



DOIA 1718-0240

29 September 2017

D. Tate

fyi-request-6414-37bfa452@requests.fyi.org.nz

Dear Mr Tate

Thank you for your email of 15 August 2017 containing an Official Information Act 1982 (the Act) request. You have requested the following information.

- *the number of claims made per calendar year under the Equal Pay Act 1972*
- *the name of the employer (companies are not subject to the Privacy Act)*
- *the outcome of the claim (whether it was found in the favour of the claimant or not)*

The Ministry of Business, Innovation and Employment (the Ministry) records categories of matters brought to the Employment Relations Authority (ERA). Available records show that a total of 104 matters relating to equal pay have been brought to the ERA since January 2000. In respect of your request for the name of the employer and the outcome of the claim, this information would require significant manual collection and is refused under section 18(f) of the Act. However, I can advise that in respect of claims that went to a hearing in the ERA, names of the parties and the outcome are published in each determination issued and these are available in the Employment Law Database, details of which are provided below.

The Ministry also records categories of matters brought to the Employment Mediation Service. Available records show that 17 matters relating to equal pay have been brought to this service since January 2005. In respect of mediation matters I am refusing your request for the name of the employer under section 18(c)(i) of the Official Information Act. The section states: *that the making available of the information requested would be contrary to the provisions of a specified enactment*, namely section 148(1) of the Employment Relations Act 2000, which provides for the confidentiality of parties to a mediation.

In respect of mediation matters and your request for whether a claim was found in favour of the claimant, I am refusing this request under section 18(e) of the Act as the information does not exist. A mediator is a neutral third party and does not find in favour of either party; any settlement is made by agreement between the parties themselves.

In respect of all of the statistical information given above, it is important to note that, while equal pay has been cited in a matter brought to the ERA or the Employment Mediation Service, it may not mean that the matter was raised solely under the Equal Pay Act as many matters have multiple issues.

The case management system is unable to report on historical data by year, therefore your request to have information broken down per calendar year would require significant manual collection and is refused under section 18(f) of the Act.



The Ministry does not collate or hold information about other employment jurisdictions through which a claim might have been made, but information on all cases from the ERA, Employment Court and related employment jurisdictions since 1976, is publicly available in the Employment Law Database, at the Employment New Zealand website (<http://apps.employment.govt.nz/determinations/>). Searching this database may provide you with some of the information you are seeking.

If you wish to discuss any aspect of your request or this response, or if you require further assistance, please contact me at Tamsin.Lakeman@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of our response to your request. Advice on how to contact the Ombudsman is available at: www.ombudsman.parliament.nz or freephone: 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Tamsin Lakeman', written in a cursive style.

Tamsin Lakeman
Manager Business Advisory Services
Employment Services