



Joint Report: Equal Pay Taskforce Progress Report for December and January 2022/2023

Date:	28 February 2023		
То:	Hon Jan Tinetti, Minister for Women		
Action	Agree/ Disagree with recommendations	Due	7 March 2023
То:	Hon Andrew Little, Minister for the Public Service	_	
Action	Agree/ Disagree with recommendations	Due	7 March 2023
Report No:	2023-0052		
Contact:	Nardine Sleeman, Manager, Gender, Māori, Pacific Amy Ross, Manager, Pay Equity Advice and Assura	•	ic Pay
	9(2)(a) privacy		
Encl:	Appendix One: Public service pay gaps action plan Appendix Two: Pay equity landscape	Priority:	Low / Medium / High
Security	IN CONFIDENCE		

Minister's Office Comments

Comments:	
Date returned to Te Kawa Mataaho:	

Ensuring a diverse, fair, and equitable Public Service

1. The Government's work programme to close pay gaps and achieve pay equity is primarily progressed through the following two cross-agency collaborative taskforces, the Equal Pay Taskforce, and the Pay Equity Taskforce.

Public Service Pay Gaps Work Programme

- 2. The Equal Pay Taskforce is the co-chair of a stakeholder working group, Te Whakapiri¹. Over the last three months Te Whakapiri has:
 - published new guidance on equitable career progression, pathways, breaks and leave.
 - completed a review of activities across the Public Service to build Māori, Pacific and ethnic communities' workforce and professional capability.
 - supported Crown entities (entities) to publish their pay gaps data for the first time under Kia Toipoto.
 - reviewed agencies' first Kia Toipoto action plans.
- 3. Over the next two months Te Whakapiri will:
 - publish new guidance on equitable recruitment.
 - organise support for agencies and entities to implement both the equitable career progression, pathways, breaks and leave and the recruitment guidance.
 - continue to support entities to develop and publish their first Kia Toipoto action plans.
 - work with agencies to understand which Māori, Pacific and ethnic communities' workforce development initiatives are working well.

Pay Equity Work Programme

- 4. The Librarian's and Science Technician's pay equity claims are the first to settle in 2023. On 20 February affected employees voted overwhelmingly in favour of endorsing the proposed pay equity settlements, which provide an average pay correction of 24 percent and 30 percent respectively.
- 5. In November 2022, Cabinet agreed to extend the benefits of a pay equity settlement for social workers employed in 5 Non-Government Organisations (NGO) to all social workers and those doing the same or substantially similar work in government funded community and iwi organisations [CAB-22-MIN-049 refers]. The Pay Equity Taskforce is leading work on extending the benefits of a settled pay equity claim. Our worked is being supported by Social Service Providers Aotearoa and the Public Service Association Te Pūkenga Here Tikanga Mahi (PSA).
- 6. Engagement with community and iwi organisations who employ social workers is underway to ensure they registered with us, so they can be included in this extension. Over 500

¹ Te Whakapiri is made up of the Taskforce, Te Kawa Mataaho Diversity and Inclusion team, Te Runanga o Ngā Toa Āwhina (the PSA Māori Network), the PSA, Manatū Wāhine, Te Puni Kōkiri, the Ministry for Ethnic Communities and the Ministry for Pacific Peoples, and members of rainbow, disabled and pan-Asian employee-led networks.

organisations have registered so far and approximately 60 organisations have attended the webinars we are currently running.

- 7. On 15 February a new pay equity claim was raised by the New Zealand Resident Doctor's Association for Te Whatu Ora House Officers. The Pay Equity Taskforce has also been made aware of a new claim raised by MERAS for community midwives. We are working to understand the date the claim was raised to ensure the legislative deadlines on arguability can or have been met. Claims that miss this deadline are automatically deemed arguable.
- 8. The Pay Equity Taskforce continues to provide education across the sector. So far in 2023 we have provided 25 hours of educations to over 30 different organisations, union and employers ranging in topics from pay equity 101, to pay equity analysis and interviewing. This is a growth area, and we are looking to collaborate further with the CTU in the future on the delivery of education where possible and appropriate.

