

CEVEP's Response to the Government's Proposal to repeal the Equal Pay Act

KEY MESSAGE

The current Government proposals are a massive backward step. We should keep the current two pieces of legislation until they can be comprehensively improved. What NZ needs is an effective, transparent process for both making and enforcing Equal Pay and Equal Pay for Work of Equal Value claims. The proposals do not provide this.

The Government has just introduced the Employment Relations Law Reform Bill. Part 2 of that Bill will repeal the Equal Pay Act 1972 and the Government Service Equal Pay Act 1960. The Campaign for Equal Value, Equal pay (CEVEP) strongly opposes the repeal of those Acts.

There are problems with both pieces of current legislation and they would benefit from being updated. However any changes to those Acts must be consistent with their intent to enable claims for both:

- equal pay - for women and men doing the same work
- equal pay - for women and men doing different work that is of equal value

The provisions in the Bill are a lot worse than what we have now because it removes any ability to take equal pay for work of equal value (EPWEV) claims. If the only current legislation containing a definition of equal pay for work of equal value is repealed, and not replaced, NZ will be in clear breach of our international obligations under CEDAW and ILO Convention 100. Also, the Bill's suggested process for straight equal pay claims is too weak.

WHAT NEEDS TO BE IN ANY NEW LEGISLATION

The Government appears to be suggesting that the 1960 and 1972 Acts did not cover equal pay for work of equal value. This is simply wrong – earlier Labour Governments accepted that the

1972 Act covered EPWEV. That was certainly the Act's intention, though it was never properly carried out. Some of CEVEP's members were directly involved in the legislative process at that time. These include Margaret Long and Elizabeth Orr, who has just completed a comprehensive investigation of Hansard and other records. The current legislation should not be repealed unless there is a clear commitment to preserve and improve existing rights. CEVEP has returned to the principles behind the original Acts in drawing up this short checklist.

CEVEP suggests that the Employment Relations Law Reform Bill and any subsequent proposals should be assessed against the extent to which they:

- clearly cover both equal pay and equal pay for work of equal value
- provide for both individual and collective claims
- involve union representation and union-led claims
- promote the role of unions in addressing equal pay and pay equity
- allow access to pay information so that claims can be developed and pursued
- create a transparent process
- can be easily enforced as a right through current institutions, that is the Employment Relations Authority
- include access to expert advice and support through an independent agency

PROCESS ISSUES

The provisions in the current Bill relating to equal pay were developed without consultation with key groups including the National Advisory Council on the Employment of Women (NACEW), the NZ Council of Trade Unions (NZCTU), the National Council of Women (NCW or CEVEP). The deadline for submissions on the Bill is 27 February. This is two

days before the Pay and Employment Equity Taskforce presents Ministers with its 5 year Plan of Action covering the public service, public health and education sectors. Given the research and consultation undertaken through the Taskforce's work, we are concerned that submissions close before the Taskforce's recommendations are available for public debate.

ACTION NEEDED:

By Government :

Part 2 of the Act should be withdrawn

After the Taskforce has reported, the Government should consult with key stakeholders about the best way to ensure the right to Equal Pay and Equal Pay for Work of Equal Value

What You Can Do:

Write a submission on these proposed changes

<http://www.ers.dol.govt.nz/law/reform.html>

The deadline is 27 February.

Contact CEVEP for more information or to invite a speaker to your group:

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