



New Zealand
Security Intelligence
Service
Te Pa Whakamarumaru

NZSIS CODE OF CONDUCT

This Code of Conduct sets out the expected standards of behaviour
of NZSIS employees

September 2017

UNCLASSIFIED

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Purpose

This Code of Conduct establishes the standards of behaviour expected of all NZSIS employees and secondees (collectively referred to as "employees" for the purposes of this Code only), including those working on a full time, part time, casual or temporary basis. It should be read in conjunction with your agreement and organisation policy.

The NZSIS is judged by the way we collectively represent ourselves; therefore it is necessary for everyone to maintain a high standard of personal and professional conduct at all times.

The reputation of the NZSIS is critical to its success therefore behaviour or actions which have the potential to bring the agency into disrepute will be managed in accordance with this Code and the ICSS Disciplinary Policy and Procedures applying to both NZSIS and GCSB. This obligation extends to NZSIS employees when working or representing the Service overseas. It also extends to our behaviour outside of work where it has the potential to impact on the reputation of NZSIS.

This Code sets out basic principles and describes minimum standards expected of all staff. It also details good employer obligations - what can be expected of the NZSIS. This Code should be read in conjunction with the State Services Standards of Integrity and Conduct issued by the State Services Commissioner.

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Good Employer obligations

The NZSIS will provide employees with fair and proper treatment in all aspects of their employment.

This includes (but is not limited to):

- Applying this Code in a fair, reasonable and objective manner.
- Behaving in a manner consistent with our values and the principles set out in this document.
- Operating fair and impartial selection and appointment procedures.
- Providing clear job descriptions and setting expectations of staff.
- Appropriate feedback and communication on work performance.
- Rates of remuneration for skill, responsibilities, and performance.
- Safe and healthy working conditions.
- Opportunity for development.
- A workplace free from harassment and unlawful discrimination.
- Appropriate performance management, disciplinary and dispute procedures, and the opportunity to redress unreasonable treatment.
- Fair management of change.
- Support in times of difficulty including access to Employee Assistance Programmes.

Employee obligations

The primary obligation of all NZSIS employees is to the Director as their Employer, the responsible Minister, and also to their respective manager and their colleagues.

This includes (but is not limited to):

- Refraining from allowing your personal beliefs to conflict with NZSIS values and/or your work.
- Behaving in a manner consistent with our values and the principles set out in this document.
- Behaving in a manner consistent with the State Services Standards of Integrity and Conduct.
- Obeying lawful and reasonable instructions.
- Respecting the rights of colleagues.
- Accepting personal responsibility and accountability for your actions.
- Understanding your compliance obligations and the specific obligations in your area of responsibility.
- Not bringing the NZSIS into disrepute through any professional or private activities.
- Being aware of your security obligations and complying with these at all times.
- Taking all practicable steps in the workplace to prevent injury and illness.
- Reporting workplace hazards and incidents.
- Complying with our Health and Safety obligations and the ICSS Health and Safety policy applying to both NZSIS and GCSB.
- Carrying out duties in an efficient and competent manner, maintaining required standards of performance.

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- Being present at work as required, unless on an approved absence.

PRINCIPLES

HONESTY and INTEGRITY

Employees are committed and loyal to the mission and values of the NZSIS. They inspire trust and behave honestly, ethically and with integrity.

- Avoid any activities, either work-related or not, that may in any way bring the NZSIS or the State Sector into disrepute or may call into question suitability to hold a TSS security clearance.
- Where such activities cannot be avoided, they must be declared with a view to managing/mitigating them.
- Declare any change in circumstances in accordance with the PSR and organisation policy.
- Refrain from incurring any liability on part of the Director, without due authorisation.
- Refrain from accepting gifts or gratuities, or other benefits of any kind in respect of services performed in an official capacity, unless with the express agreement of the Director.

PRINCIPLES

PROFESSIONALISM

Employees have a duty of trust and fidelity. They are committed to carrying out faithfully the duties and obligations of the role for which they are employed in an efficient, competent and loyal manner, and avoid behaviour that might impair their effectiveness.

- Exercise sound discretion and judgement when carrying out your duties.
- Obey lawful and reasonable instructions.
- Comply with organisation policy and procedures.
- Comply with all security requirements as required of you in the PSR and organisation policy.
- Act professionally.
- Maintain a professional image according to the nature of your duties and the position held.
- Avoid conduct which may, or does, lead to your reporting for work in an impaired state, including the use of alcohol or non-prescription drugs.
- Conduct all work place communications in good faith.
- Refrain from unauthorised public comment on, or criticism of, NZSIS policies or work, during and after ceasing employment with the NZSIS.

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PRINCIPLES

FAIRNESS and IMPARTIALITY

Employees have a responsibility to act with fairness and impartiality avoiding any potential or perceived conflict of interest.

- Maintain political neutrality in the performance of your duties - respecting the authority of the government of the day.
- Ensure you keep your job out of politics and politics out of your job.
- Discharge your duties in an impartial manner.
- Avoid situations that might compromise, directly or indirectly, your impartiality or otherwise call into question your ability to work in a fair and unbiased manner.
- Notify your manager/PERSEC of any potential conflicts of interest and discuss/agree ways in which they can be managed.

PRINCIPLES

RESPECT FOR PEOPLE and PROPERTY

Employees respect the rights of others and treat their colleagues with courtesy and respect.

- Employees exercise reasonable care to prevent inappropriate use, loss or damage to property.
- Avoid behaviour that may cause distress to others in the workplace or otherwise contribute to the disruption of the workplace.
- Value the contribution of others, respecting differences in opinion, and diversity.
- Work collaboratively to achieve common goals.
- Avoid using official information gained during the course of official duties, in your private life for personal benefit.
- Avoid use of work property for personal purposes, unless reasonable and approved by your Manager.

