

16 December 2024

16 NOVEMBER 2024: OFFICIAL INFORMATION ACT REQUEST

In your letter dated 16 November 2024 you requested the following information under the Official Information Act 1982 (OIA):

Copies of your organisation's parental leave policies and relevant documents outlining information and support provided to employees on individual contracts and/or collective agreements who take parental leave.

Please provide a summary of support, information and entitlements you provide to your employees who take parental leave and return to work at your agency. This should include:

- *Parental leave payment, ex-gratia payments and 'top-ups' for primary carers, as well as the conditions employees need to meet to receive such payments*
- *Paid leave for partners/secondary carers, as well as the conditions employees need to meet to receive such payments*
- *Remuneration review during leave*
- *Leave accrual during leave and the rate at which annual leave is paid after an employee returns from parental leave*
- *Flexible work policies*
- *Kiwisaver contributions -particularly whether employer contributions are paid during parental leave grant / ex-gratia payment / paid parental leave*
- *Any contributions towards childcare*
- *Support in the event of a miscarriage or stillbirth*
- *Any support provided for fertility, adoption and surrogacy*
- *Any other parental leave benefits or support.*

Please find attached copies of our Leave Policy and Flexible Working Policy at **Appendix 1**.

Please note that we will be publishing this letter (with your personal information removed) and **Appendix 1** on the NZFC website.



You have the right, by way of complaint to an Ombudsman under section 28(3) of the OIA to seek an investigation and review of our response.

Yours sincerely

Tayla Hancock

Tayla Hancock
Senior Advisor, Policy and Performance
New Zealand Film Commission





Flexible Working Policy

Last reviewed: November 2024

1. Overview

- 1.1 NZFC aims to create a culture that enables us to adapt to changing priorities and environments, whilst having the ability to work flexibly to deliver our outcomes. We will achieve this through:
- (a) Commitment to flexibility for all roles and individuals at all levels.
 - (b) Embedding flexible working arrangements throughout people practices and employment conditions, to benefit our people and the NZFC (e.g. attraction, recruitment, retention, engagement, leadership, performance, and ways of working).
 - (c) Providing an environment of wellbeing that supports all our people in achieving their professional and personal goals.
 - (d) Embracing and enabling inclusive and diverse practices.
 - (e) Supporting the attraction and retention of top talent, allowing us to respond to changing market needs.

2. Policy

- 2.1 This policy applies to all NZFC staff.
- 2.2 NZFC is open to proposals for appropriate flexible working arrangements. The aim is to enhance employee satisfaction, improve performance and productivity, provide a supportive work environment and be an employer of choice. However, any arrangement must also work for the organisation.
- 2.3 Flexible working arrangements may involve variations to working hours, working days, the place of work for the employee, or the organisation or arrangement of their working activities and responsibilities.
- 2.4 Staff can request flexible working arrangements to deal with the effects of family violence and/or changes to their personal circumstances as a result of this. Please refer to our Family Violence Policy.

- 2.5 Staff can request flexible working arrangements/temporary variations to deal with menopause symptoms. Resources about supporting menopause in the workplace are available on the [Diversity and Inclusion intranet](#).
- 2.6 Staff can request flexible working arrangements while transitioning gender. Guidance on gender transition can be found [here](#).

3. Definitions

- 3.1 **Part-time working** — employment for an agreed number of hours that are less than the normal or standard full-time hours for a day or a week.
- 3.2 **Flexitime or Flexible Working Hours** — employees choose their starting and finishing times around a set number of core hours each working day, thus giving them discretion over their working hours.
 - (a) **Formal Flexible working** – an arrangement that describes a regular pattern of working hours and or days.
 - (b) **Informal/ad hoc flexible working** – agreed with your manager on a day-to-day basis and does not follow a regular pattern of working hours or days and does not affect remuneration or leave or a change to your employment agreement.
- 3.3 **Remote-working** — employees work from home for short or long periods, or on a permanent basis, and receive remuneration and other benefits comparable to those who work in the employer's workplace.

4. Requesting a flexible working arrangement

- 4.1 If you would like a flexible working arrangement, discuss the proposed change with your manager. If the arrangement will have a significant impact on your role, terms and conditions and/or the team you will need to formally request a flexible working arrangement (see section 4.4).
- 4.2 Managers must give serious consideration to all proposals before making decisions. Consideration may include discussions with other managers to assess the impact of the request.
- 4.3 Changes in working hours or other working arrangements may require amendments to an employment agreement.
- 4.4 Requests for formal flexible working arrangements should include:

- (a) the date the request is made;
- (b) the specific variation or arrangement requested;
- (c) whether the change is to be temporary or permanent;
- (d) the date on which the employee wishes the variation to take effect;
- (e) if a temporary variation, the date on which it is to end; and
- (f) what changes, if any, the employee believes NZFC may need to make to accommodate the request.

