



17 SEP 2018

Dear [REDACTED]

On 26 July 2018, you emailed the Ministry requesting, under the Official Information Act 1982, information relating to gender discrimination towards legal staff at the Ministry of Social Development (the Ministry).

The Ministry aims to be an employer of choice by providing a positive and challenging work environment, clear career progression pathways, and remuneration that is fair to its individual employees and to the taxpayer. To meet these aims, the Ministry has processes in place to ensure that its remuneration systems and structures are reviewed regularly.

For the sake of clarity, I will address each of your questions in turn.

- 1. What assessment(s) have been done by your organisation (including but not limited to assessments for the purpose of reporting to the SSC and or any other governmental authority) to check that women legal staff are not being paid less and are not less likely to get promotions than male legal staff because of gender discrimination?*

For the purposes of reporting to the State Services Commission (SSC), and ensuring employees are treated fairly in their line of work, the Ministry has assessed all Ministry permanent employees in relation to the gender pay gap. While there has been no specific work undertaken on assessing any gap within the Legal Services area, analysis has been undertaken within each tier in the Ministry, including at the level of the Solicitor role.

- 2. If any assessment has been done:*
 - What type of tool or analysis was used to make the assessment?*
 - What were the results of the assessment?*
 - What steps have been taken by your organisation to remedy any differences that were identified in pay or promotion opportunities? Eg have you made any adjustments in pay for women legal staff?*
 - What steps have been taken by your organisation to monitor the setting of pay and giving of promotions to ensure gender discrimination (including unintentional discrimination) does not impact on these processes in the future?*

The Ministry developed a model early in 2018 to analyse the gender pay gap across the organisation by business group and level. This model allows the Ministry to filter remuneration information by gender, business group and level, to determine the source of the overall gender pay gap, run scenarios, and forecast the impact of possible changes on the pay gap. The model has confirmed that a significant proportion of the Ministry's overall gender pay gap is due to a heavy representation of women in client facing roles, with lower representation at the senior levels.

At the level of a Solicitor role, the gender pay gap has been assessed at less than one per cent.

No specific work has been undertaken in relation to the gender pay gap for legal staff. However, work has occurred throughout the whole Ministry. In 2017, the Ministry developed a Gender Pay Gap Action Plan. Development has occurred in the following areas:

- a model, as discussed above, was created in 2018 to analyse the gender pay gap
- the Ministry reviewed the pay gap across the Ministry and talked to each Deputy Chief Executive (DCE) about their areas including discussing any individual cases, what was driving the difference in the pay gaps, and options to address this
- information about the gender pay gap was incorporated into monthly Human Resources (HR) reporting, with content provided to each DCE around their people metrics
- new resources were recruited to help drive progress such as Principal Advisor Rewards, Recognition and Inclusion and Senior Advisor Diversity and Inclusion
- the Chief Economist and Manager of Forecasting and Costing agreed to undertake additional analysis to dig below the gender pay gap
- the Ministry rolled out the "Lives Like Mine – Outtakes Reflections and Practice" workshop to all staff. The workshop addresses Unconscious Bias and is an extension of the original "Lives Like Mine" empathy workshop
- the Ministry increased all staff pay to at least the Living Wage rate in April 2018, and recruited new staff at this rate as a minimum.

3. *If no such assessment has been done, the reasons for this.*

As per the response to question one, an assessment has been undertaken.

4. *What policies or processes does your organisation have in place to assist to prevent gender discrimination?*

Please refer to the response to question two. In addition please find attached copies of the Ministry's 'Promoting Equality and Diversity' guidelines, and 'Equality and Diversity Commitment'.

5. *What provision does your organisation have for flexible work arrangements for legal staff (both men and women)?*

The Ministry has provision for flexible working arrangements, including part time work, and flexible hours and location of work. Employees may work their standard hours of work pattern outside the hours of operation by mutual agreement with their manager, and should not work more than 10 hours per day. Where necessary, in order to meet the Ministry's requirements, employees may be required to vary these arrangements.

6. *What numbers of men and women (please identify both groups separately) have had flexible work arrangements for the purpose of looking after children in the past 5 years?*

In most cases the Ministry does not hold the reason for flexible work arrangements on an employee's file. Your request is refused under section 18(g) of the Official Information Act as the information you have requested is not held by the Ministry and there are no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

7. *What steps have been taken by your organisation to ensure that gender discrimination does not negatively impact on women legal staff returning to work after having a baby and/or who work flexibly?*

Please refer to the response to question two for the steps the Ministry has taken as part of the Gender Pay Gap Action Plan.

