

Complaint to the Committee on the Elimination of Discrimination Against Women Under the Optional Protocol to the Convention

Submitted by the Pay Equity Coalition Aotearoa (PECA), four affected women,
and their representative unions.

PAY EQUITY

COALITION

AOTEAROA

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Author of Complaint

1. This complaint is made by four victims of pay discrimination, their representative unions, and the Pay Equity Coalition Aotearoa (PECA). PECA comprises 20 member organisations, listed in full at **Appendix 1**. The four victims are: Clare Preston, Ally Kingi, Tamara Baddeley, and Mel Burgess. PECA forms a broad, nationally representative alliance of unions, professional associations, women’s organisations, community advocacy groups, and social service providers. The coalition also includes New Zealand’s National Human Rights Institution, Te Kāhui Tika Tangata Human Rights Commission.
2. This complaint is made by PECA in partnership with the alleged victims and their unions, who are referred to throughout this complaint as the “affected women”. We have obtained the consent of each of the women.

Affected women

3. This complaint concerns the Equal Pay Amendment Act 2025 (“**Amendment**”), which amended the Equal Pay Act 1972 and halts and significantly restricts the pay equity regime in Aotearoa New Zealand. The Amendment introduced new procedural and substantive requirements that exclude many women from accessing a remedy to pay discrimination in the pay equity claims process and imposes additional insurmountable burdens on those who remain eligible to pursue a claim. The legislation was enacted without prior notice or consultation with those most affected by its provisions. The Amendment legislation introduced major new restrictions as changes to the pay equity framework.
4. The four affected women listed below are representative of the four categories of women who are discriminated in different ways by the Amendment in breach of the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) and Aotearoa New Zealand’s international human rights commitments.

5. Category One: Clare Preston, Secondary School Teacher.

Ms Preston represents the first category of women affected by the Amendment. This category comprises women who can no longer bring a pay equity claim under the Equal Pay Act 1972 because they do not meet the definition of work that is “predominantly performed by female employees”. The Amendment now requires that the work be performed by a workforce that is at least 70% female and has been for at least 10 consecutive years. Under the previous law, the threshold was 60% and there was no requirement for the threshold to be met across a specific timeframe. The 2025 Amendment requires 70% for 10 consecutive years.

“So, we’ve been locked out of the process now. The threshold to qualify as female dominated, is now at 70% and we sit at around 64% women. And I find that very interesting that the government can decide what’s a majority. “I know ‘women can’t do math’, but last I heard 70% was more than a majority. We also have no male equivalent comparator in our area of work now that the rules have changed so we are locked out in two ways”.

“It feels like a betrayal. It feels like women’s rights, whether we get them or not is just on a whim and not enshrined. It makes the state of women’s labour rights feel really precarious”.

“As well as those material cost of living issues I just think about men that I’ve known in my life, and how quickly they’ve advanced through pay scales – how they’re earning a lot more money much earlier. And that’s why men retire with a much larger amount in retirement savings.”

See appendix 2 for full interview with Clare Preston

6. Category Two: Ally Kingi, Teachers Aide.

Ms Kingi represents women whose claims were already settled or determined and included a review process for improving remuneration to ensure pay equity continued to be maintained over time, which were cancelled by the Amendment.

“When we achieved pay equity for teacher aides and other support staff in schools, I guess the emotion around it was finally fair that we were finally being recognised properly for our work and there was a value set on it that was agreed to by everyone involved which was a pretty cool feeling to have. But it was also JUST because it was unjust for so long, so it felt great to correct it. But after the changes- we can’t review our claim, and it stays stuck where it is means that our pay rates have slipped back in some cases about 17% and we have no longer recourse or avenue to make that fair again”.

“We thought we were smart when we put our review clause in. It was with agreement from the Crown, that it would be only fair and reasonable that within three years of the claim settled that we would review it and see if our rates were still matching male dominated comparators. So, we had faith that those things would be followed through with and we were talking to the Minister and talking to the Government saying our review was due soon. When we had a look at it ourselves because there was no movement from Government, we saw that there were some big discrepancies creeping in. The Government said they already did the review and there were no discrepancies. We thought that was weird but did not suspect what they were plotting to do. So, we just kept on in good faith, saying we are really interested in working with you around this review process.”

See Appendix 2 for full interview with Ally Kingi.

7. Category Three: Tamara Baddeley, Home & Community Support worker.

Ms Baddeley represents women whose claims had been raised under the previous law, but not yet been settled or determined by the Authority or the Court when the Amendment came into force. The Amendment discontinued 34 of these claims (33 in the public sector and one in the private sector). Affected claimants must now file a new claim under the amended regime, which imposes more restrictive and burdensome requirements. Approximately 180,000 women are directly impacted by the discontinuance of their claims. A list of the pay equity claims that were discontinued is set out in Appendix 2.

“The axing of my pay equity claim just makes me feel completely under-valued in society. Even though I feel my job is rewarding and satisfying to me there’s a view in some areas of society that caring is basic female work, that it is what intuitive to being a woman and what we should be inherently doing because it is women’s work. That we shouldn’t be paid properly for the job we do because we are women.”

“The union, workers and employers had worked for 1039 days after lodging their first claim on July 1, 2022, before the Government scrapped the claim on May 5, 2025. Employers and unions had been working hard on the process outlined in the legislation, including on comparators and costings, and that Government representatives as the funder had continually indicated “we’re nearly there.” Government was cynical, backhanded and devious and knew that it intended to halt pay equity progress regardless.”

See Appendix 2 for full interview with Tamara Baddeley.

8. Category Four: Mel Burgess, Early Childhood Teacher

Ms Burgess represents women who can no longer bring a pay equity claim because they are effectively excluded from the process by the introduction of a mandatory hierarchy of comparators introduced by the Amendment.

“I think the first time I really noticed that I was being undervalued was the just when I was finishing up the end of my degree and we got shown a pay scale of what we could expect to be paid, what we would be starting on as new graduates, and how that progressed over the years. I was calculating up the fees I just paid over four years, looking at those numbers and my heart sank, because I felt like I was joining like a really worthy profession that there was real value in, so to see how undervalued it was actually going to be, and how long it was going to take me to pay back that student loan, that was pretty shocking.”

“Like women everywhere, I've just felt blindsided, because we've been going for eight years by that stage for (the) early childhood (claim), and we had stopped and started, reversed, stopped and started. I really felt like we were getting somewhere with all the union support, the cross (education) sector support and the talks that have been going on between different employer groups, the shared understandings that were being developed, and it all just got ripped out overnight from under our feet. And it was demoralizing.”

See Appendix 2 for full interview with Mel Burgess.

Systemic Impact of the Amendment

9. The Amendment has systemic impacts because it significantly reduces the ability of workers in female-dominated sectors to pursue pay equity claims and obtain remedies for gender-based undervaluation of their work. The 34 extinguished claims were in due legal process at the time of the State Party's arbitrary law change. Over 350,000 workers overall were directly impacted by the changes.
10. A particular concern is that the regressive changes create compounded disadvantage for Māori wāhine (women), Pacific women, migrant women, disabled women, and older women workers, many of whom dominate the critically important health, social care, and education workforces. The New Zealand Ministry for Women reported that Pacific women face the largest pay gap compared with men at 15.8%, three times the overall pay gap of 5.2% based on median hourly earnings. Disabled women experience a pay gap of 14.8 %, Māori women are at 12%, and Asian women 10%, all significantly higher than the national average.

11. Pay gaps significantly impact approximately 65,000 health care and community support workers, the majority are Māori, Pacific and migrant workers, many who face additional vulnerabilities related to immigration restrictions tied to their employment. The long-term consequences are also stark. Women in New Zealand already experience a 25% retirement income gap with men through Kiwisaver (New Zealand's national work-based retirement savings scheme), rising to around 37% for those aged 56 to 65. The cumulative effect of years of work that has been systemically undervalued means that many thousands of women face retirement poverty.
12. The Amendment constitutes systemic discrimination because it applies to ALL women and is not confined to one industrial sector, institution or organisation in Aotearoa New Zealand.
13. The Amendment also has a direct impact on children and on the right to just and favourable conditions of work. In Aotearoa New Zealand, approximately 13.4% of children are living in material hardship, compared to 12.5% in 2022/23. The rates are significantly higher for specific groups: 25.1% for Māori children, 31% for Pacific children, and 26.9% for disabled children.

State Party concerned

14. The State Party concerned is **New Zealand (NZ)**. NZ signed the Convention on the Elimination of All Forms of Discrimination Against Women on 17 July 1980 and ratified it on 10 January 1985. The Prime Minister Rt Hon Christopher Luxon has been informed of the complaint. See Appendix 3.

Other international procedures

15. To our knowledge this matter has not been examined under another procedure of international investigation or settlement.

Background to the Amendment

16. The Equal Pay Act 1972 was enacted to eliminate sex-based discrimination in pay by requiring that men and women receive the same pay for the same or substantially similar work. It also created the legal basis for addressing the systemic undervaluation of women's work, allowing claims that female-dominated occupations are paid less because of gender discrimination.
17. A major turning point for pay equity came with the *Terranova Homes & Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc* case. The Service and Food Workers Union (on behalf of care worker Kristine Bartlett and other caregivers) brought a claim that the low wages paid to aged-care workers reflected systemic gender discrimination and that this amounted to a breach of the Equal Pay Act 1972.
18. The Courts held that the Act is not limited to requiring equal pay only for the same or substantially similar work within the same workplace or employer. Instead, in appropriate cases the Act may require consideration of whether the work is paid less because it is predominantly performed by women and therefore undervalued. Importantly, the courts found that the Act could be interpreted to allow pay equity comparisons with male-dominated occupations outside the immediate workplace. This decision opened the door to broader claims addressing systemic undervaluation.
19. The case led to a 2017 Care and Support Worker (Pay Equity) Settlement between the government and unions, providing approximately \$2 billion in pay increases over five years for around 55,000 aged-care and disability support workers.

Legislative Reform – Equal Pay Amendment Act 2020

20. In 2020, Parliament amended the Equal Pay Act 1972 to establish a clearer process for pay equity claims, including:
 - a. criteria for raising claims
 - b. mechanisms for assessing whether work is undervalued
 - c. the use of comparators from male-dominated occupations
 - d. bargaining processes between unions and employers

- 21.** The 2020 amendments made the pay equity process more accessible. It provided the mechanism for a consistent, rigorous and fair work assessment process. Jobs were evaluated and sex-based pay gaps able to be addressed where the evidence indicated it existed. The process helped correct the pay for over 100,000 workers and many thousands more were set to receive appropriate increases in the coming months and years.
- 22.** Aotearoa New Zealand was therefore progressively realising pay equity and told the CEDAW committee in 2023 that ten pay equity claims had been successfully resolved involving 111,549 female workers who received a pay correction averaging 32.4%. The Government told CEDAW that the 2020 legislation had “introduced a practical and accessible process to raise and consider claims of systemic sex-based under valuation in female dominated occupations.” It also said the law “set out a clear pay equity process to test whether the work predominantly done by women is free from sex-based discrimination.”
- 23.** Under the 2020 amendments, a pay equity claim could be raised by:

 - a. An individual worker, or
 - b. A union on behalf of a group of workers.
- 24.** A claim only needed to be “arguable”, a low threshold meaning there only had to be reasonable evidence that the work may be undervalued because it was traditionally performed by women. This threshold was deliberately designed to ensure accessibility, particularly for low paid female dominated workforces.
- 25.** Once a claim was raised, employers and workers (usually through unions) followed a joint evidence process. This process was internationally recognised for its fairness and rigour. It involved:
- 26.** a. Understanding the Work
- 27.** Parties interviewed workers, gathered job information, and used structured assessment tools (such as Te Orowaru) to analyse skills, responsibilities, effort and working conditions.

