

CORPORATE OFFICE

Level 1
32 Oxford Terrace
Christchurch Central
CHRISTCHURCH 8011

Telephone: 0064 3 364 4134
Kathleen.Smithram@cdhb.health.nz

22 December 2021

9(2)(a)



RE Official Information Act request CDHB 10759

I refer to your email dated 22 November 2021 requesting the following information under the Official Information Act from Canterbury DHB. Specifically:

1. Does the CDHB employment policy allow full-time staff to take unpaid leave?

Unpaid leave or Leave Without Pay (LWOP) is covered in section 5 of the Canterbury DHB Leave Policy. Please find attached as **Appendix 1**.

2. The approximate number of CDHB staff that have been granted unpaid leave for a period of six months or longer, during the period 2015 - 2019.

Between 2015 and 2019 (calendar years) there were 66 instances where an employee received a LWOP element for six or more consecutive months.

3. The approximate number of CDHB staff that have been granted unpaid leave for a period of six months or longer, during the period 2020 - 2021.

During 2020 and 2021 to date there have been 30¹ instances where an employee received a LWOP element for six or more consecutive months.


¹ Includes eight instances which started in 2019 and continued into 2020.

Please note: This does not mean the LWOP was a single continuous period but that the employees mentioned above were granted some Leave Without Pay for each of those months.

I trust that this satisfies your interest in this matter.

Please note that this response, or an edited version of this response, may be published on the Canterbury DHB website after your receipt of this response.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tracey Maisey', with a stylized, flowing script.

Tracey Maisey
Executive Director
Planning, Funding & Decision Support

Leave Policy

Purpose

Canterbury District Health Board and West Coast District Health Board (referred to as **our DHBs or we**) are committed to providing opportunities for all our people to take the leave to ensure they have opportunities for rest, recreation, development, caring for their whanau and discharging public duties.

This policy seeks to:

- Ensure we meet our obligations as a good employer in relation to planned and unplanned leave.
- Ensure that all our people understand and know how to access and appropriately use leave as covered by this policy.
- Encourage all our people to be well and stay well at work, by taking regular planned leave and taking unplanned leave in accordance with this policy and all relevant organisational guidelines and departmental procedures.

This policy is to be read in conjunction with an employee's relevant leave provisions provided for in their individual or collective employment agreement (**employment agreement**). In the event of inconsistency arising between this policy and the employee's employment agreement, the specific terms of the relevant employment agreement will apply.

This policy covers the following leave types:

Planned Leave

1. Annual Leave and Shift Leave
2. Alternative Holiday
3. Long Service Leave
4. Parental Leave
5. Leave without Pay
6. Education Leave
7. Military Service Leave
8. Union Leave

Unplanned Leave

9. Sick Leave
10. Bereavement/ Tangihanga Leave
11. Jury Service & Witness Leave
12. Domestic Violence Leave
13. Adverse Weather Leave
14. New Zealand Medical Assistance Team (NZMAT) Leave

Policy

The following types of leave are not exhaustive. This policy should always be read in conjunction with the relevant employment agreement.

Planned Leave

1. Annual Leave and Shift Leave

Annual leave is paid time off work to allow employees opportunities for rest and recreation. Some employment agreements grant extra leave entitlements for on-call or shift work, known as **shift leave**.

For the purposes of this section the term leave shall mean annual leave and shift leave.

1.1. Taking Leave

Leave must be planned for by both the employee and their manager and taken at a time that balances the employee's needs with the operational needs of our DHBs. Leave must be formally approved by the relevant manager before it commences.

Leave should ideally be taken in the year it falls due and an employee's leave balance shall not exceed a two-year entitlement.

Managers:

- Will plan and make provisions to provide coverage for employees taking leave throughout the year;
- Will respond to leave requests from employee's in a timely way.
- Are responsible for ensuring that each employee's balance does not exceed a two-year entitlement and ideally is maintained as a maximum of 1 – 1.5 years of entitlement at any time; and
- Where possible, arrange/grant leave at a time mutually acceptable to both the employee and our DHBs.

Employees:

- Will apply for leave using the max. on-line application form; and
- Will give sufficient notice to request leave.
 - Where an employee works in line with a published roster, notice for leave should ideally be given before the confirmation of the next roster unless it is not practicable for the employee to do so. For all employee's at least 21 days notice to request leave should be given unless otherwise agreed or stated in the employee's employment agreement.
 - While our DHBs cannot promise that all leave applications will be approved, applying in line with the above parameters gives employees the greatest chance of having their leave granted. The less notice that is given for leave applications, the more likely it is that they will be declined.

If mutual agreement cannot be reached, an employee may be directed to take leave accrued annual leave in accordance with the Holidays Act 2003. Unless otherwise specified in the employee's employment agreement, our DHBs will give no less than 14 calendar days' notice to take accrued leave. Employees may be directed to take accrued leave according to our DHBs service requirements.

1.2. Managing Excess Leave Balances

A high leave balance means a balance of leave that exceeds 1 - 1.5 years of entitlement and excess leave balance means a balance of leave that exceeds a two-year entitlement at any time.

