



Global Care Policy Index

Technical Report for New Zealand

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Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

How to Cite this Technical Report

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[https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/New Zealand](https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/New_Zealand).

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
New Zealand				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	0.75	<p>Yes. Working women are guaranteed maternity leave. However, there is 1 exclusionary condition: the employee has to have worked for the same employer for an average of 10 hours a week in the last 6 months or 12 months. 1.0-0.25=0.75</p> <p>Section 8 of the Parental Leave and Employment Protection Act 1987 states: "An employee may take primary carer leave if the employee— (a) is the primary carer in respect of a child; and (b) meets the 6-month employment test or the 12-month employment test."</p>	Parental Leave and Employment Protection Act 1987, Section 8
A1.2	Are all categories of working women guaranteed maternity leave?	0.80	<p>Yes. Specific categories of working women are not explicitly excluded from receiving guaranteed maternity leave. However, there is 1 exclusionary condition: employees must be under a contract of service. Thus, workers in informal employment are excluded. 4/5 = .80</p> <p>Section 6 of the Employment Relations Act 2000 states: "employee" means "any person of any age employed by an employer to do any work for hire or reward under a contract of service."</p>	Employment Relations Act 2000, Section 6
A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	<p>Eligible working women are guaranteed primary carer leave that must be taken in 1 continuous period not exceeding 26 weeks (amended to 26 weeks as of July 2020). After primary carer leave, working mothers may take shared extended leave (shared with father). Extended leave is 26 weeks (if both employees meet the 6-month employment test) or 52 weeks (if both employees meet the 12-month employment test).</p> <p>Section 9 of the Parental Leave and Employment Protection Act 1987 states: "Primary carer leave must be taken in 1 continuous period not exceeding 26 weeks, subject to subsection (2). (2) If a female employee begins her primary carer leave— (a) on a date specified, pursuant to section 13(1), in a certificate; or (b) on a date appointed, pursuant to section 14, by her employer,— the female employee shall be entitled to take at least 20 weeks of her primary carer leave after the expected date of delivery and, if necessary for that purpose, to extend the duration of her primary carer leave."</p> <p>Section 26 of the Parental Leave and Employment Protection Act 1987 states: "Subject to subsections (2) and (3), the maximum amount of extended leave that an individual employee may take in respect of a child is— (a) 26 weeks, if the employee meets the 6-month employment test; or (b) 52 weeks, if the employee meets the 12-month employment test."</p>	Parental Leave and Employment Protection Act, Sections 9 & 26
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	1.00	<p>Yes. The Parental Leave and Employment Act 1987 guarantees that eligible working women are entitled to take at least 20 weeks (as of July 2020) of her primary carer leave after the expected date of delivery and, if necessary for that purpose, to extend the duration of her primary carer leave.</p> <p>Section 9 of the Parental Leave and Employment Protection Act 1987 states: "Primary carer leave must be taken in 1 continuous period not exceeding 26 weeks, subject to subsection (2). (2) If a female employee begins her primary carer leave— (a) on a date specified, pursuant to section 13(1), in a certificate; or (b) on a date appointed, pursuant to section 14, by her employer,— the female employee shall be entitled to take at least 20 weeks of her primary carer leave after the expected date of delivery and, if necessary for that purpose, to extend the duration of her primary carer leave. (3) A period of primary carer leave in excess of 26 weeks taken by a female employee under subsection (2) is to be treated as primary carer leave for the purposes of this Act, but must not be taken into account in assessing under section 26 any period of extended leave to which the female employee or her spouse or partner may be entitled under this Act."</p>	Parental Leave and Employment Protection Act, Section 9
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>No. Eligible working women are not guaranteed extended maternity leave in the case of simultaneous multiple births under the Parental Leave and Employment Protection Act 1987.</p> <p>Section 2B of the Parental Leave and Employment Protection Act 1987 states: "A person who gives birth to 2 or more children as a result of 1 pregnancy and assumes or intends to assume the care of those children must be treated as if the person had given birth to only 1 child as a result of the pregnancy and had assumed or intended to assume the care of only 1 of those children"</p>	Parental Leave and Employment Protection Act, Section 2B



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A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	<p>Yes. Eligible working women are entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth under the Parental Leave and Employment Protection Act 1987. However, this is usually not more than 6 weeks before the expected date of delivery.</p> <p>Section 11 of the Parental Leave and Employment Protection Act 1987 states: "Primary carer leave may, at the option of the employee and subject to compliance with section 37, begin on a date which is earlier, by not more than 6 weeks than,— (a) in the case of a child to be born to the employee, the expected date of delivery; or (b) in any other case, the date on which the employee intends to become the primary carer in respect of the child."</p> <p>Section 12 of the Parental Leave and Employment Protection Act 1987 states: "Primary carer leave may, by agreement between the employee and his or her employer, begin on any date before,— (a) in the case of a child to be born to the employee, the expected date of delivery; or (b) in any other case, the date on which the employee intends to become the primary carer in respect of the child."</p> <p>Section 13 of the Parental Leave and Employment Protection Act 1987 states: "If a medical practitioner or midwife considers that the female employee, being pregnant, should begin her primary carer leave before the expected date of delivery, the medical practitioner or midwife may give to the female employee a certificate specifying the date on which, in the medical practitioner's or midwife's opinion, that female employee should begin her primary carer leave."</p> <p>Section 14 of the Parental Leave and Employment Protection Act 1987 states: "Where, by reason of pregnancy, a female employee is unable to perform her work to the safety of herself or others or is incapable of performing her work adequately, her employer, if no other suitable work is available, may, subject to section 9(2), direct her to commence her primary carer leave on such date as the employer appoints (including a date that is earlier, by more than 6 weeks, than the expected date of delivery)."</p>	Parental Leave and Employment Protection Act, Sections 11-14
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	0.00	<p>No. Under the Parental Leave and Employment Protection Act 1987, employees are "entitled to" and not "compelled to" a period of compulsory maternity leave after childbirth.</p> <p>Section 9 of the Parental Leave and Employment Protection Act 1987 states: "the female employee shall be entitled to take at least 20 weeks of her primary carer leave after the expected date of delivery and, if necessary for that purpose, to extend the duration of her primary carer leave."</p>	Parental Leave and Employment Protection Act, Section 9
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	99.00	<p>Not applicable since employees are "entitled to" and not "compelled to" a period of compulsory maternity leave after childbirth, under the Parental Leave and Employment Protection Act 1987.</p> <p>Section 9 of the Parental Leave and Employment Protection Act 1987 states: "the female employee shall be entitled to take at least 20 weeks of her primary carer leave after the expected date of delivery and, if necessary for that purpose, to extend the duration of her primary carer leave."</p>	Parental Leave and Employment Protection Act, Section 9
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	<p>Yes. Eligible working women are entitled to "extended leave" of up to 26 weeks (if previously employed for 6 months with the same employer) or 52 weeks (if previously employed for 12 months with the same employer).</p>	Parental Leave and Employment Protection Act, Part 3
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	1.00	<p>Yes. Adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection.</p> <p>The Parental Leave and Employment Protection Act 1987 includes adoptive mothers in its interpretation of a "primary carer". "Primary carer" is the term used throughout the legislation to refer to eligible working women who receive parenting leave, benefits, and employment protections.</p> <p>Section 7 of the Parental Leave and Employment Protection Act 1987 states: "a person, other than the biological mother or her spouse or partner, who takes permanent primary responsibility for the care, development, and upbringing of a child who is under the age of 6 years"</p>	Parental Leave and Employment Protection Act, Section 7
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	99.00	<p>Not applicable. New Zealand does not pay financial benefits to women on maternity leave on the basis of their previous wages. New Zealand offers Paid Parental Leave (PPL), which is a government payment of a fixed weekly amount.</p>	Parental Leave website