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PRINCIPLES

SECURITY CULTURE

All employees have a responsibility to keep NZSIS secure.

- Uphold NZSIS security principles and practices as set in organisation policy.
- Proactively report any security concerns relating to yourself or your colleagues.
- Avoid talking about NZSIS employees, or the business of the NZSIS, with non NZSIS staff, including ex-employees, unless for official purposes.
- Maintain cover as necessary.
- Avoid situations that might compromise, directly or indirectly, your security clearance.
- Proactively manage your security clearance through the regular reporting of any change in circumstances.

PRINCIPLES

CONFIDENTIALITY

Information gained in the course of your duties must be treated in confidence and used only for official purposes. The sharing or use of information must always be in accordance with our legal obligations, agreements with partners, and organisation policy.

- Maintain the security of protectively marked information and ensure that it is produced, handled and protected in accordance with the PSR and organisation policy.
- Adhere to the principles of need to know and need to share.
- Protectively marked information is only shared as necessary with individuals who have the appropriate security clearance, requisite briefings, and a clear need to know.
- Any instances of inappropriate sharing, loss or misuse of information must be reported immediately.
- Avoid the unauthorised release of official information.
- Refrain from commenting on your employment with, or the work of, the NZSIS on social media, unless you have the proper authorisation and it is for work related purposes.

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13. Criticising or undermining the work of the NZSIS in an unprofessional and/or unconstructive manner.

Serious Misconduct

The following are some specific examples of unsatisfactory behaviour that may be considered serious misconduct and which could justify dismissal.

This list is not exhaustive and is to be used as an indicative guide. There will be other behaviours/conduct that are contrary to the values or principles set out in this document which may constitute serious misconduct; the fact that they are not listed does not mean they are condoned or acceptable.

1. Dishonesty or fraud including falsification or misuse of any document or record.
2. Unlawful taking of any property belonging to the NZSIS or a colleague.
3. Actual or threatened physical violence, abusive communications or unwelcome behaviour against another person including harassment, unlawful discrimination, bullying, duress or intimidation.
4. Being present for duty/work in an unfit state, including being under the influence of drugs or alcohol.
5. Serious and/or repetitive breach of security requirements, policy or protocols.
6. Unauthorised removal, downloading, copying, falsification, destruction or disclosure of software, data, records or information.
7. Allowing unauthorised access to information.
8. Serious and/or repetitive failure to comply with an ICSS/NZSIS policy, procedure or guideline.

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Breaches of the Code

NZSIS will consider the following factors to determine whether an employee's behaviour constitutes a breach of this Code:

- The nature and circumstances of the activity;
- The position, duties, and responsibility of the employee.
- The consequences of the activity on the ability of the employee to fulfil their duties and responsibilities.
- The effects of the activity or its consequences on internal or external relationships, including other agencies, Ministers, or the general public.
- The manner in which similar behaviour has been treated under this Code of Conduct.
- The effect of the behaviour on the Employer's trust and confidence in the employee.
- The effects of the activity or its consequences on the security of the NZSIS, its information, people and/or assets.

The seriousness and consequence of any breach depends on the circumstances in which it occurs. For example, it is possible for behaviour listed as misconduct below to amount to serious misconduct, and vice versa. It will depend on the degree of the breach and the circumstances in which it occurred.

Conduct which results in an irreparable loss of trust and confidence in the employee, will result in a finding of serious misconduct and can result in dismissal following a fair process.


Misconduct

The following are some examples of unsatisfactory behaviour which may constitute misconduct and could lead to a disciplinary outcome.

This list is not exhaustive and is to be used as an indicative guide. There will be other behaviours/conduct that are contrary to the values or principles set out in this document which may constitute misconduct; the fact that they are not listed does not mean they are condoned or acceptable.

1. Acting in a negligent, inefficient, incompetent or careless manner in carrying out your duties.
2. Failure to maintain an acceptable level of work performance.
3. Ignoring or refusing to carry out reasonable and lawful instruction.
4. Breaching security requirements, policy or protocols.
5. Absence from work without proper reason or authorisation.
6. Repeated lateness for work, or repeated absenteeism without just cause.
7. Failure to comply with a lawfully given warning.
8. Failure to comply with an ICSS/NZSIS policy, procedure or guideline.
9. Undertaking secondary employment without approval.
10. Misuse, mistreatment or otherwise not taking reasonable care of information and/or assets of the NZSIS (including people).
11. Using abusive or offensive language in the workplace.
12. Failure to promptly report a work related accident or incident in accordance with policy.

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9. Undertaking secondary employment when approval to do so was declined.
 10. Repeated refusal to perform work assigned or carry out a reasonable and lawful instruction.
 11. Unauthorised, irresponsible, or improper use of safety systems or equipment.
 12. Misrepresenting, misleading, or withholding information.
 13. Providing false information or failing to declare information that is requested when applying for employment.
 14. Providing false information or failing to declare information that is lawfully requested during employment.
 15. Being convicted or charged with a criminal or traffic offence which brings into question suitability for continued employment.

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Employee Acknowledgement

I have received a copy of the NZSIS Code of Conduct, and understand that this sets out the values and expected standards of behaviour of all NZSIS employees.

Signature: _____

Name: _____

Date: ____ / ____ / ____

Please complete this form, then detach the page and give to your manager.



