

Guidance

Crown Entities' Pay Gaps Action Plan

UPDATED JANUARY 2024











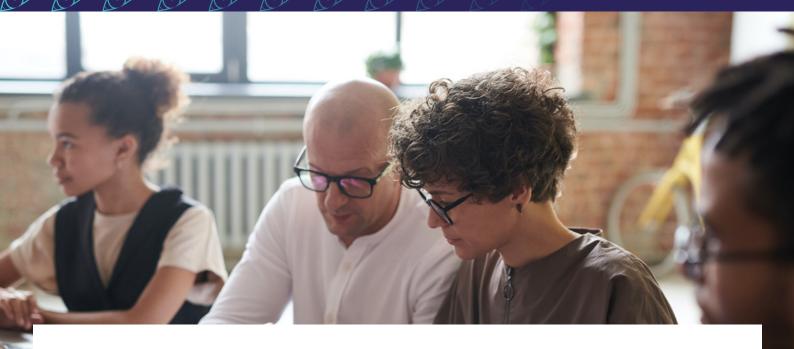




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Te kupu whakataki | Introduction

Purpose of this guidance

This guidance supports Aotearoa New Zealand Crown entities to develop and publish annual pay gaps action plans (action plan) under Kia Toipoto – the Public Service Gender, Māori, Pacific and Ethnic Pay Gap Action Plan 2021-24.

Publishing an annual action plan will meet the Kia Toipoto milestone: Te Pono | Transparency: Agencies and entities publish annual action plans based on gender and ethnicity data and union/employee feedback.

Kia Toipoto

Kia Toipoto builds on the achievements and success of the Public Service Gender Pay Gap Action Plan 2018-2021. Kia Toipoto is, however, even more ambitious.

The Kia Toipoto three-year goals are to:

- make substantial progress toward closing gender, Māori, Pacific, and ethnic pay gaps
- accelerate progress for wāhine Māori, Pacific women, and women from ethnic communities
- create fairer workplaces for all, including disabled people and members of rainbow communities.

Kia Toipoto provides a common but flexible framework that allows entities to tailor actions to reflect their context and the progress they have already made.

Te Whakapiri will provide guidance to help you implement Kia Toipoto

Te Whakapiri is the Kia Toipoto collaborative working group, with representatives of the Equal Pay Taskforce and the D&I team in Te Kawa Mataaho | Public Service Commission, Te Rūnanga o Ngā Toa Āwhina, Te Pūkenga Here Tikanga Mahi | Public Service Association (PSA), Manatū Wahine | Ministry for Women, Te Puni Kōkiri, the Ministry for Pacific Peoples, the Ministry for Ethnic Communities, Whaikaha | Ministry of Disabled People, employee-led networks (rainbow, disabled and pan-Asian), the PSA Pasifika Network, and Out@PSA. Te Whakapiri consults with agencies and entities.



Te Whakapiri:

- develops guidance to help entities implement Kia Toipoto
- shares targeted interventions that address barriers facing different groups
- strengthens alignment with other initiatives to create more diverse, inclusive and safe workplaces (see box on page 5).

An action plan is your commitment to system change

An annual pay gaps action plan will help you to:

- increase transparency about pay and representation of women, Māori, Pacific and ethnic employees (including wāhine Māori, Pacific and ethnic women) by:
 - strengthening your focus on workforce pay and representation data by gender and ethnicity
 - strengthening the quality of your ethnicity data if necessary. (See our guidance on <u>Collecting</u>, <u>measuring</u> and <u>reporting pay</u>, <u>pay gaps and</u> <u>representation in the Public Service</u> and on <u>Standards of Workforce Data</u>
 - strengthening your engagement with women, Māori, Pacific and ethnic employees and employees from rainbow and disabled communities and union representatives. The experiences of diverse employees are the ultimate test of whether you are making and sustaining gains.

Your action plan is also a tool for:

planning how to meet the Kia Toipoto milestones

- tracking and reporting on progress
- monitoring and reviewing the effectiveness of your actions.

