

This policy is relevant to the following:

This policy applies to all full time, part-time, fixed term and casual employees (unless an employee's employment agreement differs from the terms of this policy in which case the terms of the employment agreement apply) at MIT.

Document management and control

Policy Number	HR 6		
Consultation Scope	The following stakeholders were consulted in the development/review of this policy: <ul style="list-style-type: none">• Chief Executive• Senior Leadership• Union Representatives• Employees Consultation was open for a period of 2 weeks, feedback was consolidated, considered and changes incorporated as appropriate into this policy.		
Category	People & Culture	Approval	
Policy Owner	Director, People & Culture	Body/ies	
Policy Contact Person	People, Performance & Support Manager	Review Dates	3 yearly unless legislative changes require otherwise

Amendment history

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
Updated HR6		s 9(2)(a)	Variation to existing for compliance and some incorporation of annual and parental leave guidelines, and for best practice
Updated HR6		s 9(2)(a)	Updated as per the Holidays Act 2003

Parental Leave

Parental leave is available to employees under the Parental Leave and Employment Protection Act 1987. Employees are eligible for parental leave if they have worked for MIT for at least 10 hours a week (including at least one hour in every week or 40 hours in every month) in the six months or the 12 months immediately before the baby's expected due date, or before the date on which the employee will assume the care of a child (aged under 6 years) that they intend to adopt. Different leave is available depending on whether the employee meets the six or 12 month criteria.

Employees can take parental leave multiple times as long as they meet the eligibility requirements each time and six months have passed since the last period of parental leave ended.

Paid and unpaid Parental Leave

Parental leave includes the following types of unpaid leave:

- (a) special leave of up to 10 days (unpaid) is available to a pregnant employee before maternity leave begins, for pregnancy related reasons, such as attending antenatal classes or appointments with a doctor or midwife;
- (b) maternity leave of up to 14 continuous weeks is available for female employees with six or 12 months' continuous employment. Maternity leave may start up to six weeks before the expected date of delivery or adoption, or earlier in certain circumstances (such as where the employee is having health issues);
- (c) partners/paternity leave of one week for an employee with six months' eligible service, or two weeks for an employee with 12 months' eligible service, is available; and
- (d) extended leave is available for employees with 12 months' eligible service for up to 52 continuous weeks. Extended leave of up to 52 weeks is taken in the 12 months after either the birth or the date on which an employee assumes the care of an adopted child. Extended leave may be shared by both eligible parents.

Paid parental leave of up to 14 weeks is available to employees who give birth to a child, or to a person who adopts a child, if they meet either the six or 12 month eligibility criteria.

Applications for Parental Leave

Employees must apply to MIT in writing for parental leave at least three months before the baby is due (different notice periods apply for adoption).

Employees must attach a certificate, or a copy of a certificate, from their doctor or midwife, stating when the baby is due. For adoptions, a written declaration is necessary.

Role to be kept open

In accordance with the Parental Leave and Employment Protection Act 1987, MIT will keep the employee's role open during parental leave, unless it cannot be kept open where:

- (a) a temporary replacement is not reasonably practicable, because the employee occupies a key position; or
- (b) the employee's position is disestablished and there is a redundancy situation.

For most positions at MIT, it is expected that the position will be held open for an employee on parental leave, except in the case of redundancy. There are special rules that apply in a redundancy situation, and employees will be consulted before any decision in this regard is reached during their parental leave.

Employees need to give notice at least 21 days before their parental leave ends to confirm whether they will be returning to work. Employees who wish to return early must apply at least 21 days' before they wish to return, and are asked to give as much notice as possible, especially if someone has been employed temporarily to cover.

Additional Leave

There are a variety of leave options that are additional to these general holidays and leave types and are set out in an individual's agreement (whether individual or collective). Below are examples of some of these options but not is not limited to:

- Academic Discretionary Leave – which must be used within the academic year it applies to
- Managers/ Professional Specialists leave – a fifth week of leave that is received on an individual's yearly anniversary, cannot be utilized until all entitled leave is used and is only available in the year received.
- Long Service Leave
- A 5th week of annual leave on completion of specific length of service

Time in Lieu

Time in lieu is not a leave entitlement but rather the result of required and approved overtime and should be utilised as per an individual's agreements terms and conditions (whether individual or collective). As such it needs to be used as soon as practicable and is not to be accumulated.

Procedures

Procedures to apply for leave and taking leave are outlined in employee agreements and process guidelines.

It is the responsibility of Managers and Deans to ensure that there is adequate coverage to enable the ongoing smooth operation of each department during employee absences. It is also their responsibility to check that their direct reports fill out leave forms upon any absence.

Evaluation/Outcomes

This Policy will be reviewed on a regular basis in line with MIT's requirements.



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INDIVIDUAL EMPLOYMENT AGREEMENT

10.7 Parental Leave

Parental leave will be granted in accordance with the Parental Leave and Protection Act 1987.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982



Kirimana Tōpū Kaimahi TEU

TEU Kaimahi Collective Agreement

Effective from: 1 April 2024
Expires: 31 March 2026

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

8.8 Parental Leave

Parental leave may be taken by kaimahi of any gender following the birth or legal adoption of a child under five years of age. Adoption shall include whaangai or informal adoption of children. Under this Agreement, parental leave includes both unpaid and paid leave and is available to both partners, either concurrently or consecutively.

8.8.1 Notice required to take parental leave

- a) Kaimahi intending to take parental leave are required to give at least three months' notice in writing and the application is to be accompanied by a certificate signed by a registered medical practitioner such as a midwife certifying the expected date of delivery, or proof of adoption as may be appropriate.
- b) Parental leave may commence at any time during pregnancy, subject to the kaimahi giving Te Pūkenga one month's notice in writing supported by documentation from a registered medical practitioner. A shorter period of notice will be accepted on the recommendation of a registered medical practitioner.
- c) Kaimahi intending to legally adopt or whaangai a child (subject to satisfactory evidence) is entitled to parental leave during the child's first year with the new family. The requirement of one month's notice does not apply.

8.8.2 Duration of leave

The length of entitlement to parental leave from the date of birth or date of assuming responsibility for the child is:

- a) Kaimahi who have completed one year of continuous service or more are entitled to up to 52 weeks unpaid leave;
- b) Kaimahi with more than 6 months service but less than 12 months service are entitled to unpaid leave of up to 26 weeks, but up to six months' additional leave may be granted at the discretion of the employer.
- c) Kaimahi who are the spouse or partner of the primary carer are entitled to either one (with six months service) or two weeks (with one or more year/s of service) of unpaid leave as per the Parental Leave and Employment Protection Act 1987.

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before parental leave expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

Kaimahi returning from a period of parental leave are entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave.

The employer will give due consideration to a request for flexible working including a temporary reduction of hours to, be agreed with the kaimahi after the return from a period of parental leave.

Breastfeeding kaimahi shall have the right to one or more paid breaks per day to breastfeed their child or express breastmilk. The timing of these breaks shall be negotiated with their line manager, provided that such agreement shall not be unreasonably withheld.

8.8.4 Sick leave during pregnancy

Periods of illness due to pregnancy, prior to cessation of duties, will be taken as sick leave. Parental leave is not to be granted as sick leave, with or without pay.

8.8.5 Annual leave

Annual leave owing will not be required to be taken before kaimahi commences parental leave; but may be held over and taken when kaimahi return to work.

8.8.6 Paid parental leave or a Grant

Where kaimahi are entitled to parental leave as above, the first six weeks of parental leave shall be paid at their substantive salary rate. Such paid leave is available to kaimahi at the time they

elect to take parental leave, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and parental leave shall be paid during this period.

If, for the period of any portion of the parental leave period, the rate of salary payable is later the subject of a retrospective increase, a sum representing the applicable weekly increase shall be paid to existing kaimahi, and to former kaimahi on application.

If both partners are employed by the employer and are eligible for paid parental leave, they are entitled to six weeks paid leave between them and they may choose who will receive it, or they may choose to apportion it between them.

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whaangai adoption placement.
- b) The grant will be of six weeks full salary at the effective date parental leave commenced.
- c) The full grant equivalent to six weeks salary as in (b) above will be payable regardless of whether an kaimahi returns to work before the expiry of six weeks parental leave. Receipt of salary will not affect the payment of the full grant.

Kaimahi covered by the Ara Allied and Toi Ohomai Allied schedules should refer to their schedules.

8.8.7 Legislative change

The payment of parental leave in this Agreement is in addition to any entitlement under paid parental leave legislation. Should at some time in the future, an amendment to that legislation, or new paid parental leave legislation require the employer to pay all or part of parental leave, the provisions in this clause will be inclusive of what the employer is required to pay.

Te Pūkenga and TIASA
Kirimana ā-Tōpū mō ngā
Kaimahi Tau Whanui
Allied Kaimahi
Collective Employment Agreement

Effective from:

1 January 2024

Expires:

31 December 2025



MANUKAU INSTITUTE OF TECHNOLOGY

TIASA Staff Collective Employment Agreement
(Allied, Security Officers, Cleaners, Catering)

1 April 2022 – 31 December 2022



7.7 Parental Leave

The provisions of the Parental Leave and Employment Protection Act 1987 shall apply to all employees.

- 7.7.1 An employee who is employed either part-time or full-time, for at least 10 hours a week for the preceding 12 months, will be eligible for parental leave (granted as leave without pay) upon each occasion that she bears or he fathers a child while employed by the employer.
- 7.7.2 Leave of up to 12 months is to be granted to an employee with at least one year's service at the time of commencing leave.
- 7.7.3 For an employee with less than one year's service parental leave of up to six months is to be granted.
- 7.7.4 An employee who is entitled to parental leave of up to 12 months shall qualify for a grant equivalent to a maximum of 6 weeks pay. S/he may elect to have this paid in one of the forms identified below. The quantum shall be in accordance with the circumstances applying at the time that it is paid.
 - (i) A 'top-up' grant for each week that the employee is entitled to paid parental leave of the difference between the State funded paid parental leave and the employee's normal weekly pay, paid up to the maximum.
 - (ii) As a single payment upon returning to work from parental leave and completing a further three months service.
- 7.7.5 An employee who is absent on parental leave for less than six weeks (30 working days) will receive the appropriate proportion of the payment provided in subclause 7.6.4.
- 7.7.6 Parental leave is not to be granted as sick leave on pay or sick leave without pay. Annual leave due will not be required to be taken before the employee proceeds on parental leave but may be held over and taken when the employee returns to work.
- 7.7.7 An application for parental leave must be made at least three months before it is intended to commence such leave and must be supported by a certificate signed by a registered medical practitioner.
- 7.7.8 An employee returning from parental leave is entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave. That is, a position at the equivalent salary and grading involving responsibilities comparable to those of the previous position, and in the same location or other location within reasonable commuting distance.

Leave Policy (Including Parental Leave)

POLICY

Open Polytechnic
KURATINI TUWHĒRA



Policy Title:	Leave Policy	Version:	1.0
Approved By:	Executive	Last Approved:	27/04/2022
Policy Owner:	Executive Director People & Capability	Next Review Date:	27/04/2024

Purpose

The purpose of this policy is to outline the Open Polytechnic of New Zealand's ("Open Polytechnic") approach to the use of leave.

Scope

This policy applies to all permanent and fixed term Open Polytechnic staff.
Contractors and casual staff are not covered by this policy.

7. Parental Leave

You are entitled to parental leave as outlined in your employment agreement. You are encouraged to familiarise yourself with your entitlement by reviewing your employment agreement. The Parental Leave Information Sheet is designed to provide you with all relevant information on parental leave at the Open Polytechnic.

Parental Leave Procedure

Requests for parental leave should be made in writing to your line manager in conjunction with People and Capability. This is to assess your eligibility and assist with your paid parental leave application to IRD. Applications for parental leave require the approval of the Chief Executive.

The Open Polytechnic provides two weeks' paid partners' leave. To utilise this, please contact People and Capability.

Parental Leave

Parental Leave Information Sheet

The purpose of this Parental Leave Information Sheet is to provide all information you need regarding parental leave. If you have further questions or feel that your circumstances are not covered within this document, raise it with your People and Capability Business Partner.

Before you go on leave

Leave Entitlements (as per legislation)

Detailed in the table below is your legal entitlements to parental leave. Depending on yours and your partners work circumstances, you may be able to share/transfer some of the leave to your partner. Further information on this can be found on the [Employment New Zealand website](https://www.employment.govt.nz/employment-new-zealand-website/).

Meets 12-month criteria	Meets 6-month criteria	Doesn't meet 6- or 12-month criteria
<ul style="list-style-type: none">26 weeks paid primary carer leave52 weeks unpaid extended leave (including up to 26 weeks of primary carer leave taken)10 days unpaid special leave	<ul style="list-style-type: none">Up to 26 weeks paid primary carer leave26 weeks unpaid extended leave (including up to 22 weeks of primary carer leave taken)10 days unpaid special leave	<ul style="list-style-type: none">No primary carer or extended leaveMay apply for negotiated carer leaveParental leave payment available only if you meet parental leave payment testNo special leave

Process for applying for Parental Leave

1. Meet with your People & Capability Business Partner/Advisor to go through the requirements/process of parental leave.
2. Advise your manager (in writing) that you are going to be going on parental leave, the date you expect the parental leave to start, and the intended length of the parental leave. This must be done at least three months before your due date.
3. Provide a letter from lead maternity carer that details your due date.
4. You will receive a written letter from the Chief Executive approving your leave.
5. To apply for your Paid Parental Leave, you need to apply through myIR (<https://www.ird.govt.nz/paid-parental-leave/apply/>).
6. The Workforce Analyst:
 - a. Books the Parental leave portion of confirmed leave (paid and unpaid).

Special Leave

There is a provision for unpaid special leave that you may have access to. This is dependent on the criteria you meet in the table above. Special leave is a provision for attending appointments related to your pregnancy, it is not an entitlement.

Open Polytechnic Six Week Payment

The Open Polytechnic, in supporting primary carers, provides an additional payment when you go on parental leave as a primary carer. The additional payment will be paid in a lump sum on your last pay before commencing parental leave. The payment is the equivalent of 30 working days at your normal rate.

While you are on leave

Keeping in Touch Days

While on parental leave you can choose, in agreement with your manager, to perform work from time to time, for example, to attend a team day or change announcement as long as:

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

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

If you do not return to work at the end of your parental leave (not including keeping in touch days), your employment is deemed to have ended when you first went on parental leave (not the last day you worked on a keeping in touch day). This means that any payment that you received for any keeping in touch days you worked will not be included in the calculation of 8% gross earnings for annual holidays payment in your final pay.

Returning to work

If you intend to go back to work after your parental leave, you need to write to your manager at least 21 days before your leave ends and advise them that you intend to return to work.

If you want to return to work earlier than planned, you need to write to your manager with 21 days' notice. An early return to work requires the mutual agreement with the Open Polytechnic must.

Not returning to work

If you decide not to go back to work when your parental leave ends, you must tell your manager in writing at least 21 days (or the notice period in your employment agreement) before the end of your parental leave. Your employment will be deemed to have ended on your last day at the Open Polytechnic before commencing parental leave.

Once you have returned to work

Impact on annual leave

When you return from parental leave, there is an impact on the hourly rate your annual leave is paid at.

The rate for annual leave is determined by an average of the previous 52 weeks worked. This means that the period of your parental leave that is unpaid is incorporated into the annual leave rate. When you first return from parental leave, your annual leave hourly rate is worth very little. The longer the period since you have returned from parental leave, the higher the rate of your annual leave hourly rate becomes.

The Open Polytechnic recognises this as an issue and wishes our people to take their leave for rest and relaxation. As such, the above legislation is only applied for the first six months following a return from parental leave. Six months following your return, the above calculation will not be applied, and your leave will be paid at your usual hourly rate.

Two example calculations can be found in Appendix 1. These are to act as a guide and tool to understand the calculation. The exact figures will vary depending on multiple factors relevant to your personal situation.

Useful Resources

- [Employment New Zealand website](#)
- [Open Polytechnic Leave Policy](#)

Appendix 1

1. Example calculation based on:

\$60,000 gross salary per year / \$30.68 gross standard hourly rate / 37.5 hours per week / 52 weeks of unpaid Parental Leave

Leave taken after	Hourly Rate of AL	Earnings 52 weeks
1 month	\$2.71	\$5,293.16
3 months	\$8.14	\$15,879.47
5 months	\$13.57	\$26,465.78
6 months onwards	\$30.68	n/a

2. Example calculation based on

\$90,000 gross salary per year / \$46.03 gross standard hourly rate / 40 hours per week / 52 weeks of unpaid Parental Leave

Leave taken after	Hourly Rate of AL	Earnings 52 weeks
1 month	\$3.82	\$7,939.73
3 months	\$11.45	\$23,819.20
5 months	\$19.09	\$39,698.67
6 months onwards	\$46.03	n/a

Disclaimer:

- The above equations are an example only. The exact figures will vary depending on multiple factors relevant to your personal situation.
- The hourly rate of AL is calculated assuming no unpaid leave or prior AL taken at reduced rate.
- Any changes to salary will impact the earnings which impacts the hourly rate.
- As more of the salary is earned in the 52 weeks preceding the leave date, the higher the AL rate will be.