INTELLIGENCE COMMUNITY
SHARED SERVICES



Policy Statement – 1.120

Joint Policy:
Parental Leave

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Policy Owner	Chief People Officer
Policy Administrator	Senior HR Policy Advisor
Approval Authority	Director-General of the GCSB Director-General of Security
Approval Date	1 February 2020
Review Date	Two years from date of signing

Contents

Introduction.....	3
Principles	3
Scope	3
Definitions	4
Overview of parental leave entitlements	5
Entitlement thresholds – 6 month test or 12 month test.....	5
Parental leave types and provisions.....	5
Pre-term baby payments.....	8
Medically required appointments (pregnant employees only).....	8
Applying for parental leave	8
Working while pregnant.....	9
Health and safety for you and your baby	9
Alternative duties or transfer to another position.....	9
Finishing work early	9
Miscarriage or stillbirth	10
Keeping your position open to return to.....	10
Obligations to maintain a security clearance	10
Effects of parental leave on employment provisions.....	10
Annual leave (enhanced provision).....	11
Other types of leave.....	11
Keeping in Touch days (KIT).....	11
Returning to work after parental leave.....	12
Changing your return date (earlier or later).....	12
Flexible work arrangements (temporary or permanent)	12
Specific facilities, rights and allowances for new parents in the workplace.....	13
Ex gratia payment.....	13
Related Information and Policies	14
GCSB and NZSIS Approval.....	14

Introduction

1. The GCSB and NZSIS (“the agencies”, “we”, “our”) value and support our employees who are welcoming a new child or children to their family. This is an exciting phase in your life. If you intend to take parental leave, we want you to be well informed of your entitlements and responsibilities before, during and after taking this leave, and to feel this is a positive experience for you and your family.
2. This policy outlines all the different types of parental leave and any payments you may be eligible for under the Parental Leave and Employment Protection Act 1987 (“the Act”). Also, to better support our people, the agencies provide a number of parental leave entitlements that **exceed** the provisions in the Act. All entitlements are detailed further in this policy.
3. In support of this policy we have developed two parental leave guides - for employees and managers. These provide useful additional information, checklists and guidance around parental leave, and are available on the **s6(a)**

Principles

4. Any employee intending to take parental leave is fully informed of their employment rights, entitlements and responsibilities under the Act. The information provided by the agencies is comprehensive, accurate and easy to access.
5. Employees are protected against discrimination on the grounds of sex (including pregnancy and childbirth) in employment under the Human Rights Act 1993 and the Employment Relations Act 2000.
6. Managers know the processes to follow when a team member applies for parental leave. They treat their team members fairly and in accordance with this policy, the guides, and the Act - before, during and after taking parental leave.
7. The agencies provide a number of enhanced or additional entitlements to employees taking parental leave. We believe it's important to support our employees who take time away from work to care for their children in a way that assists in eliminating systemic barriers to career progression.
8. **s6(a)**
9. Where there are differences between parental leave entitlements in your employment agreement and this policy, the most favourable provisions will apply.

Scope

10. This policy applies to all employees of the GCSB and NZSIS who are eligible for parental leave, as per the criteria outlined in this policy.
11. This policy does not apply to casual employees, contractors and secondees to the GCSB or NZSIS.

Definitions

The Act means the Parental Leave and Employment Protection Act 1987 and its amendments.

Assume care of a child refers to you becoming primarily and permanently responsible for the care, development and upbringing of a child under six years old through a formal arrangement such as adoption, whāngai or “home for life”. It does not include foster care or any other type of temporary care.

Child/children refers to a child under the age of 6 years old (including a baby/babies under 12 months old).

Date you start childbirth refers to the earlier of either the date you go into labour, or the date your child is born (e.g. if having a c-section). In the Act this is referred to as “the date of confinement”.

Ex-gratia payment refers to a specific benefit offered by the agencies that is conditional on completing 6 months service after returning from parental leave. Strict eligibility criteria apply. This benefit is also outlined in all employment agreements.

Estimated due date (EDD) refers to the date your midwife or doctor expects your child to be born.

Parental leave is a generic term that refers to types of **paid or unpaid leave** you may be eligible for under the Act. The sub-types of parental leave are detailed in this policy.

Parental Leave Payments (PLP) are government-funded payments available to eligible primary carers. The payments are processed and administered by IRD. A number of conditions apply.

Partner means the spouse, civil union or de-facto partner of the person who is/will be the primary carer of the child/children. The partner does not have to be a biological parent of the child.

Primary Carer is defined in the Act, and can include any of the following:

- A pregnant person or new mother.
- The partner of a pregnant person or new mother, **if** the biological mother has formally transferred some or all of their primary carer entitlements under the Act to their partner.
- A person, other than the biological mother or her partner, who takes **permanent primary responsibility** for the care, development and upbringing of a child under 6 years old. Examples may include:
 - An adoptive parent
 - Whāngai parent
 - A grandparent with full-time care
 - A permanent guardian assigned by the Family Court (e.g. “Home for Life”)

Note: If you and your partner are jointly assuming care of a child under 6 years old, you must decide which of you will be the “primary carer”. Only the primary carer is entitled to Primary Carer Leave (PCL) and Parental Leave Payments (PLP).

Overview of parental leave entitlements

Entitlement thresholds – 6 month test or 12 month test

12. Under the Act, your entitlements to some types of parental leave may differ depending on your length of service (i.e. 6 months or 12 months) with your current employer. When calculating such entitlements, the agencies will recognise your **current, continuous service** within the agencies of the NZIC – the GCSB, NZSIS and DPMC.
13. Your applicable length of service is calculated:
 - **From:** The latter of your start date with an agency of the NZIC, **or** the date you returned to work from your most recent period of parental leave for another child;
 - **To:** Your baby's EDD, or the date you expect to assume care of a child.
14. For either the 6 month test or 12 month test, you must have been employed within the NZIC for at least an average of 10 hours per week during this time.

Parental leave types and provisions

15. Table 1 summarises the different types of parental leave and key details that apply to each.

Note: As per the most recent amendments to the Act, the length of Parental Leave Payments (PLP) and Primary Carer Leave (PCL) will increase from 22 weeks to **26 weeks** from 1 July 2020.

