



# EEO

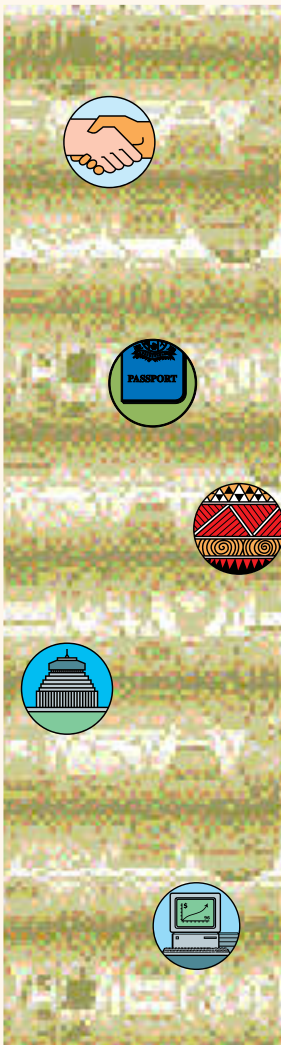
## POLICY TO 2010

Future directions of EEO in the New Zealand Public Service



STATE  
SERVICES  
COMMISSION

Te Komihana  
O Nga Tari Kawanatanga





# POLICY TO 2010

Future directions of EEO in the New Zealand Public Service



STATE  
SERVICES  
COMMISSION

Te Kaitiaki  
O Nga Tari Kawananga





The EEO Policy to 2010 results from the work of the project *Future Directions of EEO in the New Zealand Public Service*. The steering group for the project was chaired by the State Services Commissioner and comprised the following chief executives:

<b>Margaret Bazley</b>	Department of Social Welfare
<b>Len Cook</b>	Statistics NZ (until June 1996)
<b>John Chetwin</b>	Department of Labour
<b>Catherine Gibson</b>	Ministry of Youth Affairs (until June 1997)
<b>Graham Holland</b>	Inland Revenue Department
<b>Judy Lawrence</b>	Ministry of Women's Affairs
<b>Ngatata Love</b>	Te Puni Kokiri
<b>Richard Nottage</b>	Ministry of Foreign Affairs and Trade
<b>Peter Scott</b>	National Library (until October 1996).

Two other chief executives made significant contributions to the project:

<b>Roger Blakeley</b>	Department of Internal Affairs
<b>David Hutton</b>	Public Trust Office.









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*Each of the symbols represents one of the EEO groups designated in the State Sector Act 1988 or an aspect of the Public Service business environment.*

The symbols are:

 Maori	 ethnic groups
 women	 technology
 Pacific Islands people	 transaction of business
 people with disabilities	 the Public Service environment

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## Foreword

The Public Service has been committed to the implementation of equal employment opportunities in the workplace for over a decade. The *EEO Policy to 2010* confirms this commitment to EEO as a long-term, strategic response to addressing discrimination in the workplace and building Public Service capability and performance. It provides clear direction for progress in the next decade.

The first Statement by Government Employing Authorities on EEO was signed in 1984, and four years later the government as an employer confirmed its intention to implement EEO through provisions within the State Sector Act 1988. A review of EEO progress published in 1995 by the State Services Commission indicated there was a need to refocus and revitalise EEO in a devolved Public Service environment.

In 1996 the then State Services Commissioner, Don Hunn, convened a steering group of chief executives to plan for the future direction of EEO. The *EEO Policy to 2010* results from the work of this project. All Public Service chief executives have endorsed the policy and it has been approved by Government.

The policy aims to ensure continuing Public Service leadership in EEO and establishes both a new environment and a new era for EEO. The policy explicitly shifts the responsibility for EEO leadership in the Public Service from the SSC to all chief executives supported by SSC (and sits alongside their current responsibility for delivery of EEO within their own departments). The policy also emphasises that for the next decade the focus for EEO will be the delivery of results: to realise a diverse Public Service which reflects the community it serves and which will be more effective at formulating and testing policy advice, and ensuring that services are delivered appropriately.

The publication of this policy brings to a close some eighteen months of intensive activity. On behalf of the steering group I would like to thank the many people who invested their energy, expertise and time in the development of the policy in a range of capacities – as a member of the SSC project team or one of the nine sub-project teams, as a contributor to particular aspects of the project, or as a provider of comprehensive feedback to drafts of the policy.

I am confident that these contributions and future effort in implementing the policy in all departments will ensure ongoing EEO progress in the Public Service, which will in turn improve the quality of the service we provide to the wider public.

A handwritten signature in dark ink, appearing to read 'M C Wintringham', with a stylized flourish at the end.

M C Wintringham  
State Services Commissioner







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## Public Service Commitment to EEO to 2010

This policy on equal employment opportunities (EEO) is made and endorsed by chief executives on behalf of Public Service departments.

### *The Role of Chief Executives and the State Services Commission*

Chief executives recognise that they must all take a leading role in promoting Government's EEO policy by accepting responsibility for implementing *EEO Policy to 2010: Future Directions of EEO in the New Zealand Public Service* (the policy) within their departments. The State Services Commission (SSC) reaffirms its role in the promotion, development and monitoring of EEO. These responsibilities for EEO are mandated under the State Sector Act 1988.

