

Submission of

**Te Hautū Kahurangi | Tertiary Education  
Union**

to the

**People's Select Committee**

on the

**Equal Pay Amendment Act 2025**

4 August 2025

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## 1. TE TĪMATANGA | INTRODUCTION

- 1.1. Te Hautū Kahurangi | Tertiary Education Union (TEU) is the largest union and professional association representing 12,000 academic and general/allied staff in the tertiary education sector (in universities, institutes of technology/polytechnics, wānanga, private training establishments, and rural education activities programmes).
- 1.2. The TEU actively acknowledges Te Tiriti o Waitangi as the foundation for the relationship between Māori and the Crown. We recognise the significance of specific reference to Te Tiriti in the Education Act and the emergent discourse resulting from this. We also accept the responsibilities and actions that result from our nation's signing of the UN Declaration on the Rights of Indigenous Peoples.
- 1.3. The TEU expresses its commitment to Te Tiriti by working to apply the four whāinga (values) from our *Te Koeke Tiriti* framework as a means to advance our TEU Te Tiriti relationship in all our work and decision-making – with members and when engaging on broader issues within the tertiary sector and beyond – such as our response to the Equal Pay Amendment Act 2025:

*Tū kotahi, tū kaha – We are strong and unified; we are committed to actions which will leave no-one behind; we create spaces where all people can fully participate, are fairly represented, and that foster good relationships between people.*

*Ngā piki, ngā heke – We endure through good times and bad; we work to minimise our impact on the environment; we foster ahikā – the interrelationship of people and the land, including supporting tūrangawaewae – a place where each has the right to stand and belong.*

*Awhi atu, awhi mai – We take actions that seek to improve the lives of the most vulnerable; we give and receive, acknowledging that reciprocity is fundamental to strong and equitable relationships; and we work to advance approaches that ensure quality public tertiary education for all.*

*Tātou, tātou e – We reach our goals through our collective strength and shared sense of purpose, which are supported through participatory democratic decision-making processes and structures.*

- 1.4. Our response to the Equal Pay Amendment Act 2025 stems from our commitment to the whāinga expressed above and our wish to see these enacted in the tertiary education sector and in our society and communities.

## 2. PREAMBLE

- 2.1. TEU welcomes the opportunity to contribute to the People's Select Committee process on the Equal Pay Amendment Act 2025, though we do so with deep concern that such a process is only necessary because the government chose to pass the legislation under urgency, without consultation, scrutiny, or public input. The lack of democratic process has forced workers and unions to respond retrospectively to legislation that significantly alters the rights and pathways to achieving pay equity.
- 2.2. This submission has been co-ordinated by TEU's National Women's Committee – TEU extends its thanks to the members of this committee for their time, expertise, and unrelenting commitment to pay equity.
- 2.3. Appendix 1 includes a statement from TEU's Queer Network in support of this submission and the issues it addresses.
- 2.4. Appendix 2 includes statements from male TEU members in support of this submission and the work of the TEU Women's National Committee.

## 3. TEU POSITION

- 3.1. For the reasons outlined in this submission, TEU strongly rejects the Equal Pay Amendment Act 2025.
- 3.2. We would like to provide an oral submission to the People's Select Committee on this matter.

## 4. TEU RECOMMENDATIONS

- 4.1. **Full repeal of the Equal Pay Amendment Act 2025** – repeal the legislation in its entirety and reinstate the previous pay equity framework, which better supported gender justice and access to claims.
- 4.2. **Reinstate cancelled claims** – restore the 33 repealed pay equity claims, including those close to settlement, and ensure they proceed under the rules and expectations in place at the time they were initiated
- 4.3. **Enable all undervalued workers to make claims** – remove rigid workforce thresholds and ensure criteria reflect real-world diversity and the nature of feminised workforces
- 4.4. **Allow meaningful comparator flexibility** – ensure claimants can use comparators across employers and sectors where appropriate, recognising how systemic undervaluation operates

- 4.5. **Ensure accessible entry to the claims process** – reinstate the “arguability” threshold as the standard for initiating claims, allowing employers and unions to explore the merits collaboratively without requiring full proof at the outset
- 4.6. **Restore fairness to the claims process** – reinstate the possibility of back pay and ensure settlements are timely and equitable
- 4.7. **Guarantee open, democratic law-making** – require public consultation and select committee scrutiny for any future changes to pay equity law
- 4.8. **Embed Te Tiriti and equity at the core** – ensure the pay equity system addresses the disproportionate impact on wāhine Māori and Pacific women, and upholds Tiriti-based obligations

