



NEW ZEALAND COUNCIL OF TRADE UNIONS
Te Kauae Kaimahi

**Submission of the
New Zealand Council of Trade Unions
Te Kauae Kaimahi**

to the

Health Select Committee

on the

**Care and Support Worker (Pay Equity) Settlement
Bill**

29 May 2017

- 1.1. This submission is made on behalf of the 30 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU).
- 1.2. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga), the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.
- 1.3. The CTU represents 320,000 workers in New Zealand including members of E tū, the New Zealand Nurses Organisation (NZNO) and the Public Service Association (PSA) who along with the CTU were signatories to the *Care and Support Workers (Pay Equity) Settlement Agreement*¹ (in the CTU's case as an 'interested party').
- 1.4. We support the Care and Support Worker (Pay Equity) Settlement Bill which provides for the Agreement to be implemented.
- 1.5. The Agreement features a 5-year set of pay increases linked to experience and qualifications which will apply to approximately 55,000 working people in residential aged care, disability support services and home support services. The Agreement represents a historic moment in the drive for equal pay for work of equal value for women, and the CTU is very proud to have been involved in this settlement on behalf of working people.
- 1.6. We acknowledge the many actions and proceedings that have led to the Agreement, including the work of unions over several decades in raising pay equity, of non-governmental organisations like Coalition For Equal Value Equal Pay (CEVEP) and the Pay Equity Coalitions, countless reports and enquiries - most recently the Human Rights Commission's significant *Caring Counts* report - and most importantly the women workers themselves in never giving up the fight for equal pay for work of equal value.
- 1.7. We acknowledge also the more recent steps that have led to this Agreement – the case that Lower Hutt caregiver Kristine Bartlett and her union (the then Service & Food Workers Union) took against Terranova Homes.

¹ The Settlement Agreement is available here: <http://www.health.govt.nz/new-zealand-health-system/care-and-support-workers-pay-equity-settlement>

- 1.8. The case went all the way to the Supreme Court, with Courts agreeing that Kristine had been underpaid because of gender discrimination, and that it was necessary to look outside her industry, itself subject to gender discrimination, to establish the rate of remuneration that would be paid to male employees with skills, responsibility, service, working conditions and degrees of effort that were the same or substantially similar to hers.
- 1.9. The Government at this point intervened, asking E tū, the NZNO, the PSA and the CTU to instead work with employers and the Crown on a negotiated settlement with them to avoid further court action, and extend coverage of the negotiations to include all care and support workers in aged care, disability support and home support.
- 1.10. The Agreement is a significant step in addressing gender inequality and the gender pay imbalance in New Zealand, and the CTU supports the smooth passage of this Bill to enable care and support workers to be paid fairly for the work they do.
- 1.11. There are some implementation and drafting issues in the Bill which we request are addressed by the Select Committee. These include the definition of employer in regards to individualised funding clients, the need for a parallel agreement for vocational support workers, confirming that NZQA are the agency providing recognition on overseas qualifications, and guidance on what the reasonable steps employers must take to ensure that workers can attain qualifications as set out in the Agreement.
- 1.12. These matters are addressed in detail in the submissions of the PSA, E tū and NZNO and we draw your attention to their comments.
- 1.13. Finally, this Agreement and the process that was used to reach it, is to be recognised and applauded. All parties worked hard to achieve the outcome, and while the negotiations took some considerable time, the result in an excellent one, which now sees a standard rate of pay across an industry to benefit all workers employed in the industry. We commend this process to Parliament, and we look forward to further steps to remove gender discrimination against working women in the form of future equal pay and pay equity settlements.