



Te Kawa Mataaho

Public Service Commission

31 March 2025

9(2)(a) privacy

9(2)(a) privacy

Official Information Request

Our Ref: PSCR 2025-0253

I refer to your official information request received on 4 March 2025 for:

“Under the Official Information Act (OIA), please provide any advice provided by the Public Service Commission to government departments and the education service around pay equity bargaining or settlements, since June 2024

Where information is withheld, I request you provide the title and date of the communication/document withheld, the reason for refusal and the grounds in support of that reason as required by section 19(a)(i) and (ii) of the Official Information Act”.

Background information

Under the Pay Equity Reset, approved by Cabinet in April 2024, the Public Service Commissioner’s role is to provide advice and oversight of risks around pay equity bargaining or settlements in government departments and the education service.

Information being released

Please find listed below and enclosed the following documents within scope of your request.

Item	Date	Document Description	Decision
1	2 August 2024	Letter to the Secretary of Education	Released in full
2	5 September 2024	Letter to the Secretary of Education	Released in full

Information publicly available

The information listed in the table below is also covered by your request and is publicly available on Te Kawa Mataaho Public Service Commission’s (the Commission’s) website at the link provided for in the table, under the heading “Negotiating collective agreements, and pay equity claims”.

Item	Date	Document Description	Website Address
3	2 August 2024	Departments Workforce expectations and Delegations letter – Agency year 2024	https://www.publicservice.govt.nz/system/public-service-people/employment-relations

Accordingly, I have refused your request for the document listed in the above table under section 18(d) of the Official Information Act 1982 (OIA) on the grounds the information requested is or will soon be publicly available.

Information being withheld

There are additional documents covered by your request that I have decided to withhold in full under one or more of the following sections of the OIA, as applicable:

- section 9(2)(j) – to enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
- section 9(2)(h) – to maintain legal professional privilege

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and have decided that the release of the information would impact agencies bargaining position for active negotiations and it is not in the public interest to do so.

If you wish to discuss this decision with us, please feel free to contact Enquiries@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the Commission's website.

Yours sincerely



Nicky Dirks

Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission



Te Kawa Mataaho

Public Service Commission

2 August 2024

Ms Iona Holsted
Secretary for Education
Ministry of Education

By email: iona.holsted@education.govt.nz

Tēnā koe Iona

Government Workforce Policy Statement on the Government's Expectations for Employment Relations

I am writing to you to formally convey the Government Workforce Policy Statement (the Statement) on the Government's expectations for employment relations and to confer a revised delegated authority in respect of bargaining for collective agreements and pay equity claims relating to employees of your department and the Education Service. This replaces the previous Government Workforce Policy Statement, all associated guidance, and any existing delegations. Copies of these new documents are attached, including an overview of the changes to your delegation. I also give my approval for the further delegation of powers from the Secretary for Education as set out in the attached Schedule to the attached delegation instrument.

Part A delegates the Commissioner's functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in respect of your department, subject to certain conditions.

Parts B1 and B2 delegate the Commissioner's functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in the Education Service, subject to certain conditions.

This letter also revokes previous delegations for Fair Pay Agreements bargaining (Part C) which were issued to you in 2023. The Fair Pay Agreements Act 2022 was repealed in late 2023.

The advice in this letter should inform your approach as you enter into bargaining. As is our practice, bargaining will be in good faith without pre-determined outcomes.

The Government Workforce Policy Statement

The Statement covers a range of workforce matters including remuneration, negotiation of employment agreements, capacity and composition of the workforce, pay equity and diversity and inclusion, and data and information.

Departments as named in Schedule 2, Part 1 of the Public Service Act 2020, including any hosted Departmental Agencies and Interdepartmental Executive Boards, and Crown agents as named in Schedule 1 Part 1 of the Crown Entities Act 2004 must **give effect** to the Statement including the expectations and priorities therein.

Other organisations in the Public Sector, as named in Schedule 1 Part 2, Schedule 1 Part 3, and Schedule 2 of the Crown Entities Act 2004, Non-Public Service Departments (New Zealand Defence Force, New Zealand Police, and Parliamentary Counsel Office), all School Boards of Trustees, and Tertiary Education Institutions as defined by “institution” in Section 10 (1) of the Education and Training Act 2020 **must have regard** to the Statement.

In addition, monitoring departments should ensure that Crown entities, which are required to give effect to or have regard to the Statement, are meeting those expectations within their workforce, pay equity and bargaining strategies.

The Statement outlines the Government’s expectations that the Public Service will deliver high performing, trusted and efficient public services. To achieve this, the Statement covers four priority areas for employment relations:

- that employment outcomes are fiscally sustainable and respond to the current fiscal context and any current budget advice
- that employment conditions and remuneration settings support a high performing public sector and delivery of effective, efficient, and responsive services
- that the public sector has a workforce that is responsive to the needs of all New Zealanders, and
- that agencies manage their workforce size and composition, including to reduce expenditure on consultants and contractors.

Agencies should be mindful of the expectation that their bargaining strategies should look to proactively advance changes that will better support delivery on the Government’s Targets and Priorities.

The Government’s expectation is that agencies should seek to deliver all employment relations outcomes, including collective bargaining and remuneration adjustments, from within their existing baselines. Any Budget initiatives seeking additional funding for workforce/bargaining issues should feature early engagement with both the Public Service Commission Te Kawa Mataaho (the Commission), Employment Relations Team and the Treasury. Any such initiatives will be assessed for consistency with the Statement.

The Delegation Instrument

The delegation instrument is attached and replaces any existing delegations.

Part A delegates the Commissioner’s functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in respect of your department, subject to certain conditions.

Part B1 and B2 delegates the Commissioner’s functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in the Education Service, subject to certain conditions.

You will negotiate in accordance with Government policy and expectations, including legislation, and within any guidelines and parameters which the Government may set from time to time. This includes any guidance set by the Commission or any guidance on the fiscal management of remuneration, bargaining or pay equity costs set by The Treasury.

Collective bargaining

This instrument delegates the Public Service Commissioner's (the Commissioner's) functions and powers to initiate and carry out good faith bargaining for, and to enter into, collective agreements subject to certain conditions. These conditions emphasise expectations for an effective employment relations environment in the public sector that will support the delivery of high performing, trusted and efficient public services.

It is important to note that you are required to have approval for any collective bargaining strategy from the Manager, Workforce and Employment Relations before you commence bargaining. You must consult with the Commission's Employment Relations Team during negotiations and ensure any offer for settlement is approved by the Manager, Workforce and Employment Relations before you sign off on it being presented to the union. You must also consult at the earliest possible stage with the Commission and The Treasury on the management of any cost implications arising from collective bargaining claims (or other proposed remuneration changes).

