Pacific Pay Gap Inquiry Literature Review

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Any queries regarding this report should be directed to the HRC at the following address:

New Zealand Human Rights Commission
PO Box 10424, Wellington 6140
Level 1, Stantec House, 10 Brandon Street Wellington 6011
New Zealand

www.hrc.co.nz
media@hrc.co.nz

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Table of Contents

Executive summary

Pacific peoples have contributed to growing wealth in Aotearoa New Zealand but have yet to benefit equally from their contribution.

In light of the Human Rights Commission's Inquiry into the Pacific Pay Gap, this literature review examines the literature relevant to the Pacific Pay Gap and Pacific peoples' experiences in the workplace and possible mechanisms for change. Importantly, this literature review notes that, for many Pacific peoples, the pay gap contributes to anxieties about being able to contribute to their family and community wellbeing.

It should first be noted that, to date, a limited amount of research has been done on this topic. This in itself is indicative of the voices and stories of Pacific peoples not being heard as much as they should in Aotearoa New Zealand. Nonetheless, there is sufficient research for which this literature review shows that, despite Pacific peoples' significant historical and ongoing contribution to the New Zealand economy, they continue to be disadvantaged through wider structural and institutional forces such as colonisation, neoliberalism, and racism. The intersectional nature of these forces means that Pacific women, peoples with disabilities, migrants and māhū, vakasalewa, palopa, fa'afafine, akava'ine, fakaleiti (leiti), fakafifine (MVPFFF+) or Pacific rainbow communities experience these forces differently.

In 2021, the gap between the median hourly earnings of Pacific men and Pākehā men was 18.8 percent. The gap was even larger for Pacific women compared with Pākehā men at 25.1 percent. Alongside Māori women, Pacific men and women experience the largest pay gaps compared to other ethnic groups. The literature suggests that the Pacific Pay Gap can be addressed in part through closing the educational attainment gap. However, further structural and societal change, including addressing discriminatory workplace practices, to fully address the Pacific Pay Gap.

Pay gaps and unfavourable working conditions exist in the three industries in focus for the Pacific Pay Gap Inquiry: construction, manufacturing, and healthcare. However, the literature indicates that there are important differences across these three industries.

The construction industry has a lower-than-average Pacific Pay Gap, but the gap is increasing over time. Pacific peoples in construction also have the highest in-work poverty rate in the industry compared to other ethnic groups. Another issue for Pacific peoples in the construction industry is precarious employment, which has resulted in Pacific peoples engaging in temporary, casual, fixed-term or zero-hour contracts characterised by irregular working hours and little opportunity for upskilling or career progression. This precarity has been identified as a contributing factor to poor health and safety practices and outcomes. Pacific construction workers have articulated how neoliberalism and racism contribute to their precarious employment.

The manufacturing industry experiences a higher-than-average Pacific Pay Gap. Pacific peoples have the highest in-work poverty rate within the manufacturing industry compared to other ethnic groups. The manufacturing industry dominates Accident Compensation Corporation (ACC) claims. Pacific and Māori peoples have the highest incident reporting but lowest acceptance rate for ACC claims. Pacific peoples experience racism in the manufacturing industry, with much of it tied to communication.

Pacific peoples in the healthcare industry experience the same pay gap as the national average. Pacific peoples are overrepresented amongst low-skilled and low-paying occupations within the sector, primarily occupying low-level administrative roles. Pacific workers in the healthcare industry have an in-work poverty rate of 8.6 percent, significantly higher than all other ethnic groups. Pacific peoples in healthcare have also reported experiencing racism through recruitment practices that create hostile workplaces and lower pay equity, reducing retention and progression rates for Pacific workers. Furthermore, Pacific migrant workers within healthcare have reported having to accept lower-skilled and therefore lower-paid work as their Pacific region qualifications and work experience are not accepted.

There is a significant gap in legislation internationally for addressing ethnic pay gaps. However, there are two main mechanisms for addressing the gender pay gaps that can be applied to the ethnic pay gap: comprehensive pay transparency and mandatory

annual reporting. Pay transparency commonly includes a combination of different rules and policies such as banning employers from requesting a prospective employee's wage or salary history, requiring that job advertisements include the expected compensation for the role and forbidding pay secrecy. Mandatory annual reporting involves workplaces mapping their ethnic pay gap. These reports are crucial for gathering extensive and rich data, which in turn holds workplaces accountable for remedying inequities. Both comprehensive pay transparency and mandatory annual reporting have been implemented overseas at different levels but have primarily focused on the gender pay gap with the potential to be expanded to the ethnic pay gap.

This literature review also surveyed other approaches to address pay gaps. These include flexible but secure work, addressing discrimination at all stages of the employment journey, cultural competence training, enforcement of equitable employment standards through government procurement and the creation of government grant programmes to support the development of workplace equity policies.

Within Aotearoa New Zealand, there is legislation with the potential to address the Pacific Pay Gap and unfavourable working conditions that Pacific peoples face. To address the pay gap, this literature review identified the Equal Pay Act 1972 as a significant lever for change that can be expanded to be inclusive of ethnicity. The Government has also announced its plans to pass fair pay agreement legislation to shift more bargaining power to employees, which could help to address ethnic pay gaps and disparities. To address unfavourable working conditions,

the Employment Relations Act 2000 prohibits discrimination based on race or ethnic and national origins in the workplace. However, there have been very few successful claims under this Act, and none of them have been claims brought by Pacific peoples. This lack of case law and the limited literature on this legislation suggests that the significant resourcing required to pursue a claim and the high evidential burden that needs to be met for a claim to succeed present barriers for Pacific peoples, who regularly report employment-related discrimination in research.

The literature suggests that any policy or legal intervention that aims to address the Pacific Pay Gap and unfavourable working conditions for Pacific peoples needs to include Pacific voices and experiences. Unfortunately, there is little research that includes these voices and experiences to date. More research is needed to identify what measures are effective at tackling the racism and discrimination in the workplace that Pacific peoples face. However, one emerging intervention arising from the literature is the creation of spaces of social innovation and social aspiration as a way to bring about long-term solutions to inequities facing Pacific peoples.

Overall, this literature review has firmly established that the Pacific Pay Gap and unfavourable working conditions for Pacific peoples contribute to social inequity for Pacific communities. Therefore, it is urgent and necessary to address these issues head-on to ensure that all Pacific peoples in Aotearoa New Zealand are able to live their lives with dignity and can benefit from the growing economy they contribute to through both paid and unpaid labour.

1 Introduction

In December 2020, the New Zealand Human Rights Commission launched the Pacific Pay Gap Inquiry.

The purpose of the Inquiry is to look into the Pacific Pay Gap and working conditions of Pacific peoples in Aotearoa New Zealand by considering the issues as they concern private sector employers and employees in three sectors: manufacturing, construction and health. The Inquiry is engaging workers, employers and other key informants to identify the factors contributing to the Pacific Pay Gap and the opportunities and barriers to addressing it. To ground the Inquiry, this report reviews the literature relevant to the Pacific Pay Gap and the experiences of Pacific peoples in the workforce in Aotearoa New Zealand, both generally and within the three sectors of focus.

The literature review draws on over 120 pieces of individual literature from policy, academic articles, opinion pieces, government reports, news articles, theses, local council reports, podcasts and radio interviews.

It begins by contextualising the Pacific Pay Gap and working conditions for Pacific peoples in Aotearoa New Zealand in terms of Pacific peoples' multiple migrations to Aotearoa New Zealand, New Zealand's colonial empire in the Pacific, the Dawn Raids of the 1970s and Pacific peoples' contribution to New Zealand's economy today. It then sets out four key framing ideas that frame and guide the review the literature: institutional racism, social inequity, intersectionality and human rights obligations.

Importantly, this review then examines the literature on mechanisms for addressing the Pacific Pay Gap, looking at mechanisms adopted to address ethnic and gender pay gaps in other countries and mechanisms currently in place in Aotearoa New Zealand. Finally, the literature on mechanisms for improving the working conditions of Pacific peoples in Aotearoa New Zealand is explored, looking at the current legal framework for discrimination claims, cultural competency training and policy design for Pacific peoples.

2 Context: Pacific Peoples in Aotearoa New Zealand

2.1 Defining the term 'Pacific peoples'

For the purposes of this literature review, the term 'Pacific peoples' is used to refer to people in Aotearoa New Zealand who self-identify with at least one of the Pacific ethnic groups that have been identified by Statistics New Zealand. The data from the 2018 Census shows that there are 17 distinct ethnic groups in the Pacific classification category as well as an 'Other' group. The breakdown of these Pacific ethnic groups are as follows: Cook Islands Māori, Fijian, Hawaiian, i-Kiribati, Indigenous Australian, Kiribati, Nauruan, Niuean, Ni Vanuatu, Papua New Guinean, Pitcairn Islander, Rotuman, Samoan, Solomon Islander, Tahitian, Tokelauan, Tongan and Tuvaluan.[1]

The breakdown of these Pacific ethnic groups in order of size is as follows: Samoan (47.9 percent), Tongan (21.6 percent), Cook Islands Māori (21.1 percent), Niuean (8.1 percent), Fijian (5.2 percent), Tokelauan (2.3 percent), Tuvaluan (1.2 percent), i-Kiribati (0.8 percent), Tahitian (0.5 percent), Papua New Guinean (0.3 percent), Ni Vanuatu (0.3 percent), Rotuman (0.2 percent), Indigenous Australian (0.2 percent), Solomon Islander (0.2 percent), Hawaiian (0.1 percent), Pitcairn Islander (0.05 percent) and Nauruan (0.03 percent).[2]

The Inquiry adopts the term 'Pacific peoples' due to the fact that this term is used by Statistics New Zealand and employers to collect data sets that are integral to the Inquiry's work. However, it is acknowledged that this term is not universally used and that other terms such as 'Pasifika', 'Pasefika'[3] and 'Moana Oceania'[4] are also used elsewhere.

This Inquiry also uses the term 'Pākehā' rather than Pacific terms for people of European descent such as 'Papālagi' (Samoan) or 'Pālangi' (Tongan). This is because Pākehā is the most widely used and recognised name to describe people of European descent in Aotearoa New Zealand.

2.2 Multiple Pacific migrations to Aotearoa New Zealand

Pacific peoples' migration stories of coming to Aotearoa New Zealand are important as they provide insight into how Pacific peoples both arrived in and experience their lives within Aotearoa New Zealand. Pacific peoples had four waves of migration to Aotearoa New Zealand.

The first wave of migration took place approximately 1,200 years ago when Eastern Pacific peoples explored and settled in Aotearoa to become Tangata Whenua. This cemented Pacific peoples as extended family to Māori and created bonds and relationships through culture and genealogy across Te Moana Nui a Kiwa (greater Oceania kinship connections).[5]

The second and third waves of migration are deeply tied to the European colonisation of the Pacific. New Zealand officially colonised Samoa from 1920–62, the Cook Islands from 1901–65, Niue from 1901–74 and Tokelau from 1926 to the present, with Niue and the Cook Islands remaining protectorates of New Zealand.[6] In the second wave of migration 150 years ago, Pacific peoples arrived in Aotearoa as trainee teachers, missionaries, sailors and whalers.

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1   https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples-not-further-defined.

2   https://www.stats.govt.nz/tools/2018-census-ethnic-group-summaries/pacific-peoples-not-further-defined. Those who identified as 'Other' comprised 0.8 percent of responses.

3   https://pasifika.tki.org.nz/LEAP/Glossary#P.

4   https://www.lagi-maama.com/whymoanaoceania.

5   Health Research Council of New Zealand. *Pacific Health Research Guidelines*. Auckland: Health Research Council of New Zealand, 2014, 2-3. https://gateway.hrc.govt.nz/funding/downloads/Pacific_health_research_guidelines.pdf; Health Quality & Safety Commission. *Bula Sautu – A Window* https://gateway.hrc.govt.nz/funding/downloads/Pacific_health_research_guidelines.pdf; Health Quality & Safety Commission. *Bula Sautu – A Window on Quality 2021: Pacific Health in the Year of COVID-19*. Wellington: Health Quality & Safety Commission, 2021, 9-10.

6   Te Punga Somerville, Alice. *Once Were Pacific: Māori Connections to Oceania*. Minneapolis: University of Minnesota Press, 2012, xxii.

The third wave followed 70 years later when Pacific peoples who had served the colonial government as civil servants within the Pacific 'territories' or in the colonial armed forces were permitted to relocate to New Zealand.[7]

The fourth migration, which followed World War II, was perhaps the most significant and is the migration story most people are familiar with today. Pacific peoples migrated for economic reasons during the fourth migration and found work in the manufacturing and service sectors in post-war Aotearoa New Zealand.[8]

2.3 The relationship between Pacific peoples and Māori in Aotearoa New Zealand

Given that the Pacific Pay Gap co-exists with the Māori pay gap[9] and that honouring te Tiriti o Waitangi is central to addressing intersectional inequities in Aotearoa New Zealand,[10] this section examines the literature exploring the relationship that Pacific peoples have with Māori as Tangata Whenua of Aotearoa New Zealand. This is while noting that there are people who are both of Māori and Pacific descent in Aotearoa New Zealand.[11]

As Māori scholars have pointed out, it is important to acknowledge that, unlike most of the relationships that Māori have with other migrant populations in Aotearoa New Zealand, the relationship between

Māori and Pacific peoples pre-dates the signing of te Tiriti.[12] For example, Jackson notes that Māori and Pacific peoples have held unique whakapapa relationships with each other well before 1840, but forces of colonisation have "created division":[13]

> One of the worst things that colonisation did to our people was make us forget that we are Pacific peoples. So for generations 'Pacific Islanders' did not include Māori, 'Pacific Islanders' were those people over there ... and so that created division where history and whakapapa had once bound us together ...

In terms of the modern dynamics of this "division", Teaiwa and Mallon have described contemporary relationships between Māori and Pacific peoples as an "ambivalent kinship" that has led to "a denial of kinship; or an assertion of seniority within the kinship model; or it may produce movements were the representation of a united 'happy family' may feel the most comfortable and appropriate".[14]

In a similar vein, scholars have highlighted tensions and missed opportunities for solidarity between the two groups.[15] For example, Anae observes that there is a sense among Pacific peoples that "the Treaty of Waitangi has formally very little to do with Pacific peoples ... it is probably true that most Pacific people in New Zealand do not take an interest in it - fuelling the belief that in essence it involves Māori and the

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7 Patterson, Sereana. "Beyond the Dusky Maiden: Pasifika women's experiences working in higher education." PhD thesis, University of British Columbia, 2018, 12. https://open.library.ubc.ca/soa/cIRcle/collections/ubctheses/24/items/1.0370998.

8 Patterson, "Beyond the Dusky Maiden," 12; Te Punga Somerville, *Once Were Pacific*, xxii.

9 The wāhine Māori pay gap is currently one of the subjects of the Mana Wāhine Inquiry being heard by the Waitangi Tribunal. See Ministry for Women, Mana Wāhine Inquiry. https://women.govt.nz/w%C4%81hine-m%C4%81ori/mana-w%C4%81hine-inquiry.

10 Jackson, Moana. "Understanding Racism in this Country," E-Tangata, February 25, 2018. https://e-tangata.co.nz/comment-and-analysis/moana-jackson-understanding-racism-in-this-country/; Jackson, Moana. "Space, Race, Bodies – A Conference Theme, A Timely Reminder." *Sites: New Series* 14 (2017): 7.

11 The exact number of people who are both Māori and Pacific is not known but it is estimated that "as much as two-thirds of New Zealand born Pacific peoples whakapapa Māori as well". See Vaka'uta, Koro. "Māori-Pasifika: Generation B emerging in Aotearoa." Radio New Zealand. February 8, 2021. https://www.rnz.co.nz/international/pacific-news/435907/maori-pasifika-generation-b-emerging-in-aotearoa.

12 Ngata, Tina."Environmental Racism and Te Tiriti o Waitangi webinar." YouTube, April 22, 2020. https://youtu.be/XPb6mpYIZos; Jackson, Moana. "A kōrero with Moana Jackson – Te Tiriti Based Futures 2020 Webinar." YouTube, March 21, 2020. https://youtu.be/XPb6mpYIZos; Te Punga Somerville *Once Were Pacific*, xvii.

13 Jackson, "A kōrero with Moana Jackson."

14 Teaiwa, Teresia, and Sean Mallon. "Ambivalent Kinships? Pacific People in New Zealand." In *New Zealand Identities: Departures and Destinations*, edited by James H Liu, Tim McCreanor, Tracey McIntosh, and Teresia Teaiwa, 208. Wellington: Victoria University Press, 2005.

15 Awatere, Donna. *Māori Sovereignty*. Auckland: Broadsheet, 1984, 14, 37-40; Mafile'o Tracie, and Wheturangi Walsh-Tapiata. "Māori and Pasifika Indigenous Connections: Tensions and Possibilities." *AlterNative: An International Journal of Indigenous Peoples* 3 (2007): 128-145; Vaka'uta, Koro."Where do Pasifika fit in the Treaty of Waitangi?" Radio New Zealand (February 6, 2020). https://www.rnz.co.nz/international/pacific-news/408963/where-do-pasifika-fit-in-the-treaty-of-waitangi; Hill, Richard. "Fitting Multiculturalism into Biculturalism: Maori–Pasifika relations in New Zealand from the 1960s." *Ethnohistory* 57 (2010): 291-319.

Crown only".[16] This is despite some key examples of Māori-Pacific solidarity throughout history, including Māori support during the Mau movement for Samoa's independence, collaborative activism between the Polynesian Panthers and Ngā Tamatoa and the recent presence of Pacific peoples within the Protect Ihumātao movement.[17]

However, while these divisions do exist, Māori and Pacific scholars have made it clear that there is still potential for strengthening solidarity between Māori and Pacific peoples to overcome the ongoing settler-colonial and racial injustices of today. From a Māori perspective, Jackson notes:[18]

> … I would hope that as [Māori] gain more confidence in who we are as belonging to this land, that we would also be able to re-strengthen our ties with our whanaunga in the Pacific. They've never been completely severed, but they have been put under strain.

Similarly, Anae speaks to the urgent priorities of Pacific peoples as follows:[19]

> It is urgent and timely that we reflect on the Treaty as a turning/reference point in our consciousness about the va/relationship between Māori/Tangata Whenua and Pacific peoples/ tangata Pasifika. What is needed is a philosophical basis for reconceptualising the spaces/va where Māori and Pacific peoples meet, work, play, marry, and have been thrown together, in order to reach a new level of understanding and a way forward in Māori-Pacific va in Aotearoa.

In thinking about what this "reconceptualising" might involve, the literature suggests that it will require a reimagining of Māori-Pacific whakapapa relationships beyond the confines of the New Zealand nation-state.[20] For example, Te Punga Somerville argues that "as long as Māori and Pasifika communities insist that their primary relationship is with the New Zealand nation-state, relationships between these communities will struggle to function beyond the narrow parameters that the state provides".[21]

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[16] Anae, Melani. "The Treaty of Waitangi and the Va Between Māori and Pacific Peoples in Aotearoa, New Zealand." Pacific Media Network (February 4, 2021). https://pacificmedianetwork.com/articles/the-treaty-of-waitangi-and-the-va-between-mori-and-pacific-peoples-in-aotearoa-new-zealand.

[17] Anae, "The Treaty of Waitangi and the Va Between Māori and Pacific Peoples in Aotearoa, New Zealand."

[18] Jackson, "A kōrero with Moana Jackson."

[19] Anae, "The Treaty of Waitangi and the Va Between Māori and Pacific Peoples in Aotearoa, New Zealand."

[20] Asafo, Dylan, and Litia Tuiburelevu. "Finding Our Way to the Island: Critical Reflections from Two Emerging Pacific Legal Academics in Aotearoa." *The Journal of New Zealand Studies* NS33 (2021), 64-65; Asafo, Dylan, and Litia Tuiburelevu. "Critical Race Theory and the Law in New Zealand." *Counterfutures* 12 (2021): 92-131; Rata, Arama, and Faisal Al-Asaad. "Whakawhanaungatanga as a Māori Approach to Indigenous-Settler of Colour Relationship Building." *New Zealand Population Review* 45 (2019): 211-233; Te Punga Somerville, *Once Were Pacific*, 175.

[21] Te Punga Somerville, *Once Were Pacific*, 175.

2.4 The New Zealand empire and the Pacific

Understanding the relationship between the New Zealand empire and the Pacific Islands also provides important context to the experiences of Pacific peoples in Aotearoa New Zealand today.

New Zealand[22] actively sought colonial options in the South Pacific and saw itself as the Britain of the South Pacific.[23] The New Zealand Government represented itself as capable of taming and civilising what it positioned as the unruly and uncivilised Pacific population.[24]

This racist and colonial ideology was evident in the New Zealand empire's active complicity in blackbirding in the Pacific, which saw European slave traders enslaving or deceiving Pacific peoples into slave labour on plantations in New Zealand, Australia and various other countries.[25]

It was also evident during New Zealand's colonial rule in Samoa, particularly when colonial officials mishandled the 1918 influenza pandemic by allowing sick passengers to disembark from SS *Talune* and infect the Samoan people.[26] This bungling proved tragic and fatal, resulting in 8,500 or 22–25 percent of the Samoan population dying.[27] The New Zealand Government's oppressive approach to colonial rule in Samoa resulted in the formation of the Mau movement, which fought to assert the rights of the Samoan people against the New Zealand colonial administration. Tensions between groups erupted on Black Saturday (28 December 1929) when New Zealand Police opened fire on a peaceful march of the Mau movement, murdering 11 Samoans.[28] New Zealand's administration of Niue can also be understood as harmful, seen in 1953 when New Zealand High Commissioner Cecil Larsen became New Zealand's only diplomat to be murdered while living overseas by three young Niuean men following accusations of serious mistreatment and abuse of power by the High Commissioner at the time.[29]

In relation to the enduring inequities experienced by Pacific peoples in New Zealand today, one important point to highlight is that the colonial role of New Zealand has significantly shaped education programmes in the Pacific from the 1840s. Under colonial rule, an underresourced education system was established within the Pacific that was designed to ensure Pacific peoples specialised in manual labour and had limited access to literacy and numeracy programmes.[30] As a result of these policies, Pacific peoples' access to higher education necessitated travelling overseas, ensuring that tertiary education was almost unattainable to most.[31]

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22 New Zealand is used here as this section refers to the state of New Zealand.

23 Ministry for Culture and Heritage. "New Zealand in the Pacific." New Zealand History. Updated January 13, 2016. https://nzhistory.govt.nz/war/capture-of-samoa/background. https://nzhistory.govt.nz/war/capture-of-samoa/background.