Recommended Actions

We recommend that you:

Note the progress being made by the Equal Pay Taskforce and the Pay Equity Taskforce.

Note that the section of this report on Kia Toipoto will be forwarded to the Minister for Diversity, Inclusion and Ethnic Communities for her information and records.

Agree that Te Kawa Mataaho releases this report once it has been considered by you, with matters under active consideration withheld under section 9(2)(f)(iv) of the Official Information Act (OIA). Information related to current pay equity claims is withheld under section 9(2)(j) of the OIA to enable agencies to carry on negotiations without prejudice or disadvantage, and legally privileged information is withheld under section 9(2)(h).

Agree/disagree

Agree, disagree

Hon Jan Tinetti

Minister for Women

Hon Andrew Little

Kroblen Little

Minister for Public Services

1/3/23

Joint Report: Equal Pay Taskforce Progress Report for December and January 2022/2023

Purpose of Report

9. This report provides a high-level overview of the work of the Equal Pay Taskforce and the Pay Equity Taskforce for the new Minister for the Public Service. It also provides Minister's with an update on progress for the Kia Toipoto and Pay Equity work programmes.

Ensuring a diverse, fair, and equitable Public Service

- 10. Appendix One contains an overview of the comprehensive work programme to close gender, Māori, Pacific, and ethnic pay gaps which you share with the Minister for Women. In summary the work programme is aiming to give effect to the requirements of the Public Service Act that the public service workforce reflects the diversity of the NZ population and has fair and equitable conditions of employment.
- 11. The Government's work is primarily progressed through the following two cross-agency collaborative taskforces. The Commission houses these taskforces which are jointly funded by the Ministry for Women, Ministry of Business, Innovation and Employment and the Commission:
 - Equal Pay Taskforce which is focussed on the implementation of Kia Toipoto Closing Public Service gender, Māori, Pacific, and Ethnic Pay Gaps.
 - Pay Equity Taskforce which supports the progress of pay equity claims across the economy.

We have made strong progress to date but there is more work to do.

- 12. The previous Minister for the Public Service delegated responsibility for these taskforces to the Minister for Women with bi-monthly progress reports provided to both Ministers. We seek your confirmation of the arrangements going forward. Until then, we will continue to provide joint reports to you both.
- 13. Looking forward, there are opportunities to progress the Government's pay equity and pay gaps work programmes this year and we look forward to discussing these with you, for example:
 - embedding and accelerating progress on closing pay gaps by working with Te Whakapiri to develop guidance, share best practice and build capability. Crown entities in particular need support to close gender and ethnic pay gaps.
 - using data to leverage the Government's workforce equity priorities within the wider NZ labour market.
 - exploring options for efficiency through a sector-wide extension of the care and support workers' pay equity settlement.
 - how to create and embed sustainable and effective mechanisms to review and maintain pay equity.
 - utilising the longitudinal pay equity settlement review of NGO social workers to understand and evidence the social, economic, health, and fiscal impacts of pay equity settlements.

- 14. We expect public and media interest in pay gaps, pay transparency, and pay equity settlements.
 - Ethnic pay gaps

A recent report from the Human Rights Commission highlighted pay gaps for Pacific people across the New Zealand labour market. In the public service the pay gaps for Māori and between genders have substantially decreased over the last four years. These gains have not been seen for Pacific and Asian people in the public service. The pay gap for Pacific people has decreased only slightly and that for Asian people has slightly increased. Work is ongoing to implement Kia Toipoto, including working with the Human **Rights** Commission.

Pay transparency

There is ongoing public interest in public service pay and the service is already highly transparent about it. Our main contribution is to input to advice to you and your colleagues from the Ministry for Women and the Ministry for Business, Innovation and Employment.