Pay equity

The instrument also delegates the Commissioner's functions and powers to deal with pay equity claims subject to certain conditions. You will deal with pay equity claims in accordance with the Equal Pay Act 1972, Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time. You will consult with the Commission's Employment Relations Team during the course of any pay equity claim process and pay equity remuneration review process. You must also consult at the earliest possible stage with the Commission and The Treasury on the management of any cost implications arising from Pay Equity claims. The Ministry of Business, Innovation and Employment, as administrator of the legislation is responsible for providing guidance and information to all employers on the provisions of the Equal Pay Act 1972.

For pay equity, the initial bargaining strategy, and settlement bargaining strategy require the approval of the Deputy Chief Executive, Workforce before you commence bargaining. Any proposed pay equity settlement agreement must also be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s). You will consult at key stages when undertaking a pay equity remuneration review and before confirming the outcome of that review.

The Public Service Act 2020 also requires you to notify me in writing of pay equity claims that have been raised as soon as practicable. Please send any information to the Employment Relations Team at employmentrelations@publicservice.govt.nz and attach a copy of the claim.

Support and Advice

The Employment Relations Team will continue to work closely with your team to support you to develop your approach to employment relations to achieve system and agency goals consistent with the Government Expectations. They will advise you should discussion with the Ministerial Employment Relations Forum (MERF) be required on any matter. I expect you to make yourself available for any such discussion.

As always, the Employment Relations Team is available to you for advice and support as required at employmentrelations@publicservice.govt.nz.

Nāku noa, nā



Heather Baggott (she/her)
Te Tumu Whakarae mō Te Kawa Mataaho
Acting Public Service Commissioner, Head of Service

Attachments:

1. Delegation of Certain Functions and Powers under the Public Service Act 2020 (and Schedule for the further delegation of powers from the Secretary for Education)
2. Government Workforce Policy Statement



Te Kawa Mataaho

Public Service Commission

DELEGATION OF CERTAIN FUNCTIONS AND POWERS UNDER THE PUBLIC SERVICE ACT 2020

Secretary for Education and Chief Executive

Ministry of Education

Part A Delegation of collective bargaining and pay equity functions in relation to employees of the Ministry of Education

The Public Service Act 2020, section 78, gives the Public Service Commissioner (the Commissioner) the responsibility to negotiate under the Employment Relations Act 2000 all collective agreements that apply to employees of any department or interdepartmental venture of the Public Service.

The Public Service Act 2020, section 82, gives the Commissioner the responsibility to deal with all pay equity claims, under the Equal Pay Act 1972, made by an employee or employees of a department or an interdepartmental venture, and raised with the chief executive of the department or the board of an interdepartmental venture.

In accordance with section 80 of the Public Service Act 2020, under clause 6 of schedule 3, the Commissioner's functions and powers under section 78 of the Public Service Act 2020 to initiate and carry out good faith bargaining for, and to enter into, collective agreements applicable to employees of the Ministry of Education (including any employees who perform the functions or duties or exercise the powers of a departmental agency that the Ministry of Education hosts) are hereby delegated to the Secretary for Education and Chief Executive, Ministry of Education (and persons acting in any such positions from time to time).

In accordance with section 84 of the Public Service Act, under clause 6 of schedule 3 of the Public Service Act, the Commissioner's functions and powers under section 82 of the Public Service Act to deal with pay equity claims applicable to employees of the Ministry of Education (including any employees who perform the functions or duties or exercise the power of a departmental agency that Ministry of Education hosts), are hereby delegated to Secretary for Education and Chief Executive, Ministry of Education (and persons acting in any such positions from time to time).

You may not further delegate the power to enter into a collective agreement or to deal with pay equity claims without first obtaining my written approval to that delegation. Notwithstanding this, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the power to negotiate a collective agreement on your behalf and/or to deal with a pay equity claim on your behalf. This delegated employee should be present at all formal negotiations and have the authority to agree to a settlement, subject your final sign-off, and any expectations I have set.

This delegation revokes the previous Part A1 and A2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020 and comes into effect 7 August 2024.

Conditions of these delegations for both collective bargaining and pay equity bargaining

You will negotiate in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time or any guidance I may issue, including in relation to pay.

Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.

The Public Service Commission's (Commission's) Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance which you must comply with. You must also comply with any relevant guidance issued by The Treasury.

It is a condition of this delegation that you will consult with the Employment Relations Team on the preparation of any bargaining strategy and:

- a) Your collective agreement bargaining strategy requires approval from the Manager, Workforce and Employment Relations before you commence bargaining.
- b) You will consult with the Employment Relations Team, and where relevant, The Treasury, during the course of collective agreement negotiations and ensure any offer for settlement is approved by the Commission's Manager, Workforce and Employment Relations before you approve it being presented to the union.
- c) Your initial bargaining strategy and settlement bargaining strategy for any pay equity claims require the approval of the Deputy Chief Executive, Workforce seeking additional funding from Cabinet (if applicable) and before you commence bargaining. A settlement bargaining strategy must be approved by the Deputy Chief Executive, Workforce.
- d) Any proposed settlement agreement must be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s), and before you seek approval of any requested drawdown of funding from contingency (if applicable).

I expect any bargaining strategy relating to collective agreements or pay equity to apply the relevant Acts and to include the following matters.

1 System goals and priorities

1.1 How you are contributing to the goals of the Government Workforce Policy Statement (Statement) on the Government's expectations for employment relations in the public sector by advancing an approach in bargaining that:

- i. ensures these goals are achievable and fiscally sustainable and respond to the current fiscal context and any current budget advice
- ii. has employment conditions and remuneration settings supportive of a high performing public sector and delivery of effective, efficient and responsive services
- iii. has a workforce that is responsive to the needs of all New Zealanders
- iv. manages your workforce size and composition, including reducing expenditure on contractors and consultants.

1.2 How your bargaining strategy is consistent with any operational guidance.

1.3 How you intend to collaborate with other departments in bargaining to advance the goals and priorities of the Statement and manage risks and issues in bargaining, including any precedent setting implications arising from your proposed course of action.

2 Organisational context

2.1 Ensure a clear line of sight from your business strategy to your workforce and employment relations strategies to your bargaining strategy and that employment conditions, and remuneration settings support the achievement of agency and public sector performance objectives and priorities.

- 2.2 Identify any specific organisational issues that your bargaining strategy is seeking to address.

