



## ANALYSIS

Title	
1. Short Title	
2. Meaning of "instrument"	
3. Determination of equal pay	
4. Remuneration of female employees to be increased when rate for male employees increased	
	5. Recovery of remuneration based on equal pay
	6. Records to be kept by employers
	7. Advice of increments of pay and other increases in pay to be given to female employees

---

1976, No. 49

**An Act to amend the Equal Pay Act 1972**

[14 November 1976]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Equal Pay Amendment Act 1976, and shall be read together with and deemed part of the Equal Pay Act 1972 (hereinafter referred to as the principal Act).

**2. Meaning of "instrument"**—(1) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term "instrument" the following paragraph:

"(f) Any decision, whether recorded in writing or not, made by an employer fixing the rate of remuneration for an individual employee or a group of 2 or more employees; and for the purposes of this Act the employer and the employee or, as the case may be, each of the employees who are members of that group shall be deemed to be parties to the instrument:".

(2) Section 2 (2) of the principal Act is hereby amended by inserting, after the words "individual employer", the words ", or any decision under paragraph (f) of that definition made in respect of an individual employee,".

**3. Determination of equal pay**—Section 4 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

"(2A) Where the remuneration for any employee or group of employees is payable pursuant to any instrument specified in paragraph (f) of the definition of the term 'instrument' in section 2 (1) of this Act, the employer shall, at the request of the employee, or, as the case may be, of any employee who is a member of the group to which the instrument applies, supply to the employee all information that is relevant for the purpose of implementing this Act as to any right or benefit provided for the employee by the instrument."

**4. Remuneration of female employees to be increased when rate for male employees increased**—(1) Section 6 of the principal Act is hereby amended as from the commencement of that Act by adding the following subsection:

"(9) Where—

"(a) The rate of remuneration for any female employee is fixed as a percentage of the rate of remuneration for male employees in any specified classification; and

"(b) At any time between 2 consecutive increment dates in relation to that female employee the rate of remuneration for male employees in that classification is increased,—

the rate of remuneration for that female employee shall be increased, with effect from the date on which the increase in remuneration for those male employees took effect, by the percentage by which the remuneration for those male employees has been increased."

(2) Notwithstanding anything in subsection (1) of this section, no person shall be liable for any offence under section 18 of the principal Act for failing before the passing of this Act to comply with section 6 (9) of the principal Act (as added by subsection (1) of this section), if he would not have been so liable if the said section 6 (9) had not been enacted.

**5. Recovery of remuneration based on equal pay**—(1) Section 13 (1) of the principal Act (as amended by section 5 of the Equal Pay Amendment Act 1973) is hereby further

amended by omitting the words "Industrial Court" where they first occur, and substituting the word "Commission".

(2) Section 13 (2) of the principal Act is hereby amended by inserting in the proviso, after the expression "paragraph (e)", the words "or paragraph (f)".

(3) Section 13 (3) (b) of the principal Act is hereby amended by omitting the words "2 years", and substituting the words "6 years".

(4) The Schedule to the Equal Pay Amendment Act 1973 is hereby amended by omitting from the second column the first item relating to section 13 (1) of the principal Act.

**6. Records to be kept by employers—**(1) Section 17 of the principal Act is hereby amended by omitting from paragraph (a) and also from paragraph (b) the words "2 years", and substituting in each case the words "6 years".

(2) Section 17 of the principal Act is hereby further amended by adding, as subsections (2) to (4), the following subsections:

"(2) The records required to be kept by every employer pursuant to section 219 of the Industrial Relations Act 1973 or, as the case may be, subsection (1) of this section shall include particulars of all equal pay determinations made by the employer (whether before or after the commencement of this subsection) for the purpose of implementing equal pay pursuant to this Act.

"(3) Where before the commencement of this subsection an employer has destroyed or failed to keep, in respect of any person who is an employee of that employer at the commencement of this subsection, a record of the particulars referred to in subsection (2) of this section, the obligation imposed by section 219 of the Industrial Relations Act 1973 or, as the case may be, by subsection (1) of this section shall include an obligation to prepare forthwith and keep a record of those particulars.

"(4) Nothing in this section shall be construed as imposing an obligation on an employer to keep a record of the particulars referred to in subsection (2) of this section in respect of any person who had ceased to be an employee of that employer before the commencement of this subsection, unless such a record is being kept by the employer at the commencement of this subsection."

**7. Advice of increments of pay and other increases in pay to be given to female employees—**The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. Where pursuant to this Act any increase in remuneration is granted by an employer to any female employee for the purpose of implementing equal pay or any other increase in remuneration is granted by an employer to a female employee before the date on which he has fully complied with the provisions of section 6 or, as the case may require, section 7 of this Act in relation to that employee, the employer shall at the time of payment to the employee of the first payment at the increased rate notify her in writing that her rate of remuneration has been increased, and that notice shall specify—

- “(a) The name of the employee and the effective date of the increase; and
- “(b) The classification of the work performed by her; and
- “(c) The rate of remuneration payable for the step represented by the increase; and
- “(d) In any case where that increase is not the final step in the full implementation of equal pay, the rate of remuneration that would be payable as at the effective date of the increase if equal pay had been fully implemented in relation to that employee on that date.”

---

This Act is administered in the Department of Labour.

---