8. *What training has been given to managers in your organisation to assist them to ensure that processes they implement and decisions they make do not, even unintentionally, discriminate against women legal staff.*
9. *What steps has your organisation put in place to ensure that gender discrimination does not impact on recruitment decisions? If no particular steps have been put in place, the reasons for this.*

The Recruitment Training for hiring managers focusses on all elements of the decision making processes during the selection stage. This includes the Ministry's obligations under the Human Rights Act 1993, and the importance that all decisions are open, transparent and promote diversity.

Training also includes the importance of diversity of selection panels and of ensuring criteria that is used to assess candidates is objective, consistent with the Ministry's obligations as a good employer and job related.

The Ministry has developed new guidelines for hiring managers which takes them through the decision making process and highlights potential risks and the steps required to mitigate recruitment associated risks. The Ministry is currently designing new selection skills workshops which will include a session on understanding 'Unconscious Bias' and other pitfalls to be aware of when assessing candidates.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

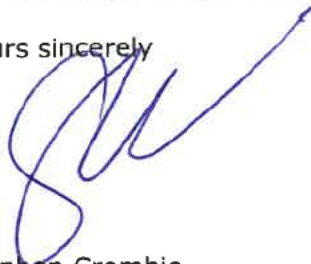
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter and attachments on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding gender discrimination towards legal staff, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely



Stephen Crombie
Deputy Chief Executive, Corporate Solutions

Home » Working here » Recruiting to the Ministry » Recruiting staff » **Promoting equality and diversity**

Promoting equality and diversity

These guidelines support the Ministry's commitment to:

promote equality and diversity within a positive work culture that is based on respect, fairness and the valuing of individual difference

enhancing work practices and performance that integrate diverse perspectives

complying with all relevant equality legislation, Government strategies and policies, and best practice guidelines

Overview

Equality and diversity are key ingredients to organisational success. Whilst MSD bases appointments on merit we also recognise and support the employment aspirations of Māori, ethnic and minority groups, women and people with disabilities.

When promoting equality we treat people fairly and ensure equal access to opportunities so everyone is able to: participate and compete equitably; develop to their full potential; and be rewarded fairly for their contribution regardless of gender, ethnicity, disability, sexual orientation, age and family circumstance.

When promoting diversity we value individuals, and support each other to be safe, strong and independent. The result is a workplace where everyone understands, appreciates and realises the benefits of individual difference.

The Ministry's [Equality and Diversity Commitment](http://doogie/working-here/joining-us/eeo.html) (<http://doogie/working-here/joining-us/eeo.html>) and [EEO Policy](http://doogie.ssi.govt.nz/resources/helping-staff/policies-standards/hr/equal-employment-opportunities-policy.html) (<http://doogie.ssi.govt.nz/resources/helping-staff/policies-standards/hr/equal-employment-opportunities-policy.html>) cover all employment practices including:

Recruitment and selection

Employment terms and conditions

Training and career development

Leadership and management

How the Ministry promotes equality and diversity

The Ministry promotes equality and diversity by:

Ensuring work practices and policies meet all state sector and legislative obligations

Integrating equality and diversity principles into strategic and business planning.

Encouraging a diverse range of employees to work in the Ministry and providing 'reasonable accommodations' (<http://doogie/working-here/managing-staff/recruiting-staff/accommodating-diversity-in-the-workplace.html>), so all employees can contribute to their full potential.

Proactively identifying and eliminating practices and barriers that would limit the employment opportunities and aspirations of all groups including Māori, ethnic and minority groups, women and disabled people.

Creating an environment in which employees are supported to be safe, strong, and independent

Encouraging employees to understand their personal values, and to appreciate and accommodate the values and needs of others.

Providing development opportunities and support so all employees can contribute and draw from their range of knowledge and experience, as well as develop their potential

How all employees promote equality and diversity

Managers promote equality and diversity by:

Implementing the Ministry's policy and practices that relate to equality and diversity.

Providing a supportive and safe work environment, where staff have access to 'reasonable accommodations' (<http://teamsite.ssi.govt.nz/working-here/managing-staff/recruiting-staff/accommodating-diversity-in-the-workplace.html>), that enable them to perform to their full potential.

Recognising that equity does not mean treating everyone exactly the same.

Encouraging staff to understand and show respect for diversity in the workplace, as well as building their awareness of its relevance to the way the Ministry works.

Modelling their commitment by valuing differences, engaging with employees to understand their needs and treating everyone fairly.

Mental Health Condition:

It is important that where a mental health condition may be a factor, managers read the Ministry's guidance on managing performance issues which may result from the mental health condition.

