Leave Policy

GOVERNMENT OF THE COOK ISLANDS

Effective: January 2026

Policy Statement

This Policy upholds good employer principles, promotes healthy and safe working conditions and work-life balance for Public Service employees. It also provides a transparent framework for the approval and administration of leave and work absences. This Policy is issued under the mandate granted by sections 6(k) and 53A of the Public Service Act 2009.

Scope

This Policy applies to employers and employees of Public Service Departments, Island Governments, Crown Agencies, Statutory Agencies and Ministerial Support Offices.

Exclusions:

- Annual leave for Primary and Secondary School employees
- Casual employees

Principles

The Public Service Act 2009 (PSA) identifies the following values for Public Servants to adhere to:

Honesty	Acting honestly, being truthful, and abiding by the laws of the Cook Islands
Impartiality	Providing impartial advice, acting without fear or favour, and making decisions on their merits
Service	Serving the people well through faithful service to the Government of the Cook Islands
Transparency	Taking actions and making decisions in an open and transparent way
Accountability	Being able to explain the reason for actions taken, and taking responsibility for those actions
Respect	Treating the people, the Government of the Cook Islands, and colleagues with courtesy and respect
Efficiency and Effectiveness	Achieving good results for the Cook Islands in an economical way

The duty to act as a good employer (PSA 2009) requires employers to develop and implement personnel policies which ensure the fair and proper treatment of employees during employment, including the impartial recruitment of employees, provide employee capability development opportunities and good and safe working conditions.

The Cook Islands Government Policies and Employment Relations Act 2012 (ERA) prohibits discrimination on the grounds of race or ethnic origin, beliefs, religion, gender or sexual preference, disability, age or health status, whether for internal or external recruitment.

Legislation and Regulations

The Public Service Act 2009, Employment Relations Act 2012, Public Service (Identification of Departments) Order 2008 and other relevant legislation.

Definitions

Agency means any public service department, instrument, or agent of the Government and includes a body corporate or organisation that is wholly owned or controlled by the Crown.

Casual employees have irregular working hours, or work intermittently, or are employed for short term work only and are only entitled to minimum terms and conditions provided in the ERA.

Civil Duty for the purposes of this Policy means civic work performed by eligible employees. For example: jury service, summoned to Parliamentary select committees, natural disasters, state of emergency.

Disasters means an actual event or an event with a high probable risk of occurring, involving serious disruption to the functioning of a community causing widespread human, material, economic or environmental loss and which exceeds the ability of the affected community to cope using its own resources (Section 3, Disaster Risk Management Act 2007).

Employee means a person engaged to work under an employment agreement. It does not include an independent contractor/consultant engaged under a contract for services.

Employer means the Public Service Commissioner or Heads of Public Sector Agencies, or their delegated authority.

Full Time Employee means an employee who works a minimum of 35 hours per week and has regular hours of work each week and has a reasonable expectation to be employed for at least 35 hours per week.

Immediate Family includes a: spouse/partner/de facto partners; child; brother/sister including in-law; parent including in-law; grandparent; grandchild and other dependents under your care.

Part Time employees are employed for less than 35 hours per week, with regular hours of work each week and have a reasonable expectation of working these hours each week.

Per annum means fiscal year 01 July to 30 June.

Pro Rata means proportionate allocation to the full-time hours.

Public Service Commissioner means the Public Service Commissioner appointed under Article 73 of the Constitution and Section 5 of the current Public Service Act.

Sabbatical means a period of leave granted to an employee for the purposes of study or travel, this form of leave is typically long in duration.

Special Leave is a non-statutory category of leave which employers may approve within the scope and terms of this Policy. It is not an entitlement.

Statutory Leave is legislated leave such as: annual leave; sick leave; maternity leave; and paternity leave identified in the ERA and Public Holidays Act 1999.

Time-Off-In-Lieu (TOIL) means approved time off from work equivalent to extra or additional hours worked or employees who are given delegated authority to a higher role by their employers or managers. Approved TOIL is to be taken as soon as practicable or in agreement between the employer and employee.