### *EEO in the Public Service*

The Government and Public Service rationale for promoting and implementing EEO is to ensure the development of a diverse Public Service that is capable of delivering on Government outcomes in all areas of policy development and service delivery, so that successive governments can rely on the Public Service having the capability both to respond to social and economic demands of the day and to serve the people of New Zealand efficiently and effectively. Reflection of community diversity at all levels in the Public Service, especially management, and in all types of work will contribute to public and Government confidence that policy advice has considered the full range of views in the community and that services are appropriately delivered.

### *EEO to 2010*

EEO is firmly based on the application of the merit principle, and will continue to be concerned with removing unfair discriminatory practices and building inclusive systems and structures which promote equal opportunities in the workplace.

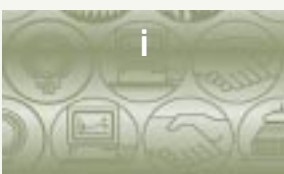
Key features of the policy to 2010 are:

- four areas of EEO focus – leadership, organisational culture and strategic human resource management, employment of EEO groups, and monitoring and evaluation; and
- a requirement that each department will specify its expected EEO achievements, against which progress will be measured, as a deliberate part of its overall employment strategy.

## Overall Outcome for EEO

The long-term outcome for EEO is the elimination of all forms of unfair discrimination in employment. This will be achieved when three conditions prevail in organisations:

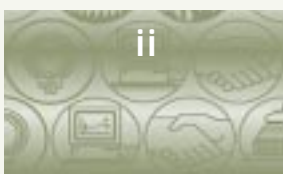
- inclusive, respectful and responsive organisational cultures which enable access to work, equitable career opportunities, and maximum participation for members of designated groups and all employees;
- procedural fairness as a feature of all human resource strategies, systems and practices;
- employment of EEO groups at all levels in the workplace.





## Four Areas of EEO Focus and Objectives to 2000 and 2010

	To 2000	To 2010
<b>Leadership</b>	All Public Service departments have a shared understanding of the rationale for EEO policy and practice, which is actively promoted and demonstrated in their business.	The Public Service departments demonstrate leadership, both as employer and policy adviser, in ensuring the achievement of EEO. Public Service leaders model and actively promote EEO.
<b>Organisational culture and strategic human resource management</b>	<p>Departments recognise and fully understand how human resource practices and organisational culture can create barriers to employment and progression of EEO groups, and have identified strategies to overcome these barriers.</p> <p><i>Human resource policies and practice:</i> EEO is increasingly 'mainstreamed' into all aspects of human resource strategy, planning and systems.</p> <p><i>Management of a diverse workforce:</i> Chief executives and departments are planning for a diverse workforce.</p> <p><i>Access (physical, attitudinal, structural, technological barriers):</i> Each department has identified the range of organisational barriers that can prevent the full participation of EEO groups at work.</p> <p><i>Affirmative action:</i> Each department has identified specific strategies for meeting the employment needs of members of EEO groups.</p>	<p>Departments have integrated EEO into all strategic management practices, viz:</p> <ul style="list-style-type: none"> <li>• human resource systems and practices are non-discriminatory;</li> <li>• managers effectively manage a diverse workforce;</li> <li>• barriers to full participation of EEO groups are removed;</li> <li>• specific strategies to address the employment needs of EEO groups are a fundamental feature of human resource practice.</li> </ul> <p><i>Human resource policies and practice:</i> EEO is embedded as an active and visible part of all human resource strategy and planning, and all human resource systems and practices are non-discriminatory.</p> <p><i>Management of a diverse workforce:</i> Each department demonstrates effective management of a diverse workforce.</p> <p><i>Access (physical, attitudinal, structural, technological barriers):</i> Organisational barriers that can prevent the full participation of EEO groups at work are removed.</p> <p><i>Affirmative action:</i> The ongoing development of specific strategies to address the employment needs of EEO groups is a fundamental feature of human resource practice.</p>
<b>Employment of EEO groups</b>	<p><i>Maori:</i> Maori will increasingly comprise a critical mass in each department in order to build Public Service capability.</p> <p><i>Other EEO groups:</i> The staff profile of each department will more closely reflect – at all levels and at all occupational groups – the proportions of EEO groups in the labour force than it did in June 1996.</p>	<p><i>Maori:</i> Each department has a critical mass of Maori staff at requisite levels, contributing to managerial, policy and service delivery capability.</p> <p><i>Other EEO groups:</i> The staff profile of each department will more closely reflect – at all levels and at all occupational groups – the proportions of EEO groups in the labour force than it did in June 2000.</p>
<b>Monitoring and evaluation</b>	Both departments and the SSC have improved their capability to collect more robust EEO information, analyse the effectiveness of EEO strategies, and assess EEO progress more effectively.	The quality and delivery of EEO policy and practice is improved as a result of a well-established monitoring and evaluation capability at the departmental and central agency levels.





## Implementation and Monitoring of the Policy

### *Implementation of the Policy*

Flexibility is central to the policy, so that EEO implementation can be appropriate for each department. While each department's application of this policy will be integral to its overall strategic human resource management strategy, there are particular requirements to be met. Using the four areas of focus and related objectives outlined in the framework – leadership, organisational culture and strategic human resource management, employment of EEO groups, and monitoring and evaluation – each department will:

- provide a status report which transparently describes its current EEO position;
- develop a plan which outlines the positive changes to be made in terms of the numbers and employment status of staff, and culture shifts; and
- provide realistic and measurable standards against which achievement will be assessed.

