



31 October 2019

Chief Executive

Wellington Office

PSA House
11 Aurora Terrace
PO Box 3817
Wellington 6011
Phone 04 495 7633
Email: enquiries@psa.org.nz

Dear

Claim for the implementation of Equal Pay on behalf of PSA members who predominantly perform clerical and administrative work.

This letter formally raises a claim on behalf of PSA members employed by you who predominantly perform clerical and administrative work, however defined or described, and without limitation to this term including those who perform customer support work and call centre work. This claim is made under the Equal Pay Act 1972 (the Act) and the Government Service Equal Pay Act 1960. This letter outlines the basis of the claim and a proposed pathway for addressing the gender-based undervaluation of these workers. For your information, we have also made a claim against the employers listed in Appendix 1. With your support we seek to establish a joint working group to resolve this claim for all PSA members covered by this claim.

The claim

The PSA believes that members covered by this claim suffer from unlawful gender-based pay discrimination as defined under the Act. This work has historically, and is currently, predominantly performed by female employees and it is currently, and has historically, been undervalued.

This letter constitutes formal notification that our members, the subject of this claim, are making a pay equity claim to the effect that as an employer you have failed to ensure that there is not differentiation between the rates of remuneration offered and afforded –or paid- by you to them compared to the rate of remuneration that would be paid to male employees who have the same or substantively the same or similar skills, responsibilities, service and/or experience and who work under the same or substantially similar conditions with the same or substantively similar degrees of effort. The PSA seeks to resolve this matter using the principles and processes agreed by the tri-partite Joint Working Group (“JWG”) in May 2016 and the Reconvened Joint Working Group (“the RJWG”)¹ on Pay Equity in January 2018.

The RJWG amended principle 2A defines the first step in determining whether to proceed with a pay equity claim as being that the “work must be predominantly performed by women”².

Amended principle 2B notes that in addition to 2A above, it should be arguable that:

“The work is currently or has been historically undervalued due to, for example:

¹ Reconvened Joint Working Group on Pay Equity Principles (2019). “Recommendations of the Reconvened Joint Working Group on Pay Equity Principles”. Retrieved from <https://www.beehive.govt.nz/sites/default/files/2018-03/RJWG%20Pay%20Equity%20Principles%20letter%20of%20transmission%20FINAL%20.pdf>.

² Op cit, p.5

- i. Any relevant origins and history of the work and the wage setting for it;
- ii. Any social, cultural or historical factors which may have led to undervaluing or devaluing of the work and the remuneration paid for it;
- iii. There is or has been some characterisation of the work as “women’s work”;
- iv. Any social, cultural or historical phenomena whereby women are considered to have “natural” or “inherent” qualities not required to be accounted for in wages paid”.³

In its covering letter explaining the requirements of amended principle 2B the RJWG clarified that the assessment of historical undervaluation is intended to be a light touch and that it is not necessary for all the examples in part 2B to be present for a claim to proceed.

Work performed predominantly by women

The PSA believes that those who have historically and are currently performing predominantly clerical and administrative work as defined within this claim within your organisation are predominantly women. The PSA membership data demonstrates that our members performing this work within your organisation are predominantly women. This, and anecdotal evidence from our organisers and delegates, confirms that this work is predominantly performed by women. The PSA is also aware of SSC data that has been shared with it that also lists this as an area of female/low paid work.

Work currently and historically undervalued

The work that is the subject of this claim is currently, and has historically been, undervalued due to social, cultural and historical factors related to gender. PSA commissioned research regarding the history of clerical and administrative work demonstrates:

- By the end of the twentieth century, clerical work was predominantly undertaken by women.
- The numbers of women clerical workers in New Zealand started growing in the 1890s. Women entering clerical work were not replacing men but were part of the expansion of clerical work.
- Women’s clerical work was segregated both vertically and horizontally. Clerical and administrative work became defined as women’s work over time due to increase feminisation (horizontal segregation) however even from the start women were restricted to lower status, lower paid clerical roles (vertical segregation/segmentation).
- The Public Service Commission took active steps to keep women in the low-paid low status clerical roles. These steps were often fought by unions including the PSA.
- The idea that women worked temporarily before marriage was one justification for lower pay. Occupations with high numbers of young women tended to be of lower status and were lower paid. The marriage bar played a significant role in gendering clerical work.
- Both the First and Second World Wars saw an increase in the number of clerical workers (roles taken up by women), but the Public Service Commission took steps to emphasise these roles were temporary. Women were also more vulnerable during the depression because their work was seen as temporary.

