

Striking a balance

A GUIDE FOR WORKING PARENTS

Department of Labour
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Balancing the demands of work and caring for a young family doesn't always come easy. With the arrival of a new child family life becomes richer and often more complex.

The important thing to keep in mind is that you're not alone in this situation and help is available. There are a number of entitlements through different government agencies that can make the balancing of family and work life easier, which is where our guide comes in.

This guide provides a simple outline of what your employment rights are in relation to:

- Parental leave
- Flexible working arrangements
- Infant feeding at work
- Rest and meal breaks

Everything is arranged in a simple Question and Answer format and grouped around the progression from pregnancy or adoption to a return to part or full-time work.

There's also a handy list of useful agencies that can help with other family-related topics such as tax credits, childcare, schooling and infant care.

And to help keep everything in one place, there is a Checklist for working parents to keep a convenient record of what has been, or may still need to be done.

We hope this guide will make it easier to strike a balance between the demands of work and caring for a young family.

■ Need help with English?

Language Line provides a free translation service for speakers of other languages. Qualified translators are available to help in 39 languages.

Freephone: 0800 656 656

📖 What you need to know about Parental Leave

■ Who can take parental leave?

If you are expecting a baby or plan to adopt a child under six you can apply for parental leave.

Employees can take paid and unpaid parental leave. Self-employed workers are entitled to paid parental leave only.

Employees

To be eligible, you need to have worked for the same employer for between six or 12 months immediately prior to your due date or the date you assumed the care of a child you intend to adopt. You also need to have worked an average of at least 10 hours a week and one hour in every week or 40 hours every month.

The amount of leave you'll get depends on whether you've been employed continuously for six or 12 months.

Self-employed

You need to have been self-employed for six or 12 months and have averaged at least 10 hours in every week to be eligible for paid parental leave. You also qualify if you work in more than one type of work or combine self-employment with work as an employee.

For full details, visit:

www.dol.govt.nz/er/holidaysandleave/parentalleave/self-employed

■ How much paid and unpaid parental leave can I get?

Paid parental leave

Eligible employees and self-employed parents are entitled to:

- 14 continuous weeks paid parental leave.

If your spouse/partner (including same sex) also meets the qualifying criteria, you can share part or all your paid parental leave with them.

If your employment agreement provides for additional parental leave, you get this as well. Whatever is the case, your employment agreement cannot change your eligibility for the government's parental leave payments.

Unpaid parental leave

Eligible employees are entitled to:

- Special leave of up to 10 days for such things as antenatal checks
- Extended leave of up to 52 weeks for employees with 12 months eligible service.

Partner's/paternity leave of one week or two weeks depending on the length of your qualifying service.





■ **How much do I get paid?**

The same as your ordinary weekly pay or average weekly earnings up to a maximum of \$441.62 per week before tax. (As at July 2010)

Self-employed parents who make a loss or earn less than the equivalent of 10 hours pay at the highest rate of minimum wage, receive a minimum rate of \$127.50. (As at July 2010)

■ **How can I calculate my parental leave?**

The Department of Labour has developed a handy Parental Leave Calculator that you can access at: www.dol.govt.nz/paidparental

■ **How often can I take parental leave?**

You can take it as many times as needed as long as you've been back at work at least six months before your due date.

■ **When does parental leave start?**

Paid parental leave of 14 continuous weeks — you can start this up to six weeks before the expected date of birth or adoption. Payments start when your parental leave begins. Payments will stop if you return to work for any time, resign, or stop being self-employed during the 14-week paid leave period.

If your employer agrees you can start at any other time before your baby is due.

You can also start earlier if your doctor or midwife thinks it necessary. If this occurs, you can take up to eight weeks maternity leave after the birth of your child and the maternity leave (but not payment) is extended to allow for that.

Partner's/Paternity Leave — you can take these one or two weeks at any time during the 21 days either side of the expected date of birth or adoption. If your employer agrees you can start at any other time. This leave is in addition to your extended unpaid leave below.

Extended leave of up to 52 continuous weeks — can be started following paid parental leave, partner's/paternity leave, or after a return to work. But the right to the leave ends when the child is one year old or one year after the parent has assumed the care of a child they intend to adopt. Other arrangements are also OK if agreed with your employer.

Extended leave can be shared between both eligible parents, but the total leave taken must not be more than 52 weeks (minus any paid parental leave taken). Both partners/spouses can take their leave at the same time or they can take it one after the other.

■ **What if I don't qualify for paid parental leave?**

You may instead be eligible for the Parental Tax Credit, one of the family tax credits administered by Inland Revenue. This provides up to \$150 per week for eight weeks, based on the level of family income. You may access either paid parental leave or the Parental Tax Credit, but not both. Further information on the Parental Tax Credit is available from Inland Revenue's website at www.ird.govt.nz or by phoning 0800 227 773.

