

# MEMORANDUM

**Date:** 15 June 2020  
**To:** Hon Julie Anne Genter, Minister for Women  
**From:** Rebecca Barnes-Clarke, Director Policy  
**Subject:** **Public sector experience of pay equity claims – information for Business NZ**

## Purpose

1. This memo addresses questions you have received from Business New Zealand (Business NZ) regarding the experience of progressing pay equity claims to date.

## Which occupations/areas are covered by claims?

2. In addition to the already settled claims for teacher aides and Oranga Tamariki statutory social workers, claims are underway across the health, education, and public sectors, and the funded sector. Occupations covered include:
  - nurses and midwives;
  - clerical and administration staff (separate claims have been raised in the health and education sectors and the public service);
  - probation officers;
  - education support staff employed by the Ministry of Education and those employed by school Boards of Trustees;
  - early childhood education teachers;
  - social workers in non-government social services providers; and
  - house mothers and crisis workers.
3. Almost all claims (and all claims covering 100+ employees) are being taken by unions.

**Action sought:** For information

Noted

**by:** Tuesday 16 June 2020

**Signed:**

**Hon Julie Anne Genter**  
Minister for Women

Date: .....

## What has the public sector experience been regarding engagement of comparators and use of data?

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4. Parties to claims have generally used multiple comparators for the work and remuneration assessment stages of a pay equity claim – this is consistent with the Reconvened and Joint Working Group Pay Equity Principles and the Equal Pay Amendment Bill 2018. Comparators may include:
  - male comparators performing work which is the same as or substantially similar to the work at issue;
  - 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
  - any other useful and relevant comparators (which include claimants that have already been subject to a pay equity settlement).
5. To date, most comparators have been from the public sector. There has been considerable hesitation from private sector employers in participating in claims processes for a variety of reasons: lack of understanding about the process, concerns about the time commitment for their staff, privacy and commercial sensitivity issues, and worries about potential implications on their own workforce as a result of settlements.
6. Government, unions and Business NZ are working on the establishment of a pay equity claims data repository, which is intended to expedite the process of gathering data work and remuneration data for future claims. Submission of data to the repository will be voluntary (consent of both the claimant and comparator would be required).
7. While the repository is still under development, we anticipate that the repository will reduce the amount of work needed to access comparator information, avoid duplicate requests to comparators (comparator fatigue), and improve consistency in the data used across pay equity claims.

### Proactive release

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8. Within three months of the date of this memorandum, it will be considered for release under the Ministry's proactive release of documents policy.



**Rebecca Barnes-Clarke**  
Director Policy