Parental leave and payments – types and provisions	
Parental Leave Payments (PLP)	<ul style="list-style-type: none">• Government-funded taxable payments (via IRD) available to the primary carer of the child while they are not working (e.g. on PCL, NCL or employment has ended). PLP are paid for a maximum of 22 weeks.• PLP will only be paid if you meet the criteria set out by IRD and the Act, as per the application form on IRD's website that you will need to complete. The maximum weekly payment (before tax) is set by IRD.• You can choose when you want your PLP to start. For example, you may want to take annual leave immediately after your baby is born, then start your PLP.• You cannot take PLP and any type of paid leave at the same time, or you will be liable to pay secondary tax on the lesser amount.• Must be taken continuously, including if you transfer some of this entitlement to your (eligible) partner.
Special Leave	<ul style="list-style-type: none">• Unpaid leave of up to 10 days for non-medical absences or appointments related to your pregnancy (e.g. attending childbirth education, visiting prospective childcare) which you choose not to take paid leave (e.g. annual leave) for.• Must be applied for in s6(a). Available to pregnant employees only.• The agencies offer an enhanced entitlement for medically required appointments associated with your pregnancy – see further details in this policy.• No service threshold for entitlement.

Parental leave and payments – types and provisions	
Primary Carer Leave (PCL)	<ul style="list-style-type: none">• Unpaid leave of up to 22 weeks if you have at least 6 months' service with the NZIC. Available to the primary carer of the child immediately before/after they are born or you assume care.• Pregnant employees can start PCL from up to 6 weeks before your baby's EDD or earlier if agreed with your employer (e.g. for medical reasons or if your baby is premature). The latest date PCL can start is the date you start childbirth or the date you assume care of a child.• If you need to start your PCL early, you can still take a minimum of 16 weeks PCL after your baby is born. In this circumstance the Act allows you to take more than 22 weeks PCL.<ul style="list-style-type: none">○ For example, if you need to start PCL 10 weeks before your EDD and then also take 16 weeks PCL after the EDD, you will have taken 26 weeks PCL in total.• PCL must be taken as a continuous period. PCL can (but does not have to) coincide with the period you're receiving PLP.• PCL can be partially transferred (once) from the primary carer to their partner, as long as the partner is assuming the responsibilities of a primary carer. If you are also transferring your PLP to your partner, a specific process must be followed and notified to IRD via the required form.
Partner's Leave	<ul style="list-style-type: none">• The agencies provide the non-primary caregiver with partner's leave of:<ul style="list-style-type: none">○ One week (paid)* if you have less than 12 months' service.○ Two weeks (first week paid, second week unpaid) if you have more than 12 months' service.• This is an enhanced entitlement, as the Act only provides unpaid partner's leave. <p>*Note: The one week of paid partner's leave is not available to Bureau Service Association (BSA) members who opt to take their enhanced ex-gratia provision for non-primary caregivers (for up to 6 weeks) under BSA CEA clause 8.8.05.</p> <ul style="list-style-type: none">• You may take partner's leave any time before or after (within 12 months of) your partner's EDD or date they assume care of a child, by agreement with your manager. The agencies allow this to be taken in one continuous period or as separate days if agreed with your manager.• You cannot take partner's leave if you are also receiving/have received PCL or PLP.• If your partner is unwell, injured or unable to care for themselves after childbirth (e.g. due to a c-section) you can use your entitled sick leave or your partner's leave to care for them. You must provide a medical certificate for any sick leave.
Extended Leave	<ul style="list-style-type: none">• Your entitlement to unpaid extended leave depends on your length of current continuous service with the agencies of the NZIC:<ul style="list-style-type: none">○ Up to 26 weeks (6 months) if you have at least 6 months' service.○ Up to 52 weeks (12 months) if you have at least 12 months' service.• Extended leave excludes any special leave, partner's leave or PCL above 22 weeks taken by either parent.

Parental leave and payments – types and provisions

Note: All references to your partner's entitlements to extended leave are as per the provisions of the act. Your partner may have different or more generous extended leave provisions available from their own employer.

- The amount of extended leave you can take (either 26 or 52 weeks) for your child is reduced by the length of any PCL taken (by you or your partner).
E.g. 52 weeks maximum extended leave minus 22 weeks PCL = 30 weeks' extended leave.
- Extended leave can be shared between you and your partner (taken either consecutively or concurrently), so long as you each have at least 6 months' service with your respective employers. You can take a **combined** total of:
 - 26 weeks – if you both meet the 6 month test.
 - 52 weeks – if you both meet the 12 month test, **OR** if one of you meets the 6 month test and one of you meets the 12 month test. However, the person who meets the 6 month test can still only take up to 26 weeks leave.

Note: If you and your partner take extended leave at the same time, this may affect your eligibility for an ex-gratia payment. You should talk to your agency's HR Advisor if you have any questions about this.

- You can **start** extended leave:
 - From the date your baby is born or you assume care of the child, or
 - Any time after you take PCL (if you are the primary carer), or once your partner has started PCL, or
 - On any dates agreed with your manager (so long as it's within your entitlement period), including taking extended leave multiple times.
- Extended leave must **end** and you must return to work:
 - If you no longer have care of the child, or
 - By the date your child is 6 months old / 6 months after the date you assumed care (if you met the 6 month service threshold), or
 - By the date your child is 12 months old / 12 months after the date you assumed care (if you met the 12 month service threshold).

