

## Submission on the Legislation (Definitions of Woman and Man) Amendment Bill

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### Introduction

1. We appreciate the opportunity to make a submission on the Legislation (Definitions of Woman and Man) Amendment Bill (the “Bill”). I make this submission on behalf of Te Uru Tāngata Centre for Workplace Inclusion in my capacity as Chief Executive.
2. Te Uru Tāngata is the national body for workplace diversity, equity and inclusion.
  - Our purpose is to activate and accelerate workplace inclusion.
  - We are experts in developing workplace cultures that contribute to maximum team cohesion and productivity, with associated social and economic outcomes.
  - We work with more than 600 organisations across all sectors of the New Zealand economy, from large corporates and government agencies to small and medium enterprises.
3. This submission addresses the Bill strictly from the perspective of its economic and workplace impact. We do not engage with the identity or rights-based dimensions of the debate, except where they have direct economic consequences for workplaces.
4. We wish to speak to the Select Committee about our submission.

### Primary position

5. We oppose the Bill.
6. We ask that the Social Services and Community Select Committee recommend to the House that the Bill not proceed.
7. We submit that this is ideologically inspired legislation that solves no problem employers are currently experiencing.
  - 7.1 It will not make the world safer for women and girls.
  - 7.2 It will create compliance contradictions that every employer, HR department, and people manager in the country would then have to navigate.
  - 7.3 It will damage workforce morale and productivity.
  - 7.4 It will undermine New Zealand’s ability to attract and retain the workforce it critically needs.

## **The Bill solves no problem employers are experiencing**

8. The stated purpose of the Bill is to “uphold legal certainty.” From an employer’s perspective, legal certainty already exists. The current framework is coherent and workable.
  - 8.1 The Human Rights Act 1993 prohibits discrimination on the grounds of sex, which the Human Rights Commission has interpreted since 2006 to include gender identity. Employment New Zealand provides specific guidance on supporting transgender employees in the workplace. Standards New Zealand has published a rainbow-inclusive workplace standard (NZS 8200:2023). Employers have built policies, training, and HR systems around this settled framework.
  - 8.2 As legal commentators Graeme Edgeler and Matt McKillop have noted, existing legislation already permits sex-segregated facilities and sex-differentiated sports. The Human Rights Commission’s 2020 PRISM report documents how workplaces and service providers already navigate gender diversity in practice. Employers are not asking for this Bill.
9. The Bill’s proponents argue it is needed to protect women’s safety. The Bill’s own logic undermines that claim in two ways.
  - 9.1 The Bill defines "woman" as "an adult human biological female." Under that definition, a trans man (a person assigned female at birth who has transitioned and lives and presents as male) would be classified as a woman. For employers, this creates an absurdity as that person would need to be directed to women's facilities, despite the fact that they present as male, are known to colleagues as male, and may have been using men's facilities for years.
  - 9.2 The Bill furthermore creates risk in shared and multi-tenancy buildings, where employers are responsible for the safety of their people but have no control over visitors, contractors, and members of the public. In these settings, a cisgender man could claim to have been assigned female at birth in order to access women's spaces, and no building manager or employer has the means or the right to verify that claim. Under the current framework, someone seeking to access women's spaces inappropriately would at least need to present as female. Under the Bill's logic, they need make no effort to disguise how they present at all. The Bill does not raise the bar for women's safety - it lowers it. It creates a vulnerability in the very spaces it claims to protect.

## **The Bill creates compliance contradictions and costs**

10. Rather than providing clarity, the Bill introduces contradictions that every employer in the country would have to navigate at their own cost.
  - 10.1 The Bill would insert a rigid definition of "woman" and "man" into the Legislation Act 2019, flowing through to all other legislation including the Human Rights Act 1993 and the Employment Relations Act 2000. For 20 years, the Human Rights Commission has interpreted the prohibited ground of "sex" in the Human Rights Act to include gender identity, and employers have built their policies, training, and HR systems on that settled interpretation. The Bill does not amend the Human Rights Act directly, does not remove "sex" as a prohibited ground of discrimination, and does not say whether sex discrimination still covers gender identity. It simply changes the definitional ground beneath the existing framework without clarifying what employers should now do. The result is 20 years of settled practice called into question, with no guidance on what replaces it.