Procedures

Employers are responsible for administering this Policy. The employer is responsible for ensuring all policies are easily accessible to employees however, the onus lies with the employee to read, understand, and comply with this Policy and other relevant Government policies. Any person who breaches this Policy may have committed an act of misconduct and may be subject to disciplinary action and/or dismissal.

Employers:

- Must approve all leave taken and may approve leave taken retrospectively.

- Must ensure leave is taken according to an employee's entitlement and accrued benefits.
- Must decide on leave applications and notify employees as soon as practicable.
- May put an employee on Leave without Pay, if he/she is absent without notice or reason.
- Must ensure employee approved leave does not negatively impact on the Agency's work.
- Must maintain effective workforce planning and rostering.
- Must maintain anticipated leave calendars to improve personnel leave management.
- Must provide for employees to access their leave balances.
- Must ensure supporting documentation for approved leave is retained for audit purposes.
- Should actively encourage and allow employees to take accrued annual leave periodically.
- Must return hours of leave back to employees who are already on leave but are requested to come back to work before the end of their expected leave date.
- Must ensure the leave taken has been correctly recorded.
- Must be aware of their obligations under the ERA and PSA.

Employees:

- Are encouraged to take leave for their own well-being.
- Are responsible for monitoring their leave balances.
- Must ensure the leave taken has been correctly recorded.
- Are eligible to apply to take annual leave which has accrued after three months of continuous service during the first year of employment.
- Are entitled to payment of accrued annual leave upon termination of their employment.

Applications and Approval

Leave applications must identify the:

- Type of leave being requested.
- Amount of leave (days).
- Dates inclusive of when leave commences and ends.
- Include any required scanned documentation, e.g., medical certificates for sick leave in excess of two days.
- All leave applications should be made as applicable to the various types of leave as outlined below.
- For technical or specialist roles where call back is highly likely the employee and employer must agree to alternative arrangements prior to leave being taken.

Annual Leave

Paid annual leave cannot be taken within the first three months of employment, regardless of whether an employee is or is not on a probationary period, unless written approval is communicated to the Cook Islands Government Payroll Division by the Employer.

Annual leave is paid time off from work primarily for rest and recreation.

Full time employees can accrue 20 days per annum on a pro-rata basis - based on hours worked or during periods of paid leave. Employers and employees are strongly advised against carrying forward accrued leave balances beyond 30 days per annum.

Part time employees are entitled to leave accrued on a pro-rata basis - based on hours worked.

Employers and employees must agree on times for leave to be taken. If there is a variance to this agreement, the parties must negotiate the terms of the change e.g., called back to work during your leave time.

If a leave application is denied, then both parties must agree on an appropriate time when the leave may be taken.

Employees should not commit to holiday plans until their annual leave has been approved.

Approving advanced annual leave is discouraged to minimise financial risk and liability to the Agency and Government.

An employee's accrued annual leave will not be paid out unless the employee ceases employment with the Agency or approval is obtained from the Public Service Commissioner.

All accrued annual leave must be taken prior to, or part of, any periods of leave of six months or more.

All annual leave entitlements must be used before applying for compassionate leave. Approval for compassionate leave is at the discretion of the relevant Employer.

Public Service agencies may observe a closedown period over the Christmas and New Year season. This break typically includes a combination of statutory public holidays and normal working days. For the days during the closedown that are not public holidays, employees will be required to take annual leave. Employees should plan their leave accordingly to ensure sufficient annual leave is available to cover this period. Where an employee has insufficient annual leave, alternative arrangements may be discussed with their manager, subject to agency approval and operational requirements.

Sick leave

Sick leave is primarily reserved for the employee when they are unwell or for the employee to support a member of their Immediate Family when they are unwell, exceptions to this are at the discretion of the Employer. Reasons for sick leave may include:

- Illness, injury and / or mental health concerns.
- The requirement to travel overseas for a medical examination treatment and/or referral
- A visit to a traditional medical practitioner for healing.

Full time employees receive 10 working days paid sick leave per annum. Part-time employees receive sick leave on a pro-rata basis in proportion to hours worked in comparison to full time employees.

