

New Zealand¹

Annick Masselot (University of Canterbury) and **Suzy Morrissey** (University of Auckland)

April 2021

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology: In the New Zealand country note, 'parental leave' is used as a generic term to cover 'primary carer,' 'partner' and 'extended' leaves, as well as related payments for new parents and eligible carers.

a. Primary carer leave (paid parental leave, previously termed 'maternity leave': see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment, with the Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- 26 weeks. An employee can start their Primary carer leave up to six weeks before the expected date of delivery or the date on which the employee will become the primary carer of the child. Primary carer leave must be taken in one continuous period but there is no requirement to start the leave before the birth. It is not obligatory to take leave.

¹ Please cite as: Masselot, A. and Morrissey, S. (2021) 'New Zealand country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G., and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- In addition to the Primary carer leave, pregnant women can also take up to ten days unpaid special leave for pregnancy-related reasons such as antenatal classes, scans or midwife appointments.

Payment and funding

- 100 per cent of earnings, up to a limit of NZD\$606.46 [€355.55]² per week before tax. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of ten hours' pay at the highest rate of the minimum wage, receive a minimum rate of NZD\$189 [€110.80] before tax per week. Payment is indexed annually as of 1 July 2020 for each year, according to upward movements in average weekly earnings.
- Funded from general taxation.
- No pension credits are accrued during the leave period.
- The maximum payment is lower than the minimum wage.

Flexibility in use

- Usually, Primary carer leave commences six weeks before the due date for the woman who gives birth and who will take care of the child. If another person takes care of the child, Primary carer leave starts on the date that the employee becomes the primary carer in respect of the child. However, an employer and an employee can agree for Primary carer leave to start at any other time before the baby is due.
- In addition, Primary carer leave can start earlier if it is necessary for the health of the mother or baby, or where a mother cannot continue to perform her job safely or adequately. Where a mother is directed by her doctor or her employer to start Primary carer leave early, she retains the right to take 20 weeks' leave after the expected date of birth, with the overall leave period being extended accordingly (i.e. in such cases, more than 26 weeks of Primary carer leave can be taken).
- While the leave may be extended, the payment is only extended where the child is pre-term. This means that a mother may have access to longer Primary carer leave, e.g. 28 weeks, but will only receive 26 weeks' payment (unless pre-term payment applies). Any additional leave is deducted from the total period of Extended leave.

² Conversion of currency undertaken for 21 June 2021 using: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-nzd.en.html.

- The 'primary carer' is the birth mother who is pregnant or has given birth, but she may transfer any or all of the leave period and payment to her partner/spouse (including *de facto* and same-sex partners), or to another person who takes permanent primary responsibility for the care, development, and upbringing of a child who is under six years of age.
- An employee is able to perform up to 64 hours of paid work, during the period they receive benefit payment, if that work is performed on 'Keeping in Touch' days. These are agreed between employer and employee and are able to be used from 28 days after the date on which the child is born.
- Where an employee does not qualify for Primary carer's leave, but is entitled to Parental leave (primary carer) payments (e.g. they may have multiple employers, work casually, or on a seasonal basis), they may request a period of 'Negotiated carer leave.' For example, a full-time permanent employee who has changed jobs in the last 5 months does not meet the criteria to take Primary carer's leave as the criteria requires continuous employment for the same employer for six months. However, that employee meets the criteria for 'Parental leave payment' which do not require work to be with the same employer, but will only be able to obtain this payment if s/he can take Negotiated carer leave (and is the primary carer).

Eligibility (e.g. related to employment or family circumstances)

- Eligibility criteria for Primary carer Leave are distinct from eligibility criteria for the payment made for the Primary carer leave (entitled 'Parental leave payment').
- The person who is the child's primary carer and who has worked for the same employer for at least an average of ten hours a week (in the six or 12 months immediately before the expected date of delivery) is eligible for Primary carer leave. The mother (i.e. the woman who has given birth) determines who is the 'primary carer', as she is allocated the leave and signs the documents to transfer it; the 'primary carer' can be someone who is not a biological parent to the child (e.g. same-sex partner or relative of either biological parent).
- An employee meets the eligibility for Parental leave payment if they have been employed for at least an average of ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Self-employed people similarly meet the eligibility for parental leave payments where they have been self-employed for at least ten hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- If the birth mother transfers leave and payment to another 'primary carer', the person to whom it is transferred must meet

the eligibility conditions for payment (i.e. have the required continuity of employment).

