

EMPLOYMENT RELATIONS ACT 2012

Maternity Leave and Pay

All female employees, except for casual employees, who give birth while employed in the Cook Islands are entitled to no less than **6 weeks maternity leave** and **the right to return to her former position** of employment prior to maternity leave.

Paid Maternity Leave

All working women, Cook Islanders and migrant workers, are entitled to **a paid maternity leave** of no less than the minimum wage for 6 weeks covering their usual hours of work.

As a Cook Islander, your employer can seek support from the Government funded payment (*maximum 40hrs/week for 6 weeks at minimum wage*), by applying to the Ministry of Internal Affairs, Welfare Division, one month prior to your due date. This is your minimum entitlement. Should you and your employee agree to an additional payment on top of the minimum wage, this must be in your existing employment agreement and/or the company's policies.

Eligibility for the Government funded paid maternity leave.

To be eligible for the Government funded paid maternity leave, the employee must:

- have given birth; and
- be a Cook Islander or hold permanent resident status, or be the spouse or child of a Cook Islander or person who holds permanent resident status; and
- be a tax registered employee working for a tax registered employer in the Cook Islands

as a full time or part time employee in the private sector at the time of birth;

As a Migrant worker, your employer will not have access to the Government funded paid maternity leave. Instead, your employer must pay you no less than six weeks maternity leave at the minimum wage rate for your usual hours worked. Should you and your employee agree to an additional payment on top of the minimum wage, this must be in your existing employment agreement and/or the company's policies.

Other facts

- An employer can choose to provide more than 6 weeks paid maternity leave to a female employee.
- A female employee can choose to take less than 6 weeks on her own accord.
- An employer can top up the minimum wage of the Government funded paid maternity leave by stipulating it in the existing employment agreement or in the company's policies.
- A casual employee is not entitled to receive any paid maternity as they do not have permanent employment arrangements with an employer. A casual employee means an employee:
 - *whose working hours are irregular; or*
 - *who works intermittently; or*
 - *who is employed for short term work only*

Further information

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