Critical dates for implementation of the policy are 30 June 1998, 2000 and 2005, when departmental self-review of EEO performance, culminating in a status report, will provide the basis of planning for the next extended period. Each department's plan will specify, in the first instance to the year 2000, how it will contribute to achievement of each of the four objectives. A key element of this will be to identify how the policy objectives link with the department's identification of its own EEO needs (planning, implementation and monitoring) which are embedded in its business strategy. Plans will subsequently be developed for the years 2005 and 2010.

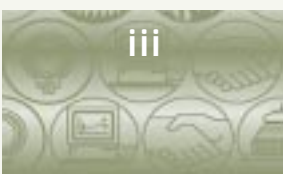
### *Annual Reporting and Monitoring*

Responsibility for implementation rests explicitly with each chief executive. By 30 June 1998 each department will have provided a status report on its own EEO position and identified the way in which it is addressing the objectives of the EEO policy to 2000. Each department will report to the SSC against these plans for the next two years. Similarly, a status report will be required in the year 2000, with a plan to 2005; and again in the year 2005, with a plan to the year 2010.

The SSC will continue to monitor EEO as part of the departmental performance assessment process. In monitoring the policy, a key interest of the SSC will be in departments' specification of their future EEO activity – that is, in evidence that the department has built 'stretch' into its planning and has developed standards for assessing future progress. The collation and analysis of departments' performance in EEO will provide the information necessary to assess Public Service-wide progress against the objectives in the policy.

A chief executive standing committee on EEO will meet annually with the State Services Commissioner (beginning 1998) to oversee the implementation of the policy, and specifically to:

- ensure that there are clear criteria specified for monitoring the policy;
- review progress, identify key trends, review which EEO groups need to be given special consideration as part of EEO policy, and make adjustments to the specifications for the following year if necessary.







## 1. Introduction

This statement on equal employment opportunities<sup>1</sup> (EEO) is made and endorsed by chief executives on behalf of the following Public Service departments.<sup>2</sup>

Ministry of Agriculture	Ministry of Foreign Affairs and Trade	Department of Prime Minister and Cabinet
Audit Department		
Ministry of Commerce	Ministry of Forestry	Public Trust Office
Department of Conservation	Ministry of Health	Ministry of Research, Science and Technology
Department of Corrections	Ministry of Housing	Serious Fraud Office
Department for Courts	Inland Revenue Department	Department of Social Welfare
Crown Law Office	Department of Internal Affairs	State Services Commission
Ministry of Cultural Affairs	Ministry of Justice	Statistics New Zealand
New Zealand Customs Service	Department of Labour	Te Puni Kokiri
Ministry of Defence	Land Information New Zealand	Ministry of Transport
Ministry of Education	National Library of New Zealand	The Treasury
Education Review Office	Ministry of Pacific Island Affairs	Valuation New Zealand
Ministry for the Environment	Parliamentary Service	Ministry of Women's Affairs
Ministry of Fisheries		Ministry of Youth Affairs

Chief executives recognise that they must all take a leading role in promoting Government's EEO policy by accepting responsibility for implementation of the *EEO Policy to 2010: Future Directions of EEO in the New Zealand Public Service* policy within their departments. The State Services Commission (SSC) reaffirms its role in the promotion, development and monitoring of EEO.

This policy signals a significant shift in leadership for EEO – from the SSC as a central agency, to leadership by chief executives supported by the SSC. Personal responsibility for good EEO practice rests explicitly with each chief executive. The SSC continues to provide whole of government EEO policy advice and monitoring.

This statement is also supported by the chief executive of the New Zealand Police and New Zealand Defence Force.

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1 A definition of EEO and detailed descriptions of key concepts and terms important for an understanding of EEO in New Zealand are contained in Appendix 1, page 10.

2 Appendix 2, page 13, gives a brief background to EEO in the New Zealand Public Service.





## 2. Statement of Government Commitment to EEO

The Government is committed to the practice and promotion of EEO in all employment sectors as a strategy which supports its strategic plan for the future. A commitment to fairness and equality of opportunity in employment and in management systems and practices, and to the development of inclusive workplace cultures, will promote business integrity, capability and performance.

As 'owner' of the Public Service, successive governments need to be able to rely on a Public Service which has the capability to respond to the economic and social demands of the day. Government demonstrates its commitment to building capability through EEO by a legislative requirement on all departments to operate an EEO programme. The Government provides leadership to other employers by promoting and modelling EEO policies and practices.

The EEO Trust and the EEO Fund were established in 1990 to promote a voluntary approach to EEO in the private sector. Part of Government's commitment to EEO can be evidenced by its ongoing involvement in, and resourcing of, these two bodies.

## 3. Statement of Public Service Commitment to EEO

The Government and Public Service rationale for promoting and implementing EEO is to ensure the development of a diverse Public Service that is capable of delivering on Government outcomes in all areas of policy development and service delivery.

The principles and practice of EEO remain a core Public Service value, contributing to its integrity and to its high performance. Reflecting community diversity at all levels of the Public Service, especially management, and in all types of work will contribute to public and Government confidence that policy advice has considered the full range of views and that services are appropriately delivered.

The Public Service is committed, through EEO, to eliminating all forms of unfair discrimination – direct, indirect or structural.