3 Objectives

- 3.1 Clear objectives and priorities with a rationale for how the objectives link to system and organisational strategies.
- 3.2 How the strategy contributes to an efficient and effective approach to bargaining.

4 Fiscal context

- 4.1 How your bargaining strategy and plan to fund the bargained outcome reflects the Government's fiscal context and any current budget advice or other Treasury guidance.
- 4.2 Clear cost parameters within which bargaining will be conducted and robust costings of any proposed changes to pay and conditions.
- 4.3 How the parameters have taken account of the cost of all adjustments to pay and conditions including progression and performance-based pay costs.
- 4.4 Identify and take into account flow-on implications of settlements, both within and beyond the agency and sector, and have plans in place to manage these.
- 4.5 How you will manage costs within baselines (or within any existing tagged contingency established for bargaining) or manage implications if this is not possible. How you will ensure that any cost is sustainable in the long term.

5 Risk Management

- 5.1 Clear identification and management of risks. For example, not achieving bargaining objectives, loss of capability, diminishing employee engagement, system and precedent risks, likelihood and impact of industrial action, or protracted bargaining.
- 5.2 Strategic and tactical plans for achieving objectives and managing industrial risks.
- 5.3 You will provide, as appropriate, data relating to impacts for employees (including employees directly covered by the collective agreement and employees outside coverage but who are likely to be affected), impacts on remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, and likely outcomes as bargaining concludes.
- 5.4 You will act in good faith in exercising any of these delegated powers.
- 5.5 On a 'no surprises' basis, I expect early advice of any emerging employment relations issues that may have implications beyond your department.
- 5.6 I expect early engagement and consultation on any matters outside of formal bargaining that have a material effect on pay and conditions of employment. This includes your approach to any annual remuneration review or pay equity remuneration review you undertake.
- 5.7 You should make every effort to complete preparations for bargaining including obtaining this approval by the earliest date bargaining can commence. For collective bargaining, I expect that this process will be completed 60 days before expiry of a current collective agreement.

6 The following additional conditions apply for the Pay Equity delegation

- 6.1 During the course of the pay equity claim process you will consult with or seek approval from the Commission's Employment Relations Team as indicated below:
- i. seek approval when developing your initial bargaining strategy (which sets out how you propose to manage the claim), and the pay equity bargaining process agreement (which sets out the agreement with the claimant(s) about how the claim is to be conducted)
 - ii. seek approval when developing your settlement bargaining strategy which sets out how you propose to negotiate for the pay equity settlement, including the bargaining parameters
 - iii. seek approval when developing the proposed pay equity settlement agreement
 - iv. consult at key stages when undertaking a pay equity remuneration review and before confirming the outcome of that review.
- 6.2 I expect your conclusions and decisions at each of the points outlined above to be supported by sound evidence and analysis.
- 6.3 Your initial bargaining strategy and settlement bargaining strategy for any pay equity claims require the approval of the Deputy Chief Executive, Workforce before you commence bargaining and prior to any contingency being sought from Cabinet (if applicable). A settlement bargaining strategy must be approved by the Deputy Chief Executive, Workforce.
- 6.4 Any proposed settlement agreement must be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s), and before you seek approval of any requested drawdown of funding from contingency (if applicable).
- 6.5 I expect early engagement and consultation of any terms and conditions of employment other than pay being considered as part of a pay equity claim.
- 6.6 I also expect you to be engaged at an early stage, and on an ongoing basis, with the Treasury around the management of the cost arising from Pay Equity claims.
- 6.7 You will deal with a pay equity claim in consultation with any other chief executive of a department or board of an interdepartmental venture, or State sector chief executive, that is also dealing with a pay equity claim for work that is the same or substantially similar.

Part B Delegation of collective bargaining and pay equity functions for the Education Service

Part B1 Delegation of collective bargaining for the Education Service

The Education and Training Act 2020, section 586, gives the Public Service Commissioner (the Commissioner) responsibility for negotiating under the Employment Relations Act 2000 every collective agreement applicable to employees in the Education Service as if the Commissioner were the employer.

In accordance with clause 6 of schedule 3 of the Public Service Act 2020, the Commissioner hereby delegates all of the functions and powers contained in the following sections of the Education and Training Act that apply to any employee in the Education Service (other than any employee at any tertiary education institution):

Section 586	Negotiation of conditions of employment
Section 587	Public Service Commissioner's powers when collective agreements are negotiated
Section 589	Strikes in schools to be notified
Section 590	Boards to notify Public Service Commissioner about participation in strikes
Section 591	Personal grievances and disputes
Section 592	Delegation of Public Service Commissioner's powers
Section 595	Actual conditions of employment.

These Part B1 delegations are subject to the following conditions.

- a) You will negotiate in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time or any guidance I may issue, including in relation to pay.
- b) Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.
- c) The Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance.
- d) I expect you to develop a workforce strategy that addresses government priorities for education and workforce requirements across teaching and non-teaching groups.
- e) All negotiations for collective agreements are to be conducted in consultation with me. In practice I regard consultation with the Employment Relations Team as fulfilling this expectation.
- f) You will consult with the Employment Relations Team on the preparation of any bargaining strategy and during the course of the negotiations. You will consult on any offer for settlement prior to you approving it being presented to the union.
- g) In addition to the Expectations, your bargaining strategies will address:
 - i. alignment with government priorities for education
 - ii. the Government's objective of fiscal sustainability

- iii. alignment with the workforce strategy for teaching and non-teaching groups
 - iv. timely engagement with Ministers over the strategy where required
 - v. strategic connections across all bargaining strategies you develop in the Education Service.
- h) You will provide full costings for each strategy and proposed settlement, together with an assessment of impacts on the Education and wider public sector.
 - i) I may at any time have a representative present at any collective agreement negotiations, according to my assessment of the degree of “risk”.
 - j) Any delegation under section 592 of the Education and Training Act 2020 of the power to negotiate collective agreements may be made only after consultation with me regarding the proposed delegation.
 - k) The promulgation of any conditions of employment to employers in the Education Service under section 595 of the Education and Training Act 2020 is to occur only after consultation with me regarding the proposed conditions of employment.
 - l) I am to be notified forthwith of any formal dispute about the interpretation, application, or operation of any collective agreement to which I am a party, either directly or through the Secretary by virtue of this delegation.
 - m) You will consult with me before any commitments are made outside of formal collective bargaining, for example through working parties that may have a material effect on employment relations or conditions of employment.
 - n) You will act in good faith in exercising any of these delegated powers.
 - o) You will provide, as appropriate, data relating to impacts for employees (including employees directly covered by the collective agreement and employees outside coverage but who are likely to be affected), remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, or likely outcomes as bargaining concludes.
 - p) You may not further delegate these powers without first obtaining the Commissioner’s written approval to that delegation.
 - q) Notwithstanding paragraph (p) above, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the power to negotiate a collective agreement on your behalf. This delegated employee should be present at all formal negotiations and have the authority to agree to a settlement, subject to your final sign off, and other conditions of this delegation. In order to comply with the good faith obligations under the Employment Relations Act 2000 (and in particular section 32 of that Act), the role and authority of any such employee will need to be made very clear to the union(s).
 - r) On a ‘no surprises’ basis I expect early advice of any emerging employment relations issues that may have implications beyond your department.
 - s) I expect early engagement and consultation on any matters outside of formal bargaining that have a material effect on pay and conditions of employment in the Education Service.

