



Parental leave

👉 A GUIDE FOR EMPLOYEES



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Introduction

This booklet explains employees' rights to paid and unpaid parental leave from work when they are having a baby or adopting a child under six years old. These rights are provided in the Parental Leave and Employment Protection Act 1987 (the Act).

This booklet tells you about how the main provisions in the Act apply to employees. It covers:

- entitlements for employees under the Act
- the procedures to follow when applying for leave
- the requirements around returning to work.

You can visit ers.govt.nz and calculate your entitlements using the Department of Labour's online calculator. You can also phone the Department of Labour on 0800 20 90 20 during normal business hours or contact your union for more information.

Some self-employed parents also have a right to paid parental leave. Details of entitlements for self-employed people are available on the Department's website ers.govt.nz. The Department of Labour also produces a publication outlining self-employed people's rights and responsibilities, which is available by phoning the Department of Labour on 0800 20 90 20 during normal business hours.

Employees' parental leave entitlements

Who can take parental leave?

Female employees who are having a baby can apply for parental leave. If two spouses/partners assume the care of a child they jointly intend to adopt, they can nominate which of them is primarily eligible for the parental leave payment. The nominated spouse/partner can transfer some or all of the payment to the other spouse/partner, if they are also eligible. If the adoption is by one person alone, only that person can apply for the entitlement.

You are eligible for parental leave if you have either:

- worked for the same employer for an average of at least 10 hours a week (including at least one hour in every week or 40 hours in every month) in the six months immediately before the baby's expected due date or the date you have assumed the care of a child you intend to adopt; or
- worked for the same employer for an average of at least 10 hours a week (including at least one hour in every week or 40 hours in every month) in the 12 months immediately before the baby's expected due date or the date you have assumed the care of a child you intend to adopt.

There are different entitlements available to employees depending on whether they meet the 12- or six-month criteria.

Some people may have worked for the same employer for more than 12 months but have an inconsistent work pattern and do not meet the average hours of work criteria over the 12 months. In this case, you should also calculate your hours of work over six months, as you may still be eligible for parental leave (excluding extended leave) under the six-month criteria.

What entitlements are available to my partner?

Your spouse or partner may also be entitled to leave if he or she is intending to share responsibility for looking after the child. They must also meet either the six-month or 12-month eligibility criteria as described above, or meet the self-employed eligibility criteria.

A spouse or partner is a person in a married, civil union or de facto relationship (including same-sex partners) with the mother, or primary carer who assumes the care of the child they intend to jointly adopt with their spouse/partner. They do not need to be the natural parent of the child.

How often can I take parental leave?

You can take parental leave multiple times, as long as six months elapse between each time and provided that you meet the eligibility requirements each time.

What unpaid leave is available?

Parental leave includes the following types of unpaid leave (some of which can be shared with your partner if they are also eligible).

Special leave of up to 10 days is available to a mother before maternity leave for reasons connected with pregnancy (e.g. antenatal checks). This leave is additional to the maternity and/or extended leave.

Maternity leave of 14 continuous weeks is available for employees with six or 12 months' eligible service. Maternity leave may start up to six weeks before the expected date of delivery or adoption. In certain cases, it can start earlier.

Partner's/paternity leave where the partner is an employee of either one week (for a partner with six months' eligible service), or two weeks (for a partner with 12 months' eligible service) is available. Partner's/paternity leave can be extended in certain circumstances, if parental leave payments are transferred from a mother to an eligible partner. Partner's/paternity leave is additional to the period of maternity and extended leave. Details of entitlement are available on ers.govt.nz. You can also submit a question via the website or contact the Department of Labour on 0800 20 90 20 during normal business hours for more information about this.

Extended leave is available for employees with 12 months' eligible service for up to 52 continuous weeks, less any maternity leave taken, available in the 12 months after the birth or date they have assumed the care of a child they intend to adopt. Extended leave may be shared by both eligible parents, but the total leave taken must not be more than 52 weeks. However, the one or two weeks partner's/paternity leave entitlement is additional to this 52 week period.