Pay equity settlements

As the number of pay equity settlements grows it is important to ensure clear communication about what pay equity is. The media often defines a pay equity settlement as a simple pay increase and conflates a settlement with pay increases negotiated in collective bargaining or other processes. This can cause negative reactions and a sense of injustice. The Pay Equity Taskforce is careful to be clear that a pay equity settlement delivers a pay correction, that is, a one-off fix to remove sex-based undervaluation. This terminology separates the two and enhances public understanding.

15. We also expect ongoing scrutiny of the litigation in the nurses and midwifery pay equity claims. We are in close contact with Te Whatu Ora and the Ministry of Health and will keep you up to date.

I am less concerned about the level of public scrutiny (any litigation has a level of public scrutiny; that is the purpose of an open justice system) and more concerned there is a strategy to respond effectively to the litigation & this should include opportunities to seek settlement on appropriate terms.

Kia Toipoto - Public Service Pay Gaps Action Plan

High-level focus areas for pay gaps work programme 2023

- 16. The Taskforce, in consultation with Te Whakapiri, has undertaken a strategic planning exercise and determined three broad focus areas for our work in 2023:
 - implementing Kia Toipoto, the Public Service Pay Gaps Action Plan 2021 2024
 - building strong relationships with agencies and Crown entities
 - strengthening data and research.
- 17. We will update you on progress in these areas in each bi-monthly report.

The first Kia Toipoto action plans have been published

- 18. As required, 34 departments and departmental agencies have published their first Kia Toipoto action plans. Links to all published plans are on the Te Kawa Mataaho website (here under How we measure progress) so that stakeholders can easily locate and compare plans.
- 19. The Taskforce has undertaken a review of the plans and found that they show:

- work to close gender pay gaps, begun in 2019 under the Gender Pay Gap Action Plan, is wellembedded.
- agencies' increasing capability in analysing and communicating the complex drivers of gender pay gaps. A number of agencies, especially larger agencies, use detailed data cuts and trends in the data they have been gathering since 2018 to provide a robust evidence base to inform their pay gaps work programmes.
- agencies are employing a wide range of coordinated actions to address the multiple drivers of pay gaps.
- agencies are increasingly making connections between their pay gaps work and wider diversity and inclusion work programmes, especially strengthening cultural competence.
- work to address Māori, Pacific and ethnic pay gaps is less well-developed, partly reflecting that 2022 was the first year of Implementing Kia Toipoto, and data constraints for some agencies. Smaller agencies generally have too few employees in different groups to be able to analyse average pay by ethnicity or by ethnicity and gender combined, or to draw many conclusions from representation data, which can be volatile. Strengthening their ethnic data, and combining this with more qualitative data gathering, is an area of focus for a number of agencies.
- some very good examples of meaningful engagement with employees and unions to develop their action plans.
- 20. The Taskforce will provide feedback to agencies as part of supporting them to continue to develop effective pay gaps action plans.
- 21. In October, the Minister for Women extended the timeframe for Crown entities to publish data and plans from 31 December 2022 to 30 April. At the same time, entities with enough employees to do so, were asked to still publish their gender and ethnic pay gaps by the end of 2022. To date, 38 entities, including 14 Crown agents, have published pay gaps data, pay gaps action plans, or a commitment to Kia Toipoto and to publishing their plans by the end of April. Links to these are also on the Te Kawa Mataaho website here under How we measure progress.
- 22. We are supporting entities to publish their first Kia Toipoto action plans, including their data by the end of April.

Continuing to work with Te Whakapiri to support agencies and Crown entities to meet the Kia Toipoto milestones

- 23. We have completed a systematic review to understand all current activities and investments in workforce and career development for Māori, Pacific, and ethnic communities' workforces in the Public Service.
- 24. Further analysis is underway with agencies to understand which Māori, Pacific and ethnic communities' workforce development initiatives are working well with the aim to leverage these more widely across the Public Service.
- 25. A subgroup of Te Whakapiri has developed guidance on equitable career progression, pathways, breaks and leave to support agencies and entities to meet the Kia Toipoto *Effective Career and Leadership Development* milestone. The guidance was released in early February.