Foundation documents and supporting resources

In developing your plan, please refer to:

- <u>Kia Toipoto: Public Service Pay Gaps Action</u>
 <u>Plan 2021-24</u>
- The Equal Pay Taskforce's guidance and resources

Timeframe

The timeframe for publishing your action plan is by 30 April each year. You can publish your action plan earlier. Note that you can update your plan throughout the year.

On publication, please also send your action plan to the Equal Pay Taskforce at EqualPay@publicservice.govt.nz.

Support and queries

The Equal Pay Taskforce is happy to answer any queries. Contact us at EqualPay@publicservice.govt.nz.



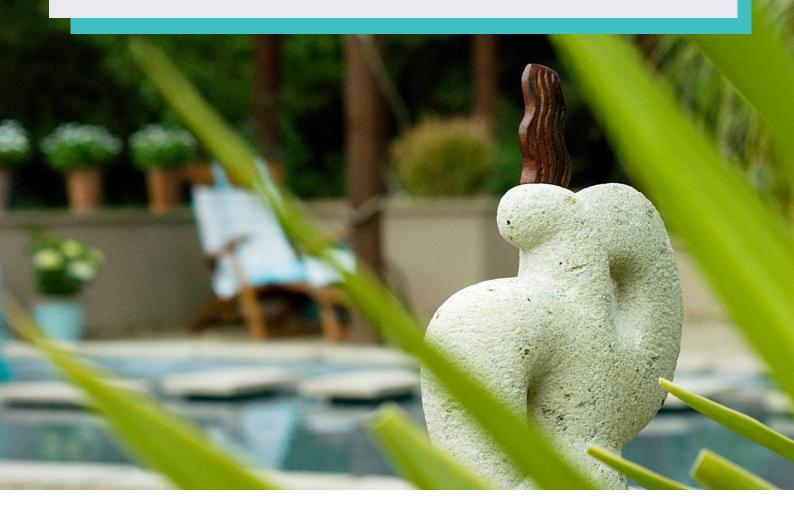
Kia Toipoto is part of the wider diversity, equity and inclusion environment

The Public Service is committed to diversity, equity and inclusion.

By implementing Kia Toipoto, entities will also be:

- working with Māori and working to achieve equitable outcomes for Māori as intended by Te Tiriti o Waitangi
- working with unions
- meeting the expectations of the Government Workforce Policy Statement for employment relations
- meeting the **Gender Pay Principles**
- meeting the obligations of chief executives under the Public Service Act 2020
- following the <u>Public Service Pay Guidance 2023</u> and <u>FAQs Public Service Pay Guidance</u>.

All of these actions will contribute to fairer workplaces that uphold our shared human right of freedom from discrimination.





Key steps and actions for creating an annual plan

Step 1

Engage people across your entity

Step 2

Measure and analyse pay and representation data

Step 3

Identify and describe the drivers of pay gaps

Step 4

Report progress to date and your plans for the coming year

Step 5

Describe any other actions you have taken or will take

Step 6

Publish your plan



Summary

Crown entities' action plans should include:

- how you are engaging with employees and unions on Kia Toipoto
- gender and ethnic pay gaps (where there are sufficient data and numbers of employees in groups to enable gaps to be calculated) and representation data
- a description of what you have already done and will do that contributes to progress under Kia Toipoto
- specific mention of progress on the equitable pay and leadership and representation milestones
- a commitment to implementing Kia Toipoto.

Please respond to every section of the template below. If for any reason you can't include the information below, please state why.

Agency and entity action plans are published on the Te Kawa Mataaho <u>website</u>, as well as your own websites. Many 2022 agency plans have very good elements, including these:

- Social Wellbeing Agency an exemplar small agency plan
- Ministry of Transport (not all smallish agencies will be able to use such detailed data though)
- Government Communications Security Bureau/New Zealand Security Intelligence Service clear about the challenges and the work it still needs to do
- New Zealand Customs Service clear relationship between data analysis and planned actions
- Inland Revenue good example of a combined KT and D&I plan, meets requirements for both
- Ministry of Justice great example of how to use qual data "what our people said"



Developing your pay gaps action plan

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Step 1. Proactively engage peop	ne acioss voui enin	iv to develop voul action blai	

Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan
Kia Toipoto focus area: Transparency Milestone: Entities publish annual action plans based on gender and ethnicity data and union/employee feedback. Kia Toipoto commitments: Māori participate in action and monitoring. Agencies and entities will engage with unions and employees from the earliest planning stages.	Engagement with unions and Māori, Pacific and ethnic employees and employees from rainbow and disabled communities from the earliest planning stages. Doing this will help ensure that your plan is robust and is seen to be so. Understanding employee and union perspectives provides essential evidence about your progress. It also ensures employees can see that their experiences are influencing the actions entities are taking. You can ensure you engage widely by working with your Diversity and Inclusion leads, employeeled Networks, and Māori and other union delegates. Entities without employee-led networks can support their establishment. Smaller agencies/entities can support employees to join cross-agency networks.	Describe how your entity has developed your action plan with unions, women, Māori, Pacific and ethnic employees and employees from disabled and rainbow communities.



Kia Toipoto Milestones	&
Commitments	

Kia Toipoto focus area: **Transparency**

Milestone: Entities publish annual action plans based on gender and ethnicity data and union/ employee feedback.

Kia Toipoto commitment: Entities include data and actions to achieve equitable outcomes for Māori in action plans.

Explanatory notes and advice

Measurement guidance. Before embarking on this step please refer the following guidance:

- Collecting, measuring and reporting pay, pay gaps and representation in the Public Service
- Organisational Gender Pay Gaps Measurement and Analysis guidelines

Quality of data. This is a good opportunity to improve your data. Good quality data meets the Te Kawa Mataaho Standards of Workforce Data and guidance on collecting disability information. It may take time to develop systems and processes to meet these standards. If your data does not meet these standards, we recommend you:

- use and report the data you have, as an indicative base and note areas which do not meet standards
- include your disclosure rates (e.g. the percentage of employees who have disclosed their ethnicity etc), to help readers interpret your pay and representation data
- prioritise making changes to your systems for collecting and reporting workforce information.

Employees who do not identify as cisgender. Organisational Gender Pay Gaps Measurement and Analysis Guidelines p.9 has advice on how to include employees who do not identify as cisgender. You should include employees of another gender in your pay and representation information if you can do so with our breaching their privacy or confidentiality. If this group is too small for statistical comparison (i.e. fewer than 20 people), you should still consider whether the data suggests pay differences exist for these employees.

What to include in your Plan

Pay data

Entity-wide gender, Māori, Pacific and ethnic pay gaps:

- mean calculations
- median calculations

A table of average pay by gender and ethnicity.

More detailed pay gaps, if possible. Larger entities should be able to include pay gaps such as:

- for the same or similar roles
- by management and leadership level (tiers 2 and 3)
- by occupational group and/or within groups or units.

Representation data

Overall representation of women, Māori, Pacific and ethnic employees.

The proportion women, Māori, Pacific and ethnic employees in tiers 1-3

Your ethnicity data disclosure rate.

Other

Include pay and representation information for disabled employees and members of rainbow communities if you have robust data for these groups.

Total number of employees in your organisation.

Definitions of 'pay' and 'employee' you have used in your calculations.

Date on which you measured your data.



Kia Toipoto Milestones & Commitments

Kia Toipoto focus area: Transparency

Milestone: Entities publish annual action plans based on gender and ethnicity data and union/employee feedback.

Kia Toipoto commitment: Entities include data and actions to achieve equitable outcomes for Māori in action plans.

Explanatory notes and advice

Small numbers. Gender and ethnic pay gap calculations are only statistically robust if there are 20 or more people in each comparative group. If your entity has fewer than 20 people in each group, we recommend you still review this data as it can provide useful indicative information, especially for smaller entities. In this case you can include a narrative about what this data suggests, rather than the data itself, OR you can aggregate data for groups of fewer than 20 into larger groups and report this higher-level data. For more information on dealing with small numbers, see: Guide Implementing Kia Toipoto in small organisations.

