



Tangi Leave at the Call Centre (A)

Tears welled up as the team leader of a busy Wellington call centre grappled with the urgent decision she had to make. The fifteen-person call centre was already six people down and had been struggling to reach its daily quotas. She had sighed with relief last week when one of her most reliable and experienced staff members, a well-liked and respected member of the department's Māori network, returned from four weeks annual leave. But now the woman had applied for three more days of leave to attend the tangi (funeral) of a respected former kapa haka¹ teacher, where she had been asked to perform the karanga.² The department, which received around six million calls each year, had been in the media spotlight for lengthy call waiting times and the inaccessibility of its nationwide network of call centres. Granting the requested leave would put further pressure on the remaining team members. The team leader's attempts to get urgent advice from her manager had fallen on deaf ears, and the human resources department, eventually replying to her urgent email for assistance, had referred her back to the departmental policy.

Policy and Legislation

The department's policy on leave in the event of bereavement was broadly in line with the *Holidays Act 2003* but differed in some crucial respects. The Act (*Exhibit 1*) gives everyone three days to mourn for someone within their immediate family, and a single day to mourn someone close to them. It states that when determining the amount of leave to be granted an

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¹ Māori performing arts. The term *kapa haka* derives its meaning from two words: *kapa* (to stand in rows) and *haka* (Māori dance). It is used to describe both a performing arts group (a *kapa haka group*) and the Māori performing arts in general, which include haka, poi, and waiata ā-ringa.

² A karanga is an exchange of calls to pay tribute to the recently deceased by building connections between the tangata whenua (owners of the Marae, the Māori people) and manuhiri (guests to the Marae) and setting the agenda for the gathering.

employer must take into account how close the association was between the employee and the other person, whether the employee is responsible for any aspects of the ceremonies around the death and whether the employee has any cultural responsibilities he or she needs to fulfil in respect of the death.

The provisions in the Holidays Act allow for the differences between a tangi, or other cultural ceremony of burial, and the traditional Pakeha (European-style) funeral. A tangi (*Exhibit 2*) is likely to be longer and more elaborate, attended by a large number of friends and family who have travelled from around the country to attend the ceremony. The concept of whānau, (kinship) means that representatives of more distant branches of the family may also have a part to play in the ceremony, and a commitment to attend. A designated family representative could, in exceptional circumstances, find themselves attending up to ten tangi, across the country, within one week.

Despite having a significant number of Māori staff, especially in its call centres, the department's published bereavement leave policy did not take any cultural differences into account, treating bereavement and tangi leave as the same thing. It also did not consider the balancing act applied in the Holidays Act. The departmental policy granted three days leave if the deceased was deemed to be a close family member of the staff member, and one if only an acquaintance. Employees could be required to prove their relationship and to prove that the death had occurred, usually by presenting a death notice.

Even though the policy was silent on the differences between the application of tangi and bereavement leave, as part of the state sector, however, the department had additional obligations to meet the needs of Māori staff. The *State Sector Act 1998* requires employers to recognise and uphold the cultural needs of their Māori employees. Ideally this should include providing a "safe and responsive culture for Māori men and women, where Māori skills are recognised and valued among others, as well as ensuring fairness in employment."³

The team leader's call

The young team leader had grown up in the United Kingdom and had arrived in New Zealand only 18 months earlier. Her induction to the department had included information about the bereavement leave policy, but did not advise her of the State Sector Act provisions applying to Māori. However, because the call centre where she worked had a large number of Māori staff, she had made a big effort to learn the Māori language and understand Māori culture, and had regularly granted tangi leave to team members.

The team leader appealed to her manager for assistance in interpreting the leave policy as it applied in this situation of particular pressure. He declined to offer any advice, referring her to the human resources department. With the date of the tangi fast approaching, after repeated emails and sleepless nights, she finally received a reply from human resources. It came as an email with the broad policy attached and a brief message stating that it was up to her how to interpret it. She had to "follow the policy" with no guidance about how it applied in this particular situation. She had asked the staff member to provide proof of the death as evidence that there was a funeral to go to. With the clipping of the newspaper death notice in her hand, she must now make the decision.

³ State Services Commission The Equal Employment Opportunity Progress in the Public Service Report 2003 – Special Focus on Māori, Wellington 2003.

