

15 November 2016

Prime Minister John Key  
National Party  
Parliament Buildings  
**Wellington**

**Copy to:** Ministers Bennett and Woodhouse

Dear Prime Minister

### **Recommendations of the Joint Working Group on Pay Equity Principles**

After the successful Court of Appeal decision in *Terranova v Service and Food Workers Union (SFWU) and Bartlett* that held that in female dominated work the Equal Pay Act 1972 requires equal pay for work of equal value, not simply the same pay for the same work, a Joint Working Group (JWG), chaired by Dame Patsy Reddy, consisting of trade unions, government and business representatives was established. The purpose of the JWG was to recommend principles to Government to provide practical guidance to employers and employees in implementing pay equity (see terms of reference dated 17 November 2015). This was the governments preferred response, rather than to let the Courts set these principles. There was a huge amount of optimism that the JWG would be able to agree robust and strong consensus based principles that would pave the way for future equal pay claims. The unions and claimant (Kristine Bartlett) agreed to this JWG process and to place on hold all other pay equity claims under the Equal Pay Act 1972 while the Joint Working Group deliberated. This was a significant act of good faith and indicated the confidence that participants had in the JWG process and its outcomes.

The JWG was successful in reaching a consensus. On 24 May 2016 the JWG wrote to Ministers Hon Paula Bennett and Hon Michael Woodhouse recommending that the Government adopt the process and principles for addressing pay equity claims. The letter stated that all participants in the JWG had worked constructively and positively together to reach the consensus that was reflected in the recommendations. The JWG commended those recommendations to Ministers Bennett and Woodhouse. The agreed principles are a simple process that will effectively and efficiently allow women and groups of women to progress equal pay claims first through their employer, through good faith bargaining and then, if necessary, through facilitation or the Employment Relations Authority.

Now, almost 6 months on we are still waiting for a response from Cabinet and are very disappointed that it is taking so long. Instead of progress we seem to be getting procrastination. As participants in the JWG, we entered the process and discussions in good faith and with the reasonable expectation that our recommendations would be implemented. Working women who refrained from litigation in order that we could participate in the JWG deserve an answer from the Government on whether it will step-up and implement the agreed principles that would allow women to begin to address what for many is a historic and life-long pay imbalance. We urge you to immediately right this historic wrong and implement the JWG principles. New Zealand women have waited long enough.

Yours sincerely,

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President  
**New Zealand Council of Trade Unions & Lead JWG representative**

Cee Payne  
**Industrial Services Manager, New Zealand Nurses Organisation & JWG representative**

John Ryall  
**Assistant National Secretary, E tū & JWG representative**

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**Campaigns Director, NZEI TE RIU ROA**