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Tēnā koutou i te People's Select Committee on Pay Equity.

I am a Professor of Industrial Relations at AUT specialising in gender and inequality in work. More specifically, I have specialised in gender discrimination and care work for over 15 years. My expertise has been recognised with appointments to New Zealand government agency committees such as the Caring Counts Coalition (Human Rights Commission), as an expert witness to the Australian Royal Commission into Aged Care Quality and Safety and providing expert advice to agencies such as the OECD and healthcare think tanks in the United Kingdom. My expertise is, therefore, one that is evidence based and grounded in policy and close connections to practitioners.

The following draws on my published research with a brief statement summary on the key terms of reference outlined by the People's Select Committee on Pay Equity.

“These changes will mean the pay equity claims process is workable and sustainable”

This statement from the current coalition government in 2025 assumes that the previous pay equity claims process was not ‘workable’ nor ‘sustainable’. Belying this statement is a lack of clarification on how those terms are defined. Establishing gender discrimination, agreeing comparators and conducting the analysis required to ascertain gender equitable pay is an intensive process. For example, Hospice NZ recently indicated that the cost of their – now squashed – pay equity claim cost approximately \$90,000 over 18 monthsⁱ. However, this is a process that employers and unions have engaged in in good faith and has reduced some of the more traditional adversarial employment relationships that occurred in the past. Surely creating productive good faith employment relationships is a tangible, positive outcome of pay equity claims that, furthermore, leads to sustainable work and services in the long term. Of note is the care and support workers’ new claim under the previous Labour-led government: this resulted in employers and unions publicly sharing the view that increased funding to settle the pay equity claim was necessaryⁱⁱ.

The process was workable, and multiple claims had been agreed or were close to agreement. The component that was unworkable was the Government response to the need for increased funding to core funded services. In the example of care and support workers, both Labour and National led (the current one) governments stalled the process at the final hurdle when comparators and pay were agreed and costed. What appears to be ‘unworkable’ is the cost to the government. This is unsurprising in the context of our neoliberal economic model that has endured in various forms since the 1980s.

As I argue in the book chapter *The devil is in the detail: How neoliberal design limited the successful impact of pay equity policy in New Zealand*, ‘workable and sustainable’ tend to focus on employer and profit over quality work and services and centre on devolving government responsibility for services that are outsourced to the private sector, maintaining the lowest cost possibleⁱⁱⁱ. Indeed, the current government has indicated to those in the funded

services that they will not increase funding to cover any pay equity claim – it is over to the employers to fund that themselves. As I outline, the neoliberal government responds to challenges to neoliberal policy, particularly in relation to gender equity and equality, by taking actions to reassert control, and disempower those challenging it. This Bill does exactly that and prioritises business ‘sustainability’ and ‘small government’ over gender equitable work and quality social services.

We know that prior to the 2017 pay equity settlement for care and support workers, the system was not equitable for those workers. It was clearly established in the court, based on robust evidence, that gender discrimination influences care and support workers’ low pay. The impact of that low pay was revealed in research that showed the positive impact of gender equitable wages^{iv}: support workers could then afford basic healthcare, afford to reduce very long hours to spend time with family. In 2025 with a much higher cost of living, and wages that have not maintained their relativity to the minimum wage, support workers will no doubt once again be facing tough financial, health and wellbeing decisions.

Changes to the threshold and comparators

As noted by the People’s Select Committee on Pay Equity’s call for submissions, several key changes were made that limit how pay equity claims can now be made:

- Raising the threshold of “predominantly performed by female employees” from 60 percent to 70 percent and requiring that this has been the case for at least 10 consecutive years.
- Restriction on the male-dominated comparators able to be used to establish undervaluation to those within the same sector as the female-dominated occupation.
- Settled claims can be re-raised 10 years after settlement, if the claim meets the new requirements.
- Raising the threshold for entry to a claim process from a light-touch assessment of arguable undervaluation to having to prove the claim has merit at the start of an investigation, with the onus on employees/claimants to provide fulsome evidence of historical and current undervaluation.

As mentioned above, neoliberal governments respond to challenges or crises by punishing those who challenge their power. In this case, employees, unions and employers had worked in good faith across many pay equity claims to achieve consensus on the gender equitable wages. However, these were in occupations in the public sector, funded by government. The previous process, allowing negotiations and keeping a comparatively ‘low’ (compared to the 2025 amendments) threshold essentially reduced some government control. Wiping out all existing claims (even those that would be settled except for multiple governments’ reticence to fund them) is a prime example of punitive actions that reassert government control.

The changes to comparators also undo a large part of the Judgement that interpreted the Equal Pay Act 1972 as intending to address gender pay equity, not just gender pay equality. This limits the actions that employees and employers can take and limits the possibility of addressing pay equity in our economy and society. Historically, applying only a ‘gender equality’ lens to the Equal Pay Act 1972 resulted in very few claims, successful or not, in its first 40 years of existence. Similarly, requiring a full historic and current evaluation of the occupation prior to the claim commencing imposes such a high threshold that many claims could not proceed.