- 10.2 In addition, and worse, the Bill does not define what “biological” means. It does not specify whether this refers to chromosomes, hormones, gonads, or anatomy. These do not always align. No employer can reasonably be expected to make determinations about a person’s biological sex, nor should they be required to.
- 10.3 As the Attorney-General’s own report under the Bill of Rights Act 1990 identified, the use of “adult” in the definitions introduces an age discrimination issue. Under the Age of Majority Act 1970, where legislation does not specify an age, “adult” defaults to 20. This means a 16-year-old, 17-year-old, 18-year-old, or 19-year-old female employee is not a “woman” under this Bill. Any employment legislation that references “women” or “men” potentially does not apply to workers under 20. This creates an unacceptable gap in legal protection for young workers.
11. Employers faced with these contradictory signals are forced into either creating burdensome processes and seeking costly legal advice, or withdrawing inclusion initiatives and exposing themselves to personal grievance claims and litigation. Both responses carry direct productivity costs. In a tight fiscal environment, this is an overhead New Zealand employers should not be asked to absorb for legislation that solves no identified operational problem.

### **The Bill will damage workforce morale and productivity**

12. The economic cost of this Bill is not limited to compliance. The greater cost lies in what it does to the people inside organisations.
- 12.1 For transgender and gender-diverse employees, the signal is unambiguous: the state questions their identity and, by extension, the legitimacy for them to belong in the workplace under the identity that allows them to do their best work. Legislation that signals exclusion will exacerbate these patterns, with direct flow-on effects to absenteeism, disengagement, turnover, and the personal grievance system.
- 12.2 But the impact extends far beyond transgender employees. When divisive legislation enters the workplace, it creates conflict among staff and drives internal polarisation in organisations. The effect on team cohesion and discretionary effort is well documented in the organisational behaviour literature. Organisations will lose productive hours to internal tension and policy confusion that did not exist before this Bill was introduced.

### **The Bill undermines New Zealand’s ability to retain the workforce it needs**

13. There is also a longer-term economic consequence to this Bill that the Committee should consider.
- 13.1 The Bill’s definitions exclude workers under 20. This is the cohort that is already hardest to employ and hardest to retain. Youth unemployment in New Zealand reached 17.3% in the first quarter of 2026. Legislation that creates a legal gap for this group, however unintended, compounds a problem that is already acute.
- 13.2 This is also the generation least likely to accept rigid binary definitions of gender and most likely to interpret legislation like this Bill as a statement about who belongs and who does not. New Zealand is already experiencing record levels of emigration. Legislation that signals to the next generation of workers that this country does not reflect their values accelerates a departure the economy cannot sustain.

14. New Zealand faces a projected labour shortfall of 250,000 people by 2048. The median age is expected to pass 40 in the 2030s, and the 65+ dependency ratio is projected to rise from 25 per 100 working-age people in 2022 to as high as 39 per 100 by 2048. In this demographic context, New Zealand cannot afford legislation that alienates the very cohort its workforce depends on. Every young person who leaves because they do not feel this country values them is a worker, a taxpayer, and a contributor that an aging economy will struggle to replace.

## **Conclusion**

15. Te Uru Tāngata Centre for Workplace Inclusion opposes the Bill.
16. This is ideologically inspired legislation that will change nothing positive for employers, for women, or for the economy. It solves no problem that the current legal framework does not already address. It creates compliance contradictions that will cost employers time and money. It will damage morale and productivity as organisations are forced to navigate internal conflict and policy confusion that did not previously exist. And it sends a signal to the generation New Zealand most needs to retain that this country does not reflect their values or respect their identity.
17. The Bill passed its first reading with the support of parties who explicitly stated they were voting to allow New Zealanders to have their say through the select committee process, not because they were persuaded of its merit. As the national body for workplace inclusion, we therefore submit that:
  - On legal mechanics, the Bill fails.
  - On economic impact, the Bill is net negative.
  - On workforce sustainability, the Bill is reckless.
18. This is a bill that should go no further.