



NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

5 February 2013

S13.02

Submission to the Finance and Expenditure Committee

on the State Sector and Public Finance Reform Bill 55-1

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action.

This submission has been prepared by the NCWNZ Public Issues Standing Committee and the Parliamentary Watch Committee.

Introduction

NCWNZ has had a long term interest in the State Sector reforms as they affected women in the State Service. The submission on the 1988 State Sector Bill¹ emphasised the importance of an Equal Employment Opportunities programme and all the provisions relating to a "good employer". It was stated then, "We note that there are no provisions for monitoring the requirement to be a good employer".

The present Act states under the Title

An Act

(e) to ensure that every employer in the State services is a good employer; and

(f) to promote equal employment opportunities in the State services;

The Bill repeals the Long Title and inserts Clause 1A Purpose, which includes (f) meets good-employer obligations.

We understand the need to define terms within the Act, but these terms should be referenced in s.2 Interpretation, for example in the existing Act a **good employer** is defined in s.56(2), without any reference in the interpretation.

¹ NCWNZ. 1988. Submission [s88/6] to the Government Administration Committee on the State Sector Bill.

Clause 5 New section 1A inserted (Purpose)

While we support the inclusion of the new 1A Purpose to replace the definition at the beginning of the substantive Act, we believe the original definition (f) *to promote equal employment opportunities in the State services* should be included or the reference new 1A(f) *meets good-employer obligations* should state where this is defined in the revised legislation.

Clauses 9 New section 4A inserted (Role of Commissioner) and 11 Section 6 replaced (Functions of Commissioner)

We note that there is a mismatch between the existing s.6 Functions of Commissioner and the new clause 9 Role of the Commissioner. We are puzzled that the Commissioner no longer has the role of allocation of functions to and between departments (defined in s.6 (a)(i) of the Act).

The Bill provides roles and functions for the Commissioner yet the original Function s.6(g) *to promote, develop, and monitor equal employment opportunities policies and programmes for the Public Service* is expressed in a broad range of functions without explicitly mentioning equal employment opportunities policies and programmes.

NCWNZ has long standing policy that supports the principle of equal pay for work of equal value, and equal opportunity for women. It is important that the state sector is a leader in New Zealand women achieving both these goals. The latest *New Zealand Census of Women's Participation*ⁱⁱ identifies an increased gender pay gap in five government departments, a gender pay gap that ranges from 2.77% to 42%, and little change since the previous Census.

Clause 17 Section 27 replaced (Public Service defined)

There is already considerable confusion about the variety of governmental bodies. The creation of yet another category of departmental agency will only add to this confusion.

Clause 43 Section 56 amended (General principles)

The alteration introduced to s.56 (2) (c) *the impartial selection of suitably qualified persons for appointment*, to exempt ministerial staff from its provisions is seen to diminish the level of impartiality expected of state sector employees. Those employed in a minister's office need to be impartially selected.

NCWNZ acknowledges that the original wording for a good employer has been retained.

ⁱⁱ Human Rights Commission. 2012. *New Zealand census of women's participation*, 2012.P.93-104

Clause 47 Section 58 amended (Equal employment opportunities)

In amending the Act s58 Equal Employment Opportunities, the Bill inserts

(1) The Commissioner’s functions include promoting, developing and monitoring equal employment opportunities, programmes and policies in the Public Service.

Then section 58(3) of the Act provides further definition of an equal employment opportunities programme.

It is of concern that these important functions of the Commissioner have been buried later in the Bill, and not incorporated into new s.4A or the revised s.6 (where they are currently stated in the Act).

The Bill Clause 6(g) Functions of the Commissioner, mentions only promote good-employer obligations in the Public Service.

Conclusion

NCWNZ takes this opportunity to remind Parliament of the 2012 Concluding Observations of the United Nations Committee on the Elimination of Discrimination against Womenⁱⁱⁱ -

“The Committee recommends that the State party:

(a) Enact appropriate legislation that guarantees the operationalization and implementation of the principle of “equal pay for work of equal value”, in line with article 11 (d) of the Convention;

(b) Effectively enforce the principle of equal pay for work of equal value, through establishing specific measures and indicators, identifying time frames to redress pay inequality in different sectors and reviewing the accountabilities of public service chief executives for pay policies” (para 32)

Changes to the State Sector Act should provide the authority for these recommendations to be implemented.

Barbara Arnold

Beryl Anderson

President NCWNZ

Public Issues Standing Committee Convener

ⁱⁱ Committee on the Elimination of Discrimination against Women Fifty-second session 9 – 27 July 2012. *Concluding observations of the Committee on the Elimination of Discrimination against Women. CEDAW/C/NZL/CO/7*. Available from <http://www2.ohchr.org/english/bodies/cedaw/cedaws52.htm>