

Individual Employment Agreement for casual employment – Kindergarten Teachers (Short-term relief)

Note: This individual employment agreement can only be used for kindergarten short-term relievers who are not a member of the NZEI Te Riu Roa. NZEI Te Riu Roa members are automatically bound by the Kindergarten Teachers', Head Teachers' and Senior Teachers' Collective Agreement (KTCA) 2026-2028.

BETWEEN

Employer:

[name of Kindergarten Association]
(the “employer” or “Kindergarten Association”)

Employee:

(the “Employee” or “You”)

What work might you be offered and how will you be employed?

Under this agreement you may be offered, from time to time, casual employment on a temporary basis as a short-term reliever. Any engagement offered will be for a maximum of six weeks. Because the role is to provide cover in someone else's position for a fixed period, or to undertake a specific event or specific project, employment is neither permanent nor continuous. You will be employed on a casual basis for the period of each engagement worked.

What will you do be doing and where will it be?

The work you will do (if you accept an engagement) is set out in the attached position description, or as otherwise agreed between you and the Kindergarten Association for that engagement. The location of work will be

[place of work], unless otherwise agreed with the Kindergarten Association at the time the engagement is offered.

Does the Kindergarten Association have to offer you work?

No. The Kindergarten Association may contact you from time to time to offer you an engagement as a short-term reliever, but they're under no obligation to do so, even if previous engagements have been offered or worked.

Do you have to accept an engagement that is offered to you?

No. You're under no obligation to accept any engagement offered to you. If you do accept an engagement though, that commitment is expected to be met. If you no longer want to be offered engagements for any reason, please let the Kindergarten Association know.

Can an engagement that you've accepted be cancelled by the Kindergarten Association, and if so, will you be paid for the engagement?

Once you have accepted an engagement, changes can only be made in limited circumstances or with your consent. If your engagement finishes early because it is for an event or project (rather than ending on a set date), then your engagement will finish early as well and you will not be entitled to be paid for the balance of the engagement. The other exception is in cases of serious misconduct. Otherwise, if the Kindergarten Association withdraws the engagement or wants it to finish early then it still has to pay you for the whole of the engagement.

If you accept an engagement, what will your terms and conditions of employment be?

Once this agreement is signed by both you and the Kindergarten Association, it will apply from that date in respect of any engagement that is offered to you that you agree to work. It will also replace any previous arrangements and understandings (whether express or implied) between you and the Kindergarten Association. Except as modified in this employment agreement, your terms and conditions during any engagement are those set out in the KTCA 2026-2028 that is in force at the time of your engagement, to the extent they are applicable to short-term relievers, and any terms and conditions specific to the engagement provided when an engagement is offered (noting that if you and the Kindergarten Association wish to vary this Individual Employment Agreement, the Kindergarten Association will need to obtain prior concurrence from the Ministry). A copy of the KTCA 2026-2028 is published on the Ministry of Education website ([see www.education.govt.nz](http://www.education.govt.nz)). Part 7 of the KTCA 2026-2028 includes a plain language explanation for the services available for resolving employment relationship problems. You can also find more information at <https://www.employment.govt.nz/resolving-problems/how-to-resolve-problems>.

What will your days and hours be if you accept an engagement?

That depends on the role you're covering. This will be confirmed by the Kindergarten Associations at the time the engagement is offered, or will otherwise be as agreed between you and the Kindergarten Association.

How long will any engagement be?

If known, the length of the engagement will be confirmed by the Kindergarten Association at the time it is offered, otherwise the engagement will end when the teacher whose role you're in returns, or after six weeks, whichever happens first. If the Kindergarten Association wants to extend your engagement beyond six weeks then you will be a long-term reliever and you and the Kindergarten Association will need to sign a different individual employment agreement.

What will you be paid?