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A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	<p>Yes. Women are entitled to cash benefits during maternity leave out of social assistance funds. However, it should be noted that they start at a lower point than weekly disability benefits also provided by the state.</p> <p>The maternity benefits that working mothers may receive from New Zealand's Paid Parental Leave (PPL) is between \$189 to \$606.46 per week. In comparison, the weekly disability benefits that individuals receive from New Zealand's Supported Living Payment range from \$253.31 per week to \$522.08 per week depending on one's age and marital status. If mothers do not qualify for PPL, they have access to Best Start payments and the Recoverable Assistance Payment. Best Start payments are \$60 per week payments until the child turns 1, which can continue until the child turns 3 for low-income families. The Recoverable Assistance Payment is a one-off payment for those who are not on a benefit and have an essential/emergency family cost that they can't pay for.</p>	<p>Inland Revenue website</p> <p>Parental Leave website</p> <p>Supported Living Payment website</p> <p>Best Start Payments website</p> <p>Recoverable Assistance Payment website</p>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes. The government ensures that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds. Payments for parental leave come out of public money (general taxation), so employers are not individually liable.</p> <p>Section 71Q of the Parental Leave and Employment Protection Act states: "There must, from time to time, be paid out of a Crown Bank Account, from money appropriated by Parliament for the purpose, all money required to be expended in providing parental leave payments under, and making other payments in connection with, this Part."</p>	<p>Parental Leave and Employment Protection Act, Section 71Q</p>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes. Taxes and contributions due under compulsory social insurance are utilised to finance maternity benefits, payable equally by men and women, without distinction of sex.</p> <p>Section 71Q of the Parental Leave and Employment Protection Act states: "There must, from time to time, be paid out of a Crown Bank Account, from money appropriated by Parliament for the purpose, all money required to be expended in providing parental leave payments under, and making other payments in connection with, this Part."</p>	<p>Parental Leave and Employment Protection Act, Section 71Q</p>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	1.00	<p>Yes. Unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities.</p> <p>If citizen is unemployed, or does not work full time, they may get JobSeeker Payments (every week, amount depends on circumstances). This can include if they're doing part time or casual work. Parents are protected under section 25 of the Social Security Act 2018 and others are protected under "Granting on grounds of hardship" eligibility. If a person doesn't qualify for Jobseeker Payments, they may be eligible for Emergency Benefit if they are unable to earn a sufficient livelihood due to their domestic circumstances (for example caring responsibilities). Both have appeal processes.</p>	<p>Work and Income Website</p>
A2.2	Employment Protections			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.50	<p>Yes. Working women are guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave. However, there are 2 exclusionary conditions when employers are allowed to not protect their employee's position while she is on maternity leave:</p> <ol style="list-style-type: none"> 1) When a temporary replacement is not reasonably practicable, or 2) When there is a redundancy situation <p>1 - 0.25 - 0.25 = 0.5</p> <p>Section 41 of the Parental Leave and Employment Protection Act 41 states: "Where an employee takes a period of parental leave (other than a period of parental leave referred to in section 40) the employer shall be presumed in any proceedings under this Act, to be able to keep open for the employee, until the end of the employee's parental leave, the employee's position in the employment of the employer unless the employer proves that the employee's position cannot be kept open— (a)because a temporary replacement is not reasonably practicable due to the key position occupied within the employer's enterprise by the employee; or (b)because of the occurrence of a redundancy situation."</p>	<p>Parental Leave and Employment Protection Act, Section 41</p>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes. Working women are protected from dismissal from work while they are on maternity leave.</p> <p>Section 49 of the Parental Leave and Employment Act 1987 states: "No employer shall terminate the employment of any employee— ... (c) during the employee's absence on parental leave or during the period of 26 weeks beginning with the day after the date on which any period of parental leave ends."</p>	<p>Parental Leave and Employment Protection Act, Section 49</p>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes. Working women are protected from dismissal during a period following their return to work.</p> <p>The Parental Leave and Employment Act 1987 (Section 49) specifies: (1) No employer shall terminate the employment of any employee— [...] (c) during the employee's absence on parental leave or during the period of 26 weeks beginning with the day after the date on which any period of parental leave ends.</p>	<p>Parental Leave and Employment Protection Act, Section 49</p>



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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	1.00	<p>Yes. Employers are prohibited from requiring pregnancy tests of women applying for employment.</p> <p>Section 22 of the Privacy Act 2020 states: "Personal information must not be collected by an agency unless— (a) the information is collected for a lawful purpose connected with a function or an activity of the agency; and (b) the collection of the information is necessary for that purpose. If the lawful purpose for which personal information about an individual is collected does not require the collection of an individual's identifying information, the agency may not require the individual's identifying information."</p> <p>The Employment New Zealand Website states: "When hiring staff, employers need to make sure they protect the privacy of job applicants. There are questions employers should avoid asking because it could lead to discrimination, eg: - How old are you? - Do you have any disabilities? - Are you married? - What is your religion? - Are you pregnant or, are you planning to have children?"</p> <p>Section 21 of the Human Rights Act 1993 states: "For the purposes of this Act, the prohibited grounds of discrimination are— (a) sex, which includes pregnancy and childbirth:"</p>	<p>Privacy Act 2020, Section 22</p> <p>Employment Checks website</p> <p>Employee Privacy website</p>
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes. There are laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities.</p> <p>Section 21 of the Human Rights Act 1993 states: "the prohibited grounds of discrimination are— (a) sex, which includes pregnancy and childbirth: (b) marital status, which means being— (i) single; or (ii) married, in a civil union, or in a de facto relationship; or (iii) the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship; or (iv) separated from a spouse or civil union partner; or (v) a party to a marriage or civil union that is now dissolved, or to a de facto relationship that is now ended:" [...] "(f) family status, which means— (i) having the responsibility for part-time care or full-time care of children or other dependants; or (ii) having no responsibility for the care of children or other dependants; or (iii) being married to, or being in a civil union or de facto relationship with, a particular person; or (iv) being a relative of a particular person:"</p>	<p>Human Rights Act 1993, Section 21</p>
A3.	Paternity Leave Policies			
A3.1	Are working men guaranteed paternity or parental leave?	0.75	<p>Yes. Working men are guaranteed paternity or partner leave under the Parental Leave and Employment Protection Act 1987 (Section 17). However, there is 1 exclusionary condition: the employee must have worked for the same employer for an average of 10 hours a week in the last 6 months or 12 months. 1.0 - 0.25 = 0.75</p> <p>Section 17 of the Parental Leave and Employment Protection Act 1987 states: "An employee may take partner's leave if the employee— (a) is the spouse or partner of the primary carer in respect of a child; and (b) assumes or intends to assume responsibility for the care of that child; and (c) meets the 6-month employment test or the 12-month employment test."</p>	<p>Parental Leave and Employment Protection Act, Section 17</p>
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.80	<p>Yes. Specific categories of working men are not explicitly excluded from receiving guaranteed paternity or parental leave in the Employment Relations Act 2000. However, there is 1 exclusionary condition: employees must be under a contract of service. Thus, workers in informal employment are excluded. 4/5 = .80</p> <p>Section 6 of the Employment Relations Act 2000 states: "employee" means "any person of any age employed by an employer to do any work for hire or reward under a contract of service."</p>	<p>Employment Relations Act 6</p>



