



Te Kawa Mataaho

Public Service Commission

26 June 2025

9(2)(a) privacy

9(2)(a) privacy

Official Information Request

Our Ref: PSCR 2025-0645

I refer to your official information request received on 13 June 2025:

"...I am critically analysing the amendments of the Equal Pay Act 1972.

As part of my research, I came across a document that refers to a process guide that Te Kawa Mataaho provided in November 2020. However, I am unable to find that guide anywhere. It was referenced as:

Te Kawa Mataaho | Public Service Commission Pay Equity Claimant and Comparator Process Guide (November 2020).

Could you please provide me with that document"

Information being released

Please find enclosed and listed in the table below the Pay Equity Claimant and Comparator Process Guide (2020) which was superseded by the Pay Equity Assessment Process Guide (2024).

Item	Date	Document Description	Decision
1	2020	Pay Equity Claimant and Comparator Process Guide	Released in full
2	2024	Pay Equity Assessment Process Guide	Released in full

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 Te Kawa Mataaho Public Service Commission's website.

Yours sincerely

Nicky Dirks

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



Courtesy of The New Zealand Professional Firefighters

Pay Equity in the State Sector: Tools and Resources

Pay Equity Claimant and Comparator | Process Guide

STATE SERVICES COMMISSION
TE KAWA MATAAHO



ministry for
Women
Minitatanga mā nga
Wahine



As at October 2019, the Equal Pay Amendment Bill (the Bill) is in passage and embeds the Reconvened/

Joint Working Group's (R/JWG) Pay Equity Principles. The Bill is available here:

www.legislation.govt.nz/bill/government/2018/0103/latest/LMS86440.html?src=qs.

These tools and resources are based on the Bill as reported back and will need to be updated if any changes are made to the Bill in future.

These tools and resources do not constitute legal advice and it is recommended that parties seek their own legal advice if required.

Structure of tools and resources

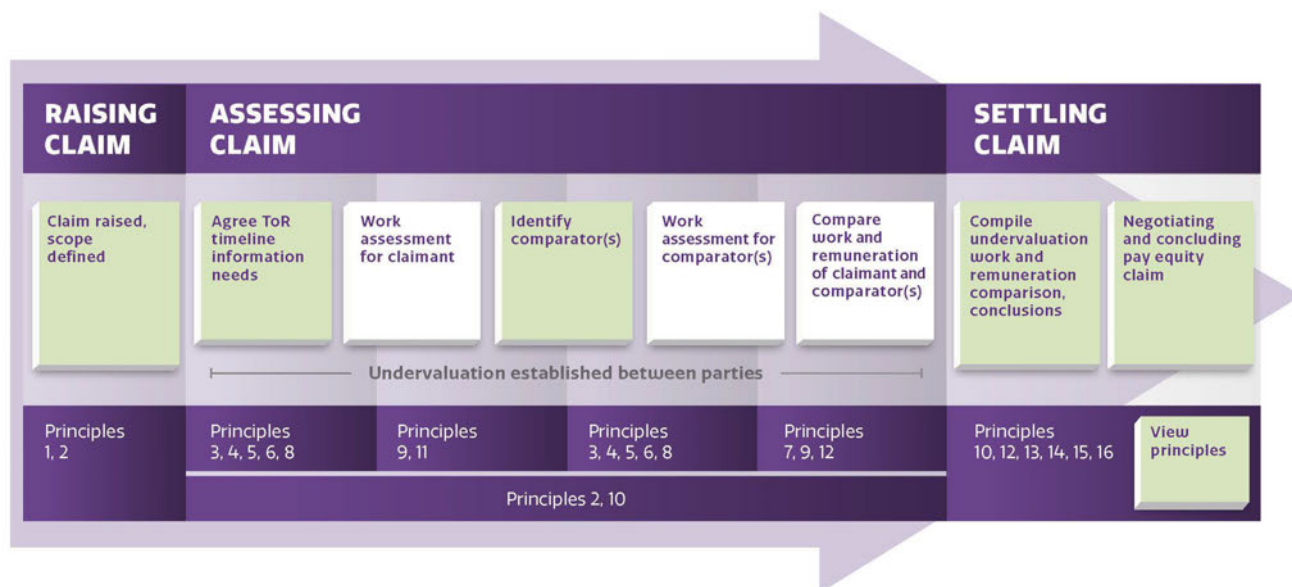
The structure of the tools and resources is set out in the pay equity arrow diagram below to help users to navigate and find the components they need.

This set of State Services Commission (SSC) Te Kawa Mataaho pay equity tools and resources were developed to provide guidance for parties to apply the Pay Equity Principles (the Principles) in pay equity bargaining.

Pay equity work assessment is part of the pay equity bargaining process. The diagram below shows a process flow starting with raising a claim through to pay equity negotiations/settlement. There are three processes covered in this guide:

- identify comparator(s)
- work assessment for comparator(s)
- compare work and remuneration claimant and comparator(s).

Pay equity principles process



Two other SSC pay equity tools and resources relate to comparing claimant and comparator(s):

- Pay Equity Work Assessment: Process Guide
- Pay Equity Work Assessment: Factor Plan User Handbook and Questionnaire.



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Comparing the claimant and comparator(s)

The Pay Equity Principles (the Principles) are clear that the comparison of work and work value between the claimant and comparator groups is to be free of assumptions based on gender. It is therefore essential that the pay equity claims process to apply the Principles is gender neutral.

The Principles require an examination of the work of the claimant and appropriate comparators to establish if the work is of equal value.

Obtaining work assessment and remuneration information about the identified appropriate comparators to enable a robust examination of the work and remuneration is critical to applying the Principles to pay equity claims.

It is necessary to seek the participation and cooperation of employers of the potential appropriate comparators. At the conclusion of the comparator work and remuneration assessment process the claimant organisation should invite comparators to validate the information collected.

The SSC has developed a template Comparator Protocol for State sector agencies (see Appendix 1). The purpose of the Protocol is to facilitate the participation of employers (both employers of potential comparators and employers of the

claimant), encourage the sharing of information, and provide confidence that the information will be used only for the purposes of the pay equity claim and that confidentiality will be maintained.

The Protocol is likely to include requests for information from one State sector agency to another. It is also likely that information may need to be requested from private sector companies and organisations.

The following steps of the process are covered in this process guide:

- identifying appropriate comparator(s)¹
- obtaining information on the work and the remuneration of comparator(s)
- carrying out work assessment of claimant work and the work of comparator(s)
- carrying out a remuneration comparison of claimant remuneration and the remuneration of comparator(s)².

¹ The Equal Pay Amendment Bill 2018, section 13M, articulates criteria for identifying appropriate comparators

²This process guide covers the processes under Assessing the claim (It does not address the overall examination and comparison of both the claimant and appropriate comparator work assessment and the determination as to whether the work and remuneration of the claimant has been historically undervalued and continues to be undervalued)

Pay equity principles³

The Principles developed by the Reconvened Joint Working Group (RJWG) cover the process from raising a pay equity claim to concluding pay equity negotiations. The Principles of comparing the work and remuneration of claimants and comparator(s) are highlighted in the table below.

Raising a claim	
Principle 1	Any employee or group of employees can make a claim
Principle 2	The process to raise a claim as a pay equity claim should be simple and accessible to all parties
	A. To determine whether to proceed with the claim as a pay equity claim the work must be predominantly performed by women
	In addition it should be arguable that: <ul style="list-style-type: none"> B. The work is currently or has been historically undervalued due to, for example: <ul style="list-style-type: none"> i Any relevant origins and history of the work and the wage setting for it ii Any social, cultural or historical factors which may have led to undervaluing or devaluing of the work and the remuneration paid for it iii There is or has been some characterisation of the work as “women’s work” iv Any social, cultural or historical phenomena whereby women are considered to have “natural” or “inherent” qualities not required to be accounted for in wages paid
	C. Consideration may also be given to whether gender-based systemic undervaluation has affected the remuneration for the work due to: <ul style="list-style-type: none"> i Features of the market, industry or sector or occupation which may have resulted in continued under-valuation of the work, including but not limited to: <ul style="list-style-type: none"> a. a dominant source of funding across the market, industry or sector b. the lack of effective bargaining ii The failure by the parties to properly assess or consider the remuneration that should be paid to properly account for the nature of the work, the levels or responsibility associated with the work, the conditions under which the work is performed, and the degree of effort required to perform the work iii Areas where remuneration for this work may have been affected by any occupational segregation and/or any occupational segmentation iv Any other relevant features
	D. Agreeing to proceed with a pay equity claim does not in and of itself predetermine a pay equity outcome

³The decision was taken to incorporate the changes to Principle 2 proposed by the Reconvened Joint Working State Services Commission | Pay Equity Claimant and Comparator Process Guide

Group for the purposes of this set of pay equity tools and resources.

Assessing the claim	
Principle 3	A thorough assessment of the skills, responsibilities, conditions of work and degrees of effort of the work done by the women must be undertaken
Principle 4	The assessment must be objective and free of assumptions based on gender
Principle 5	Current views, conclusions or assessments are not to be assumed to be free of assumptions based on gender
Principle 6	Any assessment must fully recognise the importance of skills, responsibilities, effort and conditions that are commonly overlooked or undervalued in female dominated work such as social and communication skills, responsibility for the wellbeing of others, emotional effort, cultural knowledge and sensitivity
Principle 7	To establish equal pay, there should be an examination of <ul style="list-style-type: none"> i the work being performed and the remuneration paid to those performing the work; and ii the work performed by, and remuneration paid to, appropriate comparators
Principle 8	An examination of the work being performed and that of appropriate comparators requires the identification and examination of: <ul style="list-style-type: none"> • The skills required • The responsibilities imposed by the work • The conditions of work • The degree of effort in performing the work • The experience of employees • Any other relevant work features
Principle 9	An examination of the work and remuneration of appropriate comparators may include: <ul style="list-style-type: none"> i male comparators performing work which is the same as or similar to the work at issue in circumstances in which the male comparators' work is not predominantly performed by females; and/or ii male comparators who perform different work all of which, or aspects of which, involve skills and/or responsibilities and/or conditions and/or degrees of effort which are the same or substantially similar to the work being examined; and iii any other useful and relevant comparators
Principle 10	The work may have been historically undervalued because of: <ul style="list-style-type: none"> i any relevant origins and history of the work and the wage setting for it ii any social, cultural or historical factors which may have led to undervaluing or devaluing of the work and the remuneration paid for it iii there is or has been some characterisation or labelling of the work as "women's work" iv any social, cultural or historical phenomena whereby women are considered to have "natural" or "inherent" qualities not required to be accounted for in wages paid
Principle 11	A male whose remuneration is itself distorted by systemic undervaluation of "women's work" is not an appropriate comparator
Settling a claim	
Principle 12	Equal pay is remuneration (including but not limited to time wages, overtime payments and allowances) which has no element of gender-based differentiation
Principle 13	Equal pay must be free from any systemic undervaluation, that is, undervaluation derived from the effects of current, historical or structural gender-based differentiation

Principle 14	In establishing equal pay, other conditions of employment cannot be reduced
Principle 15	The process of establishing equal pay should be orderly, efficient, kept within reasonable bounds and not needlessly prolonged
Principle 16	Any equal pay established must be reviewed and kept current

Establishing undervaluation - practical guide

Purpose	Establishing sex-based undervaluation is a key part of the case for pay equity. Establishing the pay equity foundation for claimant work is covered by Principle 10 and part of Principle 2.		
Historical or current undervaluation considerations	Origins and evolution of work	<p>Things to consider:</p> <ul style="list-style-type: none"> Where and when the work originated, including: <ul style="list-style-type: none"> - changes from unpaid to paid work - changes from male dominated to female dominated Any social/historical advances or changes that have impacted on the work How the work may have evolved Historical and current perceptions of the work. 	<p>Where to look – possible options:</p> <ul style="list-style-type: none"> NZ history literature International literature where there is no NZ literature Professional bodies (if applicable) records and archives Retired employees who have institutional and or occupational knowledge.
	Women's work	<p>Things to consider:</p> <ul style="list-style-type: none"> The presence of skills seen as inherent in women The social/historical context that has given rise to the label 'women's work' If the work is seen as an extension to women's work in the home and to their traditional caring roles Whether the nature of work is perceived as 'more suitable for women' Any impact of volunteer or charitable history associated with the work Sources of funding for the work Any features of the market that have enabled gender discrimination. 	<p>Where to look – possible options:</p> <ul style="list-style-type: none"> Whether there is a single buyer (source of funding) History of charities in New Zealand The perception of the value of what may be classed as 'soft' skills

	<p>Remuneration history</p> <ul style="list-style-type: none"> • Things to consider: • Market undervaluation • Long-term impact of low start rates • Limited career pathways • Casualisation • Impact of changes in the pay-setting framework (centralised/decentralised) • The market that has been used to measure the value of the work • Perceptions of the job relative to others • Application of measures (of work value) that are not gender neutral • Lack of adjustment of pay over time • Lack of formal training and qualifications to recognise the work. 	<p>Where to look – possible options:</p> <ul style="list-style-type: none"> • How claimant work has been valued/sized (if at all) and in relation to what other roles • History of what has happened with pay for this work • Information on career pathways and any training and qualifications associated with the work (or lack of).
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Identifying and selecting appropriate comparator(s) practical guide

Step 1: Developing criteria and selecting comparator(s)

The first step is for the parties to agree criteria to identify potential comparator(s). Following that, the process entails research into sources of information such as, but not limited to, Australia and New Zealand Standard Classification of Occupations.