 - b. Selecting Comparators
- 28.** Crucially, the law required comparisons with male dominated roles that were of similar value. These male comparators did not have to be in the same industry. This was essential because many female dominated sectors (e.g., aged care, libraries, early childhood education) have no suitable male roles inside their own industry.

 - c. Joint Assessment and Settlement

- 29.** Employers and unions jointly assessed whether women’s work was undervalued and negotiated adjustments. Settlements often included:
- New pay scales
 - Training and progression pathways
 - Review clauses, which were essential to ensure pay equity was maintained over time as the labour market changed.
- 30.** Recourse to the Employment Relations Authority (ERA) – If parties disagreed, the ERA could determine the comparator and the appropriate pay level.

Introduction and Passage of the Equal Pay Amendment Act 2025

- 31.** On 6 May 2025, the Minister of Workplace Relations and Safety publicly announced that the Equal Pay Act 1972 would be amended that same day. The Equal Pay Amendment Bill was introduced that afternoon, representing the first opportunity for Parliament or the public to view the proposed Amendment.
- 32.** The Bill was introduced and passed through all parliamentary stages under urgency with:
- a. No Select Committee referral
 - b. No public submissions
 - c. No Regulatory Impact Statement
 - d. No Te Tiriti o Waitangi (Treaty) analysis
 - e. No release of human rights advice
- 33.** The Bill had immediate retrospective effect. Upon commencement, the law:
- a. Discontinued 34 active pay equity claims, including some at advanced stages with significant employer/union investment;
 - b. Deemed both review clauses and provisions of an employment agreement based on a review clause to have no effect, prohibited the issue of proceedings for review; and discontinued existing proceedings which have not yet been determined to the extent that those proceedings concern review clauses; and
 - c. Prohibited the raising of new or future pay equity claims within 10 years of a related previous pay equity settlement.
 - d. Introduced a “hierarchy of comparators”, effectively locking out workers in aged care, libraries and early childhood education, as they are required to find a male dominated comparator in female dominated sectors.

Substance of the Pay Equity Amendment Act 2025

34. A table at Appendix 5 sets out the key changes under the Amendment. Some of these changes are summarised below.
35. The **new purpose of the pay equity claims** process is stated as being to provide a process that facilitates the resolution of pay equity claims “where there is evidence of systemic sex-based undervaluation of work that is predominantly performed by female employees.” This contrasts with former purpose of facilitating resolution of pay equity claims by “setting a low threshold” and “providing a simple accessible process” for such claims.
36. **Restrictions on comparators:** Previously, comparators could be drawn broadly from male-dominated roles, either within the same organisation or across other organisations and sectors, with no strict hierarchy and leaving scope for negotiation. The process was to identify male comparators in male-dominated professions, either performing the same or similar work as the role under claim, or performing different work that nonetheless involved skills, responsibilities, conditions, or levels of effort that were the same as, or substantially similar to, those of the work being assessed.
37. The Amendment introduces a rigid hierarchy that is closely related to the employer:
 - a. if the employer has a male-dominated comparator role, it must be used
 - b. if not, comparators may be drawn from “similar employers”
 - c. only if no comparators exist under (a) and (b) can roles from other employers within the same industry or sector be used.

In addition, the changes include that parties could agree to select as a comparator covered by a settled claim- but NOT for any claims settled before the 2025 amendment. Had this Amendment not been added, claims by librarians who have now been locked out, could have used the settled school librarians as comparators for their claims.

38. Significantly, the Amendment provides that when an employer decides that no appropriate comparators are available for selection, the employer can give notice to discontinue the pay equity claim, with certain rights of challenge to the claimants.
39. This hierarchy significantly limits comparator options by removing a focus on skills, responsibilities, conditions, and the degree of effort and experience, which is at the heart of determining equal pay for work of equal value. The restriction on comparators being taken from outside of the industry, which are often essential given the gendered nature of some industries, where no appropriate comparator exists is of considerable concern. This change undermines the underlying concept of pay equity: that women’s work should be valued equally to men’s work of comparable value, regardless of industry or sector.

- 40. Definition of “predominantly performed by female employees” has been tightened** to require a workforce that is at least 70% female (previously 60%) and for pay equity claims this threshold must be the case for at least 10 consecutive years.
- 41. Stricter test for bringing claims:** The threshold has changed from an “arguable” claim to one that has “merit”. In addition, the undervaluation must be both historical and current.
- 42. Increased employer powers:** Employers now have greater ability to challenge claims early, particularly on whether roles are the “same or substantially similar”. Employers may also opt out of multi-employer claims without providing a reason.
- 43. Discontinuing 34 existing pay equity claims:** All 34 pay equity claims that were in process at the time of the 2025 Amendment Act were discontinued upon commencement of the Act. While new claims may be lodged under the amended framework, they must meet the new, stricter criteria outlined above. Thirty-three of the thirty-four claims related to the public sector, with the Government or its agencies as the employer. The effect of the Amendment is to perpetuate state-sponsored gender-based pay discrimination.
- 44. Removing existing review clauses,** a key mechanism for maintaining pay equity over time.

The People’s Select Committee in Pay Equity (PSCPE)

- 45.** On 26 May 2025, the community driven initiative of the People’s Select Committee on Pay Equity (PSCPE) was established. This was not a parliamentary select committee but was formed in response to the Government bypassing the formal Select Committee process. Drawing together 10 former Members of Parliament from across political parties. Its purpose was to provide the scrutiny and public input Parliament had been denied.
- 46.** Between May and October 2025, the PSCPE:
 - Collected 1,380+ substantive written submissions;
 - Held public hearings throughout New Zealand;
 - Heard from affected workers, unions, employers, economists, legal experts, Māori and Pacific organisations, disability advocates, and civil society groups;
 - Analysed Cabinet papers, OIA materials, human rights instruments, and prior pay equity frameworks;
 - Archived all materials for public access.
- 47.** On 24 February 2026, the PSCPE final report was released.

48. The events leading-up to the passage of the Bill and the disregard of human rights was summarised by the PSC as follows:

“The preparation for, and the passage of, the Equal Pay Amendment Act 2025, demonstrates the degree to which the NZ government has wilfully breached New Zealand law, and the country’s international human rights obligations. Despite warnings of the likely damage to New Zealand’s reputation in released Cabinet documents, none of this was of any consequence when the priority was fiscal savings at the expense of women in the low-paid workforce.”

“Our analysis of the document dump of Cabinet papers shows clearly that throughout the pay equity exercise no Cabinet Minister was ever fully briefed on the measure’s human rights consequences. Every piece of information is bite-sized, simplistic and undeveloped – a slide show. No one is ever required to read anything meaningful or comprehensive. No one is advised that New Zealand’s pay equity regime is world leading. Most readers relying on these papers for advice would fail a simple test on what pay equity means, how it is different from annual wage bargaining, how the factor scoring for comparative workforces is carried out and what the international reputational damage might be in successive human rights reports to UN bodies.”

49. The report described this use of retrospectivity as a “radical departure” from constitutional norms.

50. In addition to this, the committee found that:

- The way in which the bill was implemented was a fundamental abuse of the parliamentary urgency mechanism and a breach of democratic principles.
- The Act breaches multiple international human rights obligations, including ILO Convention 100, CEDAW, the ICCPR, the ICESCR, and the UN Convention on the Rights of Persons with Disabilities. Crucially, Cabinet was warned of likely human rights breaches before the legislation passed but proceeded anyway - prioritising fiscal savings over rights.
- New Zealand had been a world leader in pay equity before 2025. The Act was found to undermine workforce sustainability in critical sectors - especially aged care, health, disability services, and education - already suffering from recruitment and retention crises.
- The Act was found to breach Te Tiriti o Waitangi and cause disproportionate harm to wāhine Māori and Pacifica women, who are heavily concentrated in the female-dominated, low-paid sectors most affected. The Committee recommended making their full report, all its submission information, and data on the impact of the 2025 Equal Pay Amendment Act on wāhine Māori, available to the Waitangi Tribunal as evidence in support of claims made by unions and others in the WAI 2700 hearing.

- Section by section, the Committee found the Act's specific changes to be harmful and unjustified, the table outlining the changes in full can be found in Appendix 5.
- Many employers opposed the changes. Years of good-faith investment in pay equity processes were invalidated overnight. The Committee found employers now face legal uncertainty and have lost a trusted mechanism for addressing undervaluation.
- The Committee made wide-ranging recommendations across all sections, the most significant being:
 - The Equal Pay Amendment Act 2025 should be repealed in full and the 2020 framework restored.
 - Legislation affecting fundamental rights should be excluded from urgency except in genuine emergencies.
 - Pay equity should be recognised as a constitutional principle, protected from political interference.
 - A minimum 90-day consultation period should be required for future employment law changes.
 - The government should establish an independent, resourced pay equity unit.
 - A referral to the Waitangi Tribunal should be made regarding breaches of Te Tiriti o Waitangi.

51. In conclusion, the committee found that the Equal Pay Amendment Act 2025 was a fiscally-motivated dismantling of a world-leading pay equity regime, passed by stealth, in breach of democratic norms and international human rights law, at the expense of some of New Zealand's lowest-paid and most vulnerable workers - primarily women, and disproportionately Māori and Pacific women.

52. The findings of the PSC do not change the law and nor do they reverse pay equity regression. The findings do provide a valuable evidential record of Government policy and decision making that led to the rolling back of pay equity not previously available from official records. The PSCPE allowed the voices of undervalued women workers and their representatives to speak about the discrimination they are suffering. Significantly the findings substantiate the many civil society, trade union and pay equity expert voices that the state party has violated women's human rights.

Exhaustion of domestic remedies

- 53.** CEDAW Optional Protocol Article 4 requires that domestic remedies be exhausted, unless remedies are unreasonably prolonged or ineffective.

Equal Pay Amendment Act 2025 removes domestic remedies for pay equity.

- 54.** The remedy in the form of a pay equity settlement through the pay equity claims process has been removed or barriers have been put in place to make it ineffective and time consuming by the Amendment.
- 55.** Domestic remedies for pay equity have been deliberately denied to women in Aotearoa New Zealand both directly and indirectly under the Amendment. Specific groups of low paid female workers have been affected in different ways, but the overall impact of the Amendment is to substantially dismantle the agreed pay equity settlement framework and deny women due legal process.
- 56.** The Amendment creates systemic barriers that significantly restrict access to the pay equity claim process and bars certain groups from pursuing them altogether.

