

29 May 2017

Simon O'Connor
Chair, Health Committee
Parliament Buildings
Private Bag 18041
Wellington 6160

By email: health@parliament.govt.nz

Dear Mr O'Connor

Care and Support Worker (Pay Equity) Settlement Bill

Thank you for inviting the New Zealand Law Society to comment on the Care and Support Worker (Pay Equity) Settlement Bill. As you know, the bill was introduced and had its first reading under urgency on Thursday 25 May, and selected stakeholders have been invited to comment on it by noon today. Unfortunately, the very short consultation timeframe (less than two working days) has precluded the ability of the Law Society's volunteers to provide meaningful comment on the bill.

Nevertheless, we note one issue in relation to the wording of clause 11. Clause 11 refers to "all reasonable steps" (reflecting the wording of the settlement agreement). However, since the requirement for employers to ensure that care and support workers are able to gain qualifications can result in enforcement action (by way of a personal grievance: clause 14), it would seem more appropriate (and in line with other legislation such as the Health and Safety at Work Act 2015) to qualify the reasonable steps requirement with the use of the word "practicable", so that clause 11(1) reads:

*"An employer must take all **reasonably practicable** steps to ensure ..."*
(emphasis added).

The Law Society does not wish to be heard.

Yours sincerely



Kathryn Beck
President