## 5. UNDERMINING THE PURSUIT OF GENDER EQUALITY

5.1. This Amendment Act represents a fundamental step backwards in the fight for gender equity. It disproportionately affects women – especially Māori and Pacific women – who are overrepresented in undervalued professions like administration, library services, caregiving, and education. These are roles often performed by TEU members, and they have long been undervalued precisely because they are “women’s work.” By introducing new thresholds and restrictive procedures, the Act makes it nearly impossible for many female-dominated occupations to pursue or succeed in pay equity claims. This does not reflect a commitment to gender equality – it entrenches historical injustice and exacerbates the pay gap.

5.2. On this point, TEU members have stated:

*Being paid fairly is a basic human right and this Act is a human rights violation. Women should not be paid less than men because they are in jobs that are less valued in society because they are feminised. What is this telling our children and mokopuna? They they are worth less if they are female?* (Siân Halcrow, Co-Vice President Tangata Tiriti, TEU National Women’s Committee)

*This will have ongoing impacts on the most vulnerable in society – e.g., the precariat, fixed-term and casually employed women in low paid employment* (Jodi Hawe, Co-Vice President Tangata Māori, TEU National Women’s Committee).

## 6. UNILATERALLY CANCELLING EXISTING CLAIMS

6.1. The immediate repeal of 33 current pay equity claims, including those close to settlement, is unjust and demoralising for thousands of workers. These claims

represent years of research, negotiation, and collaborative effort between unions, employers, and the Crown. In our sector, claims affecting library and clerical workers have been halted with no recourse, despite clear evidence of undervaluation. To discard these claims without any transition process or consultation is a betrayal of good faith and due process. It signals to workers that their efforts are disposable and that progress toward equity can be erased overnight.

6.2. As one TEU member elaborates:

*All the workers covered by the current claims had the agreement of their employers and unions that the cases for undervaluation were arguable. Many of these people have put years of mahi and their own time into the process, with the hope that years of injustice and inequity could be righted. Now they have seen these hopes dashed, and billions of dollars saved at the expense of themselves, their mātua, Tamariki, mokopuna, and community (Dadon Rowell, TEU National Women's Committee).*

## **7. BARRIERS TO JUSTICE**

7.1. The new requirement that a role must be at least 70% female for ten consecutive years sets an arbitrary and exclusionary threshold. Most workforces naturally fluctuate over time, and many are now more gender diverse as a result of positive change. This criterion effectively punishes professions that have made progress toward gender balance while locking out others that still experience systemic undervaluation. It sets a near-impossible standard that will prevent many deserving groups of workers from accessing the pay equity process. Rather than enabling claims, this Act weaponises eligibility criteria to restrict them.

7.2. Regarding implication for our tertiary education sector, TEU Te Pou Mātauranga me Te Pou Ahumahi | Education and Campaigns Officer Megan Morris has stated that:

*The change from 60 to a 70 percent threshold means that a number of the underpaid (feminised) workers covered by the 33 cancelled claims are automatically shut out of making a claim by this criterion alone.*

## **8. COMPARATOR RESTRICTIONS MAKE CLAIMS IMPOSSIBLE**

8.1. The new restrictions on comparators – limiting them to roles within the same employer or sector – ignore how systemic undervaluation functions. In previous

successful claims, such as for education support staff,<sup>1</sup> the ability to use cross-sector comparators was critical in demonstrating how women's work has been historically undervalued relative to male-dominated roles. Removing this tool unravels one of the most powerful mechanisms we've had for identifying and addressing gendered pay gaps. It is not a reform – it is a deliberate curtailment of workers' ability to pursue equity.

8.2. The restrictions on comparators in the Act are effectively re-introducing the unfair and unjust system that was previously in place, and which Kristine Bartlett sought to expose in the landmark equal pay case.<sup>2</sup>

## 9. COST SHOULD NOT OVERRIDE JUSTICE

9.1. The government has defended the Act by citing a projected \$1.78 billion annual cost of pay equity claims. But what is framed as a cost blowout is in fact the financial recognition of long-standing injustice. The wages owed to women in undervalued professions are not a threat to the economy – they are a moral debt owed by the public sector to the very workers who hold it together. Reducing fiscal exposure should never come at the expense of basic rights. Justice delayed is not only justice denied – it is, in this case, justice deliberately avoided.