24 Leenen-Young, Marcia, and Sereana Naepi. "Gather Pandanus Leaves: Colonization, Internationalization and the Pacific." *Journal of International Students* 11 no. S1 (2021): 17.

25 Hamilton, Scott. *The Stolen Island: Searching for 'Ata*. Wellington: Bridget Williams Books, 2016, 40-43; Blundell, Sally. "Blackbirding: New Zealand's Shameful Role in the Pacific Islands Slave Trade." Stuff. December 2, 2018. https://www.stuff.co.nz/national/noted/listener/108992096/blackbirding-new-zealands-shameful-role-in-the-pacific-islands-slave-trade.

26 Tahana, Jamie. "How NZ Took Influenza to Samoa, Killing a Fifth of its Population." Radio New Zealand. October 7, 2018. https://www.rnz.co.nz/international/pacific-news/375404/how-nz-took-influenza-to-samoa-killing-a-fifth-of-its-population. See also: Tomkins, Sandra. "The Influenza Epidemic of 1918–19 in Western Samoa." *The Journal of Pacific History* 27, no. 2 (1992): 185.

27 Tahana, "How NZ Took Influenza to Samoa, Killing a Fifth of its Population."

28 Ministry for Culture and Heritage, "New Zealand in Samoa." New Zealand History. Updated April 30, 2020. https://nzhistory.govt.nz/politics/samoa. https://nzhistory.govt.nz/politics/samoa.

29 The Niue youth were Folitolu (26), Latoatama (19) and Tamaeli (16); "Untold Pacific History: Episode 2 – Niue/The Murder of Commissioner Larsen." The CoconetTV. June 2, 2021. https://www.youtube.com/watch?v=s-gE1tyepVo.

30 Leenen-Young and Naepi, "Gathering Pandanus Leaves," 18-22.

31 Leenen-Young and Naepi, "Gathering Pandanus Leaves," 18-22.

2.5 Pacific peoples, inequity and neoliberalism

The literature suggests that it is important to contextualise the Pacific Pay Gap and workplace experiences of Pacific peoples in terms of the rise of neoliberalism in Aotearoa New Zealand. This review adopts the broad definition of neoliberalism offered by Barnett and Bagshaw, who define neoliberalism as a "political/economic model" with the following three elements:[32]

Economic restructuring, markets and privatisation—increased competition; removal of the state from commercial activity, greater openness to international trade and investment, freedom of movement of capital, labour and goods ('globalisation').

Limiting public expenditure on social services, including healthcare and education, and infrastructure, with debt reduction the major goal (later called 'austerity' policies).

Deregulation and promotion of individual responsibility—limiting government regulation that might inhibit economic activity, despite risks to personal health and safety or the environment, giving priority to individual responsibility and 'choice' over concepts of 'public good' or 'community'.

In regard to Pacific peoples, Mila notes that the decades following the Dawn Raids saw the living conditions of Pacific peoples progressively worsen due to the neoliberal reforms introduced by the Labour Government's Minister of Finance Roger Douglas from 1984–1992.[33] For example, the removal of protective tariffs for manufacturing industries resulted in mass job losses among Māori and Pacific peoples,[34] which helped to see the unemployment rate of Pacific peoples rise significantly from 6 percent to 29 percent within a decade.[35] In 1986, Pacific peoples earned a real median income that was 89 percent of the national real median income, and within five years, this plummeted to 69 percent.[36]

Due to the persistence of neoliberal laws and policies today,[37] the socioeconomic position of Pacific peoples has never recovered. For example, Pacific peoples currently have disproportionately high unemployment rates, with 7.8 percent of Pacific peoples being unemployed compared to 3.9 percent of the total population.[38] Furthermore, Pacific peoples have the lowest median wealth in the country of $15,000 compared to European household net worth of $138,000.[39]

Unfortunately, there is a lack of literature exploring the relationship between the rise of neoliberalism in Aotearoa New Zealand and the Pacific Pay Gap and the broader workplace experiences of Pacific peoples. There is a growing body of literature on

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[32] Barnett, Pauline, and Philip Bagshaw. "Neoliberalism: What it is, How it Affects Health and What to do About it." *NZ Med. J* 133 (2020): 77.

[33] Mila, Karlo. "Only One Deck." In *Inequality: A New Zealand Crisis*, edited by Max Rashbrooke, 96. Wellington: Bridget Williams Books, 2013, citing: Ongley, Patrick. "Ethnicity, Migration and the Labour Market." In *Tangata Tangata: The Changing Ethnic Contours of New Zealand*, edited by Paul Spoonley, Cluny Macpherson, and David Pearson. Melbourne/Palmerston North: Thomson/Dunmore Press, 2004. See also: Mila, Karlo. "Deconstructing the Big Brown Tails/Tales: Pasifika Peoples in Aotearoa New Zealand." In *A Land of Milk and Honey? Making Sense of Aotearoa New Zealand*, edited by Avril Bell, Vivienne Elizabeth, Tracey McIntosh, and Matt Wynyard. Auckland: Auckland University Press, 2017.

[34] Mila, "Only One Deck," 96, citing: Bedford, Richard. "Pacific Islanders in New Zealand." *Espace Populations Sociétés* 2 (1994): 187-200.

[35] Mila, "Only One Deck," 96, citing: Ongley, Patrick. "Immigration, Employment and Ethnic Relations." In *Nga Patai: Racism and Ethnic Relations in Aotearoa/New Zealand*, edited by Paul Spoonley, Cluny Macpherson, and David Pearson. Palmerston North: Dunmore Press, 1996.

[36] Mila, "Only One Deck," 96, citing: Statistics New Zealand. *Pacific Progress: A Report of the Economic Status of Pacific Peoples in New Zealand. Wellington: Statistics New Zealand*, 2002. https://www.stats.govt.nz/reports/pacific-progress-a-report-on-the-economic-status-of-pacific-peoples-in-new-zealand.

[37] Barnett and Bagshaw, "Neoliberalism"; Reynolds, David, Miranda Mirosa, and Hugh Campbell. "Food and Vulnerability in Aotearoa/New Zealand: A Review and Theoretical Reframing of Food Insecurity, IncomeReview and Neoliberalism."Theoretical Reframing of Food Insecurity, Income and Neoliberalism." *New Zealand Sociology* 35 (2020): 123-152; Keddell, Emily. "The Vulnerable Child in Neoliberal Contexts: The Construction of Children in the Aotearoa New Zealand Child Protection Reforms." *Childhood* 25 (2018): 93-108.

[38] Ministry of Business, Innovation & Employment. *Pacific Peoples in the Labour Market – June 2021 Quarter (Unadjusted)*. https://www.mbie.govt.nz/dmsdocument/16895-pacific-peoples-in-the-labour-market-june-2021-quarter.

[39] https://www.stats.govt.nz/information-releases/household-net-worth-statistics-year-ended-june-2018.

how neoliberalism impacts Pacific peoples working in universities.[40] However, research exploring gender pay gaps in Aotearoa New Zealand has not explored the intersectional pay gaps faced by Pacific women.[41]

For example, in a study by McGregor et al. on the experiences of female engineers in seeking equal pay in Aotearoa New Zealand, the authors argue that the gender pay gap is connected to neoliberal laws and policies of individualised negotiation and bargaining.[42] However, the authors did not have Pacific women engineers in their sample[43] and were thus unable to explore the unique intersectional experiences of Pacific women engineers. A similar intersectional study by Pringle et al. drew on some of the same data as McGregor et al. but looked at gender pay equity for women in caring occupations as well as engineering in Aotearoa New Zealand.[44] Here, the authors investigated the intersections of gender and class rather than any intersections with ethnicity, explaining they "gave a central place to class, partly because class is not a justiciable inequality in NZ, nor in similar jurisdictions".[45]

Therefore, there is an apparent need for further research to fill this critical gap in the literature regarding how neoliberalism impacts the Pacific Pay Gap and the workplace experiences of Pacific peoples.

2.6 Pacific peoples and the Dawn Raids

Post-World War II, New Zealand faced a labour shortage that led to changes in New Zealand's immigration policies.[46] The New Zealand Government actively encouraged Pacific peoples in the Pacific Islands to migrate to Aotearoa New Zealand to fill the shortage,[47] specifically low-paid jobs that many Pākehā New Zealanders did not want to do, including shift work, factory work, assembly line production, processing and cleaning.[48] As a result, Pacific migrants came in large waves on temporary visas, resulting in the Pacific population growing from 3,600 in 1951 to over 50,000 in 1972.[49] During this time, government enforcement against the overstaying of visas was relaxed.[50]

However, the economic recession of 1973 saw Pacific migrants being scapegoated by politicians and the media by being blamed for rising unemployment and unrest.[51] Accordingly, the Labour Government suspended its relaxed approach to temporary visas, and a Police task force was commissioned to initiate

40 Naepi, Sereana. "Pacific Women's Experiences Working in Universities in Aotearoa New Zealand." *Higher Education Research & Development* 40, no. 1 (2021): 63-74; Kidman, Joanna, and Cherie Chu. "'We're not the Hottest Ethnicity': Pacific Scholars and the Cultural Politics of New Zealand Universities." *Globalisation, Societies and Education* 17 (2019): 489-499; Barber, Simon, and Sereana Naepi. "Sociology in a Crisis: Covid-19 and the Colonial Politics of Knowledge Production in Aotearoa New Zealand." *Journal of Sociology* 56 (2020): 693-703.

41 McGregor, Judy, Sharyn Graham Davies, Lynne S. Giddings, and Judith Pringle. "Pursuing Equal Pay: The Perspectives of Female Engineers and Potential Policy Interventions." *Journal of Industrial Relations* 59 (2017): 3-21; Pringle, Judith, Sharyn Davies, Lynne Giddings, and Judy McGregor. "Gender Pay Equity and Wellbeing: An Intersectional Study of Engineering and Caring Occupations." *New Zealand Journal of Employment Relations* 42, no. 3 (2017): 29-45; Graham Davies, Sharyn, Judy McGregor, Judith Pringle, and Lynne Giddings. "Rationalizing Pay Inequity: Women Engineers, Pervasive Patriarchy and the Neoliberal Chimera." *Journal of Gender Studies* 27, no. 6 (2018): 623-636; Douglas, Julie, and Katherine Ravenswood. "'We Can't Afford Pay Equity': Examining Pay Equity and Equal Pay Policy in a Neoliberal Environment." *New Zealand Sociology* 34 (2019): 175-199; Parker, Jane, and Noelle Donnelly. "The Revival and Refashioning of Gender Pay Equity in New Zealand." *Journal of Industrial Relations* 62 (2020): 560-581.

42 McGregor et al., "Pursuing Equal Pay," 15-16.

43 McGregor et al., "Pursuing Equal Pay," 9.

44 Pringle et al., "Gender Pay Equity and Wellbeing".

45 Pringle et al., "Gender Pay Equity and Wellbeing," 32.

46 Bedford, Richard. "Skilled Migration in and out of New Zealand: Immigrants, Workers, Students and Emigrants." In *Evaluation of the General Skilled Migration Categories Report*, edited by Bob Birrell, Lesleyanne Hawthorne, and Sue Richardson, 221-225. Canberra: Commonwealth of Australia, 2006. https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.476.8583&rep=rep1&type=pdf.

47 Fraenkel, Jon. *Pacific Islands and New Zealand – Immigration and Aid*. Te Ara – the Encyclopedia of New Zealand. https://teara.govt.nz/mi/pacific-islands-and-new-zealand/print.

48 Lay, Graeme. *Pacific New Zealand*. Auckland: David Ling Publishing, 1996, 13.

49 Gibson, Katherine. "Political Economy and International Labour Migration: The Case of Polynesians in New Zealand." *New Zealand Geographer*, 9 (1983): 31.

50 Ministry for Pacific Peoples. *Dawn Raids Apology*. https://www.mpp.govt.nz/about-us/dawn-raids-apology/.

51 Anae, Melani. "All Power to the People: Overstayers, Dawn Raids and the Polynesian Panthers." In *Tangata o Le Moana: New Zealand and the People of the Pacific*, edited by Sean Mallon, Kolokesa Mahina-Tuai, and Damon Salesa. Wellington: Te Papa Press, 2012, 223.

the 'Dawn Raids' to arrest, detain and deport those whose visas had expired.[52] The task force also carried out random stop checks in public, instructing those who appeared to be of Pacific or Māori descent to provide evidence they were not overstaying on a visa.[53]

The election of the National Government in 1975 would see the Dawn Raids intensify, following an anti-Pacific campaign that blamed Pacific migrants for the country's socioeconomic troubles, including one advertisement depicting a Pacific migrant as a tiger violently attacking a Pākehā New Zealander.[54] Contrary to the Government's claims at the time, it was subsequently revealed that the majority of overstayers in New Zealand were not Pacific peoples. While Pacific peoples had constituted only one-third of all overstayers, 86 percent of those prosecuted in this period were Pacific peoples compared to those from the United States (US) and United Kingdom (UK) who constituted 31 percent of overstayers but only 5 percent of those prosecuted.[55]

Recently, a formal Government apology was issued for the Dawn Raids, which included $2.1 million in scholarships, $1 million in Manaaki New Zealand short-term scholarship training courses for delegates from Samoa, Tonga, Tuvalu and Fiji and the creation of resources to teach the history of the Dawn Raids and a commitment to resourcing a comprehensive historical record of the Dawn Raids period. [56]

2.7 Pacific peoples' contribution to New Zealand's economy today

Pacific peoples make a significant contribution to New Zealand's economy. The Treasury's 2018 *The New Zealand Pacific Economy* report shows that Pacific individuals and businesses contribute $8 billion to New Zealand's gross domestic product in income and that, in 2018, there were approximately 1,500 Pacific business employers and 500 not-for-profit Pacific organisations with assets totalling $8.3 billion that contribute an estimated $3.1 billion annually.[57] Pacific peoples also spend 27,000 hours a week doing voluntary work across New Zealand.[58] Pacific peoples' economic contribution to Aotearoa New Zealand could be significantly more if pay gaps and inequitable access to education were addressed. Tamu noted recently that Aotearoa New Zealand still lacks a vision of how Pacific peoples can succeed in skilled work and leadership.[59]

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[52] Anae, "All Power to the People," 227.

[53] Ministry for Pacific Peoples, *Dawn Raids Apology*.

[54] Anae, "All Power to the People," 232.

[55] Spoonley, Paul. *Racism and Ethnicity: Critical Issues in New Zealand Society*. Oxford: Oxford University Press, 1988, 4.

[56] Ardern, Jacinda, and Aupito William Sio. *Government Offers Formal Apology for the Dawn Raids*. New Zealand Government. August 1, 2021.. https://www.beehive.govt.nz/release/government-offers-formal-apology-dawn-raids.

[57] New Zealand Treasury. *The New Zealand Pacific Economy*, Wellington: New Zealand Treasury, 2018, 1. https://www.beehive.govt.nz/sites/default/files/2018-11/NZ%20Pacific%20Economy%20Report%2013%20November%202018_0.pdf.

[58] New Zealand Treasury, *The New Zealand Pacific Economy*, 1.

[59] Maxim Institute. "Leilani Tamu on the 'Pacific Workforce Challenge'." Maxim Institute (podcast), December 11, 2019, accessed July 12, 2021. https://www.maxim.org.nz/article/leilani-tamu/.

3 Framing ideas

There are four key research ideas that inform this literature review. The first is that institutional racism exists, the second is that the Pacific Pay Gap contributes to social inequity, the third is the importance of an intersectional lens and the fourth is that the Pacific Pay Gap contravenes international human rights obligations. These framing ideas give an indication of the significant contributors to the Pacific Pay Gap and also the very real ramifications of the Pacific Pay Gap on Pacific peoples' ability to experience an adequate standard of living and wellbeing at the very least.

3.1 Institutional racism

Understanding the role that institutional racism plays in the creation and maintenance of the Pacific Pay Gap is vital to finding effective solutions.[60] Pacific peoples report experiencing institutional racism that has a negative impact on their community.[61] Research with Pacific peoples in Aotearoa New Zealand has found that perceived discrimination and structural racism are associated with poorer health and wellbeing, which ultimately impacts Pacific peoples' ability to live well.[62] Institutional racism is synonymous with structural racism, and the terms are used interchangeably throughout this literature review dependent on the term used in the source literature. Institutional racism is the notion that racism does not work solely on an individual-to-individual level but instead is an overarching operation, a set of collective and systematic attitudes and policies that actively seek the oppression of racialised bodies[63] through different social institutions.[64] Understanding institutional racism brings awareness to the broader structures at play that ensure power imbalances. Institutional racism can occur in all spheres – for example, in politics, education and the criminal justice system and within the workforce. As a result, institutions such as schools, Police, businesses and healthcare facilities actively marginalise racialised bodies through their regulations, policies and overall culture, which is often connected to institutional habit.[65] Institutional habit, or how a company or institution does things based on their foundational value systems, can contribute to or enforce institutional racism if the habits reward and/or encourage 'white' value systems.[66]

[60] Ministry for Pacific Peoples. *Pacific Employment Action Plan – Prosperous Pacific Communities*. Wellington: Ministry for Pacific Peoples, 2020. https://www.mpp.govt.nz/assets/Ministers-and-Cabinet/Pacific-Employment-Action-Plan-Prosperous-Pacific-Communities.pdf.

[61] New Zealand Human Rights Commission. *Talanoa: Human Rights Issues for Pacific Peoples in Aotearoa New Zealand*. Wellington: New Zealand Human Rights Commission, 2020, 14.

[62] Kapeli, Sarah, Sam Manuela, and Chris G. Sibley. "Perceived Discrimination is Associated with Poorer Health and Well-being Outcomes among Pacific peoples in New Zealand." *Journal of Community & Applied Social Psychology* 30, no. 2 (2020): 140.

[63] Racialised bodies as a term provides a way to recognise how different skin tones come to be embedded with different characteristics and that this process changes how people and structures interact with an individual based on these meanings: Ahmed, Sara. "Racialised Bodies." In *Real Bodies*, edited by Mary Evans and Ellie Lee. London: Palgrave, 2002, 46.

[64] To clarify, institutional racism is distinct from other forms of racism such as interpersonal racism and internalised racism. See: Reid, Papaarangi, and Bridget Robson. "Understanding Health Inequities." In *Hauora: Māori Standards of Health IV: A Study of the Years 2000-2005*, edited by Bridget Robson and Ricci Harris, 6. Wellington: Te Rōpū Rangahau Hauora a Eru Pōmare, 2007.

[65] Ahmed, Sara. *On Being Included*. Durham: Duke University Press, 2012, 39-42.

[66] Ahmed, *On Being Included*, 26-37.

3.2 Social inequity

The Pacific Pay Gap both contributes to, and is symptomatic of, the prevalence of social inequity in Aotearoa New Zealand. Social inequity can be defined as a disparity in income, social mobility and overall opportunities for particular social groups.[67] These inequities are also affected by the different aspects of identity such as age, ethnicity, gender, religion or sexuality. Not only do these identities operate independently, they can also intersect and impact on individual or community positions of power and privilege, or lack of, within society.[68]

The Pacific Pay Gap reflects an increasing gap in income between the wealthiest and the poorest in Aotearoa New Zealand society, a gap that is growing larger over the years.[69] New Zealand citizens who sit in the top 1 percent of New Zealand income rates own 18 percent of the country's wealth overall, while those who sit in the bottom half of income rates account for only 4 percent altogether.[70] Nearly three-quarters of the Pacific population in New Zealand live in lower-socioeconomic areas with lower-decile schools, inadequate healthcare facilities and an overall lack of communal structures that promote positive social cohesion.[71] Of the approximately 200,000 children who live below the New Zealand poverty line, one in four is Pacific.[72] As Mila argues, these conditions disadvantage Pacific peoples by creating a "social distance between the 'haves' and 'have nots' … [rendering] some parts of society an unwelcome burden".[73]

3.3 Intersectionality

Within the body of literature surveyed for this review, there is a stark absence of acknowledgement of intersectional identities in the Pacific experiences within the workforce. Intersectionality is defined as the process of multiple identities overlapping to discriminate further or marginalise an individual or group of people.[74] This term was initially coined to describe black women's experience and discrimination, emphasising that the double axis of being an ethnic minority and female creates interactions of discrimination that are enhanced compared to being only an ethnic minority or a female.[75] Intersectionality encompasses the characteristics of race, class, gender, sexuality and beyond to illustrate the nuanced interactions of discrimination and violence against different groups of people. Failing to account for intersectional analysis in research introduces the danger of homogenising the experience of discrimination, when in reality there are different encounters that vary depending on overlapping characteristics or the absence of some. While there is a well-recorded debate about the heterogeneous nature of Pacific communities, there is little in relation to how these other intersecting Pacific identities experience the Pacific Pay Gap. The differences highlighted in this section serve as an example of why it is essential to consider different groups of Pacific peoples in research, including migrant or New Zealand born, as well as Pacific peoples who are unemployed or underemployed, work uncertain hours, have insecure

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[67] Rashbrooke, Max. "Why Inequality Matters." In *Inequality: A New Zealand Crisis*, edited by Max Rashbrooke. Wellington: Bridget Williams Books, 2015, 8.

[68] Weber, Max. "The Distribution of Power Within the Community: Classes, Stände, Parties." *Journal of Classical Sociology* 10, no. 2 (2010): 148-149.

[69] Rashbrooke, Max. "Inequality and New Zealand." In *Inequality: A New Zealand Crisis*, edited By Max Rashbrooke. Wellington: Bridget Williams Books, 2015, 42.

[70] Rashbrooke, Max, Geoff Rashbrooke, and Wilma Molano. *Wealth Disparities in New Zealand: Final Report*. Wellington: Institute for Governance and Policy Studies, 2017, 8. https://www.victoria.ac.nz/__data/assets/pdf_file/0008/1175246/WP17-02-Wealth-Disparities-in-NZ-Final-2017.pdf. https://www.victoria.ac.nz/__data/assets/pdf_file/0008/1175246/WP17-02-Wealth-Disparities-in-NZ-Final-2017.pdf.

[71] White, Paul, et al. *Atlas of Socioeconomic Deprivation in New Zealand NZDep2006*. Wellington: Ministry of Health, 2008, 22.

[72] Henare, Manuka, Adrienne Puckey, and Amber Nicholson. *He Ara Hou: The Pathway Forward. Getting it Right for Aotearoa New Zealand's Māori and Pasifika Children*. Auckland: Every Child Counts, 2011, 27. http://www.ririki.org.nz/wp-content/uploads/2015/04/He-Ara-Hou-Report-20112.pdf.

[73] Mila, "Only One Deck," 100.

[74] Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Colour." *Stanford Law Review* 43, no. 6 (July 1991): 1244.