If an employee, whether for treatment or referral to Rarotonga or overseas, is required to take sick leave in excess of their accrued sick leave, the employee may take extended sick leave. The process for this is outlined in the Leave Policy Guide (Annex 01).

Where an employee is transferred to or employed by another Agency within the Public Service, accumulated sick leave can, with the agreement of the employer of the new employing Agency, be transferred.

Accumulated sick leave is not paid out upon termination of employment.

Where an employee falls sick during a period of annual leave, the employer may approve the period of sickness to be taken as sick leave. This does not apply where sickness occurs while taking annual leave immediately before ceasing work.

Employees or a representative must contact their employer as soon as possible to notify them that they are taking sick leave, as failure to do so can result in the Employee being placed on Leave Without Pay and/or be deemed as misconduct and will be addressed in accordance with the relevant policy.

In instances where a regular pattern on the use of sick leave has been established, the employer may require an employee to undergo an examination by a Registered Medical Practitioner of the Employer's choice (at the employer's cost). Upon the completion of this examination, the Employee must provide a medical certificate to the Employer.

Where the Employee is found to be unfit to perform the current duties required, then alternate duties should be arranged for the employee if appropriate. If the employee is unable to undertake any form of duties, then they may be placed on sick leave or leave without pay as appropriate, until cleared to return to work. Applications must be made as soon as practicable.

Employers can, at their discretion, require an Employee to provide an appropriate medical certificate when applying for sick leave, or a quarantine order issued by Te Marae Ora exceeding two (2) consecutive days.

Employers may request a medical certificate and medical examination (at the employer's cost) if they require a second opinion, to consider approving an employee's sick leave application.

All sick leave entitlement must be used before applying for compassionate leave. Approval for compassionate leave is at the discretion of the Employer.

If as a result of:

a) A physical or mental incapacity where the employee is unable to perform the duties of the position and is unlikely to recover the capacity to perform those duties within a reasonable period of time or
b) The employee is relocated on medical grounds from their home, either overseas or to Rarotonga and is unable to work in their contractual employed role for a period that will exceed all the employees' available leave, including compassionate.

The employer:

a) Will consult with the employee
b) May require the Employee to undergo a medical examination, at the employer's expense, by a registered medical practitioner nominated by the employer, or if the employee wishes, two registered medical practitioners, one nominated by the employer and the other by the employee
c) Will take into account any report and/or recommendation made available as a result of the medical examination(s) or any other medical reports and/or recommendations which are provided by the Employee, and apply one or a combination of the following options:
    - No further action under this Clause and/or another option is decided upon by the parties
    - The formulation of a return-to-work plan
    - Redeployment
    - The terms of employment (this may include, changes to duties, location of employment, pay, position or hours) are amended, at the agreement of both parties, to take into account the Employee's new condition
    - An agreed period of leave without pay up to one year
    - Terminate employment by giving four (4) weeks written notice
(d) Any agreed actions or variation to the terms of employment must be recorded in writing using the Variation of Employment Letter template (Annex 02) and any other relevant documents required.

Employees are entitled to 10 days of paid sick leave at the commencement of each financial year. Any unused sick leave at the end of the financial year will be carried forward to the next year, subject to a maximum accrual limit of 50 days. If an employee's accrued sick leave balance is less than 50 days at the start of the financial year, only the number of days required to reach the 50-day maximum will be credited (e.g., if the balance is 47 days, the employee will receive 3 days). Once the 50-day cap is reached, no further sick leave will accrue during the financial year, even if some of the accrued days are used, until the start of the next financial year.

Maternity Leave

Female employees having a baby or an employee, who is legally adopting a baby younger than 12 months and is the primary carer, are entitled to a maximum of 12 weeks maternity leave - taken as six weeks on full pay or 12 weeks on half pay. The option for 12 weeks on half pay must be agreed to by the employer.

An employee may apply to take maternity leave effective two weeks prior to the expected date of delivery.

An employee who experiences a miscarriage or still birth during the second trimester may apply for up to four weeks maternity leave on full pay.

An employee who experiences a miscarriage or still birth during the third trimester may apply for up to six weeks maternity leave on full pay.

