



NEW ZEALAND
FOREIGN AFFAIRS & TRADE



New Zealand Ministry of
Foreign Affairs and Trade
Manatū Aorere

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Personal details removed for proactive release

I refer to your email of 11 April 2019 in which you request the following under the Official Information Act 1982 (OIA):

"...- parental leave policies, procedure and arrangements for your organisation

- this should include: parental leave payments and 'top-ups', leave for partners' or secondary carers, pay review while on leave, any payments on leave accrued while on parental leave (is this the full rate?), flexible work arrangements, Kiwisaver contributions, and any contributions towards childcare..."

Please find attached the Ministry's current Parental Leave Policy. We have also attached excerpts from our suite of policies for childcare, flexible work arrangements, and retirement savings where they are relevant to your request.

Please note that this letter (with your personal details redacted) and enclosed documents may be published on the Ministry's website.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely

Wendy Adams
for Secretary of Foreign Affairs and Trade

5. Parental leave

Policy Principle:

Parental leave is available to enable staff to prepare for, give birth or adopt and to care for a new born baby or adopted child and to be guaranteed a position with the Ministry at the conclusion of this leave. In addition to meeting legislative requirements the Ministry provides enhanced parental leave provisions to its staff which are:

- Payment of annual leave owed during parental leave (52 weeks) at the greater of average weekly earnings or ordinary weekly pay provided the staff member returns to work
- The potential for staff to take an additional Special Period of Absence (SPA) of up to 52 weeks unpaid leave
- Deferred extended leave and Special Period of Absence for staff on a posting
- The option of partner leave offset against the ex-gratia payment
- An ex-gratia payment of up to six weeks salary on return to work

Policy Requirements:

Parental Leave

1. Parental leave of up to 52 weeks is available to employees with 12 months eligible service and 26 weeks is available to employees with six months eligible service. This is made up of different types of leave and referred to below.

Parental Leave Make Up

2. The following types of unpaid leave make up Parental Leave:
 - Primary carer leave of up to 22 weeks
 - Extended leave
 - Partner leave

Maximum Period

3. The combined total of primary carer leave and extended leave cannot be more than 52 weeks.

Eligibility

4. Staff (open tenure and fixed term) are eligible for parental leave in the following circumstances:

- If they have worked for the Ministry for at least an average of 10 hours per week in the six or 12 months immediately before the baby's expected due date or the expected date they assume responsibility for the care of a child under six years
- There are different entitlements available to staff depending on whether they meet the six or 12 months criteria as set out in the following table:

| If staff have worked for the Ministry immediately preceding the expected date of the birth of a baby or date they expect to assume responsibility for a child under 6 years or have returned to work from a previous period of parental leave: | Then staff are entitled to parental leave of: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 months or more (for an average of at least 10 hours a week) | 52 weeks (including any period of primary carer leave taken) which ends on the first birthday or first anniversary of the birth or adoption of the baby or child. |
| 6-12 months (for an average of at least 10 hours a week) | 26 weeks (including any period of primary carer taken) this ends on the six month anniversary of the birth or adoption of the baby or child. |

Partner Leave

5. Unpaid partner leave of up to two weeks is available to:

- The partner of the primary carer who is assuming responsibility for the care of a baby or child under six years child
- The partner of the adoptive parent assuming the care of a child under six years with a view to adopt

provided that at the expected date of delivery of a baby or assumption of responsibility for the care of a child under six years

6. There are different partner leave entitlements available to staff depending on whether they meet the 6 or 12 months criteria as set out in the following table:

| If staff have worked for the Ministry immediately preceding the expected date of birth of a baby or assumption of | Then staff are entitled to partner leave of: |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|

| | |
|----------------------------------------------------------------|----------------------|
| responsibility for a child: | |
| 12 months or more (for an average of at least 10 hours a week) | two continuous weeks |
| 6-12 months (for an average of at least 10 hours a week) | one continuous week |

7. Staff entitled to unpaid partner leave can choose to offset two weeks of the six week ex-gratia payment for the partner leave. The staff member and payroll will agree on the best approach for the staff member and action accordingly.