Infant Feeding Policy

POLICY

Open Polytechnic
KURATINI TUWHERA



Policy Title:	Infant Feeding Policy	Version:	5.0
Approved By:	Executive	Last Approved:	13/10/2021
Policy Owner:	Executive Director People and Capability	Next Review Date:	13/10/2023

Purpose

The purpose of this policy is to outline the Open Polytechnic of New Zealand Limited's ("the Polytechnic") firm commitment to supporting kaimahi who are breastfeeding in the workplace.

Scope

This policy applies to all members of the workforce who wish to breastfeed their infant, including:

- a) Kaimahi,
- b) Contractors,
- c) Volunteers, interns and those on work experience
- d) Temporary and casual kaimahi

Definitions

"**Breastfeeding**" refers to either breastfeeding or pumping and storing breastmilk.

Policy

The Open Polytechnic recognises the importance of breastfeeding for both parent and infant, and supports, protects, and promotes infant feeding in the workplace. The Open Polytechnic also believes that supporting kaimahi with family responsibilities is expected of a sought-after employer.

The Open Polytechnic is committed to:

- Providing a supportive environment and facilities for kaimahi who are breastfeeding infants, and who wish to continue breastfeeding in the workplace; and
- Providing suitable breaks to kaimahi who is breastfeeding an infant and wishes to breastfeed during a work period.

The Open Polytechnic takes a trust first approach to enable parents to determine how individual kaimahi will operate within this policy. There are rooms and paid breaks available to kaimahi (Tawa and Kānuka) that support breastfeeding. Kaimahi are encouraged to talk with their line manager in the first instance. For those having infants brought to campus, please follow the visitor procedures.

Legislative Compliance

- Employment Relations Act 2000
- Health & Safety at Work Act 2015

Disclaimer Statement

"If there is inconsistency between this policy and the Polytechnic's employment agreements or employment legislation, then the employment agreement or employment legislation will take precedence"

2.6 Re-entry after Absence due to Childcare

2.6.1 An employee who resigned from the Polytechnic to care for pre-school children may apply to re-enter The Open Polytechnic of NZ under preferential provisions provided that:

- a. The absence does not exceed four (4) years from the date of resignation or five (5) years from the date of cessation of duties to take up **parental leave**.
- b. The applicant must:
 - i. produce a birth certificate for the pre-school child;
 - ii. sign a statutory declaration to the effect that absence has been due to the care of a pre-school child.
- c. An applicant seeking to return to the Polytechnic should give at least three (3) months' notice and renew that notice at least one (1) month before the date s/he wishes to return to work or one (1) month before the expiry of the period in clause (a) whichever is the earlier.

2.6.2 Where the applicant meets all the provisions of clause 2.6.1, and at the time of application:

- a. has the necessary skills, knowledge and experience (in previous roles within the organisation) to fill competently, a vacancy which is available in the Polytechnic; and
- b. the position is substantially the same in responsibilities, accountabilities (as per the position description) and at the same or lower salary and grading as the position previously held, then the applicant, under these provisions, is to be appointed in preference to any other applicant for the position.

5.3 Parental Leave

5.3.1 Parental leave shall be allowed in accordance with the requirements of the Parental Leave and Employment Protection Act 1987 (the Act) as amended from time to time

5.3.2 An employee who is entitled to primary carer leave of up to the maximum duration provided under Part 1 of the Act will continue on pay for the first six (6) weeks of their primary carer leave. This payment is additional to any paid leave the employee may be entitled to under Part 7A of the Act.

5.3.3 5.3.3 An employee who is absent on primary carer leave for less than six weeks will receive that proportion of the payment provided in clause 5.3.2 above which his/her absence represents to thirty (30) working days.

8.8 Parental Leave

Parental leave may be taken by kaimahi of any gender following the birth or legal adoption of a child under five years of age. Adoption shall include whaangai or informal adoption of children. Under this Agreement, parental leave includes both unpaid and paid leave and is available to both partners, either concurrently or consecutively.

8.8.1 Notice required to take parental leave

- a) Kaimahi intending to take parental leave are required to give at least three months' notice in writing and the application is to be accompanied by a certificate signed by a registered medical practitioner such as a midwife certifying the expected date of delivery, or proof of adoption as may be appropriate.
- b) Parental leave may commence at any time during pregnancy, subject to the kaimahi giving Te Pūkenga one month's notice in writing supported by documentation from a registered medical practitioner. A shorter period of notice will be accepted on the recommendation of a registered medical practitioner.
- c) Kaimahi intending to legally adopt or whaangai a child (subject to satisfactory evidence) is entitled to parental leave during the child's first year with the new family. The requirement of one month's notice does not apply.

8.8.2 Duration of leave

The length of entitlement to parental leave from the date of birth or date of assuming responsibility for the child is:

- a) Kaimahi who have completed one year of continuous service or more are entitled to up to 52 weeks unpaid leave;
- b) Kaimahi with more than 6 months service but less than 12 months service are entitled to unpaid leave of up to 26 weeks, but up to six months' additional leave may be granted at the discretion of the employer.
- c) Kaimahi who are the spouse or partner of the primary carer are entitled to either one (with six months service) or two weeks (with one or more year/s of service) of unpaid leave as per the Parental Leave and Employment Protection Act 1987.

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before parental leave expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before **parental leave** expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

Kaimahi returning from a period of **parental leave** are entitled to resume work in the same or similar position to that occupied at the time of commencing **parental leave**.

The employer will give due consideration to a request for flexible working including a temporary reduction of hours to, be agreed with the kaimahi after the return from a period of **parental leave**.

Breastfeeding kaimahi shall have the right to one or more paid breaks per day to breastfeed their child or express breastmilk. The timing of these breaks shall be negotiated with their line manager, provided that such agreement shall not be unreasonably withheld.

8.8.4 Sick leave during pregnancy

Periods of illness due to pregnancy, prior to cessation of duties, will be taken as sick leave. **Parental leave** is not to be granted as sick leave, with or without pay.

8.8.5 Annual leave

Annual leave owing will not be required to be taken before kaimahi commences **parental leave**; but may be held over and taken when kaimahi return to work.

8.8.6 Paid **parental leave** or a Grant

Where kaimahi are entitled to **parental leave** as above, the first six weeks of **parental leave** shall be paid at their substantive salary rate. Such paid leave is available to kaimahi at the time they

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elect to take **parental leave**, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and **parental leave** shall be paid during this period.

elect to take parental leave, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and parental leave shall be paid during this period.

If, for the period of any portion of the parental leave period, the rate of salary payable is later the subject of a retrospective increase, a sum representing the applicable weekly increase shall be paid to existing kaimahi, and to former kaimahi on application.

If both partners are employed by the employer and are eligible for paid parental leave, they are entitled to six weeks paid leave between them and they may choose who will receive it, or they may choose to apportion it between them.

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whaangai adoption placement.
- b) The grant will be of six weeks full salary at the effective date parental leave commenced.
- c) The full grant equivalent to six weeks salary as in (b) above will be payable regardless of whether an kaimahi returns to work before the expiry of six weeks parental leave. Receipt of salary will not affect the payment of the full grant.

Kaimahi covered by the Ara Allied and Toi Ohomai Allied schedules should refer to their schedules.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

- 2.6.4 If an applicant under these provisions is not appointed to any position within three (3) months after the expiry of the period in clause 2.6.1(a) the benefits of these provisions will lapse.

2.7 Advice of Appointment

2.7.1 Every appointee to a vacancy shall be notified in writing of:

- (a) the appointment;
- (b) whether it is as a permanent employee, or fixed term employee;
- (c) the period of trial for new employees;
- (d) the commencing and maximum grade and salary for the position;
- (e) if they are to be part-time permanent employees, the hours of work for the position;
- (f) if they are to be a fixed term employee, the nature of work to be undertaken, the hours of work, and the duration of the period of employment. If relieving for a permanent employee on parental leave, the fixed term employee will be advised that the period of employment is dependent on notification of the date of return of the permanent employee.

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5.3 Parental Leave

5.3.1 Parental leave shall be allowed in accordance with the requirements of the *Parental Leave and Employment Protection Act 1987* (the Act) as amended from time to time. Further information is available on *Parental Leave* | [Business.govt.nz](https://www.business.govt.nz) website or freephone 0800 20 90 20.

5.3.2 An employee who is entitled to primary carer leave of up to the maximum duration provided under Part 1 of the Act will continue on base salary for the first six (6) weeks of their primary carer leave, or they may choose to be paid a lump sum on their last pay before commencing parental leave, or take a combination of leave and paid as a lump sum. This payment is additional to any paid leave the employee may be entitled to under Part 7A of the Act.

5.3.3 An employee who is absent on primary carer leave for less than six weeks will receive that proportion of the payment provided in clause 5.3.2 above which his/her absence represents to thirty (30) working days.

2.6 Re-entry after Absence due to Childcare

- 2.6.1 An employee who resigned from the Polytechnic to care for pre-school children may apply to re-enter the Polytechnic under preferential provisions provided that:

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GENERAL STAFF PSA COLLECTIVE AGREEMENT 2020

- (a) The absence does not exceed four (4) years from the date of resignation or five (5) years from the date of cessation of duties to take up parental leave.
- (b) The applicant must:
- (i) produce a birth certificate for the pre-school child;
 - (ii) sign a statutory declaration to the effect that absence has been due to the care of a pre-school child and paid employment has not been entered into for more than fifteen (15) hours per week.
- (c) An applicant seeking to return to the Polytechnic should give at least three (3) months' notice and renew that notice at least one (1) month before the date s/he wishes to return to work or one (1) month before the expiry of the period in clause 2.6.1(a) whichever is the earlier.
- 2.6.2 Where the applicant meets all the provisions of clause 2.6.1, and at the time of application:
- (a) has the necessary skills to fill competently, a vacancy which is available in the Polytechnic; and
 - (b) the position is substantially the same in character and at the same or lower salary and grading as the position previously held,
- then the applicant, under these provisions, is to be appointed in preference to any other applicant for the position.
- 2.6.3 Absence for child care reasons will interrupt service but not break it. The period of absence will not count as service for the purposes of sick leave or annual leave or any other leave entitlement.

Title:	Flexible by Default	Version:	1
Approved By:	Executive	Approval Date	17/03/2021
Policy Owner:	Executive Director, People & Capability	Next Review Date:	30/03/2023

Purpose

The purpose of this Policy is to provide a framework for kaimahi arrangements for working flexibly by default and in alignment with the Public Service Commission's Flexible by Default Guidelines.

Scope

This policy applies to all permanent, fixed term and contracted (full-time or part-time) kaimahi at the Open Polytechnic.

Definitions

"Flexible working" is when you have the opportunity to request when, where, and how you work, in agreement with your manager. This includes, but is not limited to, temporary and permanent changes to your hours, days, and work location at your request.

"Located Off Campus" is a situation where the Open Polytechnic requires you to deliver the responsibilities of your role from your place of residence.

"Informal Request" is when you have an informal request to temporarily work flexibly. This is in agreement with and at the discretion of your manager.

"Formal Request" is when you request a permanent or temporary change to your terms and conditions of employment under section 69AA of the Employment Relations Act (ERA) 2000.

Policy

The Open Polytechnic is committed to ensuring both service and support to our learners whilst balancing the intent to provide a workplace where all our positions are appropriately flexible by default. Flexible working means different things for different people. The Flexible by Default [Guidelines](#) and [Employment New Zealand](#) provide further detail to types of flexibility. Flexible working is an arrangement of good faith between you and the Open Polytechnic, both parties must be confident that the arrangement will be successful.

There are three types of flexible working outlined in the table below:

Type	Requestor	Approver	Notes
1. Located Off Campus Employee	The Open Polytechnic	Chief Executive	Being located off campus is a type of flexibility wherein the Open Polytechnic has determined that you will work from home, in a location away from the main campus. There is

			financial support provided under this type of flexible request.
2. Informal Flexible Working	You, as kaimahi	Manager	Informal arrangements for you to work flexibly are agreed and approved by your manager. There is no financial assistance provided.
3. Formal Flexible Working	You, as kaimahi	Chief Executive	A formal flexible working arrangement (under section 69AA of the Employment Relations Act (2000)) is where you request, and approval is given to change the terms and conditions of your employment. Financial assistance may be provided and will be assessed on a case by case basis.

Note request for flexibility can be made under the Domestic Violence Victim Protection Act (2018) and these must be referred to the Executive Director of People and Capability.

Safety, Wellbeing and Security

For all arrangements of flexibility, you must ensure that you comply with your obligations under the Health and Safety at Work Act (2015), Open Polytechnic policies and expectations. All kaimahi must take reasonably practicable steps to ensure that in the performance of your duties, you do not undermine your own health and safety or that of any other person, regardless of location and work hours.

Specifically:

- Whilst working from home, identifying, managing, eliminating, insulating and or minimising potential hazards as well as immediately reporting actual or potential hazards, actual incidents (including pain and discomfort).
- The workspace available to you is appropriate and sufficient for the safe and effective performance of your primary duties and responsibilities.
- That your device, and data (including individualised and anonymised learners, kaimahi and commercial) is kept safe and secure.
- Open Polytechnic equipment is primarily used for the purpose of effectively completing primary duties.
- You manage your working time effectively, including taking appropriate rest and meal breaks.
- You must ensure the combination of other commitments outside of your primary duties when working from home such as home-based care, volunteer work, or secondary employment have been discussed with your leader.

1. Located Off Campus Employee

The Open Polytechnic's main operation is from the Lower Hutt campus. There are a number of geographically dispersed functions across New Zealand that requires kaimahi

to be placed regionally and work from home. The Open Polytechnic will make this request of individuals at the time of establishing off campus positions which can be filled by new or existing kaimahi.

The Open Polytechnic will reimburse any additional household cost incurred by working from home.

The Open Polytechnic will provide or fund equipment it considers necessary and appropriate for the staff member to carry out their duties from home. Financial support for the purpose of purchasing equipment or to reimburse additional household costs are outlined in the Guideline: Located off campus.

1.1. Criteria to determine if you are located off campus

Working from home will occur when all of the below criteria is met:

- when it is a core requirement of the position
- when it suits both the organisation and the individual staff member
- when it aligns with the business needs of the Open Polytechnic
- when it is agreed to by the Open Polytechnic either at the time you are employed, if an off-campus role is established or existing kaimahi are appointed to an off-campus role.

All arrangements will be confirmed in writing in the Letter of Offer during the establishment of the role, during recruitment and/or appointment stages.

Further information regarding financial assistance, equipment and insurance is found in the Guideline: Located off campus.

2. Informal Requests

Informal flexible working requests are handled at your manager's discretion. Informal requests do not change the terms and conditions of your employment and do not create a pattern impacting changes required under the Holidays Act 2003.

No informal requests can commence without the written approval of the immediate manager.

Further information regarding the principles of informal flexible requests can be found in the Informal Flexible Working Guidelines.

3. Formal Requests

All kaimahi are entitled to request a change to their terms and conditions of employment under section 69AA of the Employment Relations Act (ERA) 2000. The Open Polytechnic will consider each request it receives and respond within four (4) weeks. The change could involve, but is not limited to, your hours, days, or work location.

Formal requests are needed where there is a request to formalise informal requests or where informal requests exceed two months and they become custom and practice.

If the request is approved, a written agreement between you and the Open Polytechnic will be established outlining equipment and financial support as deemed appropriate.

There are special considerations given to those on a collective agreement. The collective agreement will override requests where they contradict or become inconsistent with the relevant collective agreement.

3.1. Submitting a Flexible Working Request

If you wish to submit a formal flexible working request, please outline the specific details of your request to your manager. The Open Polytechnic will respond to you in writing within four (4) weeks. Further information can be found on the Employment New Zealand website. The Employment New Zealand website is a recommended resource to use when submitting a request.

3.2. Termination of formal working from home arrangement

If a formal working from home arrangement is no longer a workable way for either you or the Open Polytechnic, the nature of the agreement will be discussed in good faith to enable both you and the Open Polytechnic to reach either a new agreement or terminate the existing agreement.

3.3. Changes to Formal Flexible Working Arrangement

From time to time the Open Polytechnic or your manager may request a one off change to your formal flexible working, such as working on campus or during non-work hours. It is anticipated change requests will be kept to a minimum and there is a commitment from the Open Polytechnic to honour the agreed flexibility.

Notwithstanding this agreement, any changes, would be agreed to in writing and will be addressed in a reasonable way in good faith.

Further information regarding making a requests and decision criteria can be found in the Formal Flexible Working Procedure.

Legislative Compliance

- Employment Relations Act (ERA) 2000
- Health and Safety at Work Act 2015
- State Sector Act 1988
- The Privacy Act 2020

Reference

- Code of Conduct
- Procedure: Formal Flexible Requests
- ICT Policy
- Public Sector Commission Flexible-Work by-Default Guidelines
- Guidelines: Located off campus
- Informal Flexible Requests Procedure
- Guidelines for Managers
- Safety and Wellbeing Policy.

Guidelines

Open Polytechnic
KURATINI TUWHERA

Title:	Located off campus	Version:	1.0
Approved By:	Executive	Approval Date:	17/03/2021
Owner:	Executive Director, People & Capability	Next Review Date:	31/03/2023

Introduction

The Open Polytechnic's main operation is from the Lower Hutt campus. There are a number of geographically dispersed functions across New Zealand that requires kaimahi to be placed regionally and work from home. The Open Polytechnic will make this request of individuals at the time of establishing off campus positions which can be filled by new or existing kaimahi.

