



New Zealand Nurses Organisation

Submission to the Transport and Industrial Relations Select Committee

on the

Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill

17 February 2006

Inquiries to: Angela Wallace
New Zealand Nurses Organisation
PO Box 2128, Wellington
Phone: 04 499 9533
DDI: 04 494 6389
Email: angelaw@nzno.org.nz

1. EXECUTIVE SUMMARY

- 1.1. The New Zealand Nurses Organisation (NZNO) supports the proposed amendments relating to the extension of paid parental leave to the self-employed and the reduction in qualifying time following subsequent birth. However, the legislation does not go far enough in meeting all the needs, situations and circumstances of parents and carers.
- 1.2. NZNO would like to take the opportunity to raise the organisation's concerns about eligibility in relation to *whaangai* adoptions, the level of payment, implications for casual, temporary and seasonal workers, and the need to support the health and wellbeing of new mothers and babies through for example providing paid breastfeeding breaks.
- 1.3. NZNO is part of the New Zealand Council of Trade Unions (CTU) and is in full support of the CTU's submission.

2. RECOMMENDATIONS

- 2.1. The New Zealand Nurses Organisation recommends that the Transport and Industrial Relations Select Committee:
 - **support** the extension of paid parental leave entitlement to self-employed people, because the government has a responsibility to ensure that the career and motherhood choices of self-employed and working women are equally valued;
 - **note** that NZNO is concerned about the large number of employed women who remain ineligible for Paid Parental Leave, particularly casual, temporary and seasonal workers and suggest that the Department of Labour consider the needs of these workers in future paid parental leave and pay and employment equity evaluations;
 - **note** that NZNO considers that the level of payment is only \$27.30 more than the minimum wage and this amount does not

adequately compensate for actual loss of income. The level of payment needs to be in line with cost of living realities;

- **note** that NZNO considers that the role of foster parents who become long term carers of children under the age of 12 months contribute significantly to society, however are economically disadvantaged when requiring a temporary absence from work. Eligibility to include long term foster parents is required;
- **support** NZNO's request that *whaangai* adoption be recognised and acknowledged as a long standing tradition and continued informal adoption practice in Maori communities, iwi and families. NZNO recommends discussion with iwi and Maori authorities to ensure appropriate *eligibility consideration for paid parental leave in circumstances of whaangai* adoption;
- **delete** Clause 2AD as it discriminates against women who by choice or economic circumstance are employed and self-employed (e.g. midwives).
- **note** that NZNO wishes to make an oral submission.

3. ABOUT THE NEW ZEALAND NURSES ORGANISATION

- 3.1. The New Zealand Nurses Organisation (NZNO) is a Treaty of Waitangi based organisation which represents 39,000 health workers on a range of employment related and professional issues across the public, private and community sectors. The majority of our members are registered, enrolled and student nurses, and midwives.
- 3.2. Nurses and Midwives are women. In 2004, there were 34,660 active registered nurses and midwives working in nursing and midwifery in New Zealand. Approximately 91% were women. NZNO membership statistics are similar – 95% of the NZNO membership is female.
- 3.3. Issues affecting women and women workers are of prime importance to NZNO, to the community and the health sector at large. Paid

parental leave is an industrial and social policy issue for our members and NZNO. Paid parental leave is fundamentally an issue of equity and also a mechanism for promoting equality in the workplace.

- 3.4. Within this context, NZNO is pleased to support the Bill's intention of extending Paid Parental Leave opportunities to self-employed persons.

4. EXTENSION OF PAID PARENTAL LEAVE TO THE SELF - EMPLOYED

- 4.1. NZNO is pleased to see that the Department of Labour has taken an evidence based approach to making changes to the Government's Paid Parental Leave policies. The Department of Labour evaluation¹ noted that all self-employed mothers interviewed felt that they should be entitled to some form of Paid Parental Leave citing clear reasons for their inclusion.
- 4.2. NZNO recognises that self-employed people are able to provide for protection of their own employment interests. Regardless of how employment interests are protected, NZNO considers that the government has a responsibility to ensure that the career and motherhood choices of self-employed and working women are equally valued.
- 4.3. NZNO therefore supports the bill and all associated clauses relating to extending eligibility for paid parental leave payments to self-employed people.

5. ELIGIBILITY TO OTHER WORKERS

- 5.1. NZNO fully supports the concerns of CTU in relation to the large number of employed women who remain ineligible for Paid Parental Leave. In particular, casual, temporary and seasonal workers.

¹ Department of Labour (2003) *Evaluation of the Implementation of Paid Parental Leave*, prepared by Gravitas Research and Strategy Limited, for the Employment Relations Service, Department of Labour, dated 27th August 2003

- 5.2. NZNO recommends that the Department of Labour be asked to consider the needs of casual, temporary and seasonal workers in future paid parental leave and pay and employment equity evaluations.