Purpose	<p>To identify appropriate comparator(s) against which to compare claimant work and remuneration. In relation to comparator(s), the parties need to:</p> <ul style="list-style-type: none">• set agreed criteria to identify appropriate comparator(s)• identify and select appropriate comparator(s)• obtain information about selected appropriate comparator(s).	
Establishing criteria	<p>Setting agreed criteria:</p> <ul style="list-style-type: none">• it is important for the parties to set agreed criteria to use as the basis to identify appropriate comparator(s)• the criteria will inform the sifting and sorting of potential comparators and help to narrow and finalise the selection of appropriate comparators• there is no set number of criteria required• we do however recommend that one of the criteria be a set number of employees in the comparator role• this is required to generate reliable information to further examine the claimant and comparator(s)• locate the claimant group in the relevant, for example ANZSCO major group and skill level as a point of comparison to help with the process of setting criteria and identifying potential comparator(s).	<p>Criteria examples:</p> <ul style="list-style-type: none">• The following are examples of criteria used to identify appropriate comparator(s):• the role is currently male dominated · the role has been historically male dominated• there is a reasonable sample size – perhaps set a minimum number, eg, 100 (dependent on the size of the total cohort)• the role is covered by a collective agreement or data about remuneration and allowances is easy to access the role sits within the broader State sector• there is an ability to easily (relative) access the comparator role information• similar qualifications and/or skills level grouping• similar entry criteria for role.• Once you have agreed your criteria you can start searching for appropriate comparators.

<p>Identifying and selecting comparator(s)</p>	<p>Process - identifying comparators</p> <p>Once the agreed criteria have been established, a starting point for identifying potential comparator(s) is ANZSCO⁴.</p> <ul style="list-style-type: none"> • ANZSCO is a skills-based classification system used to classify all occupations and jobs in the Australian and New Zealand labour markets, based on a combination of skill level and skill specialisation. • ANZSCO provides a useful framework and starting point for identifying appropriate comparators. • However, ANZSCO does not provide information on the gender of the unit groups or occupations. It will therefore be necessary to utilise in parallel another data set – one possible source for high-level gender information is the latest Census information. • It is preferable to identify several appropriate comparators, with enough employees, to generate reliable information (work assessment and remuneration) to establish if the work of the claimant is of equal value to that of comparator(s). • Note: Normally a unit group at the four-digit level, or an occupation at the six-digit level (ANZSCO) will be suitable for comparators. However, it is important to note that ANZSCO information is a reference point only to identify comparator(s) worthy of investigation and should be used flexibly. This is part of an open process of discovery by the parties. 	<p>Process - selection of comparator(s)</p> <ul style="list-style-type: none"> • If your agreed criteria produce too many results and you need to narrow the field, it is useful to run a collaborative sense check over the groups. Additional considerations can be factored in by agreement, such as entry criteria or those with the closest (inverse) gender occupancy to your claimant group. Other criteria can be used by agreement. • Once you have finalised your criteria, select several potential appropriate comparators (between 4 and 6 if possible). • Note: When identifying comparators, you need to be satisfied that the selected comparators have not been distorted by systemic undervaluation of women's work and are therefore appropriate to use as comparators (Principle 11).
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⁴http://archive.stats.govt.nz/tools_and_services/ClassificationCodeFinder.aspx?classification=3781&keyword=anzsco&searchType=Keyword&sortType=Relevance

Template for recording potential comparator(s)

Record potential comparators and compare against the criteria (by ticking for yes or no). Set out below is a simple template for recording potential appropriate comparator(s) against criteria (examples only). Select the comparators that best meet the criteria.

Template for recording potential comparators			
Criteria	Comparator		
	1	2	3
Male dominated			
Historically male dominated			
Sample size e.g. >/< 100			
Covered by a collective agreement			
In broader State sector			
Information accessible			
Similar qualifications and/or skills level grouping			
Similar entry criteria for role			

Obtaining Information about comparator(s) practical guide

Step 2: Data gathering for comparator(s) and work assessment

Once comparator(s) are identified, information needs to be gathered on both work and on remuneration. The first step is engagement with the comparator organisation and the agreement for the protocols for undertaking the pay equity process. The practical guide below deals with work information that needs to be gathered.

Obtaining information about selected comparators	<ul style="list-style-type: none">Obtaining work assessment information about the identified appropriate comparators to enable a robust examination of the work is critical to applying the Principles to pay equity claims.It is necessary and important to seek the participation and cooperation of employers of the potential appropriate comparators.		
	<p>Work assessment information</p> <p>Information to assess the work of appropriate comparators is collected in the same way as the information about the work of the claimant group, e.g. utilising the same questionnaire and data-gathering processes including, interviews and the gathering of relevant work information. The parties need to plan the process and work in conjunction with the comparator organisations to implement it.</p> <p>Validation process</p> <p>Prior to the data-gathering, it is important to agree on the validation process for work assessment. This will need to include validation by the comparator(s).</p>	<p>Data gathering– comparator(s)</p> <p>Data gathering for comparator(s) needs to be carried out in the same rigorous manner as the data gathering for claimant work.</p> <p>This entails undertaking primary research using the Pay Equity Factor Plan Questionnaire through interviewing employees of the comparator(s) organisation(s) (refer to Component: <i>Pay Equity Work Assessment Factor Plan Questionnaire</i>).</p>	<p>Work assessment– comparator(s)</p> <p>The work assessment process for comparator(s) needs to be carried out in the same rigorous manner as the work assessment for claimant work.</p> <p>This entails the use of the Pay Equity Factor Plan to assess the work (refer to Component: <i>Pay Equity Work Assessment Factor Plan User Handbook</i>).</p>

Comparing the work of claimant and comparator(s)

The following template allows for the ability to see at a glance the scores across claimant and a range of comparators. It provides the basis for initial analysis and comparing across factor levels.

Factor group: skills	Claimant	Comparator 1	Comparator 2	Comparator 3
This factor group measures the responsibilities or accountabilities for the work. It reflects the leadership responsibilities of jobs, as well as responsibility for resources, service outcomes and delivery of services to people.	Factor level	Factor level	Factor level	Factor level
F1 – Knowledge and Understanding: Assesses the combination of knowledge and experience required by the work. It covers the nature, depth and breadth of the knowledge required, regardless of how the knowledge may have been acquired. It does not refer to specific qualifications but to types of knowledge.				
F2 – Problem-solving: Assesses the level of reasoning, analysis, judgement, creativity, innovation, planning, coordination needed to make decisions and find solutions. It considers the variety and complexity of problems, the accessibility and complexity of the information/data needed and the degree of autonomy to make decisions. In addition to commonly recognised skills, this factor takes account of planning and coordination skill often found in women's work.				
F3 – Interpersonal: Assesses the level of communication and interpersonal skills needed to interact with other people. The purpose, complexity, criticality and contentiousness of the interactions are considered. The factor levels do not necessarily reflect traditional organisational hierarchies. There is also acknowledgement that some roles require multi-cultural skills beyond those expected of everyone who lives and works in a diverse community.				

F4 – Physical – Assesses the use of physical or fine motor skills required by the work and also recognises the level of training required. Considers the skill (including speed and/or precision) not the frequency or effort required. This factor is commonly overlooked. The higher levels are to recognise work where physical skills (dexterity, eye/hand and limb coordination) are key to the performance of the role.				
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Factor group: responsibility	Claimant	Comparator 1	Comparator 2	Comparator 3
This factor group measures the responsibilities or accountabilities for the work. It reflects the leadership responsibilities of jobs, as well as responsibility for resources, service outcomes and delivery of services to people.	Factor level	Factor level	Factor level	Factor level
F5 – People leadership – Assesses leadership requirements for the role. Numbers of reporting staff are also taken into account. It recognises the management/ supervision factor common to most approaches to measurement and also recognises non-line leadership where there is no formal management responsibility.				
F6 – Resources – Includes the use, care, control, allocation, acquisition and security of resources, including data, information, financial, tools, equipment, buildings, land and flora/fauna. It covers the nature and complexity of the responsibility and the nature, extent and value of the resources. This factor includes the processing or maintenance of significant amounts of confidential information common to a number of public sector roles.				
F7 – Organisational outcomes – Assesses the nature of the work's impact on the achievement of the organisation's mission, delivery of services or other outcomes. It considers the nature of the service outcomes and the span of influence in achieving the outcomes. This factor is commonly recognised in assessment tools.				
F8 – Services to people – Assesses the responsibility for the direct provision of services to people or groups of people. This factor is not commonly recognised in assessment tools. It reflects the proximity of the position to the front-line service delivery of services to clients, the nature of the service or intervention and the impact of the service on people's needs or wellbeing. It does not measure the higher levels of account ability for the design or funding of the service (this is measured under Organisational outcomes).				

Factor group: conditions and/or demands	Claimant	Comparator 1	Comparator 2	Comparator 3
This factor group measures the demands and working conditions that are intrinsic to the work. It reflects the work context and interactions of the job, as well as the different stresses and the working environment that jobholders typically encounter. It assumes all health and safety requirements are met.	Factor level	Factor level	Factor level	Factor level
F9 – Emotional - Assesses the emotional demands arising from contact or work with people or situations that are intrinsically stressful, upsetting or traumatic. This factor is not commonly recognised in other assessment systems. Where other systems do measure demands they have generally been limited to physical demands. This factor takes into account roles that involve emotional work and considers the frequency and intensity of demand and the nature of the demand or the situation of the people.				
F10 – Sensory – Assesses the demands for sensory attention i.e. the concentration, alertness or focussed attention required. This factor is not commonly recognised as a separate demand – it is often incorporated into problem-solving. It is about demand for focussed mental concentration in a challenging environment. It considers intensity, impact of interruptions, multiple areas of focus or rapid shifts in concentration, frequency and duration of exposure to the demand.				
F11 – Physical – Assesses the level of physical exertion the work requires. It considers strength and/or stamina required, strenuous or repetitive muscle movements, activities such as lifting, carrying, pushing and working in confined or constrained positions. This factor is often recognised as part of physical skills. This is, however, not recognising skill, but the physical demand or effort required to carry out the work.				
F12 – Working conditions – Assesses exposure to recognised disagreeable, unpleasant or uncomfortable conditions or hazards arising from the work environment. It includes conditions inherent to getting the work done, recognising the risk of injury from other people such as clients or patients. Working conditions are more commonly associated with physical hazards of manual work. This factor ensures that recognition is also given to the range of exposure to disagreeable or uncomfortable				

conditions in other types of work as well as potential hazards.