Cancellation of 34 live pay equity claims

- 57.** The Amendment retrospectively cancelled 34 live pay equity claims across the education, public service, health, local government, and private sectors. These claims collectively covered an estimated 180,000 predominantly female workers in historically undervalued occupations. Many were in advanced evidentiary stages, following years of investigation, comparator analysis, and structured bargaining. The Amendment extinguished accrued statutory rights mid-process. This was not a procedural refinement but the removal of an existing legal remedy designed to address systemic gender-based undervaluation.
- 58.** The new statutory thresholds substantially restrict the ability of affected workers to re-lodge claims, effectively denying access to meaningful redress. The occupational groups affected are overwhelmingly female-dominated and include educators, nurses, care and support workers, social service professionals, librarians, veterinary nurses, and public sector clerical staff. The cancellation compounds structural gender inequality and undermines New Zealand's obligations under CEDAW and other international human rights instruments addressing non-discrimination and equal remuneration.

Removal of review clauses

- 59.** All settled claims have been fundamentally undermined, with previously agreed and critical review processes now rendered “of no effect.” This removal applies regardless of whether the review processes were established in pay equity settlement documents, individual employment agreements, or collective agreements. As a result, affected women no longer have access to review processes to address pay relativity or direct under-valuation. Crucially, there is no domestic remedy available to challenge or reverse this unprecedented withdrawal of a legal and human right.

Removal of right to raise another claim within ten years

- 60.** The 2025 Amendment Act explicitly denies workers covered by a settled claim the right to bring a subsequent claim within ten years of their original pay equity settlement. For Health New Zealand workers, this effectively prohibits new claims until 2033, and for care and support workers, until 2027 or 2029. Approximately 100,000 women working in health and community and social care are therefore directly deprived of any domestic remedy.
- 61.** For example, the 65,000 predominantly female care and support workers involved in the E Tū, New Zealand Nurses Organisation, and Public Service Association union claim are barred from renewing their pay equity claims because of the 10-year review moratorium. Similarly, claims on behalf of secondary school teachers are blocked by the Government’s increase of the gender threshold from 60% to 70%, a change deliberately designed to delay and prevent pay equity claims going ahead.

Other barriers to a domestic remedy under the 2025 Amendment Act

- 62.** The 2025 Amendment Act indirectly denies women access to domestic remedies by elevating employers’ discretion to reject claims and introducing new, effectively unattainable thresholds and gateways. While the Government asserts that equal pay and pay equity remain available in Aotearoa New Zealand, the abandonment of existing pay equity settlements and the reallocation of funds originally earmarked to redress undervaluation of women’s work, reveal a stark disconnect between political rhetoric and legislative reality. The Government’s statement that “these changes will mean the pay equity claims process is workable and sustainable” is disingenuous.
- 63.** The Act contains other measures that systemically deny domestic remedies for working women. For example, the right to advance claims on a multi-employer basis has been undermined by granting any employer an unfettered right to refuse participation in a multi-employer claim, effectively giving employers the power to arbitrarily block claims.

- 64.** Another method restricting women’s access to pay equity remedies is the redefinition of the gateway to raising a claim. Previously, claims were assessed on the basis of “arguability”. The 2025 Amendment Act replaces this with an employer-led determination of whether a claim has “merit”. If the answer is “no”, the claimants must abandon the claim or pursue litigation. Both academic literature and practical experience demonstrate that the concept of “merit” is tenuous at best and flawed at worst, despite its popularity in liberal discourse about the concept of equality.
- 65.** Tōpūtanga Tapuhi Kaitiaki o Aotearoa the New Zealand Nurses Organisation has advanced pay equity claims under the amended Act on behalf of members employed across 29 independent Hospices and at Te Whānau Āwhina Plunket (Plunket is New Zealand's largest not-for-profit provider of universal health and support services for children under five and their families.) The Hospice claim is proceeding as a multi-employer claim. The Plunket claim was initially discontinued under the revised provisions of the Act; it has subsequently been re-raised as six separate claims, each of which will now be investigated.
- 66.** While claims are able to proceed under the amended legislation, the current framework underscores the extent of unilateral decision-making authority now held by employers. This shift has material implications for workers’ ability to access their human rights. The capacity to seek redress for ongoing discrimination should not be at discretion of employer groups who are benefitting from that ongoing discrimination. Women are able to pursue discrimination claims in the courts but it is a lengthy, time consuming and expensive process, often as a last resort. See Appendix 6.

High Court Proceedings - New Zealand Nurses Organisation & Ors v The Attorney-General

- 67.** In August 2025, five trade unions filed a claim in the High Court of New Zealand seeking declarations of inconsistency:
- that the Equal Pay Amendment Act 2025 (or alternatively some of the provisions of the Act) discriminates against pay equity claimants on the grounds of sex and is inconsistent with the New Zealand Bill of Rights Act 1990;
 - that the Executive (in particular Cabinet) acted in breach of and/in a manner inconsistent with section 27(1) and sections 27(3) right to justice of the NZBORA in terms of the process it followed when introducing the law; and
 - that the Equal Pay Amendment Act 2025 adversely affects and prejudices pay equity claimants, whose claims were being advanced against employers for whom the Crown was legally or fiscally responsible, in a manner inconsistent with either or both section 27(1) and section 27(3) of the New Zealand Bill of Rights Act 1990.

- 68.** The five unions are:
- New Zealand Public Service Association Te Pukenga Here Tikanga Mahi Incorporated
 - Tōpūtanga Tapuhi Kaitiaki O Aotearoa: The New Zealand Nurses Organisation Incorporated
 - New Zealand Post-Primary Teachers Association Incorporated
 - New Zealand Tertiary Education Union Te Hautu Kahurangi O Aotearoa Incorporated
 - New Zealand Educational Institute Te Riu Roa Incorporated
- 69.** They represent 24 of the 33 public sector claims that were extinguished under the 2025 Amendment Act.
- 70.** The remedy sought in this claim is a declaration of inconsistency - a formal statement by a senior court (High court or above), or in some cases the Human Rights Review Tribunal that a law passed by Parliament is inconsistent with a right protected under the New Zealand Bill of Rights Act 1990. Or for discrimination cases, the Human Rights Act 1993. It does not strike down the law because Parliament is supreme under New Zealand's constitutional system. Instead, it publicly signals that the law unjustifiably limits human rights.
- 71.** The New Zealand Bill of Rights (Declarations of Inconsistency) Amendment Act 2022 created a formal process requiring Parliament and the Government to respond to such Declarations:
- The Attorney General must notify Parliament within six sitting days of a declaration.
 - The responsible Minister must present a Government response within six months.
- 72.** When Parliament is notified of the inconsistent legislation, it triggers a process under Standing Orders for a select committee to consider and report back on the declaration of inconsistency and for the declaration and report to be debated by Parliament. It does not guarantee that the law will be changed.
- 73.** While this ensures that declarations receive public, parliamentary consideration, strengthening accountability, it does not guarantee any law change.
- 74.** The outcome of the case will have no substantive effect on pay equity claims or settlements. It will not provide a direct domestic remedy for the affected women in this complaint and the hundreds of thousands of low paid working women undertaking critical jobs in New Zealand.

75. We note that the New Zealand Human Rights Commission has been granted leave to intervene in the case. A hearing date is yet to be set down.

Complaint the Committee needs to Address.

76. In May 2025, the New Zealand Government repealed the Equal Pay Amendment Act 2020 and enacted the Equal Pay Amendment Act 2025. The Amendment, introduced and passed under urgency, is substantively regressive, and has produced significantly adverse consequences for women across New Zealand. The effect of the Amendment is a denial of women's economic human rights.
77. These actions breach New Zealand's binding obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and other core human rights treaties. The measures amount to a grave and systemic violation of women's right to equality. They are discriminatory, regressive, and deny women access to effective redress. Compounding the breach, the Government has refused to disclose to the public the official human rights advice provided to Cabinet prior to these decisions.

CEDAW Article 11(1)(d) obliges State Parties to secure women's "right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work."

78. The Amendment constitutes **systemic** discrimination against women because it applies to all women who do not receive equal pay for work of equal value in Aotearoa New Zealand and is not confined to one industrial sector, institution or organisation. It directly discriminates against low paid women workers and those in female-dominated sectors whose pay equity claims commenced under the 2020 regime and were cancelled mid-process. The law also cancelled legal review processes for thousands of other women who had settled claims.
79. Critically, the Amendment imposes **much higher thresholds** for any new future pay equity claims, with the effect of magnifying and perpetuating pay inequity in the future. Adopted without consultation and by stealth, these measures make the progressive realisation of pay equity in Aotearoa New Zealand unattainable.
80. By design and effect, the Government's actions suspend compliance with international human rights obligations, including the basic tenet of **equal pay for work of equal value**, a core principle of non-discrimination and human dignity.

- 81.** Prior to the Amendment, New Zealand was **progressively realising pay equity** under the Equal Pay Amendment Act 2020. In its 2023 dialogue with the CEDAW Committee, the Government reported that **10 pay equity claims** had been successfully resolved, involving 111,549 women who received a pay correction averaging 32.4 %. The Government told CEDAW that the 2020 legislation had “introduced a practical and accessible process to raise and consider claims of systemic sex-based undervaluation in female-dominated occupations.” It went on to say the law “set out a clear pay equity process to test whether work that is predominantly done by women is free from sex-based discrimination”.
- 82.** The abrupt reversal in 2025 therefore constitutes a knowing breach of CEDAW **Article 2**, which requires the State to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women” and to “act in conformity with this obligation” (**Article 2(d)**). Instead of upholding these obligations, the Government has deliberately disregarded its binding commitments.
- 83.** It is one matter for a State to be slow to implement pay-equity commitment in a post-pandemic economic environment; it is quite another to publicly laud its progress to the United Nations about progress in pay equity implementation and then deliberately extinguish pending claims. The Government justified this with unsubstantiated assertions that claims had advanced without strong evidence of undervaluation and that they were too broadly framed to isolate sex-based discrimination from other factors. No evidence was provided to support these contentions.
- 84.** The 2025 Act introduces insurmountable barriers for women to bring new claims, cancels reviews, and denies domestic remedies. In practical terms pay equity progress has halted in Aotearoa New Zealand. This is a profound regression in New Zealand’s human rights compliance with CEDAW and marks a dramatic departure from its previously recognised leadership in advancing gender equality.
- 85.** The 2025 Act introduces restrictive thresholds and heightened evidential burdens while expanding employers’ powers to deny claims. It imposes a mandatory comparator hierarchy: (i) comparators employed by the same employer must be used if they exist; failing that, (ii) comparators from “similar” employers; and, only failing that, (iii) comparators from the same industry or sector.

- 86.** The framework unfairly restricts access to appropriate comparators, conferring on employers a unilateral right to “decide that no appropriate comparators are available” and to “discontinue” the claim. This has already substantially reduced the effectiveness and integrity of the pay equity process. Notably, no pay equity claim has been settled since the law came into force, and the statute operates retrospectively. The Government’s assurance that these changes would render the regime “workable and sustainable” is contradicted by the reality that no claims have been settled under the new law. **Article 7(b) CEDAW States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: ... (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.**
- 87.** By preventing women’s involvement in decision-making about pay equity, the Government ignored its obligations under **Article 7 (b) of CEDAW** by which State Parties shall ensure to women participation in the formulation of government policy and its implementation.
- 88.** It was not only the substance of 2025 Act that breaches New Zealand’s CEDAW obligations, but the processes used were unprecedented and defied best practice in a parliamentary democracy. First, the time honoured, tri-partite discussions that had previously characterized pay equity policy, legislation and practice between trade unions, employers and the Government were ignored. There was no prior engagement with trade unions or women.
- 89.** As detailed in the chronology of facts, the Bill was introduced and passed under urgency, bypassing any Select Committee scrutiny and the chance for unions, women, opposition Members of Parliament, and others the opportunity for consultation and the chance for policy-makers and the Government to recognize the regressive consequences of the proposed legislation. The absence of a second chamber in New Zealand’s unicameral system makes the Select Committee process critical to the country’s constitutional arrangements as a valuable mechanism for citizen advice, legal expertise and political opposition.
- 90.** There appears to be evidence that powerful business interests had influence on the speed and nature of the Amendment. But by preventing women’s involvement in decision-making about matters affecting them, such as pay equity, the Government ignored its obligations under **Article 7 (b) of CEDAW** by which State Parties shall ensure to women participation in the formulation of government policy and its implementation. Even the NZ Ministry for Women was not consulted appropriately prior to the Amendment.

