

# The Inquiry into Equal Employment Opportunities in the Aged Care Sector in New Zealand

## Terms of Reference

The Terms of Reference for the Inquiry are:

1. The Commission will inquire into equal employment opportunities in the aged care sector in New Zealand and consider the issues as they concern employers and employees, with reference to:
  - (i) The regulatory frameworks in the aged care sector and their impact on progressing equal employment opportunities, including decent work
  - (ii) Workforce supply issues, including recruitment and retention, and their impact on equal employment opportunities
  - (iii) Training and qualifications in the aged care sector and the related equal employment opportunities issues
  - (iv) Conditions of work, including staff to resident ratios and managerial competence, and the implications for equal employment opportunities
  - (v) Wages of nurses, health care assistants and others in the aged care sectors, and equal pay, pay parity and pay equity issues
  - (vi) The role of men and women in the aged care sector and the equal employment opportunities issues for both men and women
  - (vii) Equal employment opportunities and migrant workers in the aged care sector
  - (viii) Other equal employment opportunities issues that are raised during the course of the inquiry by submitters and participants, employers, employees and those receiving care.
2. The Commission will consider, as a result of the Inquiry, whether to make recommendations on:
  - (i) Changes to legislation, regulations, policies, practices, procedures and funding arrangements
  - (ii) The value of promulgating national frameworks, standards, guidelines or codes of practice to ensure equal employment opportunities are progressed in the aged care sector in New Zealand
  - (iii) A timetabled approach with clear benchmarks that relates to the implementation of improved equal employment opportunities in the aged care sector in New Zealand.

The Inquiry will be conducted under Section 5(2)(h) of the Human Rights Act (HRA) 1993:

*“to inquire generally into any matter, including any enactment or law, or any practice, or any procedure, whether governmental or non-governmental, if it appears to the Commission that the matter involves, or may involve, the infringement of human rights.”*

The Inquiry will be undertaken by the Equal Employment Opportunities Commissioner, Dr Judy McGregor, and EEO staff of the New Zealand Human Rights Commission. The EEO Commissioner’s functions under Section 17 of the HRA include:

- providing advice and leadership on equal employment opportunities (EEO) arising out of the Commission’s functions,(s17(b);
- leading development of guidelines and voluntary codes of practice to facilitate and promote best practice in equal employment opportunities (including codes that identify related rights and obligations in legislation), s17(d); and
- monitoring and analysing progress in improving equal employment opportunities in New Zealand, and to report to the Minister on the results of that monitoring and analysis, s17(e).

Contact us:

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Human Rights  
Commission  
*Te Kāhui Tika Tangata*