Both partners can take their leave at the same time or they can take it one after the other. The **Summary of paid and unpaid leave entitlements** chart (pages 9-10) shows how leave can be shared between partners.

Example

Julie (who has 12 months' eligible service) decides to take 14 weeks' maternity leave and then 26 weeks' extended leave. Her partner Jason (who has 12 months' eligible service) could have two weeks' paternity leave when the baby is born. Jason could then take the remaining 12 weeks' extended leave while Julie returns to work.

What paid leave is available?

Paid leave is available to female employees who give birth to a child or to a person who adopts a child. It is available to either parent where a couple has assumed the care of a child under six they intend to jointly adopt.

If you meet either the six- or 12-month eligibility criteria, you are entitled to paid parental leave for 14 weeks. This payment is funded by the government. This paid leave must be taken at the same time as any unpaid leave you take.

You are entitled to either your gross weekly rate of pay (i.e. your pay before tax) or the current maximum, whichever is lower.

Paid parental leave begins at the same time your parental leave begins. It continues until the 14 weeks are complete.

However, it may stop earlier if you:

- transfer the payment, or part of the payment, to your partner
- return to work before the end of the paid parental leave period
- resign from your job, or you are employed on a fixed-term agreement that expires during the paid parental leave period.

An employee's payments will stop if they return to work for any time during the parental leave period.

What special rules apply to junior doctors and teachers?

If you are a junior doctor working for a district health board (DHB) or a teacher employed by a school board of trustees, the following rules apply to work out what entitlements are available:

- If you are a junior doctor and you are required to rotate between different DHBs as part of your compulsory training, your length of service with each employing DHB will be added together for the purposes of determining whether you meet the six- or 12-month criteria for leave and payments. You will still need to meet the hours of work test.
- If you are a teacher employed by multiple boards of trustees in state or integrated schools during the eligibility period, those jobs are counted together in determining whether you meet the six- or 12-month criteria for leave and payments. You will still need to meet the hours of work test.

You can contact the Department of Labour on 0800 20 90 20 during normal business hours if you think either of these situations applies to you, or you can visit ers.govt.nz and submit a question about your entitlements.

How do parental leave provisions in my employment agreement apply?

Some employment agreements include parental leave provisions.

You may have a choice of parental leave provisions if your employment agreement has provisions that are as favourable as, or more favourable than, those in the Act.

This is lawful if the employment agreement has adequate arrangements for the following:

- Who can take parental leave.
- How long the various types of leave last.
- How well your job is protected during and after parental leave.
- What obligations, if any, the employer has to pay you during the leave.
- What procedures you have to follow.

You can use your employment agreement leave provisions if they are as favourable as, or more favourable than, those in the Act. Your employment agreement cannot change your eligibility for the government's parental leave payments, and you can receive additional payments through your employment agreement.