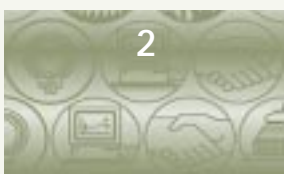
## 4. Legislative Foundations of EEO in the Public Service

Under section 58 of the State Sector Act 1988, each chief executive is required to develop each year an EEO programme for the department, and to report on EEO progress for the past year. Section 6 of the Act requires the SSC to 'promote, develop and monitor equal employment opportunities policies and programmes for the Public Service'.

There is a range of other domestic anti-discrimination legislation which contributes to protection from unfair discrimination and to which departments must adhere. There are also a number of relevant international instruments.<sup>3</sup>

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<sup>3</sup> Information on the domestic and international legal environment is included at Appendix 2, page 14.





## 5. The Overall Outcome for EEO

The long-term outcome for EEO is the elimination of all forms of unfair discrimination in employment. This will be achieved when three conditions prevail in organisations:

- inclusive, respectful and responsive organisational cultures which enable access to work, equitable career opportunities, and maximum participation for members of designated groups and all employees;
- procedural fairness as a feature of all human resource strategies, systems and practices;
- employment of EEO groups at all levels in the workplace.

EEO is firmly based on the application of the merit principle. This principle requires that merit is carefully defined in job specifications to eliminate both direct and indirect bias, and that appointment to any position or selection for career opportunity is made on the basis of an objective assessment of candidates against merit criteria.

## 6. The Public Service Context to 2010

To the year 2010, the Public Service is concerned with its strategic positioning to ensure its effectiveness in serving a diverse society. Departments are concerned with the efficient and effective delivery of their business. Continuing change, increased customer focus and a changing workforce demography are some of the conditions facing workplaces now and in the future. New Zealand society is underpinned by the principle of fairness, and the Government seeks, in the delivery of both policy and services, to develop a fair society which recognises that people in this country have a right to be free of unfair discrimination. Moreover, as Treaty of Waitangi grievances continue to be addressed and a better understanding of the Treaty evolves in terms of New Zealand's historical, political, judicial and constitutional arrangements, greater consideration is being given to the Treaty in the name of good government.

In order to have credibility and to withstand criticism, the Public Service must reflect in its composition a commitment to tolerance, cultural consciousness and fair-mindedness. In order to support both the current and future governments, the Public Service must be open to consider all points of view and to work with a wide range of groups.

EEO contributes to these ends by delivering a Public Service workforce better able to respond to a diverse and demanding public. EEO contributes to effective management by attracting and drawing on a wider pool of talented people, by appointing the best people and by encouraging the full participation of all staff. EEO promotes fairness in employment as one facet of a fair and just society, recognises the status of Maori as tangata whenua and acknowledges the need for greater responsiveness to Maori

## 7. EEO Focus to 2010

Having completed the establishment phase of EEO, the Public Service's emphasis for the next decade will be the delivery of results: to realise a diverse Public Service which reflects the community it serves and which contributes to improved efficiency and effectiveness in policy advice and service delivery.





What this means is that, like other aspects of business practice, EEO strategies in the Public Service to the year 2010 will have a sharper and more strategic focus. EEO will be a deliberate part of each department's overall strategic human resource management strategy. Key features of the policy include:

- four areas of EEO focus – leadership, organisational culture and strategic human resource management, employment of EEO groups, and monitoring and evaluation; and
- a requirement that each department will specify its expected EEO achievements, against which progress will be measured.

The areas of organisational culture and strategic human resource management, and the employment of EEO groups, represent a continuation of earlier approaches to EEO in the Public Service. In addition, in recognition of a devolved Public Service environment and increased chief executive accountability, there are two new areas of focus – leadership, and monitoring and evaluation.

In each of these areas, objectives have been developed at the departmental level for the years 2000 and 2010. These are indicative only, as variation in the business, size and shape of Public Service departments necessitates flexibility in departmental EEO objectives. The intention, however, is that departmental objectives will be quite explicit about intended changes in the areas of leadership, strategic human resource management and organisational culture, and that they will likewise set realistic, quantitative objectives for the employment of EEO groups. Both departmental and SSC monitoring of EEO activities will increasingly focus on the effectiveness or impact of such strategies in progressing the department towards its intended objectives. Each chief executive will specify the nature of their departmental contribution to the policy for the years 2000, 2005 and 2010.

## 8. Four Areas of EEO Focus and Objectives to 2000 and 2010

### *I Leadership*

This area outlines the expectations of chief executives in providing leadership for the Public Service in the achievement of EEO.

	To 2000	To 2010
Leadership	All Public Service departments have a shared understanding of the rationale for EEO policy and practice, which is actively promoted and demonstrated in their business.	Public Service departments, both as employer and policy adviser, demonstrate leadership in ensuring the achievement of EEO. Public Service leaders model and actively promote EEO.

### *II Organisational Culture and Strategic Human Resource Management*

This area specifies aspects of the departmental culture and environment which need to be addressed if all staff are to participate and contribute successfully in the workplace. While each aspect is discussed discretely, it is expected that EEO initiatives will be increasingly integrated with human resource strategies and plans aimed at ensuring that current delivery requirements and future capability requirements are met.





