



PPTA

NEW ZEALAND POST PRIMARY
TEACHERS' ASSOCIATION
TE WEHENGARUA

www.ppta.org.nz

PARENTAL LEAVE

**GUIDE SERIES
TO THE STCA
& ASTCA
2007 - 2010**

February 2009

Parental leave is a general term which covers entitlements for teachers from two sources: the Area School and Secondary Teachers' Collective Agreements and the Parental Leave Act 1987 and Amendments.

The Area School and Secondary Teachers' Collective Agreements (ASTCA 5.2, STCA 6.3)

Eligibility for collective agreement maternity leave and maternity grant.

Women teachers who hold Group 1 positions (STCA 6.1.1(a) and ASTCA 5.2.1(b)). Group 1 positions are:

- permanent full-time or permanent part-time positions
- long-term full-time relieving or fixed-term full-time positions which have been advertised in the Education Gazette.

Maternity leave

- Up to 24 months' unpaid leave to include time before and after the birth or adoption of a child under 12 months old depending on the length of service. (ASTCA 5.2.2, STCA 6.3.2)
 - An eligible female teacher with at least 12 months' service is entitled to a total of 24 months' leave.
 - An eligible female teacher with less than 12 months' service is entitled to 6 months' leave from the date of birth or adoption but may apply for and be granted up to 6 months' additional leave.
- A medical certificate from a doctor or midwife confirming pregnancy and one month's notice in writing of the commencement date of leave must be given to the employer. If a doctor or midwife directs an earlier commencement, the month's notice is not required. The teacher should also specify, in writing, the date on which she intends to return to her position. To take the full 24

months' leave, the teacher must inform the employer of this intention within nine months of commencing the leave.

- A woman who is adopting a child under the age of 12 months is not required to give a month's notice of the commencement date of the leave which may start from the date of assuming responsibility for the child. Evidence of the adoption will be required.

Note: The parental leave legislation provides for maternity leave when the adopted child is "not more than five years of age". This over-rides the limitation to "under the age of 12 months" in the collective agreements.

- Maternity leave can commence at any time during the pregnancy and can last a total of 24 months for teachers with 12 months' service or more. A teacher in a long-term relieving or fixed-term position can have leave within the term of the appointment only.
- A teacher on maternity leave can return to work early with one month's notice to her employer.
- If a woman has a miscarriage when on leave, or if the baby is stillborn, she may return to work immediately.
- Sick leave may be used for any illness before the unpaid maternity leave begins. (STCA 6.3.7, ASTCA 5.2.6)
- There is no paid leave for attendance at ante-natal classes or doctor's visits.
- Women who become pregnant during a period of maternity leave and who will not return to school before the next birth should apply to their employer for their current period of maternity leave to be terminated at least two days before the due date of the next birth. They should at the same time apply, with the medical certificate confirming pregnancy, for a period of maternity leave (up to 24 months) to begin on the due date of the next birth. The intervening day, or days, is leave without pay which is not maternity leave without pay and provides the right to

apply for the maternity grant again after the next birth.

Maternity grant

- This is a lump sum paid on the birth, stillbirth or adoption of the child, if leave has been taken or the woman teacher has resigned.
- It is paid on written application to the employer or directly to the school's pay authority. A certificate of birth, stillbirth or adoption is required. A medical certificate confirming pregnancy or notice of adoption must have been provided to the employer at the time of leave application.
- It is the lump sum equivalent of six weeks of the woman teacher's usual salary as at the date of the birth or adoption. It is payable even if the period of leave is less than six weeks and in addition to Paid Parental Leave.
- Non-permanent part-time teachers are not eligible for the grant.
- Women who become pregnant during a period of maternity leave - see section on Maternity Leave.

(STCA 6.3.5, ASTCA 5.2.5)

Leave to attend partner at birth of their child

- A permanently appointed teacher is entitled to two day's paid leave to attend the birth of a partner's child.

(STCA 6.3.8, ASTCA 5.2.7)



Parental Leave Act 1987 and amendments

These provide entitlements extra to those in the collective agreements.

Entitlements for women

Special leave

- Up to a total of 10 days' unpaid leave before taking maternity leave, for reasons connected with the pregnancy. (Parental Leave and Employment Protection Act, Part 1, s15)

Paid parental leave

- Female teachers who have at least 6 months' teaching service of 10 hours a week or more at the date of birth, stillbirth or adoption are eligible for 14 weeks' paid parental leave. There is no requirement for the service to be in a permanent position or in the same school.
- It is applied for through the school to the Inland Revenue Department. The school holds the application forms. They can also be accessed from www.ers.dol.govt.nz.
- Paid parental leave begins when the teacher starts their maternity leave (unpaid).
- This paid leave may be shared between parents of one child for one person at a time to care for the child.
- There must be a return to work of at least 6 months between periods of Paid Parental Leave.
- Information on this leave can be found at Employment Relations infoline 0800 800 863 and www.ers.dol.govt.nz.

Entitlements for spouse or partner

Partner's leave

- Unpaid leave of up to two weeks is available for a teacher with 12 months in the employment of the same employer for at least 10 hours in each week whose partner gives birth to or adopts a child.