During the period of maternity leave the employee's position may be covered on a temporary basis.

Paternity Leave

Paternity leave provides fathers the opportunity to bond with the newborn baby and support the mother of the new born or adopted baby.

Male employees may apply for up to five days paternity leave on full pay. Paternity Leave must be taken within six weeks of the birth of the baby.

Maternity/Paternity leave applications should be made at least one month before the expected date of delivery. Confirmation of the expected date of delivery from the maternity care provider is required.

Special Leave

Special leave is not an entitlement as employers are not required by law to provide this.

An Employer may approve special leave for:

Capped and Uncapped Special Leave

Capped Special Leave	**Up to a total of 10 days per financial year and cannot be accrued for a combination of the following leave types:** • Bereavement • Constitution Celebrations • Inter-Island Sports (e.g., Manea/Purapura/Cook Islands Games) • National Representation • Boat Travel • Pandemic Leave
Uncapped Special Leave	• Civil Duty • Island Government Employees stranded on Rarotonga • Ante-Natal visits and Paunu (Maternal Child Health Clinics) visits.

To approve Special Leave, the employer will consider:

- The type of leave applied for.
- The employees' work programme and performance.
- Previous absences from work and length of service.
- Ability to cover the position with existing resources (employees and budget) and
- The overall impact of the absence on the delivery of the Department's services.

Bereavement

An employer may approve Bereavement Leave to enable employees to fulfill obligations and/or pay respects to a deceased person of close association. A person of close association can include but not limited to immediate family, brother/sister including in-law, parent including in-law, grandparent, and grandchild.

Constitution Celebrations

An employer may approve Special Leave to allow employees to participate in the Constitutional Celebrations and the Constitutional Float Parade. The leave must be applied for as soon as practicable. Employees required to travel to participate in the Celebrations can be given special consideration for travelling times to/from their respective island.

Inter-Island Sports

An employer may approve Special Leave to enable an employee to participate in inter-island sports events such as the Cook Islands, Manea and Purapura Games. This can include athletes, coaches and officials. Spectators do not qualify.

National Representation

An employer can approve Special Leave to an employee selected to represent the Cook Islands in events such as sports, cultural, or national religious events.

An employer can request written confirmation from the relevant national organisation / selection committee as proof of an Employee's selection to represent the Cook Islands.

Pandemic Leave

An employer can approve Special Leave to an Employee who has been ordered by the Ministry of Health, under such relevant Act as may be in force at that time, to quarantine or isolate or to care for a person of close association who themselves have been ordered to quarantine or isolate. Employees will be expected to provide their Employer with a copy of the relevant documentation provided by the Ministry of Health.

Boat Travel

An employer may approve Boat Travel leave for an employee who has applied for this leave in addition to an application for annual leave. The employee must take the most direct route. Boat travel leave is awarded to those who have no other transport options but to travel by boat to their decided destination.

Civil Duty

Employers must approve leave for employees to perform civil duties.

For example:

- Juror, witness or Justice of the Peace in court proceedings.
- Member on Court Tribunals.
- Responses to natural disasters.
- Environmental or Health-related national initiatives.
- Appearances at Parliamentary Committee sittings, Commissions of Inquiry etc.

Employees should advise their employer as soon as possible if they are summoned for civil duty. Section 9 of the Juries Act 1968 allows an employer on behalf of the employee to seek exemption from jury duty, where an employee is providing an essential service and cannot be absent from work. Employees must return to work when they are not required to perform their civil duty.

Island Government employees stranded on Rarotonga

Island Government employees stranded on Rarotonga as a result of transportation (shipping/airline) delays to the Pa Enua, outside of their control, must contact their employer to apply for special leave or arrange to report to work on Rarotonga.

Official Duty Travel Leave

An employer can approve Official Duty travel leave for employees required to travel in their official capacity to meetings or conferences as a Cook Islands Government representative.

Official Duty Travel Leave applies to the employee's regular working days and hours only, an exception applies if the employee is required to work on the weekends.

