

## Summary of Response to Joint Working Group on Pay Equity Principles

This note summarises the Government response to the Joint Working Group on Pay Equity Principles' (JWG's) proposals.

JWG recommendations	Response
<i>General</i>	
Any employee or group of employees can make a claim.	<b>Agree</b>
Equal pay is remuneration (including but not limited to time wages, overtime payments and allowances) which has no element of gender-based differentiation.	<b>Agree</b>
Equal pay must be free from any systemic undervaluation, that is, undervaluation derived from the effects of current, historical or structural gender-based differentiation.	<b>Agree</b>
<i>Criteria for determining the merit of a claim as a pay equity claim</i>	
In determining the merit of the claim as an equal pay claim, the following factors must be considered:	
<ul style="list-style-type: none"> <li>i The work must be shown to be predominantly performed by women and may also include areas where remuneration for this work may have been affected by: <ul style="list-style-type: none"> <li>a any occupational segregation;</li> <li>b any occupational segmentation;</li> </ul> </li> </ul>	<b>Agree</b>
<ul style="list-style-type: none"> <li>ii The work may have been historically undervalued because of: <ul style="list-style-type: none"> <li>a any relevant origins and history of the work and the wage setting for it;</li> <li>b any social, cultural or historical factors which may have led to undervaluing or devaluing of the work and the remuneration paid for it;</li> <li>c there is or has been some characterisation or labelling of the work as "women's work";</li> <li>d 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;</li> </ul> </li> </ul>	<b>Agree</b>
<ul style="list-style-type: none"> <li>iii Whether gender-based systemic undervaluation has affected the remuneration for the work due to: <ul style="list-style-type: none"> <li>a Features of the market, industry or sector or occupation which may have resulted in continued undervaluation of the work, including but not limited to: <ul style="list-style-type: none"> <li>i. a dominant source of funding across the market, industry or sector;</li> <li>ii. the lack of effective bargaining;</li> </ul> </li> <li>b The failure by the parties to properly assess or consider the remuneration that should be paid to properly account for the nature of the</li> </ul> </li> </ul>	<b>Agree</b>

<p>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.</p> <p>c Any other relevant work features.</p>	
<i>Pay equity bargaining</i>	
A thorough assessment of the skills, responsibilities, conditions of work and degrees of effort of the work done by the women must be undertaken.	<b>Agree</b>
The assessment must be objective and free of assumptions based on gender.	<b>Agree</b>
Current views, conclusions or assessments of work value are not to be assumed to be free of assumptions based on gender.	<b>Agree</b>
Any assessment must fully recognise the importance of skills, responsibilities, effort and conditions that are commonly over-looked or undervalued in female dominated work such as social and communication skills, responsibility for the wellbeing of others, emotional effort, cultural knowledge and sensitivity.	<b>Agree</b>
<p>To establish equal pay, there should be an examination of</p> <ul style="list-style-type: none"> <li>i. the work being performed and the remuneration paid to those performing the work; and</li> <li>ii. the work performed by, and remuneration paid to, appropriate comparators.</li> </ul>	<b>Agree</b>
<p>An examination of the work being performed and that of appropriate comparators requires the identification and examination of:</p> <ul style="list-style-type: none"> <li>i. the skills required;</li> <li>ii. the responsibilities imposed by the work;</li> <li>iii. the conditions of work;</li> <li>iv. the degree of effort required in performing the work;</li> <li>v. the experience of employees;</li> <li>vi. any other relevant work features.</li> </ul>	<b>Agree</b>
<p>An examination of the work and remuneration of appropriate comparators may include:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> </ul>	<b>Agree with supplementary principle</b> to require that comparators be drawn from within the business, similar businesses, or the same industry or sector when available and appropriate (ie that there would be a hierarchy of potential comparators).

iii. any other useful and relevant comparators.	
<p>The work may have been historically undervalued because of:</p> <ul style="list-style-type: none"> <li>i. any relevant origins and history of the work and the wage setting for it;</li> <li>ii. any social, cultural or historical factors which may have led to undervaluing or devaluing of the work and the remuneration paid for it;</li> <li>iii. there is or has been some characterisation or labelling of the work as “women’s work”;</li> <li>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.</li> </ul>	<b>Agree</b>
<i>Appropriate comparators</i>	
A male whose remuneration is itself distorted by systemic undervaluation of “women’s work” is not an appropriate comparator.	<b>Agree</b>
<i>Settling a claim</i>	
Any equal pay established must be reviewed and kept current.	<b>Agree</b>
In establishing equal pay, other conditions of employment cannot be reduced.	<b>Agree</b>
<i>Access to the dispute resolution system</i>	
If parties reach an impasse on an aspect of bargaining over pay equity (or a dispute over whether a claim has merit) recourse is available through existing dispute resolution processes, including mediation, facilitation and determinations from the Employment Relations Authority.	<b>Agree</b>
Providing improved access to facilitation for bargaining over collective and individual employment agreements on pay equity by applying less restrictive grounds for applications for facilitation.	<b>Agree</b>
The Authority will be able to make determinations to fix provisions in employment agreements, including pay, when all other reasonable alternatives have been exhausted within a reasonable period.	<b>Agree</b>
<i>Applying good faith to pay equity bargaining</i>	
The process of establishing equal pay should be orderly, efficient, kept within reasonable bounds and not needlessly prolonged.	<b>Agree</b>