Where an excess leave balance is identified, the manager must work with the employee to actively reduce their leave balances including, but not limited to:

- Developing a mutually agreed leave plan to reduce their leave balances; and
- If mutual agreement cannot be reached, direct the employee to take accrued leave in accordance with the Holidays Act 2003. Unless otherwise specified in the employee's employment agreement, our DHBs will give no less than 14 calendar days' notice to take accrued leave.

1.3. Cashing-up Leave

An employee may request to cash-up accrued leave in accordance with the Holidays Act 2003.

2. Alternative Holiday

Alternative holidays are paid time off work where an employee works on a public holiday that would otherwise be a working day for them.

Alternative holidays are to be taken as soon as possible after they are accrued and at a time that balances the employee's needs with the operational needs of our DHBs. An employee who does not take an accrued alternative holiday within 12 months may request to cash-up the alternative holiday leave in accordance with the Holidays Act 2003

If mutual agreement cannot be reached, an employee may be directed to take their alternative holiday on a date determined on a reasonable basis in accordance with the Holidays Act 2003. Unless otherwise specified in the employee's employment agreement, our DHBs will give no less than 14 calendar days' notice to take their alternative holiday.

3. Long Service Leave

Some employment agreements grant paid time off work to recognise long service, known as **long service leave**.

Long service leave is to be taken as soon as possible after it is accrued and at a time that balances the employee's needs with the operational needs of our DHBs.

4. Parental Leave

Parental Leave is paid and/or unpaid time off work to allow an employee to look after a new born or adopted child.

Parental leave will be granted as provided by the Parental Leave and Employment Protection Act 1987. Some employment agreements grant enhanced parental leave entitlements.

5. Leave Without Pay

Leave without pay is unpaid time off work granted at the discretion of our DHBs.

Leave without pay should only be granted where:

- The employee has exhausted all accrued leave balances; and
- The absence of the employee will not cause undue difficulties or disruption to the DHB.

An employee may request leave without pay using the max. on-line application form.

Some employment agreements provide specific information on leave without pay entitlements. Unless otherwise specified in the employee's employment agreement:

- Annual leave and sick leave will not accrue during periods of leave without pay; and
- Periods of leave without pay will not be included in the qualifying period for service related entitlements.

6. Education Leave

Some employment agreements grant paid and/or unpaid time off work to undertake educational activities, known as **education leave**.

Education leave is to be taken in accordance with the employee's employment agreement.

7. Military Service Leave

Military service leave is unpaid time off work for military training and active service.

Military service leave is to be granted in accordance with the employee's employment agreement and the Volunteers Employment Protection Act 1973

8. Union Leave

Some employment agreements grant paid and/or unpaid time off work to undertake union related activities, known as **union leave**.

Union leave is to be taken in accordance with the employee's employment agreement.

Unplanned Leave

9. Sick Leave

Sick leave is paid time off work if an employee or their dependant is ill or injured.

For the purposes of this section the term sick leave shall mean leave paid leave taken when an employee or their dependant is ill or injured.

9.1. Taking sick leave

Managers:

- Will assume all sick leave absences are genuine unless proven otherwise; and
- Ensure employees understand the process for contacting them to take sick leave in accordance with departmental guidelines.

Employees:

- Will only take sick leave when either themselves or their dependant is ill or injured; and
- Will contact manager to take sick leave as soon as practicable and in accordance with departmental guidelines.

9.2. Dependants

The Holidays Act 2003 defines a dependant as a spouse or partner of the employee or a person who depends on the employee. Some employment agreements further define a dependant for the purposes of sick leave. Unless otherwise specified in the employee's employment agreement, a dependant will usually be someone who:

- Ordinarily relies on the employee to care for them; and
- Is not cared for by others.

A dependant will usually live in the same household in the employee. There should be careful analysis of all the circumstances and information before a person is found to be a dependant of an employee where they don't live in the same household, including any guidance contained in the employee's employment agreement.

9.3. Medical Certificates

An employee taking sick leave may be required to supply a medical certificate in accordance with their employment agreement and/or the Holidays Act 2003.

Unless otherwise specified in the employee's employment agreement:

- An employee may be required to provide a medical certificate at their own cost for sick leave absences of three or more consecutive calendar dates, whether or not these days would otherwise be working days for the employee.
- Medical certificates may be requested at the cost of or DHBs for periods of less than three consecutive calendar days, whether or not these days would otherwise be working days for the employee.

9.4. Accumulation of sick leave

Sick leave will accumulate according to the employee's employment agreement.

9.5. Discretionary Sick Leave

Discretionary sick leave is paid sick leave granted at the discretion of our DHBs. There are two types of discretionary sick leave:

- Some employment agreements allow for employees to request discretionary sick leave and provide guidance for our DHBs in exercising its discretion, known as **employment agreement discretionary sick leave**.
- Where no provision exists in an employee's employment agreement and/or an employee has exhausted their employment agreement discretionary sick leave, they may apply for additional paid sick leave, known as **true discretionary sick leave**.

Employment agreement discretionary leave may be granted in accordance to the employee's employment agreement. Unless otherwise specified in the employee's employment agreement, an employee must exhaust their accrued sick leave entitlement before requesting employment agreement discretionary sick leave.