A summarised example of wording explaining why a small organisation is not publishing a pay gap:

We do not have enough employees to produce robust pay gaps. Measuring increases in the diversity of our people at a detailed level over time is also not viable. Small changes in our workforce can impact significantly on our demographics. Our plan focuses on sustaining actions which make improvements to policies and practices around diversity and inclusion and setting broader goals for specific population groups.

Privacy. There may also be privacy issues associated with publishing information about smaller groups. You can be certain that the privacy of individuals is protected if you include pay gaps in your published action plans only when there are at least 20 employees in each group being compared. Entities' own privacy and confidentiality policies may allow data for groups of fewer than 20 employees to be shared. Discuss this with your privacy officer.

Include data definitions in your plan. For instance, state who is included in each group you are measuring. This will ensure measurements made over time are consistent and comparable.

Average salaries of employees from each ethnic/gender group. Present the average pay of each ethnic/gender group in a graph, such as the one <u>published annually</u> by Te Kawa Mataaho, see below. This is a simple way of comparing pay across groups. There is advice on analysing pay by gender and ethnicity combined in <u>Collecting</u>, <u>measuring and reporting pay</u>, <u>pay gaps and representation in the Public Service</u>.

What to include in your Plan



Example table of average pay by gender and ethnicity Public Service average pay by gender and ethnicity 2021 **European men** \$97,500 **European women** \$87,800 Māori men \$84,000 Asian men \$80,400 Māori women \$79,900 **Asian women** \$76,900 Pacific men \$75,100 **Pacific women** \$71,900 20,000 40,000 80,000 60,000 100,000



Example table for reporting gender and ethnic representation					
	Workforce representation %	All managers %	Leaders Tiers 1-3 %		
GENDER					
Male					
Female					
Another gender*					
ETHNICITY**					
European					
Māori					
Asian					
Pacific Peoples					
Middle Eastern/Latin American/ African					
Other					
*NB only include employees of another	gender if you can do so without breachin	g their privacy or			

^{*}NB only include employees of another gender if you can do so without breaching their privacy or confidentiality.

^{**}NB that we have ethnicity data for X% of employees



Other advice. Do not include your chief executive in your pay data, as this can skew your mean pay gaps, and in smaller organisations, can make your pay gaps volatile. (Agencies do not include CEs in their pay gaps). Do include your chief executive in your representation data. In this case, one person does not skew the data, and contributes to organisation and sector-wide measures of gender and ethnic representation. Use the most recent data available to update your gender and ethnicity pay and representation measurement. Include the date on which you measured your data. Include the definitions of 'pay' and 'employee' you have used in your calculations: Definition of employee: Departments and Departmental agencies use the following definition: permanent and fixed term staff, including secondees out, but not secondees in. Definition of pay: state whether gaps are for base pay or total remuneration, and your definition of these (if applicable). We encourage organisations to include gaps for base pay and total remuneration if total remuneration is a factor in pay in your organisation. Include the total number of employees in your organisation. This data, combined with representation information, helps Te Kawa Mataaho to build a picture of representation across Crown entities. Note that the Treasury guidance Preparing the Annual Report 2023 encourages Crown entities to include representation by ethnicity and gender, and headcounts, for their workforce and leadership.	Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan
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to include representation by ethnicity and gender, and headcounts, for their workforce and		representation information, helps Te Kawa Mataaho to build a picture of representation across	
		to include representation by ethnicity and gender, and headcounts, for their workforce and	



Step 3. Identify	and describe the drivers	of your entity's	gender and ethnic pay gaps
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Kia Toipoto
Milestones &
Commitments

Kia Toipoto focus area: Transparency

Milestone: Entities publish annual action plans based on gender and ethnicity data and union/employee feedback.

Kia Toipoto commitments: Māori participate in action and monitoring. Entities will include data and action to achieve equitable outcomes for Māori in action plans.

