



# Employment Relations Fact Sheet

Ministry of Internal Affairs  
Government of the Cook Islands

## Leave Entitlements

Under the new arrangements, all workers and employers in the Cook Islands will need to comply with the new minimum standards for leave entitlements for annual leave, sick leave, public holidays and maternity and paternity leave

This fact sheet will provide workers and employers with general guidance on their rights and obligations in relation to leave entitlements.

The Employment Relations Act 2012 establishes a number of minimum leave entitlements. An employer and worker can negotiate better leave entitlements and other leave arrangements not covered in the Act such as bereavement and study leave, but an employer can not provide less than the minimum leave entitlements set out in the Act.

### Annual Leave

For the purpose of rest and recreation, all full time workers are entitled to a minimum of 10 days of paid annual leave for every 12 months of continuous service.

An employer may require a minimum period of service for new workers before they are entitled to take annual leave but that minimum period should not exceed 6 months.

Workers and employers should discuss when a worker can take annual leave.

### Sick Leave

Sick leave is provided as paid time away from work for a worker who is temporarily unable to perform duties because of sickness.

All full time workers are entitled to a minimum of 5 days of paid sick leave for every 12 months of continuous service.

An employer may require a minimum period of service for new workers before they are entitled to take sick leave but that minimum period should not exceed 6 months.

An employer may request the worker provide proof of sickness such as a medical certificate.

### Public Holidays

Public holidays are observed days of national significance where workers are entitled to a paid holiday if the public holiday falls on a day they would normally work.

Where a worker is required to work on a public holiday, an employer must compensate that worker appropriately such as providing:

- payment of double the ordinary hourly rate, or
- equivalent time off in lieu & payment for time worked; or
- any such arrangement that is the equivalent to or better than double the ordinary hourly rate of pay.

### Maternity Leave

All eligible working women, including foreign workers, in the Cook Islands who give birth will be entitled to maternity leave of 6 weeks with pay.

### Paternity Leave

All working fathers in the Cook Islands will be entitled to paternity leave of no less than 2 paid days and 3 unpaid days which is to be taken during the six weeks following the birth of the new born child.

### Leave Entitlements for Part time workers

A part time worker is entitled to a number of annual leave and sick leave day's proportional to the number of hours worked by a full time worker and a full time workers leave entitlement at their place of employment for each 12 month period.

*Illustrative example: Michael & Jim both work at ABC Motors in Avarua. Michael is employed as a full time worker and works 40 hours per week. Jim is employed as a part time worker and works 20 hours per week. Based on the hours that Jim works, he is entitled to half of the leave entitlements given to Michael.*

*Below is a chart of their entitlement to annual and sick leave*

Type of Leave	Michael (40hrs)	Jim (20hrs)
Annual leave	10 days	5 days
Sick leave	5 days	2.5 days

### Where we were before the Employment Relations Act 2012

Under the Cook Islands Industrial & Labour Ordinance every worker was entitled to:

1. 10 days annual leave for every 12 months of continuous service
2. Paid public holidays if the worker had worked 1 month before the public holiday;
3. Double the ordinary rate of pay for hours worked on a public holiday plus 1 day of wages.
4. Six weeks maternity leave with no pay
5. No provisions for sick leave or paternity leave.

### Need more information?

Contact:

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