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- A person eligible for parental leave payments is also entitled to an additional payment – the pre-term baby payment – of up to 13 weeks where their child is born alive before the end of the 36th week of gestation (depending on the number of weeks that it is born prior to the 36th week).
- An employee who receives a pre-term baby payment may also work up to a total of three hours multiplied by the number of weeks in the payment period, in addition to the 'keeping in touch' days available during the parental leave payment period.
- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the birth mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Primary carer's leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).

b. Partner's leave (previously termed Paternity/partner leave: see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment)

Length of leave

- One or two weeks (five or ten working days) depending on eligibility.

Payment and funding

- None.

Flexibility in use

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

Eligibility

- Employees may take partner's leave if they are the spouse or partner of the primary carer of a child, and they have worked for the same employer continuously for at least an average of ten hours a week in the six or 12 months immediately before the expected date of delivery. If they have met the hours test, in the six months immediately before the baby's expected due date, they are eligible for one week of leave. A spouse/partner who meets the hours requirement and has worked for the same employer for 12 or more months continuously, is entitled to two weeks' leave.
- Self-employed workers, who have been self-employed for a minimum of ten hours per week, in the six or 12 months immediately before the expected date of delivery, are eligible.
- Same-sex parents are eligible.

c. Extended leave (responsibility of the Ministry of Business, Innovation and Employment)

Length of leave

- Up to 52 weeks' leave may be taken in the 12 months after birth, including any Primary carer leave (previously referred to as Maternity leave); Partner's leave (previously referred to as Paternity/partner leave) is additional. Extended leave is a family entitlement.

Payment and funding

- None. There are also no pension credits.

Flexibility in use

- Leave may be shared by both the eligible primary carer and their eligible partner/spouse. They can take their leave at the same time or consecutively.
- Extended leave may be taken as one or more periods of leave and can be started following Primary carer leave, partner's leave, or after a period of return to work. However, the right to the leave ends when the child is six months or one year of age (or six months or one year after the employee becomes the primary carer of a child), depending on the length of leave applicable. Therefore, where one parent meets the 12 month criteria and the other parent meets the six month criteria, the person who has only worked for six months cannot take more than 26 weeks of the total 52 weeks (less the number of weeks primary carer leave taken up to 26 weeks) available to the couple.

Eligibility (e.g. related to employment or family circumstances)

- Extended leave of 26 weeks is available to employees who have worked for the same employer for an average of at least ten hours per week, in the six months immediately before the baby's expected due date, or the date a parent assumes the care of a child under six years of age that they intend to adopt.
- Extended leave of 52 weeks is available to those employees who have worked for the same employer for 12 months. Where one partner is only eligible for 26 weeks, they are not able to use more than that length of the extended leave entitlement, but when combined with a partner eligible for 52 weeks, the longer leave period is available to that partner.
- Self-employed workers are eligible.
- Same-sex parents are eligible.

Variation in extended leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the parents

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some collective agreements allow parents to access additional provisions, usually payments and longer leave periods – these are most commonly found in the public sector. These agreements are in addition to, and cannot override, the minimum statutory provisions.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.

- Note that parental leave payments are also available to eligible permanent primary carers other than the biological parents and formal adoptive parents.

Time off for the care of dependants

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer, with no payment limit. This leave can be used in the case of the illness of the employee/spouse/partner/dependant.

Flexible working: the right to request and the duty to consider

- All employees have the statutory right to request a variation to their hours of work, days of work, or place of work. A request can be made at any time, for any purpose or reason, and there are no limits on how many requests can be made in any period. Furthermore, there is no requirement for an employee to tell an employer the reason for the request. Employers have a duty to consider a request, and are able to refuse a request on one or more of the recognised business grounds, or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong decision about their eligibility to apply for flexibility, or where the employer has not complied with the statutory, described process for considering a request.