9.2. TEU members are highly critical of this aspect of the government's decisions:

*For too long, female dominated professions – i.e., librarians – have been undervalued, despite requiring specialised skills and multiple university degrees and training. I want to see justice; I want to see these women paid fairly for the skilled mahi that they do. Women should not have to pay for a National government budget deficit (Siân Halcrow, Co-Vice President Tangata Tiriti, TEU National Women's Committee)*

*This is not about individual merit or qualifications. It is about structural injustice. Pay equity means recognising that work largely performed by women, such as administration, care, teaching support, library services, and student guidance, has been systematically paid less because it is feminised. The value of the mahi has never been the issue. It is the lens through which that mahi has been judged (TEU Queer Network)*

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<sup>1</sup> See <https://www.education.govt.nz/education-professionals/schools-year-0-13/people-and-employment/teacher-aides-pay-equity-claim>, accessed 24 July 2025.

<sup>2</sup> See <https://www.nzeiteriuroa.org.nz/help-advice/knowledge-base/the-kristine-bartlett-case-background-to-the-pay-equity-amendment-act>, accessed 25 July 2025.

9.3. The cost implications of resolving historical pay inequities should never be a factor in writing 'good' legislation. The damage done by wiping out 33 existing claims (largely core public sector) cannot be understated, but what also needs to be considered in any revisions of legislation is how to make it practicable and achievable for private sector workers and employers to address the historical pay inequities that exist for them also. Government has to accept that the only way to move this forward is to continue providing funds for pay equity settlements and viewing it as a long-term benefit to the individual, whānau, community, and economy. Higher wages as a result of a pay equity settlements have already been proven to improve the lives of those who have been part of settled claims, which results in better quality of life, improved standards of living, increased discretionary spending, and increased tax take. All of which benefit the Aotearoa New Zealand's economy in a variety of ways.

## 10. UNCHECKED EMPLOYER DISCRETION

10.1. The new law grants employers sweeping powers to shut down claims at multiple points in the process – based on cost, lack of comparators, or subjective judgements about whether a claim has "merit." This undermines any pretence of neutrality and leaves workers vulnerable to the very institutional biases the pay equity process was designed to correct. In a sector like tertiary education – where pay inequities persist and institutional resistance to change can be strong – this expanded employer discretion will be used to avoid, rather than address, fair pay obligations. Workers cannot be expected to achieve equity through a process that is structurally tilted against them.

10.2. TEU Pay Equity Lead Megan Morris states:

*The way that the legislation is worded now means you virtually have to 'prove' a case before you do the work on a claim as an employer can easily say 'no' to a claim for different reasons, despite it having merit and undervaluation being arguable.*

## 11. NO DEMOCRATIC INPUT

11.1. Perhaps most troublingly, the Equal Pay Amendment Act 2025 was passed under urgency without public consultation, scrutiny, or debate. The standard democratic process – including select committee review – was bypassed entirely. For a law of this scale and consequence, affecting hundreds of thousands of workers across multiple sectors, this is an unacceptable failure of accountability. It disregards the right of workers and their representatives to be heard. TEU supports this People's Select Committee precisely because the voices of those

most impacted must be central to any conversation about fair and just employment law.

11.2. TEU members have elaborated on the implications for our tertiary education sector:

*The way this Act was passed did not follow a democratic law-making process and therefore has had significant negative consequences for those affected. As a result, people are leaving the tertiary education sector* (Siân Halcrow, Co-Vice President Tangata Tiriti TEU National Women's Committee)

*By choosing to use parliamentary urgency processes, proper and robust consultation was eschewed; hence, the voices of those impacted have not been heard* (Te Awatea Ward, TEU National Women's Committee)

## 12. CONCLUSION

12.1. This legislation is not a refinement of pay equity law – it is an attempt to shut the door on a movement that continues to expose the structural inequities embedded in our labour market and society. It disproportionately affects women, silences workers, and protects employer discretion at the expense of fairness.

12.2. We urge the People's Select Committee to recommend a full repeal of the Equal Pay Amendment Act 2025 and support the restoration of a pay equity process that is accessible, just, and grounded in Te Tiriti o Waitangi and the principles of equity and human rights.



