



Employment Relations Fact Sheet

Ministry of Internal Affairs
Government of the Cook Islands

Maternity Leave in the Cook Islands

This fact sheet will provide workers and employers with general guidance on their rights and obligations for Maternity Leave in the Cook Islands.

All working women who give birth while employed in the Cook Islands will be entitled to no less than 6 weeks paid maternity leave and return to her former position of employment prior to maternity leave.

Paid maternity leave is a new workers entitlement that is available for all eligible working-women in the Cook Islands to enable them to take leave from their job(s) to recover from giving birth to a baby

Government Funded Paid Maternity Leave

The Employment Relations Act 2012 has introduced the first ever national paid maternity leave scheme in the Cook Islands.

Government will assist private sector employers in meeting the new maternity leave obligations by introducing a new payment to pay for 6 weeks maternity leave for all *eligible* working women who give birth.

The Government funded payment will be set at the minimum wage at 40 hours per week and paid directly to the employer to pay to their worker.

Eligibility

To be eligible for the Government funded paid maternity leave, the worker 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 worker working for a tax registered employer in the Cook Islands as a full time or part time worker in the private sector at the time of birth;

Foreign Workers

All working women in the Cook Islands will be entitled to maternity leave, including foreign workers.

However, foreign workers will not be entitled to the Government funded paid maternity. Instead, the employer of the foreign worker must provide that foreign worker with no less than 6 weeks paid maternity leave at a rate no less than minimum wage for 40 hour per week.

IMPORTANT FACTS

- Paid Maternity leave may start no earlier than 2 weeks before the expected due date and no later than the date of birth.
- An employer can provide more than 6 weeks paid maternity leave to a female worker

- A casual worker is not entitled to receive paid maternity as they do not have permanent employment arrangements with an employer.
- Public servants are not entitled to the Government Funded Paid Maternity Leave and should discuss maternity leave arrangements with the Officer responsible for the administration of leave entitlements within their Ministry. For further information about leave entitlements public servant should contact the Office of the Public Service Commissioner.

Application for Government Funded Paid Maternity Leave.

Every application for Government Funded Paid Maternity Leave should be **made 1 month before** the due date.

The application form for Government Funded Paid Maternity leave is available from the Social Welfare Office in Rarotonga and the Social Welfare Officers in the Outer Islands.

All applications for Government Funded Paid Maternity Leave should be filed with the Social Welfare Division at the Ministry of Internal Affairs.

The Social Welfare Division is responsible for the administration of Government Funded Paid Maternity Leave

Where we were before the Employment Relations Act 2012

The Cook Islands Industrial and Labour Ordinance 1964 (Ordinance) provided that a working woman who gives birth shall not be permitted to work during the six weeks immediately following her confinement unless a Medical Officer certifies that a lesser time is sufficient.

Whilst the Ordinance recognized that working women should be entitled to take leave from their jobs to recover from giving birth, she was not entitled to receive pay during that time of leave and given no assurances that her position would be available after 6 weeks.

For more information about Maternity Leave contact the Ministry of Internal Affairs

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