



# Te Kawa Mataaho

Public Service Commission

17 April 2025

9(2)(a) privacy

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## Official Information Request

**Our Ref: PSCR 2025-0218**

I refer to your official information request received on 24 February 2025 for:

- *Any reports, analyses, or discussions from 2020 onwards regarding discretionary or special leave entitlements across public sector agencies, including variations in sick leave provisions.*
- *Documentation related to any project or initiative undertaken by Te Kawa Mataaho to standardise employment conditions across the public sector, including sick leave entitlements*
- *Copies of any spreadsheets, datasets, or comparative charts that outline leave provisions across public sector agencies, particularly any that were circulated between agencies as part of standardisation efforts.*
- *Any correspondence or meeting minutes that discuss challenges, feasibility issues, or outcomes of standardisation efforts regarding leave entitlements.*

On 7 March 2025, you clarified your request with Linda Berkett, Principal Advisor, Workforce & Employment Relations, and it was agreed that Te Kawa Mataaho Public Service Commission (the Commission) would provide:

- *final drafts of documents relating to the PSA project on common and consistent Terms and Conditions*
- *Terms of Reference and any relevant Minutes of any meetings for the above project*
- *Brief background on the above project and why it was not completed and final clauses implemented*
- *Spreadsheet on Terms and Conditions or Sick Leave that was provided to LINZ in the 2020/21 fiscal year*
- *Leave Maxima Cabinet Papers and Minutes*
- *Summary of clauses from Public Service Collective Agreements completed by the Commission in 2022.*

## Background information

In October 2020, the Commission, Public Service chief executives and Te Pūkenga Here Tikanga Mahi – Public Service Association (PSA) recognised the need for change to develop greater consistency in terms and conditions for public service employees.

The purpose for making such changes was to create a modern, fair, secure and exemplar employment offering that attracts and enables an agile, secure and flexible public service workforce, and in doing so, supports building public service capability for the future, the Public Service reforms and the aims of the Public Service Act 2020.

A framework and work programme were agreed between the Commission and PSA to progress this work in December 2020.

Public service chief executives (and Heads of HR) were engaged with this work and were to have input into final decisions. The work progressed using a joint process to oversee the development and design of the consistent and common terms and conditions. There was a Steering Group (including PSA and Commission representatives and a chief executive) and a Design Group (including PSA, Commission and agency representatives). The PSA/Public Service Leadership Team (PSLT) Strategic Forum was sponsor for the work and to provide sign off to the recommendations prior to a PSA ratification process.

The programme of work was developed into ‘common conditions’ (intended to be the same clauses for agencies) and ‘consistent conditions’ (where agencies could adapt wording for their circumstances).

Four clauses were completed and endorsed by the PSA/PSLT Strategic Forum in 2021:

1. Preamble
2. Family violence
3. Gender Pay principles
4. Union recognition and engagement.

Starting in 2021, joint work on common leave clauses was undertaken. This included recommendations that entitlements for annual and sick leave be extended beyond the “leave maxima” entitlements which were established by Cabinet in 2009.

The work progressed until about September 2022, by which stage a number of proposed clauses had either been endorsed or the Design Group had developed a recommended draft. However, the implementation approach was not agreed by the parties, therefore common leave proposals did not proceed nor were the initial four clauses introduced.

### **Agreement to re-set our approach**

Considering the proposal for a Public Sector Pay Adjustment (PSPA), the Steering Group confirmed the following on 31 August 2022:

*The Public Service Commission and the PSA have been working jointly with agency representatives on the development of common or consistent conditions for a number of clauses, endorsed by chief execs.*

*This is important work as part of creating a unified public service but we haven’t implemented what we had hoped at this stage. Consistency of conditions and practices remains a key part of our future direction, so the Commission and the PSA have agreed to re-set the current programme to enable us to make better progress.*

*Considering the common and consistent conditions work as part of our broader engagement on non-remuneration aspects of employment, will allow us to re-focus and prioritise our approach to public service consistency.*

### **Public Sector Pay Adjustment**

The PSPA provided for a settled industrial environment where joint focus could be put on areas such as common and consistent conditions through the agreement of a work programme. The Commission and the PSA came to agreement on these areas in late 2022/early 2023.