Notification

8. Subject to paragraph 4 above, staff must provide at least three months written notification of their intention to take parental leave. The Ministry (through the staff person's manager and HRBP) must ensure that written confirmation is provided to the staff person within 21 days of their notification.
9. In the event that a staff member and their manager are unable to agree on either departure date from post (as per paragraph x below) or date of commencement of primary carer leave (in the event of taking a significant period of leave in advance of the birth), a staff member may request the assistance of their HRBP to ensure the matter is satisfactorily settled.

Payment

10. Staff may be eligible for a government funded parental leave payment if they will be the primary carer. The application needs to be made by the staff member to IRD. This applies to staff and those with non-standard working arrangements such as casual or fixed term employees. Pre-term government funded baby payments are also available to those meeting the eligibility criteria.

Special Leave

11. Staff who are pregnant are also entitled to take up to 10 days special leave (unpaid) for reasons connected with the pregnancy (e.g. to attend antenatal checks, scans or mid-wife appointments) prior to taking primary carers leave. Sick leave should not be used for this purpose.

Parental Leave Eligibility for Staff on a Posting

12. If a staff member or their partner is due to give birth whilst on a posting offshore or assumes care of a child under six (including adoption in an offshore country where the adoption is in accordance with that country's adoption laws), the staff member is eligible for parental leave provided they meet the eligibility criteria as outlined in paragraph 4 above.
13. Staff may opt to shorten their posting and return to New Zealand to take their parental leave. In this situation the Ministry will meet the full transfer costs back from post. The staff member is required to provide the HOM/HOP with as much notice as possible of their intent to shorten their posting and but at least a minimum of four months' of their intended

departure. Agreement with the HOM/HOP on the actual date of departure should be reached within one month of the staff member advising of their intent to shorten the posting. The departure date must also take into account the need for the staff member to be able to fly in accordance with airline rules.

14. The maximum period of parental leave that may be taken at post is 22 weeks. Staff who opt to remain at post and take this 22 weeks of parental leave will be required to return to their position at post at the conclusion of this period. The remainder of their parental leave to which they are eligible must then be deferred as set out in paragraphs 8 and 9 below.

Deferral of Parental Leave

15. If a staff member or their partner gives birth whilst on a posting offshore or assumes care of a child under six years, the staff member at post may apply to defer their parental leave entitlement, minus any primary carer leave taken at post, until the end of the posting assignment. In such cases, parental leave and any special period of absence must be taken:

- After the staff member completes their posting
- Prior to the staff member resuming duties with the Ministry in the location of their position in New Zealand

16. Staff who choose to defer parental leave are not required to meet the age restrictions for eligibility for parental leave as set out in the table in 4) above.

Special Period of Absence

17. In addition to parental leave, the Ministry will approve a special period of absence (SPA) of up to 52 weeks to a staff member who is an employee and eligible for parental leave. This is to enable the staff member to care for the child and to spend additional time with their child before returning to work.

Position Kept Open

18. Whilst staff are on Parental Leave, Partner Leave or SPA, the staff member's position or position at their personal grade is to be kept open or filled on a temporary basis for the staff member to return into at the conclusion of their leave or period of absence.

19. In the event that the Ministry is unable to keep the position open or fill it on a temporary basis the Ministry will provide a suitable alternative position that is substantially similar to the position the staff member held prior to departing on parental leave or SPA. A Special Adviser role may also be provided pending the appointment of the staff member into a suitable alternative position.

Ex-Gratia Payment

20. An ex-gratia payment of up to six weeks' salary is available to staff who have taken parental leave, once they have returned to work following this parental leave or SPA.

Application Process

21. Staff must apply to their manager for parental leave or partner leave at least 3 months before the expected due date. A medical certificate or note signed by the mid-wife must accompany the application. Once approved staff will receive written advice of this from their manager.
22. Staff must apply for SPA either when they apply for parental leave or at least 3 months prior to the preferred start date of the SPA.
23. Staff must apply for the ex-gratia payment as soon as possible after return to work.