Step 3: Template for factor analysis overview

The purpose of this is to create a structured, consistent way to undertake a work assessment for both claimant and for comparator(s). Initially it is helpful to create an overview across the factor levels for the work of claimant and comparator(s). Below is a summary template to assist collecting this data.

Factors		Claimant	Comparator 1	Comparator 2	Comparator 3
		Factor level	Factor level	Factor level	Factor level
F1	Knowledge and understanding				
F2	Problem solving				
F3	Interpersonal				
F4	Physical				
F5	People leadership				
F6	Information and resources				
F7	Organisational outcome				
F8	Services to people				
F9	Emotional demand				
F10	Sensory demand				
F11	Physical demand				
F12	Working conditions				

Step 4: Qualitative analysis of work

Using the overview of claimant work and the work of comparator(s), together with the information gathered, the parties have the basis for qualitative analysis of the comparative work. The analysis should be supported by:

- interview material from the *Pay Equity Work Assessment Factor Questionnaire for claimant work and for the work of comparator(s)*
- relevant position descriptions, delegations, task lists, standard operating procedures, health and safety procedures, industry standards, information from collective agreements, information from registration bodies, and any legislative requirements related to claimant work and the work of comparator(s)
- the factor analysis overview.

Step 5: Quantitative analysis of work

The parties may agree to test outcomes of work assessment through the points provided in the *Pay Equity Factor Plan User Handbook* scoring tables. The possible benefits of utilising points include that:

- it may help the parties to confirm differences/degree of comparability between claimant work and the work of comparator(s)
- for some participants/audiences it is important to be able to verify/validate through using a clear points and weightings system.

Scoring tables are provided in the *Pay Equity Work Assessment Factor Plan User Handbook*. If points and weightings are to be utilised, this should occur after a comprehensive work assessment process where:

- the *Pay Equity Work Assessment Factor Plan* tool has been applied to claimant work and to the work of comparator(s)
- there has been some initial consideration of the respective factor levels for the work across claimant and comparator(s)
- the parties have a set of outcomes that reflect qualitative assessment of the claimant and comparator(s) work through consideration of not only the factor level outcomes but also comparative analysis of foundation material including job descriptions, job histories, interview material, any legislative requirements for the respective roles, etc.

Scoring and use of points is intended to be a last step,

if agreed by the parties, to test conclusions. If, for example, there are a number of comparators, this process could help to confirm which were the closest to the claimant work.

A possible template for recording scoring is provided on the next page. It is important to note that this scoring mechanism is solely for the purpose of supporting the pay equity claims-based process. Like any of the tools and resources to support the pay equity claims process, it is critical that it is used in the context of a joint process so that it is consistent with and can contribute towards the next steps in the wider pay equity bargaining process.

Template for pay equity work assessment scoring points

This template summarises the points allocated through the process of allocating factor levels to the work of claimant and comparator(s).

	Factor		Claimant	Comparator 1		Comparator 2		Comparator 3	
Skills	1	Knowledge and understanding							
	2	Problem-solving							
	3	Interpersonal skills							
	4	Physical skills							
Responsibilities	Total points		Total points	Total points	%	Total points	%	Total points	%
	5	People leadership							
	6	Information and resources							
	7	Organisational outcomes							
	8	Services to people							
Conditions and or demands	Total points		Total points	Total points	%	Total points	%	Total points	%
	9	Emotional demands							
	10	Sensory demands							
	11	Physical demands							
	12	Working conditions							
			Total points	Total points	%	Total points	%	Total points	%
	TOTALS		TOTAL	TOTAL	%	TOTAL	%	TOTAL	%

KEY

This table can also reflect percentages in terms of closeness of the comparator scores to claimant scores. Colour coding can be added to reflect the agreement by the parties on how close the scores are for claimant and comparator work; for example, as in the following key.

Not at all comparable	50% or more
Small areas of comparability	Within 50%
Some comparability	Within 30%
Significant comparability	Within 20%
Broadly comparable	Within 10%

Obtaining information about comparator(s)

Step 6 Data gathering for comparator(s) remuneration

Once comparator(s) are identified, information needs to be gathered on both comparator work and on remuneration. The practical guide below deals with remuneration information.

Obtaining information about selected comparators	<ul style="list-style-type: none">Obtaining work assessment and remuneration information about the identified comparator(s) to enable a robust examination is critical to applying the Principles to pay equity claims. It is necessary and important to seek the participation and cooperation of employers of the comparator(s).A template letter requesting the participation/information from comparator employers is provided below.	
	<p>Remuneration information</p> <p>Remuneration information on appropriate comparators will need to be obtained from both collective agreements and be provided by the employer:</p> <ul style="list-style-type: none">average base salarymedian base salaryaverage total remunerationsalary range (minimum, midpoint and maximum)starting ratehours worked per weekhourly ratetotal number of employees for appropriate comparator(s)gender breakdown of appropriate comparator(s)key components of remuneration other than base salary, e.g. allowancessuperannuationcollective agreementsinformation on job-sizinginformation on progressiongeneral overview of remuneration history.	<p>Develop a common list of data</p> <p>It is not always possible to get the same remuneration and occupational information for the claimant and the comparator(s).</p> <p>For this reason, it is recommended that a common list of data is developed that the parties aim to collect. This should include both historical <u>and</u> current occupational and pay data.</p>

Template letter from claimant's employer to employer of comparator(s)

Dear [name of chief executive],

Pay Equity Claim

I am writing to ask for your help with an important aspect of the Pay Equity claim that has been made by [name of group] for [occupation/s] employed by [name of employer]. Specifically, I'm asking for your insight in understanding the role of [comparator occupation] as a potential comparator for this claim.

Background

In November 2016, Government accepted the recommendations of the Pay Equity Joint Working Group (JWG) later updated by the Reconvened JWG. Government also agreed to address State sector pay equity claims in the period leading up to the new pay equity legislation by applying the Pay Equity Principles (the Principles) in bargaining.

[name of employer] has confirmed that the [title of claim] has an arguable case to progress as a pay equity claim. We have agreed to work together with [name of group] to apply the Principles and fully assess the claim.

We are working closely with the State Services Commission (SSC) to ensure the approach followed is in line with the process and Principles developed by the JWG and informed by the guidelines provided by SSC.

What does this mean?

Under the Principles we must assess the work of [name of occupation/s] and the appropriate comparator groups(s) and identify if the work is comparable. Through our work with [name of group], we've identified the role of [name of comparator occupation] as a potential comparator role.

We're not looking to say the work for [name of occupation/s] and the comparator occupational group is the same – we're looking to confirm that the level of knowledge, skills, responsibilities, conditions of work, effort, and experience of the roles are comparable. We will also be undertaking an examination of the remuneration paid for the role.

What we would like from you?

We would like your help providing background information on the [name of comparator occupation] role and to identify up to [number] job holders willing to complete a confidential questionnaire interview to help us gain a better understanding of the role. At the end of the comparator work and remuneration assessment process we will invite you to validate the information we have.

Next steps

Pay equity is a high interest issue, and it's important that we get this right.

I assure you the information gathered on the role will be shared with you. I appreciate this work is sensitive, and I guarantee that the work undertaken by the working group will be confidential.

If you can support me in this important work, I'll arrange for [name and title] to contact the relevant general manager in your organisation to discuss this further.

I look forward to your response and thank you in advance for your partnership in this important work. Please don't hesitate to call me if you'd like to discuss this further.

Yours

sincerely,

[Name and
title]

Step 7: Comparing remuneration

Once comparator(s) are identified, information needs to be gathered on both work and on remuneration. The practical guide below deals with remuneration information.

Purpose	To compare the remuneration of claimant and comparator(s), which entails identifying all relevant factors in the remuneration to enable a comparison of 'apples with apples'.	
Analysis of remuneration information (including casual or part-time hours)	<ul style="list-style-type: none"> • Differences between the average base salaries of claimant and comparator roles • Gap between the average base salary and total remuneration • Analysis of key components of total remuneration other than base salary, e.g. what are the allowances in place? Have there been allowances in the past that are now incorporated into the pay rate? • The key features of the respective superannuation schemes (and the reasons for the difference) • Analysis of range, i.e. is it job-sized with annual market reviews or bargained • How progression systems operate, e.g. tenure, competency based, or career pathways • Recognition of training/qualifications, e.g. are there additional levels of pay that are attained through qualification completion? • Analysis of how shift work is treated if relevant, i.e. is it part of base salary or paid as an allowance? • Employment factors, e.g. single/multiple employers or public/State/private sector • Union structure in the sector/occupation, i.e. how it operates, single or multiple unions, industry or multi-industry? • Market features, e.g. dominant source of funding for the industry · Recruitment and retention challenges 	
Comparing remuneration data and information	<ul style="list-style-type: none"> • Compare the data and information on claimant and comparator(s) • Discuss and review all the information gathered (including information on undervaluation) to ensure sound understanding and basis for analysis <p>In addition to the above the parties may agree to:</p> <ul style="list-style-type: none"> • Consider and understand the wider context (economic, social and political) that may have influenced the similarities, differences and histories of remuneration between the claimant and appropriate comparators • Bring together the wider context, history, data, information, and analysis as part of the write-up of the work undertaken to assess the claim 	
Recording and validating the information	<ul style="list-style-type: none"> • It is good practice to have a structured way of recording remuneration data and information relating to claimant and appropriate comparator(s). 	<ul style="list-style-type: none"> • It is important that both parties have an agreed validation process for the remuneration data and information • It is in the hands of the parties to determine process. At this point in the process, the parties may decide to start meeting separately as part of preparation for bargaining in

		parallel with the remainder of the joint work assess the remuneration of the claimant and comparator(s).
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Comparing remuneration

Once the parties have obtained the information on remuneration, it needs to be compared in a structured way to support the engagement on ensuring that the parties have the same facts and figures and starting point for analysis and

interpretation. The categories for comparison reflect what the parties have determined prior to obtaining the remuneration information.

Template for remuneration data and information

Catagory	Claimant	Comparator 1	Comparator 2	Comparator 3
Average base salary				
Median base salary				
Average total remuneration including superannuation				
Salary range (minimum, midpoint and maximum)				
Number of hours worked per week (full-time, part-time, variable)				
Hourly rate				
Employment type (permanent, fixed-term, casual)				

Total number of employees				
Gender break down				
Key components of remuneration (other than base salary, eg allowances)				
Superannuation				
Collective bargaining agreements				
Information on job sizing				
Information on progression				
General overview of remuneration history				
% difference between average base of comparators/claimant				
Gap between average base salary and total remuneration				
Employment factors				
Unions				

The last four rows may need to be analysed separately as part of the preparation for bargaining.

Appendix 1 Template comparator protocol for State sector agencies

[Letter head of both employers]

This protocol sets out the understanding between the claimant employer, [name], and the comparator employer [name], regarding data collection, use, and storage for the purposes of assessing a pay equity claim.

Introduction

It is necessary and important to identify and seek the participation and cooperation of the potential appropriate comparator(s) against which to assess a pay equity claim.

Information sharing principles

Information shared between agencies/companies/groups for the purposes of examination of the work of the claimant and appropriate comparator(s) should be:

- confined to the information fields recommended and required for this purpose
- anonymised and not contain unique/personal identifiers or names
- at a high enough granular level so that individuals cannot be identified by role, eg one off roles.