Summary of paid and unpaid leave entitlements

	Mother in employment meets the minimum hours test (see note 1 below) for the immediately preceding 12 months	Mother in employment meets the minimum hours test (see note 1 below) for the immediately preceding 6 months	Mother meets the self-employed minimum hours test (see note 2 below) for the immediately preceding 6 or 12 months	Mother has worked for less than six months or does not meet either the minimum hours test (see note 1 below) or the self-employed test (see note 2 below) for the preceding 6 or 12 months
Spouse/partner in employment meets the minimum hours test (see note 1 below) for the immediately preceding 12 months	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave; and • 52 weeks' unpaid extended leave (including the 14 weeks of paid parental leave). <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner.</p> <p>Spouse/partner entitled to share remaining unpaid leave up to a total of 52 weeks (including 14 weeks' paid parental leave).</p> <p>Spouse/partner entitled to two weeks' additional unpaid paternity leave.</p>	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave. <p>No entitlement to 52 weeks' extended leave.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner.</p> <p>Spouse/partner has:</p> <ul style="list-style-type: none"> • an existing entitlement of up to 52 weeks' unpaid leave (minus any maternity leave taken); and • 2 weeks' unpaid paternity leave. 	<p>Mother entitled to 14 weeks' paid parental leave.</p> <p>No entitlement to 52 weeks' extended leave, but can take as much time from self-employment as needed.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner.</p> <p>Spouse/partner has:</p> <ul style="list-style-type: none"> • an existing entitlement to take up to 52 weeks' extended leave; and • 2 weeks' unpaid paternity leave. 	<p>No leave available to mother.</p> <p>Spouse/partner has no entitlement to 14 weeks' paid parental leave. However, spouse/partner has:</p> <ul style="list-style-type: none"> • An existing entitlement to 52 weeks' unpaid leave; and • 2 weeks' unpaid paternity leave.
Spouse/partner in employment meets the minimum hours test (see note 1 below) for the immediately preceding six months	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave; and • 52 weeks' unpaid extended leave (including the 14 weeks of paid parental leave). <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner. Partner's/paternity leave may be extended to equal the period of paid leave transferred.</p>	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave. <p>No entitlement to 52 weeks' extended leave.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner, but total amount of leave available to both is 14 weeks, including one week partner's/paternity leave available to spouse/partner.</p>	<p>Mother entitled to 14 weeks' paid parental leave.</p> <p>No entitlement to 52 weeks' extended leave, but can take as much time from self-employment as needed.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner. Partner's/paternity leave may be extended to equal the period of paid leave transferred.</p>	<p>No leave available to mother.</p> <p>Spouse/partner entitled to one week's unpaid paternity leave.</p>

	Mother in employment meets the minimum hours test (see note 1 below) for the immediately preceding 12 months	Mother in employment meets the minimum hours test (see note 1 below) for the immediately preceding six months	Mother meets the self-employed minimum hours test (see note 2 below) for the immediately preceding 6 or 12 months	Mother has worked for less than 6 months or does not meet either the minimum hours test (see note 1 below) or the self-employed test (see note 2 below) for the preceding 6 or 12 months
Spouse/partner meets the self-employed minimum hours test (see note 2 below) for the immediately preceding 6 or 12 months	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave; and • 52 weeks' unpaid extended leave (including the 14 weeks of paid parental leave). <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner.</p>	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave. <p>No entitlement to 52 weeks' extended leave.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner.</p>	<p>Mother entitled to 14 weeks' paid parental leave.</p> <p>No entitlement to 52 weeks' extended leave, but can take as much time from self-employment as needed.</p> <p>Mother can transfer up to 14 weeks' paid parental leave to spouse/partner</p>	No entitlements under the Act.
Spouse/partner has worked for less than 6 months or does not meet either the minimum hours test (see note 1 below) or the self-employed test (see note 2 below) for the immediately preceding 6 or 12 months	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave; and • 52 weeks' unpaid extended leave (including the 14 weeks of paid parental leave). <p>No leave available to spouse/partner.</p>	<p>Mother entitled to:</p> <ul style="list-style-type: none"> • 10 days' special leave; and • 14 weeks' paid parental leave. <p>No entitlement to 52 weeks' extended leave.</p> <p>No leave available to spouse/partner.</p>	<p>Mother entitled to 14 weeks' paid parental leave.</p> <p>No entitlement to 52 weeks' extended leave, but can take as much time from self-employment as needed.</p> <p>No leave available to spouse/partner.</p>	No entitlements under the Act.

- 1 The minimum hours test is that, for the applicable six- or 12-month period, an employee must establish that they have worked for the same employer for an average of 10 hours per week and no less than one hour in every week or 40 hours in every month.
- 2 The minimum hours test is that, for the applicable six- or 12-month period, the person must have been self-employed for an average of 10 hours per week. Where the self-employed person is engaged in one or more type of work, concurrent work during the six- or 12-month period is treated as one period of self-employment, and consecutive work during the six- or twelve-month period is treated as one period of self-employment if the breaks between the types of work is no greater than 30 days.