³ Ibid

- Wage fixing mechanism historically linked the value of clerical work with that of a skilled tradesperson however this nexus was not maintained as the work was feminised despite union attempts to address this.⁴
- In July 1938, the Arbitration Court set the minimum wage for adult male clerks at the same rate it established for skilled male workers in its 1937 standard wage pronouncement.
- In its 1952 standard-wage pronouncement and its 1966 ruling in the printers' 'margins for skill' case, the Arbitration Court set the top award rate for male clerical workers at about the same level as the general rate for tradesmen.
- In 1971 the Clerical Workers Association took a case before the New Zealand Supreme Court. The court overturned part of the National government's policy of wage restraint by upholding the Arbitration Court's decision to grant the clerical unions' application for a 16.5% wage increase. This preserved the traditional relativity between clerks and tradesmen.
- In 1977, the New Zealand Clerical Workers' award went to arbitration and the Industrial Commission again upheld the historical relativity to the tradesmen's rate.
- In 1985 the Clerical Workers Association took a test case on behalf of its 30 000 members 90% of who were women to the Arbitration Court.⁵ They argued that the standard clerical rate was now a 'depressed female rate of pay' and should be revised under the Equal Pay Act. Further, they asked for equal pay comparisons between typically female occupations and a 'notional male rate', referred to in S.3(1)(b) of the Act. The Court declined jurisdiction.
- The 1991 Employment Contracts Act changed the industrial landscape via labour market deregulation and the emphasis on individual agreements. As a result, there were limited opportunities to address systemic issues such as gender pay inequality.

The PSA believes that its claim meets the requirements of Principles 2A and 2B of the JWG and RJWG Principles.

Resolving this claim

We seek your response to this claim, and, whether you accept that the requirements of Principles 2A and 2B have been met, by 01 December 2019.

As detailed above, we would prefer to resolve this claim through the establishment of a working group with the other named organisations in Appendix 1 using the processes and principles laid out by the JWG and RJWG.

We therefore suggest that it would be appropriate for a meeting to be held to finalise details for how to further progress this matter no later than 13 December 2019.

⁴ Franks P (1994) *The Employment Contracts Act and the Demise of the New Zealand Clerical Workers Union*
http://www.nzjh.auckland.ac.nz/docs/1994/NZJH_28_2_06.pdf

⁵ *New Zealand Clerical Administrative etc IAOW v Farmers Trading Co Ltd* [1986] ACJ 203.

We look forward to progressing this matter with you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Davies', with a long horizontal flourish extending to the right.

Kerry Davies
National Secretary

Name and address for Service: Kerry Davies, National Secretary, PSA House, 11 Aurora Terrace,
Wellington 6011

Appendix 1 - Departments/Agencies/Entities Subject to the Claim

Controller and Auditor General
Crown Law Office
Department of Conservation
Department of Corrections
Department of Internal Affairs
Department of Prime Minister and Cabinet
Education Review Office
Government Communications Security Bureau
Inland Revenue
Land Information New Zealand
Manatū Taonga - Ministry for Culture and Heritage
Ministry for Pacific Peoples
Ministry for Primary Industries
Ministry for Women
Ministry for the Environment
Ministry of Business Innovation and Employment
Ministry of Defence
Ministry of Education
Ministry of Foreign affairs and Trade
Ministry of Health
Ministry of Housing and Urban Development
Ministry of Justice
Ministry of Social Development
Ministry of Transport
New Zealand Customs Service
New Zealand Defence Force
New Zealand Police
Office of the Clerk of the House of Representatives
Oranga Tamariki
Parliamentary Counsel Office
Parliamentary service
Pike River Recovery Agency
Serious Fraud Office
Social Investment Agency
State Services Commission
Statistics New Zealand
Te Arawhiti
Te Puni Kōkiri
The Treasury
Accident Compensation Corporation
Kāinga Ora - Housing New Zealand

Appendix 2

PSA – Indicative Administrative and Clerical roles (for Public Service, Kāinga Ora, ACC Pay equity claim)

Controller and Auditor General

Admin/Clerical general

Crown Law

Delium Support Assistant Supervisor
Legal Assistant
Support officer – reception
Records Assistant
Legal Secretary
Records coordinator
Finance Officer
Executive Assistant
Historic Research Assistant
Delium scanner
Fixtures Assistant
Transition coordinator
Legal administrator
Team administrator
Office co-ordination
Library assistant
Fixtures administrator
GLN team administrator
HR coordinator
Senior legal assistant
Litigation services Assistant

Department of Conservation

Reception
Administration
Administration Assistant
Administration Officer
Administration support Officer
Regional Administration Officer
Board Support Officer
Business Services Officer
Personal Assistant
Data Entry
Finance Clerk/Officer
Word Processor
Office Administrator
Accounts Payable
Clerk
Community Relations Admin
Concessions Administrator
Great Walks Bookings
Programme Administrator
Project Administrator
Executive Assistant

