
All District Health Boards

The new pay equity legislation, the [Equal Pay Amendment Act 2020 \(EPAA\)](#), came into force on 6 November 2020.

The EPAA requires employers to provide employees with information about current pay equity claims.

DHBs and unions are working together to assess a number of pay equity claims. Current claims within the DHBs include:

- Clerical/Administration (PSA)
- Nursing (NZNO/PSA)
- Midwifery (MERAS/NZNO)
- Allied, Scientific, and Technical (PSA/APEX)

You can find out more about these claims on the TAS website.

Under the EPAA, all employees whose role is covered by a claim, are covered by the claim, even if the employee is not a union member, unless, –

- a. before receiving notice, the employee had already raised or settled a pay equity claim with the employer, or accepted an offer of the benefit of a pay equity settlement from the employer, in respect of the work; or
- b. the employee is barred from raising a pay equity claim under section 2B; or
- c. the employee opts out, by giving notice in writing under section 13Y.

It is not possible for a member of the union(s) to opt out, without first cancelling membership of the union.

Opting out

If an employee chooses to opt-out of the pay equity process, they will not receive the benefit of the pay equity claim settlement.

Non-union member employees may opt-out at any time before the final date for voting on the proposed pay equity claim settlement. To do this, they must give notice in writing.

The opt-out form is available on the TAS website

In January the DHBs must provide the unions with the names and contact details of employees who have not opted out, so the unions can provide information about the pay equity process and ensure the employees can vote on the proposed pay equity claim settlement.

Employees must return their opting-out notice to pay.equity@tas.health.nz within 20 working days of receiving notice, in order to prevent their name and contact details being provided to the union or unions.

Settling a claim

All employees covered by a union-raised claim, who have not opted-out, will be able to vote on the proposed settlement.

If the settlement is ratified, all employees covered by a union-raised claim, who have not opted-out, will receive the benefit of the pay equity claim settlement.

Employees covered by a union-raised claim, who are not union members, are not required to pay union fees to be offered the pay equity claim settlement, however unions may request a voluntary donation.

If the claim is settled:

- a. the settlement of the claim will apply to the employee and may result in a change to their terms and conditions of employment; and
- b. the employee will be barred from raising their own claim.

Employees who have opted-out

If the employee has raised a claim with the employer and that claim has not been settled at the time the union claim is settled, the employee may:

- a. withdraw the claim by giving notice in writing to the employer; and
- b. join the union-raised claim by giving notice in writing to the union or unions that raised the claim.

If the employee wants to raise their own pay equity claim, the employee must opt out of the union-raised claim before:

- a. the claimant files an application with the Authority under section 13ZY(1)(d) for the Authority to fix remuneration; or
- b. the final date for voting on a proposed pay equity claim settlement under section 13ZF(4)(c)(ii).

If the employee opts out of the union-raised claim, the employee must be offered the benefit of a settlement of that claim and:

- a. if the employee accepts the offer of the benefit of the settlement, they will be barred from raising their own claim:
- b. if the employee declines the offer of the benefit of the settlement, they will retain the right to raise their own claim.

The steps that the employee may take to raise their own pay equity claim can be found on the TAS website.

DHBs recommendation employees seek independent legal advice.