Resources:

Parental Leave Application Form

Parental Leave procedures document

IRD Paid Parental Leave Application Form

Application for Ex-Gratia Payment

Released under the Official Information Act

12. Childcare

Policy principle:

The Ministry recognises the challenges inherent in balancing child care responsibilities with work. Accordingly the Ministry supports the participation of staff in the work place through contributing toward the cost of childcare by:

- paying a child care subsidy to eligible staff for actual childcare costs up to a yearly maximum as set out in the policy requirements.
- providing an equalisation allowance to eligible staff on a posting, to meet the actual child care costs paid by the staff member that are over and above the Wellington average child care costs, up to a maximum of the average child care costs at post. This equalisation allowance ensures that staff can more readily access posting opportunities to support the development of their career within the Ministry.
- subsidising up to 20 hours of child care costs, for eligible staff on a posting, for pre-school children aged 3-5 (noting that the government provides a capped 20 hour subsidy for staff onshore with preschool 3-5 year old children).

These provisions do not apply to staff employed at post.

Policy requirements:

Child Care Subsidy

1. Staff who meet the eligibility criteria as set out below may claim childcare costs to a maximum of up to \$750 net per quarter per child and up to \$3,000 net per year. The claim may be made for each child who is under the age of eligibility to enrol and commence primary school.
2. These costs will be indexed for positive index posts.
3. These costs will not be payable where the Ministry is already meeting pre-school costs due to a host country requirement that children must attend pre-school (i.e. schooling before the age of 5).
4. For each child at school and aged from 5 to 13 years (ending when the child turns 14 years old), after-school care costs, or holiday programme costs, to a maximum of up to \$250 net per quarter per child and up to \$1,000 net per year may be claimed.
5. The actual childcare subsidy will be reduced by 50% where the staff member works less than 21 hours per week.

6. The subsidy will be paid as the gross amount so that it includes personal tax to be paid on the reimbursement and subject to the deduction of student loan repayments, child support, and KiwiSaver where applicable.

Equalisation Allowance

7. Staff at post who meet the eligibility criteria as set out below, are responsible for paying the full cost of child care at post, less any applicable Ministry subsidised 20 hours preschool education or child care for children aged 3-5 years old before they start school (see para 17).
8. Eligible staff may then claim an equalisation allowance, on a quarterly basis. The amount of the allowance is calculated as the difference in the actual child care costs paid by the staff member at post for the quarter, where those costs are in excess of the average quarterly Wellington child care costs, up to a maximum of the average quarterly child care costs at post, as calculated in paragraph 12 below.
9. The amount of the equalisation allowance will be paid as a gross amount so that it includes personal tax to be paid on the equalisation allowance, and subject to the deduction of student loan repayments, child support, and KiwiSaver where applicable.
10. Once any applicable equalisation payment has been calculated, the child care subsidy as set out above (para 1 to 6) for any residual child care costs may then also be paid.
11. Seconded staff in locations where the average cost of childcare is less than that of the average cost of child care in Wellington will not be eligible to claim for the equalisation allowance but will be able to claim for the reimbursement of child care costs as set out above (para 1 to 6).

Equalisation Calculation

12. The average child care costs in Wellington and at post locations will be updated every two years using the following data:
 - a. The average for Wellington includes childcare centres across Wellington (including Wellington CBD, Wellington suburbs, Hutt Valley, Petone, and Porirua), as well as small group home-based care and in-home nannies. An average for children under 3 years old and an average for children aged 3-5 will be calculated to take account of the ECE 20 hours government subsidy.
 - b. Employment Conditions Abroad International (ECA) will provide data for overseas locations based on expatriate suitable centres in expatriate suitable areas of the city that are typically used (or have been used) by staff on posting.
13. The average cost of child care at post (or actual costs where these are less than the average cost of child care at post) will be converted to NZD using the ECA exchange rate to enable direct comparisons to be made. The average Wellington and average post child care cost (or actual costs where these are less) will be compared after any applicable Ministry subsidised 20 hours of child care, for children aged 3-5 years old, has been subtracted.

