

**Ministry for Women
Weekly Report
to the Minister for Women**

As at 19 November 2020

Part 1: Current priority outcome areas

Mana Wāhine roopū update

Joint Research Committee

- A Joint Research Committee is in the process of being established with membership from claimants, claimant counsel, the Waitangi Tribunal, and the Crown. The purpose of the Joint Research Committee is to make decisions on the \$400,000 funding we have provided to claimants and to ensure that clear submissions are made to the Tribunal in relation to its research programme or casebook. Terms of reference for the Joint Research Committee have been agreed, and the roopū is in the process of agreeing a Crown representative.
- Claimant counsel has advised the Tribunal recently that they have been unable to reach unanimous agreement as to the process of election or appointment of claimant representatives. Claimant counsel have asked the Waitangi Tribunal to make a decision on these processes. As the Crown, our role is to await the Tribunal decision on what it considers are the next steps regarding this process.

Tracking log item: n/a

Other news

- In the health area, the Honour Project Aotearoa (within Te Kotahi Research Institute, University of Waikato University) has released a ground-breaking study indicating high levels of discrimination significantly impact the health and wellbeing of takatāpui and Māori LGBTQI+. Key findings from the involvement of 300 participants are that takatāpui and Māori LGBTQI+ want more advocacy and influence on health policy and services as well as mātauranga Māori-based health information and resources. Fifty-one percent of participants said they experienced racism (twice the percentage reported by the general Māori population), 49 percent experienced homophobia and 25 percent say they faced transphobia or misogyny when visiting their general practitioner. This research will form useful background to our wider data collection of the experience of wāhine Māori.
- Stats NZ released data recently on Māori women collected in Te Kupenga 2018 (a survey of Māori wellbeing involving almost 8,500 men and women of Māori ethnicity and/or descent). Survey results indicate that Māori women play a key role in caring for their whānau and the environment, and make a significant contribution to society. This data provides useful context for the Mana Wāhine Kaupapa Inquiry.

Tracking log item: n/a

The contribution of all women and girls is valued

Increasing opportunities for diverse women in governance

The Nominations team, in partnership with the Office of Ethnic Communities, Office for Disability Issues, and Ministry for Pacific Peoples, are developing a work programme to increase governance opportunities for diverse women. The purpose is to ensure that the Government's state sector boards and committees reflect the diverse nature of New Zealanders, and that decision-making is informed by a variety of views.

A number of meetings were held recently to identify potential work programme items, including with:

- the Diversity and Inclusion team at Auckland Council, alongside officials from the Ministry for Pacific Peoples and Office of Ethnic Communities. The purpose was to discuss future opportunities on the governance boards of Council Controlled Organisations (CCOs) for diverse community members. In early 2020, the Ministry signed a letter of intent with Auckland Council to provide diverse candidates for CCO board positions, and this meeting focused on how this would be achieved. The Ministry is intending to present to Auckland Council Councillors in early 2021 on the Ministry's Nominations Service work, and how we can support diversity on their CCO boards.
- the Chief Executive of Belong Aotearoa to discuss governance training programmes for women from ethnic communities. Belong would like to partner with the Ministry to offer an in-depth training programme that would be culturally relevant and support women from diverse backgrounds to build governance skills and a pathway into governance. The Ministry will develop a project proposal to present to Belong and, if funding for the project is approved by the Ministry's Leadership team, the training is intended to take place in the first half of 2021.
- the Ministry for Youth Development (MYD) in regards to designing a training programme for young people on governance and how they can speak up on issues that matter to them. The Ministry's Nominations Service is planning to partner with MYD to design a workshop that would be youth-friendly and help young people build an understanding of governance and how they can raise their voice and take on leadership roles. MYD is looking at the possibility of having one of the young women involved in their advisory groups attend the governance training the Ministry is offering in Christchurch on 25 November.

In late January 2021, we will report back to you with a proposed work programme for the year.