Imposing a 10-year timeframe between a settled claim and making a new one imposes restrictions that are focused on reduced costs, 'sustainability', for business and government. As was evident with the initial care and support workers' settlement, their prescribed wages were quickly outstripped by increases in the minimum wage and wages in general, so that within five years the agreed pay equity wages had lost their equity.

Raising the percentage of women that have been in an occupation for at least 10 years indicates a lack of understanding of how deeply embedded gender discrimination is in our systems. Systemic discrimination is produced not only by the policies and regulations imposed on our labour market, workers and employers, but also in the social attitudes towards workers and work, and the day-to-day practices of employers. For example, care work has long been viewed as women's work, and the skill, knowledge and experience involved in doing this job have been overlooked because of their association with an assumed innate call to care that women have. The lower status of the work means that its full impact is not understood. Indeed, there is less understanding of what the job itself entails because of the assumption that it is 'low level' care work. This was evidenced during the Covid-19 pandemic for infection control, safety and wellbeing which was both inadequate and ignorant of support workers^v. The way in which gender discrimination is embedded into the social status of care and support work, its funding and how it is outsourced all make it largely work that is invisible to society^{vi}.

While this affects wages and funding, it is also reinforced by managers who might assume that care and support workers, like their work, are a lesser status worker who are just 'not as good' as others who are better paid^{vii}. In other words, the low status of the job in society is reflected onto the workers^{viii}. Embedded norms and ideas of work take longer than only 10 years to change, even if the number of women in a job reduced to 60%. One example is that in the first several years after the 2017 Care and Support Workers pay equity settlement, some managers and registered nurses equated wage increases for support workers not with an equitable wage, but with an expectation that support workers work harder or at a higher level. Additionally, some expressed concern that there was now less difference between a support worker's wage and that of administrative staff or enrolled nurses. This exposes the way in which social norms of care and support work had not yet changed, despite several years of court cases and negotiations that had established clear gender discriminatory wages for the work *in the way that it was being done*. Thus, the imposition of a 10-year ban on new claims is unfounded in any evidence of systemic gender discrimination, social norms and the labour market.

Concluding remarks

While the Equal Pay Act Amendments in 2025 claim to make the process more workable and sustainable, they instead create an environment which prioritises profit or low cost over gender equitable wages. The amendments impose restrictions on making claims such that the likelihood of beginning a claim is low, and places undue responsibility on the workforces that are already discriminated against. These amendments will not achieve gender equitable work for women. Furthermore, the amendments fail to recognise the well documented ethnic pay gaps^{ix}, by not including processes for ethnic pay gap claims.

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ⁱ Ikram, M. (2025, June 23). 'Hospice NZ asks govt to fast-track and bankroll its new pay equity claim', *LawNews*, Retrieved from <https://lawnews.nz/employment/hospice-nz-asks-govt-to-fast-track-and-bankroll-its-new-pay-equity-claim/>

ⁱⁱ Ravenswood, K. (2025, May 8). 'The 'muddy waters' of pay equity', *The Spinoff*, retrieved from <https://thespinoff.co.nz/politics/08-05-2025/the-muddy-waters-of-pay-equity>

ⁱⁱⁱ Ravenswood, K. (2023) 'The devil is in the detail: How neoliberal design limited the successful impact of pay equity policy in New Zealand' in H. Conley & P. Koskinen (Eds). *Handbook on Gender and Public Sector Employment*, Edward Elgar Publishing Ltd.

^{iv} Douglas, J. & Ravenswood, K. (2019). *The Value of Care: Understanding the impact of the 2017 pay equity settlement on the residential aged care, home and community care and disability support sectors*. Auckland: New Zealand Work Research Institute. Funded by the Human Rights Commission and Careerforce New Zealand.

^v Ravenswood, K., Nicholson, A., Hurd, F., Ewertowska, T., Fromm, A., McCully, K., Woolley, M., The Participant Researchers. (2022). *The wellbeing of community support workers during the Covid-19 pandemic*. Auckland, New Zealand: AUT. <https://openrepository.aut.ac.nz/handle/10292/15372>

^{vi} Ravenswood, K., Hurd, F., Nicholson, A., Fromm, A., McCully, K., Woolley, M., Ewertowska, T., The Participant Researchers (2023). Community support workers' experiences of working during the COVID-19 pandemic. *Labour & Industry*, 33(2), 263-280.

^{vii} Ravenswood, K. & Harris, C. (2016). Doing gender, paying low: gender, class and work-life balance in aged care. *Gender, Work & Organisation*, 23 (6), 614-628. [10.1111/gwao.12149](https://doi.org/10.1111/gwao.12149)

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^{viii} Clarke, M. & Ravenswood, K. (2019). Constructing a career identity in the aged care sector: overcoming the 'taint' of dirty work, *Personnel Review*, 48 (1), 76-97. [10.1108/PR-08-2017-0244](https://doi.org/10.1108/PR-08-2017-0244)

^{ix} New Zealand Human Rights Commission. (2022) Voices of Pacific peoples. Eliminating pay gaps. Wellington, Human Rights Commission.