14. The rates are to be pro-rated based on the actual hours of child care staff are paying for at post to determine the prorated equivalent equalisation allowance.
15. This allowance will not be payable where the Ministry is already meeting pre-school costs due to a host country requirement that children must attend pre-school (i.e. schooling before the age of 5).

20 Hour Child Care Subsidy

16. For staff onshore the applicable hourly rate for the 20-hour government subsidy is based on the all-day teacher-led centre-based services for 20 hours' early childhood education (ECE) <http://www.education.govt.nz/early-childhood/running-an-ece-service/funding/ece-funding-handbook/appendix-one/>
17. For staff on a posting who meet the eligibility criteria as set out below, the Ministry will fund a 20-hour subsidy at the full cost of childcare per week, for children aged 3-5 before they start school.

Eligibility

18. The eligibility criteria for the child care subsidy, and, for staff on a posting the equalisation allowance and the 20 hours of Ministry subsidised child care are:
 - staff must be employed by the Ministry on a permanent basis or for fixed term staff, have completed a 12 month qualifying period prior to registering
 - the child/ren must normally reside with the staff member. Where the child / children do not normally reside with the staff member the amount of child care that may be claimed is proportionate to the time the child / children have resided with the staff member for during quarter the child care costs are being claimed for.
 - the partner of the staff member must be in paid work or is studying
 - the child/ren must be enrolled in regular childcare or pre-school education for 21 hours or more per week because of staff work commitments, and partner work or study commitments, or
 - if the child/ren are enrolled in regular childcare for less than 21 hours per week because of staff work commitments, and/or partner work or study commitments, staff are eligible for 50 percent of the childcare entitlement.

Claiming Child Care Costs

19. To claim for the child care subsidy and any applicable equalisation allowance, staff must complete the claim form and ensure that the form is then:
 - approved by the staff member's manager
 - forwarded to payroll by the staff member once approved

20. of the child care subsidy is calculated retrospectively each quarter. The Ministry cannot provide the childcare subsidy for child care costs that are incurred prior to that quarter.

Released under the Official Information Act

1. Hours of work

Policy principle:

Required hours of work and the times of day or days during which these hours are to be worked are specified in employment agreements. Senior staff are expected to work the hours required to deliver on the requirements of their role. The Ministry recognises the importance of staff having flexibility around work hours to maintain a work/life balance. In turn, there may be some situations where the Ministry's business deliverables require staff to be available during certain hours of the day or for longer periods to meet a temporary surge in work requirements.

Policy requirements:

Regular hours of work

1. Managers determine overall hours of work for a position, or group of positions, based on business need. The required hours of work are determined at the time a position is established and are notified when the position is advertised. The hours of work are specified in the employment agreement of the person appointed to fill the position.

Flexibility

2. While managers determine the regular pattern of hours to be worked between 7am and 7pm, Monday to Friday in general, staff on and offshore (subject to local labour law for LES) have flexibility to complete their required hours of work between the standard hours of 7am and 7pm, Monday to Friday, subject to any security clearance restrictions.
3. Staff should agree how the required hours of work as specified in their employment agreement will operate in practice with their manager. Staff who have particular or regular commitments that make them unavailable at certain times (e.g. early in the morning or late in the day) should discuss these circumstances with their manager.
4. Any ongoing changes to regular hours should be agreed with the staff member's manager.
5. Every effort will be made to accommodate individual circumstances, taking into consideration the requirement to seriously consider such requests from staff.
6. Staff are also expected to be flexible to ensure availability where the Ministry's business needs require this.
7. In specific cases, staff may be requested to work outside these regular hours.

Breaks during the day

8. Staff are expected to take refreshment breaks during the day, of the equivalent of two 10 minute breaks and a minimum of 30 minutes (unpaid) lunch break.
9. The Ministry supplies the basic staples for hot drinks.