[75] Crenshaw, Kimberle. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *1989 University of Chicago Legal Forum* 1 (1989): 145.

work or short-term labour-hire agreements, are informal economy participants or hold multiple jobs. Therefore, using an intersectional lens to review the literature allows a greater understanding of what it means to be Pacific in the Aotearoa New Zealand workforce and what other factors impact that experience.

3.4 Human rights obligations

The labour market practices that allow inequities to persist engage a range of human rights obligations – most notably, the rights to be free from discrimination, to work, to have just and favourable work conditions and to have an adequate standard of living. These rights are central to human dignity for all persons.

The New Zealand Government is a State Party to several core international human rights conventions. The right to work is explicitly recognised in Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).[76] Article 6 of the ICESCR provides:

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his [sic] living by work which he [sic] freely chooses or accepts and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7 of the ICESCR expands on what is required to achieve just and favourable work conditions:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

   (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

   (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his [sic] employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

The rights to work, just and favourable work conditions and an adequate standard of living are also protected under a number of other human rights instruments.[77] The principles of non-discrimination and equality are also set out in these instruments – part and parcel of the rights and freedoms that these conventions provide is the requirement that they apply to all people regardless of gender, race, sex, ethnicity or disability status.

Each international human rights convention establishes its own monitoring body that periodically reviews State Parties' performance of the obligations contained in the articles of the convention. Relevant to the Pacific Pay Gap Inquiry are the following recommendations made by these monitoring bodies to the New Zealand Government.

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[76] International Covenant on Economic, Social and Cultural Rights, Article 6 and Article 7.

[77] International Covenant on Economic, Social and Cultural Rights, Article 7 and Article 11.

Human Rights Committee[78]

- Develop programmes for the implementation of Sustainable Development Goal 5 to achieve gender equality and empower all women and girls, with particular focus on Māori and Pasifika women and girls, as well as women and girls with disabilities.

- Address the high unemployment rates among Māori and Pasifika, in particular Māori and Pasifika women and young people, among persons with disabilities and among migrants, through the adoption and effective implementation of comprehensive employment and vocational training strategies.

- Take all appropriate measures to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements.

Committee for Economic, Social and Cultural Rights[79]

- Assess the effectiveness of measures taken to increase employment opportunities in general and for specific groups, notably Māori, Pasifika, women, persons with disabilities and youth.

- Strengthen its efforts to combat poverty, in particular among households with dependent children, notably Māori or Pasifika children and children with disabilities.

- Develop culturally appropriate education programmes in partnership with Māori and Pasifika and identify associated education targets, with the aims of improving the educational outcomes among Māori and Pasifika students and tackling stigma and disciplinary measures in schools.

Committee on the Rights of the Child (2016)[80]

- Develop a comprehensive mechanism for data collection and an information system on all areas of the Convention. The data should be disaggregated by age, sex, disability, geographic location, ethnic origin, nationality and socioeconomic background, to facilitate analysis on the situation of all children, and particularly Māori and Pasifika children, children in care, children with disabilities, children living in poverty, refugee, asylum-seeking and migrant children and children in other situations of vulnerability.

- Take urgent measures to address disparities in access to education, health services and a minimum standard of living by Māori and Pasifika children and their families.

- Take the measures necessary to ensure that children from low socioeconomic backgrounds, Māori and Pasifika children have effective access to early childhood care and education.

- Invest in the availability and quality of early childhood care and education ensuring that, at a minimum, it is free for children from low socioeconomic backgrounds, and that care personnel are adequately trained, including on Māori and Pasifika cultures.

Committee on the Elimination of Discrimination Against Women[81]

- Address the working conditions of Māori and Pasifika women, women with disabilities and young women in all areas of employment including through data collection and analysis.

- Take measures to reduce poverty and improve the economic empowerment of women, in particular women living in rural areas, Māori, Pasifika, Asian, immigrant, migrant and refugee women and women with disabilities.

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[78] Human Rights Committee. *Concluding Observations on the Sixth Periodic Report of New Zealand*. 2016. CCPR/C/NZL/CO/6.

[79] Committee on Economic, Social and Cultural Rights. *Concluding Observations on the Fourth Periodic Report of New Zealand*. 2018. E/C.12/NZL/CO/4

[80] Committee on the Rights of the Child. *Concluding Observations on the Fifth Periodic Report of New Zealand.* 2016.CRC/C/NZL/CO/5

[81] Committee on the Elimination of Discrimination against Women. *Concluding Observations on the Eighth Periodic Report of New Zealand.* 2018. CEDAW/C/NZL/CO/8.

Committee on the Elimination of All Forms of Racial Discrimination[82]
- Set targets to increase representation of Māori, Pasifika and other minorities in corporate governance and senior management in the public sector, and to provide data on Māori, Pasifika and other minorities currently employed in the public sector with regard to distribution at job and managerial levels.

- To provide in its next periodic report information on measures taken to improve the educational outcomes of Māori and Pasifika students.

Universal Periodic Review (2018)[83]
- Improve anti-discrimination legislation for ensuring protection of the rights of the ethnic minorities, including Māori and Pasifika communities.

- Increase employment opportunities for marginalized groups, and notably Māori, Pasifika, women and persons with disabilities.

- Continue its ongoing efforts to reduce all forms of inequalities and discrimination among children, for Māori and Pasifika children in particular.

- Take all appropriate measures to enhance Māori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements.

- Provide Māori and Pasifika with adequate access to education and the labour market.

- Design a strategy to tackle social inequalities experienced by Māori and Pasifika communities in health, housing, employment, education, social services and justice.

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[82] Committee on the Elimination of Racial Discrimination. *Concluding Observations on the Combined Twenty-First and Twenty-Second Periodic Reports of New Zealand.* 2017. CERD/C/NZL/CO/21-22.

[83] United Nations. *Report of the Working Group on the Universal Periodic Review – New Zealand.* Geneva: United Nations, 2019. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/087/77/PDF/G1908777.pdf?OpenElement.

4 Understanding the Pacific Pay Gap

4.1 The Pacific Pay Gap: a snapshot

There is a significant ethnic and gender pay gap in Aotearoa New Zealand. Pacific peoples, especially Pacific women, are the most impacted by this pay gap.

In 2021, the gap between the median hourly earnings of Pacific men and Pākehā men was 18.8 percent. The gap was even larger for Pacific women compared with Pākehā men at 25.1 percent. Alongside Māori women, Pacific men and women experience the largest pay gaps compared to other ethnic groups.[84] At the current rate of progress, it is estimated that it will take Pacific women 120 years and Pacific men 100 years to reach pay equity with Pākehā men.[85] Therefore, there is a significant need for this data to be collected to understand how the pay gap impacts Pacific peoples along these important intersections.[86]

A report published by Treasury in 2018 found that educational level and occupation contributed to explaining pay gaps between Pacific peoples and Europeans.[87] This was further explored by Cochrane and Pacheco who found the gap between average (and median) hourly wages for the European workforce, relative to Pacific, was substantial.[88] To understand drivers of ethnic pay gaps, the authors controlled for individual and job-related characteristics. For Pacific peoples, they found that job-related characteristics only explained just under half of the pay gap compared to Europeans. Educational attainment was also a significant contribution to explaining the ethnic pay gap, especially between Pacific and European women.

Additionally, they found that Pacific peoples were disproportionately located in Auckland where wages are higher. The authors noted that, if the Pacific population were more dispersed across the country, the ethnic gap between Pacific peoples and Europeans would increase. **Cochrane and Pacheco found that 73 percent of the pay gap for Pacific males and 61 percent of the pay gap for Pacific females could not be explained even after accounting for differences in job-related characteristics and educational attainment, among several other observed factors.** This unexplained portion was likely to be attributable to a range of reasons including unconscious bias and discrimination as well as potentially missing data and differences in preferences in the non-wage components of the job. Further, it is worth noting that discrimination (both structural and interpersonal) and unconscious bias will also affect what is considered the 'explained' portion of pay gaps as well as the parts that are not explained.

Recent case studies of the pay gap experienced by Pacific peoples in New Zealand have focused on universities and the public service.[89] These studies provide further evidence that ethnic inequity experienced by Pacific peoples cannot be fully explained using traditional measures such as educational attainment, experience and job type. For the case of the New Zealand universities, McAllister et al. found that, even when research performance, research field and age are taken into account, Māori and Pacific women are underpaid at $0.85 to every

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84 Household Labour Force Survey 2021.

85 New Zealand Human Rights Commission, *Talanoa*, 26.

86 To understand the importance of conducting research with an intersectional lens, see: Crenshaw, "Mapping the Margins, 1241-1299; Acker, Joan. "Gendered Organizations and Intersectionality: Problems and Possibilities." *Equality, Diversity and Inclusion: An International Journal* (2012); Healy, Geraldine. "Reflections on Researching Inequalities and Intersectionality." In *Equality, Diversity and Inclusion at Work. A Research Companion,* edited by Mustafa Özbilgin. Cheltenham: Edward Elgar Publishing Limited, 2009, 88-100.

87 New Zealand Treasury. *Statistical Analysis of Ethnic Wage Gaps in New Zealand*. Wellington: New Zealand Treasury, 2018. https://www.treasury.govt.nz/sites/default/files/2018-08/ap18-03.pdf.

88 Cochrane, Bill, and Gail Pacheco. *Empirical Analysis of Pacific, Māori and Ethnic Pay Gaps in New Zealand*. Auckland: New Zealand Work Research Institute, 2022. https://secureservercdn.net/45.40.152.202/76v.71b.myftpupload.com/wp-content/uploads/2022/07/PPG-Inquiry-Empirical-analysis-of-Pacific-Maori-and-ethnic-pay-gaps-in-New-Zealand.pdf.

89 **In universities:** McAllister, Tara, et al. "Glass Ceilings in New Zealand Universities: Inequities in Māori and Pacific Promotions and Earnings." *MAI Journal: A New Zealand Journal of Indigenous Scholarship* 9, no. 3 (2020): 276-280. **In public services:** Came, Heather, et al. "Ethnic Pay Disparities in Public Sector Leadership from 2001-2016 in Aotearoa New Zealand." *International Journal of Critical Indigenous Studies* 13, no. 1 (2020): 76-77.

$1.00 that a non-Māori/Pacific man earns.[90] This finding aligns with previous research in the tertiary sector that showed Māori and Pacific academics experience systemic structural disadvantage and institutional racism.[91]

Within the core public service departments and district health boards (DHBs), Pacific peoples also continue to be underrepresented in salaries above $100,000.[92] This problem continues today, as suggested by more-recent data from the Public Service Commission, which found that the Pacific Pay Gap based on average pay for Pacific and non-Pacific employees was at 17.9% percent in December 2021.[93] This research identified a significant gap between stated policy aims and practice on the ground within core public service departments and DHBs. Came et al.'s conclusion was that the data is the result of the differential access to resources, cultural capital and political power that is experienced, dependent on ethnicity.[94]

Research on ethnic and gender pay gaps in other countries such as the US and the UK have found similar problems and explanations. While some

have found evidence for conventional explanations for their ethnic and gender pay gaps,[95] others have found that it cannot be explained by education levels and choice of occupation alone. In fact, researchers in the UK argue that the ability of people to choose their occupation must be questioned. This is because evidence shows that different socioeconomic and ethnic groups have different employment opportunities.[96]

The ability of individuals to freely choose their occupation is limited as different socioeconomic groups have different opportunities for occupational choice,[97] and these 'choices' are strongly influenced by social expectations and stereotypes.[98]

Furthermore, research about the gender pay gap in the US has found that up to 41.1 percent of the overall gender pay gap is left unexplained when education, industry and experience are controlled, suggesting that discrimination perpetuates the gender pay gap[99] and that external social factors such as educational inequity and societal expectations also play a significant role.[100]

90 McAllister et al., "Glass Ceilings in New Zealand Universities," 276.

91 Kidman and Chu, "'We're not the Hottest Ethnicity'," 492; Naepi, Sereana. "Why isn't my Professor Pasifika?" *MAI Journal: A New Zealand Journal of Indigenous Scholarship* 8, no. 2 (2019): 221; Naepi, Sereana, et al. "Where Are We Now? Patterns of Māori and Pasifika Enrolment in the Natural and Physical Science and Society and Culture Fields in Aotearoa New Zealand," *Higher Education Research & Development* 40, no. 1 (2021): 90-91; Naepi, Sereana, et al. "The Pakaru 'Pipeline': Māori and Pasifika Pathways Within the Academy." *New Zealand Annual Review of Education* (2020): 154-155; Theodore, Reremoana. et al. "Equity in New Zealand University Graduate Outcomes: Māori and Pacific Graduates." *Higher Education Research & Development* 37, no. 1 (2018): 207-208; Theodore, Reremoana, et al. "Pacific University Graduates in New Zealand: What Helps and Hinders Completion." *AlterNative: An International Journal of Indigenous Peoples* 14, no. 2 (2018): 138-139.

92 Came et al., "Ethnic Pay Disparities," 77. This was established in a research project that collected data in five-year intervals between 2001-2016.

93 Public Service Commission. Ngā āputa utu mā te Māori, mā te hunga nō te Moana a Kiwa, me ngā mātāwaka | Gender, Māori, Pacific and ethnic pay gaps. Public Service Commission. November 15, 2021. https://www.publicservice.govt.nz/our-work/pay-gaps-and-pay-equity/gender-maori-pacific-and-ethnic-pay-gaps/.

94 Came et al., "Ethnic Pay Disparities," 77.

95 Coghlan, Erin. *State Policy Strategies for Narrowing the Gender Wage Gap*. Berkeley: Institute for Research on Labor and Employment, 2018, 2. https://irle.berkeley.edu/files/2018/04/IRLE-State-Policy-Strategies-for-Narrowing-the-Gender-Wage-Gap.pdf.

96 Longhi, Simonetta, and Malcolm Brynin. *The Ethnicity Pay Gap*. Sussex: Institute for Social and Economic Research University of Sussex, 2017, 19. https://www.equalityhumanrights.com/sites/default/files/research-report-108-the-ethnicity-pay-gap.pdf.

97 Longhi and Brynin, *The Ethnicity Pay Gap*, 24, 69; Brown, Duncan, Catherine Rickard, and Andrea Broughton. *Tackling Gender, Disability and Ethnicity Pay Gaps: A Progress Review*. Brighton: Institute for Employment Studies, 2017, 13. https://www.equalityhumanrights.com/sites/default/files/research-report-110-tackling-gender-disability-ethnicity-pay-gaps.pdf.

98 Equality and Human Rights Commission. *Fair Opportunities for All: A Strategy to Reduce Pay Gaps in Britain*. Manchester: Equality and Human Rights Commission, 2017, 21. https://www.equalityhumanrights.com/sites/default/files/pay-gaps-strategy-fair-opportunities-for-all.pdf.

99 Davis, Alyssa, and Elise Gould. *Closing the Pay Gap and Beyond: A Comprehensive Strategy for Improving Economic Security for Women and Families*.(Washington DC: Economic Policy Institute, 2015, 202. https://www.epi.org/publication/closing-the-pay-gap-and-beyond/.

100 Davis and Gould, *Closing the Pay Gap and Beyond*, 202.

Literature from the UK also highlights that working in lower-paid sectors may be a result of needing flexible work in order to engage in childcare responsibilities or a result of low-level skills and an increasing 'gig economy' or contracted work that drives down the pay floor.[101]

4.2 The Pacific Pay Gap: experiences at the intersections

4.2.1 The experiences of Pacific women

When examining the Pacific Pay Gap, it is vital to account for intersectional analysis, as doing so reveals the stark differences in income between Pacific males and females.[102] The experience of discrimination as a woman from an ethnic minority is different from Pākehā women's experiences.[103] Pacific women have been disproportionately impacted by employment issues such as occupational segregation,[104] underutilisation and the gender

pay gap, yet there appears to be little research that acknowledges this experience of inequality for Pacific women. Data collected between 2005 and 2017 shows that there is a persistent and significant pay gap between Pacific migrant men and Pacific migrant women.[105] Employed Pacific migrant men earned on average over $500 more per month than employed Pacific migrant women. However, Pacific migrant men still made over $1,000 less each month than non-Pacific migrant men, similar to non-Pacific migrant women. Looking at employment rates, Pacific male migrants are more likely to be employed than Pacific female migrants. Compared to non-Pacific male migrants, Pacific migrant men have higher employment rates whilst Pacific migrant women had the same employment rates as non-Pacific female migrants. The same studies show that retention of employment is higher for Pacific male migrants than female Pacific migrants, who only held a retention rate of 60 percent.[106]

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[101] Equality and Human Rights Commission, *Fair Opportunities for All*, 14.

[102] McAllister et al., "Glass Ceilings in New Zealand Universities," 272-285.

[103] Reilly, Amanda. "Māori Women, Discrimination and Paid Work: The Need for an Intersectional Approach." *Victoria University of Wellington Law Review* 50, no. 2 (2019): 323.

[104] Occupational segregation refers to the uneven distribution of racial, ethnic and gender groups across occupations: Weeden, Kim, Mary Newhart, and Dafna Gelbgiser. "Occupational Segregation." *Pathways* (2018): 30-33.

[105] Sin, Isabelle, and Judd Ormsby. *The Settlement Experience of Pacific Migrants in New Zealand: Insights from LISNZ and the IDI*. Wellington: Motu Economic and Public Policy Research, 2018, 22-23. http://motu-www.motu.org.nz/wpapers/19_02.pdf.

[106] Sin and Ormsby, *The Settlement Experience of Pacific Migrants in New Zealand*, 17-18.

The experiences of Pacific women in the workplace in relation to discrimination and pay inequity indicate the existence of the glass ceiling.[107] Pacific women who participated in Tupou's research shared negative experiences when discussing promotion opportunities and pay equity, acknowledging their ethnic heritage and gender were met with hostility within the workplace by their supervisors and non-Pacific co-workers.[108] Studies also show that Pacific women are more likely to remain in part-time work than full-time work to meet family or communal obligations, showing that Pacific women are typically employed in reduced hours of work.[109] Potential explanations for such findings reflect the cultural and familial obligations Pacific women carry as daughters and mothers.[110] The increasingly lower hourly rates of pay for Pacific women reveal that Pacific women are further marginalised as the lack of pay equity amongst Pacific women and men means Pacific women must work more hours to earn the same amount that Pacific men do. Pacific women who are the sole providers for their families also have obligations and commitments to their family and community that go beyond providing financial income.[111] Such obligations and commitments carry just as much importance as providing income, reflecting Pacific values that regard the work of holding the family together as both esteemed and valuable.[112]

4.2.2 The experiences of Pacific migrants

A survey published by Diversity Works NZ and BERL in 2022 affirmed the persistence of the migrant pay gap in Aotearoa New Zealand.[113] Drawing on data from the 2013 and 2018 Censuses as well as the Inland Revenue Department, the report compared the average hourly rates of different migrant groups. The survey found that there is not only a gap between workers originating from overseas and those from Aotearoa New Zealand but also between workers from different overseas countries.[114] More specifically, it found that migrants from South Africa, Northern America, the UK and Europe "all earned a higher average hourly wage than people born in New Zealand".[115] By contrast, people born in the Pacific, Asia and the rest of the Americas earned significantly lower wages than those born in New Zealand. This gap persisted no matter how long migrants from these regions had lived and worked in Aotearoa New Zealand. For example, it was reported that engineering professionals from the UK, South Africa and Northern America all earned an average wage above $45 an hour. By contrast, engineering professionals from India, China and the Pacific Islands all had hourly wages below $40.[116] The survey outlined several factors that contribute to this gap including English language proficiency, lack of recognition of non-European or American professional qualifications, institutional barriers and discrimination.[117] While the gendered nature of migrant pay gaps was beyond the scope of this study, the report noted that it is "important to understand how these dynamics change when gender is added to the equation. Particularly, how these gaps look in highly feminised industries and occupations".[118]

The literature makes it clear that there needs to be a focus on the particular experiences of Pacific migrants in the workforce. Research discussed in the previous section already noted how gender shaped the experience of Pacific migrants in the labour market. Studies show that Pacific migrants

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[107] 'Glass ceiling' often refers to an unacknowledged barrier to advancement in a profession: Cotter, David, Joan M. Hermsen, Seth Ovadia, and Reeve Vanneman. "The glass ceiling effect." *Social Forces* 80, no. 2 (2001), 655.

[108] Tupou, Holeva. "The Effect of the Glass Ceiling on Pacific Island Women in New Zealand Organisations." Master's thesis, Auckland University of Technology, 2011, 70. https://openrepository.aut.ac.nz/handle/10292/4487.

[109] Fa'anunu, Sinama Tupou. "Experiences of Tongan Women Migrants at Paid Work in New Zealand."(PhD dissertation, University of Waikato, 2007, 80.

[110] Naepi, Sereana. "Pacific Peoples, Higher Education and Feminisms." In *Decolonization and Feminisms in Global Teaching and Learning*, edited by Sara de Jong, Rosalba Icaza, and Olivia Rutazibwa. Abingdon: Routledge, 2018, 17, 21.

[111] Fa'anunu, "Experiences of Tongan Women Migrants," 83.

[112] Naepi, "Pacific Peoples, Higher Education and Feminisms," 11-24.

[113] Reid et al. Migrant Pay Gap. Auckland: Diversity Works NZ, 2022. https://diversityworksnz.org.nz/media/5026/migrant-pay-gap-narrative-report-final.pdf

[114] Reid et al., *Migrant Pay Gap, 2*.

[115] Reid et al., *Migrant Pay Gap*, 2.

[116] Reid et al., *Migrant Pay Gap*, 5.

[117] Reid et al., *Migrant Pay Gap*, 3-6.

[118] Reid et al., *Migrant Pay Gap*, 5.

with higher education rates are more likely to be employed than those with no higher education.[119] Pacific migrants with greater English proficiency had an employment rate of over 70 percent for most of the decade after residence approval compared to Pacific migrants with poor English proficiency rates with employment retention rates as low as 40 percent.[120] There are also differences in employment outcomes depending on which Pacific nation migrants come from. Migrants from Fiji have the highest median income amongst Pacific migrants.[121] These examples of how different characteristics impact migrant Pacific workers' experiences of the Pacific Pay Gap provide further evidence of why it is important to consider the intersectional identities of migrant Pacific workers when analysing the Pacific Pay Gap.

4.2.3 The experience of Pacific disabled people

Although there is no data on the pay gap for Pacific disabled people, we do know that there is a pay gap for disabled people across the general population of Aotearoa New Zealand. For the June 2021 quarter, the median weekly income from wages and salaries for disabled people aged 15 years and over was $957 compared to $1,098 for non-disabled people.[122] This is a gap of $141 weekly.