Tracking log item: MW 20-21 0097

Growing Up in New Zealand – Now We Are Eight – Life in Middle Childhood

Aotearoa New Zealand's largest longitudinal study, Growing Up in New Zealand, explores the lives of more than 6,000 children from before they were born. The Now We Are Eight report marks the first time we have heard from the cohort directly. At the age of eight, the children in the study are speaking for themselves, providing unique insights into their thoughts, feelings, and experiences, as they act with more autonomy and sense of individual identity.

Ministry officials attended the launch of the report at the Ministry for Social Development on 13 November 2020. Key highlights from the report that are relevant to you as Minister for Women include:

- for the first time, the Growing Up in New Zealand children identified their own ethnicity and gender
 - one out of three children identified themselves with more than one ethnicity:
 - 57 percent European
 - 22 percent as Māori
 - 15 percent as Pacific
 - 12 percent as Asian
 - 6 percent as other
 - the most common languages spoken were English, Māori, Mandarin, Hindi, and Samoan
- 1.6 percent identified with a gender that did not align with their sex at birth
- 14 percent identified their gender as somewhere between a boy and a girl
- most children are happy and growing up in supportive and loving families who play, care, and provide for them. However, 40 percent of children worry about their family's finances.
- 84 percent of mothers rate their children's health as good or excellent. Only 64 percent of children rate their health this way.
- three out of four children moved at least once in their lives
- 80 percent of children enjoy school, however bullying is a relatively common experience.

We can use the insights from the Growing Up in New Zealand study in the Ministry's work on sole parents and for work relating to girls and women living in low income families. The Ministry was part of the original supporting agencies for this study and helped scope the policy questions about mothers and work and exposure to domestic violence. We have a report coming next year from the research company Motu, funded by the Ministry of Social Development, about mothers' labour market intentions.

Tracking log item: n/a

Pacific Women and Men in Business – draft report

The Ministry has completed a draft report on *Pacific Women and Men in Business*. We have been working with the Ministry for Pacific Peoples on this report, and have provided you with a briefing on release options (19 November 2020), including releasing the report together with the Minister for Pacific Peoples.

This new information will help to understand the contribution made by Pacific women and men to the economy. The report provides data about businesses owned in full, or in part, by Pacific women and men in Aotearoa New Zealand, by age, income, educational qualifications, industry by regions, business type, number of employees, and age of the business. The data is a timely benchmark for the status of Pacific business prior to COVID-19 (data covered the 2017 tax year).

The report contains the stories of five Pacific business women. Following the release, the Ministry will share the report with government agencies engaged in business support, the finance sector, and the Pacific community.

This is the second in a series of business reports the Ministry has commissioned. The first report, *Ngā wāhine kaipakihi: He tirohanga, Māori women in business: Insights*, was published in December 2019.

Tracking log item: MW 20-21 0095

All women and girls are financially secure and can fully participate and thrive

Pay equity engagement with the Council of Trade Unions

The Council of Trade Unions (CTU) has provided feedback on a draft of the Guide to Good Practice for the Equal Pay Amendment Act, highlighting three key issues. The Guide is being prepared by the Ministry of Business, Innovation and Employment (MBIE) for guidance on the Equal Pay Amendment Act 2020. Working through the feedback is causing delays to the implementation tools and materials to support pay equity claims. The CTU appear to be re-litigating issues that were discussed during the drafting of the Act.