- 91.** In response, civil society organized a People's Select Committee on Pay Equity detailed above. With one exception, all submitters condemned the changes.
- 92.** The People's Select Committee on Pay Equity found that the New Zealand Government wilfully and knowingly acted in breach of its international legal commitments under CEDAW in the process and passage of the Equal Pay Amendment Act 2025. 22
- 93.** Other parliamentary checks and balances were also disregarded. New Zealand's Legislation Act 2019 affirms the presumption against retrospective operation to avoid uncertainty and injustice; yet the 2025 Act applied retrospectively, undermining legal certainty.
- 94.** Significantly, Cabinet Papers traditionally carry a section on the human rights implications of proposed legislation. In this case, that section was redacted. Ministers were informed of the human rights impacts of the legislation but nonetheless proceeded. The public and affected women were denied access to this information.
- 95.** The current Equal Employment Opportunities (EEO) Commissioner and the three previous EEO Commissioners of Te Kāhui Tika Tangata, the New Zealand Human Rights Commission (NZHRC), and other NGOs, requested the release of the human rights and legal risks assessments provided to Cabinet. When these requests were refused, an Official Information Act (OIA) request was made to the Ombudsman who declined the request under s9(2)(h) of the OIA.
- 96.** Under this section a government department can withhold available information where the information would be likely to prejudice the substantial economic or commercial interests of New Zealand. The Ombudsman has to weigh up the harm of disclosure against the public interest in transparency.
- 97.** However, fiscal considerations featured prominently in public statements and budgetary materials, suggesting that transparency was subordinated to a fiscal agenda. Information around the Government's Budget 2025 was clear that overturning pay equity would allow \$12.8 billion over four years already in government reserves allocated for pay equity settlements, to be "repurposed" for other spending.
- 98.** The reallocation of money earmarked for addressing gender-based pay discrimination contravenes Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which obligates State Parties to take steps especially economic and technical "to the maximum of available resources with a view to achieving progressively the full realization of rights" by all appropriate means, including particularly the adoption of legislative measures. The UN Committee on Economic, Social and Cultural Rights states:

“A failure to remove differential treatment on the basis of a lack of available funds is not an objective and reasonable justification unless every effort has been made to use all resources that are available at a State Party’s disposition in an effort to address and eliminate the discrimination as a matter of priority.”

- 99.** The appropriation of money earmarked to compensate women for historic and systemic under-valuation in their employment directly contradicts Aotearoa New Zealand’s claim made to the CEDAW committee in its 2023 report that the “Government is committed to ensuring that investment decisions made through Budget processes improve New Zealanders overall wellbeing, allow for the identification of investments that support women and girls, and promote gender equality.”
- 100.** In this case the funds were available, earmarked in the Government accounts, but deliberate budget decision-making in breach of fundamental rights such as gender-based pay discrimination, the right to natural justice and the right to fair legal processes, denied women their rightful pay increases.
- 101.** The withholding of information about the human rights implications of pay equity regression directly contradicts **Article 2 (c) of CEDAW** which obligates the New Zealand Government “to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.” Not only has the State Party extinguished the legal protections to pay equity and dismantled pay equity machinery, it has also kept the rights-based implications of its regressive actions a secret.
- 102.** The Government has instead advanced a fiscal austerity rationale for its discontinuation of pay equity. However, fiscal austerity has not applied to other areas of government expenditure such as tax relief for landlords and incentives for the tobacco industry.
- 103.** The Government’s actions represent **systemic** and **grave** gender pay discrimination against women. It halts progressive realisation of pay equity, it is inconsistent with the State Party’s human rights obligations, and it has extinguished the rights of thousands of women to domestic remedies. Issues relating to the absence of domestic remedies is addressed in the next section.

- 104.** The Employment Court made the following comments regarding concerns about the financial implications of pay equity measures in the landmark case of *Terranova Homes & Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc*:

“History is redolent with examples of strongly voiced concerns about the implementation of anti-discrimination initiatives on the basis that they will spell financial and social ruin, but which prove to be misplaced or have been acceptable as the short term price of the longer term social good. The abolition of slavery is an old example, and the prohibition on discrimination in employment based on sex is both a recent and particularly apposite example.”

- 105.** In addition to CEDAW New Zealand has breached human rights principles of equal pay for work of equal value, non-discrimination and human dignity expressed in the International Covenant on Economic, Social and Cultural Rights, the International Labour Organisation’s Equal Remuneration Convention (no.100). Equal pay and pay equity are referenced in the International Convention on the Elimination of All Forms of Racial Discrimination (Article 4 (e)(i) and in Article 27(1)(b) of the Convention on the Rights of Persons with Disabilities.

Conclusion and Remedy

- 106.** The United Nations, through various treaty bodies, including CEDAW, has historically praised Aotearoa New Zealand for its efforts to advance gender equality. Successive Governments have relied on treaty body observations as reputational endorsement and evidence of substantive progress. CEDAW reporting has been regarded as a significant marker of progress for women. Human rights academics have stated:

“...CEDAW remains a significant benchmark. It gives civil society a voice, a focus of advocacy and power during reporting periods; and through its emphasis on non-discrimination. It also allows CEDAW gender equality experts to continually analyse and benchmark New Zealand’s progress internationally. That’s crucial, given this country’s pronounced self- belief that it is a leader in advancing women’s progress.”

107. Just as the United Nations has previously recognised and commended pay equity progress in the past, we respectfully urge the CEDAW committee to equally condemn the current regression of pay equity and women’s human rights. The United Nations plays an important accountability role and a responsibility to the citizens of a State Party to condemn egregious breaches of human rights, especially when a State that has long been presented as a champion of gender equality reverses that progress.

108. New Zealand is expected to provide the Committee with follow-up information on four issues in October 2026 following its 2024 review by the Committee. This does not include an update on pay equity and we request that this be included in their follow-up report.

109. We ask the Committee to recommend that the New Zealand Government repeal the Equal Pay Amendment Act 2025, restore the 34 claims and the funding for pay equity. We also request that the Committee urges the New Zealand Government to ensure that new pay equity legislation adheres to its binding CEDAW commitments.

Date and Signature:



Signature of author(s) and /or victim(s):

Clare Preston

Date / place 22.04.2026 Auckland



Signature of author(s) and /or victim(s):

Ally Kingi

Date / place 22.04.2026 Auckland



Signature of author(s) and /or victim(s):

Tamara Baddeley

Date / place 22.04.2026 Auckland



Signature of author(s) and /or victim(s):

Mel Burgess

Date / place 22.04.2026 Auckland



Signature of author(s) and /or victim(s):

Gabriel Brett Kelly

Date / place 22.04.2026 Auckland

Appendix 1: List of Pay Equity Coalition Aotearoa (PECA) members

Pay Equity Coalition Aotearoa (PECA) Member Organisations Expanded Organisational Summaries for UN Complaint

New Zealand Council of Trade Unions (NZCTU)

The NZCTU is the national peak body representing approximately 320,000–360,000 workers through affiliated unions across Aotearoa New Zealand. While the NZCTU itself is not a direct claimant in pay equity proceedings, many of its affiliate unions had active pay equity claims underway under the 2020 Equal Pay framework. The Equal Pay Amendment Act 2025 discontinued all existing claims, directly affecting tens of thousands of workers represented through NZCTU affiliates. The legislative changes significantly reduce the collective capacity of NZCTU-affiliated unions to pursue systemic gender-based pay inequities.

E tū

E tū represents approximately 48,000 workers across manufacturing, engineering, aviation, public services and community sectors. Many E tū members work in sectors with significant female participation. Under the 2020 pay equity framework, claims affecting members in female-dominated occupations were underway nationally. The 2025 Amendment discontinued all existing claims, removing established legal pathways for E tū members to pursue undervaluation-based claims.

Public Service Association (PSA)

The PSA represents approximately 95,000 public sector and community service workers. A substantial proportion of PSA members are women employed in health, care and support, and other historically undervalued occupations. PSA members were covered by several of the 33 live pay equity claims that were discontinued by the Equal Pay Amendment Act 2025, affecting an estimated 150,000 workers nationally. The cancellation halted ongoing investigative and bargaining processes that were addressing systemic gender-based undervaluation.

New Zealand Nurses Organisation (NZNO)

NZNO represents approximately 60,000–62,000 nurses, midwives, caregivers and health workers. Under the 2020 framework, NZNO was party to 12 active pay equity claims addressing undervaluation in female-dominated health occupations. All of these claims were discontinued by the 2025 legislative Amendment. This directly removed the legal process NZNO members were relying on to address longstanding structural pay inequities.

Post Primary Teachers' Association (PPTA)

PPTA represents approximately 20,000–25,000 secondary school teachers and principals. PPTA, alongside NZEI Te Riu Roa, was leading the national teachers' pay equity claim, which collectively covered approximately 95,000 education workers. That claim was discontinued by the Equal Pay Amendment Act 2025. The cancellation nullified extensive work undertaken to demonstrate systemic gender-based undervaluation in the teaching profession.

NZEI Te Riu Roa

NZEI Te Riu Roa represents approximately 46,000–50,000 primary and early childhood teachers and support staff. NZEI co-led the national teachers' pay equity claim alongside PPTA, covering approximately 95,000 education workers. The Equal Pay Amendment Act 2025 discontinued this claim, halting a comprehensive evidentiary process addressing systemic gender undervaluation in teaching.

Tertiary Education Union (TEU)

TEU represents approximately 10,000–12,000 academic and support staff in the tertiary education sector. Female-dominated roles within the tertiary workforce were eligible to pursue claims under the 2020 framework. The 2025 Amendment discontinued all live claims and raised thresholds for new claims, materially restricting TEU members' ability to pursue systemic pay equity remedies.

Wellington Women's Group

The Wellington Women's Group comprises retired public servants and professional women who have been involved in women's rights and who have special experience in progressing equal pay and pay equity in Aotearoa New Zealand. They include a former Retirement Commissioner and former chief executive of the Ministry for Women.

Peace Movement Aotearoa

Peace Movement Aotearoa is a national network organisation focused on human rights, peace and social justice advocacy. It does not operate as a traditional membership union but engages a national network of supporters and partner organisations. While not directly a claimant, it views the rollback of pay equity protections as inconsistent with New Zealand's human rights obligations and international commitments.