Explanatory notes and advice

Contextual information about pay gaps. Before undertaking this step, refer to the resources on the common drivers of pay gaps. These will help you understand what your data is telling you:

- <u>Introduction to Kia Toipoto</u> provides a brief overview of the drivers of pay gaps
- Appendix 1 of <u>Organisational gender pay gaps Measurement and analysis guidelines</u>, provides more detail about how patterns in data provide evidence of the drivers of pay gaps

Gathering and analysing employee and union feedback. The experiences of unions, women, Māori, Pacific and ethnic employees and members of rainbow and disabled communities provide essential qualitative evidence about the impact of your work. In larger entities, the experiences of unions and diverse employees will add to your understanding about why the patterns in your data exist. For smaller entities with less robust data, union and employee feedback provides a vital source of evidence about the progress you are making. You can also gather feedback from managers and leaders about their experiences of applying relevant policies.

For more information on gathering qualitative in small organisations, see: Guide Implementing Kia Toipoto in small organisations.

What to include in your Plan

A narrative about what your data is telling you.

A narrative about the feedback and insights you have received from unions, women, Māori, Pacific, ethnic and disabled employees, members of rainbow communities and from managers/leaders.



Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan
Kia Toipoto focus area: Transparency Milestone: Entities publish annual action plans based on gender and ethnicity data and union/employee feedback. Kia Toipoto commitments: Māori participate in action and monitoring. Entities will include data and action to achieve equitable outcomes for Māori in action plans.	 Please include a narrative about what your data is telling you. These questions can help you identify patterns in your data that reveal the drivers of your pay gaps. Are there differences in: the representation of women, Māori, Pacific and ethnic employees in higher and lower paid occupational groups; the representation of gender, Māori, Pacific and ethnic employees in different levels e.g., management and/ or leadership roles? Are there pay gaps in starting salaries for employees within the same or similar roles? Is progress through bands/scale slower or faster for some groups than others? Are there pay gaps in different parts of your entity e.g., work sites or organisational groups? Please include a narrative about the feedback you have received from unions, women, Māori, Pacific and ethnic employees. These questions can help you: How are perceptions of fairness different for different groups? In what ways are employees from different groups having positive or negative experiences of decisions related to recruitment, remuneration, development opportunities, flexible work, career progression, breaks or leave? In what ways are employees from different groups experiencing bias and/or discrimination in their day-to-day interactions with leaders, managers and/or colleagues? 	Describe how your entity has developed your action plan with unions, women, Māori, Pacific and ethnic employees and employees from disabled and rainbow communities.



Step 4. Report progress to date against the 2022 Kia Toipoto milestones							
Kia Toipoto Milestones Commitments	&	Explanatory notes and advice			What	to include in your Plan	
		A recommended format for reporting progress. A table format enables stakeholders to track progress in key areas over time. The example below is based on the Manatū Taonga and Ministry of Business, Innovation and Employment (MBIE) gender pay gap action plans over the last few years. The example is for you to adapt.					
		Examp	ole: A recommende	d format for repor	ting progress		
Kia Toipoto focus area and milestones	Curre	ent status	Planned actions 2	2022 and status	Planned actions 2023		Success factors for 2023 actions
Te whai kanohi i ngā taumata katoa Leadership and representation By the end of 2022 agencies/entities have plans and targets to improve gender and ethnic representation in their workforce and leadership	target in Jan Our pl Māori leader repres workf Relate streng we ha	ack – the plan including as will be discussed by ELT duary 2023. Ian includes strengthening representation in arship, and Asian sentation across the force. Ed work is needed to gthen our workforce data: we an 80% disclosure rate annicity.	Measure and anlyse gender and ethnicity across the workforce and by leaderhip level. Identify data gaps.	Completed	 Implement the plan to improve ge and ethnic representation includi Reviewing attraction and recruit policies and processes in line with Toipoto guidance Hold training information session managers and employees Strengthen workforce data college 	ng: tment th Kia ons for	 Completed review of attraction and recruitment policies and processes with engagement of employees and unions Identified specific areas to change A work programme is in place to implement changes
			Draft plan in consultation with employees and unions	Completed			