2. Part-time work

Policy principle:

Positions may be established with part-time hours in order to meet business need, or managers may provide the opportunity for staff to reduce their hours of work at their request (i.e. to work part-time) where core business outcomes will not be affected.

Policy requirements:

Requests to work part-time

1. It is recognised that some managers and staff may want to work part-time. Managers will consider such requests on a case-by-case basis. Managers will endeavour to accommodate requests to work part-time, either for a temporary period or on a permanent basis, and to be flexible in recognising differing staff situations and life-stage changes.
2. The Ministry also supports staff in determining the actual part time hours that they will work, in the way they structure their working day and working week, to the extent that their position role can enable this.
3. Part-time work is not an automatic entitlement. Some positions within the Ministry are not suitable for part-time work and the cost of seconded staff working part-time at post would need to be a particular consideration given housing and other costs.

Expectations of part-time staff

4. Role expectations need to be tailored appropriately. Work quality and performance should continue to be assessed at the relevant level for that staff member.
5. There may be a business need for a temporary increase in work hours for a part-time staff member. There may be different solutions that would effectively cover the increase in work hours (e.g. substitute another day, time in lieu, additional remuneration for the extra hours worked).

6. Working from home

Policy principle:

The Ministry recognises that there are benefits to staff having the flexibility of being able to work from home for periods of time. Accordingly, such arrangements will be enabled to the extent that operational requirements, security and health and safety considerations will allow.

Policy requirements:

Definition

1. Working from home refers to an arrangement that is approved for an extended period. For the purposes of this policy, working from home does not include for example, staff spending the occasional day at home to get some quiet time to write a report, due to a sick child, or due to a civil incident or health or safety issue where working from home as a short term temporary solution is preferable to staff travelling in to work.

Arrangements

2. Working from home arrangements may include working part of the week or fortnight from home, or working from home on a full time basis for an extended period.

Operational Requirements

3. Operational requirements and business needs of the Ministry are not necessarily conducive to working from home. This is because:
 - there are security issues around the nature of some of the Ministry's work
 - the ability to discuss issues face to face with colleagues is often crucial for the Ministry's work

Manager Expectations

4. Managers will duly consider and approve working from home arrangements on a case-by case basis. Managers are expected to enable working from home arrangements to the extent that this is feasible without undue disruption to the workplace. The primary determinants in constructing any working from home arrangements

are business need and the need for a level of flexibility to accommodate the personal situation of staff.

5. Managers will ensure that they are able to engage in ongoing monitoring and feedback conversations on the performance of staff who have approval to work from home.

Staff Expectations

6. Staff will ensure they are suitably equipped to work from home and are in ready communication with the Ministry as needed.
7. Staff will ensure that, notwithstanding any working from home arrangement that has been agreed, they will make themselves physically available at work as the need arises.

Equipment

8. Any equipment provided by the Ministry remains the property of the Ministry, must be used for work purposes only and returned to the Ministry at the conclusion of the working from home arrangement.

Health and Safety

9. The manager and the staff member will work together to ensure that the working from home physical working environment is suitable from a health and safety perspective.

Documentation

10. An approved working from home arrangement must be documented setting out the nature of the arrangement and the expectations and requirements of both the Ministry and the staff member.

Review of the Arrangement

11. The working from home arrangement will be periodically reviewed with the timing of this to be on a case by case basis and appropriate to the working from home arrangement but with an expectation of a review at least once every three months.

Released under the Official Information Act

6. Retirement savings

Policy principle:

The Ministry is committed to assisting employees to save for their retirement. The total fixed remuneration package of an employee may include employer contributions to one of the following schemes provided the employee is entitled to be a member of the scheme: Kiwisaver, GSF, IRP, or SSRSS. This does not apply to LES.

Policy requirements:

Kiwisaver

1. On appointment to the Ministry, a staff member is automatically enrolled into Kiwisaver unless they specifically opt out within the requisite time frame. www.kiwisaver.govt.nz/new/opt-out/