Statistics from the June 2021 quarter also showed that disabled people have a higher unemployment rate than non-disabled people (9.6 percent compared to 4.0 percent of those aged 15–64 years). Only 42.5 percent of disabled people aged 15–64 years were employed compared to 78.9 percent of the same age group for non-disabled people. Disabled workers were underutilised at twice the rate of non-disabled workers (21.8 percent compared to 10.3 percent).[123]

Given Pacific peoples generally earn less than non-Pacific workers, it is likely that disabled Pacific workers experience a greater wage gap than disabled non-Pacific workers. The Pacific Employment Action Plan recognises this, noting:

> Supporting Pacific disabled people to enter and navigate the labour market will also uphold our moral duty under the United Nations Convention on the Rights of Persons with Disabilities, particularly Article 27 regarding equal rights to work and gain a living.[124]

4.2.4 The experiences of the Māhū, Vakasalewa, Palopa, Fa'afafine, Akava'ine, Fakaleiti, Fakafifine (MVPFAFF) community

Coined by Phylesha Brown-Acton, the collective term MVPFAFF refers to māhū, vakasalewa, palopa, fa'afafine, akava'ine, fakaleiti (leiti), fakafifine – a range of Pacific terms that refer to people who do not identify with Western categories for gender and/or sexuality.[125] While we do not have data available on the pay gaps experienced by MVPFAFF communities, international research demonstrates that people with diverse sexual orientation, gender identity and expression and sex characteristics are subject to a range of indirect and direct discrimination in their employment.[126]

Data from *Counting Ourselves*, a report on the health and wellbeing of trans and non-binary people in Aotearoa New Zealand, found that the annual median income for trans and non-binary people is $15,001–$20,000 compared to a median income of $35,001–$40,000 for the general population.[127] The survey carried out to inform this report found that, of participants who reported that their work colleagues

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[119] Sin and Ormsby, *The Settlement Experience of Pacific Migrants in New Zealand*, 21-22.

[120] Sin and Ormsby, *The Settlement Experience of Pacific Migrants in New Zealand*, 21-22.

[121] Sin and Ormsby, *The Settlement Experience of Pacific Migrants in New Zealand*, 21-22.

[122] https://www.stats.govt.nz/information-releases/labour-market-statistics-disability-june-2021-quarter#:~:text=Age%20 15%2D64%20years%3A%2021.8,with%20a%20gap%20of%20%24144.

[123] https://www.stats.govt.nz/information-releases/labour-market-statistics-disability-june-2021-quarter#:~:text=Age%20 15%2D64%20years%3A%2021.8,with%20a%20gap%20of%20%24144.

[124] Ministry for Pacific Peoples. *Pacific Employment Action Plan*. Wellington: Ministry for Pacific Peoples, 2022, 13. https://www. mpp.govt.nz/assets/Corporate-Publications/Pacific-Employment-Action-Plan-FINAL-approved.pdf

[125] Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 15.

[126] Thomas, Constance, and Catherine Weber. *Information Paper on Protection Against Sexual Orientation, Gender Identity and Expression and Sexual Characteristics (SOGIESC) Discrimination*. Geneva: International Labour Organization, 2019.

[127] Veale, Jaimie, Jack Byrne, Kyle Tan, Sam Guy, Ashe Yee, Tāwhanga Nopera, and Ryan Bentham. *Counting Ourselves: The Health and Wellbeing of Trans and Non-Binary People in Aotearoa New Zealand*. Hamilton: Transgender Health Research Lab, University of Waikato, 2019. https://countingourselves.nz/wp-content/uploads/2019/09/Counting-Ourselves_FINAL.pdf.

were aware that they were trans or non-binary, 11 percent reported receiving worse pay or conditions than co-workers while 9 percent reported being denied a promotion.

4.3 The Pacific Pay Gap: construction

The Construction and Utilities Grouping is the third-largest employer of Pacific peoples as of June 2022, comprising about 12 percent of the Pacific workforce or approximately 21,700 workers.[128] It is the second-largest industry for Pacific men, as approximately 16 percent of Pacific men work in the sector and they comprise approximately 93 percent of Pacific peoples employed in construction.[129] Future of work projections suggest that job growth can be expected in the construction sector.[130] The Pacific construction workforce has seen intense growth since early 2013.[131]

In 2021, the median hourly earnings from main job of Pacific men in construction was $28.00 compared to $30.00 for European men, representing a 6.67 per cent pay gap.[132] Further, given that construction is a male-dominated industry, little data is available on wages for Pacific women employed in the construction industry.[133]

A study by Hurt-Suwan and Mahler on the precarious employment of Māori and Pasifika workers in the construction industry found that the cumulative effects of low income, a lack of opportunity to upskill and progress, unstable and irregular work and risk of injury produce adverse social outcomes for Pacific construction workers.[134] These adverse social outcomes can be seen in the in-work poverty[135] rate for Pacific workers in the construction industry, which is the highest of all ethnic groups at 4.6 percent.[136] Pacific construction workers reiterate that their primary concern is the limitations that these broader socioeconomic effects place upon their ability to contribute to the wellbeing of their family and community.[137]

4.4 The Pacific Pay Gap: manufacturing

The manufacturing industry is the second-largest employer of Pacific peoples as of June 2022, comprising about 14 percent of the Pacific workforce or approximately 25,700 workers.[138] It is the largest employer of Pacific men, with just over 20 percent of Pacific men working in the sector.[139] The sector is also a significant employer of Pacific women, as 9 percent of all Pacific women work in manufacturing.[140] The

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[128] Ministry of Business, Innovation & Employment. *Pacific Peoples in the Labour Market – June 2022 Quarter*, 1. https://www.mbie.govt.nz/dmsdocument/23355-pacific-peoples-labour-market-statistics-snapshot-june-2022.

[129] Itinteang, Andrew. "Pacific Workforce Indicators." Presentation, Pacific Workforce Challenge Report Session, January 31, 2019, 6, 12. . Cochrane and Pacheco, *Empirical analysis of Pacifi, Māori and ethnic pay gaps in New Zealand*, Auckland: New Zealand Research Institute, AUT, July 2022, 6.

[130] E tū. *E tū in 2030: Key Trends Affecting E Tū Members and Our Union*. Wellington: E tū, 2021.

[131] Itinteang, "Pacific Workforce Indicators," 13.

[132] Based on Household Labour Force Survey data (2021)

[133] Ibid

[134] Hurt-Suwan, Courtney, and Martin L. Mahler. "Social Procurement to Reduce Precarious Employment for Māori and Pasifika Workers in the Construction Industry." *Kōtuitui: New Zealand Journal of Social Sciences Online* 16, no. 1 (2021): 103, 105, 111-112. See also: Chen, Mai. *National Culture and its Impact on Workplace Health and Safety and Injury Prevention for Employers and Workers*. Auckland: Superdiversity Institute for Law, Policy and Business, 2019, 42. https://www.superdiversity.org/research-reports/reports/national-culture-and-its-impact-on-workplace-health-and-safety-and-injury-prevention-for-employers-and-workers/.

[135] In-work poverty refers to households that have one or more working member yet are still living in poverty. Poverty is measured for a household as being in poverty when their monthly net equivalised income (before housing costs) is below 60% of the median income poverty line as of March 2013.

[136] Plum, Alexander, and Gail Pacheco. *In-work Poverty in New Zealand: A Focus on Pacific Peoples*. Auckland: New Zealand Work Research Institute, 2019, 17. https://workresearch.aut.ac.nz/__data/assets/pdf_file/0005/350654/Pacific-In-Work-Poverty-Report.pdf.

[137] Hurt-Suwan and Mahler, "Social Procurement," 108; Chen, *National Culture*, 44-45; New Zealand Human Rights Commission, *Talanoa*, 25.

[138] Ministry of Business, Innovation & Employment, *Pacific Peoples in the Labour Market – June 2022 Quarter*, 1.

[139] Cochrane and Pacheco, *Empirical analysis of Pacifi, Māori and ethnic pay gaps in New Zealand*, Auckland: New Zealand Research Institute, AUT, July 2022, 6.

[140] Cochrane and Pacheco, *Empirical analysis of Pacifi, Māori and ethnic pay gaps in New Zealand*, 6.

manufacturing sector related to primary industries (such as food and wood) is projected to decline, although manufacturing that is not related to primary products is expected to experience job growth.[141]

The manufacturing industry has seen a prolonged but steady increase in its Pacific workforce since 2010.[142] Historically, this industry is a significant employer of Pacific workers, owing primarily to New Zealand's importing of Pacific labour from the 1950s–1990s to fill its low-skilled labour force and aid in the capitalist expansion of its thriving manufacturing economy.[143] In 2020, 14 percent of the Pacific workforce was employed in manufacturing in contrast to 9 percent of the non-Pacific workforce.[144]

In 2021, the median hourly earnings from main job of Pacific men in manufacturing was $24.50 compared to $31.00 for European men, representing a 20.97 per cent pay gap. For Pacific women, the median hourly earnings was $21.58, which represents a 30.39 per cent pay gap, when compared to European men's earnings.[145]

Many occupations within the manufacturing industry such as labouring or machinery operating are low-skilled and low-paying. Pacific workers are not only overrepresented in the manufacturing industry as a whole but are underrepresented in its professional and managerial roles.[146] There is also growing indication that the employment dominated by Pacific workers in the manufacturing industry

is demonstrably insecure in the face of national or global economic shocks. Further, it is highly likely to become automated in the near future.[147] For Pacific immigrant workers in particular, the manufacturing industry is the largest source of employment, many of whom move into its low-skilled and low-paying positions despite having held professional or managerial positions in their place of origin.[148]

As the manufacturing industry is less reliant on contracting than the construction industry, there is less research into manufacturing work, specifically its precarity or lack of job security.[149] However, Pacific manufacturing workers still experience the ongoing socioeconomic impacts of low income, a lack of opportunity for training and career progression and racism.[150] The ongoing effects of such employment are demonstrated by Pacific workers in the manufacturing industry having an in-work poverty rate of 4.5 percent, the highest (equal with Asian workers) of all ethnic groups.[151] Again, as with construction workers, Pacific manufacturing workers indicate that their primary concern is that these broader socioeconomic effects negatively impact their ability to contribute to the wellbeing of their family and community.[152]

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[141] E tū, *E tū* in 2030.

[142] Itinteang, "Pacific Workforce Indicators," 7.

[143] New Zealand Human Rights Commission, *Talanoa*, 7.

[144] Ministry of Business, Innovation & Employment, *Pacific Peoples in the Labour Market – June 2020 Quarter*, 1.

[145] Based on Household Labour Force Survey data (2021).

[146] Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 3; Department of Labour. *In Harm's Way: A Case Study of Pacific Workers in Manukau Manufacturing*. Wellington: Labour and Immigration Research Centre, 2012, 25. https://thehub.swa.govt.nz/resources/in-harms-way-a-case-study-of-pacific-workers-in-manukau-manufacturing/.

[147] Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 3.

[148] Bedford, Richard, et al. "Immigrants from the Pacific: 'Drain on the Economy' or Active Participation in the Labour Force?" *Asian and Pacific Migration Journal* 19, no. 3 (2010): 386.

[149] Hurt-Suwan and Mahler, "Social Procurement," 111.

[150] Chen, *National Culture*, 43-44; New Zealand Human Rights Commission, Talanoa, 14, 25-30; Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 3-5; The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, Auckland: The Southern Initiative, 2018, 10, 14. https://static1.squarespace.com/static/5cf74c8f2829e20001db724f/t/5d0dc61017e3300001d3aa5e/1561183812123/Pacific+Peoples+Workforce+Challenge.pdf.

[151] Plum and Pacheco, *In-work Poverty in New Zealand*, 17.

[152] Department of Labour, *In Harm's Way*, 32, 44; New Zealand Human Rights Commission, *Talanoa*, 25.

4.5 The Pacific Pay Gap: healthcare

The healthcare industry (including social assistance and care work) is the fourth-largest employer of Pacific peoples as of June 2022, comprising about 10 percent of the Pacific workforce or approximately 18,400 workers.[153] The sector is the most significant employer for Pacific women, as 22 per cent can be found in healthcare and social assistance.[154] The healthcare sector is increasing and projected to continue to expand.[155] The healthcare industry has seen steady growth in its Pacific workforce from 2012 and, after a brief decline in 2017, has sharply risen after the 2017 care and support workers' pay equity settlement.[156]

In 2021, the median hourly earnings from main job of Pacific men in health and social care was $26.50 compared to $35.96 for European men, representing a 26.31 per cent pay gap. For Pacific women, the median hourly earnings were $24.50, which represents a 31.87 per cent gap when compared to European men's earnings.[157]

Pacific healthcare workers are overrepresented amongst low-skilled and low-paying occupations within the sector, primarily occupying low-level administrative roles.[158] Even amongst professional roles, Pacific healthcare workers are concentrated in the lower-paying and more precarious or insecure occupations.[159] For instance, 77.8 percent of Pacific healthcare workers are nurses and 8.6 percent are doctors compared to 54 percent and 15.4 percent of the total New Zealand healthcare workforce, respectively.[160] Likewise, non-Pacific healthcare workers are 71 times more likely than Pacific

healthcare workers to be in the >$100,000 income bracket.[161] Critically, Pacific workers likely comprise the largest proportion of the unregulated healthcare workforce who are often engaged in insecure and low or unpaid work, with no formal support from an organising body such as a registered council.[162] The Pacific Health Workforce Service Forecast defined unregulated health workforce as:[163]

> those people who have direct personal care interaction with clients, patients or consumers within the health and disability sector, they may be paid or unpaid, and are not subject to regulatory requirements under legislation or other means. The scope of care that this workforce provides is not strictly defined, and can include social, practical (including information, coordination, advice and cultural support) and advocacy services that support the full continuum of care.

The aggregate effect of low pay, employment insecurity and structural racism produces negative socioeconomic effects for Pacific healthcare workers. Notably, Pacific workers in the healthcare industry have an in-work poverty rate of 8.6 percent, significantly higher than all other ethnic groups.[164] Again, as with the construction and manufacturing industries, the major concern of Pacific peoples regarding their overrepresentation in low-paying and less-secure healthcare work is for their ability to contribute to the wellbeing of their family and community adequately.[165] This issue is heightened for Pacific healthcare workers in particular given the large size of the unregulated workforce.[166]

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153 Ministry of Business, Innovation & Employment, *Pacific Peoples in the Labour Market – June 2022 Quarter*, 1.

154 Cochrane and Pacheco, *Empirical analysis of Pacifi, Māori and ethnic pay gaps in New Zealand*, 6.

155 E tū, *E tū in 2030*.

156 Itinteang, "Pacific Workforce Indicators," 7.

157 Based on Household Labour Force Survey data (2021)

158 The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 10; Pacific Perspectives. *Pacific Health Workforce Service Forecast Report to Health Workforce New Zealand and the Ministry of Health*. Wellington: Pacific Perspectives, 2013, 50-52, 56, 62. https://www.health.govt.nz/system/files/documents/publications/pacific-health-wsf-june-2014.pdf.

159 Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 52, 56, 62; Came et al., "Ethnic Pay Disparities," 77-78.

160 Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 44.

161 Came et al., "Ethnic Pay Disparities," 77.

162 Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 50-51.

163 Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 43.

164 Plum and Pacheco, *In-work Poverty in New Zealand*, 18.

165 New Zealand Human Rights Commission, *Talanoa*, 25.

166 Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 50-51.

5 Understanding Pacific peoples' experiences in the workplace

5.1 Pacific peoples' experiences in the workplace: a snapshot

5.1.1 Pacific peoples' experiences with racial discrimination and harassment

Institutional and structural racism continues to have a significant impact on Pacific peoples in the workplace.[167] As noted previously, Pacific peoples in Aotearoa New Zealand who experience discrimination have reported poorer health and wellbeing outcomes.[168] Pacific peoples have the highest reported experience of workplace discrimination, with 11.7 percent of New Zealand-born Pacific peoples reporting they have experienced workplace discrimination and 9.6 percent of Pacific-born Pacific peoples reporting the same.[169] More-recent research also indicated that more Pacific peoples are reporting experiences of discrimination with a growth between 2008–2014.[170] However, the dates of these studies suggest that more-recent research into discrimination in employment is needed. Research also shows that Pacific peoples are unlikely to report facing discrimination at work as they fear reprisal or victimisation, suggesting that internal methods of reporting discrimination

may result in underreporting given national levels of experiences in discrimination.[171] In research conducted as a part of a multi-agency co-design challenge led by the Auckland Co-design Lab, it was found that Pacific peoples endure discrimination to remain in their workplaces in the hope of job prosperity and opportunity.[172] A driving force behind such decisions is rooted in Pacific peoples' understanding of the importance of regular financial support to serve their wider family and community.[173]

The literature suggests that experiences with discrimination also begin early in the employment process for Pacific peoples, with many experiencing discrimination during recruitment.[174] In practice, this can be seen when Pacific peoples change their names on job applications because they are worried about how their application will be perceived if they keep their own name.[175] There is shame associated with this decision, but research has found that Pacific peoples see it as necessary to gain employment.[176] Further, studies have shown that Pacific peoples feel the need to leave their culture at the door while working.[177]

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[167] New Zealand Human Rights Commission, Talanoa, 44; Auckland Co-design Lab. *The Attitude Gap Challenge: A South Auckland Employment and Skills Challenge*. Auckland: Auckland Co-design Lab, 2016, 33. https://static1.squarespace.com/static/55ac5ee5e4b08d4c25220f4b/t/5ab37c25758d46f90e271b4d/1521712213914/Attitude+Gap+Challenge+Final+report.pdf; Tupou, Holeva. "The Effect of the Glass Ceiling," v.

[168] Kapeli, Manuela, and Sibley, "Perceived Discrimination," 140.

[169] Daldy, Bridget, Jacques Poot, and Matthew Roskruge. "Perception of Workplace Discrimination Among Immigrants and Native Born New Zealanders." *Australian Journal of Labour Economics* 16, no. 1 (2013): 145.

[170] Yeung, Stanley, and Charles Crothers. "Patterns of Perceived Discrimination in New Zealand and Their Social Contexts." *New Zealand Sociology* 31, no. 7 (2016): 214.

[171] New Zealand Human Rights Commission, "Talanoa," 14.

[172] Auckland Co-design Lab, *The Attitude Gap Challenge*, 33.

[173] Auckland Co-design Lab, *The Attitude Gap Challenge*, 33.

[174] Came et al., "Ethnic Pay Disparities," 71, 73; New Zealand Human Rights Commission, "Talanoa," 25.

[175] Auckland Co-design Lab, *The Attitude Gap Challenge*, 33; The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 14.

[176] The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 14.

[177] Equal Employment Opportunities Trust. *Specifically Pacific: Engaging Young Pacific Workers*. Auckland: Equal Employment Opportunities Trust, 2011, 24. https://www.mpp.govt.nz/assets/Reports/Specifically-Pacific-Engaging-Young-Pacific-Workers-Report.pdf; The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, Pacific Peoples' Workforce Challenge, 14.

Institutional habit, or how a company/institution does things based on their foundational value systems, has also been found to contribute significant barriers to the recruitment and retention of minorities.[178] Institutional habit is enacted on the implicit and invisible expectations in behaviours from employees that are not always clearly communicated.[179] These invisible expectations result in hiring and retention practices that often reflect the bias of employers.[180] Pacific workers are often aware of institutional habits and become anxious about practising their culture at work in case it impacts their ability to earn an income.[181] Moreover, Pacific workers have indicated that they are not always successful in building the relationships they desire to have with their employers or managers and would like to explore ways that this can be remedied.[182]

5.1.2 Pacific peoples' experiences with workplace health and safety issues

Pacific workers may not speak up about health and safety issues when an employer expects them to, which has contributed to Pacific peoples being less likely to report minor injuries, near misses and dangerous situations.[183] This also means that Pacific workers may also be more willing to perform potentially dangerous duties outside their typical roles.[184]

Health and safety are also a concern for Pacific workers as the fear of losing their job often serves as a motivator for completing jobs faster as opposed to doing so in a safe manner.[185] This can be tied to institutional habits that may not understand that

health and safety are considered a collective and holistic matter within Pacific cultures alongside spiritual and family wellness[186] and is not only a matter of individual safety.[187] A different understanding of workplace safety means that resolutions for workplace safety should operate differently. For Pacific workers, it may be more consultative, whereas in non-Pacific settings, it may be more confrontational.[188] An example of these differing approaches would be a meeting where health and safety is discussed with only management input in comparison to a talanoa over lunch where everybody participates in the discussion. Feilo suggests that a talanoa style discussion could lead to better engagement from Pacific peoples with health and safety policies.[189] The cultural disconnect where silence is seen as a more respectful form of engagement by Pacific peoples in some situations can result in unsafe workplaces where Pacific workers fail to report health and safety concerns out of fear of job loss.

The impact of institutional habit on health and safety and Pacific peoples is also reflected in ACC claims. A Radio New Zealand investigation found that Pacific peoples make up about 8 percent of the population of New Zealand but account for only around 6 percent of ACC claims lodged annually and 5 percent of claims costs.[190] ACC noted that Pacific peoples' experiences with interpersonal, institutional or systemic racism has a role to play in Pacific peoples' injury risk and that long-standing inequitable working conditions for Pacific men are reflected, with 61 percent of Pacific ACC claims from men.[191] Additionally, institutional habits can impact

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[178] Ahmed, *On Being Included*, 40.

[179] Ahmed, *On Being Included*, 38; Auckland Co-design Lab, *The Attitude Gap Challenge*, 65.

[180] Bendick, Mark, and Ana Paula Nunes. "Developing the Research Basis for Controlling Bias In Hiring." *Journal of Social Issues* 68 (2013): 242-243; Auckland Co-design Lab, *The Attitude Gap Challenge*, 45.

[181] Department of Labour, *In Harm's Way*, 39.

[182] Tupou, "The Effect of the Glass Ceiling," 47-49, 53, 55.

[183] Chen, *National Culture*, 42; Department of Labour, *In Harm's Way*, 31-32.

[184] Chen, *National Culture*, 42-43.

[185] Chen, *National Culture*, 42; Bust, Philip, Alistair Gibb, and Sarah Pink. "Managing Construction Health and Safety: Migrant Workers and Communicating Safety Messages." *Safety Science* 46, no. 4 (2008): 599.

[186] For an understanding of collectivist and holistic conceptualisations of health in Pacific cultures, see: Pulotu-Endemann, Fuimaono Karl. *Fonofale: Model of Health. Pacific Models for Health Promotion*. Wellington: Health Promotion Forum, 2009.

[187] Chen, *National Culture*, 9.

[188] Chen, *National Culture*, 47-48.

[189] Feilo, "Talanoa," 63.

[190] Bradley, Anusha. "ACC Biased Against Women, Māori and Pasifika – Agency's Own Analysis Shows." Radio New Zealand. June 21, 2021. https://www.rnz.co.nz/news/national/445178/acc-biased-against-women-Māori-and-pasifika-agency-s-own-analysis-shows.

