

## Parental leave and payments Your rights at work

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This document outlines parental leave rights and payments that you may be entitled to under your collective agreement and the Parental Leave and Employment Protection Act 1987.

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Teachers are entitled to take parental leave under the Parental Leave and Employment Protection Act 1987. In addition to those rights, there are additional entitlements in your collective agreement.

## **Collective agreement**

### **Eligibility**

You are eligible for parental leave under the collective agreement if you are a teacher in a state or state-integrated school and you are the primary carer to a baby under the age of 12 months.

You must have one of the following positions:

- Permanent full-time
- Permanent part-time
- Fixed term full-time – advertised in the Education Gazette
- Long-term full-time reliever – advertised in the Education Gazette.

### **Primary carer**

A primary carer is the biological parent of the child, or their spouse or partner, where they take primary responsibility for the care, development, and upbringing of the child.

In the case of adoption, whāngai or Home for Life placement, the primary carer is the person who takes permanent primary responsibility for the care, development and upbringing of the child.

### **Parental leave**

You are entitled to

- Up to two years' unpaid leave if you have at least 12 months' service in a state or state integrated school(s)
- Six months' unpaid leave if you have less than 12 months' service – with an additional six months being granted at the discretion of the employer.

You decide how much leave to take from your entitlement but you need to give at least one month's notice if you intend to return early. If you have a stillbirth or miscarriage, you can choose to return to work without notice.

You are guaranteed the right to return to your position (including any units held) subject to any fixed term that may have expired and the surplus staffing provisions. If you are a long-term reliever, leave is restricted to the term of your appointment.

Parental leave may commence at any time during the pregnancy subject to the teacher giving the employer one month's notice in writing, supported by a medical certificate. A shorter period of notice will be accepted on the recommendation of a medical practitioner.

In the case of adoption, whāngai or a Home for Life placement for a child under the age of six years, parental leave starts from the date the teacher becomes the primary carer.

If you give birth or become the primary carer for a second child when you are on leave with your first child, you can take a second set of parental leave by going through the same application process. You are not required to return to work in the interim.

### **Parental grant**

A teacher who takes parental leave in order to be the primary carer, or resigns due to pregnancy, is entitled to a payment equal to six weeks' salary calculated at the rate applicable in the teacher's last full working week prior to the commencement of their leave or date of resignation. The payment is not pro-rated if the teacher takes less than six weeks' leave.

To apply for the parental grant, you need to provide your school with:

- A completed NOVO 27 form (available at [novopay.govt.nz](http://novopay.govt.nz));
- A birth certificate or suitable evidence of placement
- A primary carer is defined as:

### **Leave for partners**

Permanently appointed teachers are entitled to two days paid leave to attend their partner / spouse at the birth of their child. You need to give reasonable notice to the school before taking the leave.

In circumstances where a child or partner is sick or injured (for example where there have been complications with a birth or associated mental health issues) teachers may also be entitled to paid leave to care for a child or partner. In addition, teachers may apply for paid or unpaid at the discretion of the employer.

## **Parental Leave and Employment Protection Act 1987**

### **Eligibility**

You are eligible for primary carer leave under the act if you become the primary carer for a child under the age of six.

You must have worked for at least an average of 10 hours per week in a state or state-integrated school before you either gave birth to the child or assumed primary care for the child.

This may be for different employers and you may have had a break in employment.

### **Primary carer**

A primary carer is a person who has the primary and permanent responsibility for the care, development and upbringing of that child. For example, a new parent following a birth, an adoptive parent, a Home for Life parent, or a whāngai parent.

### **Primary carer leave and extended leave**

You are entitled to

- 52 weeks' leave (18 weeks primary carer leave and the remainder as extended leave) if you have worked these hours for 12 months or more.
- 26 weeks' leave (18 weeks primary carer leave and the remainder as extended leave) if you have worked these hours for more than six months but less than a year.

Only one person can take primary carer leave at any one time, but the total allocation may be shared with a spouse / partner as long as they are also eligible under the act.

[A parental leave and payment eligibility table](#) from the Ministry of Business, Innovation and Employment to shows how this may work in practice.

### **Paid parental leave**

If you meet the eligibility criteria you are entitled to 22 weeks' paid parental leave.

There are additional payments if your baby is born prematurely: one extra week for every week that the baby is premature, up to a total of 13 additional weeks.

You can return to work for "Keeping in touch" days during your paid parental leave period without losing the payment; this is subject to agreement with the board of trustees, may not be within the first 28 days of the birth of the child, and is for minimum of one hour and up to a maximum of 40 hours. It may be useful for professional development. You may also resign and still receive paid parental leave.

More information on [paid parental leave](#) including how to apply is available on the IRD website.

### **Transferring paid parental leave to your partner**

You can transfer all or part of your paid parental leave to your partner if they are also eligible. You can only transfer paid parental leave once, and it must be taken in a continuous period.

### **Best Start tax credit**

[Best Start tax credits](#) provide extra support of \$60 a week to families for a child's first three years. Best Start is not income-tested in the child's first year. Best Start begins when paid parental leave finishes.

### **Leave for partners**

A teacher whose partner gives birth to a child or adopts a child under six years old is entitled to up to two weeks' unpaid leave. The teacher must have been employed for at least 12 months in a state or state integrated school for at least 10 hours per week or an average of 40 hours per month. One week's unpaid leave is available for a teacher that has been employed for those hours for at least six months.