4.5 Requests for formal flexible working arrangements must be reviewed by your manager. If your manager supports the request, they must obtain approval from the CEO. The proposed outcome should be discussed with other managers before you are informed of the outcome. This ensures that a consistent approach to requests is taken throughout the organisation.

4.6 A request will be declined if it cannot reasonably be approved. Reasons for declining requests include (but are not limited to):

- (a) the work activities affected by the request cannot be reasonably reorganised and undertaken by existing staff;
- (b) the proposed change would have a detrimental impact on quality;
- (c) the proposed change would have a detrimental impact on the performance of other employees or the organisation;
- (d) the proposed change is affected by planned structural changes;
- (e) the proposed change would involve unreasonable additional costs; or
- (f) the proposed change would have a detrimental effect on the organisation's ability to meet the needs and demands of its external stakeholders and/or the NZ Screen Industry.

4.7 A manager who proposes to decline a request must set out the reasons in writing and consult with the CEO before responding to the employee.

4.8 You will be informed of the decision on the request within 20 working days of the date of the request. If the request is being made in relation to dealing with the effects of domestic violence, a decision will be advised no later than 10 working days after you have made the request.

- 4.9 There is no restriction on the number or type of requests for flexible working arrangements that can be made, but you should not make the same or a substantially similar request within 12 months of a previous request having been declined.

5. Relevant legislation, regulations, and standards

- 5.1 [Employment Relations Act 2000 | Part 6AB Flexible working short-term for people affected by family violence](#)
- 5.2 [Domestic Violence—Victims' Protection Act 2018 No 21, Public Act Contents – New Zealand Legislation](#)
- 5.3 [Human Rights Act 1993 No 82 \(as at 01 December 2022\), Public Act Contents – New Zealand Legislation](#)
- 5.4 [Health and Safety at Work Act 2015 No 70 \(as at 24 August 2023\), Public Act Contents – New Zealand Legislation](#)

Review Log

Date Reviewed	Notes	Approved by
November 2024	New policy combining existing remote working and flexible working policies. Updated to include information about support for menopause, family violence and gender transitioning. General tidy up of policy and clarifying the process.	CEO



Leave Policy

Last reviewed: November 2024

This policy encourages all permanent and fixed term employees to maintain a positive work/life balance by taking their full leave entitlement. This will assist NZFC with meeting its obligations as a healthy and well workplace.

1. Annual Leave

- 1.1 You are encouraged to take annual leave within a year after the date you become entitled to it. If you do not take your annual leave within this time, you will be required to make a plan for taking accrued annual leave with your manager.
- 1.2 You are expected to carry forward no more than 20 days annual leave entitlement to the following leave year.
- 1.3 Managers are responsible for monitoring the annual leave balances of their direct reports and ensuring employees can take their full annual leave entitlement for the year.
- 1.4 The CEO's leave is to be approved by the Board Chair.
- 1.5 You must apply, and receive approval, for leave before you take it. Managers must check the availability of leave before approving leave for any staff member. Provided there is sufficient leave available, annual leave requests will be granted whenever possible, considering the needs of the organisation.
- 1.6 You may take anticipated annual leave (i.e., leave which has accrued but not yet become an entitlement) with the approval of your manager of up to five days in advance. Anticipated leave of more than five days must be approved by the CEO.
- 1.7 You may request one week of your annual leave is paid out to you. Approval will be granted on an individual basis by the CEO.
- 1.8 Where a closedown period is observed between Christmas and New Year, it is expected that you will take annual leave. If you do not have sufficient accrued annual leave available, you may be able to take leave in advance at the discretion of the CEO.

2. Wellbeing Leave

2.1 Wellbeing Leave covers:

- (a) Sick leave: leave to be used for your own sickness (physical or mental), any sickness of your spouse, your partner, and/or your child(ren).
- (b) Carers leave: looking after your child(ren) or someone else who is dependent on you for care

2.2 You are entitled to 10 days paid wellbeing leave per annum. This leave includes your entitlements under the Holidays Act 2003.