[191] Powell, Emma. ACC's Delivery to Priority Populations: *Part 2 - Pāsifika Peoples*. Wellington: ACC, 2021, 1.

different generations in different ways. Young Pacific workers may have not yet developed the skills or confidence to negotiate new work environments.[192] Some managers lack awareness of how to support young Pacific workers, and negative experiences of young Pacific workers can reinforce that being 'different' can be risky so they are unlikely to speak out or up to management.[193] Simultaneously, young Pacific workers have reported feeling the racism of low expectations.[194]

5.1.3 Pacific peoples' experiences with complaints processes

Institutional habit means that workplace complaint processes can reflect the foundations upon which a company was built instead of the more diverse workforce it might currently have.[195] The literature suggests that this means that Pacific workers may not use the established complaint procedures in their workplaces because of differing experiences with hierarchies, often due to dissimilarity between their own values and the company's habits.[196] Complaining can also be seen as challenging elders, which is considered unacceptable behaviour within some Pacific contexts.[197]

5.1.4 General workplace communication issues for Pacific peoples

Communication and language barriers are seen as key barriers to Pacific workers' job progression. Failure to address barriers in communication may result in Pacific peoples' hesitation to share ideas or innovations or report disagreements.[198] Language is also cited as a reason for the lack of Pacific workers' progression through the workforce, with Pacific workers reporting they would often see their managers frustrated that their instructions had not been understood.[199] Simultaneously, employees with

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[192] Auckland Co-design Lab, *The Attitude Gap Challenge*, 89.

[193] Auckland Co-design Lab, *The Attitude Gap Challenge*, 96.

[194] New Zealand Human Rights Commission, *Talanoa*, 14.

[195] Ahmed, *On Being Included*, 40.

[196] Auckland Co-design Lab, *The Attitude Gap Challenge*, 37; Feilo, "Talanoa," 67-69; Chen, *National Culture and its Impact*, 42.

[197] Auckland Co-design Lab, *The Attitude Gap Challenge*, 37; Feilo, "Talanoa," 60.

[198] Auckland Co-design Lab, *The Attitude Gap Challenge*, 37; Feilo, "Talanoa," 64-65.

[199] Feilo, "Talanoa," 53.

limited English felt limited in their ability to progress in their workplace and are also vulnerable to being forced to work in illegal working conditions or not claiming contractual benefits.[200] Research on the settlement experiences of Pacific migrants in New Zealand also shows that Pacific migrants with English proficiency are more likely to be employed.[201]

Pacific workers can also be socially isolated at work. Research has found that Pacific workers report being actively made to feel as if they do not belong with their Pākehā co-workers and being excluded from social events.[202] This was made clear by the participants in Tupou's research on Pacific women's experiences of the glass ceiling in various occupations.[203] One woman described her experiences of isolation within the workplace: "I feel left out, all my female colleagues went out for lunch one day, they don't invite me, I was really sad, maybe because I am a Pacific woman."[204] Other participants reported being made fun of for their skin colour or food, even when invited to social gatherings such as lunch.[205] Despite this treatment within the workplace, Pacific workers in this study recognised that these social events were key to networking and career progression and were frustrated at their exclusion.[206] One participant cited by Tupou noted: "The rules and the structure of my workplace were designed to suit men, the boss socialised with the white men at work; they used to go out for sport events, nothing for us women."[207] The experiences of Tupou's participants in being actively excluded from important networking and social events are consistent with literature that finds that non-white workers, especially women, frequently report such an issue.[208] Social exclusion becomes a further issue when it also impacts a person's perception of self-worth. Being excluded both socially and in workplace progression often affects work productivity and the likelihood of being promoted.[209] This is neatly summarised by a Pacific woman in Tupou's study: "I just do my best, I don't go the extra mile because my manager won't take any notice."[210]

5.1.5 Pacific leaders in the workplace

Pacific workers in leadership roles report discrimination and disconnection from other Pacific peoples. Pacific workers reported being denied entry to locations within company premises as people do not believe they are in leadership roles.[211] Interestingly, progression in the workplace for some Pacific workers meant a severing of relationships with their Pacific colleagues as they moved from peer to supervisor, which could be at odds with the shared Pacific values of collectively and reciprocity.[212] Pacific workplace leaders report that, the higher they climb within their industry, the less likely it is that other Pacific people will tell you when something has gone wrong. This can be a difficult and isolating experience.[213] These narratives make clear that progression in and of itself is not a solution for Pacific workers' experiences of discrimination and isolation within workplaces in Aotearoa New Zealand.

[200] Auckland Co-design Lab, *The Attitude Gap Challenge*, 16.

[201] Sin and Ormsby, *The Settlement Experience of Pacific Migrants in New Zealand*, 21-22.

[202] Tupou, "The Effect of the Glass Ceiling," 46.

[203] Tupou, "The Effect of the Glass Ceiling," 44.

[204] Tupou, "The Effect of the Glass Ceiling," 44.

[205] Tupou, "The Effect of the Glass Ceiling," 44.

[206] Tupou, "The Effect of the Glass Ceiling," 46, 55; Radio New Zealand. "Workplace Challenges for Pasifika Peoples – Brown Glass Ceiling." Nine to Noon (podcast), February 11, 2019, accessed July 12, 2021. https://www.rnz.co.nz/national/programmes/ninetonoon/audio/2018681954/workplace-challenges-for-pasifika-peoples-brown-glass-ceiling.

[207] Tupou, "The Effect of the Glass Ceiling," 55.

[208] Tupou, "The Effect of the Glass Ceiling," 24; Mesui, Mary. "Pacific Island Women's Experiences of the 'Brown Glass Ceiling' in Senior Management in Aotearoa New Zealand." Master's thesis, Auckland University of Technology, 2019, 15. https://openrepository.aut.ac.nz/handle/10292/12621.

[209] Radio New Zealand, "Workplace Challenges for Pasifika Peoples."

[210] Tupou, "The Effect of Glass Ceilings," 55.

[211] Radio New Zealand, "Workplace Challenges for Pasifika Peoples."

[212] Auckland Co-design Lab, *The Attitude Gap Challenge*, 15.

[213] Feilo, "Talanoa," 53.

Both managers and Pacific employees have expressed a desire to build better relationships with each other, and both reported that stronger relationships would contribute to addressing inequities in the workplace.[214] Pacific workers thrive when they are managed by people who understand their culture and background, which creates a shared workplace culture where they are more likely to feel comfortable taking on more work and engaging in new roles.[215] Research by Equal Employment Opportunities Trust found that Pacific employees require stronger connection with their managers in order to feel at ease when communicating with them.[216] While employers may be interested in ways to bridge the cultural disconnect, they can be unsure of how to do this.[217] Engaging with their local Pacific communities is one way that managers can build stronger relationships with Pacific communities and come to understand that Pacific employees often have multiple, important roles outside of their employment within their local communities.[218] These community interactions can help an employer to create a workplace that enables Pacific peoples to thrive.[219]

5.1.6 Excess labour and Pacific peoples

Pacific workers also report excess labour in the workplace. Excess labour is labour that employees take on within their workplace that is unpaid and unrecognised. Pacific workers experience both the extra labour of being 'the' Pacific person in the room while also negotiating white privilege alongside Pākehā colleagues or managers who resist or refuse to recognise its existence.[220] In practice, this means

that a Pacific worker may be asked to do the labour of providing a culturally safe space for all Pacific employees and to provide cultural competency training for non-Pacific to engage with Pacific clients – an additional labour that may not be recognised in progression or remuneration. It may also result in Pacific workers feeling unable to critique current cultural norms within their place of employment out of fear that they will be punished for speaking up.[221]

5.1.7 Recognised Seasonal Employer scheme

When examining the experiences of Pacific workers in Aotearoa New Zealand, it is important to note issues that have been found with the Recognised Seasonal Employer (RSE) scheme. The RSE scheme was established in 2007 after a push from Pacific leaders to tackle unemployment in the Pacific and provide Pacific peoples access to New Zealand currency.[222] Endorsed as a "mutually beneficial development scheme",[223] the RSE scheme seeks to source a stable labour force for New Zealand producers whilst giving seasonal migrant workers the "chance to thrive economically".[224] Agricultural work is often seen as low-status, low-wage, hazardous and physically demanding, requiring workers to be available at short notice and for small employment durations. Due to these characteristics, locals can view agricultural work as unappealing, aiming instead for "more stable employment elsewhere".[225] The unattractive appearance of agricultural work paired alongside demographic shifts (an ageing working-age population and the ever-increasing rise of

214 Ministry for Pacific Peoples, *Pacific Employment Action* Plan, 5.

215 Auckland Co-design Lab, *The Attitude Gap Challenge*, 14.

216 Equal Employment Opportunities Trust, *Specifically Pacific*, 32.

217 The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 10.

218 Equal Employment Opportunities Trust, *Specifically Pacific*, 24.

219 Auckland Co-design Lab, *The Attitude Gap Challenge*, 45.

220 Naepi, "Pacific Women's Experiences Working in Universities in Aotearoa New Zealand," 67-68; Naepi, Sereana. "I Didn't Come to Play: Pasifika Women in the Academy." In *Critical Reflections and Politics on Advancing Women in the Academy*, edited by T. Moeke-Pickering, S. Cote-Meek, and A. Pegoraro. Hershey, PA: IGI Global, 2020, 57-58.

221 Naepi, "Pacific Women's Experiences Working in Universities in Aotearoa New Zealand," 67-68; Naepi, "I Didn't Come to Play."

222 Tuiburelevu, Litia, and Hugo Wagner-Hiliau. "Pick Your Own Damn Fruit." E-Tangata. November 1, 2020. https://e-tangata.co.nz/comment-and-analysis/pick-your-own-damn-fruit/.

223 Tuiburelevu and Wagner-Hiliau, "Pick Your Own Damn Fruit."

224 Tuiburelevu and Wagner-Hiliau, "Pick Your Own Damn Fruit."

225 Abella, Manolo. *Policies and Best Practices for Management of Temporary Migration*. International Symposium on International Migration and Development: Population Division, Department of Economic and Social Affairs. United Nations Secretariat. Turin, Italy, 2006, 22. https://www.un.org/en/development/desa/population/events/pdf/other/turin/P03_Abella.pdf.

urbanisation) has led to scarce local rural labour.[226] To meet labour demands and simultaneously generate profit, there has been an increasing shift in the utilisation of migrant workers because they are seen as a flexible, cheap answer to meet labour demands – or as a "tap that can easily be turned on and off".[227] Migrant workers can be brought to work on flexible terms that allow producers to "exercise some degree of control" over profit and allow the continuing accumulation of capital in the market.[228] This model of production applies to the RSE scheme.[229]

While the RSE scheme has been praised as a programme guaranteeing a "triple win" for Pacific workers in the scheme, Pacific nations sending their workers and New Zealand's economy, the operation of the scheme in practice has seen these "wins" for Pacific workers and Pacific nations undermined by

its underlying economic logic.[230] The RSE scheme has also been found to offer limited opportunities for skill development and training for its Pacific workers.[231]

The RSE scheme recently gained national attention during the COVID-19 pandemic outbreak when New Zealanders became aware of how little RSE workers are paid and what it cost RSE workers to live here.[232] Closed borders resulted in a labour shortage for New Zealand's primary industries and also meant that some RSE scheme workers became stranded in New Zealand. This created a political climate where New Zealanders were prepared to hear grievances about what had previously been understood as a successful programme. Workers brought to light poor living conditions, abusive employers and paternalistic approaches to employment.[233] Tuiburelevu and Wagner-Hiliau's careful analysis of blackbirding in the early 19th and 20th centuries

[226] Bedford, Charlotte. "Picking Winners? New Zealand's Recognised Seasonal Employer (RSE) Policy and its Impacts on Employers, Pacific Workers and Their Island-Based Communities." PhD Thesis, University of Waikato, 2013, 69.

[227] Hennebry, Jenna. "Permanently Temporary? Agricultural Migrant Workers and Their Integration in Canada." *Institute for Research on Public Policy Study* 26 (2012): 4.

[228] Preibisch, Kerry. "Pick-Your-Own-Labor: Migrant Workers and Flexibility in Canadian Agriculture." *The International Migration Review* 44, no. 2 (Summer 2010): 404.

[229] Hao'uli, Ema. " Hao'uli, Ema. "Triple WinsWins or Trojan Horse?: Examining the Recognised Seasonal Employer Scheme UnderUnder a TWAILTWAIL Lens."." *The New Zealand Yearbook of International Law*, 11 (2013): 185-190.

[230] Hao'uli, "Triple Wins or Trojan Horse?," 183, 208.

[231] Perkiss, Stephanie, Tautalaaso Taule'alo, Olivia Dun, Natascha Klocker, Asenati Liki, and Farzana Tanima. "Exploring Accountability of Australia and New Zealand's Temporary Labour Mobility Programmes in Samoa Using a Talanoa Approach." *Accounting, Auditing & Accountability Journal* (2021): 21.

[232] Hanly, Lillian. "Living Wage Guarantee for RSE Workers in Border Exemption." Radio New Zealand, November 30, 2020. https://www.rnz.co.nz/international/pacific-news/431752/living-wage-guarantee-for-rse-workers-in-border-exemption.

[233] Wall, Tony. "Lockdown for Profit." Stuff, October, 2020. https://interactives.stuff.co.nz/2020/10/rse-migrant-workers-scheme/.

to the current RSE scheme begins to trace the historical to contemporary reliance of Australia and New Zealand on cheap Pacific labour to subsidise their economies.[234] Tuiburelevu and Wagner-Hiliau begin the work of connecting how the historical undervaluing and abuse of Pacific peoples' labour connects to the contemporary undervaluing of Pacific peoples' labour of which the Pacific Pay Gap is symptomatic.

5.2 Pacific peoples' experiences in the workplace: construction

5.2.1 Precarity and Pacific peoples in construction

The literature suggests that precarity or work insecurity is the defining feature of Pacific workers' experiences in the construction industry.[235] Pacific construction workers are overrepresented in low-skilled and low-paying roles and are often engaged in temporary, casual, fixed-term or zero-hour contracts. Such work is also characterised by irregular working hours and little opportunity for upskilling or career progression.[236] In Hurt-Suwan and Mahler's study of Māori and Pacific construction workers' construction industry experiences, workers described their employment as tedious, monotonous and boring. Notably, one participant described these precarious or insecure positions as "employment that is not conducive to jobs with dignity".[237] While there is an established body of research on Pacific workers' broader economic characteristics that align with these construction industry experiences, there is currently little on social qualities such as job satisfaction, feeling fulfilled or dignity.

Pacific construction workers primarily identify an interconnection between structural racism and neoliberalism as central for their experiences of precarity in the construction industry.[238] The participants in Hurt-Suwan and Mahler's study observed that the construction industry is project or target-oriented. Maintaining a precarious workforce enables contractors and employers "flexibility to increase and decrease (their) workforce without additional compliancy" and "releases the employer of long-term commitment and employment obligation".[239] Pacific workers are also highly aware that structural racism contributes to their experiences in the construction industry, specifically in being "forced" into precarious construction work as their only option. Pacific construction workers also report on the lack of willingness of employers to invest time, money and training into their Pacific workers specifically.[240] There is extensive across-industry and construction-specific literature that focuses on cultural barriers to positive workplace experiences and outcomes for Pacific workers. While Pacific workers do indeed raise this as a problem, the literature falls short in examining other experiences they report like encountering structural racism and the neoliberal structure of the construction industry.

5.2.2 Health and safety and Pacific peoples in construction

Owing to the concentration of Pacific workers in precarious work in the construction industry, there are also issues for Pacific workers regarding workplace health and safety.[241] Pacific workers are overrepresented in injury and fatality rates in the construction industry yet have a lower likelihood of reporting incidents or injury in the workplace.[242] This pattern can, in part, be attributed to an incompatibility between Pacific and mainstream New Zealand understandings of health and safety. The social hierarchies of many Pacific cultures render it disrespectful to raise objections or offer opinions to managers, making it difficult for Pacific workers to raise health and safety concerns with their managers.[243]

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[234] Tuiburelevu and Wagner-Hiliau, "Pick Your Own Damn Fruit."

[235] Feilo, "Talanoa," xi, 6; Hurt-Suwan and Mahler, "Social Procurement," 106-107.

[236] Hurt-Suwan and Mahler, "Social Procurement," 103, 105, 111-112.

[237] Hurt-Suwan and Mahler, "Social Procurement," 105.

[238] Hurt-Suwan and Mahler, "Social Procurement," 106-107.

[239] Hurt-Suwan and Mahler, "Social Procurement," 106.

[240] Hurt-Suwan and Mahler, "Social Procurement," 106.

[241] Feilo, "Talanoa," xi, 3, 6; Hurt-Suwan and Mahler, "Social Procurement," 103, 106.

[242] Feilo, "Talanoa," 6; Chen, *National Culture, 41; Powell, ACC's Delivery to Priority Populations: Part 2 - Pāsifika Peoples*, 1-3.

[243] Feilo, "Talanoa " 51-52, 60; Chen, National Culture, 42-44.

The precarious nature of employment in the construction industry contributes to Pacific peoples' unwillingness to engage in health and safety protocols.[244] Pacific workers will not report incidents or object to managers for fear of losing employment, which undermines their ability to support and contribute to the wellbeing of their family and community outside of work. In many instances, this is compounded by Pacific construction workers overworking themselves to please superiors and maintain a good image and will unwillingly work overtime when requested to do so.[245] As Chen points out, if Pacific workers had secure work, there would be little fear of employment loss and lower injury and overworking rates amongst Pacific construction workers.[246]

5.3 Pacific peoples' experiences in the workplace: manufacturing

5.3.1 Health and safety and Pacific peoples in manufacturing

As with the construction industry, research on Pacific workers' experiences of the manufacturing industry is dominated by focusing on workplace health and safety. The manufacturing industry accounts for the largest proportion of ACC workplace claims, with Māori and Pacific workers consistently having the highest reporting rates and lowest acceptance rates.[247] The same issues regarding cultural differences between Pacific and Western workplace culture are also raised in research on Pacific experiences of the manufacturing industry that were raised in research on the construction industry.[248] However, the Department of Labour's 2012 research paper *In Harm's Way* noted that their participants had a strong understanding of their workplace role and its health and safety commitments.[249]

Pacific workers in the manufacturing industry also raise experiences of miscommunication owing to different cultural rules for speaking to those in power.[250] However, the problem of cultural disconnect is far more frequently raised by Pākehā managers in the manufacturing industry than by Pacific workers themselves. Pacific workers more often express that their failure to report incidents or communicate ideas or dissent is due to a fear of losing their employment or income, precisely because it impacts their ability to support their family and community.[251] For instance, one employee remarked: "I've had an injury in my back, but I still force myself, you know, that Samoan thing I got to make this money for family, can't complain about it."[252]

Since then, the Department of Labour was integrated into the Ministry of Business, Innovation and Employment (MBIE). In 2018, MBIE released a report evaluating the Puataunofo programme[253] –a workplace health and safety education initiative delivered by WorkSafe New Zealand focused on providing key health and safety messages to Pacific workers, taking into account the Health and Safety at Work Act 2015. The evaluation report found that the programme was constrained in its ability to operate at scale. It did, however, find that the programme solved two problems – raising the engagement of Pacific staff with efforts to promote health and safety in the workplace and directly supporting businesses to adapt to the growing diversity of their workforce.

5.3.2 Racism and Pacific peoples in manufacturing

As the Department of Labour notes, the assumption made by Pākehā employers that Pacific workers do not report issues or share ideas because they do not understand their instructions indicates that racism is evident in the manufacturing industry.[254] Pacific manufacturing workers describe feeling as though they have to conceal their culture to keep their employment and describe management as disempowering, unwilling to hear workers'

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[244] Chen, *National Culture*, 44.

[245] Feilo, "Talanoa," 67; Chen, *National Culture*, 43-45.

[246] Chen, *National Culture*, 44.

[247] Department of Labour, *In Harm's Way*, iii, 1; Powell, *ACC's Delivery to Priority Populations: Part 2 - Pāsifika Peoples*, 1-2.

[248] Chen, National Culture, 42-43; Department of Labour, *In Harm's Way*, 58.

[249] Department of Labour, *In Harm's Way*, 30.

[250] Department of Labour, *In Harm's Way*, 52, 58.

[251] Department of Labour, *In Harm's Way*, 32

[253] Department of Labour, *In Harm's Way*, 32.

[254] Department of Labour, *In Harm's Way*, 46.

input, refusing to offer training opportunities and requesting workers to do possibly unsafe tasks to increase productivity.[255]

MBIE's 2018 report also found that there was limited Pacific cultural competence among managers.[256] It makes recommendations for the uptake of cultural competency training and professional development and support for the embedding of culturally relevant health and safety skill development in education and training more generally.

Like research on Pacific workers' experiences of the construction industry, research into Pacific workers' experiences in manufacturing of racism and precarity is meagre compared to the focus on culture and communication issues.

Furthermore, despite the manufacturing industry having more gender parity regarding participation than other main industries that employ Pacific peoples, there is a lack of qualitative research into Pacific women's experiences of the manufacturing industry – the majority of participants in targeted industry studies are Pacific men. Despite the centrality of the manufacturing industry to the Pacific workforce as a whole, there is little research specifically focused on Pacific workers' experiences of it, possibly due to the growth of the Pacific workforces in other industries.

5.4 Pacific peoples' experiences in the workplace: healthcare

5.4.1 Immigration and Pacific peoples in healthcare

Immigrant workers make up a large proportion of Pacific nurses, with approximately 31.6 percent of Pacific nurses having first registered overseas.[257] In a 2013 study mapping the Pacific healthcare workforce, some notable experiences of Pacific immigrant nurses were raised.[258] For instance, a nurse with 12 years' work experience in Samoa failed a compulsory English language test and was declined employment at a DHB. She eventually accepted care work that paid less than half of a nursing salary while she retrained to gain entry to a DHB position. Another nurse told of wanting to move to Australia because there are more Pacific workers, they are paid better and it is easier to find work.[259] These experiences highlight industry-wide issues regarding low pay.[260]

5.4.2 Racism and Pacific peoples in healthcare

While there is some research on the composition of the Pacific healthcare workforce, there is little qualitative research documenting the experiences of Pacific healthcare workers. This lack of research on the healthcare sector is noticeable compared to research on the manufacturing and construction industries. This may suggest gender bias in the literature where there is less focus on female-dominated sectors compared to male-dominated ones. However, the little research that exists suggests that Pacific workers' healthcare industry experiences are characterised by racism.[261] In particular, racism is embedded in recruitment practices that create hostile workplaces and lower pay equity, reducing retention and progression rates for Pacific workers.[262] The suggestion is corroborated by cross-industry research that indicates that lack of access to a Pacific mentor figure is a significant barrier to Pacific workplace progression.[263]

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[255] Department of Labour, *In Harm's Way*, 39-41; New Zealand Human Rights Commission, Talanoa, 27.

