

Holidays (Parent-Teacher Interview Leave) Amendment Bill

Member's Bill

Explanatory note

General policy statement

The Bill amends the Holidays Act 2003 to allow workers with children to take leave to attend parent-teacher interviews.

Parent-teacher interviews are an important opportunity for parents to discuss their child's academic progress. They are one of the few opportunities for these crucial discussions.

The growing trend of insecure and casualised work is making it particularly difficult for parents in these employment arrangements to take leave. It is important to ensure all parents have the opportunity to attend parent-teacher interviews.

This Bill will benefit parents, their children, and employers by ensuring parents can attend interviews about their children's educational performance held during their normal working hours in a structured way that does not unduly burden employers.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Act will come into force 6 months after Royal assent.

Clause 3 provides that this bill amends the Holidays Act 2003 (the **principal Act**).

Part 1

Parent-teacher interview leave

Clause 4 inserts *new subpart 3A* into Part 2 of the principal Act. New subpart 3A sets out the minimum entitlements of employees for paid leave to attend parent-teacher

interviews. It is modelled on subpart 5A of Part 2 of the principal Act, which provides for domestic violence leave.

- *New sections 61B and 61C* provide for the purpose and the interpretation of this subpart.
- *New sections 61D to 61H* set out the entitlement of employees to parent-teacher interview leave and the duration of that leave.
- *New sections 61I and 61J* specify how employers should pay an employee for parent-teacher interview leave.

Part 2

Consequential amendments

Part 2 of the bill makes amendments to the principal Act that are consequential on *new subpart 3A*.

Terisa Ngobi

Holidays (Parent-Teacher Interview Leave) Amendment Bill

Member's Bill

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal Act	2

Part 1

Parent-teacher interview leave

4	New subpart 3A of Part 2 inserted	2
	Subpart 3A—Parent-teacher interview leave	
	61B Purpose of this subpart	2
	61C Interpretation of this subpart	3
	<i>Entitlement to parent-teacher interview leave</i>	
	61D Entitlement to parent-teacher interview leave	3
	61E When entitlement to parent-teacher interview leave arises	3
	61F Employee must notify employer of intention to take parent-teacher interview leave	3
	61G Parent-teacher interview leave need not be paid out	4
	61H Duration of parent-teacher interview leave	4
	<i>Payment for parent-teacher interview leave</i>	
	61I Payment for parent-teacher interview leave	4
	61J When payment for parent-teacher interview leave must be made	4

**Part 2
Consequential amendments**

5	Section 3 amended (Purpose)	4
6	Section 4 amended (Overview)	4
7	Section 5 amended (Interpretation)	4
8	Section 9 amended (Meaning of relevant daily pay)	5
9	Section 9A amended (Average daily pay)	5
10	Section 12 amended (Determination of what would otherwise be working day)	5
11	Section 14 amended (Meaning of gross earnings)	5
12	Section 16 amended (Entitlement to annual holidays)	5
13	Section 74 amended (Who can enforce Act)	5
14	Section 75 amended (Penalty for non-compliance)	5
15	Section 81 amended (Holiday and leave record)	5
16	Section 83 amended (Failure to keep or provide access to holiday and leave record)	6

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Holidays (Parent-Teacher Interview Leave) Amendment Act **2021**.

2 Commencement

5

This Act comes into force on the day that is 6 months after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Holidays Act 2003 (the **principal Act**).

Part 1

10

Parent-teacher interview leave

4 New subpart 3A of Part 2 inserted

After section 61A, insert:

Subpart 3A—Parent-teacher interview leave

61B Purpose of this subpart

15

The purpose of this subpart is to provide all employees who are parents with a minimum entitlement to paid leave to assist them to attend parent-teacher interviews.

61C Interpretation of this subpart

In this subpart, unless the context otherwise requires—

child means a person who—

- (a) attends or participates in an early childhood service and is under the age of 6 years; or
- (b) is enrolled at a registered school and is under the age of 19 years; or
- (c) is enrolled in a special school and is under the age of 22 years

early childhood service has the same meaning as in section 309 of the Education Act 1989

parent, in relation to any child, means a person who is the child’s mother, father, guardian, or person standing in the place of a parent to that child

parent-teacher interview—

- (a) means a meeting between a parent and a teacher about a child’s learning progress; but
- (b) does not include a meeting between a parent and a teacher about a disciplinary matter relating to a child

registered school has the same meaning as in section 2(1) of the Education Act 1989

special school has the same meaning as in section 2(2) of the Education Act 1989.