Your pay rate for an engagement will be determined in accordance with clause 3.8.5 of the KTCA 2026-2028. In the very unlikely event that an engagement includes work on a public holiday, you would be paid in accordance with section 50 of the Holidays Act 2003. The terms and conditions in this IEA are effective from the date on which it has been signed by both parties.

What about holiday pay?

You will be paid your holiday pay at the same time as your pay for an engagement, rather than building up an entitlement to paid annual holidays to take later (see clause 3.8.5 of the KTCA 2026-2028). This is known as pay-as-you-go holiday pay.

What about sick leave and other entitlements under the Holidays Act?

If you have accepted an engagement that is offered to you but cannot work some or all of it because you are sick, bereaved or affected by family violence then you may be entitled to be paid leave. The KTCA 2026-2028 and Holidays Act 2003 set out your entitlements. You can find information about your entitlements under the Holidays Act from MBIE at <https://www.employment.govt.nz/leave-and-holidays/>.

Can you seek advice about this agreement before you sign?

You are encouraged to discuss this offer and seek independent advice from a person you trust (for example family or a lawyer). You can find information on employment rights at www.employment.govt.nz.

Please let the Kindergarten Association know if you have any questions about this agreement. If you accept this agreement as set out above, please sign and return the copy of this document. The Kindergarten Association will then be in contact with any forms or other information it may need from you.

Signatories

SIGNED by the Employee

on [date]

SIGNED for and on behalf of the employer

on [date]

[print name] and

[position]

Reminder for Employers

**The following material contains information for employers and employees.
It does not form part of the employee's terms and conditions of employment**

INDIVIDUAL EMPLOYMENT AGREEMENT KINDERGARTEN TEACHERS – CASUAL OR SHORT TERM RELIEVER

New employees –

where a collective agreement is in force

- New employees who are or become members of NZEI Te Riu Roa and who perform the work covered by the Kindergarten Teachers', Head Teachers' and Senior Teachers' Collective Agreement 2026-2028 (the Collective Agreement) will be bound by that Collective Agreement.
- New employees who are not members of the union and who perform the work covered by the Collective Agreement must be offered the promulgated Individual Employment Agreement.
- Before agreeing to the Individual Employment Agreement and before the employee commences work, the employee must be advised that:
 - they are entitled to seek independent advice about the proposed employment agreement
 - the Collective Agreement exists and covers the work to be done by the employee
 - the employee may join the union, and how they can contact the union, and
 - if the employee joins the union, they will be bound by the Collective Agreement.
 - they can obtain information about their entitlements under the Holidays Act 2003 from their union (if they are a member) and from the Ministry of Business, Innovation and Employment. Information about the Holidays Act and other minimum entitlements can also be found at www.employment.govt.nz.
- The employer must give the employee:
 - a copy of the Collective Agreement (it is available at <https://www.education.govt.nz/education-professionals/schools-year-0-13/people-and-employment>)

- a reasonable opportunity to seek independent advice. The employer must also consider any issues that the employee raises and respond to them, and
- If the employee agrees, the Kindergarten Association must inform NZEI Te Riu Roa as soon as practicable that the employee has entered into an Individual Employment Agreement with them.
- If the parties wish to vary the promulgated Individual Employment Agreement the Employer will need to obtain prior concurrence from the Ministry.

New employees –

where a Collective Agreement is not in force

- Before agreeing to the Individual Employment Agreement and before the employee commences work, the employee must be advised that:
 - they are entitled to seek independent advice about the agreement offered; and
 - they can obtain information about their entitlements under the Holidays Act 2003 from the Ministry of Business, Innovation and Employment. Information about the Holidays Act and other minimum entitlements can also be found at www.employment.govt.nz.
- The employer must also give the employee:
 - a copy of the Individual Employment Agreement being offered, and
 - a reasonable opportunity to seek independent advice. The employer must also consider any issues that the employee raises and respond to them.
- If the parties wish to vary the promulgated Individual Employment Agreement, they will require prior concurrence from the Ministry.