Making an application

How do I apply for parental leave?

You should apply in writing to your employer. This is important, as it makes it easier to enforce your rights if there is a disagreement. In most cases, you need to give your employer a letter at least three months before the baby is due. You do not need to give three months' notice when your employer agrees to let you give less notice, or if you are assuming the care of a child with a view to adoption (which has different notice requirements).

The letter must say:

- what type of leave you want
- when you want the leave to start, and how long the period of leave will be.

If you are sharing any part of your leave with your partner, the letter must also say:

- the dates on which you and your partner plan to start and finish each period of leave
- your partner's name and, if they are an employee, the name and address of his or her employer
- that you and your partner are both eligible for the leave you are applying for
- that the total amount of leave you and your partner are taking will not be more than 52 weeks (not counting any partner's/paternity leave taken).

You must attach a certificate, or a copy of a certificate, from your doctor or midwife, stating when the baby is due. Your partner must also include a written declaration from you, when they apply for leave, stating that they are your partner and they are going to share the care of the baby, or child you are adopting.

Examples of the required letter can be downloaded from ers.govt.nz, or you can phone the Department of Labour on 0800 20 90 20 during normal business hours and they will send you a copy.

You should think carefully about the length of parental leave you want before you go on leave. If you are already on parental leave, you may not be able to extend a short period of leave, as once you have started your leave, you can only extend it if your employer agrees.

If you have assumed the care of a child with a view to adoption, you may not know in advance when you will take responsibility for the child. There are special provisions for giving notice in this situation. You can visit the website ers.govt.nz for more details or to submit a question, or you can also call the Department of Labour on 0800 20 90 20 during normal business hours.

What is my employer required to do?

After the employer receives your application for parental leave, he or she has seven days in which to ask for any required information that you may not have previously given them. This seven-day period starts from the date on which it comes to the employer's attention that the application is incomplete. You must provide this information within 14 days.

Once they have received the information, your employer must reply to the application within 21 days. The reply should state:

- whether you are entitled to take parental leave and, if not, the reasons why not
- the main rights and obligations you have under the Act, especially those relating to when you can start your leave
- whether the job can be kept open or not. If it cannot, the letter should explain that you are able to dispute that, and will have preference for similar jobs for six months after the end of the parental leave. If you disagree with your employer's decision, refer to **Problem-solving and help**, (page 19). Remember, it is very rare that a job cannot be kept open.

Examples of employer letters can be downloaded from ers.govt.nz

How do I apply for the parental leave payment?

The payments for parental leave are processed by Inland Revenue.

Once you have decided on your leave arrangements, you should make an application for paid parental leave as soon as possible. You will also need to make a special application if any of the paid leave will be transferred to your partner (if he or she is eligible).

You can obtain application forms either by downloading them from [ers.govt.nz](https://www.ers.govt.nz) or by phoning the Department of Labour during normal business hours on 0800 20 90 20.

Once you and your partner (if you intend to transfer parental leave payments to them) have completed the application forms, you should ask your employer to verify the service and payment details on the application form.

Once your employer has completed this part of the application form, you should forward the application form to Inland Revenue. Inland Revenue will normally reply within 10 working days.

Taking leave

When can I start parental leave?

If you have applied for *maternity leave*, you may start your leave up to six weeks before the expected date of delivery. In this case, you must write to your employer at least 21 days before you want to go on leave.

Your doctor or midwife can direct you to start your maternity leave earlier if they believe it is necessary for the health of you or your baby. Your employer can also direct you to start maternity leave early if you cannot continue to do your job safely or cannot perform your job adequately. If your doctor or employer directs you to take extra maternity leave, you have the right to take eight weeks' maternity leave after the expected date of birth, and your maternity leave is extended to allow that. Special rules apply in this case – contact the Department of Labour on 0800 20 90 20 during normal business hours for further details.