Interview information

If face-to-face interviews are required, the interviewer must:

- explain the purpose of the interview and the use and storage of the information
- obtain the permission of the interviewee for the use and storage of the information
- remove unique/personal identifiers from the summary of the interview.

Sharing of comparator information with other agencies/companies/groups once it has been gathered

In the absence of a central repository for comparator information, care should be taken not to pass on information that has been collected from a comparator employer to another employer without the permission of the comparator employer. This will ensure that full permission has been granted for the use of the information by a third entity and also give the comparator employer the opportunity to update the information if required, e.g. if a role has changed substantially since the initial comparator assessment process.

Data to be used for the work assessment

- | | |
|---|---|
| <ul style="list-style-type: none">• qualitative interview material• position descriptions• delegations• task lists• standard operating procedures• health and safety procedures• industry standards | <ul style="list-style-type: none">• information from collective employment agreements• information from relevant registration bodies• any legislative requirements related to claimant work and the work of comparator• the factor analysis overview• other data as agreed between the parties. |
|---|---|

Data required for remuneration assessment

Data collected for the purposes of the remuneration assessment process would be obtained from both collective employment agreements and from the employer and would include:

- average base salary
- median base salary
- average total remuneration
- salary range (minimum, midpoint, and maximum)
- starting rate
- hours worked per week
- hourly rate
- total number of employees for appropriate comparator(s)
- gender break down of appropriate comparator(s)
- key components of remuneration other than base salary, eg, allowances
- superannuation
- collective employment agreements
- information on job sizing
- information on progression
- general overview of remuneration history.

Additional data required

[Insert as appropriate]

Title of claimant employer representative ⁵

Signature of claimant employer

Date

⁵This may be signed by the relevant employee representatives too.



Courtesy of The New Zealand Educational Institute
Photo by Adrian Heke

PAY EQUITY TOOLS AND RESOURCES

Pay Equity Assessment Process Guide



Te Kāwanatanga o Aotearoa
New Zealand Government



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Purpose

This pay equity work assessment process guide (process guide) provides practical guidance and templates that step you through the core principles of a gender-neutral work assessment, including assessing remuneration and the terms and conditions of work. This guide also supports the use of the Te Orowaru factor plan and questionnaire.

Important note:

The pay equity process is based on a bargaining framework and requires parties to negotiate and agree throughout every stage. This guide is not intended to override agreement between parties or create an inflexible process. It provides strong recommendations based on best practice as well as insight into legal issues that have been explored to date. It is recommended parties use this guide to inform negotiations.

The parts of the pay equity process covered in this guide include:

- information/data gathering (existing work information and work assessment interviews)
- application of the Te Orowaru factor plan
- analysis of information/data
- selecting potential comparators
- compiling and analysing terms and conditions
- compiling and analysing remuneration
- comparing the work, terms and conditions and remuneration of claimant and comparator/s

This process guide is part of a suite of resources developed by Te Kawa Mataaho Public Service Commission (the Commission.)

Pay equity context and principles (this resource is a background to pay equity in Aotearoa New Zealand)

Employers guide to receiving a claim (this resource provides guidance how to respond to one that has been received)

The Pay Equity Bargaining Process Agreement (PEBPA) template (this template provides a framework for establishing an agreed process between the parties to progress the claim)

The Settlement Agreement Template (this template provides guidance of must haves for a legal pay equity settlement agreement)

This process guide is also designed to support the use of the work assessment tool Te Orowaru. Te Orowaru is the recommended tool for undertaking a pay equity work assessment in any part of the economy, anywhere in Aotearoa New Zealand. Te Orowaru has been developed with unions and agencies.

- *Te Orowaru Factor plan* (this resource guides the use of the Te Orowaru factor plan)
- *Te Orowaru Questionnaire* (this resource guides the gender-neutral work assessment interview and should be used in conjunction with this Te Orowaru factor plan)

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- *Te Orowaru Factor scoring booklet* (this resource contains the scoring applicable to the Te Orowaru factor plan)
 - *Te Orowaru User Guide* (this is a high level overview of how the Te Orowaru suite works and the terms used in pay equity)

These tools and resources are designed to enable parties to a pay equity claim to progress consistently with the [Equal Pay Act 1972](#) (the Act) and ultimately to achieve pay equity. They support parties throughout the process from raising a claim to pay equity negotiations and settlement. Ultimately the process used between parties determines the integrity and robustness of the outcome.

The pay equity process - an overview

From raising a claim through to settlement, the pay equity process, has a series of steps to ensure a legal and robust pay equity settlement is reached. These steps are not necessarily linear. Some may overlap or even operate in parallel, but they are a useful way of illustrating and discussing important aspects to the pay equity journey.

Arguability

The first step in the process is raising a claim. Anyone can raise a pay equity claim and you can do this as an individual or through your union (section 13E of the Act). A pay equity claim must be in writing and state that it is made under the Act. A claim must be raised for work that may be subject to current or historical undervaluation. The work must also be either currently or historically female dominated, meaning approximately 60% of people doing this work are women. For more information on how to raise a claim see our raising and receiving a claim guide.

Employers who receive a pay equity claim have a series of legislative deadlines to meet to acknowledge the claim and decide whether it is arguable. These timeframes can be tight. For information on how to calculate the legislative timeframes use our [working days calculator](#). Employers can enter the date they receive a pay equity claim and the calculator will work out the exact dates of each legislative obligation the employer is required to meet.

Pay Equity Bargaining Process Agreement (PEBA)

Pay equity in New Zealand is aligned with the existing employment relations framework. This means the pay equity process must be bargained in good faith consistent with the spirit and intent of the Act (section 13C). The foundation of the pay equity claims process is for parties to work together to assess and resolve the claim in a constructive, efficient, and effective manner.

To achieve this the Act requires parties to develop, agree and sign their own pay equity bargaining process agreement (which was sometimes known as a terms of reference for early claims) at the beginning of the pay equity process. This agreement establishes the good faith bargaining process that the parties will use to address the claim. It is the frame for the parties' working relationship and outlines how they will assess work, communicate information, resolve conflicts and facilitate the resolution of a pay equity claim.

Work assessment

The work assessment is a vital part of the pay equity process because it allows parties to understand whether the claimants' work is undervalued. It requires building an understanding of the work of claimants and the work of appropriate potential comparators. Comparators come from occupations which require the same or similar levels of skills, responsibilities, effort and working conditions as the



claimants' work, but which are not subject to sex-based undervaluation.

Section 13ZD of the Act is clear that this work assessment must be free of assumptions based on sex. For example, taking responsibility for the well-being of others is often overlooked or undervalued because this is considered 'women's work' and so the work assessment must evaluate these skills free from gender bias. If the work assessment is not gender-neutral, then there is a risk that the work will remain undervalued, and outcomes may be subject to future legal challenge. See page 7 for detailed information on assessing work.

Selecting potential comparators

Selecting potential comparators is an important part of the pay equity process. Parties will need to look at different work which is free from sex-based undervaluation to understand if sex-based undervaluation exists for the claimant. While agreement on selecting potential comparators is not required in the Act it is recommended best practice. Helpful criteria and processes for selecting comparators can be found on page 21 of this guide.

Assessing comparability

Assessing comparability is essential to understanding and identifying any sex-based undervaluation. Parties need to analyse both the outcome of the work assessment and of the remuneration (including the assessment of terms and conditions) to understand what the evidence shows. Guidance for undertaking this process can be found on page 24 of this guide.

Term and conditions assessment

Assessing employment terms and conditions is another key piece to the pay equity process. It requires mapping and understanding the terms and conditions (other than remuneration) that the claimant and comparator groups may have. Things such as access to professional development, security of work and career progression may be particularly important terms and conditions to understand when looking at sex-based undervaluation. More details to support robust examination of terms and condition can be found on page 25 of this guide.

Remuneration assessment

Assessing remuneration is a process which requires analysis. It is not enough to do a desktop or paper-based exercise looking only at printed rates because there are many different things that contribute to the total remuneration an employee receives. Critically it is likely there will be multiple remuneration systems and progression methodologies between claimant and comparators. It is important to consider how remuneration works over time to understand how and when inequities may arise. A simple snapshot in time may miss important detail about how remuneration works and therefore a settlement may not be robust and enduring. More detailed information on assessing remuneration can be found on page 26 of this guide.

Settlement bargaining

At the conclusion of the work and remuneration assessment and analysis parties will negotiate a settlement. This settlement must fully correct for any sex-based undervaluation and cannot reduce any existing terms and conditions of employment. Parties may have different ideas about the best way to structure a settlement, and the negotiation process will look to find agreement on how a settlement can be reached. There are also legislative requirements that must be met to ensure any pay equity settlement is legal and valid. See the Commission's settlement agreement template for a helpful guide on structuring a settlement agreement.

Maintaining pay equity

An important part of settling a pay equity claim is ensuring there is an agreed process to review and maintain pay equity. This is to ensure that rates of pay do not fall behind and that pay equity issues don't re-emerge. More guidance on options to achieve this can be found in our reviewing and maintaining pay equity guide.

Pay equity work assessment

Factor based analysis

To undertake a gender-neutral pay equity work assessment, the first step is to define what is being measured. This is done by breaking work down into its component parts, which are often referred to as factors.

Factor-based analysis is a structured approach to work assessment. The factors that are used are key to ensuring that overlooked, hidden or undervalued skills, responsibilities, effort and working conditions are uncovered and included in the assessment of work (in accordance with section 13ZD of the Act).

There are two parts to a factor-based work assessment process:

- ✓ a work assessment interview guided by a gender-neutral questionnaire which is designed to elicit information from employees about their work
- ✓ using a factor plan to analyse the information that the parties have gathered about the work of the claimant and comparator/s. The factor plan sets out a series of factors which have different levels to reflect the degree of effort and complexity required from the jobholder for each factor.

Using the factor plan requires the parties to consolidate and analyse all the information that they have gathered, including interview data and information from other sources (e.g. health and safety data, job descriptions and professional standards). The information is then used to allocate the work to the appropriate level for each factor. This process provides a good understanding of the work, where it sits

within each of the factors and how the work of the claimant compares to the work of the comparator/s. The parties may then agree to use the optional 'scoring' process to test the initial conclusions based on the work assessment (see Te-Orowaru-Factor-Scoring-Booklet for more information).

Information/data gathering

The outcome of work assessment is only as good as the information or data that is being assessed.

Quality information and data allows the parties to establish the existence and extent of sex-based undervaluation, which is at the heart of the pay equity process. Establishing the evidence base for the claimant and comparator work is covered by sections 2AAC, 13F and 13ZD of the Act.

There are three main categories of information/data for the parties to gather:

- data from work assessment interviews – *informs the analysis of the size and complexity of the work*
- information about historical or current undervaluation – *can inform light touch assessment of arguability and also remuneration analysis*
- existing information on the work that is being performed – *can help inform the analysis on the size and complexity of the work.*

The process of information gathering will need to be carried out for both claimant and comparator roles. Guidance on identifying appropriate comparator/s and engaging with comparator employer organisations (sections 13ZD and 13ZE of the Act) see page 21.

In the initial work assessment phase parties gather existing information about the work that is being performed. This may include relevant and useful position descriptions, delegations, task lists, scope of practice documents, information from collective agreements etc.

Existing work information, however, cannot be the only information that is used to assess the work. Current views, conclusions or assessments should not be assumed to be free of assumptions based on gender (section 13ZD(2) of the Act). For this reason, the key source of information on the work of the claimant and comparator/s is the data gathered by interviewing those who perform the work. This primary research is integral to the process of work assessment (section 13ZD(1) of the Act).

The method and process for conducting work assessment interviews is critical. The process itself must be gender-neutral and compliant with section 13ZD of the Act and with the Privacy Act 1993, where it applies. One of the key resources needed for work assessment interviews is the Te Orowaru Questionnaire. This ensures that the interview data can be analysed using the Te Orowaru factor plan in the most efficient way.

