

Review of Framework for the Future

Framework for the Future was described as the long answer to the question “How is New Zealand doing on EEO?” At the time (2003) there was little way of knowing anything comprehensive about EEO progress and few ideas about how to measure progress.

Framework for the Future, published in 2004, provided a benchmark by which the Commission could monitor progress on EEO, assessed progress to date and made a number of recommendations that provided practical steps to improve equal employment opportunities.

The recommendations are listed in the following table and progress is detailed. This analysis considers both the Human Rights Commission’s work and state and private sector agencies responsible for protecting, promoting and implementing EEO.

Recommendations	Progress
<i>Towards Major Policy Change</i>	
1: EEO advocates should work towards the introduction of legislation that places strong positive duties on all employers, starting with large organisations, to develop and implement EEO plans, and regularly report on the outcomes.	Progress on the legislative and policy framework for EEO is considered as a whole, rather than recommendation by recommendation. Progress has been mixed. The seven years 2004–2010 includes a period when the labour market was strong, followed by a recession which saw rising unemployment. This period also covers a change of government. From 2004 when the <i>Framework for the Future</i> was published, the following advances have been made in the policy and legislative field:
2: Future EEO legislative initiatives, policy development, and implementation activities should be preceded by reflection on how best to reconcile EEO as a philosophy and practice with the Treaty of Waitangi.	
3: Any new legislative initiatives should be supported with the use of incentives to encourage positive changes and to discourage lack of action on the part of employers.	<u>Legislation</u> The following legislation has been passed: <ul style="list-style-type: none"> • The right to request flexible work • Rest breaks and breast-feeding breaks • Extension of paid parental leave • Four weeks annual leave • Abolition of youth rates • Repeal of Disabled Person’s Employment Promotion Act.
4: Incentives-based models to promote EEO should be tested and refined in the public service, as part of a renewed commitment to EEO in the state sector. Urgent attention should be given to greater promotion of EEO in the health and education sectors.	However, there is still no legislation requiring a positive duty to provide equal employment opportunities in the private sector or for equal pay for work of equal value. Changes to the rest break legislation have been made.

5: Efforts to compel private companies to establish EEO initiatives should ensure that the business benefits outweigh any compliance costs. New Zealand-based evidence should be developed to support the business case for widespread adoption of EEO initiatives.

6: Any agency established to monitor EEO efforts should have sufficient resources to closely analyse EEO practices as well as the power to sanction bad practice and reward good practice. It should also have sufficient resources to track changing outcomes, assess and report on best practices, and work with organisations to help them achieve positive EEO outcomes.

Legislation enabling the buy-back of one week of annual leave has been passed.

Policy

Pay and employment equity in the public service.

The Pay and Employment Equity Unit has been disestablished.

Business New Zealand supported work on work–life balance in the accountancy sector.

A number of initiatives have been developed to promote the participation of women on private sector boards (Global Women, Agri-Women’s Development Trust, Ministry of Pacific Island Affairs and the continued development of the nominations service of the Ministry of Women’s Affairs).

The Human Rights Commission and the EEO Trust continue to be funded by government to promote, research and monitor progress on EEO. However, the power to sanction bad practice is limited.

The Human Rights Commission has established a biennial census of women’s participation *New Zealand Census of Women’s Participation* which benchmarks progress on women in leadership positions in public and political life.

What next: the National Conversation about Work, a report on EEO issues raised by employers, employees and community groups across the country was published in 2010.

The *Review of Human Rights in New Zealand 2010* includes references to inequality at work specifically in the chapter on the right to work, but also in various other chapters discussing the rights of specific groups and economic, social and political rights.

The Human Rights Commission has also reported to a number of International Treaty bodies on, among other issues, employment opportunities. They include the International Covenant on Civil and Political Rights, Universal Periodic Review and work is proceeding on reports on Convention on the Elimination of Discrimination Against Women and the CRPD.