Exhibit 1: Tangihanga⁴

The term tangi or tangihanga describes a Māori approach to the process of grieving for someone who has died. Practices and protocols can differ from tribe to tribe. However, it is a common process that enables people to express their sense of loss, not only for their loved one, but for those who have passed before them.

Traditionally, tangihanga were held at marae. Nowadays, tangihanga are also held at private residences and funeral parlours. Tangihanga usually take place over a number of days, beginning when the person passes away and continuing after the burial, until the rituals and ceremonies of grieving are complete.

Before the burial, it is common for the coffin to be left open so mourners can maintain their physical connection to the tūpāpaku (corpse) as part of the grieving process.

A common belief is that the tūpāpaku should never be left alone after death, so close family members (the whānau pani) stay with the tūpāpaku throughout the tangihanga, supported by older female relatives.

People often travel long distances to attend tangihanga to show their respect for the person who has died and to offer support to the family. It is also common practice to offer a koha, usually money, to the marae or family.

If the tangihanga is at a marae, those who attend are welcomed with pōwhiri [a formal greeting ceremony] during which speeches are made as if talking directly to the tūpāpaku. This fits with the common belief that the spirit remains with the body until the time of the burial.

⁴ Drawn from Korero Maori. (n.d.) *Tangihanga*. Retrieved June 7, 2009 from <http://www.korero.maori.nz/forlearners/protocols/tangi.html>

Exhibit 2: Relevant legislation and reports

A: Holidays Act 2003

Section 69 Bereavement leave

(1) An employee may take bereavement leave in accordance with sections [63](#) and [70](#) if the employee suffers a bereavement.

(2) An employee suffers a bereavement—

(a) on the death of the employee's—

(i) spouse or partner:

(ii) parent:

(iii) child:

(iv) brother or sister:

(v) grandparent:

(vi) grandchild:

(vii) spouse's or partner's parent; or

(b) on the death of any other person if the employer accepts, having regard to relevant factors such as those set out in subsection [\(3\)](#), that the employee has suffered a bereavement as a result of the death.

(3) For the purposes of subsection [\(2\)\(b\)](#), relevant factors include—

(a) the closeness of the association between the employee and the deceased person:

(b) whether the employee has to take significant responsibility for all or any of the arrangements for the ceremonies relating to the death:

(c) any cultural responsibilities of the employee in relation to the death.

Section 70 Duration of bereavement leave

(1) An employer must allow an employee to take—

(a) 3 days' bereavement leave for each type of bereavement described in section [69\(2\)\(a\)](#); and

(b) 1 day's bereavement leave for a bereavement described in section [69\(2\)\(b\)](#).

(2) If an employee suffers more than 1 bereavement at the same time, he or she may take the amount of bereavement leave specified in subsection (1) in respect of each bereavement.

(B) State Sector Act 1988

Section 56 General principles

(1) The chief executive of a Department must—

- (a) operate a personnel policy that complies with the principle of being a good employer; and
- (b) make that policy (including the equal employment opportunities programme) available to its employees; and
- (c) ensure its compliance with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance.

(2) For the purposes of this section, a *good employer* is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) An equal employment opportunities programme; and
- (c) The impartial selection of suitably qualified persons for appointment; and
- (d) Recognition of—
 - (i) The aims and aspirations of the Māori people; and
 - (ii) The employment requirements of the Māori people; and
 - (iii) The need for greater involvement of the Māori people in the Public Service; and
- (e) Opportunities for the enhancement of the abilities of individual employees; and
- (f) Recognition of the aims and aspirations and employment requirements, and the cultural differences, of ethnic or minority groups; and
- (g) Recognition of the employment requirements of women; and
- (h) Recognition of the employment requirements of persons with disabilities.

(3) In addition to the requirements, specified in subsections (1) and (2) of this section, each chief executive shall ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest.

(C) EEO Progress in the Public Service Report 2003

This report had a special focus on Māori and laid out four employment requirements that employers of Māori had to be mindful of:

1. A “critical mass” of Māori public servants at all levels and in various roles,
2. Safe and responsive culture for Māori men and women, where Māori skills are recognised and valued among others;
3. Professional satisfaction and career progression, and
4. Fairness in employment.