



25 May 2018

S18.22

Submission to the Ministry for Women and the Ministry of Business, Innovation and Employment on the Pay Transparency Consultation Document 2018

0. Introduction

0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing 245 organisations affiliated at either national level or to one of our 19 branches. In addition, about 350 people are individual members. Collectively our reach is over 350,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right. This submission has been prepared by the NCWNZ Employment Standing Committee.

1. Recording information

1.1. Wages and time records are currently required under S130 of the ERA and the data must be made available on request to the employee and Labour Inspectors.

1.2. We consider additional data on

- gender of the employee and
- ethnicity of the employee and
- the aggregated data for all the employees of that employer in that business

should be recorded in order to progress equal pay in NZ. The additional compliance costs would be very low for all employers as there is the existing obligation to record and make available data. Additional data on ethnicity is needed to eliminate the double whammy gender/ethnicity pay gap borne by Maori and Pacific women workers.

2. Publishing information

2a. Publishing information: what should be published?

2.1. Our priority is for women to have the data they need to prove they are being paid unequally when compared to a man doing the same or similar work as per the Equal Pay Act S3.1.a or when compared to a man doing work requiring same or similar skills, effort, responsibilities, service and under same or similar conditions as per EPA s3.1.b. The two clauses require different data; 3.1.a requires knowledge of what individual colleagues are being paid and 3.1.b requires knowledge of the average wage for an occupation.

2b. Publishing information – where and how should it be published?

2.2. Data about individual rates needed for a pay claim under S3.1.a needs to be accessible to women employees wanting to raise an equal pay claim but doesn't necessarily need to be made publicly available. Data needed to raise a pay equity claim under S3.1.b will need aggregate data covering a range of occupations. This should be made publicly available.

2c. Publishing information – who should comply?

- 2.3. All employers are bound by S130 of the ERA. All women workers are entitled to equal pay under S3.1.a of the EPA. All women and some male workers are entitled to pay equity where appropriate under S3.1.b of the EPA. Therefore the onus should be on all employers to comply in making available to employees on request the data required for them to progress an equal pay or pay equity claim.
- 2.4. Given possible privacy concerns and compliance costs for small employers we think the threshold for releasing information publicly should be employers with over 20 employees.

3. Classification of occupation for the purpose of aggregating occupational data.

3.1. NCWNZ has been strongly advocating for equal pay for more than a century. Whilst progress has been made in that time it must be acknowledged that discrimination against women is still entrenched in our society and many of our processes and institutions are infected by it. This is evidenced by the continuing gender pay gap and in particular the wage gap for Maori and Pacific women. Commercial job evaluation systems and occupational classification systems merely reflect our current market which undervalues women. We strongly urge caution in accepting any of these as gender bias free.



Gill Greer
Chief Executive



Gabriel Brett Kelly
Convenor, Employment Standing Committee