The three key issues are:

- the CTU considers that the Guide should advise that terms and conditions of employment (other than remuneration) should form part of a pay equity outcome. However, the legal obligation is to address the undervaluation of remuneration due to systemic sex-based discrimination (although other terms and conditions can be included in a settlement if the parties agree).
- the CTU have noted that a diagram in the Guide references the Employment Relations Authority's (ERA) ability to fix remuneration but does not talk about fixing other terms and conditions. The Act states that the ERA can fix remuneration, and does not state that it can fix non-remuneration terms and conditions. (We understand that the CTU has raised this issue with the office of the Minister for Workplace Relations and Safety). These two issues arise from a difference of view about the interpretation of the legislation. We have developed the guidance consistent with our interpretation of the legislation.
- the office of the Minister for Workplace Relations and Safety has indicated that the CTU has also raised an issue with the guidance in regard to the 'light touch' assessment of arguable. We have aligned our guidance to the wording in the legislation in relation to arguable and indicated that there is a low threshold for raising a claim. When providing feedback on any parts of the guidance relating to the arguable threshold, the CTU may indicate that they would like wording on 'light-touch' to be included.

Further information on this, prepared by MBIE, and also provided by it to the Minister for Workplace Relations and Safety, is attached as Appendix One.

Tracking log item: n/a

Online seminar to Strategic Pay clients

On 17 November 2020, a Ministry official presented to more than 400 participants on the Ministry's work on gender pay gaps and pay equity, as part of an online seminar to Strategic Pay clients. Participant questions to the Ministry included topics on intersectionality, support for women to enter trades, and improving board representation in the private sector.

Strategic Pay is the largest provider of pay and HR services in New Zealand. It has been taking a business pulse survey of businesses throughout the year, which has improved our understanding of the business impacts of COVID-19. It has undertaken detailed studies of gender pay differences, including total remuneration benefits such as cars, car parking, and KiwiSaver contributions – all of which show large gender pay gaps.

Strategic Pay has used the *Organisational Gender Pay Gaps: Measurement and analysis guidelines* that were co-developed by Stats NZ, Te Kawa Mataaho Public Service Commission, and Manatū Wāhine Ministry for Women, to measure and analyse organisational gender pay gaps. The Ministry will use information gathered from the seminar to inform our work on the impact of COVID-19 on businesses and in our work on the gender pay gap in the private sector.

Tracking log item: n/a

Gender Pay Taskforce | Te Rōpū Whakarite Utu Ira Tangata update

(content shared from the Taskforce)

Gender Pay Gap

This month, the Gender Pay Taskforce, jointly with the Public Service Association, held four workshops to support the release of guidance on remuneration and career progression, breaks, and leave. The guidance was jointly developed by the Taskforce and the Gender Pay Principles Working Group, and completes the suite of guidance on removing gender bias from the employment life cycle.

Approximately 100 agency and union practitioners attended the workshops, which were designed to support agencies to meet the bias milestone in the Public Service Gender Pay Gap Action Plan, by December 2020.

Tracking log item: n/a

System leadership, impact, and reputation

Communications – Women of Influence awards

Ministry officials attended the gala dinner for the 2020 Women of Influence awards and supported Minister Priyanca Radhakrishnan in her presentation of the Public Policy award. The Ministry sponsors this category as a way to highlight the contributions of women in the public service. The 2020 winner for this category was Una Jagose, Solicitor-General, and the Supreme Winner was Siouxsie Wiles. The awards, organised by Westpac and Stuff, received over 300 nominations and enable women across New Zealand to be recognised for their contributions.

Tracking log item: n/a

International – APEC Webinar

The Ministry is leading an APEC project titled “Gender data for structural reform”. The aim of the project is to develop a gender analysis tool that can be used across APEC to ensure the needs and priorities of women are taken into account when developing policy. Relating to this project, this week, we hosted a webinar which was attended by participants from several APEC economies; in the webinar, participants provided their feedback on what aspects of our existing *Bringing Gender In* tool are likely to be useful across APEC, and suggested new features that could be added for the APEC-specific tool.