Entitlement to parent-teacher interview leave

61D Entitlement to parent-teacher interview leave

An employee may take paid parent-teacher interview leave—

- (a) if the employee is a parent who needs to attend a parent-teacher interview during the employee’s normal working hours; and
- (b) in accordance with **sections 61E** and **61H**.

61E When entitlement to parent-teacher interview leave arises

An employee is entitled to parent-teacher interview leave from the date on which the employee’s employment commenced.

61F Employee must notify employer of intention to take parent-teacher interview leave

- (1) An employee who intends to take parent-teacher interview leave must notify the employer of that intention at least 3 working days before the day on which the employee intends to take parent-teacher interview leave.
- (2) An employer must not unreasonably withhold consent to an employee’s request to take parent-teacher interview leave.

61G Parent-teacher interview leave need not be paid out	
An employee is not entitled to be paid for any parent-teacher interview leave that has not been taken before the date on which the employee’s employment ends.	
61H Duration of parent-teacher interview leave	5
An employee—	
(a) may take up to 4 hours’ parent-teacher interview leave in each 12-month period of current continuous employment; and	
(b) cannot carry forward any parent-teacher interview leave not taken in any 12-month period.	10
<i>Payment for parent-teacher interview leave</i>	
61I Payment for parent-teacher interview leave	
(1) An employer must pay an employee for each hour of parent-teacher interview leave taken by the employee an amount calculated as a pro rata proportion of the employee’s relevant daily pay or average daily pay.	15
(2) Despite subsection (1) , an employer is not required to pay an employee for any time for which the employee is paid weekly compensation under the Accident Compensation Act 2001 or former Act.	
61J When payment for parent-teacher interview leave must be made	
An employer must pay an employee for parent-teacher interview leave in the pay that relates to the pay period in which the leave is taken.	20

Part 2

Consequential amendments

5 Section 3 amended (Purpose)	
After section 3(b), insert:	25
(ba) parent-teacher interview leave to assist employees to attend parent-teacher interviews:	
6 Section 4 amended (Overview)	
In section 4(2)(b)(i), after “public holidays”, insert “, parent-teacher interview leave”.	30
7 Section 5 amended (Interpretation)	
(1) In section 5(1), insert in its appropriate alphabetical order:	
parent-teacher interview leave means paid parent-teacher interview leave provided under subpart 3A of Part 2	

-
- (2) In section 5(1), definition of **leave pay**, after “means pay for” insert “parent-teacher interview leave,”
- 8 Section 9 amended (Meaning of relevant daily pay)**
In section 9(1) and (2), after “an alternative holiday”, insert “, parent-teacher interview leave”.
- 9 Section 9A amended (Average daily pay)**
In section 9A(1), after “an alternative holiday”, insert “, parent-teacher interview leave”.
- 10 Section 12 amended (Determination of what would otherwise be working day)**
(1) In section 12(1), after “an alternative holiday”, insert “, parent-teacher interview leave”.
(2) In section 12(3)(d), after “day on which the employee was on”, insert “parent-teacher interview leave,”.
(3) In section 12(3A), after “day on which the employee was on”, insert “parent-teacher interview leave,”.
- 11 Section 14 amended (Meaning of gross earnings)**
In section 14(a)(iii), after “an alternative holiday”, insert “, parent-teacher interview leave”.
- 12 Section 16 amended (Entitlement to annual holidays)**
In section 16(2)(a)(i), after “domestic violence leave”, insert “or parent-teacher interview leave”.
- 13 Section 74 amended (Who can enforce Act)**
In section 74(2), after “public holidays”, insert “, parent-teacher interview leave”.
- 14 Section 75 amended (Penalty for non-compliance)**
After section 75(2)(c), insert:
(ca) **sections 61D and 61H to 61J** (which relate to an employee’s entitlement to, and payment for, parent-teacher interview leave):
- 15 Section 81 amended (Holiday and leave record)**
In section 81(2)(g) and (h), after “annual holiday”, insert “, parent-teacher interview leave”.

**Holidays (Parent-Teacher Interview Leave) Amendment
Bill**

Part 2 cl 16

16 Section 83 amended (Failure to keep or provide access to holiday and leave record)

In section 83(1)(b) and 83(4)(b), after “public holidays”, insert “, parent-teacher interview leave”.