- The teacher has the right to take this leave from the 21st day before expected delivery date until the 21st day after delivery unless the child's discharge from hospital is delayed beyond this point.
- The teacher may negotiate another commencement date of leave with the employer.
- Unpaid leave of 1 week is available to a teacher with 6 months' employment of at least 10 hours a week with the same employer.

(Parental Leave and Employment Protection Act, Part 2, s17)

Extended leave

- This is available to teachers (spouse or partner) with 12 months' teaching service immediately prior to the expected date of delivery of the child. The qualifying service can be part-time but must have been for at least 10 hours per week. The full amount of leave is 12 months after the birth or adoption of a child. It is unpaid leave.
- A spouse or partner with less than 12 months' service is not entitled to extended leave.
- The purpose of extended leave is to assume sole care of the child after birth or with a view to adoption.
- The period of extended leave is inclusive of any maternity leave or paid parental leave taken.

(Parental Leave and Employment Protection Act, Part 3)

Paid parental leave

- The spouse or partner who has at least 6 months' teaching service of 10 hours a week or more at the date of birth or adoption is eligible to share paid parental leave of 14 weeks granted to a mother for the period when s/he is the sole carer of the child.
- If the spouse or partner is employed outside the state teaching system, his/her qualifying employment must be with the same employer.



Other information

Effect of leave without pay

Any period of time spent on leave without pay affects holiday pay. As a rough guide, for each three days' leave without pay, one day's holiday pay is lost. Members of sector superannuation funds should check with the relevant fund provider about the effect of the leave on their contributions to their superannuation fund.

(STCA 4.8.3 and 4.8.6, ASTCA 3.24.3 and 3.24.5 and 3.25)

Return to work

- If a woman teacher wishes to return to work from maternity leave earlier than the date given to the employer, one month's notice of the earlier return date must be given. If a spouse or partner wishes to return to work early, s/he is entitled to do so (Parental Leave Act s.45) but must give 21 days' notice (Parental Leave Act S.39).
- When the relieving position is advertised (in the Gazette), it should be labelled as a maternity or parental leave position and the reliever informed of the possibility of the early return of the teacher on leave.
- If a child is miscarried or stillborn, the woman teacher has the right to return to work immediately. (STCA 6.3.3 ASTCA 5.2.3)

Security of tenure

Maternity, parental and extended leave is leave from a teacher's own position and that is the position to which s/he returns. S/he cannot lose the position or the units except in a surplus staffing situation (eg. a woman who held a Mathematics position with two permanent management units returns to that). Any change of job description must be negotiated.



Surplus staffing

The position of a teacher who is on maternity, parental or extended leave will be included with the positions of other staff of a school when any reduction of staff or alteration of the status of positions has to be made because of a falling roll.

Resignation and preference of return

- A woman teacher who wishes to resign because of pregnancy must be told of her right to take maternity leave instead. (STCA 6.3.4, ASTCA 5.2.4)
- A woman teacher who does resign because of pregnancy and who then cares for the child full-time is entitled to preference in appointment to a suitable position of equal or lower status in the school from which she resigned, for five years. (STCA 3.10, ASTCA 2.7)
- A spouse or partner who has resigned to care for a pre-school child is entitled to preference in appointment to a suitable position of equal or lower status in the school from which s/he resigned, for four years. (STCA 3.10, ASTCA 2.7)
- A birth certificate and statutory declaration of childcare responsibility are required. (STCA 3.10, ASTCA 2.7)

Parenthood credits on return to teaching

Salary credit for time spent in full-time childcare is calculated at the rate of one for three, i.e. one year's leave would give four months' credit; three years' leave would give one year's credit.

This only applies to registered teachers who resigned or took leave for childcare, not to those who were entrants to teaching after childcare, and only to those who return to a permanent position.

Any non-permanent teaching service during this time will be deducted from the parenthood credit but remains credited as teaching service. A certified copy of the child's

birth certificate is required with the letter of application to the school's pay authority. (STCA Appendix A 1.5, ASTCA 3.2.2(c))

Membership of PPTA

Members who take maternity, extended or parental leave can retain full membership for the time spent on leave without pay for up to two years. This enables a teacher to remain a member of EBS and Southern Cross. Apply to PPTA national office, PO Box 2119 Wellington with a copy of the letter from the school approving the leave without pay.



Advice and guidance

For further advice consult your local PPTA office.

Auckland

4 Western Springs Road, Morningside
P O Box 52 006, Auckland 1352
ph (09) 815 8610 fax (09) 815 8612
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This pamphlet has been produced by NZPPTA / Te Wehengarua and provides the association's contractual interpretation. Nevertheless, it is not a substitute for the collective agreement and should be read in conjunction with the relevant clauses of the appropriate collective agreement.

Pamphlets in this guide series include:

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- Community education
- Employment relations problems/Personal grievances
- Guidance for teachers in their relationships with students
- Guidance for teachers working with Pacific students in secondary schools
- Guidance for teachers working with Māori students
- Introducing Te Huarahi Māori Motuhake
- Making schools safe for people of every sexuality
- Meeting procedure
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