



Te Kawa Mataaho

Public Service Commission

26 March 2021

9(2)(a)
privacy

Dear 9(2)(a) privacy

Official Information Request Our Ref: OIA 2021-0018

I refer to your official information request received on 2 March 2021 where you have stated:

“The Framework for the Oversight and Support of Funded Sector Pay Equity Claims is available on your website here:

<https://www.publicservice.govt.nz/assets/SSC-Site-Assets/Proactive-Releases/Cabinet-Paper-Framework-for-the-Oversight-and-Support-of-Funded-Sector-Pay-Equity-Claims.pdf>

<https://www.publicservice.govt.nz/assets/SSC-Site-Assets/Proactive-Releases/Cabinet-Paper-Framework-for-the-Oversight-and-Support-of-Funded-Sector-Pay-Equity-Claims.pdf>

This Framework makes it quite clear that the parties to the pay equity claim and its negotiation are the employer and the employee. Neither the Funding agency nor Treasury are part of the negotiations. They may advise and assist, but they do not negotiate. Despite this, the Framework contains some redactions due to "prejudice to negotiations". These redactions are at paragraphs 20, 21, 25, 39.1 and 39.2. Appendix 1 is also redacted for the same reason, but that is not material to my request.

I have been appointed by numerous certificated teachers working in early childhood education to represent them in individual pay claims that they have brought against their employers. On 12th November 2020 you wrote to me acknowledging that you had received a copy of these individuals' claim. If I am to represent these individuals effectively I need a good understanding of the Framework and how it works.

In your request you have asked for:

“a copy of the Framework that does not have redactions due to "prejudice to negotiations".

I am also interested in getting a better understanding of the process, following a settlement agreement between the parties, that results in government funding being granted to fund the outcome of a pay claim. I would be grateful for any information about this final step of the process that you are able to provide.”

Information being released

As noted in your request, the Cabinet paper titled ‘Framework for the oversight and support of funded sector pay equity claims’ currently has information withheld under sections 9(2)(j), 9(2)(h), 9(2)(g)(i) and 9(2)(f)(iv) of the Official Information Act 1982 (OIA).

We have reviewed the Cabinet Paper and have decided that the information in paragraphs 20 and 29 can now be released. We have also decided that information in paragraph 25 will continue to be withheld under section 9(2)(j) of the OIA and information in paragraphs 39.1 and 39.2 will continue to be withheld under section 9(2)(f)(iv) of the OIA.

We have made the necessary amendments to the publicly available Cabinet paper and the amended version is now available on our website [here](#).

Funded Framework

The Funded Framework is designed to provide oversight and support to employers who are party to a pay equity claim raised in the funded sectors, such as early childhood education, as they navigate through each milestone in the process. This support is around the process of undertaking a claim only, ensuring that the Equal Pay Act is upheld and that the process of assessing and comparing work is fit for purpose. The Funding Framework also provides visibility for Ministers on the progress of claims and an assurance that the process being followed will genuinely deliver pay equity for women.

The Framework has no relationship to whether or not a claim will be funded or how any agreed funding will be delivered. These are of course important discussions, but they will need to take place separately to any support or oversight function through appropriate forums. These will vary from sector to sector but are likely to involve discussions with procurement or contracting teams within the funding agency or agencies. The liability to pay the established pay equity rate, however, does remain with the employer.

Your Pay Equity Claims

We understand that you have been engaging with the Ministry of Education (MOE) about pay equity claims that you have raised for a number of individuals with their employers. We understand that MOE has offered to provide oversight and support to the employers named in your claims in order to ensure that the claim investigation processes meet the requirements of the Equal Pay Act (1972). We would encourage you to continue to meet with MOE to ensure that you are able to progress a valid claim.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@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) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

Managing Principal – Ministerial Services
Te Kawa Mataaho Public Service Commission