LEAVE POLICY GUIDE 2026

GOVERNMENT OF THE COOK ISLANDS

Effective: January 2026

This Guide provides key information on the Leave Policy across the Public Sector. This Guide should not be used as a substitute for the Leave Policy and all template and associated documents are listed in the Leave Policy.

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

Exclusions

This Policy does not apply to:

- Annual leave for primary and secondary school employees
- Casual employees who are only entitled to minimum terms and conditions provided in the Employment Relations Act 2012

Employer Responsibilities

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 end of their expected leave date.
- Must be aware of their obligations under the Employment Relations Act 2012 and Public Service Act 2009.
- Must ensure leave taken has been correctly recorded.

Employee Responsibilities

Employers:

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

APPLICATION AND APPROVAL

Leave applications must identify the:

- Type of leave being requested.
- Amount of leave (days/hours).
- 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, SICK, MATERNITY AND PATERNITY LEAVE

Annual Leave

- Cannot be taken within the first 3 months of an employee's employment period while the employee is on a probationary period.
- Full-time employees can accrue 20 days per annum on a pro-rata basis - based on hours worked or during periods of paid leave.
- Part-time employees are entitled to leave accrued on a pro-rata basis - based on hours worked in comparison to hours of work in proportion to the 20 days per annum accrual of full-time employees.
- Employers and employees must agree on times for leave to be taken.
- Employees should not commit to holiday plans until annual leave has been approved.
- All accrued annual leave must be taken prior to any periods of leave of six months or more.
- All annual leave entitlement must be used before applying for compassionate leave.
- Where an employee has taken annual leave, and is required to return to work, the Employer shall email Payroll with formal directions to reimburse for the amount of annual leave the employee was required to work.

Sick Leave

- Sick leave is primarily reserved for the employee when unwell or for the employee to support a member of their Immediate Family when they are unwell.
- 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 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.
- Employers and employees are strongly advised against accruing leave balances beyond a maximum of 50 days.
- Where an employee is transferred to or employed by another Agency within the Public Service, accumulated sick leave can, with the agreement of the new employing Agency, be transferred.
- Accumulated sick leave is not paid out upon termination of employment.

Maternity Leave

- Female employees having a baby 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.
- Female or male employee legally adopting a baby younger than 6 months are entitled to a maximum of 12 weeks' maternity leave - taken as six weeks on full pay or 12 weeks on half pay. This applies to the primary carer of the child.

Paternity Leave

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

SPECIAL LEAVE

Special Leave is a form leave offered by the Public Sector not required by law. An employee of the Public Sector can apply for a maximum of 10 days special leave per financial year that can be split across the following types of special leave.

Bereavement Leave

- An employer may approve Bereavement Leave to enable employees to fulfil obligations and/or pay respects to a deceased person of close association.

Constitution Celebrations

- An employer may approve Special Leave to allow employees to participate in the Constitutional Celebrations and the Constitutional Float Parade.

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. 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 religious events.

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.

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;
- Appearances at Parliamentary Committee sittings, Commissions of Inquiry etc.

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, PROFESSIONAL DEVELOPMENT LEAVE AND TOIL

Official Duty Travel

- 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 travellers returning home after more than 24 hours of continuous travel, without a minimum layover of one day in transit.
- 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.
- An employee is to document if required to work on the weekend or after hours.
- An employee is to complete the ESS for any duty travel.

Professional Development Leave

- An employer can approve professional development leave for employees to attend job related workshops, conferences, or work attachments designed to develop employee capability.
- Employers may approve up to six months leave at any one time, with the Employer not approving more than 6 months total professional development leave within any 2-year period.

In-Country Study Leave

- Employers may approve up to one day (per instance) in-country study and examination leave for work related studies 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.
- Employees should be bonded to return and work in the Cook Islands for a period equal to the time they were away on study. Employers must provide employees a job for an equivalent or greater position to return to at the completion of their study.

Time Off In Lieu (TOIL)

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

- 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 or professional development period.

Long Service Leave

- 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:
    i. In the 5th year of continuous service: 5 extra days of TOIL;
    ii. In the 10th year of continuous service: 10 extra days of TOIL;
    iii. In the 15th year of continuous service: 15 extra days of TOIL;
    iv. 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.
- Awards of Long Service Leave begins from the commencement date of this policy. No awards of Long Service Leave can be granted retroactively to employees who achieved the above requirements before the commencement of this policy.

COMPASSIONATE LEAVE, LEAVE WITHOUT PAY, PUBLIC HOLIDAYS AND ANTE-NATAL CARE LEAVE

Compassionate Leave

- Compassionate leave applications can be made if employees require more leave than the accrued annual, sick, or TOIL leave benefits provided in this policy.
- An employer may approve leave on compassionate grounds of up to a maximum of 30 working days leave per year.
- Reasons for granting compassionate leave include, but are not limited to, bereavement leave in excess of that provided for in the Leave Policy, the granting of leave for sick leave where an employee has used all their sick leave entitlements and other such reasons as an Employer deems a reasonable reason for paid leave in excess of an Employee's regular leave entitlements.

Leave Without Pay (LWOP)

- 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.
- 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.
- 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 for a term greater than one (1) month, the terms, conditions and duration of the Leave without Pay period must be recorded and confirmed using the Leave Without Pay Terms of Reference

Public Holidays

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

Ante-Natal Care Leave

- The Government of the Cook Islands recognizes that all Public Servants that are undergoing a pregnancy should be encouraged to take advantage of all opportunities for a healthy and safe pregnancy.

- It is recognized that this includes the ability to attend Ante-Natal Care classes during a pregnancy, either by the mother of child for education or the spouse of the pregnant employee for support.
- Employers are encouraged to discuss this matter with employees and must exercise all consideration in facilitating the attendance of these classes by Public Sector employees.
- This can include, but is not limited to, the approval of "glide-time" whereby the employee can take longer lunch breaks to attend this class and make up these hours at a later time.

ASSOCIATED DOCUMENTS AND TEMPLATES

- Online leave application link: https://payroll.cookislands.gov.ck/ESS
- Official Duty Travel Policy

This Guide, associated documents and templates can be found on the Public Service Shared Drive and on the OPSC website www.psc.gov.ck.

For Policy queries or issues in the administration of this Policy, contact the Office of the Public Service Commissioner on phone (682) 29 421 or email: opsc.policy@cookislands.gov.ck