

Submission on the Equal Pay Amendment Bill

27 November 2018

A. Introduction

1. This submission to the Education and Workforce Select Committee outlines Barnardos' position on the Equal Pay Amendment Bill ('the Bill').
2. Barnardos is one of Aotearoa New Zealand's oldest and leading children's charities, working towards the vision of 'An Aotearoa New Zealand Where Every Child Shines Bright'. We hold fast to this vision because we believe in the potential of every child to develop and flourish.
3. Barnardos has been delivering services to children, young people and their families and whānau in Aotearoa New Zealand for over 60 years. Today, we are implementing three key strategies:
 - Delivering direct social services to children and their families and whānau, including some of the most disadvantaged and marginalised children, families and whānau in Aotearoa;
 - Providing excellence in early learning; and
 - Advocating for the needs, rights and wellbeing of children in Aotearoa New Zealand.

One of Barnardos' greatest strengths as an organisation is the fact we work across these three areas, through our Child and Family Services, Barnardos Early Learning, and our systemic Advocacy.

4. In all our work, we focus on the whole-child, and the fact that all children exist within the context of their family and whānau. We are based in the community and support a community-led approach to development. Our work contributes to positive, tangible change and development. This helps to create long-term sustainable outcomes in the lives of children and their families and whānau, as well as their wider communities.
5. Barnardos employs or contracts approximately 740 people around the country – from Whangarei to Invercargill, across Barnardos Child and Family Services, Barnardos Early learning and Advocacy.

B. Barnardos' position on the Equal Pay Amendment Bill

6. Barnardos welcomes and supports the Equal Pay Amendment Bill and its purpose, namely:

to improve the process for raising and progressing pay equity claims and eliminate and prevent discrimination on the basis of sex, in the remuneration and employment terms and conditions for work done within female-dominated jobs.¹

Barnardos also welcomes the aim of the Bill to provide a simple and accessible process for claimants to progress pay equity claims, thereby promoting the enduring settlement of claims relating to sex discrimination on pay equity grounds.²

7. The reasons why Barnardos supports the Bill are four-fold:

- Equal pay is good for children, families and whānau, and society at large;
- Equal pay is consistent with New Zealand's international obligations under human rights treaties to which New Zealand is a States Party;
- Legislating to support equal pay is an important element towards developing systems that foster an equitable future, free of discrimination for all; and
- As an employer, we are committed to pay equity.

Below, we elaborate further on these four reasons underlying Barnardos' support for the Bill.

Equal pay is good for children, families and whānau, and society at large

8. The main reason why Barnardos supports this Bill is because equal pay is good for children, families and whānau, and society at large. As a society in the 21st century, Aotearoa New Zealand has lost sight of the importance of fairness and equity among people, no matter what their social or economic background or circumstances. New Zealand now has one of the largest income and wealth inequality gaps in the OECD.³ Low distribution of wealth across our society, and the lack of even distribution of our country's

¹ General Policy Statement, Equal Pay Amendment Bill (Bill no.103-1), p.1.

² Ibid.

³ See: <https://data.oecd.org/inequality/income-inequality.htm> (accessed 26 November 2018). See for further discussion: OECD Statistics and Data Directorate, *Inequalities in household wealth across OECD countries: Evidence from the OECD Wealth Distribution Database*, Working Paper no.88, SDD/DOC(2018)1, 20 June 2018, available at: [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=SDD/DOC\(2018\)1&docLanguage=En](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=SDD/DOC(2018)1&docLanguage=En) (accessed 26 November 2018).

economic prosperity, is playing out in practice in social realities such as our high rates of child poverty⁴ and homelessness.⁵

9. Children, families and whānau are experiencing the impact of our unequal society in significant, negative ways, across socio-economic outcomes. Furthermore, in our work with children and their families and whānau, Barnardos sees the negative impact on children, families and whānau of women working in low-paid jobs and unfair working conditions. These women and families are hard-working, juggling parenting responsibilities with employment that provides income to support their families and whānau. Despite very best efforts, this can in some instances create high-stress family and whānau environments, which are not in the best interests of children. At a general level, it is fair to say that unequal pay and unfair working conditions are contributing factors to this stress. This is especially true when parents are working multiple low-income jobs which still do not provide a level of income to support children and families to be resilient to unexpected social and economic shocks.
10. Change is urgently needed to address the inequalities that have become entrenched in Aotearoa New Zealand, so that every child has the opportunity to positively develop from their early years of life and to flourish in childhood and beyond. In order to flourish, it is essential that children grow up with family and whānau that are safe and loving; have enough of what matters when it comes to clothing, education, food, housing, healthcare and any other particular support to meet their specific needs; are connected to family, whānau and community and can participate in society; and have a level of income that enables them to be resilient to unexpected social and economic shocks, if and when they happen.
11. Against this contextual backdrop, Barnardos believes that legislating to advance and support equal pay – so that it becomes a societal expectation and norm in Aotearoa New Zealand – is essential. It is good for children, families and whānau, and society at large, because it sends a strong message that we are committed to being a non-discriminatory country, and that equal pay for work of equal value is to be given effect in practice.
12. By supporting the principle of equal pay with simplified and practical processes through which women in low-paid, female dominated jobs can have the impact of their work equitably valued equal pay will be advanced in practice. Securing equal pay will have a positive flow-on effect for families and whānau and their children. For children in particular, they will start to see greater evidence in their lives that work is valued on an equal basis,

⁴ See: Office of the Children's Commissioner and Otago University, *Child Poverty Technical Monitor 2017 Technical Report*, available at: <http://www.nzchildren.co.nz/> (accessed 26 November 2018).