[256] Pacific Perspectives, *Evaluation of the Puataunofo Programme*, 24.

[257] Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 55.

[258] Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 62.

[259] Pacific Perspectives, *Pacific Health Workforce Service Forecast*, 62.

[260] Came et al., "Ethnic Pay Disparities," 77-78; New Zealand Human Rights Commission, *Talanoa*, 25-26; The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 10.

[261] Came et al., "Ethnic Pay Disparities," 73, 78; *Pacific Perspectives, Pacific Health Workforce Service Forecast*, 53.

[262] Came et al., "Ethnic Pay Disparities," 73; New Zealand Human Rights Commission, Talanoa, 25.

[263] **Industry corroboration:** Equal Employment Opportunities Trust, *Specifically Pacific*, 41, 43; Auckland Co-design Lab, *The Attitude Gap Challenge*, 90. **The need for Pacific mentors:** Came et al., "Ethnic Pay Disparities," 79-80; Equal Employment Opportunities Trust, *Specifically Pacific*, 41, 43.

6 Mechanisms for pay equity

6.1 Mechanisms for pay equity internationally

The literature on pay gaps overseas explores two main legislative ways of addressing the ethnic and gender pay gap: comprehensive pay transparency and mandatory annual reporting.[264]

Addressing ethnicity pay gaps is an emerging area of focus for policy makers globally. Most countries have not yet drafted nor implemented equal pay legislation based on ethnicity. However, the frequency of investigations into ethnic pay gaps to develop such policy is increasing, particularly in the UK.[265]

For example, a 2017 independent review in the UK titled Race in the Workplace: *The McGregor-Smith Review* looked at issues faced by businesses in developing Black and Minority Ethnic (BME) talent in the workplace.[266] The McGregor-Smith review recommended that the British Government legislate for all listed companies and businesses employing more than 50 people to publish workforce data broken down by race and pay band annually. This would create more transparency and give greater insight into the current position of organisations in creating and maintaining a diverse and inclusive workplace.[267]

However, collecting such data has presented a challenge for some organisations. A research report carried out for the Equality and Human Rights Commission of Great Britain looked at measuring and reporting disability and ethnic pay gaps. Of those employers who responded to their survey, it was identified that, overall, only 36 percent of employers record or collect data on employee ethnicity (ranging from 35 percent of those with 10–49 employees to 38 percent of those with 50–249 employees to 60 percent among those with 250+ employees).[268] Almost all of these employers (96 percent) collect or record the data through new starter forms, 64 percent through other HR record; and 27 percent through staff surveys. Large employers are more likely to collect data through other HR records (70 percent do so compared to 52 percent of medium-sized employers) and are most likely to use staff surveys to collect the data (41 percent do so compared to 39 percent of medium-sized employers and 2 percent of small employers).[269] This reflects a significant disparity in the rate of data collection based on the size of the employer organisation.

For instance, the Royal Bank of Scotland (RBS) collects ethnicity and disability information through a centralised HR system. In both cases, completion is optional, and there is a 'prefer not to say' option.

[264] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 15-17; Equality and Human Rights Commission, *Fair Opportunities for All*, 22, 25; Employment and Social Development Canada. *Employment Equity Act: Annual Report 2019*. Quebec: Employment and Social Development Canada, 2019. https://www.canada.ca/content/dam/esdc-edsc/documents/programs/employment-equity/reports/2192-EEAA-Annual-Report-2019-EN-(002).pdf; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America); New Zealand Human Rights Commission. *Equal Pay and Pay Equity*. Wellington: Human Rights Commission, undated, 1-3; PricewaterhouseCoopers. *Ethnicity Pay Gap Reporting – A Focus on Inclusion, Equality and Fairness*. London: PricewaterhouseCoopers, 2020, 2. https://www.pwc.co.uk/human-resource-services/assets/pdfs/ethnicity-pay-report.pdf.

[265] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 12-14; Longhi and Brynin, *The Ethnicity Pay Gap*, 10.

[266] McGregor-Smith, Ruby. *Race in the Workplace: The McGregor-Smith Review*. London: Luminous, 2017. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf.

[267] McGregor-Smith, *Race in the Workplace*, 14.

[268] Adams, Lorna, Aoife Ni Luanaigh, Dominic Thomson, and Helen Rossiter. *Measuring and Reporting on Disability and Ethnicity Pay Gaps*. Manchester: Equality and Human Rights Commission, 2018, 28. https://www.equalityhumanrights.com/sites/default/files/measuring-and-reporting-on-ethnicity-and-disability-pay-gaps.pdf.

[269] Adams et al., *Measuring and Reporting on Disability and Ethnicity Pay Gaps*, 117.

The information on the portal can be updated at any time (for example, if an employee develops a disability). Aside from gender, the data is treated as confidential and is not visible to line managers. The data is used to analyse progress towards targets, especially ethnic diversity at different levels.[270] RBS realised ethnic minorities were underrepresented at higher levels within the bank – 11 percent of staff are from an ethnic minority group, but this falls to 8 percent across the top four levels of the organisation. Examining the data has led to greater insight about the challenges employees face as well as highlighting the scale of underrepresentation at management level. RBS has now set a target to reach 14 percent ethnic minority leaders by 2025.[271] The data the bank collects is not only used to monitor recruitment but also to identify talent and ensure that progression and promotion practices in the bank are not (unconsciously or consciously) favouring certain groups. The bank actively encourages interviewers to challenge themselves and to identify any unconscious bias in the shortlisting process – over 80 percent of RBS staff have undertaken unconscious bias training.[272]

Ethnic pay gaps cannot be identified or closed if there is an absence of data to show this. Effective action requires organisations to establish the current landscape of where they stand today, set aspirational targets for what they expect their organisations to look like in five years' time and measure progress against those targets annually.[273]

Furthermore, several jurisdictions internationally have also expanded existing legislation aimed at gender pay equity to encompass ethnicity or are considering doing so.[274] There are increasing indications from Aotearoa New Zealand and abroad that gender pay gap laws provide a basis to model ethnic pay gap laws where much of the ethnicity pay equity legislation explored above was initially developed upon existing gender pay equity legislation.[275] Several of the recommendations made by literature from the UK lend themselves to this generalised pay equity policy. However, the simultaneous need for legislation and policy targeted specifically to ethnicity is also stressed.[276] In addition to legislation, large international companies are increasingly opting to create policies internally that address gender and ethnicity pay gaps.

6.1.1 Comprehensive pay transparency

Pay transparency commonly includes a combination of different rules and policies such as banning employers from requesting a prospective employee's wage or salary history, requiring that job advertisements include the expected compensation for the role and forbidding pay secrecy.[277] There has been a widespread focus on implementing pay transparency legislation as a way to close pay gaps.[278] A significant contributor to ethnicity pay gaps is structural racism, which impacts pay and upward career progression through institutional habits present from the point of recruitment. Therefore, the literature suggests that pay transparency legislation

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[270] Adams et al., *Measuring and Reporting on Disability and Ethnicity Pay Gaps, 117*.

[271] Adams et al., *Measuring and Reporting on Disability and Ethnicity Pay Gaps, 117.*

[272] Adams et al., *Measuring and Reporting on Disability and Ethnicity Pay Gaps, 117.*

[273] McGregor-Smith, *Race in the Workplace*.

[274] Equality and Human Rights Commission, *Fair Opportunities for All*, 25-26; Employment and Social Development Canada, *Employment Equity Act*, 3; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America); New Zealand Human Rights Commission, *Equal Pay and Pay Equity*, 5-6.

[275] In Aotearoa New Zealand: Public Service Commission. *Guidance Measuring and Beginning to address Māori and Ethnic Pay Gaps in the Public Service*. Wellington: Public Service Commission, 2021, 2. https://www.publicservice.govt.nz/assets/SSC-Site-Assets/Workforce-and-Talent-Management/Guidance-Measuring-and-beginning-to-address-Maori-and-ethnic-pay-gaps-in-the-PS.pdf. Abroad: Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 41-42; Equality and Human Rights Commission, *Fair Opportunities for All*, 25-26.

[276] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 41; Equality and Human Rights Commission, *Fair Opportunities for All*, 25-26; Brown, Duncan. "Gender Pay Gaps, the UK Experience: How Do We Close Them, How Do We Bring Research Into Practice?." *Compensation & Benefits Review* 51, no. 4 (2019): 153.

[277] Coghlan, *State Policy Strategies for Narrowing the Gender Wage Gap*, 1.

[278] Employment and Social Development Canada, Employment Equity Act, 51-52; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America); New Zealand Human Rights Commission, *Equal Pay and Pay Equity*, 1; Chifley Research Centre. *Closing the Gender Pay Gap*. Kingston: Chifley Research Centre, 2019, 20. https://www.chifley.org.au/publications/closing-the-gender-pay-gap/.

is one of the most straightforward means of solving such an issue.[279] Most pay transparency policies do not specify ethnicity. Instead, they are often subsumed under gender pay equity legislation. However, existing pay transparency laws assume similar forms to mandatory reporting across a number of governments in North America. The most common requirement is the ban on pay secrecy, active in the US states of California, Colorado, Illinois, Louisiana, Maine, Michigan, Minnesota, New Hampshire, New Jersey and Vermont.[280] Some governments prohibit employers from requesting wage or salary histories such as that in Ontario, Canada, and the US states of California, Delaware, Massachusetts and Oregon and the US cities of Philadelphia, Pittsburgh, New Orleans and New York.[281] However, both Ontario and Colorado have developed more-comprehensive legislation that requires disclosure of expected remuneration in job advertisements.[282]

Germany's Remuneration Transparency Act 2018 is often cited as an example of legislation that comprehensively addresses pay transparency.[283] This legislation allows workers to request from their employer (a private employer with 200 or more employees), subject to several criteria, information regarding the remuneration of the other gender[284] for the same or comparable work alongside the framework used to determine such remuneration.[285] However, as with the pay transparency legislation explored above, although this approach is more detailed, it only addresses one tenet of pay transparency. Despite research indicating the pay transparency is a key mechanism for closing ethnic pay gaps, there is yet to be ethnic-specific legislation, and most pay transparency legislation has developed with a focus on gender pay gaps instead.

6.1.2 Mandatory annual reporting

Annual reports published by workplaces that map their ethnicity pay gap are crucial for gathering extensive and rich data, which in turn holds workplaces accountable for remedying inequities.[286] There are several examples overseas where reporting on gender pay gaps has been legally mandated, but few examples for ethnic pay gap reporting. Where mandatory reporting has been implemented, there is significant cross-over between states.[287]

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[279] Equality and Human Rights Commission, *Fair Opportunities for All*, 21-23.

[280] Coghlan, *State Policy Strategies for Narrowing the Gender Wage Gap*, 1.

[281] Coghlan, *State Policy Strategies for Narrowing the Gender Wage Gap*, 1.

[282] Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

[283] Ministry for Women. *Country Case Studies on Pay Transparency*. Wellington: Ministry for Women, 2019, 12. https://women. govt.nz/sites/public_files/Case%20studies%20on%20pay%20transparency%20-%20AU%2C%20DK%2C%20FR%2C%20 DE%2C%20IS%2C%20UK.pdf.

[284] Language used reflects the source material.

[285] Ministry for Women, *Country Case Studies on Pay Transparency*, 12-13.

[286] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 42-43; Equality and Human Rights Commission, *Fair Opportunities for All*, 25-26; PricewaterhouseCoopers, Ethnicity Pay Gap Reporting, 2.

[287] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 42; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

Jurisdiction	Description
Australia	Non-public-sector employers with 100+ staff must submit a report about gender equality issues. Employers that do not comply are named and may not be eligible for government contracts or financial help.
Belgium	The gender pay gap must be reported in annual audits. Every two years, organisations with 50+ employees must review the pay structure of male and female employees and produce an action plan if it is shown that women are paid less than men.
California, US	Employers with 100+ employees are required to track and report pay gaps based on gender and other diversity characteristics. The State can investigate and prosecute employers whose reports demonstrate (or it has otherwise been reported) that they are engaging in unlawful wage practices.
European Commission	In March 2021, the EC presented a proposal that sets out pay transparency measures, including gender pay gap reporting obligations for companies with 250+ employees.
Denmark	Private firms with 35+ employees must share gender pay gaps where more than 10 men and 10 women are in the same job category.
Finland	Employers with 30+ employees must draw up a gender equality plan and survey pay differences every two years. Compliance is monitored by the Gender Equality Ombudsman.
France	Organisations with 50+ employees must annually publish indicators relating to the gender pay gap. Large organisations must also measure additional indicators. Companies that do not publish their score may face a financial penalty of up to 1 percent of their total payroll. Firms are liable to pay 1 percent of total payroll if they have not closed the gap in three years. Firms may be granted an additional year to enact their "catch-up plan".
Iceland	Employers with 25+ employees must be certified under an equal pay standard. Employers must prove that they have created a pay scale that guarantees equal pay for women and men. Pay scales are checked by auditors. Unions and employer representatives also ensure compliance. The Iceland Government seeks to close its gender pay gap by 2022.
Ireland	A Bill being considered would require certain employers to publish information relating to the gender pay gap and the measures being taken to eliminate or reduce it. The bill provides for a phased introduction of the requirement based on the number of employees in the company.
Norway	Requires private employers with 50+ employees and all public sector employers to report annually on their gender equality efforts. The Equality and Anti-Discrimination Ombudsman provides guidance and support to employers to comply.
Ontario, Canada	Employers with 100+ employees are required to track and report pay gaps based on gender and other diversity characteristics. All publicly advertised job postings must include a salary rate or range, and employers cannot ask about past compensation or take reprisal against employees who do disclose compensation. Employers are phased into the system based on the number of employees.
South Africa	Employers with more than 50 employees or with a predetermined financial turnover are required to provide an annual report to the Labour Department. These reports have to outline salary differentials between ethnic groups and across different genders.
Sweden	All employers are required to survey and analyse compliance with legislative provisions and standard practice and to survey gender pay gaps. The aim is to detect, remedy and prevent unfair pay differences and other terms and conditions of employment. Employers with 10+ employees are required to report the results. The Equality Ombudsman can audit employers and penalise non-compliance.
UK	Private, public and voluntary sector organisations with 250+ employees are required to publish annual information on the gender pay gap using the government gender pay gap reporting service. Organisations with fewer than 250 employees may report voluntarily.

As noted in the table above, the Ontario, and California Governments have each mandated annual reports on pay gaps inclusive of ethnicity to be published by workplaces. Both require that employers with 100 or more employees compile an annual report that contains an ethnic breakdown of their workforce and information on their wages.[288] In Ontario, a designated government authority has the power to prosecute employers and appoint an officer to conduct an audit upon failure to provide a report.[289] In California, a designated government authority can investigate and prosecute employers whose reports demonstrate (or have otherwise been reported) they are engaging in unlawful wage practices.[290] The similarities within the legislation mean it would be possible to compare the success of these approaches in different situations.

Scotland has taken a slightly different approach under the direction of the UK-wide Public Sector Equality Duty. Public sector authorities are subject to different reporting schedules, but reporting on ethnicity is being phased in from 2021–24. Broadly, it requires public authorities of 20 or more employees to publish a report every four years that includes employee information on wages, occupational segregation, workplace policy towards addressing inequities and progress made.[291] Notably, mandatory reporting has been widely supported in the UK by unions and business lobby groups.[292] Therefore, research from other countries indicates that there is a need to further investigate this approach and also have the New Zealand public sector lead the way in addressing the Pacific Pay Gap through public accountability measures. These actions could provide important intermediary steps between current practices and mandatory reporting.

As noted above, it is far more common for other countries to require annual reporting on gender pay gaps without regard to intersecting ethnic pay gaps. Australian gender pay equity legislation is the most similar to the mandatory reporting on ethnic pay gaps in Ontario and California. In Australian gender pay equity legislation, private employers with 100 or more employees must submit an annual report to a specifically created stand-alone government agency, which must include: a breakdown of their workforce by gender, position level and remuneration; reporting on practices relevant to flexible employment; any instances of harassment or discrimination; and any consultation with employees on gender equality in the workplace. These reports are analysed by the authority body and returned to employers with feedback and suggestions. Organisations that fail to comply may be named and barred from tendering for government contracts.[293]

By comparison, gender pay equity laws in Europe take a different approach. In the UK, any organisation with 250 or more employees must submit gender and pay rates of their employees, alongside an optional narrative to complement the data. The regulations are enforced by the Equalities and Human Rights Commission, a non-governmental body that can require the submission of an action plan if a report is not issued.[294] The Welsh and Scottish Governments have individually expanded upon this base requirement, and as explored above, Scotland's commitments extend to ethnicity.[295] In Denmark, private organisations of 35 or more employees with 10 or more men and women in the same job category or public organisations of 35 or more employees with three or more men and women in the same job category must annually report

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[288] Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

[289] Pay Transparency Act, 2018, chap. 5, (Ontario, Canada).

[290] Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

[291] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 14, 42; Equality and Human Rights Commission. *Listed Authorities Covered by the Scotland Specific Duties*. Scotland: Equality and Human Rights Commission, 2021. https://www.equalityhumanrights.com/en/public-sector-equality-duty-scotland/listed-authorities-covered-scotland-specific-duties.

[292] Makortoff, Kalyeena. "Businesses, Unions, and EHRC Press Government on Ethnic Pay Gap Reporting." The Guardian, June 25, 2021. https://www.theguardian.com/business/2021/jun/25/cbi-tuc-and-ehrc-press-government-on-mandatory-ethnic-pay-gap-reporting.

[293] Ministry for Women, *Country Case Studies*, 1-2; Fair Work Ombudsman. *Gender Pay Equity Best Practice Guide*. Sydney: Fair Work Ombudsman, 2020. https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/gender-pay-equity.

[294] Ministry for Women, *Country Case Studies*, 20-21; Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 17; Equality and Human Rights Commission, *Fair Opportunities for All*, 25.

[295] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 42-43; Equality and Human Rights Commission, *Fair Opportunities for All*, 25.

gender pay statistics to Statistics Denmark. However, this law is unenforced.[296] In France, employers with 50 or more employees must annually publish their own score relevant to gender pay gap indicators. The Labour Ministry enforces this, and non-compliance or a poor score is punishable by a fine.[297] Similarly, Iceland requires employers with 25 or more employees to obtain annual certification of gender pay equity, which is granted after completing an audit by a designated government body. The authority body may issue fines for non-compliance, although, interestingly, unions and employer representatives are tasked with monitoring compliance.[298]

Increasingly in the UK, companies are opting to create internal policies that reflect annual reporting. Business in the Community, a business-led membership organisation, has an extensive list of signatories to their Race at Work Charter that commit to "capture ethnicity data and publicise progress" which has contributed to 19 percent of all companies in the UK publicly reporting pay gap data in 2021.[299] Alongside the Charter, Business in the Community has developed clear fact sheets to support private companies in collecting and justifying the need to collect ethnic data.[300] An example of a charter signatory is KPMG in the UK, which produces an annual report into pay gaps that is inclusive of ethnicity and sees it as a core part of its business:

> We do not want gender, ethnicity, identity, disability or background to be a barrier to anyone's career at KPMG. That's why we are voluntarily publishing our sexual orientation and disability pay gaps for the first time this year. We want to be as transparent as possible on the gaps that exist and how we are closing them.[301]

Business in the Community also produces an annual Race at Work scorecard that gives increasingly clear data not just on progress towards closing pay gaps but also experiences within the workplace, creating a form of accountability in the business community that is outside of legislation.[302]

Research of the above-mentioned jurisdictions has shown that, where pay gap reporting became mandatory, the pay gap reduced overall. Analysis applying the impact of pay gap reporting in other countries to the New Zealand context showed that a woman earning the current median wage in New Zealand ($26.37) could receive $12.80–$35.77 more per week. The report from the Mind The Gap campaign analyses public pay gap reporting impacts in seven countries and shows mandatory reporting can reduce gender pay gaps by 20–40 percent.[303]

6.1.3 Issues with pay transparency and mandatory reporting legislation

A clear issue with current and proposed pay transparency and mandatory reporting is its significant focus on gender, with ethnicity or race being left as a voluntary measure.

Other issues include inconsistencies regarding: which legislation applies to certain employers and what they mandate; the allocation of responsibility between employers, the government or an independent body; and the methods, or lack of, for enforcement and penalty. For instance, many pay transparency and mandatory reporting laws apply only to public employers and employees.[304]

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[296] Ministry for Women, *Country Case Studies*, 4-5.

[297] Ministry for Women, *Country Case Studies*, 8-10.

[298] Ministry for Women, Country Case Studies, 16-17.

[299] **Race at work charter:** Business in the Community. *Race at Work Charter*. London: Business in the Community, 2021. https://www.bitc.org.uk/post_tag/race-at-work-charter/; Business in the Community. *Race*. London, Business in the Community, 2021. https://www.bitc.org.uk/race/#h-about-the-race-at-work-charter.
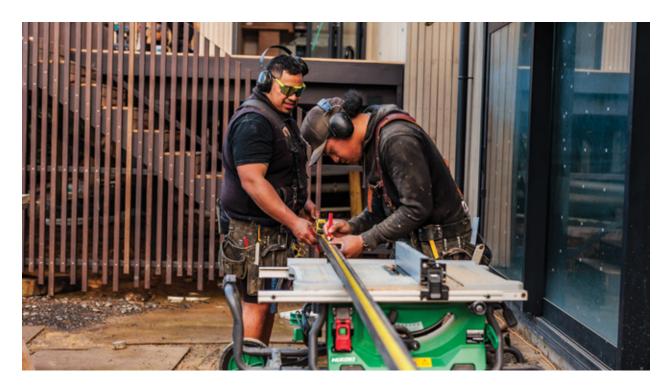
[300] Business in the Community. *Capturing Ethnicity Data*. London: Business in the Community, 2019. https://www.bitc.org.uk/capturing-ethnicity-data/.

[301] KPMG. *UK Pay Gap Report 2020*. London: KPMG, 2021, 2. https://assets.kpmg/content/dam/kpmg/uk/pdf/2021/02/KPMG-UK-Pay-Gap-Report-2020.pdf.

[302] Business in the Community. *Race at Work 2021: The Scorecard Report*. London: Business in the Community, 2021, 13-19, 22. https://www.bitc.org.uk/report/race-at-work-2021-the-scorecard-report/.