- 26. Another subgroup of Te Whakapiri is developing guidance on equitable recruitment processes to support agencies and entities to meet the Kia Toipoto *Eliminating all forms of bias and discrimination* milestone April 2023. This guidance will be released in April.
- 27. The Taskforce is consulting with agencies and entities to identify their needs and preferences for receiving support to implement both sets of guidance, and to develop their first Kia Toipoto action plans. Based on their feedback, we will develop and deliver tailored learning and support sessions over the coming months.

Pay Equity Work Programme

- 28. **Appendix Two** provides a snapshot of all current and settled claims across the system and shows:
 - 28 active claims progressing through the pay equity process covering 211,818 people working in the public, private and funded sectors
 - 2 newly raised claim in 2023 for community midwives and Te Whatu Ora House Officers
 - 10 pay equity settlements to date have resulted in 111,549 people receiving a pay correction averaging 32.4 percent.

We anticipate there could be least two more pay equity settlements in 2023.

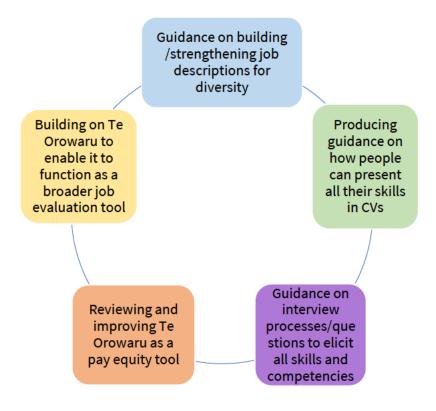
29. We report below on significant pieces of work and provide more detail of pay equity claims where there are particular issues of note.

Pay Equity Taskforce comparator project

- 30. The Pay Equity Taskforce continues to lead a project to proactively interview male-dominated roles in organisations across the economy and contribute the resulting information into the comparator data repository hosted by the Ministry of Business, Innovation and Employment. To date, this project has produced four sets of data already placed in the repository and an additional four new organisations committed to participating. We are currently working with employers to identify appropriate roles among new participating organisations.
- 31. There has been an enthusiastic response from new comparators, across the private and public sector. Some are requesting more education around pay equity for their employees, demonstrating a positive and influential interest in change. This has continued to be a successful model of collaboration between unions and agencies to make the pay equity system more efficient.

Te Orowaru joint Taskforce work programme

32. The Pay Equity Taskforce and the Equal Pay Taskforce is launching a work programme to further develop the use of Te Orowaru. alongside union and agency stakeholders. There are five key workstreams for Te Orowaru that have been identified to further our work on eliminating gender and ethnic pay gaps.



Pay equity in the funded sector

Extension of pay equity settlement for social work in the wider community sector

- 33. In August 2019, PSA raised a pay equity claim in 5 NGOs for social workers and people doing the same or substantially similar work. This claim was the first claim to utilise the Framework for Oversight and Support of Pay Equity in the Funded Sector (the Funded Framework) [CAB-20-MIN-0366 refers]. This settlement provided social workers in these 5 organisations with an average pay correction of 36 percent, bringing their pay in line with Oranga Tamariki employed social workers. It also introduced a new step-based pay system.
- 34. On 14 November 2022, Cabinet agreed to extend the benefits of this settlement to all social workers and people undertaking the same or substantially similar work in government funded community and iwi organisations [CAB-22-MIN-049 refers]. The extension process mitigates the risk of significant claims across the sector (estimated to be at least 50) to cover all workers undertaking social work based on some claims consolidating) and has positive impacts on employees and the provides significant positive effects not only for workers but for attraction and retention of social workers in the current tight labour environment.
- 35. The Pay Equity Taskforce is leading this work to implement the extension with support from the Social Service Providers Aotearoa, the PSA and government funding agencies. We are working at pace to ensure all community and iwi organisations that employ social workers are aware of the pay equity extension and have registered for the data collection process.

