

Te whai mahi me te ohu mahi Employment and Workforce

The employment and workforce provisions of the Public Service Act 2020 (the Act) are designed to help develop the public service workforce of the future. The changes also support the aim of building a unified public service that acts as one team, with a spirit of service to the community, resulting in more joined-up, effective services and improved wellbeing outcomes for all New Zealanders.

Ngā whakataunga matua | Major decisions

Provisions in the Act include:

- Employees being appointed to the public service at the same time as being employed by departmental chief executives, or by the board in the case of an interdepartmental venture.
- Broadening the Public Service Commissioner's delegation powers for collective agreement negotiations.
- Adding pay equity claims as one of the things the Commissioner is responsible for negotiating in the public service.
- Setting out government expectations in public service-wide workforce policy statements covering, for example, pay equity, diversity, development, and the portability of service-related entitlements.
- Improving workforce diversity by explicitly recognising its value and requiring chief executives and boards of interdepartmental ventures to foster workplaces that are inclusive of all.
- In the future, making annual leave entitlements portable across the public service to aid career mobility across departments

Ka pēhea mō ngā kaimahi tūmatanui | What it means for public servants

These changes are about making the public service a more attractive and inclusive place to work, by:

- fostering a common shared identity for public servants
- recognising the importance of diversity, and inclusive workplaces
- supporting the sector to address pay equity and other cross-sector workforce issues
- enabling cross-public service negotiation of terms and conditions of employment and
- making career mobility between departments easier through portability of annual leave.

Ngā pātai me ngā whakautu | Questions and answers

What does being appointed to the public service mean?

Although public servants continue to be employed in their departments under the new Act, they are also considered to be ‘appointed to the public service’ by their chief executive (or by the board in the case of people employed by an interdepartmental venture). The intent is to encourage public servants to identify not just as employees of their agency but as part of a much bigger unified public service.

How does being appointed to the public service affect someone’s employment in individual agencies?

It doesn’t affect any individual employment processes. The agency chief executive (or board of an interdepartmental venture) still employs individual staff and continues to have all the obligations, rights, and powers that go with being the employer.

Are there any changes to rights in negotiations?

No. The Employment Relations Act 2000 sets out the rights of employers, unions, and employees to negotiate on employment matters. The new Public Service Act does not change these rights.

Will there be common terms and conditions across the public service?

The Public Service Act enables common terms and conditions of employment to be negotiated where all parties agree this is a good idea.

Will there be changes to leave provisions?

The Public Service Act includes a change to ensure that accumulated statutory leave – including annual leave – can transfer with public servants when they move from one department to another.

These provisions will come into force after any changes to the Holidays Act 2003.

Would redundancy entitlements change?

No. Redundancy options and entitlements stay the same as they are now.

Can public servants be compulsorily moved to a new job in a different department?

No. Public servants continue to be employed in their specific departments and any move to a new job requires their agreement.

Why are the Public Service Commissioner’s responsibilities broadened to include pay equity?

The intent of the pay equity provisions is to provide a statutory mandate for the Commissioner to monitor and promote the orderly and efficient handling of pay equity claims in the public service, consistent with the Reconvened/Joint Working Group Pay Equity Principles. This oversight role will also help the Government to plan for the impact of any pay equity settlements in the public service.

What impact does the pay equity provision have?

The public service is already responding to the Government's commitment to achieve pay equity, with a number of pay equity claims currently being progressed by applying the Pay Equity Principles ahead of amendments to the Equal Pay Act 1972.

The Public Service Act's provisions add legislative strength to these efforts by making the Public Service Commissioner responsible for pay equity claims in the public service as if the Commissioner were the employer. The Commissioner can delegate their functions relating to pay equity and may set conditions on the delegations.

What changes need to be made to agency workplaces because of the diversity and inclusion provisions under the new Act?

Chief executives and boards of interdepartmental ventures are expected to build an inclusive workplace culture that attracts and promotes diversity. This includes the removal of any barriers that prevent people from having fair and equal access to employment and career progression opportunities.

Diverse workforce and inclusive practices help the public service to treat all employees fairly and to be responsive and engage more effectively with the communities it serves. This in turn enables the public service to deliver more innovative and effective programmes that have a meaningful impact on social, economic and wellbeing outcomes for New Zealanders.

Under the new Act, do public servants have individual or standardised employment agreements?

This will be negotiated between employers and employees in each case, with agreement from both parties as to the most appropriate approach.