6. LEVEL OF PARENTAL LEAVE PAYMENTS

- 6.1. NZNO is pleased that self-employed parental leave payments are payable at a rate equal to the person's average weekly earnings, up to a maximum consistent with employed persons. The NZNO notes with concern that the payment level for those on the highest tax rates will result in a maximum payment of \$357.30 before tax which is only \$27.30 more than the minimum wage. NZNO supports the view of CTU - that this level of payment does not adequately compensate for actual loss of income.
- 6.2. NZNO further considers that paid parental leave payments need to be in line with cost of living realities.

7. OTHER ASSOCIATED ISSUES AND VIEWS

7.1. The rights of long term foster parents

- 7.1.1. NZNO paid parental leave policy is focused on obtaining 14 weeks paid parental leave for its members, including those who undertake long term fostering of children under the age of 12 months.
- 7.1.2. From NZNO and its members' perspective workers who take on parental responsibilities either through birthing, adoption or long term foster care should be treated equitably as parents and therefore entitled to paid parental leave. The current legislation only provides for birth parents and adoptive parents.
- 7.1.3. Although the paid parental leave legislation will contribute significantly to eligible parents, women who are not eligible will

continue to be disadvantaged in the workplace because of their responsibilities as the primary carers of children. Foster parents in particular contribute significantly to society by providing long term care to children at a difficult time in their life. The role of guardians is not acknowledged and the need for a temporary absence from the workforce places them at an economic disadvantage.

- 7.1.4. NZNO considers that the role of foster parents who become long term carers of children under the age of 12 months must be reviewed in terms of eligibility for paid parental leave.

7.2. **Whaangai adoption**

- 7.2.1. The concept of *Whaangai* adoption is also not taken into account in the current legislation. As outlined in previous submissions by the New Zealand Nurses Organisation, in 2003, the NZNO Te Runanga o Aotearoa outlined the concept of *whaangai* adoption. The practice of informal adoption in Maori communities, iwi and families is a long standing tradition and continued practice. Many sisters, brothers, aunts, uncles and grandparents look after children under the Maori practice of *whaangai* adoption. It is a long established cultural tradition and occurs for many reasons - some of which may be social, some economic and/or traditional.
- 7.2.2. NZNO, Te Runanga o Aotearoa request that these patterns and traditions are recognised and acknowledged and that obligations to Te Tiriti O Waitangi require respect of Maori cultural practices and access by Maori to benefits and options open to Pakeha.
- 7.2.3. NZNO recommends there be discussion with iwi and Maori authorities to ensure appropriate eligibility consideration for paid parental leave in circumstances of *whaangai* adoption. Usually in a *whaangai* adoption one person can be identified

as the primary caregiver and a process to verify this could be developed in consultation with Maori. Such a process may require authentication from the iwi, hapu, whanau, a recognised authority or parents. The purpose of the consultation would be to extend the adoption provisions of the *Act* to *whaangai* adoptions having regard to the primary purpose of the Act which is to enable new parents to take leave from work.

7.3. Paid Breastfeeding Breaks

7.3.1. NZNO considers that more can be done to achieve the government's intention to support the health and wellbeing of new mothers (carers) and babies. NZNO considers that opportunities exist within the Department of Labour's Pay and Employment Equity work and future evaluations to identify the extent to which employers provide adequate provisions for new mothers and caregivers. For example NZNO supports the right of employed women to have paid leave for breast feeding. This is also the policy of the International Council of Nurses². The role of parenting should be acknowledged and valued in the workplace.

² The International Council of Nurses is a federation of national nurses' associations (NNAs), representing nurses in more than 128 countries. Founded in 1899, ICN is the world's first and widest reaching international organisation for health professionals. Operated by nurses for nurses, ICN works to ensure quality nursing care for all, sound health policies globally, the advancement of nursing knowledge, and the presence worldwide of a respected nursing profession and a competent and satisfied nursing workforce. NZNO is affiliated to the ICN.

8. CLAUSE 2AD CONCURRENT EMPLOYMENT AND SELF-EMPLOYMENT

8.1. NZNO considers that the above clause discriminates against women - for example midwives - who are both employee midwives and self-employed midwives, as their eligibility is determined on the basis of her work as an employee or as a self-employed person but not both. Given the labour market shortages of midwives, this clause requires exploration of the issues for affected people.

9. CONCLUSION

9.1. The New Zealand Nurses Organisation (NZNO) thanks you for the opportunity to comment on the Parental Leave and Employment Protection (Paid Parental Leave for Self-Employed Persons) Amendment Bill. NZNO supports the amendments to extend paid parental leave to the self-employed and to reduce qualifying time following subsequent birth. However, the legislation does not go far enough in meeting all the needs, situations and circumstances of parents and carers. In particular, eligibility for paid parental leave is not extended to those who for cultural, social and economic reasons adopt *Whaangai* or become long term foster parents (on behalf of the state). There are still a large number of ineligible workers. This needs further research and evaluation to identify the implications for casual, temporary and seasonal workers, and other issues around workplace conditions to support new mothers and babies also requires further work. NZNO has specific recommendations relating to these matters.

9.2. NZNO is part of the New Zealand Council of Trade Unions (CTU) and is in full support of the CTU's submission.

Angela Wallace
NZ Nurses Organisation