There was an opportunity for the earlier work on common and consistent conditions to be included in the re-focused programme.

### **Leave Maxima**

On 16 December 2021, Cabinet noted the Commissioner's intention to establish common leave provisions in the Public Service and agreed to support this principle. Cabinet agreed to rescind annual leave, sick leave and long service leave maxima that had been agreed by Cabinet in 2009. Leave maxima for each agency was to be superseded when the agency implemented the common leave provisions established by the Commissioner.

### **Information being released**

The following documents listed in the table below are covered by your request:

Item	Date	Document Description
1	17 December 2020	TERMS OF REFERENCE - Framework for consistent terms and conditions
2	November 2021	COMMON CLAUSE - Common Preamble
3	November 2021	COMMON CLAUSE - Family violence - support
4	November 2021	COMMON CLAUSE - Gender Pay Principles – Fair and equitable Pay and Employment
5	November 2021	CONSISTENT CLAUSE - Union Recognition, Representation and Engagement
6	2022	Draft common leave working documents
7	October 2022	Public Service Terms and Conditions – A report on the content of Public Service Collective Agreements (Date of data: March 2022)
8	11 December 2023	Public Service Terms and Conditions – A report on the content of Public Service Collective Agreements (Date of data: 31 December 2022)

I have decided to release the documents listed above, subject to information being withheld under section 9(2)(h) of the OIA – to maintain legal professional privilege. We are currently preparing these documents for release, and they will be released to you no later than **30 April 2025**.

In addition, some information has been deleted where it is not within the scope of your request.

### **Information publicly available**

The following information is also covered by your request and is publicly available on the Te Kawa Mataaho Public Service Commission website:

Item	Date	Document Description	Website Address
1		<b>CABINET PAPER</b> - Building a unified Public Service which is a	<a href="https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-">https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-</a>

		great place to work: establishing common leave provisions	<a href="#">Building-a-unified-Public-Service-which-is-a-great-place-to-work-establishing-common-leave-provisions.pdf</a>
2	16 December 2021	<b>Cabinet Government Administration and Expenditure and Review Committee Minute of Decision - GOV-21MIN-0063</b>  Building a Unified Public Service: Establishing Common Leave Provisions	<a href="https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-Building-a-unified-Public-Service-which-is-a-great-place-to-work-establishing-common-leave-provisions.pdf">https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-Building-a-unified-Public-Service-which-is-a-great-place-to-work-establishing-common-leave-provisions.pdf</a>
3	20 December 2021	<b>Cabinet Minute of Decision - CAB-21-MIN-0550</b>  Building a Unified Public Service: Establishing Common Leave Provisions	<a href="https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-Building-a-unified-Public-Service-which-is-a-great-place-to-work-establishing-common-leave-provisions.pdf">https://www.publicservice.govt.nz/assets/DirectoryFile/Cabinet-paper-Building-a-unified-Public-Service-which-is-a-great-place-to-work-establishing-common-leave-provisions.pdf</a>

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA – the information requested is or will soon be publicly available.

#### **Information does not exist**

You requested a ‘spreadsheet on leave that was sent to LINZ’ in 2020 or 2021. We have reviewed our information management systems and email inboxes and are unable to locate this spreadsheet or any email sent to LINZ containing this spreadsheet or similar.

We are therefore refusing your request for this document under section 18(e) of the OIA on the grounds the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

If you wish to discuss this decision with us, please feel free to contact [Enquiries@publicservice.govt.nz](mailto:Enquiries@publicservice.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the Te Kawa Mataaho Public Service Commission’s website.

Yours sincerely



Nicky Dirks  
**Manager – Ministerial and Executive Services**  
**Te Kawa Mataaho Public Service Commission**