- 36. The data collection process is currently underway and engagement to date has been positive with over 500 organisations registered so far.
- 37. We are running scheduled webinars to support community and iwi providers with their data collection and approximately 50 organisations have attended as of 28 February. There is a high level of engagement from organisations attending webinars, calling the dedicated extension helpline, interaction on social media and email. More webinars are planned for both employers and employees to ensure they can fully engage with and understand the extension process.
- 38. Data being gathered from community organisations includes the number of employees they have under coverage, current salaries, and information about their funding agreements with government agencies. This information will then be cross checked by government funding agencies. This process is due to be complete by 28 April 2023.
- 39. The information will form the basis of a paper to Cabinet seeking agreement to draw down funds to implement the pay correction.

Two new funded sector claims have been raised

General Practice Education Programme Trainees claim

- 40. On 17 November 2022, the Resident Doctors Association (NZRDA) lodged a pay equity claim with the Royal New Zealand College of General Practitioners (RNZCGP) for General Practice Education Programme (GPEP 1) Trainees.
- 41. GPEP 1 is one intensive year of training in the work environment. Many registrars accepted for GPEP 1 are employed by RNZCGP for the first 12 months through funding provided by the Te Whatu Ora contract with the RNZCGP.
- 42. The Pay Equity Taskforce met with the RNZCGP as the claim is unusual in that it only covers a one-year training cohort of a larger workforce that is not actually female dominated. RNZCGP sought some initial planning advice on whether the claim should be deemed arguable. The due date for a decision on whether this claim is arguable is 28 February 2023. We will continue to provide support and advice as needed for this claim.

Community midwives

43. Midwifery Employee Representation & Advisory service (MERAS) has raised a new claim for community midwives, and we are working to understand exactly when this claim was raised. There are legislative deadlines for the employer to meet to decide whether a claim is arguable, and if they are missed claims are automatically deemed arguable.

Pay equity in the education sector

Librarian and Science Technician's pay equity claims (NZEI)

44. Claims for Librarians and Science Technicians employed in schools are now settled, making them the first claims to settle in 2023. On 20 February affected employees voted to endorse the

- proposed pay equity settlements, which provide an average pay correction of 24 percent and 30 percent respectively. The Ministry of Education expects employees will be paid the new rates for both settlements by 31 August 2023.
- 45. On 25 January the Central Agency Governance Group (CAGG) endorsed the final milestone in the pay equity process Milestone 6. Its purpose is for CAGG to test whether the proposed pay equity settlements are robust, is supported by sound evidence, and fully corrects any sex-based undervaluation.

Pay equity in the health sector

Te Whatu Ora House Officers (NZRDA)

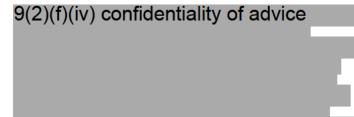
46. On 15 February a new pay equity claim was raised by the NZRDA for Te Whatu Ora House Officers. The deadline for the Te Whatu Ora to decide whether this is an arguable claim is 21 April 2023. The Pay Equity Taskforce was notified of this claim on 23 February 2023.

Te Whatu Ora Nurses claim (NZNO and PSA)

- 47. The nurses' pay equity claim continues to progress in both the Employment Relations Authority (Authority) and the Employment Court (Court). The Court hearing date has been confirmed for the week beginning 11 September 2023. Mediation, on one part of the disputed issues, the review process provisions (as filed in the Authority), is currently underway.
- 48. The Authority has approved an application by Te Whatu Ora to pay the increased Agreement in Principle rates pending the resolution of the claim. Some of the workforce is already receiving the new rates the remainder will receive these before the end of March 2023. They payments include backpay to 22 March 2022 and a lump sum payment of \$10,000 to each employee less 7 March? the \$7,000 advance payment already made to union members.
- 49. The Pay Equity Taskforce and the Crown Law Office continue to provide support to both the Ministry of Health and Te Whatu Ora Health NZ.

