

# Parental leave – know your rights

**T**he Parental Leave and Employment Protection Act involves three kinds of unpaid leave – maternity, paternity and extended. There are also provisions for paid leave for workers and the self-employed.

## Maternity leave

To be entitled to take maternity leave, the mother of the child or adoptive mother of a child under 5 must have worked for an average 10 hours or more per week over the last 12 or six months with the same employer. The employer should work out the average over six and 12 months. If workers qualify under either, they are entitled to the leave.

Maternity leave must be taken in one continuous period and is for a maximum of 14 weeks. Maternity leave can start up to six weeks before the expected date of delivery or the date of taking over care of the child for an adoption, or any other date by agreement.

If maternity leave begins on the specified date or a date appointed by the employer, the mother can take at least eight weeks of the maternity leave after the date of delivery.

Maternity leave can also start on a date specified in a certificate from a medical prac-



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itioner or mid-wife if they consider that the leave period should start earlier.

## Ability to Continue Working

If an employee is unable to perform her tasks or it is unsafe to do so, the employer can specify an earlier maternity leave date. This will extend the period of leave because the employee is still entitled to take eight weeks after delivery.

## Special Leave

A pregnant employee can also take up to 10 days' special leave without pay during her pregnancy for pregnancy-related reasons.

This is not an extension of maternity leave, but is to cover things such as visits to the doctor, hospital stays, sickness, threatened miscarriages etc.

## Partner's paternity leave

An employee who is the spouse or partner and intends to assume care of the child can

take paternity leave if they have worked for the employer for an average of 10 hours per week over the past six months or past 12 months. Paternity leave is one week if the average is taken over six months or two weeks if the average is taken over 12 months. The same applies to an adoptive parent of a child under 5.

## Transfer of Leave

An employee may transfer their entitlement to leave to their spouse or partner if the spouse or partner would qualify for leave, but the total leave taken is not to exceed 14 weeks.

For example, a spouse may take two weeks of paternity leave and then 12 weeks of leave transferred from their pregnant partner.

This transfer of leave can occur regardless of whether the spouse works for the same employer.

Paternity leave begins on the date of confinement or adoption, or at any time nominated by the employee up to 21 days before the due date, or after delivery or adoption, or any other date by agreement.

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