True discretionary sick leave will only be granted in exceptional cases. An employee will generally need to exhaust their accrued sick leave, annual leave and shift leave entitlements before requesting true discretionary sick leave.

10. Bereavement/Tangihanga Leave

Bereavement leave is paid time off work to allow our people to discharge their obligations and/or pay respects to a deceased person with whom they have had a close association. These obligations may exist because of blood or family ties or because of cultural requirements, such as attendance at all or part of a Tangihanga (or its equivalent).

Bereavement leave will be granted in accordance with the employee's employment agreement. Where no specific provision exists in the employee's employment agreement, the entitlements under the Holidays Act 2003 will apply, including but not limited to:

- A minimum of three days paid per death of a spouse, partner, parent, child, sibling, grandparent, grandchild, or spouse or partner's parent dies; or
- A minimum of one day paid per death where our DHBs accept the employee has suffered a bereavement. This is at the discretion of our DHBs and will be based on:
 - How close the employee was with the deceased person;
 - Whether the employee has had to take significant responsibility for any or all of the arrangements for the ceremonies relating to the death; or
 - If the employee has any cultural responsibilities in relation to the death.

11. Jury Service and Witness Leave

Jury service and witness leave is paid and/or unpaid time off work to attend court proceedings as a juror or witness.

Jury service leave to be granted in accordance with the employee's employment agreement and the Juries Act 1981.

Our DHBs support the justice system, therefore only in exceptional circumstances where an employee's absence may cause extreme difficulty, will our DHBs support an application for an exemption to defer jury service.

12. Domestic Violence Leave

Domestic violence leave is paid time off work for people affected by domestic violence.

Domestic violence is to be granted in accordance with the Domestic Violence – Victims' Protection Act 2018.

13. Adverse Weather Leave

Adverse weather leave paid and/or unpaid time off work where employees are unable to get to work in adverse weather conditions.

Adverse weather leave is to be granted in accordance with the Adverse Weather Policy – Responsibility in Getting to Work.

14. New Zealand Medical Assistance Team (NZMAT) Leave

NZMAT leave is paid time off work for employees who are deployed as part of the New Zealand Medical Assistance Team (NZMAT). Recruitment to the NZMAT includes a comprehensive application review and selection process coordinated by the Ministry of Health.

Permission must be sought from our DHBs for an employee's membership of NZMAT and each deployment they are selected for. Our DHBs may refuse an employee's membership and/or deployment where an employee's absence would cause extreme difficulty.

Order of Leave Deduction

Our DHBs encourage planned accrued leave to be used in the following order where possible.

- Long Service Leave;
- Alternative Holiday; then
- Annual Leave.
 - Annual leave will be deducted in the following order:
 - Annual leave (statutory – 4 weeks mandated under the Holidays Act 2003)
 - Annual leave (contractual – annual leave provided above 4 weeks mandated under the Holidays Act 2003 such as shift leave); then
 - Annual leave (accrued during parental leave).

Applying for Leave

All leave must be applied for via max.

Authorities for Approving Leave

All leave must be approved by the relevant manager via max.

Applicability

This policy applies to all our DHBs employees and contracted individuals (referred to as **our people**).

Principles

Underpinning this policy is our DHBs approach to leave management for both planned and unplanned leave. This includes supporting our people to be well and stay well at work by proactively planning leave and minimising the impact of unplanned absences on individuals, our teams and the services we deliver to patients.

Roles and Responsibilities

Our people must:

- Request planned and unplanned leave in accordance with this policy, relevant organisational guidelines and departmental procedures;
- Obtain appropriate approval before taking planned leave;
- Attend work unless prevented from doing so by genuine illness or injury;
- Actively participate to improve attendance where concerns have been raised; and
- Take care of themselves in the interests of maintaining their physical and mental wellbeing to enable them to effectively perform their role.

We must:

- Grant planned leave and unplanned leave in accordance with this policy, relevant organisational guidelines and departmental procedures;
- Ensure proper approval levels are adhered to for planned and unplanned leave;
- Ensure approved leave is reflected in rosters in an accurate and timely way;
- Openly and proactively engage with our people when they are on an unplanned absence and upon their return to work; and
- Promote conversation around leave and an openness to regularly discuss planned and unplanned leave.

Policy measurement

We will measure the accrued leave balances of our people. This will be reported annually. The goal is to see a decrease in accrued leave balances to demonstrate people are taking regular breaks for rest and recreation.

Supporting material

Controlled documents

Including, but not limited to:

Our DHBs

- Leave Care
- Doing the Right Thing – Our Code of Conduct
- Departmental Leave Procedures
- Adverse Weather Policy – Responsibility in Getting to Work

References

- Employment Relations Act 2000
- Wages Protection Act 1983
- Employment Agreements (Individual or Collective)
- Holidays Act 2003
- Parental Leave & Employment Protection Act 1987
- Volunteers Employment Protection Act 2004
- Domestic Violence – Victims' Protection Act 2018
- [Ministry of Health – NZMAT Leave](#)