Objectives to 2000 and to 2010 are organised under four different headings:

- *human resource policies and practice* – addresses the development of fair human resource management systems and structures;
- *management of a diverse workforce* – recognises that departments have, or shortly will have, a diverse workforce, and that planning must occur to manage this;
- *access (physical, attitudinal, structural, technological barriers)* – recognises that barriers to full participation occur in people as well as in systems and structures, and that the identification of these precedes the development of affirmative action strategies;
- *affirmative action* – refers to the strategies developed to address the employment needs of members of EEO groups. This generally includes developing the skills and career aspirations of members of EEO groups so that individuals can compete on an equal footing with those from 'mainstream' groups. Affirmative action is not preferential treatment, and does not require employers to hire or promote unqualified people (see Appendix 1 for further discussion).

	To 2000	To 2010
<b>Organisational culture and strategic human resource management</b>	<p>Departments recognise and fully understand how human resource practices and organisational culture can create barriers to employment and progression of EEO groups, and have identified strategies to overcome these barriers.</p> <p><i>Human resource policies and practice:</i> EEO is increasingly 'mainstreamed' into all aspects of human resource strategy, planning and systems.</p> <p><i>Management of a diverse workforce:</i> Chief executives and departments are planning for a diverse workforce.</p> <p><i>Access (physical, attitudinal, structural, technological barriers):</i> Each department has identified the range of organisational barriers that can prevent the full participation of EEO groups at work.</p> <p><i>Affirmative action:</i> Each department has identified specific strategies for meeting the employment needs of members of EEO groups.</p>	<p>Departments have integrated EEO into all strategic management practices, viz:</p> <ul style="list-style-type: none"> <li>• human resource systems and practices are non-discriminatory;</li> <li>• managers effectively manage a diverse workforce;</li> <li>• barriers to full participation of EEO groups are removed;</li> <li>• specific strategies to address the employment needs of EEO groups are a fundamental feature of human resource practice.</li> </ul> <p><i>Human resource policies and practice:</i> EEO is embedded as an active and visible part of all human resource strategy and planning, and all human resource systems and practices are non-discriminatory.</p> <p><i>Management of a diverse workforce:</i> Each department demonstrates effective management of a diverse workforce.</p> <p><i>Access (physical, attitudinal, structural, technological barriers):</i> Organisational barriers that can prevent the full participation of EEO groups at work are removed.</p> <p><i>Affirmative action:</i> The ongoing development of specific strategies to address the employment needs of EEO groups is a fundamental feature of human resource practice.</p>



### *III Employment of EEO groups<sup>4</sup>*

This area seeks to encourage positive movement in the employment and promotion of EEO group members both in each department and collectively across the Public Service.<sup>5</sup> It is expected that the positive changes in both the numbers and the distribution of some EEO groups from 1984 to 1994 will be built on to the year 2010 while establishing a Public Service which reflects the diversity of the people it serves.

Objectives for this section are couched in quantitative terms. Each department will determine its numerical objectives to the years 2000 and 2010. These will identify what the department is aiming to achieve – the 'stretch' that is appropriate for the department – and are set for the purpose of monitoring progress. The development of numerical objectives should be realistic and based on relevant contextual information, e.g. devolution of services to iwi and a projected loss of Maori staff, or the difficulties of numerical projections in small departments. These objectives are targets similar to those which are defined in other aspects of departmental business. The objectives are not quotas, which specify a number of positions to be filled by particular groups (and where the perception is often that they are to be applied regardless of the calibre of the pool of candidates).

Objectives for this section are organised under the following headings:

#### *Maori*

This policy has a particular emphasis on the achievement of EEO for Maori. This reflects the need for the Public Service to give effect to section 56 of the State Sector Act and to ensure that the Public Service has Maori staff with the managerial, policy and service delivery capability to achieve Government outcomes appropriately.

#### *Other EEO groups*

'EEO group' in this section refers, in the first instance, to those covered by the State Sector Act 1988 – women, Maori, Pacific Islands people, ethnic or minority groups, and people with disabilities – as the SSC will undertake Public Service-wide monitoring in respect of these groups. In addition, some departments recognise other EEO groups, and it would be beneficial to be able to collect information on these groups across the Public Service.

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- 4 EEO groups are defined by under-representation in the Public Service compared with labour force availability, and/or concentration in particular areas and levels of employment which tend to be poorly remunerated and lack influence, and/or by slower progression through the organisation than the mainstream or dominant group. This may be because of discriminatory treatment and practices now or in the past, or different social or educational experience.
- 5 The starting point for EEO is that ability and talent are evenly spread between men and women, and throughout ethnic groups and people of differing sexual persuasions and, allowing for particular requirements, among people with disabilities; and that movement towards the presence of all groups at all levels in all departments is desirable. Such movement must be firmly based on application of the merit principle.

Research indicates that where EEO is a significant and deliberate intervention which provides focused action in the employment arena to eliminate the present and residual effects of discrimination, measurable results are obtained in terms of the benefits to individuals and groups.





	To 2000	To 2010
<b>Employment of EEO groups</b>	<p><b>Maori:</b> Maori will increasingly comprise a critical mass in each department in order to build Public Service capability.</p> <p><b>Other EEO groups:</b> The staff profile of each department will more closely reflect – at all levels and at all occupational groups – the proportions of EEO groups in the labour force than it did in June 1996.</p>	<p><b>Maori:</b> Each department has a critical mass of Maori staff at requisite levels, contributing to managerial, policy and service delivery capability.</p> <p><b>Other EEO groups:</b> The staff profile of each department will more closely reflect – at all levels and at all occupational groups – the proportions of EEO groups in the labour force than it did in June 2000.</p>

#### IV Monitoring and Evaluation

This section specifies the information requirements, research practices and monitoring activities which:

- i departments will need to assess their progress in the achievement of EEO goals; and
- ii the SSC will need to assure Government that the Public Service is making progress in the achievement of the EEO objectives outlined in this policy statement.