One day leave is permitted for recuperation for travelers returning home after more than 24 hours of continuous travel, without a minimum layover of one day in transit. This leave is only applicable if the arrival date falls on a working day. Half day leave may be taken if arriving home on a very early morning or very late-night flight. This leave is only applicable if arrival is on a working day, and must be taken on the morning of arrival, otherwise it is foregone. This leave does not apply if the travel was interrupted with a stopover in transit for personal reasons when on Official Duty Travel Leave.

Time off in lieu or annual leave is accrued if an employee is required to work on a Cook Islands Public Holiday which falls within the official duty travel period. Time off in lieu should be taken when mutually agreed between the employee and employer.

Professional Development

An employer can approve Professional Development Leave for employees to attend job related workshops, conferences, or work attachments designed to develop employee capability. Professional development can take place in-country or overseas and should be identified in the employee's professional development plan.

Employers may approve up to six months leave at any one time to enable employees to gain overseas work experience and/or pursue further development opportunities to improve the future livelihood of their families. The Employer cannot approve more than 6 months total professional development leave within any 2-year period.

Employers will consider:

- The employee's position and performance.
- Confirmation from overseas employer(s) or recruiting department of the terms and conditions of employment, including duration and return travel arrangements.
- Impact on the services delivered in the employee's absence.
- Alternative arrangements to maintain normal daily operations if work commitments require the employment of additional labour.
- Contingency plan in the event that the employee does not return to work.

In-Country Study Leave

Employers may approve up to one day (per paper / subject) In-Country Study Leave for work related studies and examinations undertaken by employees. Half a day for study and half a day to complete the exam. This leave only applies to final examinations.

Overseas Study Leave

Employers can approve overseas study leave for work related studies linked to the employee's professional development plan. The study may be funded privately, or by the Cook Islands Government, a development partner, or another sponsor. Employees should be bonded to return and work in the Cook Islands for a period equal to the time they were away on study (Please refer to the CIGOV Training and Development Policy 2024). Employers must provide employees with a job for an equivalent or greater position to return to at the completion of their study.

Employers must consider the following before approving overseas study leave:

- The costs and benefits of the training to both the employee and the Agency.
- The employee's work performance.
- The employer's ability to pay.
- Impact of the employee's absence on the Agency's service delivery.

Time Off In Lieu (TOIL)

Employers may pre-approve time off in lieu for employees who work extra hours outside the normal working hours of the employee. TOIL can also be approved for employees who carry out higher duties (See Remuneration Policy).

TOIL is paid on an hourly basis for each additional hour worked and can be taken when mutually agreed between employee and employer. Employers and employees are strongly advised against accruing leave balances beyond five days.

Time off in lieu is accrued if an employee is required to work on a Cook Islands Public Holiday which falls within the official duty travel or professional development period. Time off accrued in this way is encouraged to be taken soon after returning from travel.

It is strongly recommended that Time Off in Lieu is used within 6 months of receiving it.

Where there is proof of no opportunity to use this leave prior to cessation of employment, any approved TOIL not used up must be paid upon termination of employment from that Agency.

To recognise and reward long-term service, employees who have completed consecutive years of service with the Public Service shall be granted Time Off In Lieu entitlements as follows:

- In the 5th year of continuous service: 5 extra days of TOIL;
- In the 10th year of continuous service: 10 extra days of TOIL;
- In the 15th year of continuous service: 15 extra days of TOIL;
- In the 20th year of continuous service: 20 extra days of TOIL.

These additional grants of TOIL are granted once, during the applicable calendar year, and must be used within that same calendar year. Unused long service leave granted under this provision will not be carried forward or paid out. Continuous service is calculated from the employee's most recent start date with the Public Service without any break in employment.

Compassionate Leave

Compassionate leave applications can be made if employees require more leave than the accrued annual, sick, Special or TOIL leave benefits provided in this policy. Alternatively, employees may apply for leave without pay.
An employer may approve leave on compassionate grounds of up to a maximum of 30 working days leave per year.

The reasons an Employer may approve compassionate leave include, but are not limited to, the following:

- Additional sick leave beyond accrued benefits.
- Additional maternity/paternity leave beyond accrued benefits.
- Additional bereavement leave.
- Disaster response.