2.3 When you require wellbeing leave, you must contact your manager as early as possible to advise you will be absent.

2.4 If you take wellbeing leave of three or more days, you may be required to provide a medical certificate at your own cost.

2.5 Any unused wellbeing leave may be carried forward to the new financial year, with a maximum of 20 days current entitlement in any financial year.

2.6 Menopause is a natural occurrence that impacts wellbeing and therefore can impact work. If you feel unwell due to menopausal symptoms, you may need time off work. This could include a sudden onset of symptoms during the working day. You may use your wellbeing leave for menopause symptoms. For further information you may talk to your manager, a trusted colleague or look at the resources available on the [Diversity and Inclusion Intranet](#).

3. Special Leave

3.1 The CEO may grant special leave for compassionate reasons or in exceptional circumstances (e.g. for an earthquake or other disaster that affects your ability to work).

3.2 If you require time off work to support yourself during a mental health challenge, this can be arranged with your manager and will be classified as special leave. Refer to the [Workplace Health and Safety Policy](#).

4. Bereavement Leave

4.1 After six months of continuous service, you are entitled to up to three days paid bereavement leave on the death of your spouse, parent, child, sibling, grandparent, grandchild or your spouse's parent.

4.2 You are entitled to one day paid bereavement leave on the death of any other person whose death the NZFC accepts has caused you to suffer bereavement.

4.3 The CEO may approve additional special leave for compassionate reasons or in certain circumstances such as an offshore funeral.

5. Parental Leave

5.1 You are entitled to parental leave in accordance with the Parental Leave and Employment Protection Act 1987.

6. Leave without pay

6.1 Leave without pay is a privilege and not available as of right. The CEO may grant leave without pay where an employee has utilised all their annual leave entitlement.

7. Time in Lieu

7.1 Due to the nature of work the NZFC engages in, your role may require you to work outside normal NZFC business hours. In certain cases, you may be entitled to receive time in lieu. Time in lieu is an exceptional case by case consideration i.e., it is not expected that time in lieu will be a standard or regular occurrence.

7.2 Time in lieu excludes professional development opportunities and attendance at any events/ conferences/ workshops/training where staff are not performing their contracted role as an NZFC employee. If you choose to work extended hours to complete work that is not urgent, this is by your own choice and time in lieu cannot be claimed.

7.3 Time in lieu requires pre-approval prior to performing the work and must be taken as soon as practicable after it has been accrued, at a time agreed between you and your manager.

7.4 Time in lieu cannot be paid out in cash instead of being taken and cannot be paid out at the end of your employment.

7.5 If you are required to travel overseas, wherever practical, international travel will be arranged in a way as to minimise disruption to your personal time. Time in lieu can be claimed if you are working on a weekend overseas, but does not apply to flight time or evening work while overseas, or weekends away from home while not working.

7.6 If you wish to receive time in lieu, you should email the CEO (copying in your manager and the Finance Manager) in advance of the work you anticipate doing. If

the CEO approves your time in lieu, you must forward this approval to the Finance Manager.

- 7.7 To use your accrued time in lieu, you must seek your manager's approval for the exact days requested to be taken and advise the Finance Manager of those days. The Finance Manager will then be aware of these days when processing the payroll. Remember that you must take your time in lieu as soon as practicable after it has been accrued, and that it will expire after one month.

8. Jury Service

- 8.2 Employees called for Jury Service will be released to attend unless there are exceptional work circumstances which would warrant supporting the employee to apply for exemption.

- 8.3 If you are called upon to undertake Jury Service, you must provide a copy of your summons to your manager as soon as you receive it. You must discuss your workload with your manager to ensure that this can be appropriately managed during your absence on Jury Service. If you are not called upon to serve, you must return to work for the remainder of that day.

- 8.4 Paid leave to attend all or some of the Jury Service may be granted at the discretion of the CEO. If paid leave is granted, then any Juror's fees (excluding expenses) received by the employee covering the period of paid leave are to be repaid to NZFC.

9. Contract Employees:

- 9.2 If you are an employee on a short or fixed-term contract, you will either be entitled to the leave entitlements set out in this policy, or you will be entitled to be paid 8% on top of your base hourly wage in lieu of holiday entitlements.

Review Log

Date Reviewed	Notes	Approved by
November 2024	Updates to time in lieu policy to accurately reflect the current process. Added information about jury service and leave. Updated section on wellbeing leave General tidy up of policy	CEO