National Council of Women of New Zealand (NCWNZ)

NCWNZ is a federation comprising approximately 200 organisational members alongside individual members and 13 regional branches. As a national gender equality advocate, NCWNZ supports structural measures to address gender pay inequity. While not itself a claimant, the legislative rollback significantly weakens the legal infrastructure for achieving the economic equality outcomes it advances.

Business and Professional Women New Zealand (BPW NZ)

BPW NZ is a federation of local clubs and professional women advocating for economic equity and equal pay. National membership numbers fluctuate and are distributed across affiliated clubs. Although not a direct claimant, BPW NZ's membership is materially affected by the narrowing of statutory pathways to address systemic gender pay inequities.

YWCA Aotearoa

YWCA Aotearoa is a national organisation operating through local branches and programmes supporting women's leadership and economic empowerment. While not a pay equity claimant, its mission includes advancing women's economic justice. The discontinuation of live claims undermines systemic reform efforts aligned with its advocacy and programme objectives.

Aotearoa Women's Watch

Aotearoa Women's Watch is an NGO advocating for women's human rights domestically and internationally, including through UN engagement. It operates via organisational and individual memberships. Although not directly a claimant, it considers the cancellation of pay equity claims inconsistent with international gender equality commitments and human rights standards.

Rural Women New Zealand

Rural Women New Zealand is a national membership organisation with branches throughout Aotearoa supporting rural women and communities. While not itself a claimant, rural women employed in feminised and undervalued occupations are affected by the removal of established legal avenues to pursue systemic pay equity claims.

ActionStation

ActionStation is a national community advocacy organisation with a reported supporter base of approximately 600,000 people. Although not a claimant, it has mobilised public advocacy regarding pay equity. The discontinuation of claims removes key legal mechanisms central to the reforms it campaigns to protect.

Presbyterian Social Services (Presbyterian Support network)

The Presbyterian Support network comprises multiple regional organisations delivering social and community services across New Zealand, employing thousands of staff, many in female-dominated care roles. While not a direct claimant as an umbrella body, its workforce includes occupations that were covered by discontinued pay equity claims or that would have relied on the 2020 framework.

New Zealand Council of Christian Social Services (NZCCSS)

NZCCSS represents more than 230 member organisations providing social services nationwide. These organisations collectively employ thousands of predominantly female workers in care and support roles. Although NZCCSS itself was not a claimant, the cancellation of pay equity claims directly affects workers within its member organisations.

UNICEF Aotearoa New Zealand

UNICEF Aotearoa is the national committee supporting UNICEF’s global children’s rights mandate. It operates through donors and supporters rather than a formal membership structure. While not a claimant, it advocates for gender equality and economic rights consistent with international human rights frameworks, which are undermined by the rollback of effective pay equity remedies.

Working Women’s Resource Centre (WWRC)

The Working Women’s Resource Centre is a membership-based NGO providing employment rights advice and advocacy for women. While total membership numbers are not publicly stated, it operates on a subscription model for individual and organisational members. The cancellation of existing pay equity claims directly weakens the legal protections and remedies available to the women it supports.

Appendix 2: Affected Workers’ Interviews

Affected Workers’ Interviews

Category One Interview: Clare Preston, Secondary School Teacher (PPTA Member)

I am Clare Preston a history and social studies teacher at Wellington High School and it’s my 9th year as a secondary teacher.

How have you been discriminated against through the pay equity changes?

I think part of it is the pay and undervaluation that always go hand in hand. In a lot of ways, our world leading (pay equity) system was amazing, having it taken away was a massive insult. But the fact we had to go through so many hurdles, having to prove we were underpaid because of sexism and now it being taken away was even worse than having to go through the process.

The way we are under paid compared to men in similar roles (with similar levels of education and skill) it feels like an entitlement– to be able to have access to women’s labour and to not pay them adequately for it feels like a long-standing entitlement that society has had and it enables society to function.

This results in the burnout of women, women having physical and mental health issues – it’s just exploitation. Obviously, we know men as working people can be exploited as well. But it really is the coalition of patriarchy and neoliberalism.

Can your claim as a secondary school teacher no longer go ahead?

“So, we’ve been locked out of the process now. The threshold to qualify as female dominated, is now at 70% and we sit at around 64% women. And I find that very interesting that the government can decide what’s a majority. “I know ‘women can’t do math’, but last I heard 70% was more than a majority. We also have no male equivalent comparator in our area of work now that the rules have changed so we are locked out in two ways”.

What does this mean for you as a women worker?

“It’s just a big insult. It feels audacious the way that it was done. I think it’s a betrayal by a lot of those women in the National Party who signed up to that pledge in 2020 for Pay Equity. As soon as it’s no longer expedient to care about pay equity it just gets thrown out apparently. It feels like a betrayal. It feels like women’s rights, whether we get them or not is just on a whim and not enshrined. It makes the state of women’s labour rights feel really precarious”.

Do you know how far along in the claim you were?

“We had been working on it for about four and a half years. I did do some training as an interviewer and scribe in 2023. A lot of groundwork had happened before that by our union staff. Quite a way through. We were just at the finalisation of comparators stage. As I understand it, our lead Pay Equity person from PPTA, was up in Auckland giving a workshop then heard the news mid presentation and had to gather herself.”

What would it mean to you to achieve it and be paid for the value of your work?

“A range of things. There are the material positives. It’s a cost-of-living issue as well as the principle of it. For me it would make things way easier like buying a house – I live in Central Wellington, close to work, but we don’t have a car. I suppose I could, but I make these decisions to increase my amount of disposable income. If we had pay equity I wouldn’t have to make the same amount of compromise. And having said that, I’m probably one of the better off people as I don’t have children. I think about my colleagues that do have children and it would make a massive difference to them.”

“As well as those material cost of living issues I just think about men that I’ve known in my life, and how quickly they’ve advanced through pay scales – how they’re earning a lot more money much earlier. And yeah, you feel resentful. You’re like okay you’ve just ended up in a job that’d male dominated so you’ve been able to start off on a much higher level pay wise.”

“It’s a material issue and a morale issue, as well as the principle of it and not wanting to feel that resentment.”

“The government has just said “yeah cool we are just going to keep undervaluing your work actually, that’s just what we’re going to do. It just kinda ties back to what I said earlier about the men that I’ve known over my life, it’s not only the pay. Because there’s no way they work harder than I do as a secondary school teacher. That is hard mahi and it can leave you feeling really overwhelmed, overstimulated with a massive mental load. It’s not just the pay but it’s the entitlement to women’s time, labour and to us doing all those things. It would mean a lot for that to not be the case anymore, even though that would be long overdue.”

“I also want to note the extra workload that our Kaiako Māori just carry. That’s another level to them being, this sense that, there’s an entitlement to their labour and expertise, cultural knowledge, that was a really important part to the pay equity process and it was gathered in the GARS (general areas of responsibility) document. Going back to Te Tiriti - the work of wāhine Māori and Kaiako Māori is just another level on top of what your average teacher does.”

Category Two Interview: Ally Kingi, Teacher Aide (NZEI Te Riu Roa member)

“I’m Ally Kingi I have been a teacher aide since 1998. I’ve been involved in our union (NZEI Te Riu Roa) for about 10 years, privileged enough to be part of the pay equity negotiations for teacher aides and interested in the work that was being done for all the support staff who work in schools across the country”

“As a lot of people who work with children in schools are, I’m from a longline of teachers, my grandfather was a principal, mother and uncle were both primary school teachers, my cousin is a newly graduated ECE teacher. I’m an adopted person and my mother was kindergarten teacher until her retirement. When you’re young you think I’ll never do what family does then you end up doing it and end up realising why they fall in love with it.”

How have you been discriminated against?

“When we achieved pay equity for teacher aides and other support staff in schools, I guess the emotion around it was finally fair that we were finally being recognised properly for our work and there was a value set on it that was agreed to by everyone involved which was a pretty cool feeling to have. But it was also JUST because it was unjust for so long, so it felt great to correct it. But after the changes- we can’t review our claim, and it stays stuck where it is means that our pay rates have slipped back in some cases about 17% and we have no longer recourse or avenue to make that fair again”.

“We thought we were smart when we put our review clause in. We’d seen the group that went before us, it impacted them negatively. It was with agreement from the crown, that it would be only fair and reasonable that within three years of the claim settled that we would review it and see if our rates were still matching male dominated comparators. So we had faith that those things would be followed through with and we were talking to the minister and talking to the government saying our review was due soon. When we had a look at it ourselves because there was no movement from government, we saw that there were some big discrepancies creeping in. The government said they already did the review and there were no discrepancies. We thought that was weird but did not suspect what they were plotting to do. So, we just kept on in good faith, saying we are really interested in working with you around this review process.”

What does this mean for you as a women worker?

“It means feeling genuinely righteous outrage all of the time. It means that when growing up in a country being so proud all our lives of ‘being the first for women to vote, proud of a lot of strong women leaders and a lot of strong women come from our country and that deep seated feeling that this is a country that that cares about women’s work, women's voices and women's wages. To have this happen in one fell swoop it was disgusting and unbelievable when it sunk in- what it really meant. Money was being spent in other places in our country and it wasn’t being spent on our work. The women’s work and ‘soft skills’ that we have, have some value and to know people had been planning to remove that brazenly. They thought we would be cross for a while, then get over it and move onto other things. It’s insulting! And to think that we are going to say, “That’s the way the cookie crumbles” That’s not the case. What happened is it’s bought community groups and women's groups and a lot of working women together to show we’ve all gotten ripped off by a government that’s chosen to prioritise things that are not our work.”

What is the impact of being underpaid?

“It meant we went to work everyday, we work really hard we work in really challenging situations with children with high behavioural and health needs. That was our work. We were paid a small amount for it because historically it was seen as babysitting. I didn’t go to the hairdresser, I didn’t go to the dentist unless it was an extreme emergency, I didn’t have a gym membership, I didn’t have a washing machine, I used to go to the laundromat because gathering the funds for a washing machine was a lot, I didn’t go to the physio. A lot of the things done in my leisure time were very kindly subsidised by friends and families. When teachers etc came back from holidays overseas you’d think I’m so happy for them, but it wouldn’t be a thing we’d consider doing. We became really good at scrimping money together.”

How did you feel when the pay equity claim succeeded?

“I remember checking my bank account because there was some back pay involved as well, sitting in the courtyard of the staff room thinking “It’s really in my bank” my principal at the time came out and asked if I was okay as I was looking emotional I said “we’ve been paid” and with a tear in my eye got a great big hug from my principal that I’d achieved that. The hugs from all of us women, who worked together, the food we shared to celebrate. It was crazy for something to do with just fairness, but we chipped away at it. We’d won it and it was in our bank account and I remember being at the supermarket and a journalist rang up to ask me about how I was feeling and I couldn’t quite control how I was feeling and she asked me what I was doing and I said “well I’m in the supermarket and I’m buying the fancy food – I’ve just bought two cheeses from the delicatessen and not just the ordinary cheese. It was things like that, the other women who shared on our Facebook page the things that they’d done- one person had booked a flight for her and her children to go to the South Island because they’d never been on a plane before, one woman was going to buy an engagement ring for herself because she and her husband had never been in a position to do that, one woman bought a shiny blue new lawnmower because she’d never bought one from a shop before, the woman who bought her child brand new clothes that weren’t from only from the op shop, we all followed that journey with glee –but just having choices that weren’t available before. Being able to save a bit of money. To put a little bit aside for a rainy day. It was just incredible. Looking back, it was a wonderful time of sisterhood amongst a lot of women”

What was the impact of having the review clause removed?