Step 4 cont. Report progr	ress to date against the 2022 Kia Toipoto milestones	
Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan
Kia Toipoto focus area: Equitable pay outcomes	Starting salaries. Please outline how you have ensured bias is not a factor in starting salaries in line with the recommendations in Ensuring bias is not a factor in starting salaries.	What you have done to ensure bias is not a factor
Milestones: by end of 2022, entities ensure that starting salaries and salaries for the same or similar roles are not influenced by bias.	Same or similar roles. Please outline how you have ensured bias is not a factor in salaries for the same or similar roles in line with the recommendations in Ensuring bias is not a factor in the same or similar roles. Refer to the key points in: Guidance: Ensuring bias does not influence starting salaries Guidance: Ensuring bias does not influence salaries for the same or similar roles Public Service Pay Guidance 2023. Note this guidance prioritises addressing gender and ethnic pay inequities. Taking action to close pay gaps under Kia Toipoto, is therefore, consistent with this guidance.	in starting salaries or existing salaries for the same or similar roles.
Kia Toipoto focus area: Leadership and representation Milestone: Milestone: by end of 2022, agencies/ entities have plans and targets to improve gender and ethnic representation in their leadership Kia Toipoto commitments: Māori will have career paths that empower them to achieve their career aspirations. Māori will be influential at all levels of the workplace	Kia Toipoto guidance. In October 2022, Te Whakapiri released guidance on improving representation workforce and leadership representation, including planning and setting targets. It has a summary of actions which link to related guidance, such as; Recruitment; Career progression, breaks and leave; and Flexible-work-by-default. All this guidance will help you recruit and grow a more diverse workforce and pipeline of future leaders. Definition of leadership. This means tiers 1-3 leaders. Definition of gender balanced leadership. This means that women hold between 40-60% of leadership roles at any given time, and an average of at least 50% of leadership roles over the medium-term. The distinction between short and medium-term targets recognises that, especially in small agencies, changes in one or two leaders can have a big impact on annual diversity data. In these cases, medium-term trends are a more reliable indicator of improvement. Definition of ethnic balance in leadership. Ethnic balance means entities should aim for ethnic representation in line with ethnic representation in the overall Aotearoa New Zealand population. Entities with small leadership teams should aim to achieve both ethnic and gender diversity over the medium-term for the reasons outlined in the note on gender balanced leadership above.	A summary of your plan to improve gender and ethnic representation in your workforce and leadership, or a link to your plan if it is published. Targets for gender and ethnic representation in your workforce and leadership. Include representation for disabled employees and members of rainbow communities in your workforce and leadership if you have good supporting information.



Step 5. Describe actions you have taken or will take to meet Kia Toipoto milestones						
Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan				
Kia Toipoto focus area: Effective career and leadership development Milestone: By mid-2023, agencies/entities have career pathways and equitable progression opportunities that support women, Māori, Pacific and ethnic employees to achieve their career aspirations. Kia Toipoto focus area: Eliminating all forms of bias and discrimination Milestone: By the end of 2023, entities have remuneration and HR systems, policies and practices designed to remove all forms of bias and discrimination.	The following guidance will help you to meet these milestones: Recruitment Remuneration Career progression, breaks and Leave You may be taking actions in other focus areas of Kia Toipoto, or related work in diversity and inclusion, and wish to include it here. This is optional. See the focus areas in Kia Toipoto and Guide Implementing Kia Toipoto in small organisations.	Actions you are planning to meet the milestones of Kia Toipoto. Include these in a table of planned actions by focus area, see Step 4 above. Additional information about related work (optional).				



Step 6. Publish your plan to your external-facing website		
Kia Toipoto Milestones & Commitments	Explanatory notes and advice	What to include in your Plan
Kia Toipoto focus area: Transparency Milestone: Entities publish annual action plans based on gender and ethnicity data and union/employee feedback.	We recommend that your plan complies with the Accessibility Charter. Note that the Treasury guidance Preparing the Annual Report encourages Crown entities to refer to progress under Kia Toipoto in their annual reports, by including: • gender, Māori, Pacific and ethnic pay gaps by median and mean at an organisational level (where entities have enough employees to calculate these gaps) • a link to their published pay gaps action plan • a statement about progress towards meeting the Kia Toipoto milestones.	A statement about your organisation's commitment to implementing Kia Toipoto.