Tracking log item: n/a

System leadership – Cross-agency data investment workshop

On 13 November 2020, the Ministry participated in a cross-agency data investment workshop. The focus of the workshop was economic data. Manatū Wāhine Ministry for Women is one of only a few agencies to have familiarity with the longitudinal business database, an integrated dataset hosted by Stats NZ. We are interested in using data as a way to connect business and economic outcomes with social outcomes. For example, the Ministry’s report *Ngā wāhine kaipakihi: He tirohanga, Māori women in business: Insights*, found that a significant number of wāhine Māori aged 20 to 35 years are mothers in business. We use this information in the Ministry’s work on women in the labour market and unpaid work.

Tracking log item: n/a

Part 2: Operational matters

Clerical and Administrative Pay Equity Claim

The Chief Executive has sent out letters to Ministry staff identified as being covered by the Clerical and Administrative Pay Equity Claim raised by the Public Service Association. The letter to staff provides more detail on the claim and the process, most importantly advising on what to do if they wish to opt out of the claim. All advice on this process is being disseminated from a team at Te Kawa Mataaho Public Service Commission.

Tracking log item: n/a

Part 3: Policy advice (in progress)

Type	Subject	Log number	Due date
Briefing	Pacific Women and Men in Business report - launch options	MW 20-21 0095	19 November 2020
Other	Briefing to the Incoming Minister (BIM) - proactive release	MW 20-21 0088	23 November 2020
9(2)(f)(iv)			
Memo (with Ministerial letter)	Education, Employment and Training Ministerial Group – formalising involvement of Minister Tinetti and Manatū Wāhine Ministry for Women	MW 20-21 0098	30 November 2020
Briefing	Nominations Service – proposed work programme for 2021	MW 20-21 0097	28 January 2021

Part 4: Event and meeting briefings (in progress)

Type	Subject	Log number	Due date
Stakeholder meeting	Meeting with Minister Davidson: Mana Wāhine Kaupapa Inquiry and work on family violence and sexual violence	MW 20-21 0099	3 December 2020

Part 5: Ministerial correspondence (in progress)

Subject	Log number	Due date
Congratulations on Ministerial appointment	MW 20-21 0086	24 November 2020

Part 6: WPQs/OIA/Ombudsman/Privacy Act requests to the Minister/Ministry (in progress)

Subject	Log number	Due date (to Minister)	Due date (to requester)
Written Parliamentary Questions			
Nil			
Ministerial OIAs			
Nil			
Ministry OIAs			
9(2)(a) [REDACTED] Sensitive expenditure	MW-OIA 20-21 0008	23 November 2020 <i>(sent to Minister's office 18 November 2020)</i>	30 November 2020
9(2)(a) [REDACTED] – Briefing to Incoming Minister	MW-OIA 20-21 0009	27 November 2020	4 December 2020

Part 7: Cabinet papers consulted on

Cabinet meeting date/Department	Title of paper	Comments
23 November 2020 Te Puni Kōkiri	Supporting the Māori Economy and Achieving Economic and Social Outcomes through Te Kupenga Hao Pāuaua (Social Procurement).	We support the paper, including the target that at least 5 percent of government contracts should go to Māori-owned businesses, though we recommended that there is explicit reference made to wāhine-owned businesses. We recommended that Te Puni Kōkiri refer to our publication <i>Ngā wāhine kaipakihi: He tirohanga, Māori women in business: Insights.</i>
9(2)(f)(iv) [REDACTED]		

Part 8: Publications and events in the next six months

Publication/event	Date	Agency lead
Rural Women New Zealand Business Awards	20 November 2020	Rural Women New Zealand
Pacific Women and Men in Business report launch	tbc	Manatū Wāhine Ministry for Women and Ministry for Pacific Peoples
Update to the <i>Growing your trades work force: attracting women to your jobs</i> booklet first published in 2015	early 2021	Manatū Wāhine Ministry for Women
International Women's Day Breakfast at Parliament with Zonta International and UN Women	8 March 2021	Zonta International and UN Women
36 th anniversary of the establishment of Manatū Wāhine Ministry for Women and launch of Ministry history project with specific coverage of Te Ohu Whakatupu (previously, the Māori unit)	29 March 2021	Manatū Wāhine Ministry for Women