[303] Mind the Gap. *The Potential Impact of Pay Gap Reporting on Wages in New Zealand*. 2022. https://static1.squarespace.com/static/611321349d4ee10c3e086b1d/t/626dbd3e0d13d3686ede3ca8/1651359039546/Research+note+impact+of+pay+gap+reporting.pdf.

[304] Coghlan, *State Policy Strategies for Narrowing the Gender Wage Gap*, 5; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

Similarly, legislation is varyingly monitored and enforced by existing government bodies, separate public bodies or specifically established independent bodies or is unenforced.[305]

The imposition of penalties for non-compliance and the nature of the penalties themselves also vary from fines to bans on contract work for public entities, although penalties are recommended.[306] In particular reference to pay transparency, it is clear that some cities, states and provinces do not apply a comprehensive pay transparency programme and instead mandate or encourage one of the three tenets of pay transparency – prohibiting employers from requesting a prospective employee's wage or salary history, requiring that job advertisements include the expected compensation for the role and forbidding pay secrecy. This irregularity is possibly in relation to opposition from large businesses concerning competitive, high-level roles.[307]

Although the legislation in France, Iceland and Germany is too recent for valid results to have been collated, the relatively older policies of Australia, Denmark and the UK have seen signs of success, perhaps indicating a route of best practice.[308] Significantly, research suggests that workplaces must be involved in their own solutions for ethnic pay gaps.[309] However, there has also been indication from workplaces that, in some instances, particularly within smaller organisations, human resources departments do not have the means to provide extensive reporting.[310] Therefore, it is recommended that governments or enforcing bodies engage in consultation with employers to establish the most effective policy.[311] Specifically in terms of mandatory reporting, governments must take an active role in monitoring the information they gather.[312] For example, the Canadian Government publishes extensive and detailed annual reports that synthesise findings based on employer reports.[313] Finally, there is also a recommendation for setting targets and developing action plans to uphold commitments made by both workplaces and policy makers.[314]

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[305] Ministry for Women, *Country Case Studies*, 1-21.

[306] Chifley Research Centre, *Closing the Gender Pay Gap*, 18-19; Ministry for Women, *Country Case Studies*, 2, 8, 17; Pay Transparency Act, 2018, chap. 5, (Ontario, Canada); Senate Bill No. 973, 2020, chap. 363 (California, United States of America).

[307] New Zealand Human Rights Commission, *Equal Pay and Pay Equity*, 1.

[308] Ministry for Women, *Country Case Studies*, 2-3, 6-7, 11, 14-15, 18, 21.

[309] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 47-48, 50.

[310] PricewaterhouseCoopers, *Ethnicity Pay Gap Reporting*, 3.

[311] Equality and Human Rights Commission, *Fair Opportunities for All*, 26.

[312] Equality and Human Rights Commission, *Fair Opportunities for All*, 26; Chifley Research Centre, *Closing the Gender Pay Gap*, 30.

[313] Employment and Social Development Canada, Employment Equity Act, 3, 7.

[314] Equality and Human Rights Commission, *Fair Opportunities for All*, 23; Chifley Research Centre, *Closing the Gender Pay Gap*, 30.

6.1.4 Government-sponsored grants and procurement schemes

Outside of comprehensive pay transparency and mandatory annual reporting, various recommendations and initiatives aimed at eliminating pay gaps have been explored internationally to develop gender and ethnicity pay equity policy. The most common recommendations targeted at the workplace and made without specific policy plans, other than pay transparency and mandatory reporting, include enabling flexible but stable work and addressing discrimination at the point of recruitment via processes like anonymised hiring.[315] Governments are increasingly only employing and engaging companies that meet minimum workplace equity standards.[316] The literature suggests that government grant and procurement programmes seem to be one approach that has been implemented to successfully help in reducing pay gaps.

The Canadian Government has established a widely successful grants programme to support employers in developing workplace equity alongside an award for excellence for those making strides toward workplace equity.[317] Alternatively, locally administered but centrally funded measures have also been explored. For example, in 2007–09, the UK Government funded an outreach programme that supported ethnic minorities with advice regarding CV preparation, interview skills, confidence building and administrative assistance. Again, this resulted in marked success.[318] These examples demonstrate the various creative possibilities for initiatives that may contribute to the elimination of ethnicity pay gaps.

Additionally, recommendations are not restricted to those focused on or within the workplace, and some recommendations have attempted to take on structural processes that contribute to the pay gap.

Common recommendations from the literature, proposed without specific policy measures alongside, often include reducing horizontal segregation and increasing within-industry mobility, working towards undoing ethnic and gender stereotypes in particular occupations, subsidised childcare for those with significant family or caring commitments and extended parental leave and addressing inequities in educational access and attainment, including skills training.[319]

6.2 Pay equity mechanisms in Aotearoa New Zealand

6.2.1 Pay equity legislation: Equal Pay Act 1972

The main pay equity legislation in Aotearoa New Zealand is the Equal Pay Act 1972, which makes it unlawful to refuse to offer the same pay, terms of employment, training, promotion on the basis of sex. Specifically, in terms of equal pay, section 2AAC states:

An employer must ensure that—

(a) there is no differentiation, on the basis of sex, between the rates of remuneration offered and afforded by the employer to employees of the employer who perform the same, or substantially similar, work; and

(b) there is no differentiation, on the basis of sex, between the rates of remuneration offered and afforded by the employer for work that is exclusively or predominantly performed by female employees and the rate of remuneration that would be paid to male employees who—

(i) have the same, or substantially similar, skills, responsibility, and experience; and

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[315] Chifley Research Centre, *Closing the Gender Pay Gap*, 24-25; Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 42-47; Australian Government. T*owards 2025: An Australian Government Strategy to Boost Women's Workforce Participation*. Australian Government, 2017, 15-16. https://womensworkforceparticipation.pmc.gov.au/.

[316] Chifley Research Centre, *Closing the Gender Pay Gap*, 30; Employment and Social Development Canada, *Employment Equity Act*, 50.

[317] Employment and Social Development Canada, *Employment Equity Act*, 53.

[318] Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 44.

[319] **Reducing horizontal segregation and increasing within-industry mobility:** Chifley Research Centre, *Closing the Gender Pay Gap*, 21-25; Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 41; Longhi and Brynin, *The Ethnicity Pay Gap*, 21, 24. **Undoing ethnic and gender stereotypes in particular occupations:** Chifley Research Centre, *Closing the Gender Pay Gap*, 26; Brown, Rickard, and Broughton, *Tackling Gender, Disability and Ethnicity Pay Gaps*, 46-47; Longhi and Brynin, *The Ethnicity Pay Gap*, 19. **Subsidised childcare or extended parental leave:** Equality and Human Rights Commission, *Fair Opportunities for All*, 19; Chifley Research Centre, *Closing the Gender Pay Gap*, 26-28; Australian Government, *Towards 2025*, 13. **Inequities in education and skills training:** Equality and Human Rights Commission, *Fair Opportunities for All*, 9, 12; Longhi and Brynin, *The Ethnicity Pay Gap*, 69; Australian Government, *Towards 2025*, 18.

(ii) work under the same, or substantially similar, conditions, and with the same, or substantially similar, degrees of effort.[320]

In terms of unlawful discrimination more generally, section 2A(1) of the Act states:

> No employer shall refuse or omit to offer or afford any person the same terms of employment, conditions of work, fringe benefits, and opportunities for training, promotion, and transfer as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description by reason of the sex of that person.[321]

The Act came after the report of the 1971 Commission of Inquiry into Equal Pay found that "women are paid as members of a category of lesser economic worth" which is "based on tradition and is without justification".[322] When the Act was passed, it was unclear whether it covered pay equity. It was not until 2014 that the Court of Appeal clarified that the Act covered pay equity as well as pay equality.[323]

Notably, the report and the resulting Act itself does not mention intersecting inequities on the basis of ethnicity and race, therefore making it impossible for a Pacific person to bring a pay equity claim on the basis of ethnicity and for a Pacific woman to bring an intersectional discrimination claim on the basis of her ethnicity and race as well as her gender.

6.2.2 Pay transparency and mandatory reporting

There appears to be a lack of transparent measures in Aotearoa New Zealand policy that secure pay transparency and direct mandatory reporting for workplace discrimination or issues regarding pay equity. Transparency within pay rates would provide an opportunity for true structural change by establishing pay gap monitoring and identifying clear steps to closing the Pacific Pay Gap.[324] Making pay rates accessible means that efforts can be tracked and employers can be held accountable with initiatives established to respond to such goals. As Lytle argues, any concern that pay transparency might be taken out of context can be addressed if policy reflects honest goals to be met by local governments and employers through their own policies.[325] This would mean holding these bodies accountable in their movements for addressing income disparities, and if there is adequate justification as to why certain individuals are to be paid more (for example, if they are more qualified individuals), there are funded steps employees can take to receive payment promotions and further upskill their work such as additional training and education.[326]

6.2.3 Fair pay agreements

In May 2021, the Government announced its plan to pass legislation to implement fair pay agreements in response to the lag in wage growth compared to the country's economic growth. The purpose of fair pay agreements is to shift bargaining power to employees, which in the long term is envisioned to increase living standards and share the benefits of increased productivity more widely.[327]

However, based on available sources, this legislation does not intend to address the Pacific Pay Gap specifically or consider ethnic disparities more generally. The proposed legislation will ensure that unions initiate the fair pay process. However, the exact number of Pacific union members is unclear, although there is publicly available data on gender.[328]

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[320] Equal Pay Act 1972, s 2AAC.

[321] Equal Pay Act 1972, s 2A(1).

[322] *Commission of Inquiry into Equal Pay in New Zealand*. A. R. Shearer, Government Printer, H. 54, September 1971) at 12.

[323] *Terranova Homes and Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc*, [2013] NZCA 575 at [147].

[324] McAllister et al., "Glass Ceilings in New Zealand Universities," 282.

[325] Lytle, Tamara. "Should HR Make Pay Public?" *Society for Human Resource Management*, updated September 1, 2014, 4. https://www.shrm.org/hr-today/news/hr-magazine/pages/0914-salary-transparency.aspx.

[326] Lytle, "Should HR Make Pay Public?" 3; New Zealand Human Rights Commission, *Talanoa*, 42.

[327] Ministry of Business, Innovation & Employment. *The Proposed Fair Pay Agreement System*. Wellington: Ministry of Business, Innovation & Employment, undated, 1. https://www.mbie.govt.nz/dmsdocument/14294-the-proposed-fair-pay-agreement-system-pdf.

[328] Ryall, Sue, and Stephen Blumenfield. *Unions and Union Membership in New Zealand – Report on 2017 Survey*. Wellington: Centre for Labour, Employment and Work, 2017, 10. https://www.wgtn.ac.nz/__data/assets/pdf_file/0008/1814588/new-zealand-union-membership-survey-report-2017.pdf.

6.2.4 Pacific Employment Action Plan

On 30 May 2022, the New Zealand Government launched the Pacific Employment Action Plan.[329] It was produced based on extensive community engagement (with approximately 2,500 Pacific people) and supports the Ministry for Pacific Peoples' *Pacific Aotearoa Lalanga Fou* report.[330] The goals of the Pacific Aotearoa Lalanga Fou are:

- Thriving Pacific Languages, Cultures and Identities
- Prosperous Pacific Communities
- Resilient Healthy Pacific Communities
- Confident, Thriving and Resilient Pacific Young People.

By supporting employment outcomes for Pacific peoples, the action plan particularly contributes to the goal of creating Prosperous Pacific Communities. The diversity of Pacific communities and the intersectionalities of Pacific identities are well recognised in the action plan, with separate focuses and statistics provided for Pacific women, Pacific youth, Pacific disabled people, and Pacific MVPFAFF+/ LGBTQIA+.

The action plan focuses on three key objectives:

1. Diversify the Pacific workforce.
2. Addressing systemic barriers.
3. Building on Pacific entrepreneurship.

Within each objective, the action plan lists the government policies and strategy that are currently under way that will contribute towards that objective.

Objective 1 acknowledges as a starting point that Pacific peoples in the labour market are concentrated in occupations with lower pay. It then focuses on the need to support Pacific communities to participate in a wider range of areas such as STEAM (science, technology, engineering, arts and mathematics). There are two broad components to this: supporting Pacific people to make informed decisions about their careers at different stages of life and exploring new modes for learning and working for new and existing occupations relevant to Pacific students, workers and volunteers.

Objective 2 acknowledges that, for employment services to be well-tailored to individuals and their needs, they need to be culturally informed. For this, a range of systems shifts are required:

(c) Ensuring Pacific families and communities have the baseline tools, skills, and wellbeing to engage as they aspire to in the labour market and education systems.

(d) Supporting government and businesses at all levels and in all places to better respond to the experiences and needs of diverse Pacific workers, learners, and communities.

(e) Being accountable and modelling best-practice in the public service for fair employment outcomes across pay, workplace practices, and career progression and training opportunities to address ethnic-gender pay gaps and occupational segregation.[331]

Behavioural insights can help with reducing inequitable outcomes – for example, disclosing salary ranges encourages people, especially women, to negotiate. Most notably, objective 2 specifically names the ethnic pay gap and gender-ethnic pay gap as areas of focus and acknowledges the work of the Human Rights Commission in the Pacific Pay Gap Inquiry. Overall, it acknowledges the importance of addressing structural discrimination, which is a promising development that the Inquiry will continue to track.

Objective 3 acknowledges that there is little government-funded support for Pacific businesses and entrepreneurs beyond the Pacific Business Trust. It highlights the importance of social procurement, referring to the practice of large organisations, particularly businesses, buying goods and services where doing so supports broader cultural, environmental and social outcomes. This includes buying from businesses owned by Māori, Pacific peoples, disabled people and other minorities that traditionally face a range of barriers to engaging with large buyers. This objective has the least actions in the action plan, but all are generally aimed at supporting government funding and investment for Pacific enterprises.

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[329] Ministry for Pacific Peoples, *Pacific Employment Action Plan*.

[330] Ministry for Pacific Peoples. *Pacific Aotearoa Lalanga Fou*. Wellington: Ministry for Pacific Peoples, 2018. https://www.mpp.govt.nz/assets/Reports/Pacific-Aotearoa-Lalanga-Fou-Report.pdf

[331] Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 23.

7 Equitable working conditions and practices

7.1 Mechanisms for equity in workplaces internationally

In terms of effective strategies for achieving equity in workplaces, most of the examples in this section come from international research, particularly from the UK, and are summarised below.

7.1.1. Recruitment

Poor recruitment processes can be a barrier of entry into the workplace for people of colour. For instance, a lack of international qualification recognition and language differences can create difficulty for migrants of colour. As a result, migrants of colour are often led to take on work that does not reflect their level of skill and experience.

The use of outdated and/or incomprehensible language in job advertisements and deciding where to advertise jobs can also pose barriers and impact the pool of candidates it attracts. To address this, bias and discrimination must be eliminated at the point of recruitment.[332]

The McGregor-Smith review identified a number of changes employers could make in both public and private sectors to improve diversity within their organisations from recruiting to retaining a more representative workforce.[333]

One proposed change was for employers to reject non-diverse lists when recruiting through a third party or recruitment agency. The McGregor-Smith review also recommended having diverse interview panels to ensure that the selection and interview process is undertaken by more than one person. Wherever possible, this panel should include individuals from different backgrounds to help eliminate any lingering unconscious bias.

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[332] McGregor-Smith, *Race in the Workplace*.
[333] McGregor-Smith, *Race in the Workplace*.

For instance, the Royal Bank of Scotland (RBS) undertook unconscious bias testing around disability, sexual orientation, age, ethnicity and gender across its leadership team across the UK and internationally. The purpose of this testing was to understand the impact of unconscious bias in the bank and identify training that could be introduced to help mitigate this. RBS used findings from this training to create a tailored programme with targeted interventions aimed at each level of the organisation, which consisted of a workshop for senior leaders, a webinar for those with managerial responsibilities and scenario-based e-learning for all employees.

This tailored programme was rolled out across RBS to improve awareness of how biases can influence poor decisions. As a result of the training, 97 percent of RBS employees reported that they will "do their job differently". This has been reflected in some tangible actions through:

- changing recruitment practices, reviewing talent development and better performance management
- revisiting talent and succession plans with a new perspective – adopting a more joined-up approach with their peers to create a plan that is more inclusive of different people
- banning same-gender panels requiring more diversity on all shortlists (at least one woman or BME candidate) and considering more non-traditional candidates for certain roles (part-time, retirees, carers)
- looking more broadly at who they consider talent – mentoring more-diverse groups of people, specifically BME and female talent.[334]

Another example of inclusive recruitment processes and policies has been reflected by the HM Land Registry, which established a two-year recruitment target to attract and appoint BME candidates.[335] The organisation has met its attraction target and achieved 92.4 percent of its appointment target. Actions taken towards meeting these targets

have included ensuring all job descriptions and advertisements use inclusive language and training 10 BME staff across junior levels to sit on recruitment panels.[336]

7.1.2 Progressing at work

Supporting people of colour into employment needs to be met with anti-racist infrastructure to sustain career progression in the workplace. The McGregor-Smith review recommended implementing in-work mentoring for people of colour to develop their career pathways.

A 2017 Chartered Institute of Personnel and Development (CIPD) report found that employees from Indian, Pakistani, Bangladeshi and mixed-race backgrounds were more likely to view access to mentors as a useful means of support for career progression compared to white British employees.[337] The CIPD report also found that employees from Indian, Pakistani, Bangladeshi or Black backgrounds were more likely than white British employees to indicate that more transparent career paths would help their career advancement.

The benefits of implementing a mentoring programme within an organisation can be seen in the Scottish Trades Union Congress (STUC), which has adopted a mentoring project for BME staff to be supported into more-senior positions. The success of this scheme is due to the parallel focus on institutional barriers to advancement and recognition from senior management that, within the organisation, BME workers are overrepresented in lower-level positions.

This organisational focus, combined with specific training for managers, training and support for BME workers and a shared desire to change outcomes in the organisation, has started to produce significant change to the STUC workplace.[338] Feedback from those who took part showed that:

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[334] McGregor-Smith, *Race in the Workplace*.

[335] CIPD. *Addressing the Barriers to BAME Employee Career Progression to the Top*. London: Chartered Institute of Personnel and Development, 2017.

[336] CIPD, *Addressing the Barriers*.

[337] CIPD, *Addressing the Barriers*.

[338] CIPD, *Addressing the Barriers*.

- 73 percent reported an increase in personal confidence

- 64 percent reported increased confidence in their jobs

- 54 percent felt that participation had helped them develop professionally.[339]

The McGregor-Smith review also recommended that employers ensure all elements of reward and recognition, from appraisals to bonuses, reflect the racial diversity of the organisation.[340]

For instance, Ernst and Young (EY) uses a data-driven approach to get clear insight into the diversity of its workforce. This enables EY to implement robust performance appraisal and promotion policies that seek to advance employees on a representative basis according to the diversity composition of each job level.[341]

This is reflected in managerial promotions at EY. With 20 percent from BME backgrounds at a manager level, EY expects one in five promotions from manager to senior manager to be from ethnic minorities.[342] The process works on a comply or explain basis. Business units that fail to comply with this are required to give feedback to its HR teams on why eligible candidates were unsuccessful. This feedback is then used to understand why the target is not being achieved and supports business leaders to put in place actions that will improve the likelihood of success.

7.1.3 Workplace culture

Organisational environment is one of the most cited barriers to career progression for many people of colour. The CIPD report found that the most cited barrier to career success was organisational culture and style. In particular, the women surveyed in the study identified the presence of exclusive masculine cultures that pressured them to compromise who

they were as BME women, the absence of role models, the challenge of connecting into established networks and the lack of acceptance, support or nurturing.[343]

Creating more-inclusive workplaces and improving diversity across an organisation would give people of colour the confidence in having access to the same opportunities as their peers and help them to feel comfortable to speak up if they find themselves subject to direct or indirect discrimination or bias. One recommendation from the literature to address this would be to establish inclusive networks.

The McGregor-Smith review recommended that all staff at all levels of an organisation undertake mandatory unconscious bias training to address lingering behaviours and attitudes that act as a barrier to a more-inclusive workplace.[344] The unconscious bias training is only one element in a wider inclusion programme of work, as noted in the RBS exampled discussed above in 7.1.1.

7.2 Legal framework for non-discrimination in employment

7.2.1 Legal framework for unlawful discrimination

While the Equal Pay Act 1972 only prohibits unlawful workplace discrimination on the basis of sex, the Employment Relations Act 2000 also prohibits discrimination based on race or ethnic and national origins.[345] Section 104(1) of the Act provides that discrimination occurs when, by reason directly or indirectly of any of the prohibited grounds of discrimination, an employer does one or more of the following:

(a) refuses or omits to offer or afford to that employee the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion, and transfer as are made available for other employees of

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[339] CIPD, *Addressing the Barriers*.

[340] McGregor-Smith, *Race in the Workplace*.

[341] McGregor-Smith, *Race in the Workplace*.

[342] McGregor-Smith, *Race in the Workplace*.

[343] CIPD, *Addressing the Barriers*.

[344] McGregor-Smith, *Race in the Workplace*.

[345] Employment Relations Act 2000, s 105(1). This section utilises the prohibited grounds of discrimination outlined in s 21(1) of the Human Rights Act 1993. The prohibited grounds of discrimination include sex, marital status, religious belief, ethical belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.

the same or substantially similar qualifications, experience, or skills employed in the same or substantially similar circumstances; or

(b)　dismisses that employee or subjects that employee to any detriment, in circumstances in which other employees employed by that employer on work of that description are not or would not be dismissed or subjected to such detriment; or

(c)　retires that employee, or requires or causes that employee to retire or resign.[346]

Importantly, s 103 (1)(c) and (e) of the Act allows employees to bring personal grievance claims against their employers under the grounds of discrimination or racial harassment.

The Court of Appeal in Quilter v Attorney-General established the legal standard for meeting the grounds of discrimination, measuring this disadvantage in comparison to a hypothetical other.[347]　To succeed in a claim of discrimination, the complainant must prove they suffered different treatment, disadvantage or dismissal due to one of the prohibited grounds outlined in s 105 of the Employment Relations Act or that such grounds were material in contribution to discriminatory treatment by their employers.[348]

As Reilly notes, the courts have declined to uphold employment discrimination claims on the basis of insufficient evidence.[349] However, there have been two successful claims alleging multiple discrimination under s 104(1) the Act, although neither expressly claimed intersectional discrimination.[350] One of those decisions was Easterbrook v Cycle and Carriage

(City) Ltd, which concerned alleged discrimination on the separate grounds of sex and race and ethnic or national origins.[351] In this case, discrimination was found due to the claimant being explicitly told they did not receive a promotion in the workplace due to being Asian and not a man. As the promotion was denied explicitly on two of the prohibited grounds of discrimination in the Act, discrimination was clearly established. However, there was no mention of how these two grounds of discrimination possibly intersected.[352]

7.2.2 Legal framework for racial harassment

The Employment Relations Act 2000 also covers racial harassment specifically, with s 109 stating the elements as follows:

> … [A]n employee is racially harassed in the employee's employment if the employee's employer or a representative of that employer uses language (whether written or spoken), or visual material, or physical behaviour that directly or indirectly:
>
> (a) expresses hostility against, or brings into contempt or ridicule, the employee on the ground of the race, colour, or ethnic or national origins of the employee; and
>
> (b) is hurtful or offensive to the employee (whether or not that is conveyed to the employer or representative); and
>
> (c) has, either by its nature or through repetition, a detrimental effect on the employee's employment, job performance, or job satisfaction.[353]

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[346] Employment Relations Act 2000, s 104(1).