In addition, this information will alert the Public Service to new areas or forms of discrimination, and will identify areas in which Public Service-wide EEO strategies may need to be developed.

<b>Monitoring and evaluation</b>	Both departments and the SSC have improved their capability to collect more robust EEO information, analyse the effectiveness of EEO strategies, and assess EEO progress more effectively.	The quality and delivery of EEO policy and practice is improved as a result of a well-established monitoring and evaluation capability at the departmental and central agency levels.
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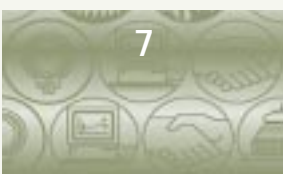
## 9. Implementation to 2010

Responsibility for implementation of this policy and the delivery of results rests explicitly with each chief executive.

A number of features are expected to characterise implementation to the year 2010:

- alignment of the department's EEO activities with the department's business and organisational strategies;
- continuation of a comprehensive approach – strengthening a qualitative focus on organisational cultural change as well as evaluation against numerical objectives;
- ongoing devolution of responsibility for EEO to senior managers;
- a group and an individual focus;
- ongoing integration of EEO and human resource practice.

Flexibility is central to the policy so that EEO implementation can be appropriate for each department. While the application of this policy in each department will be integral to its overall, long-term employment strategy, there are particular requirements to be met. Using the four areas of focus and related objectives outlined in the framework – leadership, organisational culture and





strategic human resource management, employment of EEO groups, and monitoring and evaluation – each department will:

- provide a status report which transparently describes its current position;
- develop a plan (explicitly developed around the Public Service-wide objectives in this policy) which outlines the positive changes to be made in terms of numbers and employment status of staff, and culture shifts; and
- set realistic and measurable standards against which achievement will be assessed.

Critical dates for implementation of the policy are 30 June 1998, 2000 and 2005, when departmental self-review of EEO performance, culminating in a status report, will provide the basis of planning for the next extended period. Each department's plan will specify, in the first instance to the year 2000, how it will contribute to achievement of each of the four objectives. A key element of this will be to identify how the policy objectives link with the department's identification of its own EEO needs (planning, implementation and monitoring) which are embedded in its business strategy. Plans will subsequently be developed for the years 2005 and 2010.

## 10. Annual Reporting and Monitoring

By 30 June 1998 each department will have provided a status report on its own EEO position and identified the way in which it will address the objectives of the EEO policy to 2000. Each department will report to the SSC against these 'plans' for the next two years. A similar self-review and production of a status report will be required in the year 2000, with a plan to 2005; and in the year 2005, with planning to the year 2010.

The SSC will continue to monitor EEO as part of the departmental performance assessment process. In monitoring the policy, a key interest of the SSC will be in departments' specification of their future EEO activity – in evidence that the department has built 'stretch' into its planning and is developing standards for assessing future progress. The collation and analysis of departments' performance in EEO will provide the information necessary to assess Public Service-wide progress against the objectives in the policy.

Beyond 1998, there is a need to review the SSC's current approaches to monitoring EEO in order to take into account the longer-term, strategic focus of the policy and the increasing integration or mainstreaming of EEO with the business of the department. During the 1997/98 financial year, the SSC will sponsor an inter-departmental working group to consider future EEO monitoring.

A chief executive standing committee on EEO will meet annually with the State Services Commissioner (beginning 1998) to oversee the implementation of the policy, and specifically to:

- ensure that there are clear criteria specified for monitoring the policy;
- review progress, identify key trends, review which EEO groups need to be given special consideration as part of EEO policy, and make adjustments to the specifications for the following year if necessary.





# APPENDICES





## Appendix 1 Definitions and Key Concepts

The following points help describe the scope of EEO as it is applied in New Zealand in 1997, and are the working definitions used in this policy. An understanding of the meaning of the following terms is important, as the development and practice of EEO in countries around the world has given rise to local understandings of the direction and scope of EEO. The development and practice of EEO in New Zealand has been shaped by the adoption of particular aspects of international good practice as well as by factors specific to New Zealand such as the Treaty of Waitangi, the state sector reforms and employment law.

It is important to note that the explanations in this appendix describe our understanding of EEO in 1997. This has evolved since the initial Government commitment to EEO in 1984, and will continue to evolve to match changing environments over the period to 2010.

### *Equal employment opportunities*

Equal employment opportunities (EEO) is a term used to describe both a strategy for change and the result of that change. The result is a workplace in which everyone is able to participate and compete equitably, to develop to their full potential and be rewarded fairly for this contribution regardless of gender, ethnicity, disability, sexual orientation, age or family circumstances.<sup>6</sup>

As a strategy for change, EEO covers a range of activities. Firmly based on the application of the merit principle, EEO is concerned with identifying and eliminating unfair discriminatory practices, creating an environment which encourages and supports the full participation of staff, and attracting and retaining a diverse staff.

### *Affirmative action*

Affirmative action is one aspect of a three-pronged approach (together with the removal of bias from human resource systems and the changing of workplace cultures) to achieving EEO goals. It is aimed at removing, or compensating for, barriers to employment opportunities for members of EEO groups, and developing strategies to address their employment needs. This generally includes developing the skills and career aspirations of members of EEO groups so that individuals can compete on an equal footing with those from 'mainstream' groups.