In some cases, there may be previous pay equity work available that includes interview material. Parties may decide to use this data if the work has not essentially changed and if it can be validated by the parties through an agreed process.

The tables below provide practical guidance for collecting work information/data.

Table 1: Guidelines for information/data gathering

These are based on experience from claims processes about the key things which help ensure information and data gathered is of good quality and free from bias.

Ensure robust data gathering and work assessment interviews	<ul style="list-style-type: none">• Poor quality and/or biased work information leads to poor and unfair work assessments.• What to be aware of:<ul style="list-style-type: none">» assumptions about the work competencies or the type of person suited to the work» assumptions based on current relativities or hierarchical relationships» perceived and actual conflicts of interest (that they are declared, and people understand how conflicts of interest will be managed)» bias, gender bias, or favouritism.
Who can be a data gatherer/ interviewer?	<ul style="list-style-type: none">• Data gatherers/interviewers can be a range of people including employees and union representatives, managers, HR staff, or subject matter experts• Whatever their background, they need to be introduced to the interview process and the agreed work assessment methodology and trained (see table 4).
Error, bias and gender bias	<ul style="list-style-type: none">• The way in which information gathering is carried out (including the training of information gatherers) determines the accuracy of the data.• Error and bias can enter the work assessment interview process in a variety of ways:<ul style="list-style-type: none">» failing to expose the invisible dimensions of work or the work may have changed subtly over time through the impact of technology» devaluation of the work by the employee through under describing, trivialising, or minimising – this can be particularly evident with roles such as community support workers or navigators which may not have a defined scope of practice.» over inflation of the work» confusing personal attributes with skills» underestimating the experience and learning to acquire the essential skills» overlooking dimensions of the role that have become diminished» jargon and abbreviations leading to confusion» the use of complex language leading to an assumption that the work is complex. Technical terms may be associated with typically male occupations.

Table 2: Analysis and information about historic undervaluation

Note: This process is not designed to be a full history project, but rather a basic analysis of key influences on remuneration and terms and conditions which may be relevant.

Origins and evolution of work

Things to consider:

- where and when the work originated including:
 - » changes from unpaid to paid work
 - » changes from male to female dominated
 - » any social/historical advances/changes that have impacted on the work
 - » how the work may have evolved over time
 - » historic and current perceptions of the work.

Options for where to look:

- Aotearoa New Zealand (NZ) history literature
- international literature where there is no NZ literature
- professional bodies' (if applicable) records and archives
- retired employees who have institutional and or occupational knowledge.

Women's work

Things to consider:

- presence of skills seen as inherent in women
- social/historic context that has given rise to label it as 'women's work'
- the work is seen as extension to women's work in the home and to their traditional caring roles
- whether the nature of work is perceived as 'more suitable for women'
- the perception of the value of what may be classed as 'soft' skills
- any impact of volunteer/charitable history associated with the work
- whether there is a single buyer (source of funding)
- any features of the market that have enabled gender discrimination.

Options for where to look:

- NZ history literature
- international literature where there is no NZ literature
- professional bodies' (if applicable) records and archives
- retired employees who have institutional and or occupational knowledge.

Terms and conditions history

Things to consider:

- have terms and conditions changed over time (improved or declined) and why?
- is there any impact of volunteer/charitable history on employment practices? (i.e., if the work was voluntary or charitable it may lack career pathways or job security).

Options for where to look:

- historic collective agreements
- agency/union records
- academic research.

Table 2: Analysis and information about historic undervaluation

Remuneration history	
Things to consider: <ul style="list-style-type: none"> • market undervaluation • long term impact of low start rates • limited career pathways • casualisation • impact of changes in the pay-setting framework (centralised/decentralised) • the market that has been used to measure the value of the work • perceptions of the job relative to others • application of measures (of work value) that are not gender-neutral • lack of adjustment of pay over time • lack of formal training and qualifications to recognise the work. • Lack of unionisation and access to collective bargaining 	Options for where to look: <ul style="list-style-type: none"> • how claimant work has been valued/sized (if at all) and in relation to what other roles • history of what has happened with pay for this work • information on career pathways and any training and qualifications associated with the work (or lack of).

Table 3: Existing information on the work performed

This information can supplement the interviews of workers with other contextual information, requirements, or research to deepen the understanding of a role.

Things to consider:	Note on position descriptions: <p><i>These can be a useful source of work information but is not the primary source of information. They can supplement primary information from interviews and cannot be the sole basis of work information because they:</i></p> <ul style="list-style-type: none"> • <i>can be out of date or too broadly stated/generalised</i> • <i>may minimise or not recognise aspects of the role due to gender bias e.g., women naturally do this</i> • <i>may overlook the hidden skills that are often associated with women's work such as 'social and communication skills, taking responsibility for the well-being of others, cultural knowledge and sensitivity' (the Act, section 13ZD(2(b))).</i>
----------------------------	--

Table 4: Work assessment interviews

Interviewing workers is the key component to understanding what a role really involves, and the skills, responsibilities and effort required.

Purpose of interviews	<ul style="list-style-type: none">• Gathering primary information from those who carry out the work is key to the integrity of the data gathering process, it allows the parties to:<ul style="list-style-type: none">» collate and understand employee experience» obtain validation of the work information» ensure that accurate and gender inclusive work information is available to assess the work. Poor quality and/or biased work information leads to poor and unfair work assessments.
Te Orowaru Questionnaire	<ul style="list-style-type: none">• The Te Orowaru Questionnaire provides a structured guide to the interviewing process, it allows the job information to be gathered systematically and allows the application of the Te Orowaru factor plan in. It obtains information on the following factors:<ul style="list-style-type: none">» SKILLS: Knowledge (including experience), Problem solving, Planning and organising, te ao Māori, Interpersonal and communication and Physical skills» RESPONSIBILITIES: People leadership, Information, Physical and financial resources, Organisational outcomes and Services to people» EFFORT: Emotional, Sensory, Physical» CONDITIONS: Working conditions.• For pay equity the Te Orowaru Questionnaire should ideally be completed through an interview. This is usually done by interviewing employees individually but can be done in a group setting if the parties consider that rich information can be obtained that way.• Interviewing is important because employees, (in particular women and Māori/ Pacific peoples) can undervalue their own skills. An employee filling out the questionnaire on their own may struggle to capture all of their skills. In the interviewing process, the interviewer can ensure that hidden, overlooked or undervalued skills are drawn out by asking additional questions and enquiring into the work with the interviewee(s).• Interviews can be in person or online or a combination of both formats. COVID 19 has meant many claims have had to undertake interviews virtually and the experience has been largely positive. Strong planning is key to the success of online interviews, including ensuring that the employee still has a private space from which to fully participate in the interview.• The preference for interviewing does not preclude a combination approach where some employees fill in the questionnaire in writing either online or via post, and others are interviewed. This may be useful in large claims which cover a range of potentially different work in order to reach more people and make the process manageable.

Table 4: Work assessment interviews

Training Interviewers	<ul style="list-style-type: none"> • All interviewers should be trained. Important aspects of any training for pay equity interviewers are: <ul style="list-style-type: none"> » the pay equity process » the methodology being used to interview (i.e., Te Orowaru) » eliciting information and probing » understanding and managing bias » cultural competency » note taking in an interview.
Selecting interviewees	<ul style="list-style-type: none"> • A range of employees should be interviewed to ensure that the breadth and depth of activities pertaining to the work are ‘captured’ in the work information. • A rule of thumb can be that people selected for interview should have been in the role for at least a year – ideally interviewees should bring a range of experience and tenure in the job.
Conducting the interview	<ul style="list-style-type: none"> • Plan for a private space for the interview. • Make sure you know of and can meet any cultural or religious requirements. • Get informed consent from the interviewee. • Make sure the interviewee understands the process and that their information will be kept confidential (i.e., this is not a performance review). • Ensure the interviewee understands the questions – reword and explain if necessary. • Don’t hesitate to use follow-up questions or examples to elicit more information. • Ascertain what happens most of the time – not what happens occasionally or sometimes (unless it is required).
Interviewing supervisors/ managers	<ul style="list-style-type: none"> • This can be useful to a claim process as supervisors/ managers can add provide good information from a different perspective on what the work requires. • Be aware that supervisors and managers may struggle to separate out the role from the person currently undertaking it. Ensure the supervisor/manger is well prepared and has a clear understanding of what information the interview is trying to obtain. • Make sure interviews of more than one supervisor or manager take place to mitigate any bias that may be imported into the process.

Table 5: Validation and quality assurance

Quality assurance is the process by which parties to a claim use to be confident they have complete, rich information in order to progress.

Validation is the process by which others, such as other role holders, managers or employers can check the information for anything missing or inaccurate.

Quality Assurance	<ul style="list-style-type: none"> • Making sure interview data, such as transcripts or notes, is checked for quality purposes is important because it ensures confidence in the information gathered. A process should be agreed where parties jointly review some or all of the interviews to ensure that enough detail is being gathered and a clear understanding of the work is being built. If, on review, parties undertaking quality assurance feel that there are aspects missing from the interview that would make the assessment stage difficult, more information can be obtained, or more appropriate interviews chosen to progress. • Make sure your quality assurance (QA) process is jointly agreed and run. It is important this point is not an opportunity for bias to creep in if reviewers are seeing different information or findings than they expect. <i>QA is not an opportunity to change or reinterpret what an employee may have said in their interview, it is there to ensure that there is enough quality information to assess and understand work.</i>
Validation of Interview data/ information	<ul style="list-style-type: none"> • Having a process to validate or test the information and data collected in work assessment processes is important. An agreed process allows the parties to have confidence in the data and the integrity of the process. It is also important to make sure that employees feel confident that their work has been captured correctly. • It is helpful for the parties to agree how the data will be validated prior to undertaking data gathering. It is critical to have a process of validation that has the confidence of all parties. • The purpose of validation is to ensure that: <ul style="list-style-type: none"> » the collated information and data fairly and accurately represents what employees said in their interviews » important areas of the work have not been missed or accidentally undervalued » ‘outlier’ skills or responsibilities which relate more to a single person, than the role are not being inadvertently captured as a role requirement <p>A couple of options to validate the information are: <i>(this is not an exhaustive list, nor are options mutually exclusive – more than one point of validation can be useful if agreed):</i></p> <ul style="list-style-type: none"> • ensuring employees interviewed can sign off their interview notes or transcripts to make sure they are comfortable with what has been said and that it is accurate. At this point employees can choose to add or amend material. • providing the summary profiles, general areas of responsibility or other form of “aggregated up” work assessment information to one or all of the following in order for them to validate it is accurate, complete and fair: <ul style="list-style-type: none"> » managers/supervisors of the work » the employees interviewed » other employees in the role/occupation (who were not interviewed).

Application of Te Orowaru factor plan

Once the parties have gathered all the relevant claimant and comparator work information/data, the next step is to analyse it using the Te Orowaru factor plan. Using the factor plan requires the parties to consolidate and analyse all the information/data that they have gathered, including interview data and information from other sources (e.g. health and safety data, job descriptions, professional standards etc), and then use this to locate the work at the appropriate level for each factor.

The Te Orowaru factor plan is intended to provide the gender-neutral work assessment evidence base for parties involved in pay equity bargaining. It is designed to assess the work undertaken across the whole job to uncover hidden overlooked or undervalued skills, responsibilities, and conditions and/or demands.

The Te Orowaru factor plan includes all the typical factors that are measured in Aotearoa New Zealand and international job evaluation. It also includes unique factors not commonly included and perspectives within factors that are designed to support gender-neutral analysis as well as represent the importance of Te Tiriti o Waitangi and cultural competence.

The Te Orowaru factor plan framework is made up of 14 factors which breakdown work into its constituent parts. Each factor has levels within it that are used to denote the degree of effort and complexity required from the jobholder for each factor.