⁵ See: Kate Amore, *Severe housing deprivation in Aotearoa/New Zealand 2001-2013*, He Kainga Ora Housing and Health Research Programme, Department of Public Health, University of Otago, Wellington, 2016, available at: <http://www.healthyhousing.org.nz/wp-content/uploads/2016/08/Severe-housing-deprivation-in-Aotearoa-2001-2013-1.pdf> (accessed 26 November 2018).

regardless of who is doing it. In addition, the important nature of a range of occupations and professions will become more viable options as sustainable career choices, irrespective of the sex of those operating in them.

Promoting and upholding New Zealand's international human rights obligations

13. Under international human rights law, equal pay is established as a human right for all people. Barnardos sees this Bill is an important element in New Zealand upholding its international human rights obligations, in particular under the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁶ the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁷ and International Labour Organisation (ILO) conventions. New Zealand also has responsibilities under the Sustainable Development Goals⁸ (SDGs) in relation to pay equity.
14. ICESCR establishes that States Parties “recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, [...] remuneration which provides all workers, as a minimum, with [...] fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.”⁹
15. CEDAW requires States Parties to “take all appropriate measures to eliminate discrimination against women [...] in particular the right to equal remuneration, including benefits, an equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.”¹⁰
16. In its most recent Concluding Observations on New Zealand under CEDAW, the United Nations Committee on the Elimination of Discrimination against Women (the Committee) noted with concern “the persistent gender pay gap, which disproportionately affects women in low-income jobs, including Māori and Pasifika women and women belonging to other ethnic and cultural minority groups”.¹¹ The Committee recommended, among other things, that New Zealand:

Urgently address the working conditions of Maori and Pasifika women, women with disabilities and young women in all areas of employment including through data collection and analysis;¹²

⁶ United Nations Treaty Series, vol. 993, p.3.

⁷ United Nations Treaty Series, vol. 1249, p.13.

⁸ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1.

⁹ Art.7(a)(i), ICESCR.

¹⁰ Art.11(1)(d), CEDAW.

¹¹ UN Committee on the Elimination of Discrimination against Women, *Concluding observations of the eighth periodic report of New Zealand*, 25 July 2018, CEDAW/C/NZL/CO/8, at [33](c).

¹² Ibid, at [34](a).

Consider adopting a new law based on the recommendations of the reconvened Joint Working Group on Pay Equity Principles, with a view to applying it to both the public and private sectors;¹³

Adopt and enforce the principle of equal pay for work of equal value in a revised employment relations legislation covering both public and private workplaces, including through analytical job classification and evaluation methods and regular pay surveys, and regularly review wages in sectors in which women are concentrated”¹⁴

17. ILO Convention 100 further sets out the principle of equal remuneration for work of equal value among men and women,¹⁵ and ILO Convention 111 requires ILO members party to the Convention to implement a national policy that promotes equality of opportunity and equality of treatment of men and women in employment.¹⁶
18. Barnardos is of the view that the Bill will contribute to New Zealand fulfilling its international obligations under the abovementioned international treaties, and will contribute to addressing, in part, the Committee’s 2018 recommendations as outlined above.
19. Barnardos also notes that New Zealand has responsibilities under the SDGs in relation to equal pay. Under SDG 8,¹⁷ target 8.5 is: “By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”. New Zealand’s legislative and policy settings, including this Bill, will contribute to New Zealand’s progress towards achieving SDG target 8.5 in practice. Considering the SDGs holistically in relation to sustainable economic, social and environmental development and how this impacts children, young people, families and whānau, this Bill is therefore an important part of working towards sustainable development for all in Aotearoa New Zealand.

Securing an equitable future, free of discrimination for all

20. Further to our comments above relating to sustainable development, Barnardos believes that this Bill is important given the intergenerational impact that equal pay can and will have for Aotearoa New Zealand.
21. Securing an equitable future, free of discrimination for all, is partly what this Bill will, once implemented in practice, help enable in Aotearoa New Zealand. The intergenerational impact of this should not be underestimated; securing

¹³ Ibid, at [34](b).

¹⁴ Ibid, at [34](c).

¹⁵ Art. 2(1), C100 – Equal Remuneration Convention, 1951 (No.100), General Conference of the International Labour Organisation, entry into force 23 May 1953.

¹⁶ Art. 2, C111 – Discrimination (Employment and Occupation) Convention, 1958 (No.111), General Conference of the International Labour Organisation, entry into force 15 June 1960.

¹⁷ SDG 8 is “Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all”. See: <https://sustainabledevelopment.un.org/sdg8> (accessed 26 November 2018).

an equitable future free of discrimination is so important for children and young people, so they can develop and thrive into the future, and participate in all aspects of society with each other on an equal basis. This is not only in their best interests, but the best interests of all of Aotearoa New Zealand.

Barnardos is an employer committed to pay equity

22. The final reason why Barnardos welcomes this Bill is because as an employer, we are committed to pay equity. Our workforce of highly skilled, qualified and committed social workers, teachers and youth workers make a real difference to the lives of tamariki, rangatahi and their families and whānau. As such, we believe that the work they do should be recognised equitably with other professions that require similar levels of qualification, accountability and expertise, irrespective of the sex of those who are performing the work. We employ a significant number of female workers, and strive in our practices as an employer to fulfil the human right to equal pay, and the principle of equal pay for work of equal value.
23. Barnardos therefore welcomes any legislative and policy developments that support an environment in Aotearoa New Zealand where equality and fairness is respected, promoted and protected in the workplace.

C. Conclusion

24. Barnardos thanks the members of the Education and Workforce Select Committee for considering our submission. As outlined, Barnardos supports the purpose of the Bill. We believe that equal pay will help contribute to the well-being of all people in Aotearoa New Zealand, including our tamariki and rangatahi, families and whānau.
25. We welcome the opportunity to appear before the Select Committee to speak to our submission.

Contact details for anything relating to this submission

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