## APPENDIX 1: TEU QUEER NETWORK STATEMENT IN SUPPORT OF PAY EQUITY

Tēnā koutou,

As members of the Tertiary Education Union Queer Network, we stand in full support of all pay equity claims, and with all kaimahi whose work has been historically and systemically undervalued.

This is not about individual merit or qualifications. It is about structural injustice. Pay equity means recognising that work largely performed by women, such as administration, care, teaching support, library services, and student guidance, has been systematically paid less because it is feminised. The value of the mahi has never been the issue. It is the lens through which that mahi has been judged.

Many of our members live at the sharp edge of these inequities. We are women, trans, intersex, nonbinary, takatāpui, disabled, Māori and Pacific. We see how these injustices intersect and compound. It is not just that we are paid less; it is that our work, our identities, and our lives are too often treated as less.

And the consequences are not abstract. Lower pay means struggling to meet basic needs, putting off dental care, staying in unsafe housing, and forgoing rest. It means working multiple jobs, carrying community expectations, and still not getting ahead. It means watching others build their careers on the back of your labour while you stay stuck on the same pay band. This is not just about the impact on individuals; it shapes the well-being of entire whānau, communities, and generations.

We also want to highlight a serious concern with the current legislative framing of pay equity. By focusing narrowly on “sex-based” discrimination, the law risks excluding many of our trans and nonbinary members, particularly transfeminine people, from protection. This is unacceptable. It reinforces colonial, binary ideas of gender that do not reflect our communities, our cultures, or our obligations under Te Tiriti o Waitangi.

Gender has never been binary in this land. Across Te Moana-nui-a-Kiwa, our cultures have long recognised multiple genders and diverse expressions of identity. Takatāpui, fa’afafine, māhū, fakaleitī—these are not new ideas. What is new is the imposition of a Western patriarchal system that refuses to see us. That system continues to shape the legal frameworks we are now fighting to amend.

And still, despite all this, we keep showing up. Women and gender-diverse workers are the glue in our institutions. We take the minutes, run the student events, answer the calls,

de-escalate the crises, mentor the struggling, and smooth over what would otherwise fall apart.

The reality is this: **many of the most well-paid and publicly celebrated figures in our nation would not be where they are without the labour, seen and unseen, of women and gender minorities.**

We were sold a promise: that education would uplift us. That if we got in, got qualified, and gave back, we'd build better lives for ourselves, our whānau, and our communities. But for too many of us working inside the education sector, that promise has not been kept. Instead, we're undervalued, overworked, and left out of the story of success we were meant to be part of.

It's time to restore the promise.

We urge the People's Select Committee on Pay Equity to:

- Reinststate and progress the cancelled pay equity claims
- Amend the Equal Pay Act to explicitly include all genders and all ethnicities
- Honour Te Tiriti o Waitangi by embedding Māori and Pacific understandings of gender and justice
- Recognise the lifelong impact that undervaluing feminised work has on workers, their families, and their communities

Pay equity is not a favour. It is a matter of dignity, mana, and justice. It is a commitment to valuing the people who hold our institutions together. When those most marginalised are paid fairly, everyone rises.

Nā mātou, nā,

**TEU Queer Network**

Te Hautū Kahurangi | Tertiary Education Union

## APPENDIX 2: STATEMENTS OF SUPPORT FROM MEN IN TEU

*The changes to the Equal Pay Amendment Act affect all workers. A number of men in TEU expressed their support for TEU's national submission. We received the following feedback.*

*I fully tautoko (support) our wāhine in their fight for fair and just pay. As someone who believes in true equity, I cannot support the Pay Equity Bill in its current form because it does not go far enough to deliver real change for women in low-paid employment.*

*This Bill risks entrenching the very inequality it claims to address. It leaves too much room for employers to avoid their obligations and creates barriers that delay pay adjustments for women who have already waited far too long for fairness.*

*Opposing this Bill does not mean opposing equity—it means demanding better. I believe we need stronger, more effective legislation that:*

- *Ensures women in undervalued professions are paid fairly for their skills, responsibilities, and contributions.*
- *Holds employers accountable without unnecessary legal hurdles.*
- *Corrects the historic undervaluing of “women’s work” once and for all.*

*I encourage everyone to stand with our wāhine by making submissions to the People’s Select Committee. Together we can demand a Bill that truly delivers on the promise of equal pay for work of equal value. Let’s not settle for less—our women deserve more.*