“It feels hopeless. I mean I feel so much for those who never had their claims met. It’s a different kind of feeling having achieved it and ripped away again. There are people talking about leaving, people talking about how they can’t work a second job again. They’re tired, exhausted and they had become used to having that time to unwind or that time with their children”. “It’s dispiriting, it means that belief we had in a country that believed in the value of women has taken a bit of a beating. To have a government that thinks that. Certain people in comment sections thinking that they know all about it and the rampant sexism that exploded out of it, was just really particularly disgusting. When we’d been hit and we were hurt and people to come in to see people commenting on something they knew nothing about. “A really good example in a different industry was everyone jumping on fisheries officers (as a comparator for) librarians –immediately assuming that because fisheries were male dominated that they were way more qualified and important.”

“It’s a difficult feeling to be holding onto the hope that the government might change and whoever is in government might reinstate pay equity here because there’s no magic wand. We always have hope, but we don’t have surety. We don’t have what we had in 2020. If we put up a fair argument, discuss it, you’re all above board then you can make things fair for working women. We’ll never not fight and we will always try to make it happen. But I don’t see it happening overnight anytime soon and that’s a really bitter pill to swallow.”

Category Three Interview: Tamara Baddeley, Home and Community Support Worker, (E tū member)

Tamara Baddeley (53) a Hawke's Bay home and community support worker, is one of the affected women from the 33 extinguished pay equity claims. Qualified at Level 3 with additional expertise in palliative and dementia care, Tamara has been caring for clients for 27 years. She says the axing of her pay equity claim "Just makes me feel completely under-valued in society. Even though I feel my job is rewarding and satisfying to me there's a view in some areas of society that caring is basic female work, that it is what intuitive to being a woman and what we should be inherently doing because it is women's work. That we shouldn't be paid properly for the job we do because we are women."

As convenor of the E Tū union's Community Services Sector Industry Council, she says the union, workers and employers had worked for 1039 days after lodging their first claim on July 1, 2022, before the Government scrapped the claim on May 5, 2025. She said employers and unions had been working hard on the process outlined in the legislation, including on comparators and costings, and that Government representatives as the funder had continually indicated "we're nearly there." She now believes that Government was "cynical, backhanded and devious" and knew that it intended to halt pay equity progress regardless.

Tamara says pay equity is a basic human right that she is being denied. "Some people, particularly some politicians, have no understanding or experience of care work. They think that anyone can do it, any woman that is." They don't acknowledge the experience, the skills and the emotional labour that care work involved. The empathy required to deal with vulnerable people has to be learnt, for example. Checking medication, toileting and showering, changing catheters, coping with the housework components of the job, all required skills and experience that should be valued properly. She believes her job is currently approximately 30 per cent undervalued in terms of pay.

Tamara is candid about her economic precarity without equal pay for work of equal value. Over the years she has constantly worried about the price of food, about the cost of car maintenance as she drives between clients, insurances and the rising cost of living. Pay equity for her would have meant not having to panic when the car broke down, being able to fund school camps and sports events for her daughter, and not missing meals herself over the years so her daughter could eat properly. She also says that pay equity would have dramatically increased her superannuation finances.

She describes her shock at hearing Government had cancelled her pay equity claim. "I had just finished for a client and was in my car when the car phone went and I was told about the 33 scrapped claims. I felt as though all the breath in my body had been knocked out of me and I sat winded and deflated in my car. Then after a minute or so, anger kicked in, a burning hot ball of anger, and I have been angry ever since."

She urges CEDAW and the international human rights community to publicly condemn pay equity regression. “If they can publicly state how wrong the Government was and acknowledge how devastating this is for women’s economic rights, it would make a big difference, After all until May last year New Zealand was regarded as a world leader in pay equity legislation. If it can be scrapped that quickly, taken away in two days under parliamentary urgency, what hope is there for other countries?”

Category Four Interview: Mel Burgess, Early Childhood Teacher (NZEI Te Riu Roa member)

“My name is Mel Burgess, and I’ve been teaching for about 10 years now. I was interested in teaching early childhood when I went through play centre with my children, and I wanted to have a change of careers. I so enjoyed my time at play centre, hanging out with four-year-olds that I felt like I wanted to make it official and go and change my qualification. So that's what I did.”

“When I started teaching, I had a six-year-old and an eight-year-old, so I did a bit of untrained relieving, and then I got a four-year conjoint degree with a bachelor’s in early childhood teaching and history.”

“I think the first time I really noticed that I was being undervalued was the just when I was finishing up the end of my degree and we got shown a pay scale of what we could expect to be paid, what we would be starting on as new graduates, and how that progressed over the years. I was calculating up the fees I just paid over four years, looking at those numbers and my heart sank, because I felt like I was joining like a really worthy profession that there was real value in, so to see how undervalued it was actually going to be, and how long It was going to take me to pay back that student loan, that was pretty shocking.”

“And on that day, I also heard of a friend of a friend who had got a three-year bachelor degree in IT, and they were going to be earning \$20,000 more than I was as a starting salary. And I just could not make it make sense in my head. Then every time somebody tells you, “Oh, it must be nice hanging out and playing in the sandpit all day.” that's another devaluation. Every time anybody likens us to babysitters or talks in any way that diminishes the importance of what we do and our skill set. That's blow every time to you know, and it hurts. It hurts not to be valued for what you do when you pour your heart and soul in every day. “

In terms of when the new legislation came through, how did that impact you in the claim that you were part of?

“I mean, like women everywhere, I've just felt blindsided, because we've been going for eight years by that stage for (the) early childhood (claim), and we had stopped and started, reversed, stopped and started. I really felt like we were getting somewhere with all the union support, you know, the cross sector support and the talks that have been going in on between different employer groups, the shared understandings that were being developed, and it all just got ripped out overnight from under our feet. And it was demoralizing. It seems very self-serving, when the government is one of the main employers.”

And what do these changes mean to you as a woman worker?

“Well, I don't see a lot more new recruits coming through. Because why would they? Why would they do the four-year conjoint degree? Why would they put that effort and time into studying and not have a guarantee of a fair wage?”

“I've heard of teachers who are taking second jobs, some of them are doing physical work through pregnancy because they cannot afford to support their family on the wage they're getting as a as a qualified teacher. I've heard from people who have had to stay in relationships where they felt unsafe because they could not afford to leave their partner who was the primary breadwinner. So, there are real life consequences when you take pay equity away. It was the one thing I was personally hanging on to, because every time a government changed we were in a different position with where we stood in terms of pay parity with other teachers. We already have a lot of early childhood teachers aren't paid the same as any other teacher. They're paid a lot lower, some of them are on minimum wage, and this would have been a way to get everybody, especially those the worst paid of us, a little lift.”

What impact has being underpaid had on you and your whānau?

“We could not make a lot of choices all that time I was studying, and then afterwards, on a low wage, trying to pay back a student loan. We could not make the same choices about our lives and recreation as my friends, that I should have been in a similar position to, given I had similar level qualification, and yet I felt so far behind. It's taken me a long, long time to pay off my student loan. Pretty much my entire teaching career.”

“I think women are already at a disadvantage because we do take time out of the workforce like I did. Often have a career change like I did, and that sets us back further, because we are primarily the ones raising the young children. I was 42 when I graduated, starting again, trying to get a career going that fit my family and the way I wanted to be present for my family, instead of my old career, where I wouldn't have been present for my young children.”

“But my KiwiSaver is next to nothing because I was on a student loan for so long, and my wage is so little, and I just could not get going with it. And yet, I'm probably statistically likely to live 20 years longer than my husband, just from a statistics point of view. I'm going to feel it for my whole life. That's, that's the reality. I'm going to feel them taking pay equity away for the rest of my life, and it's impacting my family for all their lives.”

“And I know there's people paid even lower than I am, and I feel for them. If you look at learning support, they're not getting paid when the school shuts down and they're forced to have a holiday and they get no money. So, pay equity for them would have really mattered.”

What would it mean to you to achieve pay equity and to be paid for the true value of your work?

“It was already taking so long, and the reason for that was because there was so much work to get that process right and now I really don't know if we will ever achieve it. I'm feeling quite disheartened.”

“I can't give up hope, and I'll keep fighting for sure, but the way this government has treated us and their attitude to education, from their policies it's felt like such a setback. I don't know even if there's a change in government, how far ahead we're going to get, because it just feels like we've been put so far back in the past. Just to rectify the damage that's been done, it's going to be a lot.”

“Which is exactly why I think pay equity was so important. I thought it was locked in and that different governments would not be able to mess with it because it was part of the legislation. Education and health and all those things are always at the whim of whatever government is in power. But pay equity was the one that I really thought was a cure for that. I didn't expect the ruthlessness of this government.”

“It has really knocked the wind out of our sails, particularly with the changes that they've made, where it's impossible to proceed with a claim. Now we don't have a claim. We do not have a claim anymore. The conditions that have set down are so out of the realm of what's achievable.”

“Unless there's a change of government, yeah? And they go, no, we're going to put it all back in place. That would be great. I hope for that, and I think that that's what we've got to fight for.”

“I really feel like compensation is due because of all of that money that's been invested in all the work so far, for nothing. It actually does feel criminal. I don't know if it's legally criminal, but it feels criminal to the people who work so hard, and to the unions.”

“It’s just so short sighted, do you want me to be an old lady with no ability to save for my retirement because my pay is so low? Then I’m going to end up sucking government resources, because I’m going to end up in some government funded retirement home because I’ve been held back so far. That’s kind of the future that I’m looking at. If I end up sick and alone in my elder years, I’m going to be in such a worse position than the guy who earned \$20,000 more as a starting salary than me.”

How do you feel about being discriminated against in this manner?

“I feel really angry about what they’ve done. I feel really angry. One thing that’s really been heartening is to see the pushback from the People’s Select Committee and all the unions coming together to say this is wrong, and it has been women largely, but people of all genders and all political persuasions that know that this is wrong. They felt so strongly about it that they set up that People’s Select Committee so that we could have a voice, because they were so outraged at the process. So, that has been really good. Unfortunately, it didn’t look like the government was listening to that or wanted to concede any points there. They have been diminishing that work, just like they diminish women’s work.”

“It’s just insulting. It’s wrong, just downright wrong, to hold women back like this, and women of colour even more so. It’s discrimination, and I didn’t think that was allowed in this country.”

Appendix 3: Letter to Prime Minister

Rt Hon Christopher Luxon
Prime Minister
Parliament Buildings
Private Bag 18888 Parliament Buildings
Wellington 6160
Christopher.luxon@national.org.nz
cmluxon@gmail.com.

Dear Prime Minister,

I wish to advise you that four affected women and their representation unions in partnership with the Pay Equity Coalition Aotearoa (PECA) which comprises 20 organisations, have today lodged a complaint to the United Nations Committee on the Elimination of Discrimination Against Women under the Optional Protocol to the Convention.

The complaint states that the Equal Pay Amendment Act breaches New Zealand's binding obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and other core human rights treaties that New Zealand has ratified.

The complaint is against the State Party, the New Zealand Government. It has been lodged a year after the Coalition Government's Amendment legislation. Since that date not a single pay equity claim has been settled.