Te Whatu Ora Midwives claim (NZNO and MERAS)

- 50. The midwives' claim negotiations had been paused while parties awaited the progress of the nurses' litigation. MERAS has now intervened in the nurses' Court proceedings and the Court has granted an application by MERAS to join the Nurses' Court proceedings on a limited basis.
- 51. The midwifery unions have recently asked for an interim payment adjustment for midwives based on the most recent settlement proposal (August 2022). Te Whatu Ora has advised that they will be briefing the Minster of Health on the options available to respond to this request.



Pay equity in the public sector

Admin and Clerical (PSA, NUPE, Taxpro and NZ Police Association)

52.	9(2)(f)(iv) confidentiality of advice, 9(2)(ba)(i) confidential with prejudice
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Central Agency Governance Group meetings

54. Four milestone papers have been endorsed by CAGG since the December 2022 bimonthly report.

Date	Endorsed milestone papers
25 January 2023	Education Service Science Technicians – Milestone 6
25 January 2023	Education Service Librarians and Library Assistants – Milestone 6
22 December 2022	Ministry of Education Therapists – Milestone 3
24 November 2022	Department of Corrections Probation Officers and Senior Practitioners – Milestone 2

Upcoming meetings and engagements

Date 2023	Details	Location
20, 23, 28	Webinar: Pay equity extension data collection Q and A	Online
February	To provide funding agencies who contract providers to employ	
and 2, 3 & 7 March	social workers in community and iwi organisations with information about the next steps.	
15 March	The Ministerial Oversight Forum	
	You, in your capacity as Minister for the Public Service, co-chair this forum with NZCTU National Secretary Melissa Ansell-Bridges. Other core Ministers that attend the oversight forum are the Ministers of Finance, Health, Education, Workplace Relations, and Safety, for Women, and the Attorney-General. This forum meets to discuss the progress of pay equity claims and any system issues or barriers to progress. The Pay Equity Taskforce will provide you with a comprehensive stocktake paper on the progress of all pay equity claims for this meeting.	In person

March	Kia Toipoto - Drop-in sessions To support Crown entities to publish their first annual Kia Toipoto action plans by April 2023	Online
	Kia Toipoto - Online support Supporting agencies and Crown entities to implement updated Career Progression and Recruitment guidance.	Online

Appendix One - Kia Toipoto, Pay Gaps Action Plan

Women are a priority in this Plan as they are paid less than men, on average, in all ethnic groups

Te Pono Transparency

- Agencies and entities publish annual action plans based on gender and ethnicity data and union/employee feedback.
- Agencies and entities ensure easy access to HR and remuneration policies, including salary bands.

Ngā Hua Tōkeke mō te Utu Equitable pay outcomes

- By the end of 2022 entities ensure that starting salaries and salaries for the same or similar roles are not influenced
- Agencies monitor starting salaries and salaries for the same or similar roles to ensure gender and ethnic pay gaps do not reopen.
- Pay equity processes are used to address claims and reduce the impact of occupational segregation.

Te whai kanohi i ngā taumata

Leadership and representation

- By the end of April 2023 agencies/entities have plans and targets to improve gender and ethnic representation in their work force and leadership.
- By the end of 2024 the Public Service workforce and leadership are substantially more representative of society.

Kia Toipoto will ensure that Māori



Have career paths that empower them to achieve their career aspirations.



Are influential at all levels of the workplace. Participate in action and



monitoring. Enhance workplace practices and the mana

of Māori and others.



Kia Toipoto will ensure that agencies/entities



Work purposefully and with good intentions to achieve equitable pay for Māori.



Include data and actions to achieve equitable outcomes for Māori in action plans.