Definitions

"Flexible working" is when you have the opportunity to request when, where, and how you work, in agreement with your manager. This includes, but is not limited to, temporary and permanent changes to your hours, days, and work location at your request.

"Located off campus employee" is a situation where the Open Polytechnic requires you to deliver the responsibilities of your role from your place of residence.

"Informal Request" is when you have an informal request to temporarily work flexibly. This is in agreement with and at the discretion of your manager.

"Formal Request" is when you request a permanent or temporary change to your terms and conditions of employment under section 69AA of the Employment Relations Act (ERA) 2000.

Scope

In Scope

This procedure applies to those, at the request of the Open Polytechnic, are working from home and not at the Lower Hutt campus.

Out of Scope

This procedure does not apply to those whom have requested formal or informal flexible working arrangement to predominantly work from home or casual, adjunct or contracted kaimahi.

Procedure

The Open Polytechnic will make a determination if a role is to be based away from the Lower Hutt campus usually through two ways:

1. An individual may apply for a role based off campus or
2. During a review and restructure it may be concluded that a role be based off campus

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Criteria to determine if you are based off campus

Working from home will occur when all the below criteria is met:

- when it is a core requirement of the position
- when it suits both the organisation and the individual staff member
- when it aligns with the business needs of the Open Polytechnic
- when it is agreed to by the Open Polytechnic either at the time you are employed, if an off-campus role is established or existing kaimahi are appointed to an off-campus role.

Roles and Responsibilities

Kaimahi

- ensure that your home, or any home you move to, has access to adequate broadband coverage to support and sustain video capability;
- ensure they review the [WorkSafe Guidelines](#) regarding ergonomics
- ensure all information is stored securely in accordance with the Information Management Policy;
- be contactable during the core business hours specified in the contract (unless otherwise agreed with their manager);
- record any Safety and Wellbeing [incidents in the register](#) and inform your line manager;
- record any hazards in the [hazards register](#) and inform your manager;
- be aware of and adhere to all Open Polytechnic policies, procedures or guidelines;
- be available for all meetings as required;
- ensure that they maintain a safe workplace and notify their manager of any safety and wellbeing issues that arise within their work designated space;
- report any lost or stolen furniture and / or equipment to their manager within 24 hours of becoming aware of it.

You may (with the prior written, signed agreement of your manager) elect to use another work site if circumstances at home change. This would be subject to the new work site meeting the operational requirements of the Open Polytechnic.

Managers

- ensure that kaimahi are regularly updated;
- set up regular meetings [whether online or face to face] with staff to discuss, review and plan their work, as well as monitor and manage performance;
- ensure the procedures/arrangements are clear and transparent;
- ensure kaimahi contact details (e-mail, telephone, cell phone) are included in the internal telephone directories;
- ensure that other staff affected by the arrangement have been advised and are informed on how the situation will operate;
- advise the Service Desk of the computer applications required by the staff member prior to a computer being configured for home use;
- ensure staff are aware of and adhere to the Open Polytechnic's policies, procedures and guidelines.

People & Capability responsibilities

- for new kaimahi, enrol in the induction programme;
- investigate any new hazards reported by staff;

- Investigate any incidents, near misses; or discomfort and pain reported by staff

Equipment

All equipment provided must be used for Open Polytechnic work only and remains the property of the Open Polytechnic, and is to be returned at the end of employment with the Open Polytechnic.

Technology

The Open Polytechnic will supply computer equipment which includes a laptop and monitor plus any additional or upgraded software required to perform duties from home, as approved by the manager and Executive Director. This equipment will be recorded on the Asset Register, maintained by the Infrastructure Team. Equipment will be maintained by the Open Polytechnic, and issues must be reported to the Service Desk as soon as practicable.

Where appropriate the Open Polytechnic will request a printer to be provided.

Additional software is not to be loaded on this computer other than that approved by the Open Polytechnic. Computer equipment is to be used solely for the Open Polytechnic's purposes and in accordance with the Open Polytechnic's *Information and Telecommunications Use Policy*.

Furniture

Where a staff member's existing furniture is suitable for use, and they wish to use it, this furniture will remain the property of the staff member and the Open Polytechnic will not contribute to its cost or maintenance.

Where a staff member does not already have suitable furniture that meets [WorkSafe's standards](#), the Open Polytechnic will reimburse up to maximum levels outlined in Appendix 1.

In exceptional circumstances, the maximum costs as indicated can be exceeded with the written approval of the applicable Executive Director. The affected Directorate will be responsible for providing this additional funding.

Remote access

The staff member's manager must approve any remote access requirements to Open Polytechnic software applications.

Allowances and expenses

Payment

- Allowances apply only to those staff who qualify under the Located Off Campus agreement to work from home.
- These allowances will be taxable subject to the guidelines provided by IRD on this matter.
- All work-related expenses are paid/reimbursed through the payroll system. A reimbursement form must be completed and have GST receipts attached. All reimbursements are to be sent to the manager for approval.
- Allowances will be paid on a pro-rata basis for part-time staff.

All specific allowances and cost reimbursements will cease if the staff member is transferred to an office-based position.

Working from home contractual allowances

Allowance	Amount	Taxable		Pro-rata	
		Yes	No	Yes	No
Working from Home To contribute towards household costs such as lighting, heating, electricity, broadband etc.	\$1655 gross / annum	✓		✓	
Office space To contribute towards cost of providing dedicated office space in employees home	\$990 gross / annum	✓			
Sundry To contribute towards expenses such as beverages, and miscellaneous items	\$165 gross / annum	✓		✓	

Furniture Items

Reimbursement for furniture required for workspace will be paid up to maximum amounts as per set out below. A reimbursement form must be completed, as per details above.

The Open Polytechnic owns the furniture. However, subject to approval by the Facilities Services Manager, it will be the staff member's responsibility to keep or dispose of the furniture once the employment relationship ends.

Item	Maximum cost
Desk	\$450.00
Chair	\$400.00
Lockable filing cabinet	\$300.00
Sundry furniture such as footstool, bookcase. Must be approved by manager prior to purchase.	\$200.00

Stationery expenses

- Any stationery requirements can be ordered through the team coordinator.
- To seek reimbursement for any stationery requirements (not available from Facilities) that are obtained locally, a reimbursement form must be completed, as per details above.

Vehicle expense reimbursements

- Where a private motor vehicle is used for Open Polytechnic business, mileage will be reimbursed at the rates approved by the employer.

- A travel expense form must be completed detailing the purpose of the trip, distance travelled, and sent to the manager for approval.

Telephone expenses

All calls should, where possible be made using the Open Polytechnic software.

Reimbursement of mobile phone costs may be made at the discretion of the manager or Executive Director.

Insurance

General Insurance

All equipment owned by the Open Polytechnic and located in a staff member's home is covered under the Open Polytechnic's insurance policies.

If damage to a staff member's property occurs because of faulty equipment supplied by the Open Polytechnic, the staff member is to report details to their manager. The staff member's insurer may be able to pursue a claim against the Open Polytechnic if the loss was caused by the Open Polytechnic's faulty equipment.

Motor vehicle and general insurance

The kaimahi's vehicle is not covered by the Open Polytechnic's vehicle insurance. It is the kaimahi's responsibility to advise their insurer that they are using their private vehicle for business related matters.

The exception to this is when a rental car is not practical, reasonable, or accessible. If a rental car is not practical, reasonable, or accessible, your vehicle will be covered by the relevant policies and insurances.

However, if the kaimahi insisted on using their own vehicle when a rental car was available, their private vehicle is not covered by any Open Polytechnic policies and insurances and will rely on their own insurance cover.

Remuneration Policy

POLICY

Open Polytechnic
KURATINI TUWHĒRA

Policy Title:	Remuneration Policy	Version:	1.0
Approved By:	Executive	Last Approved:	15/09/2021
Policy Owner:	Executive Director – People and Capability	Next Review Date:	15/09/2022

Purpose

The purpose of this policy is to outline the Open Polytechnic's strategy and practice in all aspects of remuneration.

Open Polytechnic's remuneration strategy is designed to strike a balance between several competing factors:

1. Public Service Commissioner and Te Pūkenga guidelines
2. Our commitment to internal pay equity and addressing existing uneven practice, especially in relation to starting salaries
3. The ongoing need to pay a competitive rate to attract and retain talented people
4. Affordability within our budgeted remuneration increase
5. The requirement to meet contractual obligations within our collective agreements
6. Continuity with organisational priorities and custom and practice expectations created through previous reviews

Scope

This policy applies to all Open Polytechnic employees, permanent and fixed term. It does not apply to remuneration for contractors or third-party agencies.

Policy

Letter Templates

Date

Private and Confidential

Name

Position

Directorate

Open Polytechnic

Tēnā koe XXXXX

Re: Confirmation of Parental Leave

I am pleased to advise that your application for Parental Leave has been approved and your position will be kept available for you, subject to any redundancy situation occurring.

In accordance with the terms of your employment agreement, I would like to draw your attention to your entitlement of 30 normal working days pay from the date you commence your Parental Leave. These days have been included in the breakdown below. This is in addition to the Government provided 26-weeks Primary Carer Leave.

Your Parental Leave will commence on XXXX and will end on XXX. The breakdown of your leave is as follows:

- a) XX to XX – Annual Leave (Optional)
- b) XX to XX – 30 days paid Maternity Leave (as per agreement)
- c) XX to XX – Extended Leave (unpaid)

As you have asked for 52 weeks leave, which is a combination of Parental Leave and Extended Leave as per the Parental Leave and Employment Protection Act 1991, (the Act), you will therefore be required to return to work on XXX.

You have confirmed in writing that your partner will not be taking Extended Leave during this period. This is because the Act provides for Extended Leave to be taken by both partners, but the combined leave must not be more than 52 weeks in total. This will not affect your partner's rights to take Partners Leave, as Partners Leave does not count as part of the total leave period available to both of you.

I ask that you please contact your manager, as per the Act, not later than 21 days prior to XXX to confirm your return to work.

Under the Act, there are some circumstances where you are entitled to return to work early provided you give not less than 21 days notice in writing of the date on which you intend to return to work.

A summary of your key entitlements under the Act can be found at The Ministry of Business, Innovation and Employment's website: employment.govt.nz. The Ministry of Business, Innovation and Employment offers free information and can be contacted on 0800 20 90 20.

Date

Private and Confidential

Name

Position

Directorate

Open Polytechnic

Dear Name

Return from Parental Leave

Thank you for your recent indication that you will be returning from parental leave on Date. I would like to confirm your working hours on your return from parental leave are as follows.

Your hours of work will be XX per week (XX FTE) and will be worked Monday to Friday from 7:45am to 3.45pm. Your salary will remain at \$XXX gross per annum. This will therefore equate to \$ per annum based on your hours worked per week.

All other terms and conditions of your employment will remain unchanged. You are welcome to seek independent advice on this variation to your employment terms and conditions.

To accept this variation please sign the Employee Acknowledgement and Acceptance clause at the foot of this letter and return one copy, to XXX in People and Capability. Please keep the duplicate copy for your own records.

We look forward to welcoming you back to the Polytechnic.

Yours sincerely,

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Date

Private and Confidential

Name

Position

Directorate

Open Polytechnic | Te Pūkenga

Tānā koe First Name

Confirmation of Partner's Leave

You have requested two weeks paid partner's leave upon the birth of your baby later this year.

I am pleased to advise that your application for partner's leave has been approved. In accordance with the terms of your employment agreement, you will be granted two weeks partner's leave on pay.

Your partner's leave will commence on XXX and end on XXX. Should these dates need to be changed, please seek approval from your manager.

Your key entitlements under the Act can be found at The Ministry of Business, Innovation and Employment's website: [employment.govt.nz](https://www.employment.govt.nz). The Ministry of Business, Innovation and Employment offers free information and can be contacted on 0800 20 90 20.

We would like to wish you all the very best for the future and the arrival of your baby.

Nāku noa, nā

s 9(2)(a)

Executive Director

Open Polytechnic | Te Pūkenga

Leave Management - (includes parental leave)

[Print this page](#)

Section	Corporate
Approval Date	27 August 2023
Approved By	Executive Director
Next Review	30 August 2024
Responsibility	People, Culture and Safety

Purpose

The purpose of this policy is to provide guidance for Otago Polytechnic / Te Pūkenga staff members and Leaders as to the management of all forms of leave.

This policy applies to all staff except casual staff where only sick leave applies.

Compliance

Employment Relations Act 2000 and all subsequent amendments

Holidays Act 2003 and all subsequent amendments

Parental Leave and Employment Protection Act 1987 and all subsequent amendments Paid Parental Leave Amendment Act 2004 and all subsequent amendments.

Domestic Violence - Victim Protection Act 2018 and all subsequent amendments

Policy

12. Parental Leave

- Staff are eligible for Parental Leave under the conditions of the Parental Leave and Employment Protection Act 1987 and Paid Parental Leave Amendment Act 2004. Information can be found on the Ministry of Business Innovation and Employment website.
- Parental Leave will not apply to casual staff, or staff on a fixed-term contract of less than six (6) months.
- If a staff member is contemplating applying for Parental Leave they are advised to talk with People and Culture or their Union representative to determine their entitlements and seek more detailed advice relevant to their employment. All enquiries will be treated with confidence.
- Employment agreements for replacement staff members will include information regarding the notice period given if the staff member advises they are returning to work early.
 - **Return from Parental Leave**

At the end of the parental leave the expectation would be for the staff member to return to their contracted hours they were working prior to the commencement of Parental Leave, unless the staff member wishes to vary the number of hours that they work under the Flexible Working policy.

A permanent reduction/variation to their substantive contract will need a formal application in writing to be discussed with their Formal Leader and must be approved by People, Culture and Wellbeing Director. Otago Polytechnic | Te Pūkenga is not required to alter the hours of work.

- The staff member is required to give a minimum of twenty-one (21) days notice in writing of their intention to return to work or not as per the original return to A graduated return to work will be supported and will need to be discussed with their Formal Leader.

13. Parental Leave Grant

- Entitlements for the Parental Leave Grant may differ according to the staff member's employment. Staff members covered by a collective agreement will receive the parental leave payment as detailed in the relevant collective agreement. For staff covered by individual employment agreements, the following shall apply.
- The amount of the Grant is the equivalent of six (6) weeks' ordinary pay at the rate of pay and hours of work at the time of the birth of their child/ren and will be paid on application.
- If both the staff member and the staff member's partner are employed at Otago Polytechnic | Te Pūkenga and are eligible for the payment, then they are entitled to only one (1) payment and must choose who will receive it. Only one (1) Parental Leave Grant will be paid during any twelve (12) month period.
- In order to claim the Grant, the staff member must produce satisfactory evidence of the birth status of the child, adoption under the relevant statutes, or whāngai. A formal application (available on [Tūhono](#)) needs to be submitted to People and Culture after the birth of the child/children. If the staff member is entitled to the Parental Leave Grant and resigns from their substantive position, or reduces their substantive position, at their request within six (6) calendar months of returning from parental/maternity leave, they will be required to refund the payment on a pro-rata basis, based upon one (1) week (five (5) working days) forfeiture for each month or portion thereof not worked.

9. Unplanned Leave - Sick, Domestic and Bereavement/Tangihanga Leave

- The following actions are required to ensure the work area is informed and the requirements of the Holiday's Act 2003 are met with regard to the recording of leave:
- Staff members will be responsible for ensuring unplanned absences such as sick leave, bereavement leave; and domestic leave, are notified to their Leader as early as possible.
- Staff should indicate to their Leader when they anticipate being able to return to work - especially in the case of bereavement/tangihanga leave.
- The staff member must enter the appropriate leave application in ME@OP as soon as possible when they return to work to ensure the correct recording of leave taken.

Flexible Working Policy

[Print this page](#)

Section	Corporate
Approval Date	3 April 2023
Approved By	Executive Leadership Team
Next Review	30 November 2024
Responsibility	People, Culture and Safety

Purpose

Otago Polytechnic Business Division (OPBD) operates a high trust, high accountability working environment, and this policy works alongside those values, to support staff members to work flexibly in terms of when they work and where they work.

This policy refers to staff members whose primary employment with OPBD is campus-based but who access flexible work arrangements on a regular basis.

Staff members who are primarily employed in an off-campus capacity should refer to Appendix 1.

Flexible working arrangements are discretionary and do not constitute a contractual entitlement and would not normally be approved as permanent or create an expectation of permanency unless such an arrangement has been expressly agreed between OPBD and the individual staff member.

This policy is not applicable to ad hoc requests for occasional flexibility to work from home. Such requests may be approved at the discretion of the Formal Leader on an ad hoc basis with due regard for the potential impact on other team members, learners, and/or other customers.

1. Flexible Working Arrangements

1.1 All staff members may apply to their Formal Leader for flexible working arrangements at any time and there is no limit to the number of requests that staff can make. Formal Leaders are responsible for approving individual requests after due consideration and, when appropriate, consultation with the team. The Formal Leader is also responsible for maintaining records relating to such decisions.