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A3.3	How long a paternity or parental leave are eligible working men guaranteed?	1.00	<p>The duration of partner's leave is 2 weeks if the employee was employed by the same employer for at least an average of 10 hours a week in the 12 months prior and 1 week if the employee was employed by the same employer for at least an average of 10 hours a week in the 6 months prior. After partner's leave, fathers may take shared extended leave (shared with mother). Extended leave is 26 weeks, if both employees meet the 6-month employment test or 52 weeks, if both employees meets the 12-month employment test.</p> <p>Section 19 of the Parental Leave and Employment Protection Act 1987 states: "Partner's leave must be taken in 1 continuous period not exceeding— (a) 2 weeks if the employee meets the 12-month employment test; or (b) 1 week if the employee meets the 6-month employment test."</p> <p>Section 26 of the Parental Leave and Employment Protection Act 1987 states: "Subject to subsections (2) and (3), the maximum amount of extended leave that an individual employee may take in respect of a child is— (a) 26 weeks, if the employee meets the 6-month employment test; or (b) 52 weeks, if the employee meets the 12-month employment test. (2) If an employee and that employee's spouse or partner are each individually entitled to extended leave in respect of the same child, the maximum combined entitlement of the employee and his or her spouse or partner is— (a) 26 weeks, if both meet the 6-month employment test; or (b) 52 weeks, if both meet the 12-month employment test; or (c) 52 weeks, if one meets the 12-month employment test and the other meets the 6-month employment test (in which case the person who meets the 6-month employment test may not take more than 26 weeks of extended leave out of the combined total entitlement of 52 weeks)."</p>	Parental Leave and Employment Protection Act 19 & 26
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	99.00	New Zealand does not pay financial benefits to men on paternity leave on the basis of their previous wages. New Zealand offers Paid Parental Leave (PPL), which is a government payment of a fixed weekly amount	Parental Leave website
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	<p>Yes. A spouse or partner of an employee may succeed to the employee's rights to parental leave and to a parental leave payment, if at any time after the employee gives notice to his or her employer of a wish to take parental leave, the employee dies.</p> <p>Section 72B of the Parental Leave and Employment Protection Act 1987 states: "(1) A spouse or partner of an employee may succeed to the employee's rights to parental leave and to a parental leave payment under this Act if, at any time after the employee gives notice to his or her employer of a wish to take parental leave,— (a) the employee dies; or (b) the spouse or partner becomes the person who has permanent primary responsibility for the care, development, and upbringing of the child, to the exclusion of the employee."</p> <p>Section 72B(3A) of the Parental Leave and Employment Protection Act 1987 states: "The spouse or partner (the successor) may succeed to the employee's or self-employed person's parental leave payment entitlements if, and only if, the successor— (a) meets the parental leave payment threshold test; and (b) stops working as an employee or a self-employed person, including by taking a period of parental leave, for the period in relation to which the parental leave payments are made; and (c) gives reasonable notice to the department of his or her wish to succeed to a parental leave payment under this section."</p>	Parental Leave and Employment Protection Act 72B
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	1.00	<p>Yes. In the case of sickness or hospitalization of the mother after childbirth where the mother cannot take care of the child, the employed father of the child is entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave, under the Parental Leave and Employment Protection Act 1987.</p> <p>Section 72B(2) of the Parental Leave and Employment Protection Act 1987 states: "The spouse or partner of a self-employed person may succeed to the self-employed person's rights to a parental leave payment under this Act if, at any time after the self-employed person commences parental leave,— (a) the self-employed person dies; or (b) the spouse or partner becomes the person who has permanent primary responsibility for the care, development, and upbringing of the child, to the exclusion of the self-employed person."</p>	Parental Leave and Employment Protection Act 72B



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A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	1.00	<p>Yes. Adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection.</p> <p>An employee may take partner's leave if the employee is the spouse or partner of the primary carer in respect of a child. The definition of "primary carer" includes adoptive mothers. Thus, adoptive fathers may take partner's leave. Adoptive fathers may also take shared extended leave (shared with the adoptive mother)</p> <p>Section 7 of the Parental Leave and Employment Protection Act 1987 states: "In this Act, unless the context otherwise requires, primary carer means— ...(c) a person, other than the biological mother or her spouse or partner, who takes permanent primary responsibility for the care, development, and upbringing of a child who is under the age of 6 years (and if there is more than 1 such person, the person nominated in accordance with subsection (2))."</p> <p>Section 17 of the Parental Leave and Employment Protection Act 1987 states: "An employee may take partner's leave if the employee— (a) is the spouse or partner of the primary carer in respect of a child; and (b) assumes or intends to assume responsibility for the care of that child; and (c) meets the 6-month employment test or the 12-month employment test."</p> <p>Section 2 of the Parental Leave and Employment Protection Act 1987 states: "partner, in the phrase "spouse or partner" and in related contexts, means a civil union partner or a de facto partner"</p>	Parental Leave and Employment Protection Act 17. 7. 23
A4. Dependent Care Leave Policies				
A4.1	Are eligible workers entitled to leave to take care of their children?	0.75	<p>Yes. Eligible workers are entitled to leave to take care of their children under the Holidays Act 2003. However, there is 1 exclusionary condition: The employee has to have completed 6 months' current continuous employment with the employer or has, over a period of 6 months, worked for the employer for at least an average of 10 hours a week. 1 - 0.25 = 0.75</p> <p>Section 63 of the Holidays Act 2003 states: "An employee is entitled to sick leave and bereavement leave in accordance with this subpart— (a) after the employee has completed 6 months' current continuous employment with the employer; or (b) if, in the case of an employee to whom subsection (1)(a) does not apply, the employee has, over a period of 6 months, worked for the employer for— (i) at least an average of 10 hours a week during that period; and (ii) no less than 1 hour in every week during that period or no less than 40 hours in every month during that period."</p> <p>Section 65 of the Holidays Act 2003 states: "An employee may take sick leave if— (a) the employee is sick or injured; or (b) the employee's spouse or partner is sick or injured; or (c) a person who depends on the employee for care is sick or injured.</p> <p>(2) An employee is entitled to 5 days' sick leave for each of the 12-month periods specified in section 63(2)."</p>	Holidays Act 63. 65. 66



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A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.75	<p>Yes. Eligible workers are entitled to leave to take care of immediate family members who may be suffering from an illness. However there is 1 exclusionary condition: the employee has to have completed 6 months' current continuous employment with the employer or has, over a period of 6 months, worked for the employer for at least an average of 10 hours a week. 1 - 0.25 = 0.75</p> <p>Section 63 of the Holidays Act 2003 states: "An employee is entitled to sick leave and bereavement leave in accordance with this subpart— (a) after the employee has completed 6 months' current continuous employment with the employer; or (b) if, in the case of an employee to whom subsection (1)(a) does not apply, the employee has, over a period of 6 months, worked for the employer for— (i) at least an average of 10 hours a week during that period; and (ii) no less than 1 hour in every week during that period or no less than 40 hours in every month during that period."</p> <p>Section 65 of the Holidays Act 2003 states: "An employee may take sick leave if— (a) the employee is sick or injured; or (b) the employee's spouse or partner is sick or injured; or (c) a person who depends on the employee for care is sick or injured.</p> <p>(2) An employee is entitled to 5 days' sick leave for each of the 12-month periods specified in section 63(2)."</p>	Holidays Act 63, 65, 66
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.80	<p>Yes. Specific categories of workers are not explicitly excluded from receiving guaranteed dependent care leave in the Holidays Act 2003 or Employment Relations Act 2000. However, there is 1 exclusionary condition: employees must be under a contract of service. Thus, workers in informal employment are excluded. 4/5 = 0.80</p> <p>Section 5 of the Holidays Act 2003 states: "employee has the same meaning as in section 6 (except subsection (1)(b)(ii)) of the Employment Relations Act 2000"</p> <p>Section 6 of the Employment Relations Act 2000 states: "employee" means "any person of any age employed by an employer to do any work for hire or reward under a contract of service."</p>	Holidays Act 63, 65, 66 Employment Relations Act, Section 6
A5. Flexible Work Arrangements				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.75	<p>Yes. Employees with care responsibilities have the right to request reduced working hours. However, there is 1 exclusionary condition: the employee must have worked for the employer for at least 6 months 1 - 0.25 = 0.75</p> <p>Part 6AA of the Employment Relations Act 2000 gives employees the right to request flexible working arrangements e.g. reduced working hours, if caring for children or older parents, among other exceptions, employer does not have to agree with the request if there is a good business reason for declining but there is an appeal process.</p> <p>Section 6AA of the Employment Relations Act 2000 states: "The object of this Part is to— (a) provide employees with a statutory right to make, or to have made on their behalf, a request for a variation of their working arrangements (other than a variation covered by Part 6AB (flexible working short-term for people affected by family violence)); and (b) require an employer to deal with a request as soon as possible but not later than 1 month after receiving it; and (c) provide that an employer may refuse a request only if it cannot be accommodated on certain grounds; and (d) if an employer does not deal with a request in accordance with the process specified in this Part, provide for reference of the matter to a Labour Inspector, then to mediation, and then to the Authority."</p>	Employment Relations Act, Section 6AA Employment New Zealand Website FindLaw New Zealand Website