The complaint states that domestic remedies have been deliberately denied to New Zealand women both directly and indirectly by the Equal Pay Amendment Act 2025. A copy is enclosed in this correspondence.

Please advise me if you would like further information. In the spirit of no surprises we have also advised the Minister for Women and the Minister of Finance.

Yours sincerely,



Dame Judy McGregor on behalf of PECA.

Cc N.Willis@ministers.govt.nz; N.Grigg@ministers.govt.nz.

Appendix 4: Information about cancelled pay equity claims

Information about cancelled pay equity claims

34 New Zealand Pay Equity Claims that were cancelled in May 2025:

Education

- Teachers - Early Childhood, Primary and Secondary
- Support workers, youth workers in residential schools, Education Service
- Education Advisors (Learning Support), Ministry of Education
- Psychologist, MoE employed
- Service Managers, MoE Employed

Funded Education

- Kindergarten Administration
- Kindergarten Cooks
- Kindergarten Teacher Aids
- Early Learning Teachers
- Kohanga Reo Kaiako

Tertiary Education

- Tertiary Education Library Assistant
- Tertiary Education Administration and Clerical

Public Service

- Public Service Administration and Clerical Claim 1
- Public Service Administration and Clerical Claim 2
- Corrections Psychologist
- Corrections Probation Officer and Senior Practitioner

Funded Health

- Social Service Workers (5 NGOs)
- Primary Practices and Urgent Care Centres Nurses
- Primary Practices and Urgent Care Centres Admin / Medical Receptionists
- Care Support Workers 1
- Care Support Workers 2
- Care Support Workers 3
- Front line Managers and Coordinators
- Plunket Nurses
- Plunket Administration

- Community Midwives in Primary Birthing Units
- Hospices Nurse and Health Care Assistants (Nurse Practitioners, RNs ENs, HCA)
- Access Community Nurses / Total Home Care / Nurse Maude
- Labtests Awanui
- Aged Residential Care Nurses
- NZ Artificial Limb Service
- Sexual Wellbeing Aotearoa

Local Body

- Librarian and Librarian Assistants in Councils

Private Sector

- Vet Nurses

Appendix 5: Table Outlining Legislative Changes

A Summary of Key Changes to The Equal Pay Act as found by The People’s Select Committee on Pay Equity		
Moving from “arguable” to “merit”		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13A Purpose</p> <p>The purpose of this Part is to facilitate resolution of pay equity claims, by —</p> <p>(a) setting a low threshold to raise a claim (while recognising that entry into the pay equity claim process does not predetermine an outcome); and</p> <p>(b) providing a simple and accessible process to progress a pay equity claim.</p>	<p>13A Purpose</p> <p>The purpose of this Part is to provide a process that facilitates the resolution of pay equity claims where there is evidence of systemic sex-based undervaluation of work that is predominantly performed by female employees.</p>	<p>The 2025 Act raised the bar for raising a claim from “arguable” (a low, collaborative threshold) to requiring “merit” with supporting evidence upfront. Essentially this means that workers must prove undervaluation before entering the very process designed to investigate it. Even Ministry of Business Innovation and Employment officials had warned this could duplicate assessment work. The original concept of “arguability” was reached by consensus by the Reconvened Joint Working Group and had already been shown in practice to be preferable to a merit test.</p> <p>In addition to this, the 45-day timeframe have been removed. In effect this means that employers are able to delay even engaging in the process.</p>
<p>13Q Employer must form view as to whether pay equity claim is arguable</p> <p>1) An employer who receives a pay equity claim must, as soon as is reasonably practicable and not later than 45 working days after receiving it, decide whether, in the employer’s view, the pay equity claim is arguable.</p> <p>(2) 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 the decision required under subsection (1).</p>	<p>13 Q Employer’s decision about whether claim has merit</p> <p>(1A) The employer must decide whether, in the employer’s view, the pay equity claim has merit.</p>	

Appendix 5: Table Outlining Legislative Changes (continued)

2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13I Requirements for claim raised by union or unions</p> <p>(1) A pay equity claim raised by a union or unions— ...</p> <p>(b) must briefly set out the information that the claimant relies on in support of the elements required for an arguable pay equity claim under section 13F;</p>	<p>13I Requirements for claim raised by union or unions</p> <p>A pay equity claim raised by a union or unions must include —</p> <p>(b) ...</p> <p>(i) the elements required for a pay equity claim to have merit; and</p> <p>(ii) the evidence that the union or unions rely on in support of those elements;</p>	
<p>Changing the definition of ‘female-dominated’</p>		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13F Meaning of arguable</p> <p>For the purposes of this Act, work is or was predominantly performed by female employees if it is work that is currently, or</p> <p>that was historically, performed by a workforce of which approximately 60% or more members are female.</p>	<p>2 Interpretation</p> <p>Predominantly performed by female employees —</p> <p>(a) in Part 2, in relation to work, means that the work is performed by a workforce that is at least 70% female; and</p> <p>(b) in Part 4, in relation to work to which a pay equity claim relates, means that the work—</p> <p>(i) is performed by a workforce that is at least 70% female; and</p> <p>(ii) has been performed by a workforce described in subparagraph (i) for at least 10 consecutive years immediately before the date on which the claim was raised</p>	<p>The threshold for a female-dominated workforce was raised from approximately 60% to 70%, with a new requirement that the workforce must have been at least 70% female for 10 consecutive years before a claim can be raised. The Committee found no policy analysis, academic evidence, or international precedent to justify either figure. The jump from officials’ recommended 66% to 70% appeared designed specifically to exclude known claimants such as secondary teachers. Occupations such as community probation officers, who had already identified sex-based undervaluation, were immediately cut off from the claims process.</p>

Appendix 5: Table Outlining Legislative Changes (continued)

The 10-year prohibition on claims and a bar on reviews		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13E (6) An employee who is covered by a pay equity claim settlement may not raise a pay equity claim in respect of the work to which the settlement relates (unless the Authority or court determines otherwise in accordance with section 13ZY(5)).</p>	<p>13E (6) Despite subsection (1), a pay equity claim may not be raised within 10 years after the date of a pay equity claim settlement if the claim would relate to any or all of the employees covered by the settlement and the work to which the settlement relates, unless the Authority or the court determines, under section 13ZY(1)(b), that the claim may be raised.</p>	<p>The Act prohibits a new pay equity claim for 10 years after a settlement, and actively bans review clauses in all future settlements — this included making existing review clauses in collective agreements unenforceable.</p>
<p>13ZH Settling pay equity claims</p> <p>(3) A pay equity claim settlement agreed between the parties must —</p> <p>(a) be in writing; and</p> <p>(b) state —</p> <p>(viii) the process for reviewing that remuneration (which may include requirements to reconsider the matters set out in sections 13F (3) (undervaluation factors), 13ZD (assessment of the work), and 13ZE (assessment of comparators) if the parties agree) to ensure that pay equity is maintained; and</p> <p>(ix) the frequency of those reviews, which must be —</p> <p>(A) aligned with any applicable collective bargaining rounds; or</p> <p>(B) if no collective bargaining round applies, at least every 3 years;</p>	<p>13ZH Settling pay equity claim</p> <p>(2A) The parties may not agree to review, or agree on a process for the review of, a pay equity claim settlement.</p>	

Appendix 5: Table Outlining Legislative Changes (continued)

The 10-year prohibition on claims and a bar on reviews		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
N/A	<p>Schedule 1 Part 2</p> <p>10 Review clauses</p> <p>(1) On and after the commencement date —</p> <p style="padding-left: 20px;">(a) a review clause has no effect; and (b) a term or condition of an employment agreement that is based on a review clause has no effect; and</p> <p style="padding-left: 20px;">(b) proceedings may not be commenced before the Authority or in</p> <p style="padding-left: 20px;">the court to the extent that those proceedings concern —</p> <p style="padding-left: 40px;">(i) a review clause; or</p> <p style="padding-left: 40px;">(ii) a term or condition of an employment agreement that is based on a review clause; and</p> <p style="padding-left: 20px;">(d) any proceedings of a kind referred to in paragraph (c) that were commenced before the Authority or in the court before the commencement date and have not been determined are discontinued to the extent that those proceedings concern a review clause.</p>	

Appendix 5: Table Outlining Legislative Changes (continued)

Scope Amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13I Requirements for claim raised by union or unions</p> <p>(1) A pay equity claim raised by a union or unions —</p> <p>(a) must</p> <p>(iii) include a brief description of the work performed by the employees to be covered by the union-raised claim;</p> <p>(3) A pay equity claim raised by 1 or more unions with multiple employers must also include—</p> <p>(a) the name of each employer with whom the claim is raised; and</p> <p>(b) a brief explanation of how the work performed by the employees covered by the union-raised claim is considered to be the same or substantially similar.</p>	<p>13I Requirements for claim raised by union or unions</p> <p>(1) A pay equity claim raised by a union or unions —</p> <p>(b) must</p> <p>(i) explain how all of the employees to be covered by the claim perform work that is the same or substantially similar; and</p> <p>(ii) include the evidence that the union or unions rely on in support of that explanation, including any evidence prescribed by regulations;</p>	<p>The Act requires unions to provide evidence upfront that all workers covered by a claim perform “the same or substantially similar” work, and allows employers to decide at any point — including late in the assessment process — that the scope is too broad and terminate the claim. The Committee found no evidence that existing tools to contest scope under the 2020 Act had ever been used or proven inadequate. The new regime replaces a collaborative, good-faith process with one giving employers unilateral power to halt claims, potentially after significant resources have already been invested by all parties.</p>
<p>N/A</p>	<p>13PB Employer’s decision about whether claim meets requirements of section 13E</p> <p>(3) Without limiting subsection (2), the employer must, in making the decision about a pay equity claim raised by 1 or more unions, consider and decide whether all of the employees covered by the claim perform work that is the same or substantially similar.</p>	

Appendix 5: Table Outlining Legislative Changes (continued)

Scope Amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
N/A	<p>13ZEB New decision about same or substantially similar work</p> <p>(1) An employer who is making an assessment under section 13ZD of a pay equity claim raised by 1 or more unions on behalf of 2 or more of the employer’s employees may decide that, in the employer’s view, the employees covered by the claim do not all perform work that is the same or substantially similar.</p> <p>(2) An employer —</p> <p>(a) may make a decision under subsection (1) even if the employer decided under section 13PB that, in the employer’s view, all of the employees covered by the claim perform work that is the same or substantially similar; but</p> <p>(b) may not make a decision under subsection (1) if the Authority has determined under section 13ZY that all of the employees covered by the claim perform work that is the same or substantially similar.</p>	

Appendix 5 · Table Outlining Legislative Changes (continued)