Heads of College/Directors/or equivalent ultimately have oversight of all requests and must be informed of all decisions reached. In their oversight role, the Head of Colleges/Directors/or equivalent are responsible for monitoring the fair and consistent use of this policy and ensuring that the principles are being observed in good faith.

1.2 Staff members can ask at any time for flexibility regarding:

- hours of work (over a day or week),
- days of work,
- place of work,
- how work is done and managed in the workplace,
- how starting and ending work are to be managed.

1.3 Requests for flexible working can be made verbally or in writing, and any approved arrangements must be documented. Documentation may be via email or using the template Flexible Working Arrangement Agreement (refer to Appendix 2).

1.4 Requests for flexible working are not normally approved as permanent, and instead would normally be for a fixed term/defined period of up to a maximum of twelve (12) months, which includes a review date (or dates, depending on the length of time the flexible working arrangements are approved for).

1.5 Requests for flexible working arrangements must be considered in relation to the following core principles:

- Service to customers (learners, other staff, and the community) must not be negatively impacted.
- Health, safety, and well-being requirements must be met.
- There must be no additional costs to Otago Polytechnic Business Division as a result.
- The request from a staff member to work from home or work flexible hours must be discussed with their team to determine the potential impact on the team as a whole and to be captured in the team's plan. This is particularly important for incumbents of roles that have high levels of customer-facing activity.

Standard Operating Procedure: Flexible Working Arrangements

In relation to the Flexible Working Policy, the following procedures should be followed when requesting [Flexible Working Arrangements](#) under Part 6AA of the Employment Relations (Flexible Working Arrangements) Amendment Act 2007.

Note: The usual timeframe for consideration of a flexible work arrangement request is one month, however in compliance with the Domestic Violence Act 1995, and all subsequent amendments, any flexible working arrangement requests resulting from Domestic Violence will be prioritised and responded to within two (2) weeks.

Flexible Working Arrangements

All staff members can ask at any time to change, noting that a permanent request would not normally be approved for:

- hours of work (over a day, a week, or year),
- days of work,
- place of work..

Flexible work can also be used to change:

- how work is done,
- how starting and ending work are managed, and
- how work is managed in the workplace to help employees and businesses.

Flexible work does not just mean working part-time instead, or full-time, or changing the hours that you work.

If you are a staff member you have a "right to request" flexible working arrangements, noting flexible working arrangements are not normally approved as permanent. You can ask:

- to change your working arrangements, noting flexible working arrangements are not normally approved as permanent they are usually temporary/for a fixed term/set time
- anytime, from your first day of work.
- for any purpose or reason. For example, caring for children or older parents, playing sports, or working in the community.
- for flexible working arrangements, but the employer does not have to agree with the request if there is a good business reason for declining.

If you are an employer, you have a "duty to consider" any requests. You:

- must think carefully about every request and reply in writing as soon as possible, but not later than two (2) weeks.
- do not have to agree to it if there is a good business reason for declining, however, employees do have a right to ask for flexible working arrangements.
- can only say "no" for certain reasons – these reasons need to be stated if the application is declined.

Making a Request for Flexible Working Arrangements

1. Requests for flexible working arrangements should be made to your Formal Leader with a copy to People and Culture.
2. The request must:
 - Be in writing.
 - Have your name written on the request.
 - Be dated the day when your request was made.
 - Explain the working arrangement you are seeking, noting that flexible working arrangements are not normally approved as permanent, and whether you want the request to be considered to be permanent or for a fixed term/set period of time.
 - State the date that you want the new working arrangement to start and, if the new working arrangement is for a set period of time and state the date you want the arrangement to end.
 - Explain why you are requesting a flexible working arrangement, e.g., provide better care for your parent.
 - Explain, in your view, what changes (if any) the employer may need to make to their current business arrangements if the request is approved, e.g., possible changes to the way the team works together, changes to the physical set-up of the workplace, etc.

Other Things to Think About When Requesting a Flexible Working Arrangement

- Keep in mind that a new working arrangement will normally not be approved as a permanent change unless otherwise requested and agreed.
- If your request is approved, you cannot simply revert back to your previous work arrangements without agreement from your Formal Leader. You must make another request to your Formal Leader.
- You may have to agree to a reduction in pay if you want your Formal Leader to agree to you working fewer hours.
- If you have colleagues or friends who have arranged flexible working hours, ask them about their experiences.
- How the team you work with will manage if your working arrangement is changed.
- What effect changing your working arrangement will have on your job.
- It may be useful to talk with your Formal Leader or People and Culture before you apply. This way you can explore what opportunities might be available.
- You might be able to agree to have a flexible working arrangements trial before the time frame for the formal request starts running.
- You might wish to discuss with your Formal Leader before you take parental leave that you are interested in requesting a flexible working arrangement on your return.
- If you want the changes to start on your return from parental leave, you should make your request in good time.
- If in doubt, you might want to discuss a flexible working arrangements trial with your Formal Leader or People and Culture.

Refer also [Employment New Zealand](#)

Receiving, Considering, and Making a Decision on Request for Flexible Working Arrangements

3. People and Culture will acknowledge receipt of a request for a flexible working arrangement on behalf of the Formal Leader and follow up with the Formal Leader for a response to the request.
4. The Formal Leader will consider the request, taking advice from People and Culture where necessary, and a decision will be made no later than two (2) weeks from receipt of the written request.
5. The following considerations will be made:
 - Whether the request is consistent with the terms of your employment agreement.
 - That the request does not impact on the following recognised business grounds as listed in the Employment Relations Act 2000:
 - Inability to reorganise work among existing staff/team.
 - Inability to recruit additional staff.
 - Detrimental impact on quality.
 - Detrimental impact on performance.
 - Insufficiency of work during the period you propose to work.
 - Planned structural changes.
 - The burden of additional costs.
 - Detrimental effect on the ability to meet learner demand.
6. Your Formal Leader will notify People and Culture who will write formally (email/letter) to notify you of the outcome of your request.
7. If the request is declined the email/letter will include the reasons for refusal.
8. If the request is accepted the email/letter will detail the variation to employment conditions.

Appeal Process

9. If you feel that their request has not been dealt with to your satisfaction you can indicate you would like an informal discussion between yourself, People and Culture, and the Formal Leader to discuss the decision.
10. If you are not satisfied following the discussion, you can appeal in writing to People, and Culture, outlining your reasons for the appeal and suggesting possible resolution options. People, Culture, and Safety will respond in writing.
 1. If you are not satisfied with the written response from People, Culture and Safety you may ask for assistance from a third party.
 2. Each party may seek assistance from Employment New Zealand about making a formal complaint/solving the issue(s). Further information [Employment New Zealand](#)



Date

First and last name

Address 1

Address 2

Address 3

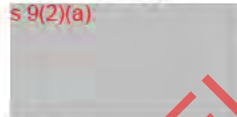
Dear Name

Parental Leave Grant Payment

In line with our Parental Leave Policy and your Employment Agreement, and on behalf of the Chief Executive I wish to advise that you will be paid a one-off payment of \$ gross in the next pay period, on Date. This payment is equivalent to 6 weeks of your salary at your substantive position.

Yours sincerely

s 9(2)(a)



Pp.

Name

Staff Advisor

cc: Formal leader, Payroll, Employee File

8.7 Tangihanga | Bereavement Leave

- 8.7.1 Kaimahi will be granted bereavement/tangihanga leave on pay to attend to obligations and/or pay respects to a deceased person with whom they have had a close association or as a result of a pregnancy loss by way of miscarriage or still-birth. If a bereavement occurs while kaimahi are absent on another form of paid leave, they may apply to have their leave converted to bereavement leave. This may not apply if kaimahi are on leave without pay.
- 8.7.2 In granting bereavement/tangihanga leave Te Pūkenga will administer these provisions in a culturally sensitive manner, taking into account the following points:
- a) The closeness of the association between the kaimahi and the deceased (this association need not be a blood relationship).
 - b) The miscarriage or still-birth suffered by kaimahi, their spouse or partner; or kaimahi planning to have a child through surrogacy or adoption where the pregnancy has ended by miscarriage or still-birth.
 - c) Whether the kaimahi has to take significant responsibility for any or all of the arrangements to do with the ceremonies resulting from the death.
 - d) The amount of time needed to attend to any legal, whānau, or cultural responsibilities or obligations.
 - e) Reasonable travelling time should be allowed, but for cases involving overseas travel that may not be the full period of travel.
- 8.7.3 A decision will be made as quickly as possible so that the kaimahi is given the maximum time possible to make any arrangements necessary. In most cases, the necessary approval will be given immediately, though may be given retrospectively where necessary.
- 8.7.4 If bereavement/tangihanga leave is not appropriate, then annual leave or leave without pay will be granted.

8.8 Parental Leave

Parental leave may be taken by kaimahi of any gender following the birth or legal adoption of a child under five years of age. Adoption shall include whaangai or informal adoption of children. Under this Agreement, parental leave includes both unpaid and paid leave and is available to both partners, either concurrently or consecutively.

8.8.1 Notice required to take parental leave

- a) Kaimahi intending to take parental leave are required to give at least three months' notice in writing and the application is to be accompanied by a certificate signed by a registered medical practitioner such as a midwife certifying the expected date of delivery, or proof of adoption as may be appropriate.
- b) Parental leave may commence at any time during pregnancy, subject to the kaimahi giving Te Pūkenga one month's notice in writing supported by documentation from a registered medical practitioner. A shorter period of notice will be accepted on the recommendation of a registered medical practitioner.
- c) Kaimahi intending to legally adopt or whaangai a child (subject to satisfactory evidence) is entitled to parental leave during the child's first year with the new family. The requirement of one month's notice does not apply.

8.8.2 Duration of leave

The length of entitlement to parental leave from the date of birth or date of assuming responsibility for the child is:

- a) Kaimahi who have completed one year of continuous service or more are entitled to up to 52 weeks unpaid leave;
- b) Kaimahi with more than 6 months service but less than 12 months service are entitled to unpaid leave of up to 26 weeks, but up to six months' additional leave may be granted at the discretion of the employer,

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before parental leave expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

Kaimahi returning from a period of parental leave are entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave.

Te Pūkenga will give due consideration to a request for flexible working including a temporary reduction of hours to, be agreed with the kaimahi after the return from a period of parental leave.

Breastfeeding kaimahi shall have the right to one or more paid breaks per day to breastfeed their child or express breastmilk. The timing of these breaks shall be negotiated with their line manager, provided that such agreement shall not be unreasonably withheld.

8.8.4 Sick leave during pregnancy

Periods of illness due to pregnancy, prior to cessation of duties, will be taken as sick leave. Parental leave is not to be granted as sick leave, with or without pay.

8.8.5 Annual leave

Annual leave owing will not be required to be taken before kaimahi commences parental leave; but may be held over and taken when kaimahi return to work.

8.8.6 Paid parental leave or a Grant

Where kaimahi are entitled to parental leave as above, the first six weeks of parental leave shall be paid at their substantive salary rate. Such paid leave is available to kaimahi at the time they elect to take parental leave, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and parental leave shall be paid during this period.

If, for the period of any portion of the parental leave period, the rate of salary payable is later the subject of a retrospective increase, a sum representing the applicable weekly increase shall be paid to existing kaimahi, and to former kaimahi on application.

If both partners are employed at Te Pūkenga and are eligible for paid parental leave, they are entitled to six weeks paid leave between them and they may choose who will receive it, or they may choose to apportion it between them.

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whāngai adoption placement.
- b) The grant will be of six weeks full salary at the effective date parental leave commenced.
- c) The full grant equivalent to six weeks salary as in (b) above will be payable regardless of whether an kaimahi returns to work before the expiry of six weeks parental leave. Receipt of salary will not affect the payment of the full grant.

8.8.7 Legislative change

The payment of parental leave in this Agreement is in addition to any entitlement under paid parental leave legislation. Should at some time in the future, an amendment to that legislation,

or new paid parental leave legislation require Te Pūkenga to pay all or part of parental leave, the provisions in this clause will be inclusive of what Te Pūkenga is required to pay.

8.10 Leave for Family Reasons

- 8.10.1 Kaimahi may be granted leave for family reasons with or without pay in the following circumstances:
- a) Serious illness of a family member.
 - b) Marriage of a close relative.
 - c) Other important family occasions.
- 8.10.2 This provision shall be administered in a culturally sensitive manner and approval shall not be unreasonably withheld.
- 8.10.3 Travelling time with pay may be allowed in terms of clause 8.10.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

16.0 BEREAVEMENT /TANGIHANGA LEAVE

- 16.1 The employer shall approve 3 days bereavement leave on pay for an employee who suffers a bereavement of a spouse, parent, child, brother or sister, grandparent, grandchild or spouse's parent.
- 16.2 The employer shall approve 1 day bereavement leave on the death of any other person if the employer accepts that the employee has suffered bereavement.

Factors to consider as per the Holidays Act are:

- (a) The closeness of the association between the employee and the deceased person; and
 - (b) Whether the employee has to take significant responsibility for all or any of the arrangements for the ceremonies relating to the death; and
 - (c) Any cultural responsibilities of the employee in relation to the death.
- 16.3 The employer may, at their discretion extend the length of time of the leave beyond the days specified. In the event of more than one bereavement, the total number of leave days will accumulate.

17.0 PARENTAL LEAVE

The provisions of the Parental Leave and Employment Protection Act 1987 and its amendments shall apply to all employees. For further information refer to the Act or www.mbie.govt.nz/ or phone 0800 20 90 20.

- 17.1 A woman who is employed for at least 10 hours per week for the preceding 6 months will be eligible for maternity leave of up to 14 weeks. This maternity leave may be commenced up to 6 weeks before the date of birth or adoption at the choice of the employer.

Paternity leave is available as follows up to 2 weeks unpaid for the mother's partner on the birth or adoption of a child if that partner meets the hours test for the previous 12 months of service or 1 week if that partner meets the hours test for the previous 6 months of service.

- 17.2 Extended leave of up to 52 weeks, less any maternity leave taken or period of extended partner's or paternity leave taken, that can be shared between the parents who have qualified for leave on the basis of the hours test for the previous 12 months of employment with the employer.

- 17.3 For an employee with less than one year's service, extended leave of up to 6 months, less any maternity leave taken will be granted.

- 17.4 A parental leave grant shall be payable to an employee on production of the certificate of the birth of the child (whether live or still born) or on production of an approved adoption/whāngai placement.

The grant will be equivalent to six (6) weeks' full salary at the employee's substantive rate of pay.

An employee who is absent on parental leave for less than six weeks (30 working days) and returns to their substantive position, will be required to refund the payment on a pro-rata basis, based on one week (five working days) forfeiture for each week or portion thereof worked.

If both partners are employed at the institution and are eligible for paid leave, they are entitled to six (6) weeks' grant between them, and the grant will be evenly apportioned between them.

17.7 Subject to the provisions of clauses 17.2 to 17.4 above, maternity leave may be granted for second and subsequent children provided the eligibility criteria are met. However, the employee cannot be eligible for another period of parental leave unless the expected date of delivery or adoption is at least 12 months after the employee's return to work from a previous period of parental leave.

- Annual leave accrued during parental leave will be paid at 52 week earnings average, therefore staff are encouraged to use that leave (at its low value) prior to returning to work.
- Leave accrued after return to work from parental leave will be paid at the ordinary weekly rate rather than the lower 52 week average.
- Parental leave is not to be granted as sick leave on pay or sick leave without pay.
- Annual leave due will not be required to be taken before the employee proceeds on maternity leave, but may be held over and taken when the

employee returns to work.

- An employee must take all reasonable steps to apply for parental/maternity leave at least three months before the intended commencement date of leave, and must be supported by a certificate signed by a registered medical practitioner.

17.8 An employee returning from parental/maternity leave is entitled to resume work in the same or similar position to that occupied at the time of commencing parental/maternity leave. That is, a position at the equivalent salary and grading involving responsibilities comparable to those of the previous position, and in the same location or other location within reasonable commuting distance.

17.9 An employee who is entitled to the parental leave payment as described in 17.4, 17.7 resigns from their substantive position or reduces their substantive position at their request within six (6) calendar months of returning from parental/maternity leave will be required to refund the payment on a pro rata basis, based upon one week (five working days) forfeiture for each month or portion thereof not worked.

19.0 SPECIAL LEAVE

19.1 An employer may grant special leave, with or without pay, on such terms and conditions as the employer decides. Agreement to such requests shall not be

THE EARLY CHILDHOOD EDUCATION COLLECTIVE AGREEMENT OF AOTEAROA NEW ZEALAND

Part 13

Special Leave

(a) Bereavement/tangihanga leave

An employee shall be entitled to five days' leave without loss of pay on each occasion on the death of the employee's partner, child (including step and whangai), father, mother, brother, sister, mother-in-law, father-in-law, grandparent or grandchild. Bereavement leave may also be taken in the case of an employee, or their partner, suffering a miscarriage or stillbirth, as set out in the Holidays Act.

An employee shall be entitled to one day's leave without loss of pay on each occasion on the death of any other person where the employer accepts, having regard to

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Page | 27

relevant factors such as those set out below, that the employee has suffered a bereavement. Relevant factors include:

- The closeness of the association between the employee and the deceased person
- whether the employee has to take significant responsibility for all or any of the arrangements for the ceremonies relating to the death
- any cultural responsibilities of the employee in relation to the death.