Negotiated Carer Leave (NCL)

- Can be applied for if you meet the relevant criteria for PLP, **but** have less than 6 months service with the NZIC. The length of NCL will be agreed between you and your agency.
If approved by your agency, NCL will enable you to stop work to be the primary carer of your child while holding your position open to return to. You will be eligible to receive up to 22 weeks of Parental Leave Payments (PLP) during this time.
- Agency may decline to approve NCL in some specific circumstances, i.e.:
 - Cannot reorganise your work among existing staff, or recruit additional staff
 - Believes there would be detrimental effect on the quality of work, performance of the team or ability to meet customer demand
 - Is planning structural changes to your role
 - Would incur a burden of additional costs.

Pre-term baby payments

16. If your baby is born prematurely (defined as before 37 weeks gestation) you may be entitled to specific government-funded "pre-term baby payments" which are paid at the same rate as Parental Leave Payments (PLP). These are arranged through IRD.

For example: You are pregnant and had applied to start PLP from your EDD. However, your baby was born prematurely at 32 weeks gestation.

- You can apply to IRD to receive 5 weeks of **pre-term baby payments** (i.e. from 32 weeks to 37 weeks gestation).
- After your pre-term baby payments end, you will immediately start receiving your 22 weeks of **PLP**.
- In total, you will receive 27 weeks of payments – 5 weeks of pre-term baby payments plus 22 weeks PLP.

Medically required appointments (pregnant employees only)

17. For the purpose of this policy, medically required appointments mean appointments with your doctor, midwife or obstetrician for pregnancy-related matters, and any scans or tests ordered by them in relation to your pregnancy.
18. You are responsible for arranging medically required appointments outside your working hours where possible, or with minimal disruption to your working day.
19. However, if an appointment cannot be arranged outside of working hours, the agency will allow you to treat this the same as sick leave, i.e. you do not have to make this time up if taking **less than two hours** out of the office (including travelling time). This is an enhanced provision that is more generous than the Act.
20. If the medically required appointment takes **more than 2** hours out of the office, this time should be taken as paid sick leave or unpaid special leave.
21. Partners are not able to take sick leave to support their pregnant partner at such appointments. If you wish to attend an appointment, you will need to arrange with your manager to make the time up or apply for another type of leave.

Applying for parental leave

22. There are a number of specific timeframes and criteria you need to meet when applying for parental leave, e.g. when you need to advise your manager by and the information you need to include. Details of these timeframes and processes are set out in the guides for employees and managers, and are also available on the Employment New Zealand website.
23. If you require help in deciding which type/s of parental leave apply to your situation, please talk to your manager or your agency's HR Advisor.

Working while pregnant

Health and safety for you and your baby

24. The agencies are committed to providing a safe and healthy working environment for all people on our sites. You and your manager should promptly discuss any concerns about your working environment or duties that may impact on your health, safety and comfort in the workplace during your pregnancy.
25. Where practicable, the agencies will support you to continue carrying out your normal duties, as long as this remains safe for you, your baby and your colleagues. A workstation assessment or more detailed risk assessment can be arranged through the Senior Health and Safety Advisor (in consultation with your manager) to look more closely at any health and safety risks and how these might be mitigated.

Alternative duties or transfer to another position

26. Your manager may discuss with you alternative duties or transfer to another position if:
 - the results of a risk assessment and/or advice from your doctor, midwife or obstetrician indicates your current position and duties pose health and safety risks (to you and/or others), **OR**
 - you are no longer able to perform your current role to the required standard.
27. The types of alternative duties offered by the agency will take into account several factors, including health and safety risks, specific medical advice, your preferences, and the availability of suitable alternative work or vacant positions.
28. If you and your manager cannot arrange or agree on suitable alternative duties, under the Act your agency may temporarily transfer you to another position or may direct you to start your parental leave early.
29. If you take up alternative duties or are temporarily transferred to another position, you will continue to receive your same rate of pay.

Finishing work early

30. Pregnancies and babies can be unpredictable, and in some cases you may need to finish work earlier than you had planned. Reasons for this may include:
 - You are directed to finish work early by your doctor or midwife due to health concerns (as per a medical certificate).
 - Your baby is born earlier than the date you intended to finish work.
 - If, as per the previous section of this policy, there are no suitable alternative duties available within the agency.
31. In all cases, you and your manager must discuss (if possible) how finishing early may impact on the dates you have applied for parental leave. If you are eligible for PCL, or your agency has already approved negotiated carer leave, the start date for this leave can be brought forward. If you also wish to start your PLP early (as provided for in the Act) early you will need to contact IRD directly to arrange this.

Miscarriage or stillbirth

32. If you or your partner are pregnant but suffer a miscarriage or stillbirth, your agency will support you through the provision of paid bereavement leave, for a period of time to be agreed with your manager.
33. In some circumstances the Act allows a pregnant person who has suffered a miscarriage or stillbirth to still receive parental leave payments from IRD. Your HR Advisor can provide you with further information on this process if needed.

Keeping your position open to return to

34. Your agency will hold your substantive position open for you to return to while you are on parental leave, unless it is considered a "key position" by the agency or is disestablished. You will continue to receive parental leave payments (PLP) if the disestablishment occurs before these payments are due to end.
35. A "key position" is defined as one which is critical to the agency and needs special skills that are not easily trainable or able to be covered for the time you are on leave. Your agency will discuss with you if they believe you are in a "key position" and what this might mean for your employment.
36. If your position is disestablished or not held open, you will be given preference over other applicants for any vacancies substantially similar to your position for a period of 26 weeks, beginning on the day your parental leave would have ended.

Obligations to maintain a security clearance

37.

s6(a)

38.

39.

Effects of parental leave on employment provisions

40. The agencies believe that, where possible, you should not be disadvantaged by your decision to take parental leave. This section sets out the effects of parental leave on other terms and conditions of your employment, including some areas where the agency offers enhanced provisions that are more generous than the Act.
41. Although you are not "at work" during parental leave, you remain an employee of your agency and are still subject to security requirements and the applicable Code of Conduct.