Department of Corrections

Administration officers
Admin support officer
Executive Officers
Program Administrators
Health care administrators
Intervention coordinators
Personal Assistant
Senior receptionist
Administrator
HR Administrator
Accounts Payable
Credit Administrator
Mail Operator
Office Administrator
Regional Administrator
Regional Roster Coordinator
Regional Volunteer Coordinator
Support Administration
Temp Administrator
Board Liaison Officer
Records Advisor
Reintegration Coordinator

Department of Internal Affairs

Executive Assistant
Personal Assistant
Administration Assistant
Administrator
Administration officer
Business support Administrator
Business support Coordinator
Team administrator
General Assistant
Customer service officer
Regional administrative Assistant
Support officer
Ceremonies and support officer
Archives Support Assistant
Central Processing Officer
Learning and Dev Coordinator
Identity and passport officer
Postal services assistant
Logistical support officer
Authentication officer
Client information officer
Advisor
Information assistant
Office Coordinator
Kaimanaaki

Contact Centre Processing officers Registration officer

Department of Prime Minister and Cabinet

Admin/Clerical general

Education Review Office

Administration officer Business Support Personal Assistant Executive Assistant

Government Communications Security Bureau
--

Admin/Clerical general

Inland Revenue Department

Customer support administrator Workflow administrator Administrator Contracts administrator Personal Assistant Business Support Content administrator Coordinator Administrative assistant Records officer Business support Customer Service Officer Procurement officer
--

Land Information New Zealand

Centre Service Officer Customer Support Agent Coordinator Front Office Coordinator Team Administrator Executive Assistant Administration HR/Payroll Personal Assistant Property rights analyst Secretary

Ministry for Culture & Heritage
--

Administrator Personal Assistant Team administrator Executive Coordinator Finance Administrator Receptionist Assistant advisor
--

Secretary
Research assistant

Ministry for Pacific Peoples

Admin/Clerical general

Ministry for Primary Industries

Administrators -
Branch Administrator
Contracts Administrator
Finance Administrator
Information Administrator
Legal Practice Administrator
Logistics Administrator and Senior
Policy Administrator
Property Administrator
Recruitment Administrator
Response Administrators
Support Officers
Business Support -
Compliance
Facilities
Facilities Co-ordinators
Legal
Ministerial
Receptionist
Transitional Facilities
Target Evaluators
Co-ordinators -
Customer Enquiries
Learning
Ministerial
Technical
Communications Centre Officer
Infringement Officer
Publications Logistics Officer
Specimen Receptionist
Technical Assistant
Technical Support Officer Legal

Ministry for Women

Admin/Clerical general

Ministry for the Environment

Reception
Information Centre Advisor
Executive Assistant
Accounts and payroll officer
Executive Secretary
Advisor
Central Processing Officer

Coordinator
HR Administration
Partnership & engagement coordinator FMIS administrator
Visitor administrator
Funds administrator
Business support coordinator

Ministry of Business, Innovation and Employment

Admin coordinator
Admin officer
Admin support officer
Administrator
Business support coordinator
Business services administrator
Contract administrator
Coordinator
Executive Assistant
Personal Assistant
Weathertight Administrator
Facilities Coordinator
Immigration support officer
Permit officer
Personal assistant
Team administrator
Support officer
Support team
System administrator
Customer service officer
Dispute resolution coordinator
Legal secretaries
Communications centre operator Compliance officer
Border Officer
Building Services Administrator

Ministry of Defence

Admin/Clerical general

Ministry of Education

Administrator
Administrative Support Officer
Administration Coordinator
Admin Officer
Business Support
Business Support Coordinator
Coordinator
Executive Assistant
Personal Assistant
Programme Finance Admin
Programme Administrator
Receptionist
Resourcing Officer

School Property Officer
Senior Administrator
Senior Business Support Officer
Senior Support Officer
Support Officer
Team Administrator
ESOL - Support Officer
Resourcing Officer
Accounts Receivable Advisor
Resourcing Officer
Assistant Adviser
Accounts Payable Advisor
Resourcing Officer
Transport Officer

Ministry of Foreign Affairs and Trade

Admin Support Officer
Business Support
Divisional Secretary
Executive Assistant
First Secretary
Commercial Administrator
Team Administrator
Coordinator

Ministry of Health

Clinical Coders
Administrator
Payment Officer
Payment Processor
Executive Assistant
Personal Assistant
Data Administrator
Program Administrator
Support Officer
Contact Centre Representatives
Data entry