Additional bereavement leave with or without pay, may be granted at the employer's discretion.

(b) Parental leave

An employee with 12 months service at the time of commencing leave is to be granted parental leave up to 12 months as the employee requires (an employee with six months service is entitled to up to six months leave). Parental leave shall be granted subject to the following conditions:

- (i) Parental leave shall be granted to the employee as leave without pay.
- (ii) An application for parental leave must be made at least three months before the employee intends to commence parental leave. Whenever practicable a longer notice period is desirable.
- (iii) The employee concerned must specify the length of time required for leave. It is the employer's responsibility to ensure that existing staff/child ratios in the centre remain the same during the period of parental leave by employing a reliever or relievers where necessary.
- (iv) If an employee on parental leave decides to resign, notice of that decision must be given at least one month before the leave period expires.
- (v) If an employee returns to their employment after a break in service for parental leave, they shall maintain any service entitlements to sick leave and service pay accrued before their service was broken, or any other service entitlement under this agreement including service entitlement under clause 6.
- (vi) An employee returning to employment after parental leave shall be entitled to return to an equivalent position in the same centre.
- (vii) All the parental leave provisions under sub-clause (b) of this clause shall also apply to employees employed for less than 15 hours per week.
- (viii) All parental leave provisions under sub-clause (b) of this clause shall also apply to employees who elect or are required to care in the role of parent or guardian for a child under 12 months of age for whom the employee is not a natural or adoptive parent.
- (ix) Parental leave shall apply also to employees male and female, on adopting a child under the age of six years.

Note: This clause must be read in light of the Parental Leave and Employment Protection Act 1987.

(c) Partner's leave

Two weeks unpaid leave shall be provided where an employee wishes to remain at home for the purposes of any of the following:

- (i) being present at the birth of their partner's child;
- (ii) to provide support for their partner and/or child in the immediate post-natal period.

Provided that the provisions in this clause shall also apply in the case of adoption from the date the child is under the care of the employee's partner.

Official Information Request: Parental Leave Policy and Entitlements

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

Relevant documents relating to Unitec's parental leave process have been provided in the Appendices of this report.

The parental leave process document (see Appendix 3) is available to employees on the Unitec intranet (The Nest/Te Aka), as well as our Flexible Working Guidelines (see Appendix 1), Guiding Principles for New Ways of Working (Appendix 2) and the Leave Application Form (Appendix 4).

Once an employee has initiated the parental leave process (refer to Appendices 3 and 4) and submitted a due date certificate to our HR Services team, a meeting will be set up between the employee and HR Services to discuss their parental leave and entitlements and guide them through the process.

Copies of 3 standard email templates that are sent to kaimahi have been attached as Appendices 5, 6, and 7.

All clauses relating to parental leave from the standard Individual Employment Agreements and from the Collective Employment Agreements (TIASA and TEU) have been provided in Appendices 8 to 12

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

A parental leave grant is available for employees who are entitled to take primary carer's leave and/or extended leave of up to 12 months. The conditions vary between agreement as follows:

Individual Employment Agreement – Professional Support Staff / Academic Staff:

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement. Where you and your partner are both employees of Unitec, only the Primary Carer will be entitled to the parental leave grant. We will only be liable to pay one grant of six weeks' salary to either you or your partner, as determined by us.

The grant will equate to six weeks' full salary as at the commencement date of the Primary Carer's Leave and will be paid at that time. The full grant will be payable regardless of whether you return to work before the expiry of six weeks' Primary Carer's Leave. Receipt of salary will not affect the payment of the full grant.

In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to you by Unitec, or for any payment of monies to be made by Unitec to you in relation to parental leave (including the birth or adoption of a child), the grant shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

Individual Employment Agreement – Management/Specialist Staff:

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement. Where you and your partner are both employees of Unitec, only the Primary Carer will be entitled to the parental leave grant. We will only be liable to pay one grant of six weeks' salary to either you or your partner, as determined by us.

The grant will equate to six weeks' full salary as at the commencement date of the Primary Carer's Leave and it will be paid in one lump sum in the first pay period following your return to work following the completion of your Parental Leave. Receipt of salary will not affect the payment of the full grant.

In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to you by Unitec, or for any payment of monies to be made by Unitec to you in relation to parental leave (including the birth or adoption of a child), the grant shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

Kaimahi covered by the TIASA Allied Kaimahi Collective Employment Agreement:

7.8.5 Where, under the provisions of this Agreement, an Employee is entitled to parental leave of up to 12 months, they shall receive a parental leave grant equivalent to 6 weeks' salary provided that the Employee produces the birth certificate of the child, evidence of approved adoption placement or assumption of primary care of the child. Where an Employee and that Employee's partner are both entitled to 6 weeks' salary under this clause, then the Employer will only be liable to pay one grant of six weeks' salary to one of the Employees, as determined by the Employer.

7.8.6 An Employee who is absent on parental leave for less than six weeks (30 working days) will receive that proportion of the payment provided in sub-clause 7.8.5 above which their absence represents to 30 working days.

Kaimahi covered by the TEU Kaimahi Collective Agreement

8.8.6 Paid parental leave or a Grant

Where kaimahi are entitled to parental leave as above, the first six weeks of parental leave shall be paid at their substantive salary rate. Such paid leave is available to kaimahi at the time they elect to take parental leave, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and parental leave shall be paid during this period.

If, for the period of any portion of the parental leave period, the rate of salary payable is later the subject of a retrospective increase, a sum representing the applicable weekly increase shall be paid to existing kaimahi, and to former kaimahi on application. If both partners are employed at Te Pūkenga and are eligible for paid

parental leave, they are entitled to six weeks paid leave between them and they may choose who will receive it, or they may choose to apportion it between them.

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whaangai adoption placement.
- b) The grant will be of six weeks full salary at the effective date parental leave commenced.
- c) The full grant equivalent to six weeks salary as in (b) above will be payable regardless of whether an kaimahi returns to work before the expiry of six weeks parental leave. Receipt of salary will not affect the payment of the full grant.

Paid leave for partners/secondary carers, as well as the conditions employees need to meet to receive such payments

No special paid leave available for partners/secondary carers in addition to legislative entitlements.

Remuneration review during leave

Remuneration is reviewed for employees on parental leave, no different from other employees.

Leave accrual during leave and the rate at which annual leave is paid after an employee returns from parental leave

Leave accrues while on parental leave at the normal rate.

Annual leave is paid at the normal rate for any unused annual leave that employees were entitled to before going on parental leave.

For annual leave that the employee becomes entitled to during parental leave, or in the 12 months following their return from annual leave, the minimum that is paid is based on the rate of the person's average weekly earnings for the 12 months preceding the end of the last pay period before annual holidays were taken.

Flexible work policies

The TEU Kaimahi Collective agreement refers to flexible working arrangements, however the TIASA Allied Kaimahi Collective agreement and the Individual Employment Agreements do not.

Kaimahi covered by the TEU Kaimahi Collective Agreement

8.8.3 Te Pūkenga will give due consideration to a request for flexible working including a temporary reduction of hours to be agreed with the kaimahi after the return from a period of parental leave.

We have return to work plans for kaimahi who have been on parental leave. These plans may include flexible working arrangements and a graduated return to work plan to accommodate their personal circumstances, such as having suitable childcare provisions in place.

Unitec has flexible working guidelines, and principles for new ways of working (refer to Appendix 1 and 2)

Kiwisaver contributions - particularly whether employer contributions are paid during parental leave grant / ex-gratia payment / paid parental leave

Employer and employee contributions are paid for any payments from our payroll system during parental leave, such as the parental leave grant and keeping in touch days.

Any contributions towards childcare

No contribution towards childcare.

Support in the event of a miscarriage or stillbirth

There are some specific clauses in our collective and individual employment agreements that relate to support in the event of a miscarriage or stillbirth.

Kaimahi covered by the TIASA Allied Kaimahi Collective Employment Agreement:

7.7 Bereavement/Tangihanga Leave for Death in New Zealand or Overseas

7.7.1 The Employer shall approve bereavement leave on pay for an Employee to discharge any obligation and/or to pay respects to a deceased person, including following a miscarriage or stillbirth, with whom the Employee has had a close association. Such obligations may exist because of blood or family ties or because of particular cultural requirements such as attendance at all or part of a Tangihanga (or its equivalent). The length of time off shall be at the discretion of the Employer.

Kaimahi covered by the TEU Kaimahi Collective Agreement:

8.7 Tangihanga | Bereavement Leave

8.7.1 Kaimahi will be granted bereavement/tangihanga leave on pay to attend to obligations and/or pay respects to a deceased person with whom they have had a close association or as a result of a pregnancy loss by way of miscarriage or still-birth. If a bereavement occurs while kaimahi are absent on another form of paid leave, they may apply to have their leave converted to bereavement leave. This may not apply if kaimahi are on leave without pay.

8.7.2 In granting bereavement/tangihanga leave Te Pūkenga will administer these provisions in a culturally sensitive manner, taking into account the following points:

- a) The closeness of the association between the kaimahi and the deceased (this association need not be a blood relationship).
- b) The miscarriage or still-birth suffered by kaimahi, their spouse or partner; or kaimahi planning to have a child through surrogacy or adoption where the pregnancy has ended by miscarriage or still-birth.

8.8 Parental Leave

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before parental leave expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

8.8.6 Paid parental leave or a Grant

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whāngai adoption placement.

Kaimahi on an Individual Employment Agreement (Academic, professional support and management/specialist)

Bereavement leave

13.18 You are entitled to:

- c) Up to 3 days' bereavement leave if you or your partner experience a miscarriage or stillbirth.

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement.

Any support provided for fertility, adoption and surrogacy

Nothing in policy, but we look at providing support on a case-by-case basis. eg. approving sick leave, working from home arrangements.

Any other parental leave benefits or support

We offer an Employee Assistance Programme that is available to all our staff and their whanau members. Every staff or whanau member is eligible for three free one-hour counselling sessions. The counsellor can recommend additional sessions if needed.

We also have a Te Pūkenga wellbeing platform called “Taumauri” that can be accessed through our Unitec Intranet (Te Aka/The Nest). Taumauri provides useful articles relating to wellbeing, including during pregnancy and after birth such as, “Dietary Advice to Help Reduce Miscarriage Risk”, and “Post natal self-care stretches”.

Other benefits and support have been outlined in this report.

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OFFICIAL INFORMATION ACT 1982

Appendix 1 – Flexible Working Guidelines

Flexible Working Guidelines

January 2022



Flexible Working Guidelines

Purpose

Unitec primarily provides on-campus work spaces for us to carry out our roles however, we recognise that the pride and passion we have for our work is enhanced by flexibility and trust. This document has been designed to guide conversations between managers and staff, as you explore different flexi-work options and arrangements that work for everyone. We've also included some reminders of our Health and Safety and Information Technology requirements and considerations (see appendices).

Principles

These guidelines are to be read in conjunction with [Principles for New Ways of Working](#). Eight (8) principles have been created by our staff to ensure that all ways of working, whether on or off-campus, are aligned to our Te Noho Kotahitanga values and kaupapa.

Definitions

- **Flexi-Place** (Remote working) means working from an Auckland location outside of your usual workplace. This can include working full or partial days from a different office, at home, or at some other Auckland location on a regular or ad-hoc basis. Any regular remote working situations from locations outside Auckland would generally only be approved for a 'short term' exceptional reason, for logistical and operational reasons.
- **Flexi-Time** (Working non-standard office hours) allows you to fulfil your contracted hours in a way that works for you, your leader and the team. An example of this is might be agreeing to starting and finishing earlier or later to accommodate personal circumstances.
- **Three-way win** means finding the balance between (a) your individual preferences for how and where you work best to deliver high quality outcomes (b) a way that best supports your team's ability to achieve, communicate, and socialise, as well as your ability to engage quickly and effectively with other stakeholders, and (c) the organisational need to nurture a culture of collaboration and equity, by having a workable mix of on-campus and online working arrangements to meet the needs of our learners.

Focus on achievement, availability and accessibility

To set ourselves up for success while working flexibly, consider the following:

- **Achievement:** Flexible working arrangements do not in any way mean that the importance of deliverables and deadlines is diminished. Having regular, quality conversations with our line managers, and establishing a structured approach to communicate progress and challenges is essential.
- **Availability:** It remains each of our responsibility to facilitate communication with our colleagues and stakeholders. The foundation of this is to agree on the best communication channels and keep information updated (for example; our out of office messages, status or location settings on all applicable communication tools, as well as crucial emergency contact details such as address, telephone numbers, next of kin). We also need to remain flexible to our organisation's needs and make ourselves available at the workplace as necessary.

- **Accessibility:** We remain visible and accessible for learners (where applicable), our managers and colleagues for planned meetings as well as impromptu discussions which contribute to the department and its operations as a whole.

Where your achievement, availability and/or accessibility may be affected, consider speaking to your manager about taking leave. This might be due to personal circumstances, including:

- activities that require you to be away from the alternate workspace for an extended time;
- Illness that impacts your ability to work; or
- Care of children or other dependents.

Discussion, consideration and approval

Every flexible arrangement will be on an informal basis unless it is confirmed as a permanent/temporary variation of your employment agreement. These arrangements will continue to be reviewed with regular checkpoints to ensure we continue to align with the principles above.

As in other NZ organisations, we are expected to discuss options with our manager and seek agreement in advance. If there are any concerns, the Human Resource Business Partner (HRBP) team is there to support us and our manager with these discussions. Managers will consider fully and approve where the flexi-working arrangement will meet all the agreed principles and can confirm by email, including how and when the arrangement will be reviewed.

We are committed to supporting flexi-working options that empower staff to deliver outcomes in a way that best suits their personal circumstances, wherever possible. But there may be times where we need to look for alternative solutions, if/when we can't accommodate a request.

Intellectual property

Any products, documents and/or records developed during any flexi-working arrangements will be subject to Unitec's [Intellectual Policy](#) and [Guidelines](#).

Confidentiality and access

Equipment and files should only be accessible to ourselves, as the employee. We are expected to safeguard these against any unauthorised access by others in or around our remote working locations. Be aware also of leaving your computer screen unlocked or leaving documents on desks or within sight of anyone coming into your work area/space. Privacy and confidentiality must be protected at all times.

Information Technology (IT) – set up and security

For each individual, consideration will need to be made regarding IT requirements to enable safe and appropriate systems access. Advance notice and planning will be required so allow for plenty of time to get the appropriate support required. Remote working support will be unable to be prioritised over on-campus IT requirements and not all requests may be able to be accommodated. Authorised items may be used both on and off campus (i.e. laptop). Any additional items for use off campus (i.e. chair, keyboard, desk) are our own responsibility to obtain and install. See Appendix B for technical tips on working remotely and security considerations.

Insurance

We need to take particular care with all Unitec property as there are limited insurance options available. Depending on the situation, our department or us, personally may be liable for the cost of lost/stolen laptop or other Unitec assets and equipment (when travelling overseas for approved work purposes, Unitec's travel insurance provides some cover).

Appendix A - Health, safety & wellbeing starts with me

No matter where you work from, health, safety and wellbeing is a shared responsibility between the employer and the employee. When working remotely you are responsible for organising a work area that is appropriately set up to ensure you can work safely. Additional guidance is available from your manager or our Health and Safety team.

To ensure this is the case, your line manager may require a home workplace "risk assessment". This will include an assessment of:

- The ergonomics of the proposed workstation
- The isolation of the proposed workstation from other distractions
- The suitability of equipment for performance of work
- Cords and electrical safety
- Identification of any other significant risks/hazards that need elimination or minimisation

This may be provided by photographs of the proposed workspace and completion of the risk assessment form.

You will be expected to take responsibility for your flexi-work arrangements on an ongoing basis to:

- Ensure your home workspace is arranged so that it is comfortable and ergonomically sound; noting that any home office requirements (i.e. chair or desk plus things like power, internet, printing, etc) will be at your own cost
- Take regular breaks
- Ensure your workspace is kept clear and free from obstacles or tripping hazards, and is well lit
- Keep in regular communication with your manager and proactively discuss any problems that arise from working from home
- Report and manage any health, safety and wellbeing concerns that arise in your remote workspace
- Consult with your manager or wider team about ways to eliminate or minimise any potential harm if a risk of physical and/or mental health and safety arises

Appendix B – Cyber Hygiene, Security and Flexi-work

Good cybersecurity hygiene that prevents exposure to cyberattacks is possibly more important when working remotely than on campus.

Data management: Use the corporate network (H: Drive and OneDrive) to transfer your data and do not save anything you want to keep safe on your local device. All the data you store on H: Drive and OneDrive is automatically backed up. H: Drive is our primary information storage location that you can access remotely by following [these steps](#). OneDrive is a temporary storage location to be used for work in progress and collaboration projects. Please use OneDrive storage wisely and when back on campus, update H: Drive appropriately.

Know what you need to safeguard: Please ensure you secure your Unitec items, for example:

- Smartphone
- Laptop
- Portable hard drives and USB sticks
- Paper: notebooks and folders
- Contact lists
- Student details

Be safer with a tough password: Apply a strong password (and two-factor authentication if you can) to your home Wi-Fi and your internet modem/router. Do this with any other personal devices too.