Specific provision for (breast)feeding

- Employees are entitled to request breaks to breastfeed. Employer can refuse the request on the grounds that the break would disturb the operation of the business. There is no requirement that these breaks should be paid.³

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is 12 months, but at least half of this is unpaid and leave is paid at a high rate for only 26 weeks. There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age, though only for part-time nursery education (for a maximum of six hours' attendance per day and 20 hours per week).

³ Section 69Y from the Employment Relations Act 2000. Available at: <http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1940663.html>.

There is, therefore, a two year gap between the end of leave and an ECEC entitlement and a gap of two and a half years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are above the average for both the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3.Changes in policy since April 2020 (including proposals currently under discussion)

The current legislation has included a series of increments in the length of the Primary carer leave from 18 weeks to 22 weeks on 1 July 2018, with a further increase to 26 weeks from 1 July 2020.

Policy response to the COVID-19 pandemic up to end April 2021

Childcare and schools

- The New Zealand government adopted a clear 4-Level Alert system on 21 March 2020. Since May 2020, two instances of Covid community transmission were identified prompting a rise to Alert Level 3 in Auckland and Alert Level 2 in the rest of the country for short periods in August 2020 and in February/March 2021.
- Over the period of Alert Level 4 (26 March to 27 April 2020) New Zealand was in complete lockdown. ECEC centres and schools were wholly closed.
- Essential businesses can resume under Alert Level 3 lockdown (28 April to 13 May 2020 for the whole of New Zealand and in addition for Auckland only 12-30 August 2020; 14-17 February 2021 and 28 February-7 March 2021). Schools and ECEC centres were able to slowly reopen from around 29 April 2020, though learning and working from home was still encouraged. Children of essential workers in essential services were a priority so that parents could return to work (essential services provide for the necessities of life, including food, medicine, healthcare, energy, fuel, waste-removal, internet and financial support).
- At Alert Level 2 lockdown, schools and ECEC are open for all children.

Parental leave

- During Alert Level 4 and 3 lockdowns (26 March-13 May 2020 for the whole of New Zealand; 12-30 August 2020, 14-17 February

2021 and 28 February-7 March 2021 for Auckland only), temporary changes were made so that some workers could go back to work without losing their remaining entitlement to leave and associated payments and protections. This covers workers needed to return early because of Covid as their skills, experience or qualification meant that no one else could fill their role, or that there was a high demand for workers in their particular role. Under these changes, workers could return to work for up to 12 weeks and then go back on Primary care, extended or partner leave. Employers, however, cannot require an employee to return to work if they would like to remain on parental leave.

Other measures for parents and other carers

- The Wage Subsidy Scheme and the Wage Subsidy Extension have been put in place to help businesses and workers adjust to the initial impact of Covid, and to avoid businesses having to lay off their staff or reduce their hours. The Wage Subsidy Scheme is designed to support employers and their staff to maintain an employment connection and ensure an income for affected employees during Alert levels 3 and 4. It supports employers adversely affected by Covid, so that they can continue to pay their employees, and supports workers to ensure they continue to receive an income, and stay connected to their employer, even if they are unable to work their normal hours. For a business to be eligible, there had to have been at least a 30 per cent decline in actual or predicted revenue over a given lock down period when compared with the same month last year. Subsidy rate under both schemes are NZD\$585.80 [€343.44] per week for full-time employees (where full-time is 20 hours or more per week) and NZD\$350 [€205.19] per week for part-time employees, where part-time is less than 20 hours per week. Under both schemes, 'the employer must make their best endeavours to pay employees at least 80 per cent of their normal salary or wages...[and] pass on at least the full value of the relevant subsidy rate except where the employee's normal wages are less than the relevant subsidy rate.'
- Recipients of welfare benefits received an extra NZD\$25 [€14.66] per week as part of the COVID-19 relief package. The Winter energy payment was also increased making it NZD\$1400 [€820.78] for couples with dependent children and NZD\$900 [€527.64] for singles.

4. Uptake of leave

The government does not currently routinely collect data regarding uptake of leave.

An (unpublished) survey of public sector employees regarding uptake of leave by partners was conducted in 2017.

a. Maternity leave/primary carer's leave

No information available.

b. Paternity leave/partner's leave

No information available.

c. Parental leave/extended leave

No information available.