This delegation revokes the previous Part A.2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020, in respect of any employee in the Education Service and comes into effect immediately.

Part B2 Delegation for pay equity bargaining in the Education Service

The Equal Pay Act 1972, section 13ZZG, treats the Public Service Commissioner (the Commissioner) as the employer for the purposes of pay equity claims raised by one or more employees, or by a union representing those employees, in the Education Service (other than a tertiary education institution). The Commissioner has the same rights, duties and obligations under the Equal Pay Act 1972 as the Commissioner would have if the Commissioner were the employer.

In accordance with clause 6 of schedule 3 of the Public Service Act 2020, the Commissioner's functions and powers under section 13ZZG of the Equal Pay Act are hereby delegated to the Secretary for Education (the Secretary).

These Part B2 delegations are subject to the following conditions.

- a) You will deal with pay equity claims in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time.
- b) Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.
- c) You will apply the Equal Pay Act 1972.
- d) The Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance.
- e) During the course of the pay equity claim process you will consult with the Employment Relations Team as indicated.
- f) I expect your conclusions and decisions at each of the points outlined in paragraph (d) above to be supported by sound evidence and analysis.
- g) The consultation on the initial bargaining strategy and settlement bargaining strategy must occur before you commence bargaining.
- h) The consultation on settlement bargaining strategy must also occur before you go to Cabinet seeking any contingency to meet the costs of implementing the pay equity settlement. Note you must endeavour to meet the costs of pay equity settlements from existing baseline funding, and that Cabinet may attach conditions to any contingency it approves.
- i) The consultation on the proposed pay equity settlement agreement must occur before you sign it off for presentation to the claimant(s), and before you seek Cabinet approval of any requested drawdown of funding from contingency.
- j) On a no surprises basis, I expect early advice of any emerging employment relations issues that may have implications beyond your department or interdepartmental venture.
- k) I expect early engagement and consultation of any of any terms and conditions of employment other than pay being considered as part of a pay equity claim.
- l) You will provide, as appropriate, data relating to impacts for affected employees (and any related flow-on), remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, or likely outcomes as bargaining concludes.

- m) You will deal with a pay equity claim in consultation with any other chief executive of a department or board of an interdepartmental venture, or State sector chief executive, that is also dealing with a pay equity claim for work that is the same or substantially similar.
- n) You will act in good faith in exercising any of these delegated powers.
- o) You may not further delegate these functions and powers without first obtaining the Commissioner's written approval to that delegation.
- p) Notwithstanding paragraph (n) above, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the functions and powers under section 13ZZG on your behalf. This delegated employee should be present at all formal pay equity bargaining and have the authority to agree to a settlement, subject to your final sign off and the other conditions of this delegation.

This delegation revokes the previous Part B.2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020, in respect of any employee in the Education Service (other than any employee at any tertiary education institution) and comes into effect immediately.

SCHEDULE OF POWERS DELEGATED UNDER THE EDUCATION AND TRAINING ACT 2020, EQUAL PAY ACT 1972, PUBLIC SERVICE ACT 2020 and the FAIR PAY AGREEMENTS ACT 2022.

Condition specified: Delegations are to be exercised only within the delegate's areas of responsibility AND subject to compliance by the designated officers with the schedule of conditions attached to the instrument of delegation dated.

Part A: Ministry of Education – collective bargaining and pay equity bargaining for employees of the Ministry of Education

Section in Public Service Act 2020	Description of power or duty for Collective Agreements	Further delegation
78	Negotiation of Collective Agreements The power to negotiate under the Employment Relations Act 2000 all collective agreements that apply to the Ministry of Education	General Manager, People, Sustainability & Place Manager, Employee Services Employment Relations Lead

Section in Public Service Act 2020	Description of power or duty for pay equity claims	Further delegation
82	Pay Equity Claims The function and powers to deal with pay equity claims applicable to employees of the Ministry of Education	General Manager, People, Sustainability & Place Manager, Employee Services Manager, Pay Equity - Ministry Employment Relations Lead Senior Employment Relations Advisers

Part B.1: Education Service – collective bargaining

Section in Education and Training Act 2020	Description of power or duty for Collective Agreements	Further delegation
589	Strikes in schools to be notified The function of receiving notification of a strike by employees of a board.	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager Pay Equity & Employment Relations Manager, Employment Relations
590(1)(a)	Boards to notify Public Service Commissioner about participation in strikes The function of receiving from boards the information referred to in this section about participation of employees in strikes.	
590(2)	The power to issue a written direction to a board to provide information about the conduct of a strike to which a notice under section 589 relates.	
590(4)	The power to require a board to provide information by a specified date about the board's compliance with this section or any directions given under it.	
590(5)	The power to report to the Minister, where believed on reasonable grounds, that a board has failed to comply with this section, or any directions given under it.	
591(b)	Personal grievances and disputes The power, despite section 586, in relation to a dispute about the interpretation, application or operation of any collective employment agreement, to require an employer to act together, or in consultation, with the Commissioner.	
595(1)	Actual conditions of employment The power to declare that all or any part of the conditions of employment fixed under a collective agreement for persons employed in the education service (excluding employees of institutions) are to be the actual conditions of employment.	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager Pay Equity & Employment Relations
595(2)	The power to approve further conditions of employment for an individual employee employed in the education service under a collective agreement (excluding employees of institutions), in addition to the actual conditions declared under subsection (1), if the conditions are mutually agreed by the employee and their employer and are not inconsistent with the conditions of the collective agreement.	