The 14 factors are divided across four factor groupings: skills, responsibility, effort, and conditions of work (see Table 6 below for the breakdown of factors across factor groupings).

For the full details about the Te Orowaru factor plan and commentary on each of the factors see the Te Orowaru factor plan.

Table 6: Te Orowaru factor plan framework

Skills	Responsibility	Effort	Conditions
Factor 1 Knowledge and experience	Factor 7 Responsibility for people leadership	Factor 12 Emotional Effort	Factor 15 Working Conditions
Factor 2 Problem-solving Skills	Factor 8 Responsibility for information	Factor 13 Sensory Effort	
Factor 3 Interpersonal and communication Skills	Factor 9 Responsibility for physical and financial resources	Factor 14 Physical Effort	
Factor 4 Te ao Māori Skills	Factor 10 Responsibility for organisational outcomes		
Factor 5 Planning and organisation Skills	Factor 11 Responsibility for services to people		
Factor 6 Physical Skills			

Practical guides for undertaking work assessment and applying Te Orowaru factor plan are detailed in the tables below.

Table 7: Undertaking work assessment

The analysis and assessment of the information and data gathered is critical to understanding the work and its complexity.

Relationship/capacity to engage	<ul style="list-style-type: none"> • It is critical that by the time work assessment takes place the relationship between the parties is strong enough to allow joint working. Establishing an agreed pay equity bargaining process agreement will support this process (see the Commission's template) • If there is fundamental disagreement between parties that makes it difficult to work together, it is recommended that the parties seek support to help establish the basis for cooperation and constructive engagement. • This could include joint training in problem-solving processes. Training on interest-based problem solving is available from the Ministry of Business Innovation and Employment (MBIE).
Assessing individual claimant work	<ul style="list-style-type: none"> • Individuals can raise pay equity claims under the Act and this also requires a jointly agreed, gender-neutral work assessment process. It is recommended that the individual is supported to access appropriate information and tools to participate in the process. • It is recommended for a claim raised by an individual claimant that the work of more than just that individual is assessed. This is to avoid the process becoming an assessment of the role holder rather than the work itself. It is recommended that a minimum of 3 other role holders are interviewed to understand what the work requires. • If there are no other role holders doing this work, it is recommended that the parties ensure that a manager or supervisor of the role holder is also interviewed to provide more information. • In an individual claim process, it is not recommended that the individual take part in factor scoring their own work. However, it is still a joint process and parties should agree a validation process that everyone is comfortable with. • The employer has a good faith responsibility to ensure that an individual claimant has all the information and support required to make informed choices about all aspects of the pay equity process for example, the: <ul style="list-style-type: none"> » work assessment methodology » validation process » assessment of remuneration and terms and conditions. • Because the pay equity process exists within a bargaining framework, there are grounds on which the pay equity bargaining process for an individual could be found to be unfair, such as pressure to settle (s13ZI of the Act). It is recommended that employers take note of this and are careful to ensure the informed engagement of the individual at every step.

Table 7: Undertaking work assessment

Who can carry out the work assessment?	<ul style="list-style-type: none"> • Work assessment, as with other parts of the pay equity process, should be carried out by a group representing the parties. This can be supported by employees, delegates, union staff, subject matter experts, HR, other support for data, record-keeping and/or facilitation. • Whatever their background, those carrying out work assessment need an agreed understanding of the process, how it will be applied and be able to challenge their own gender bias and assumptions. • It is recommended that the parties are jointly trained in work assessment and the methodology the parties have adopted. • It is important when setting up the process for work assessment that data-gatherers are included as participants, if possible, as they have direct experience of talking to the employees to bring to the table.
General ground rules	<p>What to bring to work assessment</p> <ul style="list-style-type: none"> • Gender inclusiveness • Consistency • Fairness and openness • Respect for the values of the organisation and those who carry out the work • Awareness of personal bias and resistance to this. <p>What NOT to bring to work assessment</p> <ul style="list-style-type: none"> • Current work/salary information or assumptions • Current hierarchical relationship information or assumptions • Hidden agendas • Gender bias or favouritism • Personal sensitivities or an ego • Impatience.
Consider the work information	<ul style="list-style-type: none"> • Each participant reads through all the available work information, including the data gathered through the interviewing process: <ul style="list-style-type: none"> » Is the information clear? » Is there anything you do not understand? » Is there enough information? Do you need more information? » Look out for information relevant to one factor being 'buried' in the information provided by another <ul style="list-style-type: none"> – make a note of this for later reference. » Check to see if others agree there is enough clear information. » If there is consensus that more information is needed before the work assessment can progress, organise to get more information.

Table 7: Undertaking work assessment

What does good look like?	<ul style="list-style-type: none"> • All participants need to be familiar with the methodology including an understanding of how the Te Orowaru factor plan: <ul style="list-style-type: none"> » counters gender bias » provides recognition for hidden, overlooked or undervalued skills. • Base judgements on actual work requirements and work information. • Evaluate the work and not the person • Consider the contribution of a competent employee (not a new start or an extremely experienced one) • Consider what happens 95% of the time, rather than what might happen rarely unless it is required. Where a skill is rarely used but is integral to the job and must be maintained (e.g. emergency procedures) it is important it is included • Keep good records of decisions and the reasons for the decisions. • Be prepared for skills, responsibilities, and effort to emerge that you did not anticipate, don't second guess the evidence.
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Table 8: Applying the Te Orowaru Factor Plan

The Te Orowaru factor plan is designed to respond to the Te Orowaru questionnaire

What should be factor scored	<ul style="list-style-type: none"> • At the end of the work assessment parties may agree to develop a summary profile, a picture of work, or another form of “aggregated up” work assessment material, which collates all the findings of the interviews and any other information gathered. This can be factor scored by the parties if they agree. • Alternatively, parties can factor score transcripts or detailed notes from interviews if agreed. • Whichever process is used it is important that it is undertaken consistently between comparator and claimant.
Initial application of Te Orowaru factor plan	<ul style="list-style-type: none"> • The parties should agree a process to apply the factor plan based on ensuring that: <ul style="list-style-type: none"> » Bias (gender and ethnic) is mitigated through training. » Parties understand group think and have strategies for dealing with this. » There is room and processes for assumptions or expectations to be challenged). • There is no one ‘perfect process’ that must be run, however, both parties should agree on the process beforehand and ensure it is set up to succeed. An example of a process could involve the following. • Each participant individually reads the work information for that particular factor. • Each participant individually decides on the factor level for the work, without discussion with the group and makes a note of their reasons. • Once this is done, everyone’s scores are made visible to the group.

Table 8: Applying the Te Orowaru Factor Plan

<p>Decision-making on the correct factor level</p>	<ul style="list-style-type: none"> • If the scores allocated by the members of the assessment group are different a discussion (which could be facilitated by an independent person) on everyone's initial assessments should take place. In this discussion keep in mind the following: <ul style="list-style-type: none"> » the group should aim to reach consensus » the discussion and debate should be robust. » challenge the argument/issue not the person » ensure you are debating the evidence, not your own assumptions or ideas about what the work should look like or where you want it to fit » a factor level should reflect a 'best fit' and does not need to comply with every detail in the factor level description » the process is a search for the most appropriate level for the work. • The group needs to consider the answers to be correct, appropriate and defensible.
<p>Review to ensure overall accuracy</p>	<ul style="list-style-type: none"> • The review is to provide the opportunity to check outcomes. • Consider outcomes that stick out like 'sore thumbs' and review. • Review the overall outcomes across the areas of work (claimant and comparators and ensure that they appear appropriate). • If necessary, the group can decide to review decisions on factor levels by repeating the process and checking all work material and information. • It is not recommended best practice to have a person or group outside of the parties to the claim checking over scores. This is because the process of understanding the material and coming to consensus is thorough and involved. People without that deep involvement in the discussions and material may import bias into the process. • If the parties are keen on having a secondary group check scores it is recommended that this group are trained in understanding and mitigating bias, understand the pay equity process well, and have access to the information and thinking of the original working group on why decisions were made.



Factor scoring

Factor scoring is an optional process that the parties may agree to use to test the initial conclusions of the work assessment. This involves overlaying the factor levels with the points system in the Te Orowaru factor scoring booklet to help the parties get clarity on the degree of comparability between claimant and comparator work. Using a points system to verify/validate the work assessment can provide a level of assurance for different participants/audiences.

Process

Factor scoring should occur after the parties have analysed the work and used the factor plan to allocate claimant and comparators work to the appropriate level of each factor. Each factor level has points allocated to it, which can be combined to generate a total score for each occupation assessed.

Factor scoring is intended to be a last step to test conclusions. For example, this process could help to confirm which comparators are the closest to the claimant work in terms of the skills, responsibilities, effort and working conditions.

If factor scoring is being used, it is important that this only occurs after a comprehensive work assessment process where the parties have:

- analysed any other available and relevant work information (such as job descriptions, job histories and legislative requirements for the roles)
- considered the levels assigned to claimant and comparator work and what that might mean.

Like any part of the pay equity process, it is critical that factor scoring is used in the context of a joint process. This ensures transparency and consistency of the wider pay equity bargaining process.

Weightings

The four pay equity factor groupings (skills (including experience), responsibility, effort and working conditions) have different weightings in the points that are allocated to them. The higher the weighting, the more points get allocated. The factor groupings align with the assessment requirements of the Equal Pay Act 1972.

The skills and responsibility factor groupings have higher weightings than the effort or working conditions factor groupings.

This is to recognise that the skills and responsibilities of a job are integral to its function and success. For example, inadequate skills or competence to deliver the work that an employee is responsible for is likely to significantly increase the effort required to perform a role (i.e. lacking skill makes a job harder).

Of the total points available, the weightings have been allocated as listed in Table 9 below.

Table 9: Factor grouping weightings

Skills Factor Grouping	44%
Responsibility Factor Grouping	35%
Effort Factor Grouping	16%
Working Conditions Grouping	5%

For the actual points allocated to each factor level within a grouping, see Te Orowaru factor scoring booklet.

Comparators

The comparison of claimant work, terms and conditions and remuneration with appropriate comparators is critical to the pay equity claims process (sections 13ZD and 13ZE of the Act).

This process allows the parties to establish if the work of claimants and comparators is comparable, and whether this is reflected in the terms and conditions and remuneration of the claimants.

The parties will not know how comparable the work of claimants and comparators is until the end of the work assessment process. For this reason, it is more accurate to refer to them as potential comparators until the level of comparability is understood. This helps parties where there are doubts or worries about whether the selected potential comparators are appropriate, as they are only potential comparators until assessed. Rather than getting mired in a debate over whether they are appropriate it is recommended if there is disagreement or doubt the parties trust the process of assessment to ascertain whether or not comparability does actually exist.

The claims data repository

The Government has established a claims data repository to assist parties to pay equity claims to progress their claims more speedily by giving access to claimant and comparator data and information from already settled pay equity claims. This should reduce cost, speed up information gathering for future claims, improve transparency, reduce duplicate requests on claims and comparator organisations, and improve the consistency of data used across claims.

The repository is a centralised information storage system located at Ministry of Business, Employment and Innovation (MBIE). Parties to settled pay equity claims have contributed their claimant and comparator material, such as interview material and analysis, to the data base.

This information and its access protocols are overseen by a tripartite group, Business New Zealand, Te Kawa Mataaho, MBIE and the Council of Trade Unions Te Kauae Kaimahi (CTU).

Parties to current pay equity claims, have an opportunity to access this information, where appropriate, to support your pay equity process. For example, instead of having to interview all your comparator groups yourselves, you may be able to access established data and information that will help accelerate your process. If you do wish to access data or you would like to find out more, you can email administratorpayequitydata@mbie.govt.nz.

We recommend that both employer and claimant agree jointly to their approach to accessing data from the repository.