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A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.75	<p>Yes. Employees with care responsibilities have the right to request flexitime, telecommuting, etc. However, there is 1 exclusionary condition: the employee must have worked for the employer for at least 6 months 1 - 0.25 = 0.75</p> <p>Part 6AA of the Employment Relations Act 2000 gives employees the right to request flexible working arrangements e.g. reduced working hours if caring for children or older parents, among other exceptions, employer does not have to agree with the request if there is a good business reason for declining but there is an appeal process.</p> <p>Section 6AA of the Employment Relations Act 2000 states: "The object of this Part is to— (a) provide employees with a statutory right to make, or to have made on their behalf, a request for a variation of their working arrangements (other than a variation covered by Part 6AB (flexible working short-term for people affected by family violence)); and (b) require an employer to deal with a request as soon as possible but not later than 1 month after receiving it; and (c) provide that an employer may refuse a request only if it cannot be accommodated on certain grounds; and (d) if an employer does not deal with a request in accordance with the process specified in this Part, provide for reference of the matter to a Labour Inspector, then to mediation, and then to the Authority."</p>	<p>Employment Relations Act, Section 6AA</p> <p>Employment New Zealand Website</p> <p>FindLaw New Zealand Website</p>
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	No mention in the Employment Relations Act 2000.	<p>Employment Relations Act 2000</p> <p>Ministry of Social Development</p>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.75	<p>Yes. A woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy. However, there is 1 exclusionary condition: 1) special leave is unpaid 1.00 - 0.25 = 0.50</p> <p>Section 15 of the Parental Leave and Employment Protection Act states: "A female employee who is pregnant is entitled, before taking primary carer leave, to take a total of up to 10 days' special leave without pay for reasons connected with her pregnancy."</p>	<p>Parental Leave and Employment Protection Act, Section 15</p>
A6.	Family-Friendly Workplace Policies			
A6.1	Nursing Support in the Workplace			
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	<p>Yes. Mothers are guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child, under the Employment Relations Act 2000.</p> <p>Section 69Y of the Employment Relations Act 2000 states: "An employer must ensure that, so far as is reasonable and practicable in the circumstances,— (a) appropriate facilities are provided in the workplace for an employee who is breastfeeding and who wishes to breastfeed in the workplace; and (b) appropriate breaks are provided to an employee who is breastfeeding and wishes to breastfeed during a work period."</p>	<p>Employment Relations Act 2000, Section 69Y</p>
A6.1.2	Are these breaks counted and compensated as working time?	0.75	<p>Yes. breaks counted under the Employment Relations Act 2000. However, there is 1 exclusionary condition: breaks are not required to be compensated as working time. 1 - 0.25 = 0.75</p> <p>Section 69Y of the Employment Relations Act 2000 states: "the breaks are paid only if the employee and employer agree that they are paid."</p>	<p>Employment Relations Act 2000, Section 69Y</p>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No. There are no such specifications in the Employment Relations Act 2000.	<p>Employment Relations Act 2000, Section 69Y</p>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	1.00	<p>Yes. Employers need to provide facilities at work for mothers to nurse or pump milk under the Employment Relations Act 2000.</p> <p>Section 69Y of the Employment Relations Act 2000 states: "An employer must ensure that, so far as is reasonable and practicable in the circumstances,— appropriate facilities are provided in the workplace for an employee who is breastfeeding and who wishes to breastfeed in the workplace"</p>	<p>Employment Relations Act 2000, Section 69Y</p>
A6.2	Workplace Safety for Pregnant and Nursing Women			



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A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No explicit legal requirements in Health and Safety at Work Act, but Human Rights Commission guidelines "Employers' Guidelines for the Prevention of Pregnancy Discrimination" states: "A risk assessment of a pregnant workers duties and work environment should be undertaken as early as possible in the pregnancy. If a risk is identified, employers should consider whether the task can be performed by another staff member or the harmful environmental factor avoided. If neither is possible, employers should take steps to reduce the risk to the lowest level practicable."	Employers' Guidelines for the Prevention of Pregnancy Discrimination
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.00	No explicit legal requirements in Health and Safety at Work Act, but Human Rights Commission guidelines "Employers' Guidelines for the Prevention of Pregnancy Discrimination" states: "If a risk is identified, employers should consider whether the task can be performed by another staff member or the harmful environmental factor avoided."	Employers' Guidelines for the Prevention of Pregnancy Discrimination
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	1.00	Yes. A women is entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health. Section 16 of Parental Leave and Employment Protection Act 1987 states: "Where, by reason of pregnancy, a female employee is unable to perform her work to the safety of herself or others or is incapable of performing her work adequately, her employer may temporarily transfer her from one job to another"	Parental Leave and Employment Protection Act, Section 16
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.00	No explicit mention in Parental Leave and Employment Protection Act 1987.	Parental Leave and Employment Protection Act

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws				
B1.1	Are domestic workers covered under national labor laws?	0.75	There is no specific inclusion of domestic workers in the Employment Relations Act 2000, the Health and Safety at Work Act 2015, or the Human Rights Act 1993. There is one key exclusion however in the Human Rights Act. However, the Employment Relations Act (Section 5) does make clear that even contracts for service between individuals would count as an employment relationship: "employment agreement— (a) means a contract of service; and (b) includes a contract for services between an employer and a homemaker." Even though a homemaker is defined in the Act as "a person who is engaged, employed, or contracted by any other person (in the course of that other person's trade or business) to do work for that other person in a dwellinghouse (not being work on that dwellinghouse or fixtures, fittings, or furniture in it); and (b) includes a person who is in substance so engaged, employed, or contracted even though the form of the contract between the parties is technically that of vendor and purchaser" - which does not include domestic workers employed by an individual in a personal capacity, the fact that such contracts are still counted as employment relations should cover contracts between employer and domestic worker as well. However, domestic workers are explicitly excluded from protections against employment discrimination by the Human Rights Act Section 27: "Nothing in section 22 [Employment Discrimination] shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household." 1 - 0.25 = 0.75	Employment Relations Act 2000 Health and Safety at Work Act 1992 Human Rights Act 1993
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.75	New Zealand's legislations cover some contractual arrangements (but not informal work which would count as one exclusionary condition), and has no specific inclusion of different categories of domestic work. Section 6 of the Employment Relations Act 2000 states that an "employee— (a) means any person of any age employed by an employer to do any work for hire or reward under a contract of service; and [...] In deciding for the purposes of subsection (1)(a) whether a person is employed by another person under a contract of service, the court or the Authority (as the case may be) must determine the real nature of the relationship between them. 1 - 0.25 = 0.75	Employment Relations Act 2000
B2. Fair Employment Process				
B2.1	Standard Terms of Employment			



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B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.75	<p>Yes. All employees included in Employment Relations Act 2000 "must have a signed, written employment agreement with their employer. Even if you have already accepted a verbal offer for a job, you must sign a written agreement before you start work."</p> <p>Section 64 of the Employment Relations Act: "...the employer must retain a signed copy of the employee's individual employment agreement or the current terms and conditions of employment that make up the employee's individual terms and conditions of employment"</p> <p>However, there is no requirement that these written contracts need to be in the employee's native language.</p> <p>1 - 0.25 = 0.75</p>	<p>Employment Relations Act 2000, Section 64</p> <p>Employment Relations Act 2000, Section 6</p> <p>New Zealand Immigration Website</p> <p>Employment Relations Act 2000, Section 65</p>
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.75	<p>Yes. All employees included in the Employment Relations Act 2000 (Section 65) must have written contracts that include the following terms:</p> <p>"(i) the names of the employee and employer concerned; and (ii) a description of the work to be performed by the employee; and (iii) an indication of where the employee is to perform the work; and (iv) any agreed hours of work specified in accordance with section 67C or, if no hours of work are agreed, an indication of the arrangements relating to the times the employee is to work; and (v) the wages or salary payable to the employee; (vi) a plain language explanation of the services available for the resolution of employment relationship problems, including a reference to the period of 90 days in section 114 within which a personal grievance must be raised;"</p> <p>These requirements match the 8 ILO recommended contract terms except for information about the (7) period of probation/trial period, and (8) terms and conditions of employment termination</p> <p>6/8 = 0.75</p>	<p>Employment Relations Act 2000, Section 65</p> <p>Employment New Zealand Website</p>
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.66	<p>Yes. All employees included in the Employment Relations Act 2000 (Section 67C) must have written contracts that have information about working hours, rest, and leave.</p> <p>All required information specified in Employment Relations Act 2000 (Section 67C): "In subsection (1), hours of work includes any or all of the following: (a) the number of guaranteed hours of work; (b) the days of the week on which work is to be performed; (c) the start and finish times of work; (d) any flexibility in the matters referred to in paragraph (b) or (c)"</p> <p>These requirements match the 6 ILO recommended contract terms related to working hours, rest and leave except for (5) paid annual leave and (6) sick leave</p> <p>4/6 = 0.66</p>	<p>Employment Relations Act 2000, Section 65</p> <p>Employment Relations Act Section 67C</p> <p>Holidays Act 2003, Section 36</p> <p>Holidays Act 2003, Section 16</p>
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.16	<p>Yes. All employees included in the Employment Relations Act 2000 (Section 67C) must have written contracts that have information about their wages. However, no further details - (2) method of calculation, (3) periodicity of payments, (4) rate of pay for overtime, (5) rate of pay for standby, (6) any payments in kind given - are required to be included in the contract.</p> <p>Employment Relations Act 2000 (Section 67C) only states: "...(v)the wages or salary payable to the employee;"</p> <p>These requirements match only 1 out of the 6 ILO recommended contract terms related to wages:</p> <p>1/6 = 0.16</p>	<p>Employment Relations Act 2000, Section 65</p>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	<p>No. There are no specifications in the Employment Relations Act that require contracts to include information about living conditions for live-in workers.</p>	<p>Employment Relations Act 2000</p>
B2.2	Regulations for Recruitment and Employment Process			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.00	<p>No specific mention in the Employment Relations Act 2000.</p>	<p>Employment Relations Act 2000</p> <p>Immigration Act 2009</p>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	1.00	<p>Yes. The Wages Protection Act 1983, Section 12A, explicitly states that "No premium to be charged for employment. (1) No employer or person engaged on behalf of the employer shall seek or receive any premium in respect of the employment of any person, whether the premium is sought or received from the person employed or proposed to be employed or from any other person.."</p>	<p>Wages Protection Act 1983</p>



