



19 October 2022

Tēnā koe

On 20 September 2022 you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. A copy of any leave provisions for gender reassignment/affirmation*
- 2. If you don't have a specific leave provision for this, how this can be recognised in your current leave provisions*
- 3. What steps you went through to get it in place*
- 4. What engagement you undertook with staff and LGBTQI+ to develop the leave provisions, and any copy and feedback you received (understanding that personal information will be redacted)*
- 5. Any other information that is in scope of developing and implementing gender reassignment and affirmation leave.*

For the sake of clarity, I will answer each of your questions in the following order.

- 1. A copy of any leave provisions for gender reassignment/affirmation*
- 2. If you don't have a specific leave provision for this, how this can be recognised in your current leave provisions*
- 3. What steps you went through to get it in place*
- 4. What engagement you undertook with staff and LGBTQI+ to develop the leave provisions, and any copy and feedback you received (understanding that personal information will be redacted)*

The Ministry does not have a specific leave provision for gender reassignment/affirmation. We therefore do not hold information you are seeking in questions 1, 3, or 4 and these parts of your request are refused under section 18(g)(i) of the Act.

Employees who need time off work for gender reassignment/affirmation can access existing leave provisions, including Annual Leave, Sick Leave, and Discretionary Leave, both paid and unpaid. Decisions on leave are made between the employee and their manager based on their individual circumstances and leave balances.

*5. Any other information that is in scope of developing and implementing gender reassignment and affirmation leave.*

The Ministry is in the process of engaging with SOGIESC diverse employees (those diverse in sexual orientation, gender identity, gender expression and sex characteristics) on their overall experiences of working at the Ministry. This engagement will help the Ministry form recommendations and work to improve our SOGIESC diverse employees' experiences.

Work already underway in this space includes developing Gender Transitioning Guidelines. The Ministry is currently working alongside Gender Minorities Aotearoa and the Proud@MSD employee led network with input from wider employees and people leaders who could be impacted by these guidelines. The development of these guidelines is intended to ensure Ministry staff can live as their authentic selves, improve the experience they have when they transition at work and build the knowledge and understanding of people leaders and team members. The guidelines will aim to connect individuals to other relevant information, such as resources and guidance on using the Ministry's existing leave provisions.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding leave provisions for gender reassignment/affirmation, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

A handwritten signature in blue ink, appearing to read 'C. McLeod', written in a cursive style.

Cain McLeod  
**Group General Manager**  
**People**