If you and your employer agree, you can start maternity leave at any other time before your baby is due.

Paid parental leave begins at the same time your parental leave begins.

Partner's/paternity leave can be taken in the period between 21 days before the expected date of delivery (or date you assume the care of a child with a view to adoption) and 21 days after the actual date of birth or the date you have assumed the care of a child with a view to adoption. If you and your employer agree, you can start partner's/paternity leave at any other time.

Extended leave can start any time after the end of your maternity or partner's/paternity leave.

Each kind of leave must be taken in one continuous period. You can finish your maternity or paternity leave, go back to work, and then take extended leave later. However, the right to extended leave ends when the child is one year old, or one year after you have assumed the care of a child with a view to adoption.

If you and your employer agree, you can start extended leave at any other time.

If you and your partner are both eligible for leave and you agree to do so, you can choose to share the paid parental leave or unpaid extended leave between yourselves. The **Summary of paid and unpaid leave entitlements** chart on pages 9-10 explains the mix of leave available. The total leave taken must not be more than 52 weeks (not counting the one to two weeks partner's/paternity leave).

Confirming arrangements

Once the leave period has started, your employer must write to you to confirm the arrangements made. Your employer must do this within 21 days after the date you begin taking your leave.

The letter must include the date on which you are due to return to work and remind you to write to the employer 21 days before returning to work. You are required to write to your employer 21 days before your leave ends and let them know if you are planning to return to work.

What will happen to my job when I am on leave?

Keeping your job open

Your employer must let you take parental leave if you meet the eligibility requirements set out in the Act.

Employers must almost always keep jobs open for employees on parental leave if the parental leave period is *four weeks or less*.

If you apply for parental leave of *more than four weeks*, usually the job should be kept open.

If the job is a “key position” in the employer’s enterprise and a temporary replacement is not reasonably practicable, the employer may decide that the job cannot be kept open for more than four weeks. Employees can challenge an employer’s decision not to keep the job open. In this case, employers must establish that the job is a key position. In practice, very few jobs are key positions.

If your job is a key position and cannot be kept open, your employer must give you “preference” over a six-month period after the end of parental leave for any available jobs that are substantially similar to your previous job. If you are made redundant while on parental leave, your employer must be able to justify making you redundant, and your parental leave payment would continue, see **Problem-solving and help**, pages 19–20.

Temporary replacement

Employers may hire a temporary employee on a fixed-term agreement to replace you while you are on parental leave. They must tell the replacement employee in writing that she or he is employed on a temporary basis to replace someone on parental leave, and that the person on leave may return from leave early.

Transfer

Employers may temporarily transfer a pregnant employee to another job if she cannot do her original job adequately or safely. If you believe that you have been unfairly transferred to another job, you can challenge your employer’s decision see **Problem-solving and help**.

Dismissal not allowed

Employers may not dismiss an employee for being pregnant or for applying for parental leave. There are special procedures if this happens (see **Problem-solving and help**, pages 19–20).

The Act does not prevent employees from being dismissed for legitimate reasons. However, any dismissal must be for a good reason and must be done fairly. Visit the Department's website on ers.govt.nz for advice and information or to submit a question about your rights, or contact the Department of Labour on 0800 20 90 20 during normal business hours.

What effect does parental leave have on my employment agreement?

Service entitlements

If you go back to work, your time on leave counts as unbroken service for the purposes of service-related entitlements (such as additional weeks of annual leave or superannuation schemes).

Calculation of holiday pay

If you become due for annual holidays during your parental leave or in the following year, your holiday pay is paid at the average rate of your weekly earnings over the year before you take the holidays. You are entitled to the same number of days' holiday as you would normally get, but you may be paid at a lower rate than you would otherwise be paid.