Security updates: If Unitec IT laptops and tablets have not been docked on campus for more than 180 days the devices can shut down as a security measure. Please ensure your staff device is regularly brought back to the campus to receive its system and security updates.

Using public Wi-Fi: Refrain from using an unsecure public network (for example, at the library), as you are exposing Unitec's private information. You are also exposing your device to a myriad of attacks.

Develop your security awareness: Be aware of phishing attacks. Cybercriminals are aware that flexi-working is becoming more widely used.

Keep your UserID & Password a secret: When working remotely, protect your User ID & Password.

Security:

- Your work computer is for work – only use it for work and do not allow others to use it.
- We recommend you install an antivirus program on your personal computer.
- Shred those confidential documents or lock them up. Do not put them in the recycle bin.
- Do not save sensitive data to a Portable drive or USB Stick. If you must, make sure that the drive & data are encrypted.
- Do not leave work things in your car that you would not leave on a park bench.
- Know where your smartphone is.

IT Support: The IT Help Desk can be contacted a number of ways, but for priority faults we recommend phoning using details below:

- Phone 0800 ASKIMS (275467) or extn 8484
- Self Service – Click on the IT Self Service from under Quick Links on the front page of the NEST (or <https://unitec.saasitau.com/>)
- Email: itsupport@unitec.ac.nz

Appendix 2 – Guiding Principles for New Ways of Working



Guiding Principles for New Ways of Working

These principles are underpinned by Te Noho Kotahitanga, which ensures that new ways of working are aligned to our values and kaupapa

1. Our learners/taura come first and must be at the centre of any decisions made
2. All learning and teaching employs the most appropriate mix of on-campus, online and work-based learning to meet the needs of learners, and is based on our Learning and Teaching Strategy
3. We are all accountable for managing our own health, safety and wellness, with appropriate support from Unitec
4. One size does not fit all, with different teams having different functions that require different ways of working
5. Planning is collaborative, with teams working in consultation with key partners to agree schedules and ensure they are equitable and workable for all and have Manager sign-off
6. Work arrangements are consistent but agile, with schedules agreed in advance but flexible enough to adapt as needed
7. Flexible work arrangements depend on a high degree of trust and accountability at all levels, with the expectation that staff will be accessible and available in work hours
8. We regularly reflect and review to ensure arrangements are working equitably for all and continuing to meet the needs of our learners/taura and key partners

1 October 2020

Appendix 3: Parental Leave Process document on the intranet

Human Resources Procedure

Title: Parental Leave Process

Version: 6 September 2017

	<h3>Parental Leave Process</h3>
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Unitec encourages you to advise both your Manager and HR Business Partner of your intention to apply for parental leave at your earliest opportunity to allow plenty of time to meet the application requirements and to plan for a replacement during your leave. You will need to discuss the process with your HR Business Partner who will guide you through the application procedure.

There is no specific Parental Leave application form – we recommend that you write a covering letter to your manager in order to submit your application for parental leave as well as a [Staff Leave form](#). You must attach a certificate, or copy of a certificate, from your doctor or midwife stating when the baby is due.

You will need to use up your outstanding annual leave and, if applicable, discretionary leave, balances prior to commencing your Parental Leave, so you need to factor this in when deciding on which day your Parental Leave will actually commence.

For general information regarding Parental Leave and Taxpayer Paid Parental Leave the following two links will take you to the relevant government website for up to date information. However, it is important to discuss the process with your HR Business Partner because differences in employment terms may differ slightly from these statutory requirements.

General Information about [Parental Leave](#) under the Parental Leave and Employment Protection Act 1987

Please click on the links below to go directly to the government website on Parental Leave. These provide all the necessary and up to date information and relative forms regarding Parental Leave and Taxpayer-funded paid Parental Leave.

<http://www.employment.govt.nz/leave-and-holidays/parental-leave/>

<https://www.employment.govt.nz/leave-and-holidays/parental-leave/how-to-apply-for-parental-leave/parental-leave-forms-and-letters>

Other sources of information are:

- The Employment Relations Service website <https://www.employment.govt.nz>
- The Department of Labour Employment Relations Info Line Ph 0800 800 863

Appendix 4: Leave Application Form

		<h1>LEAVE APPLICATION FORM</h1> <p>All other leave not included on this Form to be applied for online via Peoplesoft Self Service</p>		
Employee Name:		Unitec ID:		Contact Number:
<input checked="" type="checkbox"/> Academic	<input type="checkbox"/> Allied	<input type="checkbox"/> Monthly Paid		
Panel 1: Planned Leave	First Working Day of Absence	Last Day of Absence	Proportional or Less than Full Time – Leave in Hours	Full Time – Leave in Days
Leave Without Pay (Please refer to payroll before applying for LWOP)				
Other Leave (Please specify) eg Parental Leave, Leave In Advance.				
Panel 2: Unplanned Leave				
Work/Home Injury: See Panel 3				
Comments:				
Panel 3: Work or Home Injury If your absence is the result of an accident or injury please provide the injury details requested below:				
Date of Injury / / <input type="checkbox"/> Work Injury <input type="checkbox"/> Home or Sport Injury		Duration of Absence: 1 st Working Day of Absence / / 1 st Day Back at Work / /		<input type="checkbox"/> ACC 45 attached (first medical certificate) <input type="checkbox"/> ACC ARC 18 attached (further medical certificate)
Employee Declarations and Manager Authorisations				
Leave in Advance (where applicable) I understand that leave applied for in this application may be in advance of my accrued entitlement and, in the event of termination of my employment I hereby authorize Unitec New Zealand to deduct from my final pay the amount of holiday pay paid in advance. Where the amount of holiday pay paid in advance is greater than the monies due to me on termination, I undertake to pay Unitec the balance owing immediately upon my termination.				
Employee Signature:				
Approved By: (please print)			Contact Number:	
Signature: (please sign)			Date: / /	

Appendix 5 – Parental Leave catch up email template

Kia ora xx

Let's catch up to go through your Parental Leave application and discuss your eligibility and entitlements.

Ngā mihi

Appendix 6 – Parental Leave confirmation email template

Kia ora XXX ,

Thank you for your formal notification regarding Parental Leave and congratulations on the expected arrival of your baby on XXXXX . I am delighted to be able to confirm that Unitec will hold your position as XXXXXXX open until the end of your Parental leave.

Under the Parental Leave and Employment Protection Act 1987 and its amendments, and based on your length of service with Unitec, you are entitled to take the following leave:

Annual Leave	XXXXXX until XXXXXX
Primary Carer's Leave Dates	XXXXXX until XXXXXX
Extended Leave	XXXXXX until XXXXXX
Return To Work Date	XXXXXX

At least 21 days before the date of your return to work, you must give your manager written notice stating whether or not you will return to work on the date mentioned above at the end of your Parental leave. If there are any changes to the above dates, please let us know as soon as possible.

You must complete your application for parental leave payments in your Inland Revenue myIR account:

<https://www.ird.govt.nz/paid-parental-leave/apply> (more information attached). If you're transferring some of your parental leave payments, you can choose to do so when you apply, or by completing a transfer request. [Transfer my paid parental leave – Inland Revenue \(external link\)](#).

You will also find very useful information on this website regarding how to register your child's birth, how to apply for an IRD number for your baby as well as ordering your baby's birth certificate:

<https://smartstart.services.govt.nz/>

You are eligible to receive a parental leave grant, equivalent to 6 weeks' salary (as at the commencement date of the parental leave), on production of the birth certificate of your child / in the first pay period following your return to work following the completion of your Parental Leave (SELECT WHICH OPTION APPLIES), as per clause xxxx of the xxxx (Enter the type of agreement they are covered by e.g. Individual Agreement, TEU or TIASA Collective Agreement) Agreement. Please provide your child's original birth certificate to Payroll or send me a copy.

OR You will receive the first six weeks of parental leave at your substantive salary rate, as per clause 8.8.6 of the TEU Kaimahi Collective Agreement.

Any annual leave accrued during this period of leave is calculated at the rate of your average weekly earnings during the year in which your entitlement arose.

During parental leave you may request to have Internet access to your Outlook email account. If you would like to know more about this, please contact the IMS Support Centre or go to the Ask IMS website.

Should you change address during this leave period, please advise the Human Resources Department in case we need to communicate with you during this time.

Please don't hesitate to contact me if you have any further queries about your parental leave.

I would like to wish you all the best for the upcoming birth and we look forward to keeping in touch and seeing you back in MM YYYY. Please email Payroll and cc your Manager on your first day back to work from parental leave to confirm your return.

Ngā mihi

HR Services

Email Attachment:

<https://www.employment.govt.nz/assets/uploads/documents/pay-and-hours/notice-for-employees-on-government-funded-parental-leave-payments.pdf>

Appendix 7 – Confirmation of Return to Work email template

Kia ora XXX,

Thank you for notifying us that you intend to return from your parental leave on XXX. We confirm your return to work on this date.

If you have any further questions about your return from parental leave please do not hesitate to contact us.

Ngā mihi

Appendix 8 – All clauses relating to Parental Leave in the Permanent Individual Employment Agreement for Academic Kaimahi

Bereavement leave

13.18 You are entitled to:

- c) Up to 3 days' bereavement leave if you or your partner experience a miscarriage or stillbirth.

Parental leave

13.22 The Parental Leave and Employment Protection Act 1987 sets out your parental leave entitlements.

13.23 Your entitlement (if any) in addition to what is provided in the Parental Leave and Employment Protection Act 1987 will be set out in Schedule B. You may not have any additional entitlements.

Schedule B

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement. Where you and your partner are both employees of Unitec, only the Primary Carer will be entitled to the parental leave grant. We will only be liable to pay one grant of six weeks' salary to either you or your partner, as determined by us.

The grant will equate to six weeks' full salary as at the commencement date of the Primary Carer's Leave and will be paid at that time. The full grant will be payable regardless of whether you return to work before the expiry of six weeks' Primary Carer's Leave. Receipt of salary will not affect the payment of the full grant.

In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to you by Unitec, or for any payment of monies to be made by Unitec to you in relation to parental leave (including the birth or adoption of a child), the grant shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

Appendix 9 – All clauses relating to Parental Leave in the Permanent Individual Employment Agreement for Professional Support Kaimahi

Bereavement leave

13.18 You are entitled to:

- c) Up to 3 days' bereavement leave if you or your partner experience a miscarriage or stillbirth.

Parental leave

13.22 The Parental Leave and Employment Protection Act 1987 sets out your parental leave entitlements.

13.23 Your entitlement (if any) in addition to what is provided in the Parental Leave and Employment Protection Act 1987 will be set out in Schedule B. You may not have any additional entitlements.

Schedule B

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement. Where you and your partner are both employees of Unitec, only the Primary Carer will be entitled to the parental leave grant. We will only be liable to pay one grant of six weeks' salary to either you or your partner, as determined by us.

The grant will equate to six weeks' full salary as at the commencement date of the Primary Carer's Leave and will be paid at that time. The full grant will be payable regardless of whether you return to work before the expiry of six weeks' Primary Carer's Leave. Receipt of salary will not affect the payment of the full grant.

In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to you by Unitec, or for any payment of monies to be made by Unitec to you in relation to parental leave (including the birth or adoption of a child), the grant shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

Appendix 10 – All clauses relating to Parental Leave in the Permanent Individual Employment Agreement for Management/Specialist Kaimahi

Bereavement leave

13.18 You are entitled to:

- c) Up to 3 days' bereavement leave if you or your partner experience a miscarriage or stillbirth.

Parental leave

13.22 The Parental Leave and Employment Protection Act 1987 sets out your parental leave entitlements.

13.23 Your entitlement (if any) in addition to what is provided in the Parental Leave and Employment Protection Act 1987 will be set out in Schedule B. You may not have any additional entitlements.

Schedule B

Parental Leave Grant: Where you are entitled to and take Primary Carer's Leave and/or Extended Leave of up to 12 months, a parental leave grant will be payable on production of the certificate of the birth of the child (whether live or stillborn) or on production of an approved adoption placement. Where you and your partner are both employees of Unitec, only the Primary Carer will be entitled to the parental leave grant. We will only be liable to pay one grant of six weeks' salary to either you or your partner, as determined by us.

The grant will equate to six weeks' full salary as at the commencement date of the Primary Carer's Leave and it will be paid in one lump sum in the first pay period following your return to work following the completion of your Parental Leave. Receipt of salary will not affect the payment of the full grant.

In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to you by Unitec, or for any payment of monies to be made by Unitec to you in relation to parental leave (including the birth or adoption of a child), the grant shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

Appendix 11 – All clauses relating to Parental Leave in the TEU Kaimahi Collective Agreement

Section 2 – Ngā Whakamāramatanga | Definitions and Interpretation

Continuous Service (i) For the purposes outlined above, includes all periods of paid leave and parental leave and is not broken by but does not include any: Approved leave without pay

8.7 Tangihanga | Bereavement Leave

8.7.1 Kaimahi will be granted bereavement/tangihanga leave on pay to attend to obligations and/or pay respects to a deceased person with whom they have had a close association or as a result of a pregnancy loss by way of miscarriage or still-birth. If a bereavement occurs while kaimahi are absent on another form of paid leave, they may apply to have their leave converted to bereavement leave. This may not apply if kaimahi are on leave without pay.

8.7.2 In granting bereavement/tangihanga leave the employer will administer these provisions in a culturally sensitive manner, taking into account the following points:

- a) The closeness of the association between the kaimahi and the deceased (this association need not be a blood relationship).
- b) The miscarriage or still-birth suffered by kaimahi, their spouse or partner; or kaimahi planning to have a child through surrogacy or adoption where the pregnancy has ended by miscarriage or still-birth.

8.8 Parental Leave

Parental leave may be taken by kaimahi of any gender following the birth or legal adoption of a child under five years of age. Adoption shall include whaangai or informal adoption of children. Under this Agreement, parental leave includes both unpaid and paid leave and is available to both partners, either concurrently or consecutively.

8.8.1 Notice required to take parental leave

- a) Kaimahi intending to take parental leave are required to give at least three months' notice in writing and the application is to be accompanied by a certificate signed by a registered medical practitioner such as a midwife certifying the expected date of delivery, or proof of adoption as may be appropriate.
- b) Parental leave may commence at any time during pregnancy, subject to the kaimahi giving Te Pūkenga one month's notice in writing supported by documentation from a registered medical practitioner. A shorter period of notice will be accepted on the recommendation of a registered medical practitioner.
- c) Kaimahi intending to legally adopt or whaangai a child (subject to satisfactory evidence) is entitled to parental leave during the child's first year with the new family. The requirement of one month's notice does not apply.

8.8.2 Duration of leave

The length of entitlement to parental leave from the date of birth or date of assuming responsibility for the child is:

- a) Kaimahi who have completed one year of continuous service or more are entitled to up to 52 weeks unpaid leave;
- b) Kaimahi with more than 6 months service but less than 12 months service are entitled to unpaid leave of up to 26 weeks, but up to six months' additional leave may be granted at the discretion of the employer.
- c) Kaimahi who are the spouse or partner of the primary carer are entitled to either one (with six months service) or two weeks (with one or more year/s of service) of unpaid leave as per the Parental Leave and Employment Protection Act 1987.

8.8.3 Return to work

Kaimahi must give Te Pūkenga at least one month's notice of intention to return to work before parental leave expires. When a kaimahi suffers a miscarriage or stillbirth, or an adoption becomes null and void, a request to return early to work shall be granted. Should kaimahi wish to return to work early for other personal reasons, agreement shall not be unreasonably withheld.

Kaimahi returning from a period of parental leave are entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave.

The employer will give due consideration to a request for flexible working including a temporary reduction of hours to, be agreed with the kaimahi after the return from a period of parental leave.

Breastfeeding kaimahi shall have the right to one or more paid breaks per day to breastfeed their child or express breastmilk. The timing of these breaks shall be negotiated with their line manager, provided that such agreement shall not be unreasonably withheld.

8.8.4 Sick leave during pregnancy

Periods of illness due to pregnancy, prior to cessation of duties, will be taken as sick leave. Parental leave is not to be granted as sick leave, with or without pay.

8.8.5 Annual leave

Annual leave owing will not be required to be taken before kaimahi commences parental leave; but may be held over and taken when kaimahi return to work.

8.8.6 Paid parental leave or a Grant

Where kaimahi are entitled to parental leave as above, the first six weeks of parental leave shall be paid at their substantive salary rate. Such paid leave is available to kaimahi at the time they elect to take parental leave, which may or may not be at the time of the birth.

Kaimahi who have, because of pregnancy, requested a temporary reduction of hours, will be paid the six weeks leave at the rate and proportion that existed immediately prior to the temporary reduction in hours.

Where a primary carer elects to resign after the birth/adoption, such resignation will be deemed to take effect six weeks after the birth/adoption and parental leave shall be paid during this period.

If, for the period of any portion of the parental leave period, the rate of salary payable is later the subject of a retrospective increase, a sum representing the applicable weekly increase shall be paid to existing kaimahi, and to former kaimahi on application. If both partners are employed by the employer and are eligible for paid parental leave, they are entitled to six weeks paid leave between them and they may choose who will receive it, or they may choose to apportion it between them.