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B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	No specific mention in the Employment Relations Act 2000. The Act does prohibit discrimination in employment on the basis of family status (which could involve pregnancy tests). However, domestic workers are explicitly excluded from protections against employment discrimination by the Human Rights Act Section 27: "Nothing in section 22 [Employment Discrimination] shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household."	Employment Relations Act 2000
B3.	Decent Working and Living Conditions			
B3.1	Working Hours and Environment			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	1.00	Yes. The Employment Relations Act 2000 (Section 67C) specifies that the following work-hours related terms must be included in contracts: "In subsection (1), hours of work includes any or all of the following: (a) the number of guaranteed hours of work: (b) the days of the week on which work is to be performed: (c) the start and finish times of work: (d) any flexibility in the matters referred to in paragraph (b) or (c)" The Minimum Wage Act 1983 (Section 11B) specifies that every employment agreement covered under the Employment Relations Act must "fix at not more than 40 the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by that employment agreement." Exceptions can only occur with the express agreement of both employer and employee.	Minimum Wage Act 1983, Section 11B
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	No. The Employment Relations Act 2000 has no provisions for workers asked to do standby.	Employment Relations Act 2000, Section 69 ZEB
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	No. There is no mention in the Employment Relations Act 2000 of a limit to the number of hours of standby work that other workers can be given, and whether they are entitled to compensation for this standby work.	Employment Relations Act 2000, Section 130
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	1.00	Yes. The Employment Relations Act 2000, Section 130 states that: "Every employer must at all times keep a record (called the wages and time record) showing, in the case of each employee employed by that employer" "(1A) The wages and time record must be kept— (a) in written form; or (b) in a form or in a manner that allows the information in the record to be easily accessed and converted into written form."	Employment Relations Act 2000, Section 130
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.10	No. Domestic workers providing "residential work" are explicitly excluded from coverage in the Health and Safety at Work Act. However, Residential care and in-home care workers looking after disabled, elderly, and physically or mentally unwell people, in a private home, are covered under the Health and Safety at Work Act. If all domestic workers were included in the Health and Safety at Work Act, Part 2, Section 30: "(1) A duty imposed on a person by or under this Act requires the person— (a) to eliminate risks to health and safety, so far as is reasonably practicable; and (b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable. (2) A person must comply with subsection (1) to the extent to which the person has, or would reasonably be expected to have, the ability to influence and control the matter to which the risks relate."	Health and Safety at Work Act 2015, Part 2, Section 30
B3.2	Rest and Leave			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	1.00	Yes. Employees included in the Employment Relations Act 2000, Part 6, Section 69ZD receive the following types of rest: "An employee is entitled to, and the employee's employer must provide the employee with, rest breaks and meal breaks in accordance with this Part."	Employment Relations Act 2000, Part 6, Section 69ZD
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1.00	Yes. Employees included in the Minimum Wage Act 1983, Section 11B receive the following weekly rest: "Where the maximum number of hours (exclusive of overtime) fixed by an employment agreement to be worked by any worker in any week is not more than 40, the parties to the agreement must endeavour to fix the daily working hours so that those hours are worked on not more than 5 days of the week. "	Minimum Wage Act 1983



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B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	1.00	Yes. Employees included in the Employment Relations Act 2000, Section 69 ZEB receive the following compensatory rest provisions: "If the employer and employee are unable to reach agreement under section 69 ZEA(4) [about compensation for any missed periods of rest], an employee is entitled to, and the employee's employer must provide the employee with, compensatory measures. (2) In this section, compensatory measure— (a) means a measure that is reasonable and designed to compensate an employee for a failure to provide rest breaks or meal breaks in accordance with section 69ZD(1); and (b) may include (without limitation)— (i) a measure that provides the employee with time off work at an alternative time during the employee's work period (for example, by allowing a later start time, an earlier finish time, or an accumulation of time off work that may be taken on 1 or more occasions); or (ii) financial compensation; or (iii) both time off work at an alternative time and financial compensation. "	Employment Relations Act 2000, Section 69 ZEB Employment New Zealand Website
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	1.00	Yes. Employees included in the Holidays Act, Section 26 receive at least 4 weeks of paid annual leave per year: "After the end of each completed 12 months of continuous employment, an employee is entitled to not less than 4 weeks' paid annual holidays. "	Holidays Act 2003, Section 16
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No. The Holidays Act 2003 does not mention any such requirement.	Holidays Act 2003
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	1.00	Yes. Domestic workers are not explicitly excluded from the Minimum Wage Order 2020. Sections 4-5 of the Minimum Wage Order 2020 indicate the following rates: "The minimum rates of wages payable to an adult worker: (a) for an adult worker paid by the hour or by piecework, \$18.90 per hour: (b) for an adult worker paid by the day,— (i) \$151.20 per day; and (ii) \$18.90 per hour for each hour exceeding 8 hours worked by a worker on a day: (c) for an adult worker paid by the week,— (i) \$756 per week; and (ii) \$18.90 per hour for each hour exceeding 40 hours worked by a worker in a week: (d) in all other cases,— (i) \$1,512 per fortnight; and (ii) \$18.90 per hour for each hour exceeding 80 hours worked by a worker in a fortnight." There are different minimum rates for starting-out workers.	Minimum Wage Order 2020
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	No. The Employment Relations Act 2000 does not specify the overtime compensation rate for workers.	Employment Relations Act 2000, Section 69 ZEB
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	Yes. Employees covered under the Wages Protection Act 1983, Section 7-9 have the following protection: "An employer shall pay the wages of every worker in money only. "	Wages Protection Act 1983, Section 7-9
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	No. There is no requirement in the Wages Protection Act 1983 or the Employment Relations Act 2000 to provide at least a monthly payment of wages.	Wages Protection Act 1983, Section 7-9
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	1.00	Yes. Employees covered under the Employment Relations Act 2000, Section 130 have the following protection: "Every employer must at all times keep a record (called the wages and time record) showing, in the case of each employee employed by that employer" "(1A) The wages and time record must be kept— (a) in written form; or (b) in a form or in a manner that allows the information in the record to be easily accessed and converted into written form."	Employment Relations Act 2000, Section 130