Example

Julie started her parental leave after she had worked 18 months for her employer. She became due for her second annual holiday entitlement six months after starting parental leave. She earns \$300 a week before tax but was paid nothing by her employer for the period of parental leave she took. She took four weeks' annual holidays six months after returning to work from her parental leave.

Her holiday pay for her four weeks' holiday was calculated like this:

$\$300 \times 26 \text{ weeks} = \$7,800$ total pay for the year prior to taking the holidays.

Divide $\$7,800$ by 52 weeks to get the average weekly rate over the year before she took the holiday = $\$150$ for each week of her holiday.

Superannuation

Many superannuation schemes require you to make payments while you are on leave. Ask about this when you apply for leave.

What are my options when my parental leave ends?

Notice of return

If you are intending to return to work following your parental leave, you are required to write to your employer 21 days before your leave ends and advise them of your intention to return to work.

If your employer was not able to keep your job open while you were on parental leave, you should instead tell the employer 21 days in advance the date you will be available for work. This date becomes the start of your six-month "preference" period.

Not going back to work

If you decide that you will not be returning to work when your parental leave ends, you must write to your employer and tell them this at least 21 days before your leave ends.

If you decide not to return to work during the period you are receiving the parental leave payment, your payment ceases when your employment ceases.

If you do not go back to work at the end of your parental leave, your employment will be considered to have ended on the day you started the leave, but you are not required to repay the parental leave payment.

Early return to work

You can return to work early, or start your preference period early, if your child is miscarried, is stillborn, dies, or is adopted or cared for by someone else. You should write to your employer 21 days before the date you intend to return. You may also return to work early if your employer agrees. The employer may ask for a medical certificate if you wish to return early from *maternity leave*.

Other assistance

What other assistance is available?

Working families that have children may be entitled to the parental tax credit or paid parental leave. New parents may access one, but not both, of these entitlements.

The parental tax credit is a family assistance payment administered by Inland Revenue. The number of children in a family and the family's level of income are used to calculate whether the family is entitled to the payment, and the level of the payment.

In most cases, families will receive a higher level of payment if they apply for paid parental leave. However, parental tax credit payments may be higher where a family:

- is on a low income
- is expecting the birth of, or intends to adopt, more than one child
- wishes to take only a short period of parental leave.

You can only access one of the payments, and you need to decide which is the best for you. Inland Revenue can provide you with advice on whether paid parental leave or the parental tax credit would be best for you. Phone Inland Revenue on 0800 377 777.

More information about the parental tax credit and other family assistance payments can be found on www.ird.govt.nz or by phoning IRD on 0800 227 773.

Problem-solving and help

What should I do if I have a problem relating to my parental leave?

If problems arise, use the following steps. You and your employer may be able to resolve the problem yourselves.

- 1. Be clear about the facts.** Check your facts and make sure you have not assumed or misunderstood something.
- 2. Talk to your employer.** Discuss the problem with your supervisor at work. You can ask a friend, relative or colleague to support you in the discussion. You can also ask your union or another representative to approach your employer for you. Discuss the facts so that you clear up any assumptions or misunderstandings.
- 3. Clarify whether you still have a problem and, if so, what it is.** Do not delay this step. You might want to discuss the problem with family or friends, or advisers. You may need to refer to your employment agreement and the Parental Leave and Employment Protection Act 1987.

For help you can:

- visit the Department of Labour website at ers.govt.nz for more details or to submit a question, or contact the Department of Labour on 0800 20 90 20 during normal business hours
 - talk to your union, a lawyer, community law office or employment relations practitioner.
- 4. Next steps.** If you are unable to resolve the problem through a discussion with your employer, you can do some or all of the following things:
- You can contact the Department of Labour on 0800 20 90 20, and the staff can provide further information and advice and/or refer you to mediation.
 - You can participate in mediation provided by the Department of Labour (or agree with the employer to get your own mediator). If you reach agreement, a mediator provided by the Department of Labour can sign the agreed settlement, and that will be final and binding.