Annual leave (enhanced provision)

42. The agencies offer an enhanced annual leave provision for people returning from parental leave. Annual leave that has accrued while you are on parental leave will be available for you to use at its **full value** (i.e. at your normal rate of pay) upon your return to work.
43. However, if you leave your employment (excluding due to disestablishment) in the 12 months following your return to work, any accrued annual leave not taken will be paid out as per the Act (i.e. based on your average weekly earnings over **the last 12 months**). This may result in your accrued annual leave being paid out at less than your normal rate of pay.

Other types of leave

44. **Sick Leave:** Your annual sick leave entitlement will be added to your balance on your anniversary date with your agency. You can use this immediately upon your return to work. Sick leave is payable at your normal rate of pay.
45. **Long Service Leave:** Time spent on approved parental leave will count as continuous service towards your long service leave entitlement. This entitlement is set out in your employment agreement.
46. **Agency holidays:** As per your employment agreement, these are normally added to your leave balance on 1 January each year, to be used by 31 December. If you are on parental leave as at 1 January, the agency holidays will be credited upon your return to work.

Keeping in Touch days (KIT)

47. Under the Act, if you are receiving Parental Leave Payments (PLP) you are also eligible for Keeping in Touch days (KIT). The purpose of KIT is to enable you to complete up to **52 hours** (64 hours from 1 July 2020) paid work as agreed with your agency during the 22 weeks you are receiving PLP, without affecting your entitlement to these payments. Under the Act, some additional KIT hours are available if your baby is born pre-term.
48. **KIT is optional.** You do not have to use KIT during your parental leave if you do not want to.
49. KIT can start to be used from **28 days after** your baby is born. If you have not used any/all of your KIT entitlement by the time your PLP ends, the agencies will allow you to use the remainder of your KIT during any subsequent period of unpaid extended leave you take.
50. KIT can be used in segments of less than one day. The number of hours and type of work on each occasion must be agreed between you and your manager, who will then submit the relevant days and hours to payroll for payment. You and your manager are jointly responsible for keeping track of the total amount of KIT used, and ensuring this does not exceed your entitlement.
51. As agreed between you and your manager, KIT could be used for:
 - Team planning days
 - Attending important announcements or team events
 - Career Board applications and presentations
 - Transitioning back to work, including completing training in new systems

- Completing security requirements s6(a)
 - Any other work as agreed with your manager.
52. Further details on KIT are set out in the guides for managers and employees.

Returning to work after parental leave

53. You must write to your manager **at least 21 days'** before your parental leave is due to end, advising them whether or not you will return to work as planned.
54. If you decide **not** to return to work at the end of your parental leave, your employment is considered to have ended on the date you **started** parental leave. Your annual leave will be calculated and paid out accordingly.
55. If you advise you will return to work as planned, you agency will write back to you to confirm your return to work date, any agreed changes to your working hours and/or days and the position and team you will be returning to.

Changing your return date (earlier or later)

56. You have the right to return from parental leave earlier than planned if:
- If you and/or your partner are no longer the primary carer of the baby/child.
 - If your baby is miscarried, stillborn or dies.
57. You may also request to return to work earlier or later than planned by writing to your manager, preferably with as much notice as possible.

For example

- *Return earlier:* You planned to take a total of 12 months parental leave, but now want to return after 9 months due to your childcare arrangements changing.
- *Return later:* You planned to take 6 months parental leave, but now want to extend this to 12 months to spend more time at home with your baby/child.

58. Your manager will contact you to discuss your request and advise whether or not the agency will approve the new return date. Your agency's approval may also be conditional on a medical certificate stating that you are fit to return to work.
59. If your request is confirmed/approved, your agency will write back to you confirming your new return to work date.

Flexible work arrangements (temporary or permanent)

60. Coming back to work after parental leave can be a big step, and you may want to explore changes to your normal hours of work to make the transition easier on you and your family. The agencies' Flexible Working Arrangements policy provides details on relevant options, processes, timeframes and forms you need to complete if you want to request changes to your hours and/or days of work.

61. A flexible working arrangement is normally trialled on a temporary basis before making a decision on whether or not this may be made permanent. You should discuss options with your manager as early as possible so the trial hours are in place for your start date.

Specific facilities, rights and allowances for new parents in the workplace

62. Your workplace will have suitable private facilities for you to breastfeed your baby or express and store breastmilk. If this is something you think you will need, you should advise your manager so that this space is set up for you when you return to work.
63. You are entitled to unpaid breaks from work to breastfeed and/or express breastmilk, as per the Employment Relations Act 2000.
64. The agencies offer a taxable childcare allowance to working parents to help alleviate the financial burden of paying for childcare. The allowance and relevant eligibility criteria are detailed further in PS 1.128 - Joint Policy: Childcare Allowance.

Ex gratia payment

65. The agencies provide an ex-gratia payment as an incentive to return to work after taking parental leave (primary carer leave and/or extended leave). You are eligible for an ex-gratia payment if:
- You had at least 12 months' service with the NZIC before your child arrived, and were entitled to take up to 52 weeks' parental leave, **and**;
 - For some or all of your parental leave you were **primarily responsible** for the care of your child during working hours (i.e. your partner was working for some or all of this period), **and**;
 - You have been back at work for 6 months following your parental leave, **and**;
 - Your partner is not employed by a state sector agency, **OR** if they are, they are **not** applying for an ex-gratia payment from their agency.

Note: You will still be eligible for an ex-gratia payment if your partner receives a similar payment from a private sector employer.