Section in Education and Training Act 2020	Description of power or duty for Collective Agreements	Further delegation
595(3)	The power to give concurrence to conditions of employment determined by agreement between the employer and employees employed in the education service who are not bound by a collective agreement (excluding employees of institutions).	Manager, Employment Relations Chief/Principal/Senior Employment Relations Advisers
595(4)	The power to promulgate to employers, either generally or specifically, the conditions of employment for persons who are to have their conditions of employment determined in accordance with subsection (3).	Employment Relations Advisers

Part B.2: Education Service – Pay Equity

Section in Equal Pay Act 1972	Description of power or duty for Pay Equity	Further delegation
13ZZG	<p>Pay equity claims by employees in education service</p> <p>The Commissioner's functions and powers under s 13ZZG of the Equal Pay Act 1972.</p>	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager Pay Equity & Employment Relations Manager, Employment Relations Manager, Pay Equity Chief/Principal/Senior Employment Relations Advisers Employment Relations Advisers



Te Kawa Mataaho
Public Service Commission

5 September 2024

Ms Iona Holsted
Secretary for Education
Ministry of Education

By email: iona.holsted@education.govt.nz

Tēnā koe Iona

Government Workforce Policy Statement on the Government's Expectations for Employment Relations

I am writing to you to formally convey the Government Workforce Policy Statement (the Statement) on the Government's expectations for employment relations and to confer a revised delegated authority in respect of bargaining for collective agreements and pay equity claims relating to employees of your department and the Education Service. This replaces the previous Government Workforce Policy Statement, all associated guidance, and any existing delegations. Copies of these new documents are attached, including an overview of the changes to your delegation. I also give my approval for the further delegation of powers from the Secretary for Education as set out in the attached Schedule to the attached delegation instrument.

Part A delegates the Commissioner's functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in respect of your department, subject to certain conditions.

Parts B1 and B2 delegate the Commissioner's functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in the Education Service, subject to certain conditions.

This letter also revokes previous delegations for Fair Pay Agreements bargaining (Part C) which were issued to you in 2023. The Fair Pay Agreements Act 2022 was repealed in late 2023.

The advice in this letter should inform your approach as you enter into bargaining. As is our practice, bargaining will be in good faith without pre-determined outcomes.

The Government Workforce Policy Statement

The Statement covers a range of workforce matters including remuneration, negotiation of employment agreements, capacity and composition of the workforce, pay equity and diversity and inclusion, and data and information.

Departments as named in Schedule 2, Part 1 of the Public Service Act 2020, including any hosted Departmental Agencies and Interdepartmental Executive Boards, and Crown agents as named in Schedule 1 Part 1 of the Crown Entities Act 2004 must **give effect** to the Statement including the expectations and priorities therein.

Other organisations in the Public Sector, as named in Schedule 1 Part 2, Schedule 1 Part 3, and Schedule 2 of the Crown Entities Act 2004, Non-Public Service Departments (New Zealand Defence Force, New Zealand Police, and Parliamentary Counsel Office), all School Boards of Trustees, and Tertiary Education Institutions as defined by “institution” in Section 10 (1) of the Education and Training Act 2020 **must have regard** to the Statement.

In addition, monitoring departments should ensure that Crown entities, which are required to give effect to or have regard to the Statement, are meeting those expectations within their workforce, pay equity and bargaining strategies.

The Statement outlines the Government’s expectations that the Public Service will deliver high performing, trusted and efficient public services. To achieve this, the Statement covers four priority areas for employment relations:

- that employment outcomes are fiscally sustainable and respond to the current fiscal context and any current budget advice
- that employment conditions and remuneration settings support a high performing public sector and delivery of effective, efficient, and responsive services
- that the public sector has a workforce that is responsive to the needs of all New Zealanders, and
- that agencies manage their workforce size and composition, including to reduce expenditure on consultants and contractors.

Agencies should be mindful of the expectation that their bargaining strategies should look to proactively advance changes that will better support delivery on the Government’s Targets and Priorities.

The Government’s expectation is that agencies should seek to deliver all employment relations outcomes, including collective bargaining and remuneration adjustments, from within their existing baselines (or from Vote Education for Education Service workforce). Any Budget initiatives seeking additional funding for workforce/bargaining issues, such as the establishment of a pre-bargaining contingency for any Education Service workforce, should feature early engagement with both the Public Service Commission Te Kawa Mataaho (the Commission), Employment Relations Team and the Treasury. Any such initiatives will be assessed for consistency with the Statement.

The Delegation Instrument

The delegation instrument is attached and replaces any existing delegations.

Part A delegates the Commissioner’s functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in respect of your department, subject to certain conditions.

Part B1 and B2 delegates the Commissioner’s functions and powers to initiate and carry out good faith bargaining for, and enter into, collective agreements and pay equity bargaining and settlements in the Education Service, subject to certain conditions.

You will negotiate in accordance with Government policy and expectations, including legislation, and within any guidelines and parameters which the Government may set from time to time. This includes any guidance set by the Commission or any guidance on the fiscal management of remuneration, bargaining or pay equity costs set by The Treasury.

Collective bargaining

This instrument delegates the Public Service Commissioner's (the Commissioner's) functions and powers to initiate and carry out good faith bargaining for, and to enter into, collective agreements subject to certain conditions. These conditions emphasise expectations for an effective employment relations environment in the public sector that will support the delivery of high performing, trusted and efficient public services.

It is important to note that you are required to have approval for any collective bargaining strategy from the Manager, Workforce and Employment Relations before you commence bargaining. You must consult with the Commission's Employment Relations Team during negotiations and ensure any offer for settlement is approved by the Manager, Workforce and Employment Relations before you sign off on it being presented to the union. You must also consult at the earliest possible stage with the Commission and The Treasury on the management of any cost implications arising from collective bargaining claims (or other proposed remuneration changes).

Pay equity

The instrument also delegates the Commissioner's functions and powers to deal with pay equity claims subject to certain conditions. You will deal with pay equity claims in accordance with the Equal Pay Act 1972, Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time. You will consult with the Commission's Employment Relations Team during the course of any pay equity claim process and pay equity remuneration review process. You must also consult at the earliest possible stage with the Commission and The Treasury on the management of any cost implications arising from Pay Equity claims. The Ministry of Business, Innovation and Employment, as administrator of the legislation is responsible for providing guidance and information to all employers on the provisions of the Equal Pay Act 1972.

For pay equity, the initial bargaining strategy, and settlement bargaining strategy require the approval of the Deputy Chief Executive, Workforce before you commence bargaining. Any proposed pay equity settlement agreement must also be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s). You will consult at key stages when undertaking a pay equity remuneration review and before confirming the outcome of that review.

The Public Service Act 2020 also requires you to notify me in writing of pay equity claims that have been raised as soon as practicable. Please send any information to the Employment Relations Team at employmentrelations@publicservice.govt.nz and attach a copy of the claim.