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B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	<p>Yes. Employees covered under the Employment Relations Act 2000 or the Holidays Act 2003 have the following protections regarding outstanding payments upon termination of employment.</p> <p>Holidays Act 2003, Section 27: "the employer must pay the annual holiday pay in the pay that relates to the employee's final period of employment"</p> <p>According to the New Zealand Employment Website: "An employee's final pay must include: - payment for all the hours worked since the last pay until the end of employment. - payment for annual holidays, public and alternative holidays owing. - any additional lump sum or other payments owing. These may be included in the employment agreement or negotiated as part of a leaving package. - Any authorised deductions can be taken from the final pay."</p>	Employment New Zealand Website
B3.4 Social Security				
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes. Domestic workers are eligible for healthcare coverage in the Public Health and Disability Act 2000.</p> <p>Section 3(1)(d) of the Public Health and Disability Act 2000 states: "to facilitate access to, and the dissemination of information to deliver, appropriate, effective, and timely health services, public health services and programmes, both for the protection and the promotion of public health, and disability support services."</p> <p>New Zealand Immigration Website states: "You may be eligible for subsidized healthcare if you are: a New Zealand citizen or permanent resident or resident (exceptions apply if you are an Australian citizen or permanent resident – check the Ministry of Health website) a work visa holder who is allowed to work here for 2 years or more the holder of a work visa that allows you to work here 2 years or more when combined with time you have spent in New Zealand just before getting your current work visa. For example, you qualify if you had a visa that allowed you to be in New Zealand for one year, and you now have a work visa that allows you to stay another year. under 17 and your parent or guardian is eligible an interim visa holder who was eligible immediately before you got the interim visa a refugee or protected person."</p>	New Zealand Immigration Website
B3.4.2	Are domestic workers eligible for paid sick leave?	1.00	<p>Yes. Employees covered under the Holidays Act 2003 (Section 63) have the following sick leave protections: "An employee is entitled to sick leave and bereavement leave in accordance with this subpart— (a)after the employee has completed 6 months' current continuous employment with the employer; or (b)if, in the case of an employee to whom subsection (1)(a) does not apply, the employee has, over a period of 6 months, worked for the employer for— (i)at least an average of 10 hours a week during that period; and (ii)no less than 1 hour in every week during that period or no less than 40 hours in every month during that period."</p>	Holidays Act 2003, Section 63
B3.4.3	Are domestic workers eligible for unemployment benefits?	1.00	<p>Yes. Domestic workers are eligible for unemployment benefits in the Social Security Act 2018.</p> <p>Section 3 of the Social Security Act 2018 states: "provision of financial and other support as appropriate— (i)to help people to support themselves and their dependants while not in paid employment; and (ii)to help people to find or retain paid employment; and (iii)to help people for whom work is not currently appropriate—because of sickness, injury, disability, or caring responsibilities—to support themselves and their dependants"</p>	Social Security Act 2018, Section 3



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B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	<p>Yes. Domestic workers are eligible for old-age benefits, in the New Zealand Superannuation and Retirement Income Act 2001.</p> <p>Schedule 1 of the New Zealand Superannuation and Retirement Income Act 2001 states: "The following rates are before deduction of tax: (a) to a single person who is living alone \$490.73 a week (b) to a single person who is not living alone \$451.29 a week (c) to a person who is married or in a civil union or in a de facto relationship \$372.27 a week"</p> <p>Section 7 of the New Zealand Superannuation and Retirement Income Act 2001 states: "Age qualification for New Zealand superannuation-- (1) Every person is entitled to receive New Zealand superannuation who attains the age of 65 years."</p> <p>Section 8 of the New Zealand Superannuation and Retirement Income Act 2001 states: "No person is entitled to New Zealand superannuation unless the person— (a) is ordinarily resident in New Zealand on the date of application for New Zealand superannuation, unless section 31(4) of this Act or section 191(4) of the Veterans' Support Act 2014 applies; and (b) has been both resident and present in New Zealand for a period or periods aggregating not less than 10 years since attaining the age of 20 years; and (c) has been both resident and present for a period or periods aggregating not less than 5 years since attaining the age of 50 years in any 1 or more of— (i) New Zealand; (ii) the Cook Islands; (iii) Niue; (iv) Tokelau."</p>	<p>New Zealand Superannuation and Retirement Income Act 2001</p> <p>Social Security Office of Retirement and Disability Policy Website</p>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes. Domestic workers are eligible for employment injury benefits in the Accident Compensation Act 2001.</p> <p>Entitlements stated by the Accident Compensation Act 2001: "A claimant who has suffered a personal injury is entitled to 1 or more entitlements if he or she— (a) has cover for the personal injury; and (b) is eligible under this Act for the entitlement or entitlements in respect of the personal injury."</p> <p>Conditions for those covered under the Accident Compensation Act 2001: (a) has New Zealand as his or her permanent place of residence, whether or not he or she also has a place of residence outside New Zealand; and (b) is in one of the following categories: (i) a New Zealand citizen; (ii) a holder of a residence class visa granted under the Immigration Act 2009; (iii) a person who is a spouse or a partner, child, or other dependant of any person referred to in subparagraph (i) or (ii), and who generally accompanies the person referred to in the subparagraph.</p>	<p>Accident Compensation Act 2001</p> <p>Social Security Office of Retirement and Disability Policy Website</p>
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes. Domestic workers are eligible for invalidity benefits under the Social Security Act 2018 and the New Zealand Superannuation and Retirement Income Act 2001.</p> <p>According to the Social Security Offices of Retirement and Disability Policy: "Assessed with a permanent and severe loss of working capacity or total blindness and has resided in New Zealand for at least 2 years. The benefit is income-tested (the personal earnings of totally blind persons are exempt). The beneficiary must be a citizen or permanent resident of New Zealand and be age 16 or older. The disability benefit may be paid abroad temporarily, depending on individual circumstances." "Up to NZ\$196.35 (net) a week is paid for a single person aged 16 or 17; NZ\$242.63 (net) for a single person aged 18 or older; NZ\$202.20 (net) for each member of a married, civil-union, or de facto couple, with or without children; NZ\$318.75 (net) for a single person with children. Income test: The benefit is reduced by NZ\$0.30 for each dollar of gross earned income exceeding NZ\$4,160 a year and by NZ\$0.70 for each dollar of gross earned income exceeding NZ\$9,360. The personal earnings of totally blind persons are exempt. Benefit adjustment: Benefits are adjusted annually on April 1, according to changes in the consumer price index for the previous calendar year."</p>	<p>New Zealand Superannuation and Retirement Income Act 2001</p> <p>Social Security Act 2018</p> <p>Social Security Office of Retirement and Disability Policy Website</p>



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B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	<p>Yes. Domestic workers are eligible for survivors' benefit under the Social Security Act 2018 and the New Zealand Superannuation and Retirement Income Act 2001.</p> <p>According to the Social Security Offices of Retirement and Disability Policy: "Widow's benefit: Up to NZ\$202.20 (net) a week is paid for a single woman without children whose spouse or partner has died; NZ\$278.04 (net) for a single parent with dependent children. Orphan's benefit: Up to NZ\$188.88 (net) a week is paid, according to age, for each orphan younger than age 18 (not taxable). The benefit is not income-tested, except for the child's non personal income (such as money from trusts). Unsupported child's benefit: Up to NZ\$188.88 (net) a week is paid, according to age, for each unsupported child younger than age 18 (not taxable). The benefit is not income-tested, except for the child's non personal income (such as money from trusts). Domestic purposes benefit: NZ\$202.20 (net) a week is paid for a single woman with no dependent children; NZ\$278.04 (net) for a single parent with dependent children. Funeral grant: Up to NZ\$1,855.75 is paid to the surviving spouse, partner, or dependent child for funeral costs (not taxable but income- and asset-tested). Income test: The benefit is reduced by NZ\$0.30 for each dollar of gross earned income exceeding NZ\$4,160 a year and by NZ\$0.70 for each dollar of gross earned income exceeding NZ\$9,360. Benefit adjustment: Benefits are adjusted annually on April 1, according to changes in the consumer price index for the previous calendar year."</p>	<p>New Zealand Superannuation and Retirement Income Act 2001</p> <p>Social Security Act 2018</p> <p>Social Security Office of Retirement and Disability Policy Website</p>
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	1.00	<p>Yes. Domestic workers would be treated as employees under the Insolvency Act 2006, if their employer has declared bankruptcy.</p> <p>According to the Insolvency Act, Section 274: "After paying the claims referred to in subsection (1), the Assignee must next pay, to the extent that they remain unpaid, the following claims: (a)subject to section 276(1), all wages or salary of any employee, whether or not earned wholly or in part by way of commission, and whether payable for time or for piece work, in respect of services provided to the bankrupt during the 4 months before the adjudication: (aa)subject to section 276(1), all untransferred amounts of an employee's payroll donations by an employer or PAYE intermediary under section 169B of the Tax Administration Act 1994 during the 4 months before the adjudication: (b)subject to section 276(1), any holiday pay payable to an employee on the termination of his or her employment before, or because of, the adjudication: (c)subject to section 276(1), any compensation for redundancy owed to an employee that accrues before, or because of, the adjudication..."</p>	<p>Companies Act 1993, Schedule 7, Section 1</p> <p>Insolvency Act 2006, Section 274</p> <p>Employment New Zealand Website</p>
B3.5 Living Conditions for Live-in Workers				
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	No. There are no measures in the Employment Relations Act 2000 to ensure that workers are free to decide whether or not to live in the household.	Employment Relations Act 2000
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	0.00	No. The Employment Relations Act has no provisions for live-in domestic workers. However, the Privacy Act 2020, Section 70 states that: "A complaint may be made under this Part alleging that an action of an agency is, or appears to be, an interference with the privacy of an individual."	<p>Privacy Act 2020, Section 70</p> <p>Employment Relations Act 2000</p> <p>Employment New Zealand Website</p>
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	<p>No. Domestic workers are explicitly excluded from the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016.</p> <p>If domestic workers were included in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, they would receive the following protections under Section 10: "A PCB [Person Conducting Business or Undertaking] must ensure, so far as is reasonably practicable, that— (a) the layout of the workplace allows, and the workplace is maintained to allow, persons to enter and exit the workplace and to move within it without risks to health and safety, both under normal working conditions and in an emergency; (b) work areas have sufficient space for work to be carried out without risks to health and safety; (c) floors and other surfaces are designed, installed, and maintained to allow work to be carried out without risks to health and safety; (d) there is suitable and sufficient lighting to enable— (i) each worker to carry out work without risks to health and safety; and (ii) persons to move within the workplace without risks to health and safety; and (iii) safe evacuation in an emergency; (e) there is suitable and sufficient ventilation to enable workers to carry out work without risks to health and safety; (f) workers carrying out work in extremes of heat or cold are able to do so without risks to health and safety."</p>	<p>Employment Relations Act 2000</p> <p>Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, Section 10</p>