Opt out Amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13L Opting out of multi-employer pay equity claim Employers may individually opt out</p> <p>(1) An employer may opt out of a multi- employer pay equity claim by giving notice to all other parties only if the employer has genuine reasons, based on reasonable grounds, to do so.</p> <p>(2) If an employer opts out of a multi- employer pay equity claim, the claim in respect of that employer must be progressed as a separate claim.</p>	<p>13L Opting out of multi-employer pay equity claim Employers may individually opt out</p> <p>(1) An employer may opt out of a multi- employer pay equity claim by giving notice to all other parties.</p> <p>(2) If an employer opts out of a multi- employer pay equity claim, the claim in respect of that employer must be progressed as a separate claim.</p>	<p>Employers can now opt out of multi-employer claims without giving any reason, and the Employment Relations Authority cannot review such decisions. The Committee found no rationale for this change. Submitters warned it would fragment sector-wide claims into potentially hundreds of separate processes — for example across early childhood education or care and support — dramatically increasing cost, complexity, and workforce instability. “Employment New Zealand explain that good faith provisions form the expectation that employers cannot opt out of a multi-employer collective in the collective bargaining agreement process without a genuine reason based on reasonable grounds¹¹³. Yet there is now a different standard in place for pay equity claims.”</p>
<p>13Z Parties may refer issues to mediation</p> <p>(1) Any party to a pay equity claim may refer any 1 or more issues relating to that claim to mediation services provided under Part 10 of the Employment Relations Act 2000.</p>	<p>13L Opting out of multi-employer pay equity claim</p> <p>Party may not apply for determination concerning employer opting out</p> <p>(10) A party may not apply to the Authority under section 13ZY for a determination concerning an employer’s decision under this section to opt out of a multi-employer claim.</p>	

Appendix 5: Table Outlining Legislative Changes (continued)

Comparator amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13ZE Identifying appropriate comparators</p> <p>(1) For the purpose of identifying 1 or more appropriate comparators against which to assess a pay equity claim as required by section 13ZD, comparable work may include any of the following:</p> <ul style="list-style-type: none"> (a) work performed by male comparators that is the same as, or substantially similar to, the work to which the claim relates: (b) work performed by male comparators that is different to the work to which the claim relates, if the comparators' work involves 1 or more of the following: <ul style="list-style-type: none"> (i) skills and experience that are the same as, or substantially similar to, those required to perform the work to which the claim relates: (ii) responsibilities that are the same as, or substantially similar to, those involved in the work to which the claim relates: (iii) working conditions that are the same as, or substantially similar to, those involved in the work to which the claim relates: (iv) degrees of effort that are the same as, or substantially similar to, those involved in the work to which the claim relates: (c) work performed by any other comparators that the parties or the Authority or court considers useful and relevant, including comparators who perform work that has previously been the subject of a pay equity claim settlement. <p>2) Despite subsection (1), work performed by a male comparator may not be selected for the purposes of assessing a pay equity claim under section 13ZD(1) if there are reasonable grounds to believe that the work performed by that male comparator -</p> <ul style="list-style-type: none"> (a) has been historically undervalued for 1 or more of the reasons set out in section 13F(3)(a) to (d); and (b) continues to be undervalued for the reasons set out in section 13F(3)(e). 	<p>13ZE Selecting appropriate comparators</p> <p>(1) This section sets out how parties select appropriate comparators against which to assess a pay equity claim under section 13ZD. Method of selection: hierarchy</p> <p>(2) The parties to a pay equity claim involving 1 employer must select comparators that are most closely related to the employer by approaching the task as follows:</p> <ul style="list-style-type: none"> (a) if the employer employs 1 or more comparators, the parties must select 1 or more of those comparators: (b) if the employer does not employ any comparators, the parties must select 1 or more comparators from 1 or more similar employers: (c) if neither paragraph (a) nor paragraph (b) applies, the parties must select 1 or more comparators from 1 or more other employers within the same industry or sector. <p>(3) The parties to a multi-employer pay equity claim must select comparators that are most closely related to the employers by approaching the task as follows:</p> <ul style="list-style-type: none"> (a) if 1 or more of the employers employ 1 or more comparators, the parties must select 1 or more comparators from 1 or more of those employers: (b) if none of the employers employ any comparators, the parties must select 1 or more comparators from 1 or more employers that are similar to the employers in the claim: (c) if neither paragraph (a) nor paragraph (d) applies, the parties must select 1 or more comparators from 1 or more other employers within the same industry or sector. <p>(4) In addition to acting in accordance with subsection (2) or (3) (as applicable) the parties may by agreement</p>	<p>The Act introduced a strict hierarchy requiring parties to look first for comparators within the same employer, then similar employers, then the same industry or sector — and if none can be found, the employer can discontinue the claim. The Committee found this fundamentally misunderstands pay equity: female-dominated sectors are often entirely female-dominated because of systemic undervaluation, meaning there is no appropriate male comparator within the sector. All previously successful health sector claims relied on comparators from outside the health sector, which would no longer be permissible. The Committee rejected the official problem definition as “wholly inaccurate and without evidence.”</p>

Appendix 5: Table Outlining Legislative Changes (continued)

Comparator amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
N/A	<p>13ZEA Employer decides no appropriate comparators available</p> <p>(1) If the employer decides that no appropriate comparators are available for selection, the employer must give notice to the claimant that —</p> <ul style="list-style-type: none"> (a) sets out the reasons for the employer's decision; and (b) describes the effect of the decision as set out in subsection (2); and (c) explains the steps that the claimant may take to challenge the employer's decision, including advice that the claimant may — <ul style="list-style-type: none"> (i) seek further details of the reasons for the employer's decision; and (ii) refer the decision to mediation under section 13ZO; and (iii) refer the decision to the Authority for facilitation under sections 13ZP to 13ZX if 1 or both of the grounds in section 13ZR(2) exist; and (iv) apply to the Authority under section 13ZY for a determination on the decision and that, if the claimant does so, the Authority will first consider whether an attempt has been made to resolve the question by facilitation or mediation. <p>(2) A notice under subsection (1) has the effect of discontinuing the pay equity claim from the date on which the employer gives the notice, but the discontinuance of the claim does not prevent —</p> <ul style="list-style-type: none"> (a) the parties from agreeing to reverse the employer's decision; or (b) the claimant from applying to the Authority for a determination in relation to the employer's decision; or (c) a new claim that complies with section 13DA from being raised. 	

Appendix 5: Table Outlining Legislative Changes (continued)

Phasing amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
N/A	<p>13ZH Settling pay equity claim</p> <p>(iii) if the parties have agreed on remuneration that does not differentiate between male and female employees in the manner set out in section 2AAC(b), but have not agreed on whether the remuneration is to be increased in phases, issues a determination —</p> <p>(A) that remuneration is to be increased to the agreed level on the date of the pay equity claim settlement; or</p> <p>(B) that remuneration is to be increased to the agreed level in phases and that specifies the number of phased instalments, their amounts or proportions, and their timing (over a maximum period of 3 years from the date of the pay equity claim settlement).</p>	<p>The Act allows pay equity settlements to be phased in over up to three years, and requires the Employment Relations Authority to always phase settlements over three years when it determines a rate. The Committee heard divided views: some accepted phasing could support employer viability, but many argued it extends an already decades-long injustice and erodes settlements through inflation. A legal contradiction was also identified: the Acting Attorney-General found phasing constitutes prima facie sex discrimination under the Bill of Rights Act, while accepting it could be justified on employer viability grounds. The Committee noted the mandatory phasing requirement also incentivises employers to let matters escalate to the Authority rather than settling in good faith.</p> <p>P. 3 https://nzlii.org/nz/other/NZBORARp/2025/27.pdf</p>
N/A	<p>13ZW Recommendation by Authority</p> <p>(1A) If the Authority makes a recommendation under subsection (1)(c), it must also specify that remuneration is to be increased in 3 annual phases of equal amounts or proportions starting at the date of the pay equity claim settlement (see section 13ZQ(2A)).</p>	

Appendix 5 · Table Outlining Legislative Changes (continued)

Evidence amendment		
2020 Equal Pay Act	2025 Equal Pay Act	Impact of the changes
<p>13ZD Matters to be assessed</p> <p>In making the assessments required by subsection (1), the parties —</p> <ul style="list-style-type: none"> (a) must consider matters objectively and without assumptions based on sex (and prevailing views as to the value of work must not be assumed to be free of assumptions based on sex); and (b) must recognise the importance of skills, responsibilities, effort, and conditions that are or have been commonly overlooked or undervalued in female-dominated work (for example, social and communication skills, taking responsibility for the well-being of others, cultural knowledge, and sensitivity); 	<p>13ZD Matters to be assessed</p> <p>In making the assessments, the parties must —</p> <ul style="list-style-type: none"> (a) consider matters objectively and without assumptions based on sex, taking the following into account: <ul style="list-style-type: none"> (i) prevailing views as to the value of work are not necessarily free of assumptions based on sex; (ii) undervaluations or other differences in remuneration that are identified are not necessarily based on sex; 	<p>The Act requires parties to consider whether identified undervaluation may not be based on sex but on undefined “market factors.” The Committee found this requirement has no clear definition in the legislation, regulations, or guidance, and could allow employers to attribute any pay gap to market forces — effectively rendering the pay equity assessment process redundant. The Committee examined supply and demand and productivity as the most commonly cited market factors, and concluded neither explains persistent gender pay gaps. Productivity metrics are inherently unsuited to measuring the value of care and social sector work, as the Productivity Commission found in 2017.</p> <p>https://www.treasury.govt.nz/sites/default/files/2024-05/pc-rp-social-sector-productivity-a-task-perspective.pdf</p>

Appendix 6: Discrimination claims in the Courts.

- Women may bring claims in the High Court alleging discrimination on the basis of sex under section 19 of the New Zealand Bill of Rights Act 1990 (NZBORA).
- Although NZBORA does not expressly provide remedies for breaches, the courts have recognised a right to an effective remedy at common law. In the Court of Appeal’s landmark decision in *Baigent’s Case*, *Cooke P* recognised that the courts would “fail in [their] duty” to protect and to promote human rights and fundamental freedoms in New Zealand (as required by paragraph (a) of the Long Title to the Bill of Rights), if the courts failed to provide an “effective remedy” for breaches of the Bill of Rights, including a compensation remedy where appropriate.
- ***New Zealand College of Midwives Inc v Attorney-General [2026] NZHC 405***
 - This case was brought by the New Zealand College of Midwives Inc and two representative midwife plaintiffs, on behalf of 1,473 lead maternity care (LMC) midwives, against the Attorney-General. The plaintiffs alleged that the Crown failed to honour promises to pay LMC midwives “fair and reasonable” remuneration for their services.
 - The Court upheld claims for breach of contract and breach of obligations to act in good faith. It also found that the Crown unlawfully discriminated against LMC midwives on the basis of sex, in breach of s 19 NZBORA.
 - The Court found that a declaration was not an adequate remedy. Damages were necessary to recognise the injury to dignity and to deter future breaches. The Court held that an amount of \$1,000 per LMC midwife was appropriate to recognise injury to dignity as a result of the breach, and to vindicate the right.
 - The Court found that the Crown breached the 2018 settlement agreement by: failing to work with the College of Midwives in good faith; failing to implement a national midwifery agreement; and failure to ensure fair and reasonable remuneration.
 - The Court also found that the long-standing payment regime under the Primary Maternity Services Notices amounted to unlawful sex-based discrimination. Since at least 2007, LMC midwives had been denied the same ability as other self-employed health professionals to negotiate conditions and achieve fair pay.
 - For the contractual claims, the Court ordered restorative damages to place the plaintiffs in the position they would have been in but for the breaches. This required payment of the difference between what midwives were paid from 1 July 2020 and a fair and reasonable service price. The calculation of damages was to be determined in Phase 2 of the proceedings.