Support and Advice

The Employment Relations Team will continue to work closely with your team to support you to develop your approach to employment relations to achieve system and agency goals consistent with the Government Expectations. They will advise you should discussion with the Ministerial Employment Relations Forum (MERF) be required on any matter. I expect you to make yourself available for any such discussion.

As always, the Employment Relations Team is available to you for advice and support as required at employmentrelations@publicservice.govt.nz.

Nāku noa, nā



Heather Baggott (she/her)
Te Tumu Whakarae mō Te Kawa Mataaho
Acting Public Service Commissioner, Head of Service

Attachments:

1. Delegation of Certain Functions and Powers under the Public Service Act 2020 (and Schedule for the further delegation of powers from the Secretary for Education)
2. Government Workforce Policy Statement



Te Kawa Mataaho

Public Service Commission

DELEGATION OF CERTAIN FUNCTIONS AND POWERS UNDER THE PUBLIC SERVICE ACT 2020

Secretary for Education and Chief Executive

Ministry of Education

Part A Delegation of collective bargaining and pay equity functions in relation to employees of the Ministry of Education

The Public Service Act 2020, section 78, gives the Public Service Commissioner (the Commissioner) the responsibility to negotiate under the Employment Relations Act 2000 all collective agreements that apply to employees of any department or interdepartmental venture of the Public Service.

The Public Service Act 2020, section 82, gives the Commissioner the responsibility to deal with all pay equity claims, under the Equal Pay Act 1972, made by an employee or employees of a department or an interdepartmental venture, and raised with the chief executive of the department or the board of an interdepartmental venture.

In accordance with section 80 of the Public Service Act 2020, under clause 6 of schedule 3, the Commissioner's functions and powers under section 78 of the Public Service Act 2020 to initiate and carry out good faith bargaining for, and to enter into, collective agreements applicable to employees of the Ministry of Education (including any employees who perform the functions or duties or exercise the powers of a departmental agency that the Ministry of Education hosts) are hereby delegated to the Secretary for Education and Chief Executive, Ministry of Education (and persons acting in any such positions from time to time).

In accordance with section 84 of the Public Service Act, under clause 6 of schedule 3 of the Public Service Act, the Commissioner's functions and powers under section 82 of the Public Service Act to deal with pay equity claims applicable to employees of the Ministry of Education (including any employees who perform the functions or duties or exercise the power of a departmental agency that Ministry of Education hosts), are hereby delegated to Secretary for Education and Chief Executive, Ministry of Education (and persons acting in any such positions from time to time).

You may not further delegate the power to enter into a collective agreement or to deal with pay equity claims without first obtaining my written approval to that delegation. Notwithstanding this, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the power to negotiate a collective agreement on your behalf and/or to deal with a pay equity claim on your behalf. This delegated employee should be present at all formal negotiations and have the authority to agree to a settlement, subject your final sign-off, and any expectations I have set.

This delegation revokes the previous Part A1 and A2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020 and comes into effect 7 August 2024.

Conditions of these delegations for both collective bargaining and pay equity bargaining

You will negotiate in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time or any guidance I may issue, including in relation to pay.

Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.

The Public Service Commission's (Commission's) Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance which you must comply with. You must also comply with any relevant guidance issued by The Treasury.

It is a condition of this delegation that you will consult with the Employment Relations Team on the preparation of any bargaining strategy and:

- a) Your collective agreement bargaining strategy requires approval from the Manager, Workforce and Employment Relations before you commence bargaining.
- b) You will consult with the Employment Relations Team, and where relevant, The Treasury, during the course of collective agreement negotiations and ensure any offer for settlement is approved by the Commission's Manager, Workforce and Employment Relations before you approve it being presented to the union.
- c) Your initial bargaining strategy and settlement bargaining strategy for any pay equity claims require the approval of the Deputy Chief Executive, Workforce seeking additional funding from Cabinet (if applicable) and before you commence bargaining. A settlement bargaining strategy must be approved by the Deputy Chief Executive, Workforce.
- d) Any proposed settlement agreement must be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s), and before you seek approval of any requested drawdown of funding from contingency (if applicable).

I expect any bargaining strategy relating to collective agreements or pay equity to apply the relevant Acts and to include the following matters.

1 System goals and priorities

1.1 How you are contributing to the goals of the Government Workforce Policy Statement (Statement) on the Government's expectations for employment relations in the public sector by advancing an approach in bargaining that:

- i. ensures these goals are achievable and fiscally sustainable and respond to the current fiscal context and any current budget advice
- ii. has employment conditions and remuneration settings supportive of a high performing public sector and delivery of effective, efficient and responsive services
- iii. has a workforce that is responsive to the needs of all New Zealanders
- iv. manages your workforce size and composition, including reducing expenditure on contractors and consultants.

1.2 How your bargaining strategy is consistent with any operational guidance.

1.3 How you intend to collaborate with other departments in bargaining to advance the goals and priorities of the Statement and manage risks and issues in bargaining, including any precedent setting implications arising from your proposed course of action.

2 Organisational context

2.1 Ensure a clear line of sight from your business strategy to your workforce and employment relations strategies to your bargaining strategy and that employment conditions, and remuneration settings support the achievement of agency and public sector performance objectives and priorities.

- 2.2 Identify any specific organisational issues that your bargaining strategy is seeking to address.

3 Objectives

- 3.1 Clear objectives and priorities with a rationale for how the objectives link to system and organisational strategies.
- 3.2 How the strategy contributes to an efficient and effective approach to bargaining.

4 Fiscal context

- 4.1 How your bargaining strategy and plan to fund the bargained outcome reflects the Government's fiscal context and any current budget advice or other Treasury guidance.
- 4.2 Clear cost parameters within which bargaining will be conducted and robust costings of any proposed changes to pay and conditions.
- 4.3 How the parameters have taken account of the cost of all adjustments to pay and conditions including progression and performance-based pay costs.
- 4.4 Identify and take into account flow-on implications of settlements, both within and beyond the agency and sector, and have plans in place to manage these.
- 4.5 How you will manage costs within baselines (or within any existing tagged contingency established for bargaining) or manage implications if this is not possible. How you will ensure that any cost is sustainable in the long term.