Kaimahi who are entitled to paid parental leave may apply instead, at the time of submitting the parental leave application, for an ex-gratia payment on the following basis:

- a) The grant will be payable to an entitled kaimahi on production of the certificate of the birth of the child, (whether live or stillborn) or on production of satisfactory evidence of a legal or whāngai adoption placement.
- b) The grant will be of six weeks full salary at the effective date parental leave commenced.
- c) The full grant equivalent to six weeks salary as in (b) above will be payable regardless of whether an kaimahi returns to work before the expiry of six weeks parental leave. Receipt of salary will not affect the payment of the full grant. Kaimahi covered by the Ara Allied and Toi Ohomai Allied schedules should refer to their schedules.

8.8.7 Legislative change

The payment of parental leave in this Agreement is in addition to any entitlement under paid parental leave legislation. Should at some time in the future, an amendment to that legislation, or new paid parental leave legislation require the employer to pay all or part of parental leave, the provisions in this clause will be inclusive of what the employer is required to pay.

Unitec Academic Schedule

2.1 Definitions

2.1.9 "Continuous service" for the purposes outlined above includes all periods of paid leave and parental leave and is not broken by, but does not include any:

- a) approved leave without pay
- b) breaks of not more than three months between employment within the polytechnic service.

Appendix 12 – All clauses relating to Parental Leave in the TIASA Allied Kaimahi Collective Employment Agreement

4.1 Deduction of union fees

- a) The Employer will deduct union membership fees/subscriptions for each TIASA member covered by this Agreement.
- b) The Employer will remit these deductions to TIASA's National Office at a frequency in line with the Employer's pay periods (fortnightly) and will provide a list of those kaimahi for whom deductions have been made. These arrangements are subject to any provisions separately agreed between the Employer and TIASA.
- c) Where reasonably practicable, the information provided by the Employer will provide the FTE of each kaimahi and will indicate which kaimahi are on leave without pay, parental leave and other approved forms of absence.

7.7 Bereavement/Tangihanga Leave for Death in New Zealand or Overseas

7.7.1 The Employer shall approve bereavement leave on pay for an Employee to discharge any obligation and/or to pay respects to a deceased person, including following a miscarriage or stillbirth, with whom the Employee has had a close association. Such obligations may exist because of blood or family ties or because of particular cultural requirements such as attendance at all or part of a Tangihanga (or its equivalent). The length of time off shall be at the discretion of the Employer.

7.8 Primary Carer's Parental Leave

7.8.1 The provisions of the Parental Leave Employment Protection Act 1987 shall apply to all Employees who are the primary carer (as defined in that Act) together with the provisions set out in this clause.

7.8.2 An Employee who is employed either part-time or full-time, for an average of 10 hours a week for the immediately preceding 12 months, or the immediately preceding 6 months, is eligible for parental leave (granted as leave without pay) for each birth, adoption or other assumption of primary care of a child that occurs during their employment with the Employer.

7.8.3 Parental leave of up to 12 months is to be granted to an Employee with at least one year's service at the time of commencing leave.

7.8.4 For an Employee with less than one year's service parental leave of up to six months is to be granted. The Employer at its discretion may grant an additional leave of up to six months.

7.8.5 Where, under the provisions of this Agreement, an Employee is entitled to parental leave of up to 12 months, they shall receive a parental leave grant equivalent to 6 weeks' salary provided that the Employee produces the birth certificate of the child, evidence of approved adoption placement or assumption of primary care of the child. Where an Employee and that Employee's partner are both entitled to 6 weeks' salary under

this clause, then the Employer will only be liable to pay one grant of six weeks' salary to one of the Employees, as determined by the Employer.

7.8.6 An Employee who is absent on parental leave for less than six weeks (30 working days) will receive that proportion of the payment provided in sub-clause 7.8.5 above which their absence represents to 30 working days.

7.8.7 Parental leave is not to be granted as sick leave on pay or sick leave without pay. Annual leave due will not be required to be taken before the Employee proceeds on parental leave but may be held over and taken when the Employee returns to work.

7.8.8 An application for parental leave shall be given at least 3 months before the expected delivery date or date the Employee will assume care of the child. If the Employee is pregnant, this application must be supported by a certificate signed by a registered medical practitioner. The Employer and Employee may agree in writing to a shorter period of notice. On the recommendation of a registered medical practitioner an earlier commencement date will be accepted.

7.8.9 An Employee returning from parental leave is entitled to resume work in the same or similar position to that occupied at the time of commencing parental leave. That is, a position at the equivalent salary and grading involving responsibilities comparable to those of the previous position, and in the same location or other location within reasonable commuting distance.

7.8.10 In the event that any legislation applicable in New Zealand provides for paid parental leave to be paid to the Employee by the Employer, or for any payment of monies to be made to the Employee by the Employer in relation to parental leave, (including the birth or adoption of a child), the paid parental leave entitlements provided in sub-clauses 7.8.5 and 7.8.6 shall be inclusive of and not in addition to any payment entitlements contained in such legislation.

7.8.11 It is the intention of the parties that in the event that any legislation provides for any type of paid parental leave entitlement (to be provided to the Employee by the Employer, and not by the Government) that is of a different type or nature than the contractual paid parental leave entitlement provided for in sub-clauses 7.8.5 and 7.8.6, the Employee shall be entitled to the paid parental leave entitlement provided for in the legislation and the provisions of sub-clauses 7.8.5 and 7.8.6 shall not apply.

7.9 Partner's Parental Leave

The relevant provisions of the Parental Leave and Employment Protection Act 1987 shall apply to all Employees who are partners of primary carers (as defined in that Act).

13.8 Rights of Employees Declared Surplus

13.8.1 Time off to Attend Interviews

Employees will have reasonable time off to attend interviews for alternative employment, subject to the operational requirements of the Institute.

13.8.2 References

The Employer will supply to all surplus Employees a letter of reference.

13.8.3 Counselling

Counselling for affected Employees and family may be made available if necessary.

13.8.4 Employees on Leave

An Employee who is declared surplus and who is on parental leave, absent due to extended illness, on accident compensation, on approved special leave without pay, or on secondment will be covered by the surplus staffing provisions of this agreement.

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TP240144 OIA [REDACTED]

B5.4 Leave Policy – section 2.8

Parental Leave is administered in accordance with the Parental Leave and Employment Protection Act 1987 and B5.1-P4.2 Parental Leave Procedures. Parental Leave entitlements are set out in the relevant employment agreement.

B5.1-P4.1 Leave Procedures – section 9 Parental Leave

Refer to B5.1-P4.2 Parental Leave procedures for parental leave.

*B5.1-P4.2 Parental Leave Procedures***1. Eligibility**

- 1.1 Entitlements to Parental Leave are in accordance with the Parental Leave and Employment Protection Act 1987.
- 1.2 The types of parental leave available differ depending on the entitlement set out in the relevant employment agreement and the length of service with WelTec, Whitireia (the institution).
- 1.3 An employee is eligible for parental leave if they meet either the 6 month or 12 month eligibility criteria:
 - Have worked for the institution for an average of at least 10 hours a week for a 12-month period (or a 6-month period, as the case may be) immediately preceding:
 - the due date of the baby or
 - the date on which they become the permanent primary carer of a child not more than five years old, with a view to adoption or home for life
- 1.4 An employee who has taken parental leave previously is eligible for further parental leave only if they have been back at work for at least six months from the conclusion of the previous leave.
- 1.5 Employees who have worked for the institution for six months or more are eligible for special leave, parental leave and statutory paid parental leave at a rate specified by the government. Those who have worked for the institution for 12 months or more are also eligible for extended leave (see below).

2. Notice of Intention to Take Parental Leave

- 2.1 An employee intending to take parental leave needs to give at least three months' notice by submitting *B5.1-F4.2 Parental Leave Application Form* to their Manager.
- 2.2 The employee discusses their leave options with their Manager and the People Services team.

3. Special Leave

- 3.1 An employee who is pregnant is entitled, before taking primary carers leave, to take a total of up to 10 days' special leave without pay for reasons connected with her pregnancy.
- 3.2 To request special leave, the employee applies using the MyHR system, select "Leave Without Pay" as the Leave Type, and writes the reason for the absence in the Leave Reason field. This leave also needs to be approved by the employee's Manager.

4. Primary Carer Leave

- 4.1 An employee is entitled to primary carers leave in accordance with the Parental Leave and Employment Protection Act.
- 4.2 Eligible employees are entitled to up to 22 weeks' primary carers leave. The leave must be taken as one continuous period.

5. Partner's/Paternity Leave

- 5.1 An employee who is the spouse or partner of a pregnant woman and meets the eligibility criteria under the Parental Leave and Employment Protection Act may take partner's/paternity leave in one continuous period not exceeding two weeks (if employed for the preceding 12 months) or one week (if employed for the preceding 6 months). This leave is leave without pay.
- 5.2 To apply for partner's/paternity leave, the employee needs to complete the *B5.1-F4.1 Application for Leave Form*, noting the details under 'Other'. This leave is approved by the employee's Manager.

6. Payment for Parental Leave

- 6.1 Employees entitled to payment for parental leave are:
- a female employee who meets the criteria for primary carers leave (birth mother)
 - an employee who meets the criteria for primary carers leave who is taking on the permanent responsibility for a child under six through adoption or home for life
 - an employee to whom all or part of an entitlement to a parental leave payment is transferred
 - an employee who succeeds in all or part of an entitlement to a parental leave payment under Section 72B of the Parental Leave and Employment Protection Act
- 6.2 An entitled employee is eligible for up to 22 weeks' payment for parental leave, paid out of public money.
- 6.3 See the IRD website for more detail: <https://www.ird.govt.nz/topics/paid-parental-leave>
- 6.4 To apply for payment for parental leave, the employee completes the Paid Parental Leave for an Employee Form (IR880) and sends/brings this form, together with the *B5.1-F4.2 Parental Leave Application Form*, to the People Services team for completion of the employer section.

7. Extended Leave

- 7.1 An employee who has been employed for the 12 months preceding the expected due date or the date on which they assume the care of a child not more than five years old, with a view to adoption, is eligible for up to 52 weeks' extended leave. The length of extended leave is reduced by the total period of maternity leave taken, excluding any period of maternity leave in excess of 14 weeks taken pursuant to Section 9(2) of the Parental Leave and Employment Protection Act.
- 7.2 For extended leave the employee applies through MyHR, or completes *B5.1-F4.2 Parental Leave Application Form* if they do not have access to MyHR.

8. Whitireia/WellTec Primary Carer Grant

- 8.1 A Whitireia/WellTec primary carers grant is payable to a permanent employee in accordance with their employment agreement.
- 8.2 To be eligible for the Whitireia/WellTec primary carers grant the employee is:
- Entitled to government Paid Parental Leave
 - And the primary carer

The employee provides the following documentation:

- the birth certificate of a child *or*
 - evidence of adoption of a child *and*
 - evidence that the employee is the primary care-giver
- 8.3 If no grant is stipulated in the employee's employment agreement the institution tops up the salary paid for 6 weeks to the substantive salary in conjunction with any paid parental leave payment. E.g. Paid parental leave payments plus top up payments equals substantive salary. This grant is paid to you at the end of the IRD paid parental leave payments.
- 8.4 An employee who is absent on primary carers leave for less than six weeks (30 working days) receives a grant proportionate to the period of absence (that is, one week's salary for each week of leave).
- 8.5 Please note that this grant is in addition to the payment for parental leave received through the IRD.
- 8.6 The institution may seek repayment of the primary carer grant, if the employee does not return to work.

9. Notice Ending Extended Parental Leave

- 9.1 An employee who is on parental leave and whose position is being kept open must, no later than 21 days before the date on which their parental leave ends, give the institution written notice stating whether or not they are returning to work at the end of their parental leave. This notice is to be sent to the employee's Manager, who then sends a copy of the notice to the People Services team.
- 9.2 An employee returning from parental leave is entitled to resume work in the same or similar position to that occupied at the time of commencing leave – that is, a position at the equivalent salary and grading, involving responsibilities comparable to those of

the previous position, and at the same location or another location within reasonable commuting distance.

B5.1-F4.2 Parental Leave Application Form

Primary Carer/ Extended leave / Special Leave (Unpaid)

This application form must be submitted to your manager at least three months prior to the date on which you intend to commence parental leave.

- Please also complete and provide a copy of the IR880 IRD [Paid Parental Leave \(PPL\)](#) application form.
- Include the following if you or your spouse/partner are giving birth: A certificate signed by a registered midwife /medical practitioner certifying the expected date of delivery.
- If you are taking on permanent primary responsibility for a child up to five years old through [Adoption](#) or [Home for Life](#) (not a spouse or partner) you must provide one of the following:
 - A certified copy of a court order placing the child in your day to day care, or
 - A copy of a letter from the chief executive of the Ministry or organisation who has custody of the child confirming that you are or will be the primary carer, or
 - A copy of the application for a parenting order or adoption order (if one has been made) and a statutory declaration (IR880D).
 - If none of the above can be provided a statutory declaration (IR880D)

If you intend to use annual leave prior to or following parental leave, a separate application should be made for that leave in MyHR.

- Further information can be found at the [Employment New Zealand](#) website.

DETAILS OF EMPLOYEE APPLYING FOR LEAVE					
Name		Employee No			
Position Title		School/ Business Area			
Home Address					
TYPE OF LEAVE REQUESTED [Tick the appropriate box]					
Leave Type	Primary Carer <input type="checkbox"/>	Extended Leave <input type="checkbox"/>	Special Leave (Unpaid) <input type="checkbox"/>		
DATES AND DURATION OF LEAVE					
Date on which you intend to commence:	Click here to enter a date.	The Intended date of leave completion:	Click here to enter a date.	Total Duration of Parental Leave: (as weeks)	
ANNUAL LEAVE					
If you intend on taking annual leave either prior to or following Parental Leave please specify below and arrange to enter this leave in MyHR.					
First day of annual leave:	Click here to enter a date.	Last day of annual leave:	Click here to enter a date.		
PARTNERS' DETAILS					
Please indicate if your partner intends to take parental leave	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input type="checkbox"/>		
If Yes, please provide your partner's name and the name and address of your partner's employer (this is a legislative requirement)					
PARTNER'S DATES AND DURATION OF LEAVE					
Date on which partner intends to commence leave:	Click here to enter a date.	Intended date of completion:	Click here to enter a date.	Total Duration of Parental Leave: (as weeks)	

EMPLOYEE DECLARATION

I confirm that the total parental leave applied for, in respect of this birth or permanent primary care, including any leave taken by my partner, does not exceed 52 weeks.

A certificate from a registered midwife/medical practitioner certifying the due date, or documentation relating to permanent primary care is attached.

Applicant's Signature:		Date:	Click here to enter a date.
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RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

FOR COMPLETION BY MANAGER

ADDITIONAL ARRANGEMENTS AND VARIATIONS

Managers are encouraged to take into account the employee's circumstances when exercising decision-making in relation to requests for variation to the applicable employment agreement/policy/Act, and to accommodate flexibility in arrangements where possible.

Where variations or flexibility in arrangements have been negotiated and agreed, these must be noted below and will form part of the letter of approval (for example agreement to return to work at reduced hours for a specified period of time).

Important notes

- This form must reach People Services **within seven days of submission** by the applicant in order that the statutory processing times may be met
- Eligible employees are entitled to take parental leave in accordance with the applicable employment agreement/policy/Act
- An employee's position must be kept open for them unless a redundancy situation occurs (under a management of change process) or the position is a key position and a temporary replacement is not reasonably practicable. The employee's position may be filled on a temporary basis.

Position Information

The applicant position <u>can</u> be held open during their parental leave:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The applicant position <u>cannot</u> be held open during their parental leave because: (select as necessary) Please discuss with your HR Advisor	<input type="checkbox"/>	temporary replacement is not reasonably practicable due to the key position.
	<input type="checkbox"/>	of the occurrence of a redundancy situation

SIGNED APPROVAL BY MANAGER

Leave Request Approved	<input type="checkbox"/>	Name of Manager	
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Leave Request Declined	<input type="checkbox"/>	Signature		Date: Click here to enter a date.
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B5.1-P5 Flexible Work Options Procedures

Introduction

- 1.1 Wellington Institute of Technology Limited (WelTec) and Whitireia Community Polytechnic Limited (Whitireia) are committed to enhancing recruitment and retention of staff by supporting flexible working options where possible. Staff are empowered to deliver outcomes in a way that best suits their personal circumstances balanced with the needs of students and the Institutions.
- 1.2 Employees are entitled to request flexible working arrangements under Part 6AA of the Employment Relations Act 2000.
- 1.3 These procedures outline the process of applying and gaining approval for flexible work options.