[347] *Quilter v Attorney-General* (1998) 1 NZLR 523 (CA).

[348] Such a standard was confirmed and applied by Tipping J in the Supreme Court, see: *Air New Zealand Ltd v McAlister* (2009) NZSC 78, (2010) 1 NZLR 153 at [49] and [52].

[349] Reilly, "Māori Women, Discrimination and Paid Work," 330.

[350] Reilly, "Māori Women, Discrimination and Paid Work," 330, citing: **Age:** *Wang v New World Market Ltd* (2016) NZERA Auckland 124. **Disability:** *Wang v New World Market Ltd* (2016) NZERA Auckland 124. **Gender:** *Terranova Homes & Care Ltd v Service and Food Workers Union Nga Ringa Tota Inc* (2014) NZCA 516.

[351] *Easterbrook v Cycle and Carriage (City) Ltd* (WA4/01, WEA3/01, ERA Wellington, 27 February 2001); Reilly, "Māori Women, Discrimination and Paid Work," 330.

[352] Reilly, "Māori Women, Discrimination and Paid Work," 330.

[353] Employment Relations Act 2000, s109.

One leading authority for racial harassment is *Corbett v UDP Shoplifters Ltd*.[354] In this case, the claimant had been subject to derogatory remarks about his Irish heritage from his colleagues, and when he raised the abuse with his managers, he continued to receive abuse and ended up being assaulted and then leaving his job.[355] His claim was successful in meeting the elements of s 109 on the grounds that his fellow employees had expressed "hostility" toward him, that he was brought into "contempt or ridicule" on the basis of his national origin, he was upset by the abuse and the abuse had a "detrimental effect" on his job satisfaction, causing him to leave the job.[356]

Another leading case for racial harassment under s 109 of the Act is *Bashir v Ladbrook Law Ltd*, which concerned derogatory remarks made about the claimant's ability to speak English and their first language being Arabic.[357] Despite the employer arguing that their remarks were not racial harassment because "that written English can be difficult for non-native speakers was a fact", the claim was successful as it was noted that the claimant had achieved academic merit in English and had obtained a law degree from a New Zealand university, thus making the remarks racial harassment on the grounds of race or ethnic origin.[358]

The *Corbett* and *Bashir* cases make it clear that an employer will be held liable for the racial harassment of their employee unless they can prove that they took all reasonably practicable steps to prevent the harassment from occurring.[359]

7.3 Addressing workplace racism with cultural competency training

To date, there has been no research into how New Zealand workplaces and wider society can begin to engage with New Zealand's colonial history in the Pacific Islands. This is an important gap in literature and practice as it is our colonial history that contributes to the devaluing of Pacific labour today. However, the recent Dawn Raids apology and the subsequent dedicated resourcing have potential to begin this urgent conversation. This final section therefore explores a commonly suggested solution to racism in the workplace, which is cultural competency training. Cultural competency training has become an area of focus in relation to potential solutions to racism against Pacific peoples in the workplace and the Pacific Pay Gap.[360] By understanding the cultural framework in which Pacific peoples operate, there is an opportunity to design workplace solutions to secure Pacific employment retention and mobility and minimise underemployment and unemployment for Pacific peoples in Aotearoa New Zealand.[361]

7.3.1 Employers and cultural competency

There is evidence that racist stereotypes impact non-Pacific managers' interpretations of Pacific workers' actions at work, which subsequently impacts decisions regarding how to engage with and support or promote Pacific workers.[362] Non-Pacific employers repeatedly report that their lack of understanding of Pacific culture is a significant barrier to their ability to foster positive workplace environments for Pacific workers.[363] Cultural competency training can provide

[354] *Corbett v UDP Shoplifters Ltd* [2012] NZERA Christchurch 151.

[355] *Corbett v UDP Shoplifters Ltd*, [2].

[356] *Corbett v UDP Shoplifters Ltd*, [41]-[44].

[357] *Bashir v Ladbrook Law Ltd* [2016] NZERA Auckland 73.

[358] *Bashir v Ladbrook Law Ltd*, [25]-[39].

[359] Hornsby-Geluk, Susan. "The Lesson from Roseanne for New Zealand Employers." Stuff, June 13, 2018. https://www.stuff.co.nz/business/opinion-analysis/104476793/roseannes-lessons-for-kiwi-employers?fbclid=IwAR0O14Ubwlw1z5mDZQAqfxY6adwg_B3RfFZL9R9iVsZL-cGy7iMl0u8YvTo

[360] Ministry for Pacific Peoples. *Pacific Employment Action Plan*, 5.

[361] Tunoa, Alofa. *Pacific Peoples' Progression in the Labour Market: A Literature Review*. Undated, 35; Auckland Co-design Lab, *The Attitude Gap Challenge*, 100-101.

[362] Tupou, "The Effect of the Glass Ceiling," 52; Department of Labour, *In Harm's Way*, 46, 53; Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 5; Radio New Zealand, "Workplace Challenges for Pasifika Peoples."

[363] The Southern Initiative, Ministry of Business, Innovation & Employment, and Auckland Co-design Lab, *Pacific Peoples' Workforce Challenge*, 14, 18; Auckland Co-design Lab, *The Attitude Gap Challenge*, 45, 66; Department of Labour, *In Harm's Way*, 50-51.

employers with the tools to build a bridge between themselves and their employees, which in turn can develop accountability and consistent evaluation that would see Pacific employees progress through their workplace.[364] Cultural competency training often requires that employers meet their employees halfway by making conscious efforts to understand Pacific framings of knowledge production and practice to improve workplace environments for both the employer and employee.[365] However, non-Pacific employers rarely receive such training.[366]

For employers, it is strongly encouraged that cultural competency training is provided from Pacific perspectives.[367] The literature argues that, if employers understand Pacific values and the importance of community and family, they will be able to recognise the wider levels of responsibility that Pacific workers occupy as providers for their families beyond solely financial means.[368] Cultivating this deeper understanding would, in theory, enable managers to improve employment policies in such a way that would better account for Pacific perspectives and further support their Pacific employees.[369] Moreover, training non-Pacific employers in cultural competency would help to challenge the deficit narratives through which many employers appear to interpret their Pacific workers. It is crucial that employers understand that such narratives are fragmented stories that fail to take into account Pacific perspectives and render other valuable work that they carry out within the community invisible.[370]

7.3.2 Limitations of cultural competency training

Diversity programmes like cultural competency programmes do not guarantee the elimination of racism in the workplace.[371] This is evidenced in Pacific workers' observations that non-Pacific managers display a lack of willingness to learn about and engage with Pacific culture to support them in the workplace.[372] Pacific workers have reported being frustrated by this, recognising that it impedes their career progression and upholds negative stereotypes about Pacific workers.[373] Conversely, Pacific workers place high value on having Pacific managers, specifically because they understand Pacific culture and how it affects Pacific workers in the workplace.[374]

Currently, many employers express a desire to engage in cultural competence training but are uncertain of where to begin and what to cover.[375] As a result, ad hoc solutions are often put in place by workplaces, but because they are not systemic, they are often ineffective and poorly monitored, producing few positive results.[376] Many of these approaches demand extra unpaid labour from Pacific workers who are asked by their managers to engage in extra work outside their job description such as translation. Pacific workers are particularly vulnerable to overworking due to a strong desire to please superiors.[377] Removing the onus to do such work is critical to Pacific peoples' workplace success, and so, as the Ministry for Pacific Peoples notes, implementing full wraparound and tailored cultural competency training is necessary.[378] The

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[364] Came et al., "Ethnic Pay Disparities," 79.

[365] Tunoa, *Pacific Peoples' Progression in the Labour Market*, 35.

[366] Equal Employment Opportunities Trust, *Specifically Pacific*, 39.

[367] Tupou, "The Effect of the Glass Ceiling," 96.

[368] Equal Employment Opportunities Trust, *Specifically Pacific*, 43; Department of Labour, *In Harm's Way*, 62.

[369] Brougham, David, Jarrod Haar, and Maree Roche, *A Kaupapa Māori Approach to Human Resource Management Practices in Aotearoa Workplaces*. Auckland, New Zealand Work Research Institute, 2020, 4; Auckland Co-design Lab, The Attitude Gap Challenge, 96-97.

[370] Ministry for Pacific Peoples, *Pacific Aotearoa Lalanga Fou*, 14; Vui-Talitu, Sara. "The Pacific's Contribution to the NZ Economy." Radio New Zealand, November 29, 2019. https://www.rnz.co.nz/programmes/two-cents-worth/story/2018724446/the-pacific-s-contribution-to-the-nz-economy.

[371] Came et al., "Ethnic Pay Disparities," 73.

[372] Feilo, "Talanoa," 52, 66; Auckland Co-design Lab, *The Attitude Gap Challenge*, 45, 66, 114.

[373] Radio New Zealand, "Workplace Challenges for Pasifika Peoples."

[374] Equal Employment Opportunities Trust, *Specifically Pacific*, 29-31.

[375] Auckland Co-design Lab, *The Attitude Gap Challenge*; Equal Employment Opportunities Trust, *Specifically Pacific*, 39-42.

[376] Radio New Zealand, "Workplace Challenges for Pasifika Peoples"; Came et al., "Ethnic Pay Disparities," 80.

[377] Chen, *National Culture*, 43.

[378] Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 5.

role of the government in aiding workplaces to develop cultural competency training programmes is made clear by the lack of voluntary uptake by workplaces but also through the insights of Pacific workers themselves: "[The government] has to help private and government organisations to design the organisational culture to be more friendly and welcome women and ethnic minority in the workplace."[379]

7.4 Current programmes aimed at improving Pacific workforce experiences

As outlined above, institutional racism has a role to play in the Pacific Pay Gap, and without addressing wider societal contributors to the pay gap, any measures implemented will fail to deliver on much-needed change in social inequity. The labour market experience within New Zealand needs to include analysis of the diverse experiences of discrimination and marginalisation faced by migrants and Indigenous peoples if there is hope to bring true structural transformation and address such inequalities.[380]

Current government-led initiatives to support Pacific peoples in low-skilled precarious work are focused on bringing a gradual transition into quality employment over a period of four years.[381] Such initiatives have been proposed by MBIE and the Ministry of Social Development in response to the negative impacts of the COVID-19 global pandemic on the earnings of Pacific peoples, aiming to provide further employment opportunities for people who have lost employment due to COVID restrictions and their impact on the economy.[382] Such initiatives have encouraged the use of Pacific perspectives to shape these responses, including Pacific voices in decision making and providing further resources for Pacific communities to generate locally produced solutions "by and for" Pacific peoples.[383] This initiative also suggests the need to increase the availability and speed of upskilling, training and opportunities for Pacific peoples to further excel within the workplace. It also indicates the benefits for cultural competency training for employers to understand Pacific perspectives within the workplace.[384]

Another initiative called the Southern Initiative claims that approaching the issue focused on creating spaces of social innovation and social aspiration rather than looking at Pacific deficit is the way to bring about long-term improvements to Pacific inequality.[385] These programmes indicate that a multi-stakeholder approach with government intervention provides opportunities to address inequities within our current labour market. This reflects research about the importance of partnership and collaboration between Pacific communities, data analysts, policy innovators, leaders, universities, social enterprises and funders to change how Pacific peoples currently experience the labour market.[386] However, such measures need government direction in order to encourage participation from employers.[387]

[379] Tupou, "The Effect of the Glass Ceiling," 61.

[380] Miles, Bob, and Paul Spoonley. "The Political Economy of Labour Migration: An Alternative to the Sociology of 'Race' and 'Ethnic Relations' In New Zealand." *Journal of Sociology* 21, no. 1 (1985): 3-26, 9, 16.

[381] Ministry for Business, Innovation & Employment. *Briefing for Incoming Minister for Economic Development*. Wellington: Ministry for Business, Innovation & Employment, 2020, 16. https://www.beehive.govt.nz/sites/default/files/2020-12/Economic%20Development.PDF.

[382] Ministry of Business, Innovation & Employment and Ministry of Social Development. *Briefing to the Incoming Minister for Social Development and Employment*. Wellington: Ministry of Business, Innovation & Employment and Ministry of Social Development, 2020, 21. https://www.beehive.govt.nz/sites/default/files/2020-12/Social%20Development%20and%20Employment.pdf.

[383] Ministry of Business, Innovation & Employment, *Briefing for Incoming Minister for Economic Development*, 16.

[384] Ministry for Women and Ministry for Pacific Peoples. *Pacific Women and Men in Business*. Wellington: Ministry for Women and Ministry for Pacific Peoples, 2021, 11. https://women.govt.nz/sites/public_files/Pacific%20Women%20and%20Men%20in%20Business.pdf.

[385] Burkett, Ingrid, and Cathy Boorman. *Strengths and Opportunities: Review of TSI 2020*. Queensland: Yunus Centre, 2020, 7-12. https://static1.squarespace.com/static/5cf74c8f2829e20001db724f/t/6010d94d849bae794acd349b/1611716983807/Review+of+TSI+2020+-+Strengths+and+Opportunties.

[386] Johnsen, Meriana. "Auckland Firm Generates $45 Million for Māori and Pasifika-owned Businesses." Radio New Zealand, October 4, 2020. https://www.rnz.co.nz/news/te-manu-korihi/427561/auckland-firm-generates-45-million-for-maori-and-pasifika-owned-businesses; Burkett and Boorman, *Strengths and Opportunities*, 9.

[387] Burkett and Boorman, *Strengths and Opportunities*, 10, 21.

7.5 Policy design for Pacific peoples

Pacific perspectives are vital in successful initiatives to address the Pacific Pay Gap. Initiatives proposed solely by local government and other nationwide initiatives that do not include Pacific peoples fail to account for Pacific perspectives and miss opportunities to centre Pacific voices. The task posed to employers, policy shapers and local government is to truly include Pacific peoples, which includes embracing new framings of culture and practices.[388] As Lopesi notes, while shifts may initially be uncomfortable, small steps towards achieving specific goals will contribute to a wider ability to address discrimination and inequality, moving away from individualistic attitudes to more communal-based, mutually reciprocated workplace environments where Pacific peoples may flourish.[389] This is already taking place with the funding of resources and establishment of facilities that would provide the

space and capability to further support and mobilise Pacific workers and entrepreneurs.[390] As a number of Pacific commentators have noted, if the government and employers were able to understand the strength in collectivist Pacific values such as reciprocity and respect, the Pacific community would be better able to empower themselves as a collective through shared community building.[391] Drawing on Pacific perspectives encourages community-driven solutions informed through Pacific values and strengths.[392]

Ensuring Pacific voices are centred would also see the emergence of more Pacific leaders and employers. Again, it would require a collective of ideas and perspectives within the community, acknowledging that no one single body may provide the single answer in addressing the social disparities Pacific peoples face from the Pacific Pay Gap.[393] Given that

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[388] Lopesi, Lana. "When Worlds Collide: Pacific Ideas of Success in New Zealand's Workforce." *Flint & Steel* 6 (2020). https://flintandsteelmag.com/article/when-worlds-collide/.

[389] Lopesi, "When Worlds Collide."

[390] Tuatagaloa, Penelope. *Exploring Pacific Entrepreneurship: The Characteristics and Experiences of Pacific Entrepreneurs in Auckland*. Auckland: Auckland City Council, 2017, 40-41. https://knowledgeauckland.org.nz/media/1138/tr2017-010-exploring-pacific-entrepreneurship.pdf; Auckland Co-design Lab, *The Attitude Gap Challenge*, 90-91; Pacific Business Trust, *A Pacific Sole Trader's Landscape*. Auckland: Pacific Business Trust, 17.

[391] Vui-Talitu, "The Pacific's Contribution to the NZ Economy"; Radio New Zealand. "Damon Salesa: Our Pacific Future." Sunday Morning (podcast), December 10, 2017, accessed July 12, 2021. https://www.rnz.co.nz/national/programmes/sunday/audio/2018624858/damon-salesa-our-pacific-future.

[392] Ministry for Pacific Peoples, *Pacific Aotearoa Lalanga Fou*, 54.

[393] Ministry for Pacific Peoples. *Project Tatapu Feasibility Study*. Wellington: Ministry for Pacific Peoples, 2016, 2. https://www.mpp.govt.nz/assets/Reports/Project-Tatapu-Feasibility-Study.pdf; Ministry for Pacific Peoples, *Pacific Aotearoa Lalanga Fou*, 54.

Pacific leadership and community-driven solutions are the preference according to Pacific perspectives, there is also the need to support Pacific leaders and business owners in their endeavours to support their community.[394] The literature indicates that it is not enough to reinforce to Pacific business owners that help and services are available when problems arise. Rather, these business owners must also be provided with support outside of economic development services such as mentorship, pastoral care programmes and other methods of social uplifting.[395]

Furthermore, the literature also suggests that possible solutions to the Pacific Pay Gap are not likely to succeed in the long term unless developed by – or at minimum with – the specific communities they are aiming to help.

The literature makes it clear that designing policy interventions for the Pacific Pay Gap is about recognising that there needs to a be space for Pacific communities, employees and employers to provide insight into experiences of the Pacific Pay Gap. Good government policy responses acknowledge, address and produce transparency in the nature and reasons for discrimination within the workplace against racialised bodies.[396] In order to achieve this, it is vital that, alongside statistical evidence of discrimination, contextual information is gathered to explain the numbers.[397] This means that, alongside ensuring a meaningful space for Pacific communities, it is also important that employers are given space to share what knowledge they utilise in decision making, what their assumptions are about Pacific peoples and the implications these assumptions have on their employment processes. Utilising this contextual information would strengthen understandings and therefore policy responses to the Pacific Pay Gap.[398] Collecting data in this way would enable us to understand not just that there is inequity but how this inequity happens and inform possible policy interventions.

The public service approach to addressing and understanding the Māori and ethnic pay gap may give insights into possible approaches for the Pacific Pay Gap.[399] Through this approach, there is encouragement for accurate information and measurements and utilising guidance from government bodies to ensure policy responses and initiatives remain relevant and receptive to change and further developments.[400] However, alongside accurate information and measurements, there needs to be an overall aim to remove bias from workplace systems, policies and practices.[401] This can be achieved through creating policies that are explicitly guided by Pacific employees' views instead of only allowing their perspectives to supplement decision making.[402] Policy responses from the Government also encourage policy that emphasises the necessity for mobility, illustrating the current landscapes of deprivation and low income for racialised bodies.[403] Policies that aim to address certain social disparities need to be careful in their construction, ensuring that the policies are shaped to target their desired population specifically.[404] Policy responses must have strong roots in providing consistent, measurable instruments or goals moving forward to allow for successful structural change.[405]

[394] Ministry for Pacific Peoples, *Pacific Aotearoa Lalanga Fou*, 28.

[395] Pacific Business Trust, *A Pacific Sole Trader's Landscape*, 17; Tuatagaloa, *Exploring Pacific Entrepreneurship*, 39.

[396] New Zealand Treasury, *Statistical Analysis of Ethnic Wage Gaps*, 17.

[397] Neumark, David. "Experimental Research on Labour Market Discrimination." *Journal of Economic Literature* 56, no.3 (2018): 789.

[398] Neumark, "Experimental Research," 76.

[399] Public Service Commission, *Guidance Measuring*, 5.

[400] Public Service Commission, *Guidance Measuring*, 5.

[401] Public Service Commission, *Guidance Measuring*, 5; Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 1-6.

[402] Public Service Commission, *Guidance Measuring*, 5; Ministry for Pacific Peoples, *Pacific Employment Action Plan*, 1-6.

[403] New Zealand Treasury. *A Descriptive Analysis of Income and Deprivation in New Zealand*. Wellington: New Zealand Treasury, 2012, 15. https://www.treasury.govt.nz/sites/default/files/2012-05/t2012-866.pdf.

[404] New Zealand Treasury, *A Descriptive Analysis of Income and Deprivation*, 16.

[405] McAllister et al., "Glass Ceilings in New Zealand Universities," 282.

8 Concluding reflections: towards an equitable future

This review of the literature has firmly established that the Pacific Pay Gap contributes to social inequity for Pacific communities, and addressing the Pacific Pay Gap is an urgent and necessary step to ensure that Pacific peoples can benefit from the growing economy they contribute to through both paid and unpaid labour. Typically, interventions to address the disparities experienced by Pacific workers have focused on improving their educational outcomes and promoting diversification in the forms of paid work that they engage in. However, while these measures will help, the systemic discrimination and racism to which they are subjected to and that has been a central focus of this literature review also needs to be tackled in order to close the Pacific Pay Gap. Pacific peoples experience racism and discrimination not only in the focus industries of the Pacific Pay Gap Inquiry but also more broadly within the labour market. New Zealand has benefited from the colonisation of the Pacific by creating, and continuing to influence, education systems that limit

Pacific peoples to low-skilled jobs. The 1950s–1980s saw New Zealand capitalise on this by 'importing' cheap Pacific labour, which has contributed to the Pacific Pay Gap over time. The cumulative effects of occupational segregation, low pay and little or no opportunity to upskill have prevented social mobility for Pacific peoples. Existing employment schemes such as the Recognised Seasonal Employer scheme continue this unfair labour transaction. Despite significant evidence of Pacific peoples experiencing racism in their jobs, there remain few accessible avenues for addressing this.

The Pacific Pay Gap is complex in nature, and it is urgent that interventions are made across multiple arenas. There are international models for addressing wider pay gaps, but any implemented within Aotearoa New Zealand need to be adapted to this particular context. Most importantly, Pacific peoples' voices need to be included in any solutions developed to close the Pacific Pay Gap.

NZ Human Rights.

Te Kāhui Tika Tangata
Human Rights Commission

The New Zealand Human Rights Commission was set up in 1977 and works under the Human Rights Act 1993. Our purpose is to promote and protect the human rights of all people in Aotearoa New Zealand. We work for a free, fair, safe and just New Zealand, where diversity is valued, and human dignity and rights are respected. For more information, please visit our website: www.hrc.co.nz

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