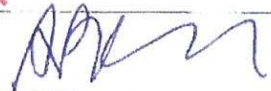

66. You and your agency will need to verify that you meet the above criteria. Payroll will initiate this process before you have been back at work for 6 months.
67. The ex-gratia payment will be paid as a lump sum once you have been back at work for 6 months. The payment is equal to the lesser of either a) or b) below:
- a) 30 days (six weeks) at your rate of pay in the **30 days immediately before** you took parental leave.
- However, if you worked reduced hours during this time due to pregnancy-related medical reasons (verified by a medical certificate) your normal rate of pay will apply.
- b) A pro-rata payment based on the **actual** number of working days of parental leave you took, during which you were primarily responsible for your child (i.e. if **less than 30 days**).

Related Information and Policies

68. The following information and policies provide further relevant information:

- The Parental Leave and Employment Protection Act 1987
- The Holidays Act 2003
- The Employment Relations Act 2000
- Individual and Collective Employment Agreements (IEAs and CEAs)
- Internal parental leave guides for employees and managers
- PS 1.105 - Flexible Working Arrangements policy
- PS 1.117 - Workplace Anti-Bullying and Undesirable Behaviour policy
- s6(a)
- PS 1.128 - Joint Policy: Childcare Allowance
- NZSIS Code of Conduct and GCSB Code of Conduct
- NZIC Guide to Personnel Security

GCSB and NZSIS Approval

Approved by:	Director-General of the GCSB: 
	Date: 17/12/19
	Director-General of Security: 
	Date: 16 December 2019
Review date:	Two years from date of signing
Policy Owner:	Chief People Officer
Policy Administrator:	Senior HR Policy Advisor

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



INTELLIGENCE COMMUNITY
SHARED SERVICES



Policy Procedure/Statement - 1.128

Joint Policy:
Childcare Allowance

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Policy Owner	Chief People Officer
Policy Administrator	Senior HR Policy Advisor
Approval Authority	Director-General of the GCSB Director-General of Security
Approval Date	1 February 2020
Review Date	Two years from date of signing

Introduction

1. The GCSB and NZSIS ("the agencies", "we", "our") are committed to supporting our people to maintain a healthy work/family balance. One way in which we do this is to provide a childcare allowance to employees who have to pay for their pre-school child(ren) to attend childcare in order for the employee to be able to work.
2. The childcare allowance is intended to be a contribution towards the cost of registered childcare for our employees' **pre-school children** (i.e. up to the age of 5 years old **or** the first available date they can start primary school).
3. This policy outlines the strict eligibility criteria that apply to the childcare allowance, including factors that affect the maximum amount you may be entitled to.
4. The childcare allowance is a taxable employment benefit, and so is a type of sensitive expenditure that is subject to financial oversight. You must provide proof of childcare fees and payment if asked by your agency.

Scope

5. This policy applies to all **permanent** and **fixed-term** employees of the GCSB and NZSIS who meet the relevant criteria outlined in this policy.
6. This policy does not apply to casual employees, contractors or secondees from other government agencies.
7. You remain eligible for the childcare allowance if you are seconded to another New Zealand government agency (based in New Zealand) while still employed by your agency.
8. If you are **s6(a)** agreement, and are accompanied by your pre-school age children, you will only be eligible for the childcare allowance while your child(ren) are aged 2 or under. Children aged 3 to 5 years old are eligible for a separate early childcare contribution under the **s6(a)**

Definitions

Childcare means any formal, paid arrangement with a carer (who is not a parent of the child) for them to be responsible for the care of your child while you and your partner are working or studying. For the purpose of this policy, the carer must be GST-registered and able to provide invoices for fees.

Childcare may include:

- A registered daycare centre
- Kindergarten or crèche
- In-home childcare, either at your home or the carer's home (e.g. PORSE, nanny, au pair).

Fees refers to any amount charged to parents by the childcare provider for the care of the child, including attendance fees, excursion fees and food fees (if applicable). This **excludes** any fees subsidy paid directly to the childcare by the New Zealand Government, such as under the 20 hours free ECE scheme.

Parent means a person who has permanent responsibility for the care and upbringing of a child, including in shared custody situations.

Partner means your recognised spouse or de-facto partner. Your partner does not have to be a biological parent of your child/children.

References to "partner" in this policy only apply if relevant to your personal circumstances.

Pre-school age means a child under the age of 5 years old, the age when a child can legally start school in New Zealand. For the purpose of this policy, a child will continue to be considered a "pre-schooler" until the first available date their primary school will allow them to start school, whether or not they actually start attending from this date.

Study refers to enrolment and attendance in a training course with a registered tertiary education provider, such as a university or polytechnic institute.

Calculating the childcare allowance

9. The childcare allowance is **taxable**, and is paid as follows:

One/oldest pre-school child:	s6(a)
Each additional pre-school child:	

10. If you are eligible for the childcare allowance, the amount you receive may vary depending on:
- Your (or your partner's) working hours. The allowance is pro-rated (on an FTE basis) if either of you work/study part-time.
 - The actual childcare costs you personally pay, i.e. if you pay less than the maximum allowance you would be entitled to under this policy.
11. The examples in Appendix 1 provide more information on how different working hours and care scenarios affect the allowance.