■ **How can I apply?**

Employees

To receive paid parental leave you must first apply to your employer for parental leave and then to the Inland Revenue for the 14 weeks' parental leave payments.

You need to apply to your employer in writing at least three months before your baby is due. Your employer must reply within 21 days.

For details of what to include in your letter and the medical certificates needed and to download examples of letters, visit: www.dol.govt.nz/er/holidaysandleave/parentalleave/howtoapply-pf.asp

Different notice periods apply for adoption — for details visit:

www.dol.govt.nz/er/holidaysandleave/parentalleave/eligibility/adoptive.asp

Self-employed

To apply for paid parental leave you must either:

- have your self-employment and earnings verified by a chartered accountant
- or
- complete a declaration witnessed by a JP to verify your self-employment and earnings.

Then send your paid parental leave application form to Inland Revenue, along with a certificate, or copy of a certificate, from a medical practitioner or midwife confirming your pregnancy, or proof that you have assumed the care of a child you intend to adopt.

For further details on how to apply as a self-employed person, visit:

www.dol.govt.nz/er/holidaysandleave/parentalleave/self-employed/apply-payment-se.asp

For application forms for parental leave payments, visit:

www.dol.govt.nz/er/holidaysandleave/parentalleave/forms/ird.asp





■ What happens if I'm made redundant?

You can't be dismissed because you're pregnant or apply for parental leave.

If your employer makes you redundant after you have applied for and started your paid parental leave, your payments continue for the full 14 weeks.

Your rights to re-employment end with the redundancy.

For further information, visit:

www.dol.govt.nz/er/holidaysandleave/parentalleave/redundancy.asp

For further information on all aspects of parental leave:

Freephone: 0800 20 90 20

Visit: www.dol.govt.nz/er/holidaysandleave/parentalleave

📖 What you need to know about returning to work

Deciding how and when to go back to work isn't an easy decision. However, help is at hand and your options may well be a lot more flexible than you expect. Here's why.

■ What happens if I don't return to work?

You need to let your employer know in writing at least 21 days before your parental leave ends.

■ What about if I want to go back to work?

If you plan to go back to work after your parental leave you also need to let your employer know in writing at least 21 days before your leave ends.

■ Can I go back to work early?

Yes. You can return to work early under some circumstances.

These include loss of your child as result of miscarriage, stillbirth or illness. You can also do so if you've made arrangements for your child's care or have opted for adoption. If your employer agrees, you may also return to work early in any other circumstances.

In all cases, you'll need to write to your employer 21 days before the date you intend to return.

■ Can I work part-time or from home?

Working arrangements are becoming increasingly flexible and many employers are happy to consider these.

You also now have the right to ask for flexible working arrangements from your employer.

So working part-time or from home shouldn't be a problem if it fits with your employer's business. However, if you want to alter your working arrangements, you'll need to make a formal request.

■ Are there other flexible work options?

Yes, there are heaps. To check out what's available, visit: www.dol.govt.nz/er/bestpractice/worklife/flexiblework

■ How can I request flexible work?

You'll need to make a request in writing and the sooner you do so the better.

Your employer must respond within three months and must consider your request carefully.

Requests can only be declined on eight recognised business grounds and these must be clearly explained.

To be eligible you need to have been employed by the same employer for at least six months and not have requested flexible work during the past 12 months.

To find out how to make a request and to download a standard form, visit:

www.dol.govt.nz/er/bestpractice/worklife/templates

■ How can I change things if they don't work out?

You can only make one request in 12 months and any changes you agree to will be permanent unless agreed otherwise.

This means you've got to be pretty certain that the flexible work you've requested is going to work out. That's often difficult to know so it's best to agree to a trial period with your employer before opting for a permanent arrangement. You'll find most employers will be happy to try a trial period first.

📖 What you need to know about your right to breastfeed while at work

Although you are returning to work, you may want to continue breastfeeding or to be able to express milk for your infant while at work.

Nowadays this is something working parents can do. This is how it works.

■ Can I breastfeed at work?

Yes – your employer is required, as far as is reasonable and practicable, to provide appropriate breaks and facilities so that you can breastfeed or express while at work or during work time.

In most cases, you'll simply be provided with a private space, chair and access to a refrigerator. These will probably be on site. However, employers can also pool their facilities. So if you're working in a shopping centre for example, your parent's room may be shared with other tenants.





Your breaks will be unpaid unless you and your employer agree otherwise and are in addition to standard rest and meal breaks.

■ What about my privacy?

Although your employer may not always be able to provide a dedicated room for breastfeeding, you have a right to expect your privacy to be respected.

