
Holidays (Parent-Teacher Interview Leave) Amendment Bill

17/08/2021

Submission on the Holidays (Parent-Teacher Interview Leave) Amendment Bill

1 Introduction

- 1.1 The New Zealand Law Society | Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to make a submission on the Holidays (Parent-Teacher Interview Leave) Amendment Bill (**Bill**).
- 1.2 The Bill introduces an entitlement of up to four hours' paid leave per 12 months' continuous employment for parents needing to attend meetings with a teacher to discuss the progress of their child.
- 1.3 This submission sets out the Law Society's comments and recommendations on several issues. These are focused on ensuring the proposed Bill is clear and workable and achieves its stated objectives.
- 1.4 The Law Society does not wish to be heard.

2 Report of the Attorney-General

- 2.1 The Law Society notes the comments of the Attorney-General in respect of the age limits set out in the Bill and the inconsistency this creates with the freedom from discrimination (on grounds of age or disability) under the Bill of Rights Act 1990.
- 2.2 We agree with and support the comments made by the Attorney-General and the suggested amendments to the Bill to address this issue.

3 Definition of 'parent-teacher interview'

- 3.1 The Bill defines a parent-teacher interview as "*a meeting between a parent and a teacher about a child's learning progress*". Currently, many parent-teacher interviews are run as student-led conferences, where the student leads the discussion and there are, at times, several different students in the room all presenting to their parents on their work.
- 3.2 It is unclear whether meetings of this nature are also captured by the definition. The Law Society therefore recommends that the select committee clarify whether student-led conferences also fall within the definition of 'parent-teacher interview'.

4 Definition of 'need'

- 4.1 Proposed new section 61D provides that parent-teacher interview leave will be available to "*a parent who needs to attend a parent-teacher interview during the employee's normal working hours*".
- 4.2 The definition of 'need' is unclear regarding the efforts that parents are expected to go to, to arrange time to talk with teachers outside of their working hours. For example, many schools now operate an online booking system for parent-teacher interviews where parents can book appointments over a range of days and times (many of which run into evenings). If the available booking times are not convenient, some schools also allow parents to schedule an interview at a time that suits the parent.
- 4.3 The Bill does not consider whether a parent ought to have made reasonable efforts to secure a meeting time outside of their normal working hours before they can access this

leave, and whether more than one parent may need to attend an interview. It is also unclear whether an employee is required to make a request for flexible working arrangements under Part 6AA of the Employment Relations Act 2000 (ERA) before applying for parent-teacher interview leave.

- 4.4 The Law Society recommends that the select committee considers these points in more detail if the Bill is to proceed.

5 Definition of 'parent'

- 5.1 Proposed new section 61C defines a 'parent' as "*a person who is the child's mother, father, guardian, or person standing in the place of a parent to that child*". It is unclear whether this definition captures other caregivers including, for example, step-parents and caregivers who are temporarily or semi-permanently parenting.
- 5.2 We note that present-day family dynamics may differ from the traditional nuclear family model, and other caregivers may have a legitimate interest in a child's educational performance. We therefore suggest the select committee consider whether the proposed definition of 'parent' includes other caregivers who are not legal parents or guardians, but carry out some parental duties on a temporary or semi-permanent basis.

6 Travel time

- 6.1 The Bill provides that parent-teacher interview leave is triggered by the need to attend a parent-teacher interview, but does not clarify whether the leave is intended to cover the interview time itself, or also any associated travel time.
- 6.2 The Law Society recommends that any legislation makes clear whether such paid leave may also be used for the purposes of travelling to and from a parent-teacher interview.

7 Leave allocation

- 7.1 Proposed new section 61H provides up to four hours of paid leave per employee. We note that this allocation remains the same irrespective of the number of hours an employee works (for example, an employee working 5 hours a week gets the same amount of leave as an employee working 40 hours a week) and the number of children an employee has (for example, an employee with one child receives the same amount of leave as an employee with four children).
- 7.2 The Law Society recommends that consideration be given by the select committee as to whether a blanket entitlement per employee best serves the purpose of the Bill, which is to "*provide all employees who are parents with a minimum entitlement to paid leave to assist them to attend parent-teacher interviews*".

8 Entitlement units

- 8.1 We note that the Bill provides for an entitlement of four hours, thereby introducing a third entitlement unit into the Holidays Act 2003 (which currently includes annual leave in weeks and family violence, alternative, public holiday and sick leave in days).
- 8.2 This may create difficulties for payroll systems which calculate employees' relevant daily pay in days. This type of entitlement could also impact other allowance or commission

entitlements which are calculated on a daily basis and give employees the opportunity to earn during the remainder of their working hours that day.

- 8.3 From a practical perspective, allowing this leave to be taken in hours may pose problems for some employers who cannot have an employee work a half or part shift and therefore require the employee to take the remainder of that shift off. The Bill is silent as to how, or whether, employees would be paid in such circumstances.
- 8.4 The Bill also restricts other flexible working practices that may provide a better balance in such situations, such as the use of agreed time off in lieu or flexible working arrangements under Part 6AA of the ERA, instead of paid leave.
- 8.5 The Law Society therefore recommends that the select committee consider the potential impact of this legislation on workplaces that are unable to easily split a shift or working day, and the employee's entitlement to remuneration if they are then unable to work for the remainder of that day by virtue of having taken parent-teacher interview leave.



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