Proactive release

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



Renee Graham
Secretary for Women



Hon Jan Tinetti
Minister for Women

Date: 21/2/2021

Appendix One: Pay equity engagement with the Council of Trade Unions, Ministry of Business, Innovation and Employment (MBIE) document

CTU issues relating to guidance for the Equal Pay Amendment Act 2020

We are in the process of developing guidance for the Equal Pay Amendment Act which came into force on 6 November. The CTU has expressed concern that we have not reflected some of their feedback in our draft documents. We have outlined below the CTU's key issues, the background to the issues and our approach for responding to the CTU.

1. *The guidance indicates that terms and conditions (other than remuneration) can be included in a pay equity settlement 'if the parties agree'. The CTU considers that terms and conditions (other than remuneration) form part of the pay equity outcome.*

Earlier this year, Ministers agreed to retain the existing policy intent in the Equal Pay Amendment Bill, that the employer obligation for pay equity continues to be to address the undervaluation of remuneration due to systemic sex-based discrimination (non-remuneration terms and conditions can be included in a pay equity settlement, if parties agree) and ensure that the wording of the Bill reflects this policy intent. Select committee changes had resulted in ambiguity in respect of the employer obligation so we worked with PCO during the drafting of the SoP to ensure that the policy intent was accurately reflected in the Act. We sent an aide memoire to the office of the previous Minister for Workplace Relations and Safety on 20 August *Remuneration under the Equal Pay Amendment Act 2020* setting out MBIE's interpretation of 'remuneration' under the Act and attaching previous MBIE and Ministry for Women advice on the issue.

We consider that the Act is clear that non-remuneration terms and conditions need to be agreed by the parties in order to form part of the pay equity outcome/settlement – we will advise the CTU of this. Previous public sector settlements (negotiated under the Pay Equity Principles) have included a range of terms and conditions, some of which may be considered non-remuneration terms and conditions (although this has not been explicit). These were included by agreement of the parties. As long as parties agree to include non-remuneration terms and conditions in a pay equity settlement, they will continue to be able to do so under the Act.

2. *The guidance references the ERA's ability to fix remuneration, with no mention of the role of terms and conditions.*

The policy intent is that the Employment Relations Authority can only fix remuneration, but in a prior version of the Bill, there used to be a section that expressly prohibited a party from applying for a determination to fix non-remuneration terms and conditions – but this provision was removed (on the request of the Hon Iain Lees-Galloway) 9(2)(f)(iv)

New section 13ZB is amended to provide that an application to the Authority under new section 13Z(1)(d) [amended content in red]—

- *~~can only be an application to fix remuneration (not other terms and conditions of employment); and~~ **is an application to fix remuneration; and***
- *may be accepted if a reasonable period has elapsed within which the parties have used their best endeavours to identify and use reasonable alternatives to settle the claim.*

However, the Act still states that the ERA can fix remuneration, and doesn't state that it can fix non-remuneration terms and conditions. The CTU may consider that, due to the changes set out above, that it's possible that the ERA can fix non-remuneration terms and conditions, although we consider this to be unlikely.

3. *Light-touch assessment as to whether a claim is arguable*

Your office has indicated that the CTU has also raised an issue with the guidance in regard to the 'light touch' assessment of arguable. The CTU has provided feedback that they did not want MBIE to use the term 'credible' claim to describe an arguable claim in the guidance. MBIE has removed the word 'credible' in relation to the 'arguable' threshold in our publications.

The Act also states (section 13Q(2)) that 'An employer must act in a manner that is consistent with the purpose of this Part (to set a low threshold for raising a claim) by taking a light-touch approach when making a decision as to whether a claim is arguable'. When providing feedback on any parts of the guidance relating to the arguable threshold, the CTU may indicate that they would like wording on 'light-touch' to be included.