



EMPLOYMENT RELATIONS (EMPLOYEE REMUNERATION DISCLOSURE) AMENDMENT ACT

Summary of Changes



September 2025

The Employment Relations (Employee Remuneration Disclosure) Amendment Act (the Amendment Act) came into force on 27 August 2025, amending the Employment Relations Act 2000 (the Act). The Amendment Act brings New Zealand in line with comparable countries, including the UK and the US.

The purpose is to create greater transparency in pay and allow any pay discrimination to be more easily identified and remedied.

Summary of the Amendment Act

Employees now have the right to **openly discuss** their own pay, **inquire** about the remuneration of their colleagues, and **engage** in conversations about their own pay without suffering '**adverse conduct**' from their employer in response.

Adverse conduct includes dismissing an employee, refusing or omitting to offer the same terms given to employees to employees of similar circumstances, experience or qualifications, subjecting an employee to detriment which other employees are not subjected to, or requiring the employee to retire or resign. Employers or their representatives who take steps to organise, support or encourage such actions may be seen to engage in adverse conduct.

Note: Employees do not have to discuss or share their remuneration and can decline to comment

New Personal Grievance Introduced

The Amendment Act establishes a new ground for personal grievances, enabling employees to bring an action if their employer engages in **adverse conduct** for a **remuneration disclosure reason**.

A remuneration disclosure reason refers to a situation where an employee:

- discusses their remuneration with another person, or
- makes inquiries about the remuneration of another employee, or
- discusses remuneration or receives an inquiry about their remuneration.

Remuneration includes:

- salary or wages (including payment for overtime and penal rates)
- allowances,
- productivity-based bonus, or incentive payments,
- employer contribution to superannuation scheme, and
- any other types of work

To be considered adverse conduct, the remuneration disclosure must be a **substantial reason** for the employer's actions. There is a presumption that it is a substantial reason unless the employer can prove, on a balance of probabilities, that it was not.



Implications for Employers

The Amendment Act only applies to employer conduct occurring on or after 27th August 2025. Any clauses in employment agreements that restrict employees from discussing remuneration will likely be unenforceable under the new legislation.

This guide is not comprehensive and should not be used as a substitute for professional advice. For specific assistance and enquiries, please contact EMA AdviceLine, Consultants or Legal services.

Call AdviceLine: NZ 0800 300 362 or AU 1800 300 362

Published: **September 2025**