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B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	No. Domestic workers are explicitly excluded from the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016. If domestic workers were included in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, they would receive the following protections under Section 10: "A PCBU [Person Conducting Business or Undertaking] must ensure, so far as is reasonably practicable, that— (a) the layout of the workplace allows, and the workplace is maintained to allow, persons to enter and exit the workplace and to move within it without risks to health and safety, both under normal working conditions and in an emergency; (b) work areas have sufficient space for work to be carried out without risks to health and safety; (c) floors and other surfaces are designed, installed, and maintained to allow work to be carried out without risks to health and safety; (d) there is suitable and sufficient lighting to enable— (i) each worker to carry out work without risks to health and safety; and (ii) persons to move within the workplace without risks to health and safety; and (iii) safe evacuation in an emergency; (e) there is suitable and sufficient ventilation to enable workers to carry out work without risks to health and safety; (f) workers carrying out work in extremes of heat or cold are able to do so without risks to health and safety."	Employment Relations Act 2000 Health and Safety at Work (General Risk and Workplace Management) Regulations 2016, Section 10
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	No. Live-in workers are not covered in Employment Relations Act 2000. In addition, there is no requirement in the Employment Relations Act 2000 for employers to provide appropriate meals of good quality and sufficient quantity to other workers.	Employment Relations Act 2000
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	No. Live-in workers are not covered in Employment Relations Act 2000. In addition, there are no measures in the Employment Relations Act 2000 that ensure that other workers are not obliged to remain in the household or with household members during rest or leave.	Employment Relations Act 2000
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No. Live-in workers are not covered in the Employment Relations Act 2000. In addition there are no measures in the Employment Relations Act 2000 that require other workers be given a reasonable period of notice and time off to seek new employment in the event of termination of employment at the initiative of the employer.	Employment Relations Act 2000
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	No. Live-in workers are not covered in the Employment Relations Act 2000. In addition, in The Employment Relations Act 2000 there is no legal entitlement for workers to keep their travel and identity documents in their possession.	Employment Relations Act 2000
B4.	Labor Rights			
B4.1	Freedom of Association and Access to Collective Bargaining			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes. Employees covered in the Employment Relations Act 2000, Sections 7 and 8 have the following protections regarding the establishment of their own organizations or joining workers' organizations: "The object of this Part is to establish that— (a) employees have the freedom to choose whether or not to form a union or be members of a union for the purpose of advancing their collective employment interests; and (b) no person may, in relation to employment issues, confer any preference or apply any undue influence, directly or indirectly, on another person because the other person is or is not a member of a union. 8 Voluntary membership of unions A contract, agreement, or other arrangement between persons must not require a person— (a) to become or remain a member of a union or a particular union; or (b) to cease to be a member of a union or a particular union; or (c) not to become a member of a union or a particular union."	Employment Relations Act 2000, Part 3
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	Yes. Employees covered in the Employment Relations Act 2000, Section 18 have the legislative protection to engage in collective bargaining: "A union is entitled to represent its members in relation to any matter involving their collective interests as employees."	Employment Relations Act 2000, Section 18
B4.2	Access to Complaint Mechanisms			



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B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	0.75	<p>Yes but with 1 exclusionary condition. Employees covered in the Employment Relations Act 2000, Section 112 have the following complaint mechanisms available to them: "Where the circumstances giving rise to a personal grievance by an employee are also such that that employee would be entitled to make a complaint under the Human Rights Act 1993, the employee may take 1, but not both, of the following steps: (a)the employee may, if the grievance is not otherwise resolved, apply to the Authority for the resolution of the grievance: (b)the employee may make, in relation to those circumstances, a complaint under the Human Rights Act 1993."</p> <p>Grievances listed under the Employment Act include: Discrimination, sexual harassment, racial harassment, adverse treatment of people dealing with family violence, duress, adverse conduct for prohibited health and safety reasons.</p> <p>However, domestic workers are explicitly excluded from protections against employment discrimination by the Human Rights Act Section 27: "Nothing in section 22 [Employment Discrimination] shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household."</p> <p>1 - 0.25 = 0.75</p>	<p>Employment Relations Act 2000, Section 112 Human Rights Act 1993, Section 27</p>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	0.75	<p>Yes, but with 1 exclusionary condition. Employees covered in the Employment Relations Act 2000, Section 101 have the following access to the New Zealand government's Employment Relations Authority or to the court system: "the role of the Authority [the Employment Relations Authority] and the court in resolving employment relationship problems is to determine the rights and obligations of the parties rather than to fix terms and conditions of employment"</p> <p>However, domestic workers are explicitly excluded from protections against employment discrimination by the Human Rights Act Section 27: "Nothing in section 22 [Employment Discrimination] shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household."</p> <p>1 - 0.25 = 0.75</p>	<p>Employment Relations Act 2000, Section 101 Human Rights Act, Section 27</p>
B4.3	Enforcement and Protection Mechanisms			
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	1.00	<p>Yes. The Employment Relations Act 2000, Sections 230-231 specify the conditions under which Labor Inspectors must be granted access to a workplace including a dwelling house:</p> <p>"230 Entry of dwellinghouses No Labour Inspector may, under section 229 or 229A, enter in or be on any dwellinghouse unless he or she either— (a) has the consent of an occupier of that dwellinghouse; or (b) is authorised to do so by a warrant issued under section 231.</p> <p>231 Entry warrant A Judge who, on application made on oath, is satisfied that there is reasonable ground for believing that a dwellinghouse— (a) is a place in which any person is employed or is the only practicable means through which such a place may be entered; or (b) in any case to which section 229A applies, is a place in which any person performs work or is the only practicable means through which such a place may be entered,— may issue a warrant authorising a Labour Inspector named in it to enter that dwellinghouse or any part of that dwellinghouse that is, or is the only practicable means through which the Inspector may enter, a place where any person is employed."</p>	<p>Employment Relations Act 2000, Sections 230-231</p>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes. The Employment Relations (Triangular Employment) Amendment Act 2019 acknowledges that private agencies may also be liable if an employee is able to show that they were a controlling third party that caused or contributed to the employee's personal grievance.</p> <p>The Amendment Act inserted the following Section into the Employment Relations Act 2000: "123A Remedies where controlling third party caused or contributed to personal grievance (1) This section applies if the Authority or the court— (a) determines that an employee has a personal grievance; and (b) has, under section 103B, joined a controlling third party to the proceedings to resolve the personal grievance; and (c) determines that the actions of the controlling third party caused or contributed to the situation that gave rise to the personal grievance. (2) The Authority or the court may, if satisfied that it is just to do so, order the controlling third party to provide to the employee either or both of the remedies in section 123(1)(b) and (c)."</p>	<p>Employment Relations (Triangular Employment) Amendment Act 2019, Section 8</p>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes. The Employment Relations Act 2000 (Sections 133 to 142) specify a series of penalties to employers for non-compliance.</p>	<p>Employment Relations Act 2000, Section 133</p>



