



You can apply for Parental Leave if:

- You or your partner (married, civil union or de facto relationship) is pregnant.
- You will be the primary carer of a child under the age of six. (You will qualify if you have permanent primary responsibility for the care, development and upbringing of a child under six e.g. grandparents with full-time care, whangai, adoptive parents or other permanent guardians.)
- You have been employed for 10 hours per week for at least 26 of the 52 weeks up to your due date or date the child comes into your care. This can be for one employer or a combination of employers - even if there were periods where you did not work.

Parental Leave is not automatic - it must be applied for in writing.

- All forms of Parental Leave must be applied for at least 3 months prior to the due date of birth.
- Leave can last for up to 52 weeks + 2 weeks for partner at time of birth.
- A partner can get Parental Leave if he/she shares responsibility of the care of the child. (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.)

Primary Carer Leave

Leave of up to 26 weeks is available when baby is due. It can be taken 6 weeks earlier in some cases.

Minimum IRD entitlement is 26 weeks tax payer funded at either \$712.17 a week before tax or your weekly rate, whichever is the lowest.

This can be transferred to the partner.

Partner's Leave

Unpaid leave of up to 2 weeks is available to the partner at the time of the birth or adoption.

- One week unpaid leave for partners with 6 months service.
- Two weeks unpaid leave for partners with 12 months service.

Extended Leave

Can be taken by either partners or shared by both to care for the child after birth or adoption.

- Up to 52 weeks (including the paid 26 weeks) if you have been working for the same employer for at least an average of 10 hours a week in the 12 months immediately before the arrival of the child.
- Up to 26 weeks (including the paid 26 weeks) if you have been working for the same employer for at least an average of 10 hours a week in the 6 months immediately before the arrival of the child.

To claim Parental Leave

Give your employer at **least 3 months written notice** of when you wish to take leave.

After agreement has been reached with your employer you need to apply for PPL from IRD.

Application forms (IR880) are available from your employer or can be downloaded from IRD website.

Special Leave

An additional unpaid leave (up to 10 days) for reasons directly associated with the pregnancy (e.g. antenatal classes, scans or doctors/midwife appointments).

The letter must contain

- The type of leave wanted.
- The date leave starts and its length.
- Doctor/Midwife confirmation of due date.
- Partners details/leave applied for if leave is being shared.
- Who is intending to assume care of the child.

KEEP A COPY OF THE LETTER.



CHECK YOUR CEA FOR ADDITIONAL ENTITLEMENTS AND INFORMATION OR CONTACT YOUR SITE DELEGATE.

Parental Leave

During parental leave, service with the employer counts as unbroken.

Periods of unpaid leave will effect your average earnings for holiday pay.

Returning to work early

If your child is miscarried, stillborn, dies or is adopted you may return to work early.

In other cases, if your employer agrees, you can return to work early.

Twenty-one (21) days notice must be given.

If you are taking permanent primary responsibility

You will need to attach with your letter:

- A certified copy of a court order placing the child in your custody.
- A copy of a letter from the Ministry or Organisation who has custody of the child confirming that you are or will be the primary carer in respect of the child.
- A copy of the application for a parenting order or adoption order (if one has been made).

Your employer must

- Let you have parental leave if you meet the conditions.
- Respond within 21 days telling you if you are eligible for parental leave and if your job can be kept open.
- An employer cannot dismiss you because you are pregnant or apply for parental leave.

Returning to work

You must give notice to your employer of when you intend to return to work at least 21 days prior to the date your parental leave ends.

On return to work, you are entitled to return to your previous position.

Your job must be kept open

For leave of less than 4 weeks (unless it is a redundancy situation).

It must also be kept open for leave of longer duration unless the employer can **prove** it is such a position for it to be impractical for a temp so as to keep the position open.

If you agree that your job can't be kept open

(These circumstances are not common, please contact your Union)

You then have a 6 month preference period during which you are offered any similar jobs that may become vacant.

You must take that job within 7 days of the starting date set by the employer.

You are still entitled to the 26 weeks paid leave.

If you don't agree that your job can't be kept open

Contact your Union for advice.

Then challenge your employers decision. Remember your employer has to **prove** the unworkability of a temp.

Prepared by the DWU Women's Committee

For more information, please contact your Site Delegate or go to <https://www.employment.govt.nz/leave-and-holidays/parental-leave/>