5 Risk Management

- 5.1 Clear identification and management of risks. For example, not achieving bargaining objectives, loss of capability, diminishing employee engagement, system and precedent risks, likelihood and impact of industrial action, or protracted bargaining.
- 5.2 Strategic and tactical plans for achieving objectives and managing industrial risks.
- 5.3 You will provide, as appropriate, data relating to impacts for employees (including employees directly covered by the collective agreement and employees outside coverage but who are likely to be affected), impacts on remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, and likely outcomes as bargaining concludes.
- 5.4 You will act in good faith in exercising any of these delegated powers.
- 5.5 On a 'no surprises' basis, I expect early advice of any emerging employment relations issues that may have implications beyond your department.
- 5.6 I expect early engagement and consultation on any matters outside of formal bargaining that have a material effect on pay and conditions of employment. This includes your approach to any annual remuneration review or pay equity remuneration review you undertake.
- 5.7 You should make every effort to complete preparations for bargaining including obtaining this approval by the earliest date bargaining can commence. For collective bargaining, I expect that this process will be completed 60 days before expiry of a current collective agreement.

6 The following additional conditions apply for the Pay Equity delegation

- 6.1 During the course of the pay equity claim process you will consult with or seek approval from the Commission's Employment Relations Team as indicated below:
- i. seek approval when developing your initial bargaining strategy (which sets out how you propose to manage the claim), and the pay equity bargaining process agreement (which sets out the agreement with the claimant(s) about how the claim is to be conducted)
 - ii. seek approval when developing your settlement bargaining strategy which sets out how you propose to negotiate for the pay equity settlement, including the bargaining parameters
 - iii. seek approval when developing the proposed pay equity settlement agreement
 - iv. consult at key stages when undertaking a pay equity remuneration review and before confirming the outcome of that review.
- 6.2 I expect your conclusions and decisions at each of the points outlined above to be supported by sound evidence and analysis.
- 6.3 Your initial bargaining strategy and settlement bargaining strategy for any pay equity claims require the approval of the Deputy Chief Executive, Workforce before you commence bargaining and prior to any contingency being sought from Cabinet (if applicable). A settlement bargaining strategy must be approved by the Deputy Chief Executive, Workforce.
- 6.4 Any proposed settlement agreement must be approved by the Deputy Chief Executive, Workforce before you sign it off for presentation to the claimant(s), and before you seek approval of any requested drawdown of funding from contingency (if applicable).
- 6.5 I expect early engagement and consultation of any terms and conditions of employment other than pay being considered as part of a pay equity claim.
- 6.6 I also expect you to be engaged at an early stage, and on an ongoing basis, with the Treasury around the management of the cost arising from Pay Equity claims.
- 6.7 You will deal with a pay equity claim in consultation with any other chief executive of a department or board of an interdepartmental venture, or State sector chief executive, that is also dealing with a pay equity claim for work that is the same or substantially similar.

Part B Delegation of collective bargaining and pay equity functions for the Education Service

Part B1 Delegation of collective bargaining for the Education Service

The Education and Training Act 2020, section 586, gives the Public Service Commissioner (the Commissioner) responsibility for negotiating under the Employment Relations Act 2000 every collective agreement applicable to employees in the Education Service as if the Commissioner were the employer.

In accordance with clause 6 of schedule 3 of the Public Service Act 2020, the Commissioner hereby delegates all of the functions and powers contained in the following sections of the Education and Training Act that apply to any employee in the Education Service (other than any employee at any tertiary education institution):

Section 586	Negotiation of conditions of employment
Section 587	Public Service Commissioner's powers when collective agreements are negotiated
Section 589	Strikes in schools to be notified
Section 590	Boards to notify Public Service Commissioner about participation in strikes
Section 591	Personal grievances and disputes
Section 592	Delegation of Public Service Commissioner's powers
Section 595	Actual conditions of employment.

These Part B1 delegations are subject to the following conditions.

- a) You will negotiate in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time or any guidance I may issue, including in relation to pay.
- b) Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.
- c) The Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance.
- d) I expect you to develop a workforce strategy that addresses government priorities for education and workforce requirements across teaching and non-teaching groups.
- e) All negotiations for collective agreements are to be conducted in consultation with me. In practice I regard consultation with the Employment Relations Team as fulfilling this expectation.
- f) You will consult with the Employment Relations Team on the preparation of any bargaining strategy and during the course of the negotiations. You will consult on any offer for settlement prior to you approving it being presented to the union.
- g) In addition to the Expectations, your bargaining strategies will address:
 - i. alignment with government priorities for education
 - ii. the Government's objective of fiscal sustainability

- iii. alignment with the workforce strategy for teaching and non-teaching groups
 - iv. timely engagement with Ministers over the strategy where required
 - v. strategic connections across all bargaining strategies you develop in the Education Service.
- h) You will provide full costings for each strategy and proposed settlement, together with an assessment of impacts on the Education and wider public sector.
 - i) I may at any time have a representative present at any collective agreement negotiations, according to my assessment of the degree of “risk”.
 - j) Any delegation under section 592 of the Education and Training Act 2020 of the power to negotiate collective agreements may be made only after consultation with me regarding the proposed delegation.
 - k) The promulgation of any conditions of employment to employers in the Education Service under section 595 of the Education and Training Act 2020 is to occur only after consultation with me regarding the proposed conditions of employment.
 - l) I am to be notified forthwith of any formal dispute about the interpretation, application, or operation of any collective agreement to which I am a party, either directly or through the Secretary by virtue of this delegation.
 - m) You will consult with me before any commitments are made outside of formal collective bargaining, for example through working parties that may have a material effect on employment relations or conditions of employment.
 - n) You will act in good faith in exercising any of these delegated powers.
 - o) You will provide, as appropriate, data relating to impacts for employees (including employees directly covered by the collective agreement and employees outside coverage but who are likely to be affected), remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, or likely outcomes as bargaining concludes.
 - p) You may not further delegate these powers without first obtaining the Commissioner’s written approval to that delegation.
 - q) Notwithstanding paragraph (p) above, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the power to negotiate a collective agreement on your behalf. This delegated employee should be present at all formal negotiations and have the authority to agree to a settlement, subject to your final sign off, and other conditions of this delegation. In order to comply with the good faith obligations under the Employment Relations Act 2000 (and in particular section 32 of that Act), the role and authority of any such employee will need to be made very clear to the union(s).
 - r) On a ‘no surprises’ basis I expect early advice of any emerging employment relations issues that may have implications beyond your department.
 - s) I expect early engagement and consultation on any matters outside of formal bargaining that have a material effect on pay and conditions of employment in the Education Service.

This delegation revokes the previous Part A.2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020, in respect of any employee in the Education Service and comes into effect immediately.

Part B2 Delegation for pay equity bargaining in the Education Service

The Equal Pay Act 1972, section 13ZZG, treats the Public Service Commissioner (the Commissioner) as the employer for the purposes of pay equity claims raised by one or more employees, or by a union representing those employees, in the Education Service (other than a tertiary education institution). The Commissioner has the same rights, duties and obligations under the Equal Pay Act 1972 as the Commissioner would have if the Commissioner were the employer.