Types of Flexible Work Options

- 2.1 Reasons that employees may request flexible work options include:
 - part-time or full-time study
 - career development/study
 - phased retirement
 - staged approach to returning from parental leave or following illness
 - work-life balance.
- 2.2 Requests may entail an alteration to a current job description/employment details or a minor or temporary variation within usual hours of employment, for example to accommodate school holidays.
- 2.3 Flexible place (remote working) means working from a location outside of your usual workplace. This can include working full or partial days from a different office, at home, or at some other location on a regular or ad-hoc basis.
- 2.4 Flexible time (working non-standard office hours) allows staff to fulfil their contractual hours/days (or roster) in a time period that may be within and/or outside standard office hours. This can include agreeing to start and finish earlier or later to accommodate personal circumstances.
- 2.5 Flexible role (re-design of a role) is when changes are made to a role to enable job or role sharing. This could be to access a broader mix of skill sets and ideas and/or increase productivity and business continuity. Job sharing involves splitting a role for two or more staff to perform. Role sharing may involve staff working across multiple functions, such as working two part-time roles to facilitate a development opportunity or working part-time.
- 2.6 Flexible hours (shorter working week) allows staff to request to decrease their hours from full-time or from their contractual hours.

Considering a Flexible Work Option

- 3.1 The staff member identifies the preferred flexible work option and possible scenarios for a trial and provides a rationale for how this would affect the other members of the team, the service to students, and the impact on the wider staff of the Institutions.
- 3.2 The staff member discusses with their manager flexible working options, considering opportunities, challenges and an option that works for all parties. The manager and employee agree if a trial is required.
- 3.3 Unless the proposal involves a reduction or increase in hours of work it includes the trial start and end dates, and a review date before the trial concludes
- 3.4 If the proposed flexible work option includes a change to scheduling that impacts remuneration (such as a reduction or increase in hours of work) then expected deliverables/achievement goals are modified. A variation of employment agreement is required in this instance and does not necessarily need a trial.
- 3.5 When working remotely, the staff member is responsible for organising, work area that is appropriately set up to ensure that they can work safely. To ensure that this is the case, the manager may request the staff member to provide photos of their work location and may also request a health and safety assessment of the workstation.
- 3.6 Ensuring that all staff are aware that in considering a flexible work option, applicable health and safety legislation, regulations, standards, codes of practice and safe operating procedures as a minimum are still required, irrespective of the flexible work option, e.g. working from home

During the Trial Flexible Work Period

- 4.1 The staff member and manager record their perspectives on any positives and negatives of the flexible work option.
- 4.2 If the arrangement needs changing or improving at any time during the trial, the staff member and manager address the working arrangement accordingly.
- 4.3 At the review meeting, the staff member and the manager discuss the flexible work trial. The manager may decide to formalise the arrangement, start a new trial or cease the working arrangement at the end of the agreed trial period.

Applying for a Flexible Work Option

- 5.1 The staff member completes the online [Flexible Working Request Application Form](#) (accessible from Staff/Human Resources/Employment) outlining the flexible work option discussed with their manager. This includes the proposed time period of the flexible work option, the review date, whether a variation of employment agreement is requested and whether or not the request is under section 69AAC of the Employment Relations Act 2000. The employee also specifies what changes, if any, the employer may need to make if the employee's request is approved.
- 5.3 The manager may seek advice from their manager and/or the People Services team before approving or declining the request.

- 5.4 The manager informs the staff member of the outcome in writing (copy to People Services). If the outcome is to decline the request, the manager advises the business reason(s) for the decision (refer clause 8.)
- 5.5 Changes to approved requests are made with mutual agreement between the staff member and manager/approver.

Changes to Work Arrangements

- 6.1 The manager sends the staff member (copy to People Services) written confirmation of decisions made at the review meeting, stating reasons if the arrangement is to cease.
- 6.2 If a new trial is agreed at the review meeting, the manager confirms the details of the request (copy to People Services) in writing.
- 6.3 If the new working arrangements are formalised, People Services provide to the staff member a variation of their employment agreement.
- 6.4 Agreement between you and your manager is required as to expectations and a plan around communication for the new work arrangement is necessary

Disputes resolution

- 7.1 If an agreement cannot be reached, the employee and/or manager is encouraged to discuss the outcome with People Services in the first instance.
- 7.2 The Dispute Resolution process outlined in staff employment agreements can be referred to for assistance.

Related Documents

- Employment Relations Act (ERA) 2000
- Code of Conduct and Code of Professional Practice
- Disciplinary Policy
- *B5 Human Relations Policy* (tba)

Recognised business reasons (Part 6AA ERA) for declining requests are:

- Cannot reorganise work amongst existing staff
- Cannot recruit additional staff
- Negative impact on quality
- Negative impact on performance
- Not enough work during the periods the employee proposes to work
- Planned structural changes
- Burden of additional costs
- Negative effect on ability to meet customer demand.

Employment Agreements

TEU WelTec Academic Schedule and TEU Whitireia Academic Schedule

Reference to parental leave is in definitions sections: *"Continuous service", for the purposes outlined above, includes all periods of paid leave and parental leave*

MATERNITY LEAVE

16.1 Entitlements to Maternity/Parental Leave shall be in accordance with the Parental Leave and

Employment protection Act 1987.

16.2 A woman who is employed either part-time or full-time, employed for at least 20 hours a week

for the preceding 18 months, will be eligible for maternity leave (granted as leave without pay)

for each birth that occurs during her employment at the Polytechnic. The Polytechnic also

recognises entitlement for the adoption and whaangai placement of children under 5 years

supported by a certificate signed by a registered medical practitioner, solicitor or statutory

declaration.

16.3 Leave of up to 12 months is to be granted to an employee with at least one year's service at

the time of commencing leave

16.4 For an employee with less than one year's service maternity leave of up to six months is to be

granted.

16.5 Maternity leave may be granted for each birth that occurs whilst the employee is employed in

the Polytechnic. It is not to be granted as sick leave on pay or sick leave without pay. Maternity

leave reduces annual leave entitlement in accordance with the provisions of the Parental Leave

and Employment Protection Act 1987. Annual leave due will not be required to be taken before

the employee proceeds on maternity leave but may be held over and taken when the employee

returns to work. An application for maternity leave must be made at least three months before

it is intended to commence such leave and must be supported by a certificate signed by a

registered medical practitioner.

WHITIREIA POLYTECHNIC Page 12

16.6 An employee returning from maternity leave is entitled to resume work in the same or similar

position to that occupied at the time of commencing maternity leave. That is, a position at the

equivalent salary and grading involving responsibilities comparable to those of the previous

position, and in the same location or other location within reasonable commuting distance.

16.7 A maternity grant will be payable to an entitled employee on production of the certificate of birth

of the child or on production of evidence of adoption of a child as per the Parental Leave Procedures.

16.8 The Whitireia Maternity Grant will be the equivalent of six week's salary at the rate being paid

at the time maternity leave commenced. An employee who is absent on maternity leave for less

than six weeks (30 working days) will receive that proportion of the payment which her absence

represents to 30 working days. The employer may seek repayment of the grant if the employee

does not return to work.

17 PATERNITY LEAVE

17.1 The provisions of the Parental Leave and Employment Protection Act 1987 shall apply to all

male employees.

6 (d) "Continuous Service" for the purposes of (a) and (b) above includes all periods of paid leave

and would not be broken by, but would not include all periods of maternity/parental leave, all

other approved leave without pay and all breaks of not more than three months between periods

of employment within the technical institute service, or one month with other services approved

under (b) above.

TIASA WelTec Schedule

8.2

a) Staff shall take all leave accrued in the year it falls due unless prior written approval has been given for the carrying over of up to 10 days of accrued leave. Such approval shall not be unreasonably withheld.

b) Staff who are on approved Leave without Pay (LWOP) shall have their service counted as continuous. Annual Leave does not accrue while the staff member is on LWOP except in the case of staff on Parental Leave as defined by the Holidays Act 2003.

MATERNITY/PARENTAL LEAVE

13.1 Entitlement to Maternity/Parental Leave shall be in accordance with the Parental Leave and Employment Protection Act 1987.

13.2 A woman who is employed either part-time or full-time, employed for at least 20 hours a week for the preceding 18 months, will be eligible for maternity leave (granted as leave without pay) for each birth that occurs during her employment at the Polytechnic. The Polytechnic also recognises entitlement for the adoption and whaangai placement of children under 5 years supported by a certificate signed by a registered medical practitioner, solicitor or statutory declaration.

13.3 Leave of up to 12 months is to be granted to an employee with at least

one year's service at the time of commencing leave.

13.4 For an employee with less than one year's service maternity leave of up to six months is to be granted.

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13.5 Maternity leave may be granted for each birth that occurs whilst the employee is employed in the Polytechnic. It is not to be granted as sick leave on pay or sick leave without pay. Maternity leave reduces annual leave entitlement in accordance with the provisions of the Parental leave and Employment Protection Act 1987. Annual leave due will not be required to be taken before the employee proceeds on maternity leave but may be held over and taken when the employee returns to work. An application for maternity leave must be made at least three months before it is intended to commence, such leave must be supported by a certificate signed by a registered medical practitioner.

13.6 An employee returning from maternity leave is entitled to resume work in the same or similar position to that occupied at the time of commencing maternity leave. That is, a position at the equivalent salary and grading involving responsibilities comparable to those of the previous position, and in the same location or other location within reasonable commuting distance.

13.7 A maternity grant will be payable to an entitled employee on production of the certificate of birth of the child or on production of evidence of adoption of a child as per the Parental Leave Procedures.

13.8 The WelTec Maternity Grant will be the equivalent of six week's salary at the rate being paid at the time maternity leave commenced. An employee who is absent on maternity leave for less than six weeks (30 working days) will receive that proportion of the payment which her absence represents to 30 working days. The employer may seek repayment of the grant if the

employee does not return to work.

13.9 The provisions of the Parental Leave and Employment Protection Act 1987 shall apply to all male employees.

36.3 d) "Continuous Service" for the purposes of (a) and (b) above includes all periods of paid leave and would not be broken by, but would not include all periods of maternity/parental leave, all other approved leave without pay and all breaks of not more than three months between periods of employment within the technical institute service, or one month with other services approved under (b) above.

Whitireia Standard Individual Employment Agreement

Parental Leave

The provisions of the Parental Leave and Employment Protection Act 1987 shall apply.

Maternity Leave

The provisions of the Leave policy and procedure apply.

WelTec Standard Individual Employment Agreement

Parental Leave

The Employee is entitled to parental leave in accordance with the Parental Leave and Employment Protection Act 1987 and any amending or substituting Acts.

Where a permanent employee with 12 months or more service is taking paid parental leave in accordance with the Parental Leave and Employment Protection Act 1987, WelTec will top up the salary paid for 6 weeks to the substantive salary in conjunction with any paid parental leave payment. E.g. Paid parental leave payments plus top up payments equals substantive salary. A birth certificate of the child or adoption placement documentation must be provided.

Summary Responses

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

We follow the policy and we pay a carers grant of six weeks salary, not a top up, have never done ex-gratia payments for parental leave

Paid leave for partners/secondary carers, as well as the conditions employees need to meet to receive such payments

Partners can take annual leave - this is in the policy

Remuneration review during leave

If a remuneration movement has been approved, the new salary is loaded for their return and any backpay payment is made while the employee is on parental leave

Leave accrual during leave and the rate at which annual leave is paid after an employee returns from parental leave

As per the policy and the staff member is informed that leave taken on their return will be calculated as per legislation

Kiwisaver contributions - particularly whether employer contributions are paid during parental leave grant / ex-gratia payment / paid parental leave

Kiwisaver contributions from employer only stop when the staff member is on leave without pay

Any contributions towards childcare

No

Support in the event of a miscarriage or stillbirth

Normal bereavement leave rules would apply, maybe extended leave? No monetary contribution, if they've already had the 6 week grant we wouldn't ask for it back

Any support provided for fertility, adoption and surrogacy

Treated the same as if they were applying for parental leave

Ngā Hātepe | Flexible Working Procedure

Mō wai me te whānuitanga | Audience and scope

These procedures apply to all employees of Te Pūkenga national office, including permanent staff, secondees providing services for Te Pūkenga, and those on fixed term contracts (collectively referred to as kaimahi in this procedure document).

For the avoidance of doubt, these procedures do not extend to business division kaimahi of Te Pūkenga.

Mokamoka whakaaetanga | Approval details

Version number	1.1	Issue date	March 2023
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Procedure sponsor (has authority to make minor amendments)	Chief People Officer	Procedure owner	Chief People Officer
Contact person	Strategic People and Culture Director	Date of next review	March 2024

Ngā whakatikatika | Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1.1	March 2023	Joy Whiteman	Review as per review date

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OFFICIAL INFORMATION ACT 1982

Ngā Hātepe | Flexible Working Procedure

1. Pūtake | Purpose

- 1.1 The purpose of these procedures is to outline the process available to kaimahi should they wish to request flexible working arrangements, in accordance with the provisions of the Employment Relations Act 2000.
- 1.2 For short-term flexible working requests related to family violence, refer to the Family Violence Policy.

2. Tirohanga Whānui | Overview

- 2.1. This procedure should be read in conjunction with the Operational Directive: Working healthily and safely at different locations
- 2.2. Kaimahi can request flexible work arrangements at the start of or during employment. Open discussions are encouraged to ensure Te Pūkenga and stakeholder requirements are met.
- 2.3. There are many different, flexible, work arrangements. Below are some of the more common requests for a change to working arrangements:
 - a) Hours of work - reduced, increased, flexible.
 - b) Days of work
 - c) Place of work
 - d) Job sharing
- 2.4. Te Pūkenga will approach each request with genuine consideration and assess on balance the needs of the kaimahi with the requirements of the organisation. Requirements may restrict the ability to meet flexible working requests.
- 2.5. Requests for flexible working must be considered in relation to the following core principles:
 - a) Service to customers (ākongā, other kaimahi, and the community) must not be negatively impacted
 - b) Wellbeing and safety requirements must be met
 - c) There must be no additional costs to Te Pūkenga as a result
 - d) The request from a kaimahi to work flexibly must be discussed to determine the potential impact on the team.

3. Ngā Hātepe | Procedure

Flexible Work

- 3.1. The process below relates to flexible working requests under the Employment Relations Act 2003. From time-to-time kaimahi and managers may agree on ad hoc or temporary arrangements outside of this framework, People, Culture and Wellbeing should be contacted for advice.

Application

- 3.2. To apply for a flexible working arrangement, kaimahi should discuss initial considerations with their manager before submitting a Flexible Working Request Form.
- 3.3. One application per year can be submitted at any time. The application must be in writing and complete.

Consideration

- 3.4. Managers will apply the principles of the Flexible Working Policy in their review and consideration of requests. They will engage with People, Culture and Wellbeing and may seek additional information or clarification, which could include discussion of alternative solutions.
- 3.5. A new working arrangement under flexible working arrangements may be permanent or for a defined period and agreed in writing by the parties. Arrangements will include a review period to give kaimahi and managers the opportunity to meet and discuss any concerns or suggestions for improvement. Te Pūkenga reserves the right to end flexible working arrangements where:
 - a) Work outcomes require that kaimahi are at a physical Te Pūkenga site
 - b) There are negative impacts on kaimahi or team performance
 - c) The alternative workplace is unsuitable, such as health and safety concerns, or connectivity is unreliable; or
 - d) Kaimahi misuse the flexible working option.
- 3.6. A request can be refused because it cannot be reasonably accommodated on one or more of the grounds specified in the Act. Including:
 - a) Inability to reorganise work among existing staff
 - b) Inability to recruit additional staff
 - c) Detrimental impact on quality
 - d) Detrimental impact on performance
 - e) Insufficiency of work during the periods the kaimahi proposes to work
 - f) Planned structural changes
 - g) Consideration of additional costs
 - h) Detrimental effect on ability to meet customer demands.

Notification

- 3.7. Kaimahi will be provided with the managers outcome in writing within one month of the written request being received. The manager section of the form in appendix A provides a template.
- 3.8. If the request is refused, the manager will notify the kaimahi of the grounds for refusal and explain the reasons.
- 3.9. Agreed flexible working arrangements must be formalised by way of a variation letter to the employment agreement.

Remote Work

- 3.10. Kaimahi may request to work flexibly in relation to where they undertake their work, this most commonly applies to requests to work from home.

- 3.11. Te Pūkenga may also request kaimahi to work from home or another site at any time where there are valid reasons for doing so.
- 3.12. Te Pūkenga does not support working from home in the following situations:
- a) Where kaimahi are sick or injured. Sick leave should be used in these situations
 - b) Where someone dependent on the kaimahi requires regular, long-term care. The exception to this may be one-off or very short-term instances.
- 3.13. Kaimahi working from home are required to comply with all Te Pūkenga policies and instructions and are expected to be as productive as when they work from Te Pūkenga premises. Kaimahi will:
- a) Make their availability clear to other kaimahi and customers
 - b) Be available to attend required meetings or events
 - c) Meet agreed expectations and standards.

4. Ngā Tikanga | Definitions

Term	Means
Flexible Work	An adaption to the standard time kaimahi start or finish their working hours, where they are located to complete their work and how they may undertake or complete their work delivery.
Remote Work	A location of work not based at a central or network office location.
Workplace	Kaimahi primary place of work which may be a Te Pūkenga central office, network office, kaimahi home or elsewhere.

5. Ngā Hononga ki Tuhinga kē | Links to Other Documents

Ngā Kaupapa-Here e Hāngai ana Related policies Flexible Working Policy Wellbeing and Safety Policy Code of Conduct Computer Email and Internet Policy
Ngā Tukanga me ngā Hātepe Processes, procedures Operational Directive: Working healthily and safely at different locations
Ture whai take Relevant legislation Employment Relations Act 2000