

4 April 2024

Hon Judith Collins KC, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Employment Relations (Employee Remuneration Disclosure) Amendment Bill

1. We have considered whether the Employment Relations (Employee Remuneration Disclosure) Amendment Bill (the Bill), a member's Bill in the name of Camilla Belich MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. The Bill amends the Employment Relations Act 2000 to enable an employee to pursue a personal grievance against their employer or former employer where that employer has engaged in adverse conduct against the employee for a "remuneration disclosure reason". Adverse conduct for a remuneration disclosure reason includes if the employer or their representative has dismissed the employee, or has not offered the employee the same employment terms or opportunities, because the employee has¹
 - asked about another employee's remuneration;
 - discussed their remuneration with another employee; or
 - disclosed their remuneration to any other person,and the remuneration disclosure reason was a substantial reason for the employer's adverse conduct.²
3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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¹ See cl 5 of the Bill, which defines adverse conduct for a remuneration disclosure reason.

² See proposed s 110C(3).