Celebrate tikanga, kawa and matāuranga Māori, and taonga such as te reo Māori.

Te Whakawhanaketanga i te Aramahi

Effective career and leadership development

- By mid 2023 agencies/entities have career pathways and equitable progression opportunities that support women, Māori, Pacific and ethnic employees to achieve their career aspirations.

Te whakakore i te katoa o ngā momo whakatoihara, haukume anō hoki

Eliminating all forms of bias and discrimination

- By the end of 2023 entities have remuneration and HR systems, policies and practices designed to remove all forms of bias and discrimination.
- Agencies embed and monitor the impact of bias-free HR and remuneration policies and practices.
- Agencies/entities ensure leaders and employees learn about and demonstrate cultural competence.

Te Taunoa o te Mahi Pīngore Flexible-work-by-default

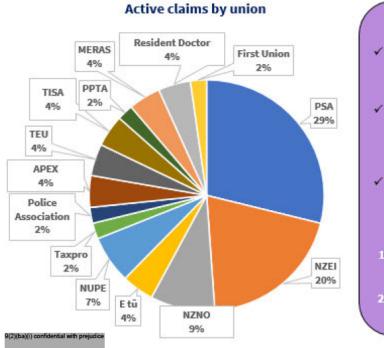
- By the end of 2024 agencies and entities offer equitable access to flexible-bydefault working and ensure it does not undermine career progression or pay.

Te Tiriti o Waitangi obligtions are the foundation for achieving the aspirations of, and equitable outcomes for, Māori

Pay equity landscape as at 23 February 2023



Sector	Title	Status
Education	Education Advisors	ï
Education	Psychologists	
Education	Service Managers	9
Education	Teachers	N .
Education	Therapists	8
Funded Sector	Care and Support	
Funded Sector	Care and Support Frontline Managers and Coordinators	
Funded Sector	GPEP1 Trainees	Ų.
Funded Sector	Kindergarten Admin	
Funded Sector	Kindergarten Cooks	ļ.
Funded Sector	Kindergarten Teacher Aide's	
Funded Sector	Kohanga Reo	
Funded Sector	Community Midwives	
Funded Sector	NGO Social Service Workers	
Health	Te Whatū Ora House Officers	1
Health	Te Whatū Ora Allied Tech	Ÿ
Health	Te Whatū Ora Interpreters and Librarians	
Health	Te Whatū Ora Lakes- HR specialist	
Health	Te Whatū Ora Midwives	
Health	Te Whatū Ora Nurses	
Local Government	Librarians/Library Assistants	
Private Sector	Vet Nurses	
Public Service	Admin clerical claim 1	
Public Service	Admin clerical claim 2	
Public Service	Corrections-Probation Officers/Senior Practitioners	
Public Service	Corrections-Psychologists	
Tertiary	Librarians/Library Assistants	
Tertiary	Tertiary Education Administration and Clerical Workers	



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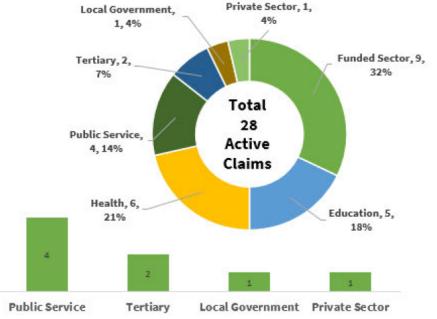
Health

Education

So far in 2023

- ✓ Two pay equity claims have settled. Science Techs and Librarians in schools
- ✓ The Te Whakaruruhau pay equity claim was withdrawn as they are now covered by NGO extension
- ✓ Two new claims were raised; one for community midwives and one for Te Whatū Ora House Officers
- 111,549 people have had their pay corrected
- 211,818 people are covered by a pay equity claim

Active claims by sector



Number of claims by progress status 9(2)(ba)(i) confidential with prejudice



Funded Sector