Parental leave

Having a child can be a stressful time. When working parents know they have an employer who understands and will fulfil their obligations, it can really help.

Knowing what rules apply to parental leave will also help you to prepare your resources for when it does happen.

On 1 July 2020, minimum required parental leave changed from 22 to 26 weeks.

What you need to know

If an employee or their partner is having a baby or taking permanent responsibility for the care of a child under six, they might be entitled to parental leave.

Employees who’ve worked for you for at least an average of 10 hours a week for 12 months or more just before the expected birth of the child, or the date they’ll take over the care of the child, are entitled to:

- 52 weeks of unpaid parental leave
- 26 weeks of government-funded parental leave payments if they will be the 'primary carer' of a child born (or coming into their care) on or after 1 July 2018.

Employees who’ve worked for you for at least an average 10 hours a week for six months or more just before the expected birth of the child, or date they’ll take over the care of the child, are entitled to:

- 26 weeks of unpaid parental leave
- 26 weeks of government-funded parental leave payments if they will be the 'primary carer' of a child born (or coming into their care) on or after 1 July 2018.

Employees able to get parental leave payments can choose to first use other types of paid leave they're entitled to, eg:

- annual leave
- alternative days
- special leave
- time off in lieu

They can choose to start their parental leave payment period after they have taken other types of paid leave — even if this is after the child's arrival.

If the birth mother is eligible for primary carer leave, then she will remain eligible regardless of whether the baby unfortunately dies before or after birth.

Workers who aren't eligible

Employees who don’t meet the criteria for parental leave, eg they’ve worked for you for less than six months or haven’t done an average of 10 hours a week, are not entitled to any parental leave. But if they meet the parental leave payment threshold test and will be the primary carer of the child, they might apply for negotiated carer leave so they can receive parental leave payments.
You don’t have to agree, but you must reply as soon as possible and within one month. If you say no, you must tell them on what grounds you refused and why those grounds apply.


Changes to parental leave payments (/news/paid-parental-leave-change/)

**Any eligible working parent can get parental leave payments if they are the permanent primary carer of a child under six.**

This applies to employees, including those with non-standard working arrangements such as casual, seasonal, temporary and fixed-term employees, and self-employed people.


**How it works**

Parental leave can be taken by one parent or split between them, as long as they’re both eligible. Primary carer leave can start up to six weeks before the expected date of the child's arrival— or earlier if:

- agreed by the employee and employer
- directed by a doctor or midwife
- it becomes too hard for a pregnant employee to do their job safely or adequately and no other suitable work is available at an earlier date specified by the employer.

**Special leave for pregnant employees**

Pregnant employees can also take 10 days of unpaid special leave for things like doctor’s appointments and antenatal classes, before taking primary carer leave.

**Partner’s leave**

Fathers or partners are entitled to:

- one week of unpaid leave if they’ve worked for you for six months for at least an average of 10 hours a week, or
- two weeks of unpaid leave if they’ve worked for you for 12 months for at least an average of 10 hours a week.

They can take this leave between 21 days before the expected birth, or the date their partner intends to become the primary carer, and 21 days after, unless you agree otherwise. This leave is in addition to any other parental leave they’re sharing with their partner.

Employees are allowed to work up to 52 hours for their employer while on paid or unpaid parental leave (for a child born, or coming into the employee's care, on or after 1 July 2018). Both employer and employee must agree to this.

**Returning to work**

Your employee needs to let you know at least 21 days before the end of their leave whether or not they’re going to return to work.

If an employee isn’t sure about coming back to work, you could:

- consider a flexible work arrangement, eg job sharing, to help keep valuable experience within your company
- offer an incentive to encourage them to return, eg a cash bonus after they’ve been back at work for a set period of time.


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What you must do

You can’t decline parental leave requests, but you can decline to hold a key position open if:

- your employee will be gone longer than four weeks, and
- you can prove the position is crucial to your business, and
- you can prove it’s not possible to find a short-term replacement for your employee.

When an employee applies for parental leave, you must:

- let them know what their parental leave entitlements are
- approve or decline their request within 21 days
- confirm the leave arrangements in writing.

Once you know how long they intend to be gone, you can consider how you'll fill their position. You can hire someone on a fixed-term agreement to cover for parental leave, or you might want to hire a contractor.

If you have more questions about holidays and leave:

See Employment NZ’s contact us page (external link) (https://www.employment.govt.nz/about/contact-us/).
How to pay employees for leave

Whether you’re paying staff for holiday, parental or sick leave, our guide helps you get it right.

Keeping people healthy and safe

Tips for great health and safety talks

Quiz: Employment 101

Test yourself on hiring and managing employees. Then follow links from the answers to find out more.