Building on Current Strengths	
7: Actions by private interests to promote EEO should be encouraged. Branding and other innovative practices would allow organisations that exemplify EEO good practice to publicise their initiatives and advance their reputation among consumers and potential employees.	Since 2004 work-life balance (WLB) and flexible work practices was becoming a workplace norm not just for parents but for all workers. The SSC published a guide on WLB, the Department of Labour was actively promoting WLB practices and the EEO Trust continues to promote WLB via the highly regarded Work-Life Balance awards. There are fears that the recession will have a negative impact on WLB because workers are reluctant to seek flexible working arrangement in an environment of job insecurity and employers are becoming more conservative because businesses are more precarious.
8: The relationship between the Human Rights Commission and the EEO Trust should be assessed with an eye towards strengthening it. Future joint efforts between the two organisations could involve (1) building capacity for research and analysis, (2) sponsoring original research, and (3) improving information dissemination.	The EEO Trust and the Human Rights Commission in partnership developed the NEON website. Other joint ventures have included the visit of Dr Susan Vinnicombe, a leading researcher on diversity in state and private sector boards, and the launch of the forum “A Place at the Table”, aimed at promoting diversity in the boardroom.
9: EEO advocates should jointly explore with educators ways to improve the education outcomes of those who have been traditionally disadvantaged both in the education system and the labour force. For example, the Human Rights Commission could work with the Tertiary Education Commission to forge strategies to promote greater representation of women, disabled people, and racial and ethnic minorities across a range of training programmes.	The eight Vice Chancellors of New Zealand universities agreed to fund a five-year trial Women in Leadership programme to assist women progress in academic life. Increased participation of women in senior academic roles is recorded in the Census of Women’s Participation, albeit off a low base. The Human Rights Commission continues to work with schools in partnership with Amnesty International, the Children’s Commissioner, the Development Resource Centre and the Peace Foundation in the Human Rights in Education program.
11: Public and private organisations should engage in coordinated efforts to promote greater public awareness of EEO as a philosophy and practice. These should include (1) utilising best practice examples and (2) developing guidelines for small businesses.	Labour Minister Margaret Wilson set up the Taskforce for Pay and Employment Equity (PAEE) and Minister Ruth Dyson opened the PAEE unit in the Department of Labour, which oversaw PAEE reviews across the state sector and developed PAEE tools and conducted research. When the unit was disbanded Minister Pansy Wong oversaw additional funding to the Ministry of Women’s Affairs to conduct research on causes of the gender pay gap. Minister Tariana Turia has been instrumental in advances such as the ratification of the Convention on the Rights of People with Disabilities and the formation of the EDN.

12: New efforts should be made to ensure that public service departments exhibit exemplary EEO practice. These could be supported by new leadership, more resources, strong incentives for chief executives, the development of effective EEO training programmes for senior managers, and more comprehensive research and monitoring activities.

The Human Rights Commission, the EEO Trust, the Department of Labour, the Ministry of Women’s Affairs and EDN among others have publicised best-practice examples through a range of both print and electronic publications and awards.

The Human Rights Commission publication *Getting a Job: pre-employment guidelines (the A-Z)* have been designed to be a handy reference tool for businesses. 12,000 copies have been distributed to date and is available from the NEON website. However, there is not a broad norm of EEO best practice across the public and private sectors.

13: Efforts should be made to develop a strong, diverse EEO advocacy coalition. Members should focus on achieving social change, and should keep in close touch through on-going small conferences and task forces designed to explore EEO issues of specific interest to the New Zealand workplace.

While there is somewhat better reporting of EEO indices in the public service, outcome data is showing that EEO progress is either static or declined. The lack of attention to data collection in order to monitor the employment of disabled people in the public service is of particular concern. The Human Resource Capability Survey of the Public Service conducted by the SSC has not collected disability data since 2005.

14: Support should be given to the on-going production of evidence-based research and the provision of statistical analysis relevant to the pursuit of EEO in New Zealand. Efforts should also be made to develop a website-based facility where researchers can freely access datasets and other statistical sources relevant to EEO research.

The Human Rights Commission in partnership with the EEO Trust have developed NEON www.neon.org.nz, the premium EEO website in New Zealand.

The EEO Trust has developed an EEO practitioners network that meets regularly in main centres.

Members from the EEO public service practitioners’ network which was run jointly by SSC and HRC, have now joined the EEO Trust network.

Data disaggregated for vulnerable groups in the labour market has improved, but needs further refinement to enable statistical analysis of cross-sectional issues: for example the effect of gender and ethnicity.

Data on labour market participation and other EEO indices of disabled people remains very sketchy. For example, the SSC no longer includes disability data as outlined above. Disability is not included in the quarterly Household Labour Force Survey.