



Notice for employees on government-funded parental leave payments (paid parental leave)

An employee is entitled to up to 26 weeks payment for parental leave if she or he meets the eligibility criteria for parental leave, and takes leave as the primary carer.

The primary carer may transfer some or all of the parental leave payment entitlement to his or her partner ('partner' includes same or different sex spouse or de facto partner), if they are also an employee or self-employed person, are taking parental leave, and meet the eligibility criteria for a parental leave payment.

Eligibility

A birth mother, or a person becoming the primary carer permanently responsible for a child under 6 years (eg through adoption or 'home for life' but not foster care), can get a parental leave payment if they:

- › have worked as an employee (this doesn't have to be for the same employer) for at least an average of 10 hours per week over any 26 of the 52 weeks just before:
 - › the baby's due date (if the child is being born to you or your spouse or partner), or
 - › in any other case of a child under 6 years, the date when you or your spouse or partner becomes the primary carer of the child, and
- › have received a parental leave payment for another child, this ended at least 6 months ago; and
- › are becoming the permanent carer of a child under 6 years old, the person and their spouse or partner haven't already received a parental leave payment for that child, except through transfer or succession.
- › will stop working to look after their new child while they get parental leave payments.

If two partners jointly become the primary carer permanently responsible for a child under 6 years, they must nominate which of them is the primary carer eligible for the parental leave payment.

The nominated primary carer or birth mother can transfer some or all of the payment to the other spouse if they are also eligible.

If an eligible employee dies or loses permanent primary responsibility for the care of the child, their spouse may succeed to the payment, which is then based on their earnings.

For further information about **eligibility**, visit the Employment New Zealand website www.employment.govt.nz.

Application

Employees who wish to receive parental leave payments must make an application to **Inland Revenue**. For more information visit www.ird.govt.nz.

Applications should be made as soon as possible, but will be accepted any time before the earliest of:

- › the person applying returns to work; or
- › if the baby is born to the person or their partner, the child becomes 12 months old; or
- › if the child is not born to the person or their partner, the first anniversary of the date they became the primary carer.

The payment will be made in arrears and, if necessary, will be backdated to the date when the employee started their paid parental leave period.

If the employee is eligible for and applies for parental leave in more than one job, the total income from all those jobs is used to decide on the payment amount, up to the maximum amount.

Entitlements under an employment agreement or workplace policy

An employee who is entitled to parental leave payments under an employment agreement or work place policy may receive government-funded payments in addition to any employment agreement or workplace policy payments. Their employment agreement or workplace policy can't stop them from receiving the government-funded payment. Employers and employees are free to negotiate any extra benefits they want to, but employees can only get the government-funded parental leave payment if they meet the eligibility criteria, regardless of what's in their employment agreement or workplace policy (eg more generous parental leave provisions).

Notice of return to work

The employee must notify **Inland Revenue** (call free on **0800 377 777**) if they return to work before the end of the paid parental leave period.

Enforcement

Labour Inspectors can enforce rights and benefits under the Parental Leave and Employment Protection Act 1987, including assisting with disputes over eligibility for payment or parental leave. For further information or assistance, visit the Employment New Zealand website www.employment.govt.nz.

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