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# Parental Leave and Payments: Your rights at work

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

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## Maternity Leave – Collective Agreement



***Note:** you may need to make a choice about whether to take leave under the collective agreement or the act. If you qualify for both, the collective agreement entitlements are more generous.*

**You are eligible to** maternity leave under the collective agreement if you are a woman teacher in a state or state-integrated school and you have given birth to a child or adopted a child 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.

### **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 get to 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.

**In the case of a birth mother** – maternity 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 an adoptive mother**, you need to provide "satisfactory evidence" of the adoption and maternity leave starts from the date you assume responsibility for the child.

***Note:** If you give birth to or adopt a second child when you are on leave with your first child, you can take a second set of maternity leave by going through the same application process. You do not need to return to work at all in the interim unless you want to.*

## **Primary Carer Leave and Extended Leave – Act**

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

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.

### **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](#)<sup>1</sup> from the Ministry of Business, Innovation and Employment to shows how this may work in practice.

## Paid Parental Leave and Parental Tax Credits

**You are eligible** to up to 18 weeks' paid parental leave if you become a primary carer (as above) and have worked for an average of 10 hours per week for 26 weeks in the last 52 weeks. This may be for different employers and you may have had a break in employment. More information on [paid parental leave](#)<sup>2</sup>, including how to apply, is available on the IRD website. There are additional payments if your baby is born prematurely: one extra week for every week that the baby is premature, i.e. born before 37 weeks' gestation – up to a total of 13 additional weeks.

**Note:** *in the case of birth parents, the birth mother's spouse / partner also needs to be eligible (as above) in order to receive a transferred paid parental leave payment.*

Applying for a parental tax credit from IRD may be better financially if:

- you earn less than \$27,441.44 a year before tax from the job that you're taking leave from; or
- you're expecting two or more children, e.g. from multiple births or adoptions; or
- you're taking less than the maximum number of weeks paid for paid parental leave; or
- you do not qualify for paid parental leave.

[More information about parental tax credits](#)<sup>3</sup> is available on IRD's website.

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.

## Leave for Partners – Collective Agreement

Permanently appointed teachers are **entitled** to two days' paid leave to attend their partner / spouse at the birth of their child. This collective agreement entitlement is available for both female and male teachers who are partners. 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 pursuant to clause 6.5.3 STCA or 5.5.3 ASTCA (sickness in the home).

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<sup>1</sup> <https://employment.govt.nz/leave-and-holidays/parental-leave/eligibility/eligibility-table/>

<sup>2</sup> <http://www.ird.govt.nz/yoursituation-ind/parents/parents-paid-parental-leave.html>

<sup>3</sup> <http://www.ird.govt.nz/wff-tax-credits/understanding/all-about/ptc/>

In addition, teachers may apply for paid or unpaid leave under the general provision at clause 6.8 STCA or 5.8 ASTCA. Leave under this provision is at the discretion of the employer.

## Leave for Partners – Act

A male or female 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.

## Maternity Grant – Collective Agreement

If you are entitled to maternity leave under the collective agreement, you may also be entitled to a maternity grant. This is a one-off payment (six weeks' full salary including any units). To be **eligible** you need to be a Group 1 female teacher who is pregnant or adopting a child (no age limit on this). It is not available in the case of a miscarriage but is available in the case of stillbirths.

To apply, you need to provide your school with:

- A completed NOV027 form (available at [ppta.org.nz](http://ppta.org.nz));
- A medical certificate confirming pregnancy or suitability as an adoptive parent from Child, Youth and Family Services (CYFS); and
- A birth certificate or evidence of an approved adoption placement.

## Further Information

[Further information on parental leave entitlements<sup>4</sup>](#) is available on the Women's Network page of the PPTA website and from your field officer.

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<sup>4</sup> <http://ppta.org.nz/communities/women/>