Eligibility Criteria

12. You are eligible for the childcare allowance if you meet the following criteria:

Table 1

Eligibility for childcare allowance

- a. You are a permanent or fixed-term employee of either the GCSB or NZSIS and are currently working for your agency on either a part-time or full-time basis (**including** while you are on approved paid leave) **and**;
 - b. You have a pre-school aged child(ren) who attends childcare (as per the definition in this policy) in order for you to be able to work, **and**;
 - c. You (and your partner, if applicable) are personally paying for childcare fees, **and**;
 - d. **(If applicable)** Your partner is also:
 - i. Working part-time or full-time (including self-employed), or;
 - ii. Studying part-time or full-time (enrolment and course-load must be verified by tertiary provider), or;
 - iii. otherwise unable to care for your child(ren) while you are at work due to a disability, illness or injury (verified by an appropriate registered health professional), **and**;
 - e. **(If applicable)** Your partner is **not** receiving a similar childcare allowance or subsidy through their employer or any other organisation.
13. The childcare allowance will cease:
- a. If you or your partner no longer meet the eligibility criteria outlined in this policy, or
 - b. At your child's 5th birthday **or** the first available date your child can start school.
14. Failure to provide complete and accurate details as required by the agency may lead to delays in approving your childcare allowance, or could lead to your application being declined or ceased.
15. This policy trusts that you are providing true and accurate information in your childcare allowance application form, and so we do not require you to regularly provide the agency with proof of your payment of the childcare fees you've declared. However, if asked by your agency, you must provide such invoices and proof of payment in a timely way. Failure to do so may result in the childcare allowance being ceased and you being required to repay the allowance you have received to date.

16. The childcare allowance will not be paid in the following circumstances. You must notify the agency (in advance if possible) if any of these arise.

Table 2

You are not eligible to be paid the childcare allowance:	
a)	If you are not paying childcare fees for any length of time.
b)	During periods you are on approved unpaid leave , such as parental leave, receiving ACC compensation* or on leave without pay (LWOP). <i>* If you are receiving ACC compensation you can apply for childcare assistance directly from ACC for the period you are unable to work.</i>
c)	If you are no longer employed by either of the agencies.
d)	(If applicable) While your partner is on parental leave , even if your older pre-school child(ren) continue attending childcare during this time.
e)	(If applicable) If your partner ceases work for more than three months (e.g. they are between jobs due to resignation or redundancy). In this case, the childcare allowance will continue to be paid for a maximum of three months after your partner stops work, on the proviso that: <ul style="list-style-type: none">i. You advise your agency as soon as this period extends beyond 3 months so the allowance can be ceased, and;ii. Your child(ren) remain in childcare during this time and the rest of the eligibility criteria remain met. You must complete an updated childcare allowance application form to re-start the allowance when your partner starts working again.

Submitting application for childcare allowance

17. If you believe you meet the eligibility requirements as set out in this policy, you can apply for the childcare allowance by completing the **Childcare Allowance Application form** available on the intranet and submitting this, along with any required supporting information, to your agency's HR Advisor.
18. You should complete and submit the form **within one month of when:**
- a. You started paid work for either the GCSB or NZSIS (for new employees);
 - b. You returned to work for your agency following a period of parental leave, or;
 - c. Your child(ren) started childcare (for existing employees).

19. People and Capability will then advise you whether or not you have met the eligibility criteria.
20. If approved, the childcare allowance will be backdated from **the later of** your date of eligibility (i.e. if you have submitted the application form within one month of this date) **or** the date you submitted your application. It will then be paid fortnightly with your salary.

Notification of changes to childcare or hours

21. You must submit an updated Childcare Allowance Application form if there are any changes to the details you have previously provided to the agency.
22. Where possible, you must notify the agency prior to a change occurring to reduce the risk of under/overpayment. The allowance will then be recalculated (if necessary) and paid accordingly.

Types of changes requiring notification:

- You change childcare providers.
- You are seeking the allowance for an additional child(ren) starting childcare.
- Your (or your partner's) working/study hours increase or decrease, including if you start a period of unpaid leave or if your partner ceases to work or study.
- Your partner stops paid work but is unable to care for your child(ren) due to injury, illness or disability.
- The childcare fees you pay per year become **less than** the annual childcare allowance you are currently receiving from your agency (refer to Appendix 1 for an example).

23. Any overpayments of the childcare allowance to you for any reason are recoverable by the agency, including as a deduction from your final pay (as per your employment agreement).

Extending childcare allowance beyond a child's 5th birthday

24. The childcare allowance is intended to support our working parents until the first available date their child can start primary school (i.e. after they turn 5 years old).
25. A number of factors may influence when your child can start primary school, including when their 5th birthday falls during the school year/term and their school's enrolment policy. Under this policy, the childcare allowance will cease from either:
 - a. The date of their fifth birthday, if your child's primary school allows your child to start school from this date.
 - b. The first available date after your child's fifth birthday that your child's primary school **will allow them to start**, e.g. if the school operates a cohort entry system with only two start dates per term

26. In the case of b) above, you can apply for an extension to the childcare allowance by:
- a. Writing to the Chief People Officer (CPO) explaining why you believe an extension should be granted.
 - b. Attaching written confirmation from your child's school of **the first available enrolment date** after your child's 5th birthday.
27. The CPO will decide whether or not to grant the extension, and if so, the date the extension will expire and the childcare allowance will cease. This will be advised to you in writing.
28. The agency will not extend the childcare allowance if you **choose** to delay your child's primary school start date beyond the first available enrolment date offered by their school.


Related information and policies

29. The following information and policies provide further relevant information:
- a. Joint Policy: Parental Leave
 - b. s6(a)

Previous policy revoked

30. This policy revokes and replaces the GCSB's PG-5002 Childcare Allowance Policy and Procedures.

GCSB and NZSIS Approval

Approved by:	Director-General of the GCSB: 
	Date: 17/12/19
	Director-General of Security: Rebecca Kitteridge
	Date: 16 December 2019
Review date:	Two years from date of signing
Policy Owner:	Chief People Officer
Policy Administrator:	Senior HR Policy Advisor

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Appendix 1 - Examples of childcare allowance calculations

The following table provides examples of how different working and childcare scenarios could affect the **maximum** taxable childcare allowance you may be entitled to under this policy.

s6(a), s9(2)(a)