This ensures that all parties have an “even playing field” in terms of information and therefore have equal opportunity to contribute to their pay equity process.

Parties are encouraged to consider, and agree to, contributing claims data to the repository for use in other claims processes to expedite claims and to avoid comparator fatigue¹.

¹ Comparator fatigue is when the same comparator organisation is approached to participate in several claims processes.

Table 10 below provides practical guidance on selecting potential comparators.

Table 10: Selecting potential comparators	
What potential comparators are appropriate?	<p>It is not necessary for comparators to do the same work to be selected. The pay equity work assessment does not look at the actual tasks performed, and instead builds a picture of the required skill (including experience), responsibility, effort and working conditions. The nature of the work is not relevant and does not make the work more or less comparable.</p> <p>Potential comparators will usually be male dominated occupations who may work at the same or similar level of skills, responsibility, and effort as the claimant.</p> <p>Potential comparators can also be female dominated occupations who have a settled pay equity claim, and therefore we know they are not undervalued.</p> <p>Lastly, a potential comparator could be any other occupation that the parties agree is useful and relevant to the process, as long as it is not an occupation characterised by undervaluation. An occupation could be tainted because it is subject to sex-based undervaluation, or by being an occupation whose wages have been affected by being benchmarked to or associated with undervalued work.</p> <p>Section 13ZE of the Act covers identification of appropriate comparators.</p>
Establishing criteria	<p>The first step to select potential comparators is for the parties to agree criteria to help identify who may be appropriate potential comparators. These selection criteria will inform the sifting and sorting of potential comparators and help to narrow and finalise the selection process. Some example selection criteria may include:</p> <ul style="list-style-type: none"> • same or similar ANZSCO code (see notes below) • the role is currently male dominated, or the role has been historically male dominated • there is a reasonable sample size (i.e. not a role with only one or two jobholders) • the role is covered by a collective agreement (or data about remuneration and allowances could be accessed another way) <p>See the template section on page 30 for a template to help record potential comparators against the criteria.</p> <p>It is not a strict requirement to agree to comparators, although it is useful. This is why creating criteria for objective acceptance is established.</p>

Table 10: Selecting potential comparators

<p>Using ANZSCO</p>	<p>ANZSCO is a skills-based classification system² used to classify all occupations and jobs in the Australian and New Zealand labour markets, based on a combination of skill level and skill specialisation. ANZSCO may provide a useful starting point for identifying appropriate comparators.</p> <p>However, ANZSCO does not provide information on the gender of the unit groups or occupations. It will therefore be necessary to use in parallel with another data set. One possible source for high-level gender information by occupation is the Census.</p> <p>It is preferable to identify several potential comparators, with enough employees, to generate reliable information (work assessment and remuneration) to establish if the work of the claimant is of equal value to that of comparators.</p> <p>Note: Normally a unit group at the four-digit level, or an occupation at the six-digit level (ANZSCO) will be suitable for comparators. However, it is important to note that ANZSCO information is a reference point only to identify comparators worthy of investigation and should be used flexibly. This is part of an open process of examination by the parties. Do not exclude a potential comparator based on a different ANZSCO code alone.</p>
<p>Narrowing down potential comparators</p>	<p>If the agreed criteria produce too many results and parties need to narrow the field, it is useful to run a collaborative sense check over the groups. Additional considerations can be factored in by agreement, such as entry criteria or those with the closest (inverse) gender occupancy to the claimant group. Whether or not data on the comparators already exist in the claims data repository may also be a consideration. Other criteria can be used by agreement. <i>Note: it can be useful to have more potential comparators than you think you will need in case any decline to be involved.</i></p> <p>Once parties have finalised the criteria, select several potential appropriate comparators (at least 4 if possible).</p>

² StatsNZ Classification Code Finder.

Table 10: Selecting potential comparators

Seek participation from potential comparator employers and unions	<p>Once potential comparators have been selected, it is necessary to seek the participation and cooperation of employers of the potential comparators. Comparator employers may not be familiar with the pay equity process so it is useful to provide good information about pay equity, what the process entails for comparators (including resource and time implications), how the data will be used and what the benefits are for closing gender and ethnic pay gaps.</p> <p>The Equal Pay Taskforce has advice and resources available to help you approach comparators and obtain their agreement to participate if required.</p> <p>The template section of this guide also contains a template protocol between the parties to the claim and the comparator employer/ union. The purpose of the protocol is to facilitate the participation of employers (of both the potential comparators and of the claimant), encourage the sharing of information, and provide confidence that the information will be used only for the purposes for which it was collected, and their data will be anonymised.</p>
Agree information gathering processes with comparator employers and unions	<p>The same work, terms and conditions and remuneration information must be collected for both claimants and comparators. i.e. the claimant and comparators must be interviewed with the same questionnaire and the information on remuneration and terms and conditions must be from the same point in time (or as proximate as possible)</p> <p>The parties will need to engage with comparators to agree the processes/protocols for gathering this information, and for validating the interview notes/transcripts and or aggregated information. (See validation section on page 13).</p>



Assessing comparability

The process of assessing comparability involves examining the factor scores and the remuneration of claimant and comparator to understand whether there is sex-based undervaluation present. This information should be gathered separately (work assessment first so existing remuneration does not import bias), but ultimately looked at together as they are both required to understand what may be occurring. For example, looking at the factor scores alone tells us the degree to which the skills, responsibilities, effort, and conditions involved are similar, but not what the differences are in pay that may need correcting. Looking at remuneration alone tells us what the differences in pay are, but not how that relates to the level and complexity of the work.

It is considered best practice to retain all comparators for analysis even if they come out after work assessment at a much higher or lower factor score. This is because if a comparator turns out to be scored at a much lower level than the claimant, but their remuneration is much higher, this may indicate the presence of sex-based undervaluation. Conversely, if a comparator scores higher than the claimant but is paid at a lower rate, this may indicate there is no sex-based undervaluation.

Parties may be faced at this point with a variety of outcomes from comparators, both in terms of factor scoring and remuneration. It can feel difficult to understand how to translate the results into a logical outcome. Reducing the number of comparators can be tempting to simplify the task of comparison. However, caution is needed here. Comparability in the Act is clearly defined as no differentiation based on sex between work which has same, or substantially similar, skills, responsibilities, experience, effort and conditions. This means excluding comparators because their work is *different in nature* or has *different term and conditions* is not consistent with the intent of the Act.

It is recommended that parties consider all comparators who:

- ✓ are close (within 5–10% difference) in terms of factor score
- ✓ are scored at a lower factor score than the claimant (more than 5-10% difference) but are paid at a higher rate
- ✓ are scored at a higher factor score than the claimant (more than 5-10% difference) but are paid at a lower rate.

Any comparators that do not fit these criteria (i.e. those that are factor scored lower and also paid lower) can be excluded by mutual agreement.

Some options (*this is not intended to be an exhaustive list*) to assess the extent of undervaluation are to take the:

- average of total remuneration across all applicable comparators vs claimant (according to above criteria)
- average of base pay across all applicable comparators vs claimant (according to above criteria) addressing remunerative terms and conditions and other terms and conditions separately
- median of total remuneration across all applicable comparators vs claimant (according to above criteria)
- median of base pay across all applicable comparators vs claimant (according to above criteria) addressing remunerative terms and conditions (and any other agreed terms and conditions) separately.
- establishing the equitable midpoint or competent rate for all applicable comparators vs claimant
- use ranged comparisons, i.e. entry step and top step for claimant vs comparators – forming a map of both the assessment range of each job and the remuneration range of each job

Terms and conditions assessment

Assessing terms and conditions of employment is a requirement of the Act (13ZD (b)). Parties to a claim can agree any changes to terms and conditions as part of a pay equity settlement as long as no terms and conditions are reduced (13ZH(2)).

Any term and condition which has an impact on remuneration, must be addressed in order to reach a complete pay equity settlement allowing parties to agree that there is no remaining undervaluation based on sex.

Some terms and conditions are more likely to form part of pay equity negotiations as they have an impact on career progression, remuneration over time and/or the security of employment. These impacts are likely to have origins in sex-based undervaluation and assumptions. These are:

- access to paid professional development – such as opportunities to develop and learn in paid work time and/or paid for by the employer
- career progression criteria/career pathways – for example are they present and what access is there to progress or is there a clear ‘ceiling’
- security of work – such as permanent employment vs fixed-term or other precarious patterns of employment
- leave – such as shift leave, or any leave above statutory minimum rates
- childcare arrangements – such as onsite support for childcare or other dependents.

There are other terms and conditions that arise but are less likely to be able to be addressed within a pay equity settlement. While this does not preclude discussion of these issues or even agreements being reached on them, it may be more likely that the resolution of these issues need to be dealt with elsewhere, such as:

- funding arrangements – for example if organisations receive Government or philanthropic funding how these models of funding may be changed
- workload issues – such as if there is an identified staff shortage.

The key for a successful analysis of terms and conditions is to be thorough. Ensure that all terms and conditions are identified by considering employment agreements, workplace policies, letters of offer and side letters. For ease of comparison it can help to place terms and conditions into a table for analysis, identifying which may need addressing.

Remuneration assessment

The remuneration assessment is critical to understand whether the claimant is undervalued and if so, by how much. It is an assessment requirement of the Act (section 13ZD(1)(d)-(e)).

Note: If the collection and analysis of remuneration information occurs alongside the work assessment there is a risk that cost considerations may bias parties' understanding of the work. It is important that these two processes are kept completely separate. Table 11 below describes the type of remuneration information that should be collected.

Table 11: Collecting, assessing, recording and validation of remuneration information

Collecting remuneration information

Remuneration information on claimants and comparators will need to be obtained from both collective agreements (if present) and be provided by the employer. This information can include:

- wages and salary; Includes concepts of base salary, fixed remuneration and total remuneration figures
- type of pay system including the method of pay progression i.e. annual increment or discretionary movement through the pay scale
- establishment of scale and salary steps
- time and piece wages
- overtime
- penal rates
- fees
- commissions
- allowances, including but not limited to, seniority allowances, vocational allowances, residential allowances, accommodation allowances, meal allowances, uniform allowance
- bonus payments, such as productivity bonuses, family, child or dependency allowances
- performance payments
- recognition of service payments
- training payments/qualification recognition
- benefits such as the supply of uniforms, laundering work clothes, or provision of uniform, the provision of accommodation or food
- travel expenses/allowances/provisions of vehicle
- compensation for attending training courses and other self-education expenses
- termination/redundancy payments
- superannuation
- seniority increments
- tips/gratuities
- company shares or profits
- professional registration fees/practicing certificate fees
- parental leave entitlements.

See the template on page 37 for a base template to record claimant and comparator remuneration information.

Table 11: Collecting, assessing, recording and validation of remuneration information

Assessing remuneration information (including for casual or part-time employees)

The next step is to compare the remuneration of claimants and comparators in a structured way. Assessing remuneration is a process which requires some analysis. It is not enough to do a desktop or paper-based exercise, as there will often be multiple remuneration systems and progression methodologies at play.

It is also important to base remuneration assessment on what an employee would receive in a normal working week so the process does not embed the requirement to work overtime to receive equitable remuneration. For example, if the claimant occupation has a staffing shortage which means many employees are working long hours or overtime, so therefore attracting extra remuneration (penals, overtime etc) this may distort the total remuneration package at first glance making it look higher than it is. Make sure the process of analysis pulls these aspects of total remuneration apart so more inequalities are not inadvertently created.

It is important to consider how remuneration works over time in order to understand how and when inequities may arise. A simple snapshot in time may miss important detail about how remuneration works and therefore a settlement may not be robust and enduring.

Assessing remuneration needs to connect to the work undertaken and the comparability between claimant and comparators (see the section on assessing comparability on page 24).