In accordance with clause 6 of schedule 3 of the Public Service Act 2020, the Commissioner's functions and powers under section 13ZZG of the Equal Pay Act are hereby delegated to the Secretary for Education (the Secretary).

These Part B2 delegations are subject to the following conditions.

- a) You will deal with pay equity claims in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time.
- b) Much of that policy and guidelines is currently set out in the Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector.
- c) You will apply the Equal Pay Act 1972.
- d) The Employment Relations Team may, on my behalf, advise you of additional specific and relevant policy and guidance.
- e) During the course of the pay equity claim process you will consult with the Employment Relations Team as indicated.
- f) I expect your conclusions and decisions at each of the points outlined in paragraph (d) above to be supported by sound evidence and analysis.
- g) The consultation on the initial bargaining strategy and settlement bargaining strategy must occur before you commence bargaining.
- h) The consultation on settlement bargaining strategy must also occur before you go to Cabinet seeking any contingency to meet the costs of implementing the pay equity settlement. Note you must endeavour to meet the costs of pay equity settlements from existing baseline funding, and that Cabinet may attach conditions to any contingency it approves.
- i) The consultation on the proposed pay equity settlement agreement must occur before you sign it off for presentation to the claimant(s), and before you seek Cabinet approval of any requested drawdown of funding from contingency.
- j) On a no surprises basis, I expect early advice of any emerging employment relations issues that may have implications beyond your department or interdepartmental venture.
- k) I expect early engagement and consultation of any of any terms and conditions of employment other than pay being considered as part of a pay equity claim.
- l) You will provide, as appropriate, data relating to impacts for affected employees (and any related flow-on), remuneration systems (including remuneration ranges, and progression systems), and fiscal impacts, of possible outcomes while bargaining is ongoing, or likely outcomes as bargaining concludes.

- m) You will deal with a pay equity claim in consultation with any other chief executive of a department or board of an interdepartmental venture, or State sector chief executive, that is also dealing with a pay equity claim for work that is the same or substantially similar.
- n) You will act in good faith in exercising any of these delegated powers.
- o) You may not further delegate these functions and powers without first obtaining the Commissioner's written approval to that delegation.
- p) Notwithstanding paragraph (n) above, you may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the functions and powers under section 13ZZG on your behalf. This delegated employee should be present at all formal pay equity bargaining and have the authority to agree to a settlement, subject to your final sign off and the other conditions of this delegation.

This delegation revokes the previous Part B.2 of the Delegation of Certain Functions and Powers Under the Public Service Act 2020, in respect of any employee in the Education Service (other than any employee at any tertiary education institution) and comes into effect immediately.

SCHEDULE OF POWERS DELEGATED UNDER THE EDUCATION AND TRAINING ACT 2020, EQUAL PAY ACT 1972, PUBLIC SERVICE ACT 2020 and the FAIR PAY AGREEMENTS ACT 2022.

Condition specified: Delegations are to be exercised only within the delegate's areas of responsibility AND subject to compliance by the designated officers with the schedule of conditions attached to the instrument of delegation dated.

Part A: Ministry of Education – collective bargaining and pay equity bargaining for employees of the Ministry of Education

Section in Public Service Act 2020	Description of power or duty for Collective Agreements	Further delegation
78	Negotiation of Collective Agreements The power to negotiate under the Employment Relations Act 2000 all collective agreements that apply to the Ministry of Education	General Manager, People, Sustainability & Place Manager, Employee Services Employment Relations Lead

Section in Public Service Act 2020	Description of power or duty for pay equity claims	Further delegation
82	Pay Equity Claims The function and powers to deal with pay equity claims applicable to employees of the Ministry of Education	General Manager, People, Sustainability & Place Manager, Employee Services Manager, Pay Equity - Ministry Employment Relations Lead Senior Employment Relations Advisers

Part B.1: Education Service – collective bargaining

Section in Education and Training Act 2020	Description of power or duty for Collective Agreements	Further delegation
589	Strikes in schools to be notified The function of receiving notification of a strike by employees of a board.	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager, Payroll, Pay Equity & Employment Relations Manager, Employment Relations and Payroll Operations
590(1)(a)	Boards to notify Public Service Commissioner about participation in strikes The function of receiving from boards the information referred to in this section about participation of employees in strikes.	
590(2)	The power to issue a written direction to a board to provide information about the conduct of a strike to which a notice under section 589 relates.	
590(4)	The power to require a board to provide information by a specified date about the board's compliance with this section or any directions given under it.	
590(5)	The power to report to the Minister, where believed on reasonable grounds, that a board has failed to comply with this section, or any directions given under it.	
591(b)	Personal grievances and disputes The power, despite section 586, in relation to a dispute about the interpretation, application or operation of any collective employment agreement, to require an employer to act together, or in consultation, with the Commissioner.	
595(1)	Actual conditions of employment The power to declare that all or any part of the conditions of employment fixed under a collective agreement for persons employed in the education service (excluding employees of institutions) are to be the actual conditions of employment.	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager, Payroll, Pay Equity & Employment Relations
595(2)	The power to approve further conditions of employment for an individual employee employed in the education service under a collective agreement (excluding employees of institutions), in addition to the actual conditions declared under subsection (1), if the conditions are mutually agreed by the employee and their employer and are not inconsistent with the conditions of the collective agreement.	

Section in Education and Training Act 2020	Description of power or duty for Collective Agreements	Further delegation
595(3)	The power to give concurrence to conditions of employment determined by agreement between the employer and employees employed in the education service who are not bound by a collective agreement (excluding employees of institutions).	Manager, Employment Relations Chief/Principal/Senior Employment Relations Advisers
595(4)	The power to promulgate to employers, either generally or specifically, the conditions of employment for persons who are to have their conditions of employment determined in accordance with subsection (3).	Employment Relations Advisers

Part B.2: Education Service – Pay Equity

Section in Equal Pay Act 1972	Description of power or duty for Pay Equity	Further delegation
13ZZG	Pay equity claims by employees in education service The Commissioner's functions and powers under s 13ZZG of the Equal Pay Act 1972.	Hautū - Ohumahi Mātauranga Deputy Secretary - Education Workforce General Manager, Payroll, Pay Equity & Employment Relations Manager, Employment Relations and Payroll Operations Manager, Pay Equity and Holidays Act Compliance Chief/Principal/Senior Employment Relations Advisers Employment Relations Advisers