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B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.00	No. Domestic workers are not covered in the Human Rights Act 1993 because Section 27(2) states: "Nothing in section 22 [Employment] shall prevent different treatment based on sex, religious or ethical belief, disability, age, political opinion, or sexual orientation where the position is one of domestic employment in a private household."	Human Rights Act 1993, Section 27
B5. Protections for Forced/Under-age Domestic Workers				
B5.1 Protections against Forced/Compulsory Labor				
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	Yes. Illegal extraction of forced or compulsory labor is punishable as a penal offence under the Crimes Act 1961. In the Crimes Act 1961, Section 98 states: "(1) Everyone is liable to imprisonment for a term not exceeding 14 years who, within or outside New Zealand,— (a) sells, purchases, transfers, barter, lets, hires, or in any way whatsoever deals with any person as a slave ; or (b) employs or uses any person as a slave, or permits any person to be so employed or used; or (c) detains, confines, imprisons, carries away, removes, receives, transports, imports, or brings into any place whatsoever any person as a slave or to be dealt with as a slave; or (d) induces any person to sell, let, or give himself or herself, or any other person dependent on him or her or in his or her charge, as a slave; or (e) in any case not covered by paragraph (d), induces any person to sell, let, or give any other person into debt-bondage or serfdom ; or (f) builds, fits out, sells, purchases, transfers, lets, hires, uses, provides with personnel, navigates, or serves on board any ship or aircraft for any of the purposes in paragraphs (a) to (e); or (g) for gain or reward gives in marriage or transfers any woman to another person without her consent; or (h) is a party to the inheritance by any person of a woman on the death of her husband; or (i) being a parent or guardian of any child under the age of 18 years, delivers that child to another person with intent that the child or his or her labour shall be exploited; or (j) agrees or offers to do any of the acts mentioned in this subsection."	PROTECTION AGAINST SLAVERY IN NEW ZEALAND Crimes Act 1961, Section 98
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	Yes. New Zealand has ratified ILO convention, PO29 Protocol of 2014 to the Forced Labour Convention, 1930 . According to Article 1 of PO29 Protocol of 2014 to the Forced Labour Convention: "each Member shall take effective measures...to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour. " PO29 Protocol of 2014 to the Forced Labour Convention, 1930 will come into force in New Zealand, on Dec. 13th, 2020.	Protocol of 2014 to the Forced Labour Convention, 1930
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	Yes. New Zealand has ratified ILO convention, PO29 Protocol of 2014 to the Forced Labour Convention, 1930 . According to Article 1 of PO29 Protocol of 2014 to the Forced Labour Convention: "each Member shall take effective measures...to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour. " PO29 Protocol of 2014 to the Forced Labour Convention, 1930 will come into force in New Zealand, on Dec. 13th, 2020.	Protocol of 2014 to the Forced Labour Convention, 1930
B5.2 Protections for Under-age Laborers				
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.00	No. There is no minimum age for domestic workers or any other workers under the Employment Relations Act 2020.	Education and Training Act 2020, Section 35



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B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.75	<p>Yes, there are some provisions for domestic workers under the age of 18 to still access compulsory education or further education or training, but workers between 16 and 18 years do not have automatic opportunities for further education or vocational training. 1.00 - 0.25 = 0.75</p> <p>According to Education and Training Act 2020, Section 54 states: "An employer may not employ any person under the age of 16 years— (a) within school hours; or (b) if the person is a student participating in a secondary–tertiary programme and the employment would interfere with the person’s ability to undertake the secondary–tertiary programme; or (c) if the person is enrolled at a distance school and the employment would interfere with the person’s ability to do the work of the course in which the student is enrolled; or (d) if the person’s parent is granted an exemption certificate under section 38 and the employment would interfere with the person’s ability to be taught as well and as regularly as in a registered school; or (e) if the employment would— (i) prevent or interfere with the person’s attendance at school; or (ii) in the case of a person who is a participating student, interfere with the person’s ability to undertake their secondary–tertiary programme; or (iii) if the person is enrolled at a distance school, interfere with the person’s ability to do the work of the course in which the person is enrolled"</p>	Education and Training Act 2020, Section 54
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.75	<p>Yes. There are extra limitations on the hours of work for workers under the age of 16, in Education and Training Act 2020, Section 54. However, workers between 16 and 18 years do not have extra limitations on their hours of work. 1.00 - 0.25 = 0.75</p> <p>According to Education and Training Act 2020, Section 54 states: "An employer may not employ any person under the age of 16 years— (a) within school hours; or (b) if the person is a student participating in a secondary–tertiary programme and the employment would interfere with the person’s ability to undertake the secondary–tertiary programme; or (c) if the person is enrolled at a distance school and the employment would interfere with the person’s ability to do the work of the course in which the student is enrolled; or (d) if the person’s parent is granted an exemption certificate under section 38 and the employment would interfere with the person’s ability to be taught as well and as regularly as in a registered school; or (e) if the employment would— (i) prevent or interfere with the person’s attendance at school; or (ii) in the case of a person who is a participating student, interfere with the person’s ability to undertake their secondary–tertiary programme; or (iii) if the person is enrolled at a distance school, interfere with the person’s ability to do the work of the course in which the person is enrolled"</p>	Education and Training Act 2020, Section 54
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.10	<p>No. There are no explicit measures to prohibit school-age workers from working at night in the Education and Training Act 2020. However, the Education and Training Act 2020, Section 54 states: "An employer may not employ any person under the age of 16 years— (a) within school hours; or (b) if the person is a student participating in a secondary–tertiary programme and the employment would interfere with the person’s ability to undertake the secondary–tertiary programme; or (c) if the person is enrolled at a distance school and the employment would interfere with the person’s ability to do the work of the course in which the student is enrolled; or (d) if the person’s parent is granted an exemption certificate under section 38 and the employment would interfere with the person’s ability to be taught as well and as regularly as in a registered school; or (e) if the employment would— (i) prevent or interfere with the person’s attendance at school; or (ii) in the case of a person who is a participating student, interfere with the person’s ability to undertake their secondary–tertiary programme; or (iii) if the person is enrolled at a distance school, interfere with the person’s ability to do the work of the course in which the person is enrolled"</p>	Education and Training Act 2020
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	0.00	<p>No. There are no extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for all workers who are under the age of 18.</p>	Education and Training Act 2020, Section 54
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			



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B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list. However, according to the Employment New Zealand Website: "Migrants have the same minimum employment rights as all other employees under New Zealand law. Minimum rights include having a written employment contract , being paid at least the minimum wage, and getting four weeks' annual holidays after 12 months of continuous employment."	New Zealand Immigration Website Immigration Act 2009 Employment Relations Act, Section 64
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list.	Immigration Act 2009 New Zealand Immigration Website
B6.2	Support after Termination of Employment			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list. However, according to the New Zealand Immigration Website, if a migrant worker's employment ends unexpectedly, they have the following options: "Option A: Check your visa conditions Your visa may have conditions placed on it. If any of these conditions change, your visa must change with them. You may need to apply for a variation of conditions or a whole new work visa. Option B: If your employer is named on your visa If you lost your job during a 90 day trial period, you may be eligible for a Dismissed Worker Visitor Visa. Option C: Working holidays are not affected Under a working holiday scheme or partnership work visa, you can look for a new employer without notifying us."	Immigration Act 2009 New Zealand Immigration Website
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list.	Immigration Act 2009
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list.	Immigration Act 2009
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list.	Immigration Act 2009
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	Not applicable as New Zealand does not have a specific work visa category for migrant domestic workers. Domestic workers are not listed under the country's skill shortages list.	Immigration Act 2009