*—Eric Short, Academic, Toi Ohomai, Te Pūkenga*

*100% support our woman in the workplace. My statement reads: Pay Equity Bill should be opposed.*

*—Te Haruru Waitere, Wintec, Te Pūkenga*

*Having studied the history of Aotearoa New Zealand at university, with a particular focus on labour history, I know about the historical causes of gender pay gaps – from sexism among employers, to the literal demarcation of “male wages” and “female wages” for the same jobs under the old Arbitration system. While women’s wages were raised to the level of male wages in male dominated jobs, in many female dominated jobs, only lower “female wage” levels had ever existed, and this was never rectified. Pay rises compounding since this time have all come originally from the disproportionately and discriminatorily low original “female wage” rates. This has meant that workers in traditionally female-dominated workforces – such as nursing, early childhood, veterinary nurses, care & support workers - regardless of their gender, whether they are male, female, non-binary, are paid less than they*

*deserve. These jobs are vitally important for New Zealand as a whole, and the workers in these sectors must be paid what they deserve. Reforms designed to make raising Pay Equity Claims harder must be reversed. Ideas such as raising the percentage of a workforce who must be female for a Pay Equity Claim to go ahead are clearly stupid when these claims relate largely to historic discrimination which has compounded over time. Removing the mechanisms for settled Pay Equity Claims to be reviewed to prove they have worked is also irrational and contrary to the basic ideas of good governance and sensible evidence-based decision-making.*

*A final point I would like to raise is that even before this most recent attack on the rights of workers to attain equitable pay, the Pay Equity process was imperfect. Many employers would string workforces along, delaying responding to Pay Equity claims for as long as possible, to keep these workers' pay rates as low as possible for as long as possible. I believe this was allowed to happen because workers covered by these Pay Equity claims had no mechanism to encourage their employers to engage with these processes in reasonable timeframes. To ensure that Pay Equity claims are proceeded with in reasonable timeframes, to make sure these claims don't get bogged down in bureaucracy for years, increasing administrative costs, I believe it is imperative that the government allows workers involved in these processes to exercise the basic workers' right to take Strike Action, just as they can take strike action for any other pay negotiation.*

*These are my thoughts as a tāne Māori, a university general staff member, and a unionist.*

*—Oscar Te Morenga Wakelin, Victoria University of Wellington*

*Glad to add my voice here.*

*Pay inequity is a relic of a time when rights were reserved for landed men of European descent. It was a time characterised by widespread and unconscionable inhumanity. A government failing to exert itself to deliver pay equity exposes its fetishism for that past. New Zealand should lead the way in the international community to ensure our wāhine are accorded the respect they deserve in the labour market. Employers cannot be expected to do the right thing in an environment that rewards injustice. Pay equity is a clear and urgent government responsibility. Kia kaha.*

*—Brent Burmester, University of Auckland*

*Saddens me that we seem to be moving backwards in honouring pay equity in Aotearoa in 2025. It seems it is constantly side tracked because of cost pressures, and yet this is the very same reason it is so needed to help ease the cost pressures on those often female-dominated workforces who have historically suffered from been under-paid, or somewhat under-valued, often because of the gender bias.*

*—Laurence Potter, Staff member, Otago University Students' Association*

*I oppose the Pay Equity Bill, our wāhine need to be recognised for the awesome mahi, training, and manaaki that they bring into our institutions, and workplaces. They need to be paid accordingly to men in similar type vocations.*

*—Phillip Ripia Nikora, NorthTec, Te Pūkenga*

*I'm writing to express my strong support for pay equity for early childhood education (ECE) teachers.*

*As a dad, I was genuinely shocked and deeply concerned to learn how little the women who care for my son are being paid. These teachers do incredibly important, skilled, and emotionally demanding work — yet their wages do not reflect the value of that work or the responsibilities they carry.*

*It's unacceptable that educators who support our children's learning and wellbeing every day are underpaid simply because they work in a female-dominated profession. This is a clear equity issue and must be urgently addressed.*

*I'm also concerned about how privatised the ECE sector has become. It raises real questions about where public money is going — and whether the focus is on profit rather than quality education and fair pay for staff.*

*We need to properly value the people who care for and teach our tamariki. That starts with pay equity.*

*—Luke Reid, Weltec, Te Pūkenga*