Recording the remuneration information

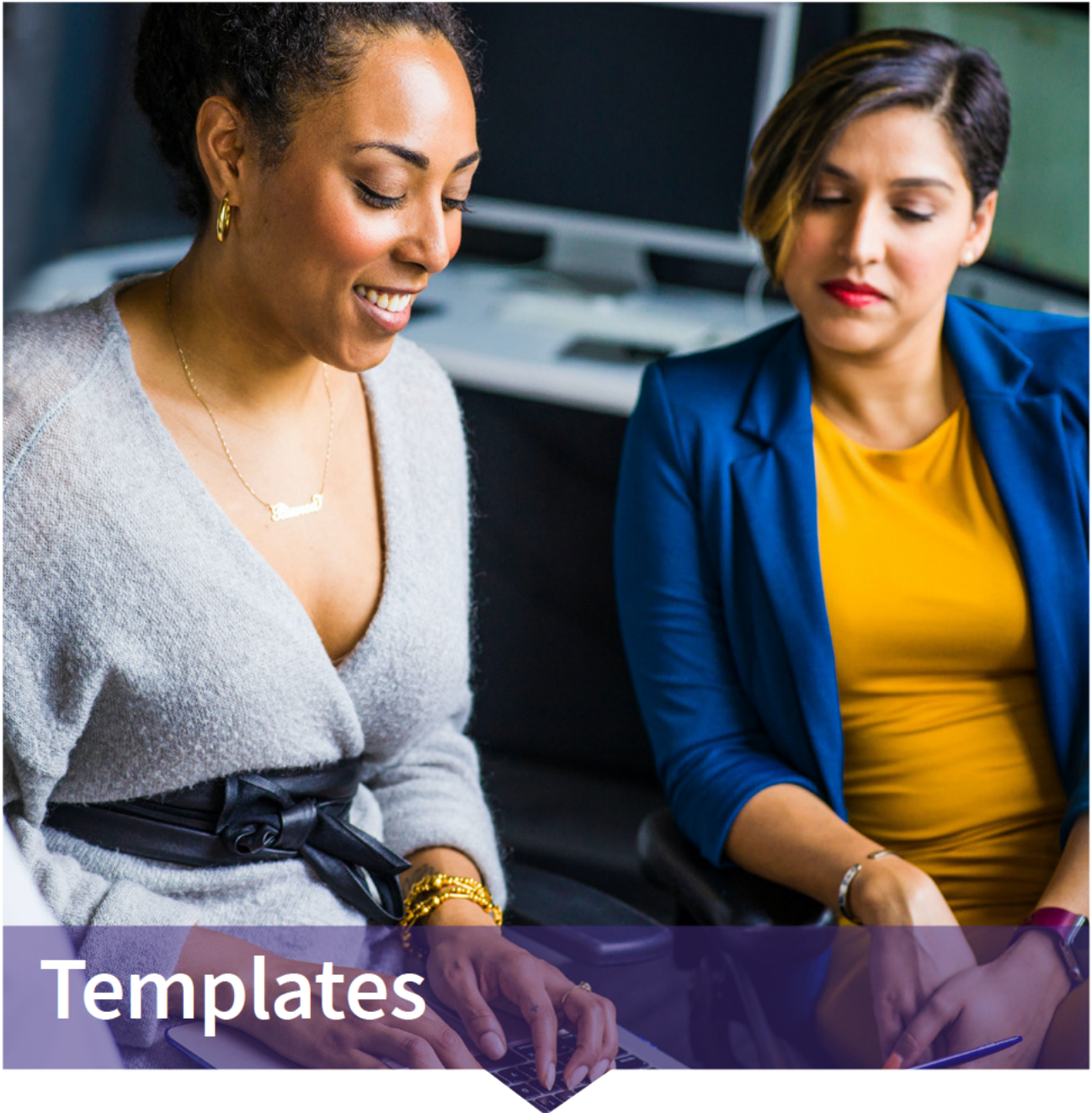
It is good practice to have an agreed structured way of recording remuneration data and information relating to claimant and comparators. This can help parties stay in a joint process and form shared conclusions, rather than analysing remuneration through significantly different approaches.

Validation of remuneration information

It is important for parties to have an agreed validation process for the remuneration data and information to ensure the data is as up to date and accurate as possible. If significant time elapses between the gathering of remuneration information and settlement bargaining it is useful for the parties to have an agreed process to ensure they are negotiating with the most up to date data possible.

A requirement of settlement is that there is no sex-based undervaluation at the date of settlement, therefore data that is old may not effectively deliver this outcome.

At this point in the process, the parties may decide to start meeting separately as part of preparation for negotiations for a settlement if the assessment to date indicates that undervaluation is likely. This can occur in parallel with the remainder of the joint work to assess the remuneration of the claimant and comparators.



Templates

Comparator templates:

- Template 1: Recording potential comparators
- Template 2: Letter from claimant's employer to comparator employer/union
- Template 3: Protocol between parties to the claim and the comparator employer/union

Assessment templates

- Template 4: Consent forms for interviewees (managers/supervisors)

Template 1: Recording potential comparators

Set out below is a simple example template for recording potential comparators against criteria.

Template for recording potential comparators			
Criteria	Comparator		
	1	2	3
Male dominated			
Suitable sample size			
Covered by a collective agreement			
Information accessible			
Similar qualifications and/or skills level grouping			
Similar entry criteria for role			

Template 2: Example letter from parties to claim to employer of comparators

Dear [name of chief executive]
and [name of union],

Pay Equity Claim

I am writing to ask for your help with an important aspect of the Pay Equity claim that has been made by [name of union/employee]

for [name of occupation/s/description of work] employed by [name of employer]. Specifically, I'm asking for your insight in understanding the role of [comparator occupation] as a potential comparator for this claim.

Background

[name of employer] has confirmed that the [title of claim] has an arguable case to progress as a pay equity claim. We have agreed to work together with [union/employee] to fully assess the claim.

We are working closely with the Te Kawa Mataaho Public Service Commission to ensure the approach followed is consistent with the Equal Pay Act 1972.

What does this mean?

In accordance with sections 13ZD and 13ZE of the Act we must assess the work, remuneration, and terms and conditions of employment of [name of occupation/s/description of work] and the appropriate comparator group/s and identify if the work is comparable. Through our work with [name of union/employee], we've identified the role of [name of comparator occupation] as a potential comparator role.

We're not looking to say the work for [name of occupation/s/description of work] and the comparator occupational group is the same – we're looking to confirm that the level of knowledge, skills, responsibilities, conditions of work, effort, and experience of the roles are comparable. We will also be undertaking an examination of the remuneration paid for the role.

What we would like from you?

We would like your help providing background information on the [name of comparator occupation] role and to identify up to [number] job holders willing to complete a confidential questionnaire interview to help us gain a better understanding of the role. At the end of the comparator work and remuneration assessment process we will invite you to validate the information we have.

Next steps

Pay equity is a high interest issue and it's important that we get this right.

I assure you the information gathered on the role will be shared with you. I appreciate this work is sensitive, and I guarantee that the work undertaken by the working group will be confidential.

If you can support this important work, I'll arrange for [name and title] to contact the relevant general manager in your organisation to discuss this further.

I look forward to your response and thank you in advance for your co-operation in this important work. Please don't hesitate to call me if you'd like to discuss this further.

Yours sincerely

[Name and title]³

³ Name, title and signature of union/representative is co-writing letter.

Template 3: Example protocol between parties to the claim and the comparator employer

[Letter head of both employers and unions]

This protocol sets out the understanding between the claimant employer, [name] and [union/s], and the comparator employer [name] and [union/s], regarding data collection, use, and storage for the purposes of assessing a pay equity claim.

Introduction

It is necessary and important to identify and seek the participation and cooperation of the potential appropriate comparators against which to assess a pay equity claim (sections 13ZD and 13ZE of the Equal Pay Act 1972).

Information sharing principles

Information shared between agencies/companies/unions/employees for the purposes of examination of the work, remuneration, and terms and conditions of employment of the claimant and appropriate comparators should be:

- confined to the information fields recommended and required for this purpose
- anonymised and not contain unique/personal identifiers or names
- at a high enough granular level so that individuals cannot be identified by role, e.g. one-off roles.

Interview information

If face-to-face interviews are required, the interviewer must:

- explain the purpose of the interview and the use and storage of the information
- obtain the permission of the interviewee for the use and storage of the information
- remove unique/personal identifiers from the summary of the interview.

Contributing comparator information to the central pay equity data repository once it has been gathered

A central repository for pay equity data and information for claimants and comparators was implemented in 2020 (administratorpayequitydata@mbie.govt.nz) with the agreement and support of Ministers. The repository is located at the Ministry of Business, Innovation and Employment and is governed by a tripartite governance group.

Signing this protocol means you agree to the contribution of your comparator data into the repository for potential use by other claims processes on the understanding that you can withdraw your data from the repository at any time.

Data to be used for the work assessment

Data collected for the work assessment includes:

- qualitative interview material
- position descriptions
- delegations
- task lists
- standard operating procedures
- health and safety procedures
- industry standards
- information from collective employment agreements
- information from relevant registration bodies
- any legislative requirements related to claimant work and the work of comparator
- the factor analysis overview
- other data as agreed between the parties.

Data required for remuneration assessment

Data collected for the remuneration assessment would be obtained from both collective employment agreements (if present) and from the employer and would include:

- average base salary
- median base salary
- average total remuneration
- salary range (minimum, midpoint, and maximum)
- starting rate
- hours worked per week
- hourly rate
- total number of employees for appropriate comparators
- gender break down of appropriate comparators
- key components of remuneration other than base salary, e.g., allowances
- superannuation
- collective employment agreements
- information on job sizing
- information on progression
- general overview of remuneration history.

Additional data required

[Insert as appropriate]

Signatures

Title of claimant employer representative⁴ _____

Signature of claimant employer representative _____

Date _____

.....

Title of claimant union/representative _____

Signature of claimant union/representative _____

Date _____

.....

Title of comparator employer representative _____

Signature of comparator employer _____

Date _____

.....

Title of comparator union/representative _____

Signature of comparator union/representative _____

Date _____

⁴ This may be signed by the relevant employee representatives too or in the case of multiple employers and unions by the lead employer and lead union.

Template 4: Consent forms for interviewees (employee and supervisor/manager)

[Claim name]

About this project

Summary of pay equity claim

About this interview

Detail about interview including things such as: what interview is about, and that it will not inform any performance review process

Employee participation in this interview:

I understand that:

1. My participation in this session is completely voluntary.
2. I am free to withdraw at any time before or during the session.
3. I don't have to answer any questions I don't want to.
4. My participation doesn't provide any benefit, disadvantage or special treatment in relation to any current or future applications/claims.
5. My personal details will remain confidential to the team progressing the claim.
6. Notes taken during the session will be completely anonymised, with all names, places and personal details removed.
7. My anonymised data, including anonymised [interview notes/summary profiles etc] may be used for future pay equity claims and will be stored for this purpose in the government's pay equity data repository service.

☐ I have read or been read the information above and consent to taking part in the interview by signing below:

Name _____

Signature _____

Date _____

[Claim name]

About this project

Summary of pay equity claim


About this interview

Summary of purpose and limitations of
interviewing manager/supervisor

Supervisor/manager participation in this interview:

I understand that:

1. My participation in this session is completely voluntary.
2. I am free to withdraw at any time before or during the session.
3. I don't have to answer any questions I don't want to.
4. My participation doesn't provide any benefit, disadvantage or special treatment in relation to any current or future applications/claims.
5. My personal details will remain confidential to the team progressing the claim.
6. Notes taken during the session will be completely anonymised, with all names, places and personal details removed.
7. My anonymised data, including anonymised [interview notes/summary profiles etc] may be used for future pay equity claims and will be stored for this purpose in the government's pay equity data repository service.

 I have read or been read the information above and consent to taking part in the interview by signing below:

Name _____

Signature _____

Date _____