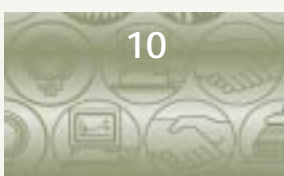
Affirmative action is not preferential treatment and does not require employers to hire or promote unqualified people. Affirmative action in employment in New Zealand has always been firmly associated with the application of the merit principle, which means that strategies such as positive discrimination or quotas have never been adopted here.

### *Comprehensive approach*

EEO in New Zealand has always taken a three-pronged, comprehensive approach, based on affirmative action, removal of bias from human resource management systems and other organisational systems, and changing of workplace cultures.

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6 The specific EEO groups listed in section 56 of the State Sector Act 1988 are Maori, ethnic or minority groups, women, and persons with disabilities. Discrimination on the basis of sexual orientation, age or family status is unlawful under the Human Rights Act 1993.





### ***Direct, indirect and structural discrimination***

EEO sets out to address all unfair discrimination in employment, whether direct, indirect or structural.

Direct discrimination is overt, both verbal and non-verbal, and occurs when personal characteristics irrelevant to the capacity to do the job (such as gender or ethnicity) are taken into account in employment decisions.

Indirect discrimination occurs when policies, procedures and practices which appear to be fair in fact suit a particular group of people and disadvantage other groups, i.e. when applied equally, they affect different groups unequally.

Structural (often referred to as systemic) discrimination occurs when an entire network of rules and practices disadvantages less empowered groups while serving at the same time to advantage the dominant group.

### ***EEO groups***

The 'collective' characteristic of discrimination is fundamental to understanding EEO, and underpins the concept of EEO groups. Unfair discrimination refers to the way in which a person or a group of people are treated because they have a common characteristic that puts them outside the mainstream or dominant group (in terms of numbers or power, or both). Traditionally these characteristics include ethnicity, race, colour, gender and disability.

EEO concentrates on groups of people who experience unfair discrimination and are excluded from full participation in the workforce. The result is that they may be located at the lower salary levels, and may lack access to decision-making roles and influence. Even early career success may end at a point where the 'glass ceiling' is met.

In 1988 section 56 of the State Sector Act recognised groups considered to be most adversely affected in employment in New Zealand. These groups are: Maori, ethnic or minority groups (in the Public Service this has always been separated into Pacific Islands people and ethnic groups), women, and persons with disabilities. This is consistent with approaches taken internationally.<sup>7</sup> There has not been sufficient change or development in the employment position of these groups to consider that they no longer need a specific focus. Section 58 of the State Sector Act allows for the naming of additional groups if necessary.

In the past seven years several departments in the Public Service have developed a focus on additional groups of employees who are experiencing discrimination. Most commonly these groups have been lesbian and gay staff, people with family responsibilities, and older employees.<sup>8</sup>

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7 In the Public Service of Canada designated groups are Aboriginal peoples, persons with disabilities, persons in a visible minority, and women; in the Australian Public Service the groups are Aboriginal and Torres Strait Islander people, people with disabilities, people of non-English speaking background, and women.

8 The existence of network groups in departments has tended to be used as a (conservative) proxy for those departments which have developed a focus on additional groups. In 1995 there were 10 departments with lesbian and gay networks (or some variation on this) and 5 departments with networks for people with family responsibilities.





Departments can designate additional EEO groups as appropriate, e.g. if the nature of the department's business suggests the need for a focus on particular groups. In future, there is likely to be an increased emphasis on unfair discrimination based on life-stage (a term that encompasses all who experience unfair discrimination because of age), whether older or younger.

### ***Equity filters***

An equity filter comprises a series of deliberate (mental or written) checks undertaken to ensure equitable outcomes for all groups of staff. An example would be a checklist for developing job descriptions to ensure appropriate language, and a focus on skills and knowledge necessary for the position (rather than irrelevant qualities and characteristics) and ways of developing these.

### ***Integration***

Since 1990 there has been a trend for EEO to be integrated into the human resource systems, management practices and core business of departments. Integration has been encouraged in departments in which EEO baseline practices are well established.

The SSC report *EEO: 1984 to 1994 and Beyond* proposed three particular components for integration of EEO:

- alignment of EEO with departmental business goals;
- integration with strategic human resource planning and practice; and
- customisation of the implementation and operation of EEO in terms of organisational culture, size, structure and systems.

In considering the increased integration of EEO into the structures, functions and processes of departments, a number of issues appear. These include:

- ensuring that integration represents maintenance and development of the EEO agenda (rather than extinction); and
- the need to develop practical methods for the implementation of EEO as part of an integrated management approach.

There is a clear need for any organisation moving toward integration of EEO to have met identified baseline practices such as a clear organisational commitment to EEO, an established database and monitoring system, and appropriate training, particularly for managers. Once this is achieved, there needs to be a clear strategy for maintaining and developing EEO as an integral part of the business by providing an equity filter on all aspects of the business, and for tracking EEO progress.

### ***Merit***

EEO in New Zealand has always been associated with the merit principle where merit is carefully defined to eliminate both direct and indirect bias. The best person for the position is then appointed, based on an objective assessment of candidates against merit criteria. The definition of merit is not fixed but is related to the particular requirements of a specific position.