■ What rest and meal breaks do I get?

You're entitled to the following paid rest breaks and unpaid meal breaks:

- one paid 10-minute rest break if your work period is between two and four hours;
- one paid 10-minute rest break and one unpaid 30-minute meal break if your work period is between four and six hours;
- two paid 10-minute rest breaks and one unpaid 30-minute meal break if your work period is between six and eight hours.

If more than an eight hour period is worked, these requirements automatically extend to cover the additional hours on the same basis.

You and your employer can agree to the timing of breaks. When agreement cannot be reached, the breaks must be spread evenly throughout the work period where reasonable and practicable.

■ Can I breastfeed during rest and meal breaks?

Yes. You can breastfeed during rest and meal breaks if your employer agrees.

For further information on rest and meal breaks visit:
www.dol.govt.nz/er/minimumrights/breaks

For further information on infant feeding visit:
www.dol.govt.nz/er/holidaysandleave/parentalleave/infantfeeding

📖 What you need to know about if things go wrong

■ What happens if I have a problem with my employer?

As in all cases like this, first be clear about your facts and talk it through with your employer.

If you still can't resolve things you can ask the Department of Labour to mediate. The mediation service is free and confidential.

For further information, visit:
www.dol.govt.nz/er/solvingproblems

📖 Other useful contacts

■ Working for Families

Working for Families Tax Credits are made up of four types of payments:

- family tax credit
- in-work tax credit
- minimum family tax credit
- parental tax credit.

You may qualify for one or more, depending on your personal situation. To find out more,

Visit: www.workingforfamilies.govt.nz

Freephone: 0800 227 773 (Inland Revenue)

■ Work and Income New Zealand

Work and Income provides financial assistance and employment services throughout New Zealand. You could be eligible for help with childcare and accommodation costs:

Visit: www.workandincome.govt.nz/individuals/supporting-children-and-families.html

■ Accommodation Supplement

Visit: www.workandincome.govt.nz/individuals/a-z-benefits/accommodation-supplement.html

Freephone: 0800 559 009

■ Plunket

Plunket is New Zealand's largest provider of support services for the development, health and wellbeing of children under the age of five.

Visit: www.plunket.org.nz

Freephone: 0800 933 922 (Plunket Line)

■ 20 Free hours childcare for 3 & 4 year olds

For more information, visit:

www.minedu.govt.nz/parents.aspx

■ S.K.I.P - Strategies with Kids, Information for Parents

Offers nine pamphlets that have been developed for parents of under fives. These can be downloaded on line.

Visit: www.familyservices.govt.nz/info-for-families/skip

■ Choosing a School

Provides links to great resources relating to your child's education and choosing a school.

Visit: www.minedu.govt.nz/parents.aspx

■ ERO

ERO reviews and reports on schools and early childhood education services every three years. You can check out these reports at ERO's website. The site also posts





general publications, including *Early Childhood Education: a guide for parents*.

Visit: www.ero.govt.nz/ero/publishing.nsf/Content/Home+Page

■ OSCAR – Out of school care and recreation

Is a service that provides regular care for school age children (5 – 13 year olds) outside school hours — before and after school and during the school holidays.

Freephone: 0800 GO OSCAR

Email: info@oscar.org.nz Visit: www.oscar.org.nz/

■ SPARC

SPARC (Sport & Recreation New Zealand) can help with some insightful programmes about how you can best manage the different stages of your child's physical development.

Visit: www.sparc.org.nz

📄 Checklist

■ Employees

Do you qualify for paid/unpaid parental leave?

YES NO

If not, are you eligible for a Parental Tax Credit or Working for Families?

YES NO

Have you considered any childcare arrangements or options you may require?

YES NO

Have you applied to your employer at least 3 months before the baby is due?

YES NO

Have you applied to the Inland Revenue for the 14 weeks parental leave payments?

YES NO

Before the end of your parental leave, have you given your employer 21 days notice of your intention either to return or not return to work?

YES NO

Have you discussed with your employer any infant feeding requirements or flexible work options?

YES NO

If you wish to return to work early, have you given your employer 21 days notice of your intention to return to work early?

YES NO

■ Self-Employed

Do you qualify for paid parental leave?

YES NO

If not, are you eligible for a Parental Tax Credit or Working for Families?

YES NO

Have you considered any childcare arrangements or options you may require?

YES NO

Have you completed the application form and returned it to IRD along with:

- A declaration of your self-employed status, your net income and average weekly earnings confirmed by a Chartered Accountant or witnessed by a Justice of the Peace;
- Certificate, or copy of a certificate, from a medical practitioner or midwife confirming your pregnancy, or proof that you have assumed the care of a child with a view to adoption.

YES NO