Ministry of Housing and Urban Development

Personal assistant
Executive Assistant
Advisors - Administrators
Administrators
General Clerical/Admin

Ministry of Justice

Admin Assistant
Admin Support
Admin Clerk
Admin officer
Contact Centre

Central processing unit
Clerical support Officer
Collections Registry Officer
Court Registry Officer
Court Registry Support Officer
Court Reporters
Customer Service Officer
Customer Services Representatives
Grants Officer (Legal Aid)
Personal Assistant
Executive Assistant
District Administrator
Payroll
Data Entry
Data Admin
National Initial Investigations Office
Processing Officer
Coronial Services Support
Reception
Booking coordinators
Support Services Coordinator
Clerks
Client Services representative

Ministry of Social Development/Oranga Tamariki (Joint Payroll)

Central Processing
Executive Administrator
Personal Assistant
Customer Service Representative
Contact Centre
Centre Support Officer
Support Officer
Admin
Administration officer
Administration
Admin support person
Admin & Claims support officer
Administration services
Administration Support
Assistant Admin Officer
Call Centre
Child Processing
Child Team Admin
Customer Support Officer
Team Administrator
Support Officer Admin
Roster Administrator
Payroll Officer
Office Administrator
HR Admin
Processing Officer

Financial services Admin
Forensic team admin support
Social Work Resource Assistant (SWRA)
Administrator
Administrator Support
Personal Assistant
Executive Assistant
Residence Administrator
Customer Service Representative Resource Assistants
Resource Worker
Collections Officer
Child team Coordinator
Admin team Coordinator
Senior admin support

Ministry of Transport

Accounts officer
Executive Assistant
Official Projects Administrator
Personal Assistant
Projects Administrator
HR Administrator
Payroll Administrator
Private Secretary support
Facilities Administrator

New Zealand Customs Service

Assistant Customs Officers
Administration
Data Entry Operator
Admin support
Typist
Personal Assistants
Executive Coordinators
Executive Assistants
Payroll/HR officers
Primary Processing officer

New Zealand Defence Force

Accounts Administrator
Accounts Clerk
Administrative assistants
Administrator
Administration officer
Administration Clerk
Administrative coordinator
Board Secretary
Casual Clerk
Clerical Officer
Clerk
Customer support agents

Customer Service Finance Officer Payroll administrator Personal Assistant Communications centre (comcen) Reception Typist/WP
--

New Zealand Police

Admin/Clerical general Accounts Clerk Administration Officer Clinical Records Assistant Shift Typist/WP Operator
--

Office of the clerk of the House of Representatives
--

Admin/Clerical general Administration Support Officer Executive Assistant

Parliamentary Counsel Office

Admin/Clerical general Receptionist
--

Parliamentary Services

Admin Administrator Electorate Secretary Executive Assistant Out of parliament support staff Mail sorter Reception Evening Telephone Operator Visitor Services Visitor Centre Assistant Hansard editors General secretaries Personal Assistant Clerks Messenger

Pike River Recovery Agency

Admin/Clerical general

Serious Fraud Office

Admin/Clerical general

Social Investment Agency

Admin/Clerical general

State Services Commission

Admin/Clerical general

Statistics New Zealand

Building Services Administrator
Contact Centre
Customer Service Representative
Executive Assistant
Payments Officer
Statistical Processor
Reception
Team Administrator
Project coordinator
Administrator
Senior Office Administrator
Office Administrator
Survey Administrator
Accounts Officer
Payroll officer
Coordinator
Publishing Assistant
Customer Advisor
Programme administrator
Programme coordinator
Portfolio coordinator
Census administrator
Programme administrator

Te Arawhiti

Admin/Clerical General

The Treasury

Admin/Clerical general

Te Puni Kōkiri

Accounts Officer
Administrator
Executive Assistants
Personal Assistants
Receptionist
Secretary

Accident Compensation Corporation

Administration officer
Accounts officer
Case coordinator
Case administrator
Service coordinator
Customer experience representative
Customer service representative
Customer support officer

General Admin/Clerical
Team administrators
Executive Assistants
Personal Assistants
Collections officer
Claims officer
Contract administrator
Entitlements payment officer
Payments assessor
Recovery administrator
Coordinator

Kāianga Ora - Housing New Zealand

Executive Assistant
Personal Assistant
Processing officer
General Admin/Clerical
Customer Support Adviser/ Customer Support Representative
Senior Customer Support Advisor
Administration Assistant/Senior Administration Assistant
Administration Support
Reception Administration Support
Service Enhancement Support
Administrator
Maintenance Administrator
Property Administrator
Project Administrator Quality Assurance
Regional Administrator Customer Support
Interagency Administration
Parental Leave Administration Support