Disaster response allows employees to prepare for a disaster before the disaster or respond after a disaster. Disaster response leave may also be applicable where an employee resides in an area struck by a disaster and has suffered personal loss.

All annual leave entitlements, sick leave entitlements and all accrued TOIL entitlements must be used before an employee can apply for Compassionate Leave.

Leave without Pay

Employees do not have an automatic right to Leave without Pay. Employers may approve Leave without Pay prior to the leave being taken, or place employees on Leave without Pay.

Employers may place an employee on leave without pay after a discussion has taken place with the employee. The reasons that Leave without Pay may be approved or applied, may include, but is not limited to, the following:

- Failing to turn up to work without notice.
- Failure to apply for leave as soon as practicable.
- Departing work earlier than required.

- Sabbatical.
- Professional development or study.

In approving leave without pay, the employer will consider:

- The reason for the leave or the absence
- The ability to cover the position and impact on the Agency
- The employees work performance
- Any previous time taken off
- The employees' length of service and
- Other employees on leave at the requested time

Placement back into the employee's usual position is expected upon return from a period of approved leave without pay, except where an employer suspends an employee on leave without pay pending the outcome of an investigation, which leads to disciplinary action. If there have been any changes to the employee's position, due to a restructuring of the Agency, these must be discussed with the employee and their input sought.

Annual leave or sick leave is not accrued while an employee is on leave without pay for a continuous period in excess of five days.

Before an Employer approves a term of Leave without Pay greater than a period of one (1) month, due to the period length, the terms, conditions, and duration of this Leave without Pay period must be recorded and confirmed using the Terms of Reference – Leave without Pay (Annex (03).

Public Holidays

The following statutory holidays are provided in the Public Holidays Amendment Act 2013.

Christmas Day	25 December
Boxing Day	26 December
New Years Day	1 January
The Day Following New Years Day	2 January
Good Friday (end of March or early April)	As published
Easter Monday (end of March or early April)	As published
ANZAC Day	25 April
The Sovereign's (Kings) Birthday	As published
Ra o Te Ui Ariki (July)	First Friday of July
Constitution Day	4 August
Cook Islands Gospel Day	26 October

If a public holiday (other than ANZAC day) falls on a weekend, then this holiday will be observed on the following Monday, and if applicable, Tuesday.

Employees are entitled to payment on public holidays where the Employee would otherwise be expected to work.

Employees are entitled to receive payment for a Public Holiday when they are on paid leave where the Employee would otherwise be expected to work. i.e. maternity leave, paternity leave. Employees are not entitled to receive payment for a Public Holiday when they are on unpaid leave.

Employees approved to work on a public holiday should receive:

- The equivalent Time Off in Lieu for the time worked on the public holiday, including while on overseas Official Travel Duty; or

- Be paid an hourly rate for work on the Public Holiday, as agreed between the employer and employee, but not less than double the employee's ordinary rate of pay.

With the exception of Departments providing essential public services, employers may close Departments during the festive period between Christmas Day and New Year's Day. Employees are encouraged to take Annual leave during this period.

If a public holiday falls within scheduled leave period, the relevant leave balances shall be adjusted.

Other provisions

All records relating to the administration of this Policy must be kept for at least seven years and are only accessible by the employer and/or authorised staff. After the required seven-year period, the Department may destroy the documentation in adherence with Government official information management policies.

Associated Documents

Online leave application link: https://payroll.cookislands.gov.ck/ESS
Official Travel Policy
Leave Policy Guide (Annex 01)

Template Documents

The templates set the minimum standards based on CIGOV Policies, ERA and PSA. They can be edited to suit individual Agency requirements as long as the minimum standards are not removed.
Terms of Reference – Leave without Pay (Annex 03)
Variation of Employment Letter (Annex 02)

Other information

For policy queries, contact the Office of the Public Service Commissioner on phone (682) 29421 or email: opsc.policy@cookislands.gov.ck.
This Policy, associated documents and templates can be found on the Public Service Shared Drive and on the OPSC website www.psc.gov.ck.