



Holidays (Parent-Teacher Interview Leave) Amendment Bill

Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Holidays (Parent-Teacher Interview Leave) Amendment Bill

13—1

Report of the Education and Workforce Committee

October 2021

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Marja Lubeck
Chairperson

Holidays (Parent-Teacher Interview Leave) Amendment Bill and Report of the Attorney-General under the New Zealand Bill of Rights Act 1990

Recommendation

The Education and Workforce Committee has examined the Holidays (Parent-Teacher Interview Leave) Amendment Bill and recommends unanimously that the bill not proceed.

The Education and Workforce Committee has also considered the Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Holidays (Parent-Teacher Interview Leave) Amendment Bill and recommends that the House take note of this report.

About this bill

The Holidays (Parent-Teacher Interview Leave) Amendment Bill is a member's bill in the name of Terisa Ngobi. The bill proposes to amend the Holidays Act 2003 to allow workers with children to take four hours' leave each year to attend parent-teacher interviews.

Under the bill, employees would have to give notice of their intent to take leave at least three days before taking it. Employees would be eligible to take parent-teacher interview leave as soon as they started working for an employer.

Terisa Ngobi told us that the bill would help achieve equitable educational outcomes by allowing more parents to attend parent-teacher interviews. She submitted that some parents find it hard to take leave, especially those who do shift work and face challenges such as poverty. Ms Ngobi said that not being able to take leave to attend parent-teacher interviews impedes parents' ability to engage in their child's learning.

Submitters' views

A number of submitters suggested that parents should be entitled to four hours' leave per child, instead of four hours regardless of how many children they have. They said that offering only a single period of four hours would disadvantage parents with more than one child.

Other submitters said that the entitlement should be more than four hours, to allow time for parents to travel to the interview. Parents driving further—for example, from rural locations—may be disadvantaged by the number of hours being capped at four.

Some submitters believe that leave for parent-teacher interviews is unnecessary. They suggested that employees needing to attend interviews could use flexible working hours or annual leave. Some added that people could attend interviews via videoconference to reduce the amount of time needed.

Others were concerned about the cost this bill would place on employers. Certain submitters worried that the extra cost would be too much for some businesses to bear, considering the recent increase in leave costs arising from the sick leave entitlement being increased and Matariki becoming a public holiday.

The bill's interaction with ongoing work

Over the last few years, numerous organisations have under-paid their employees' holiday entitlements. We were advised that introducing a new form of leave while employers are still in the process of remediating this could further complicate entitlement calculations.

The Ministry of Business, Innovation and Employment (MBIE) is currently working on changing the Holidays Act to clarify the rules for determining leave entitlement and payments. The work also seeks to ensure that the rules are more easily understood by workers and can fit with digital payroll systems and all types of employment situations. We heard that some people are concerned about how the bill would sit alongside, and align with, this work. The ministry expects legislation amending the Holidays Act to be introduced in mid-2022.

Report of the Attorney-General under the New Zealand Bill of Rights Act

The Attorney-General made a report on this bill under the New Zealand Bill of Rights Act. We considered his report alongside the bill. The report concludes that the bill is inconsistent with the right to freedom from discrimination. It said that the bill discriminates on the basis of age and disability because it does not apply to the parents of children who have turned 19 part-way through their last year at school or children enrolled at state schools who need specialist education.

The Attorney-General commented that the discrimination appears to be inadvertent.

The bill should not proceed

We consider that this bill could create unnecessary complications, confusing employees and employers. It could also interfere with current work under way to improve the Holidays Act.

We commend Terisa Ngobi for pursuing a Member's bill to address some of the inequality that she feels exists in the education system. However, we think it would be best if this work could be incorporated into the work MBIE is currently doing on the Holidays Act. We recommend that the bill not proceed.

Appendix

Committee procedure

The Holidays (Parent-Teacher Interview Leave) Amendment Bill was referred to the committee on 30 June 2021. The closing date for submissions was 18 August 2021. We received and considered 103 submissions from interested groups and individuals. We heard oral evidence from seven submitters, via videoconference.

We received advice on the bill from the Ministry of Business, Innovation and Employment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

We considered the Report of the Attorney-General under the New Zealand Bill of Rights Act 1990 on the Holidays (Parent-Teacher Interview Leave) Amendment Bill alongside this bill. We received written evidence from the Ministry of Justice on the content of the Attorney-General's report.

Committee members

Marja Lubeck (Chairperson)

Chris Baillie

Camilla Belich

Hon Paul Goldsmith

Jan Logie

Jo Luxton

Ibrahim Omer

Angela Roberts

Erica Stanford

Hon Scott Simpson took part in the consideration of this bill.

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.