In effect EEO places a spotlight on merit. An EEO approach to merit critically evaluates 'standards and practices and selection criteria to ensure they do not exclude qualified people from consideration for positions and employment benefits. This involves not only removing arbitrary, artificial and unnecessary barriers to employment opportunities, but a re-assessment of current



standards so that a more realistic interpretation of what “merit” actually involves for particular jobs or benefits is applied.<sup>9</sup>

### ***Responsibility for EEO***

EEO is the responsibility of everyone in the organisation. Management are responsible for developing and implementing EEO policy and practice. Staff have an individual responsibility to behave according to organisational values and standards, particularly those related to fairness and non-discriminatory behaviour.

## **Appendix 2 Background of EEO in the Public Service, 1984–1996**

### ***Development of EEO***

EEO in New Zealand initially grew out of a strong social justice and anti-discrimination agenda. In 1984, 12 of the Government’s major employing authorities jointly endorsed a policy statement on EEO – *Statement of Government Employing Authorities on Equal Employment Opportunities*.

In 1988 the Government’s commitment to EEO was shown by its inclusion in the State Sector Act. At this time leadership in EEO was largely assumed by the State Services Commission. Over the past few years the ‘business case’ for EEO has become increasingly important to government departments as they strive to respond better to the community through enhanced policy development and service delivery. With the development of a strategic approach to EEO, chief executives and their departments have gradually assumed greater leadership, alongside the leadership provided by the SSC for the whole Public Service.

In 1994 the SSC undertook a review of the first 10 years of EEO implementation to assess what has been achieved and to consider the future direction of EEO in the Public Service.<sup>10</sup> The review highlighted many achievements within the Public Service, including the development of an EEO infrastructure, positive changes in representation and distribution, changes in workplace cultures, and a significant impact on direct discrimination. It also identified areas for future work.

In 1996 the State Services Commissioner convened a steering group of chief executives to develop a Public Service direction for EEO and strategies for implementation. This policy is a result of that work.

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6.9 Burton, C. *Redefining Merit*, monograph No. 2, Affirmative Action Agency, Commonwealth of Australia, 1988.

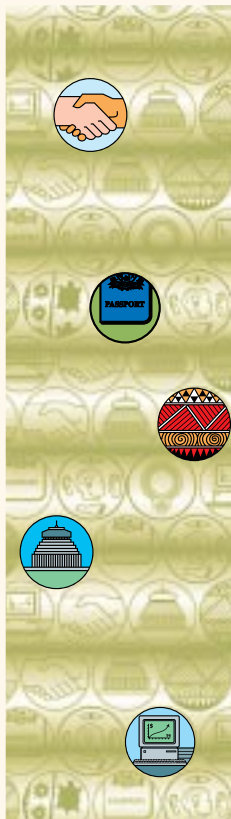
10 The findings of the review were published by the SSC in 1995 in a document entitled *EEO: 1984-1994 and Beyond*.



# EEO

## POLICY TO 2010

Future directions of EEO in the New Zealand Public Service





## Domestic and International Legal Environment<sup>11</sup>

### *Domestic Legislation*

To identify implications for a future policy for EEO arising from the current legislative environment, it is necessary first to clarify the relationship between the law and EEO. Five relationships have been identified. These should not be viewed as mutually exclusive; rather, they are different parts of a single whole. Further, as both the anti-discrimination legislation and EEO practice are relatively new, both are in a dynamic state.

- EEO is a legislative requirement in the Public Service.
- Anti-discrimination legislation sets bottom lines – EEO is an organisation's prime strategy for achieving these.
- Legislation provides a recourse for redress – EEO creates an environment in which the need for redress is minimised.
- Legislation is employed to limit individuals' freedom of action in the public interest – EEO encourages individuals to do the 'right thing' of their own volition.
- Both foster the attainment of fairness in the workplace.

The main statutes that provide protection from unfair discrimination in the area of employment within the Public Service are the:

- Equal Pay Act 1972;
- State Sector Act 1988
- New Zealand Bill of Rights Act 1990;
- Employment Contracts Act 1991; and
- Human Rights Act 1993;

There are a number of other relevant statutes which contribute toward protection from unfair discrimination, e.g. Parental Leave and Employment Protection Act 1987.

### *International Instruments*

The following international conventions or covenants may be taken into account by the courts in their consideration of any cases related to breaches of the anti-discrimination laws:

- Universal Declaration of Human Rights, 1948
- ILO Convention 100: Equal Remuneration, 1951;
- ILO Convention 111: Discrimination (Employment and Occupation), 1958;
- International Convention on the Elimination of All Forms of Racial Discrimination, 1966;
- International Covenant on Civil and Political Rights, 1966;
- International Covenant on Economic, Social and Cultural Rights, 1966;
- Convention on the Elimination of All Forms of Discrimination against Women, 1979;
- United Nations Declaration on the Rights of Indigenous People; and
- International Convention on the Rights of the Child, 1989;

The *Platform for Action* adopted by participants, including New Zealand, at the *Fourth World Conference on Women* in Beijing in 1995 builds on the Government's ratification of a number of the above instruments. The platform includes objectives that address women's economic rights and independence, and the elimination of occupational segregation and employment discrimination.

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11 This summary was extracted from the findings of sub-project 4 of the *Future Directions of EEO in the New Zealand Public Service* project, which looked at anti-discrimination legislation and its implications for EEO. Detailed information will be available from the working paper series associated with the project.