Prior to any action being taken, such as talking to, meeting with or writing to an employee, managers must seek advice from the HR Consultancy team.

[Mental Health Guidelines \(PDF 351.34KB\)](http://doogie/documents/resources/helping-staff/forms-templates/hr/mental-health-guidance-gmhr.pdf), (<http://doogie/documents/resources/helping-staff/forms-templates/hr/mental-health-guidance-gmhr.pdf>)

All staff promote equality and diversity by:

Identifying and assisting the Ministry to remove barriers.

Developing an understanding of the values and needs of different groups and providing a supportive and safe environment for colleagues.

Being receptive and responsive to the reasonable accommodations that are provided.

The Human Resources Group promote equality and diversity by:

Developing and maintaining people policies and strategies that support diversity and equality; and providing timely input to the business planning process.

Advising and supporting managers and staff on equality and diversity.

Content owner: [Human Resources](#) Last updated: 24 March 2016

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Home » Working here » Joining, transferring & leaving » **Equality and Diversity Commitment**

Equality and Diversity Commitment

MSD is committed to being a good employer and applying the principles of equal employment opportunities. This page outlines the values of equal employment opportunities and what these mean for both staff and the Ministry.

The Ministry of Social Development is committed to:

- promoting equality and diversity within a positive work culture that is based on respect, fairness and valuing of individual difference
- enhancing work practices and performance that integrate diverse perspectives
- complying with all relevant equality legislation, Government strategies and policies, and best practice guidelines

Scope

This commitment applies to all employment practices at the Ministry and to all Ministry employees (permanent, fixed term, temporary and casual), people applying for employment (including potential applicants) at the Ministry and contractors.

Critical Success Factors

Our commitment will be demonstrated by the Ministry of Social Development:

- leaders valuing and promoting equality and diversity
- strategic and operational plans incorporating equality and diversity
- diverse workforce being capable to deliver MSD's purpose and principles
- employment practices recognising equity, and ensuring equal opportunity for participation
- promoting respect and fairness
- advancing the aspirations of Māori and Pacific staff in accordance with the Māori and Pacific People strategies, and disabled staff in accordance with Disability strategies
- promoting and supporting work / life balance

Definitions

Equality and diversity means:

- treating people fairly and with respect, ensuring equality of access to opportunities (equality)
- understanding, appreciating and realising the benefits of individual differences (diversity)

Related Guidelines

[Promoting equality and diversity \[http://doogle/working-here/managing-staff/recruiting-staff/promote-equality-diversity.html\]](http://doogle/working-here/managing-staff/recruiting-staff/promote-equality-diversity.html)

[Accommodating diversity in the workplace \[http://doogle/working-here/managing-staff/recruiting-staff/accommodating-diversity-in-the-workplace.html\]](http://doogle/working-here/managing-staff/recruiting-staff/accommodating-diversity-in-the-workplace.html)

Legislation and Reference Documents

- Employment Relations Act 2000
- Human Rights Act 1993
- Health and Safety in Employment Act 1992
- NZ Bill of Rights Act 1990
- State Sector Act 1988
- Parental Leave and Protection of Employment Act 1987
- Equal Pay Act 1972
- Equality and Diversity - New Zealand Public Service Equal Employment Opportunity Policy 2008
- New Zealand Disability Strategy 2000
- United Nations Convention on the Rights of Persons with Disabilities

Related Policies

[Equal Employment Opportunities \(EEO\) Policy \[http://doogle/resources/helping-staff/policies-standards/hr/equal-employment-opportunities-policy.html\]](http://doogle/resources/helping-staff/policies-standards/hr/equal-employment-opportunities-policy.html)

[Recruitment Policy \[http://doogle/resources/helping-staff/policies-standards/hr/recruitment-policy.html\]](http://doogle/resources/helping-staff/policies-standards/hr/recruitment-policy.html)

[Workplace Harassment and Bullying Policy \[http://doogle/resources/helping-staff/policies-standards/hr/hr-policies/workplace-harassment-bullying-policy/workplace-harassment-bullying-policy.html\]](http://doogle/resources/helping-staff/policies-standards/hr/hr-policies/workplace-harassment-bullying-policy/workplace-harassment-bullying-policy.html)

[Secondment Policy \[http://doogie/resources/helping-staff/policies-standards/hr/secondment-policy.html\]](http://doogie/resources/helping-staff/policies-standards/hr/secondment-policy.html)

[www.EEOTrust.org.nz \[http://www.eeotrust.org.nz/\]](http://www.EEOTrust.org.nz)

SSC Website:

[www.ssc.govt.nz \[http://www.ssc.govt.nz/\]](http://www.ssc.govt.nz)

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