



Te Pūkenga Here Tikanga Mahi | PSA

**Submission on Te Pire mō te Hararei
Tūmatanui o te Kāhui o Matariki | Te Kāhui
o Matariki Public Holiday Bill**

**To Te Komiti Whiriwhiri Take Māori | Māori Affairs
Committee**

Te Pūkenga Here Tikanga Mahi (PSA) submission on Te Kāhui o Matariki Public Holiday Bill

11 November 2021

About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 80,000 members. We are a democratic and bicultural organisation representing people working in the Public Service including for departments, Crown agents and other crown entities, and state-owned enterprises; local authorities; tertiary education institutions; and non-governmental organisations working in the health, social services and community sectors.

People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

We are committed to advancing the Tiriti o Waitangi of partnership, protection and participation through our work. Te Rūnanga o Ngā Toa Āwhina is the Māori arm of the PSA membership. The PSA is affiliated to Te Kauae Kaimahi the New Zealand Council of Trade Unions, Public Services International and UniGlobal.

This submission

Te Kāhui o Matariki Public Holiday Bill is of significant interest to the PSA because the creation of a new public holiday to mark Matariki will directly affect the pay, working conditions and working lives of our members.

This submission covers two areas:

- The significance of the legislation in terms of reflecting Te Ao Māori, both in the establishment of Matariki as a public holiday, and in the development of the Bill
- Industrial considerations relating to a new public holiday.

Te Ao Māori considerations

In Te Rā Aro ki a Matariki

The PSA supports the establishment of a public holiday that recognises and celebrates an important aspect of Te Ao Māori. As a society, the choices we make about which events we choose to mark and celebrate provide a strong signal about what we collectively value. Taking this step to address the current lack of public holidays specifically recognising or celebrating Te Ao Māori is a welcome demonstration of our values as a bicultural society.

We note that Matariki is also an important time of year for many indigenous Pacific peoples,¹ and this public holiday also reflects our place as a Pacific nation.

We support the approach taken to ensure the timing of the holiday reflects expert knowledge of tikanga, mātauranga and Te Ao Māori. It provides opportunity for renewal, opportunity, reflection and connections with whanau.

In the Bill and its implementation

We acknowledge the efforts made by the Government to maintain the integrity of the Māori body of knowledge underpinning Matariki through the use of the Matariki Advisory Group.

The PSA supports the placement of a comprehensive statement in the legislation on the meaning and significance of Matariki to Māori, and supports the legislation being written in both Te Reo Māori and English.

We tautoko the words of Hon Kiritapu Allan in her first reading speech on the Bill: that “it is critical that the Matariki Public Holiday is successfully implemented in a respectful way.” We support the Government’s intention to support regionally diverse recognition of Matariki and te mātahi o te tau and to work with iwi Māori to enable this to happen in advance of the inaugural Matariki Public Holiday in 2022.

¹ [Regulatory Impact Statement](#), p 10

Industrial considerations

The PSA supports the proposed introduction of an additional public holiday in the annual calendar, rather than replacing an existing public holiday with Matariki. We note that with an additional public holiday per year there would still be several countries with more public holidays, and/or more total paid leave (total combination of public holidays and legislated annual leave provisions) than Aotearoa.² Increasing the number of public holidays will give workers an additional opportunity for recreation, time spent with family and friends, participation in their communities, and time to undertake activities that nurture their wellbeing.

We support the date of Te Rā Aro ki a Matariki being 'Friday-ised' to provide the opportunity for workers to have a long weekend; we note the benefits not only for the wellbeing of workers, but also in terms of the potential boost to tourism as a result.

Implications for casual workers

We note that up to 43,000 casual employees may experience a loss of income if their employers choose not to open for Te Rā Aro ki a Matariki, as casual workers are only paid for days worked.³ This highlights the pressing need for the government to do further regulatory work around supposedly "casual" labour. Casual employment is irregular and intermittent and would not normally create an expectation of work on a public holiday. The Regulatory Impact Statement appears to be acknowledging that this is not the case for many casual workers, who are likely to be permanent employees. However, due to the imbalance of power in the employment relationship, it is wholly unreasonable to expect an employee in a precarious employment situation to use current mechanisms to fix this, which require a complaint to the Labour Inspector or filing a claim in the Employment Relations Authority. In the context of this Bill, we submit that wording needs to be inserted into the Holidays Act that specifically includes casual employment in regard to all the rights under the Act, including public holidays.

² The [Regulatory Impact Statement](#) (p 29) showed around 13 countries with more public holidays than New Zealand, and around 15 with more total leave, out of a total of 36 countries that data was provided for.

³ [Regulatory Impact Statement](#), p 18

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