- If the dispute relates to the amount of leave or level of payment, a Labour Inspector can investigate for you. Contact details for Labour Inspectors are available from [ers.govt.nz](https://www.ers.govt.nz) or by phoning 0800 20 90 20.
- If the problem cannot be resolved with your employer, you must put your complaint in writing for all subsequent consideration of the complaint.
- You can take the problem to the Employment Relations Authority for a decision (see below) and, if not satisfied with a determination of the Authority, go to the Employment Court for a judicial hearing.

Making a complaint to the Employment Relations Authority

If mediation does not resolve the problem, or you are not satisfied with the result of a Labour Inspector's investigation of the level of payment, you can take a parental leave complaint to the Employment Relations Authority for investigation.

You can complain under the Parental Leave and Employment Protection Act if your employer:

- wrongly tells you that you are not entitled to parental leave
- refuses to keep your job open without good reason
- dismisses you because you are pregnant or assuming the care of a child with a view to adoption, or for reasons connected with you or your partner's parental leave
- does something to disadvantage you in respect of your parental leave rights
- unfairly tells you to start maternity leave early for safety reasons or because he or she believes you cannot do your work adequately
- unfairly transfers you to another job for safety reasons or because she or he believes you cannot do your work adequately.

A complaint must be made before the latest of 26 weeks after the action you are complaining about, 26 weeks after the expected date of birth, or eight weeks after the end of your parental leave.

You can also apply to the Employment Relations Authority for a review of a decision made by the Department of Labour about your eligibility for a parental leave payment. An application for review must be made within 12 months after the date on which you were notified of the decision. The Authority may confirm, modify, or reverse the decision of the Department.

If you want advice on what to do, visit ers.govt.nz for information about applying to the Authority, or call 0800 20 90 20 during normal business hours.

Discrimination

As well as your rights under the Parental Leave and Employment Protection Act, you are protected against discrimination on the grounds of sex (including pregnancy and childbirth) in your employment under the Human Rights Act 1993 and the Employment Relations Act 2000.

To find out more about the procedures that apply under both, visit the Department's website on ers.govt.nz or phone the Department of Labour on 0800 20 90 20 during normal business hours, or contact the Human Rights Commission on 0800 4 YOUR RIGHTS (0800 496 877).

WHERE CAN I GET FURTHER HELP?

The Department of Labour has developed a web-based calculator to help you calculate your entitlements, and to obtain the forms referred to in this publication. It is customised to provide clear advice to birth mothers and their partners, and employers. You can access it yourself on ers.govt.nz or phone the Department of Labour on 0800 20 90 20 during normal business hours.

When complete, the calculator provides a full outline of your entitlement (based on the information you have provided) and gives instructions on how to access that entitlement.

You can also get help by contacting:

- your union
- employers' organisations
- Citizens' Advice Bureaux
- community law centres.

Human Rights Commission

You can contact the Human Rights Commission if you think you have been discriminated against:

- Call free on 0800 4 YOUR RIGHTS (0800 496 877) or email infoline@hrc.co.nz
- Visit the Commission's website at www.hrc.co.nz
- TTY (Teletypewriter 0800 150 111)

Other information

Many people, including employers, can help employees balance family and paid work responsibilities. The EEO Trust, jointly funded by employers and government, has information and suggestions.

Contact the Trust at:

Ellerslie Tower
Level 5, 56 Cawley Street
Ellerslie, Auckland.
PO Box 12 929
Penrose, Auckland 1642

Tel (09) 525 3023
Fax (09) 525 7076
email admin@eeotrust.org.nz

Or visit the website: www.eeotrust.org.nz

You can also:

- check for crèche facilities in or near your workplace when planning your leave
- make use of parent support organisations or agencies.

↙ FOR FURTHER INFORMATION ON EMPLOYMENT RELATIONS VISIT WWW.DOL.GOVT.NZ OR PHONE **0800 20 90 20**

DOL111539 OCT 08

Department of Labour
TE TARI MAHI

