

## Abstract

This paper analyses how legal and policy frameworks in Aotearoa New Zealand and internationally address gender equality during emergencies and disasters with a specific focus on unpaid caregiving and employment risks for women following disasters. Despite Aotearoa New Zealand's commitment to international instruments emphasising gender-responsive disaster laws and policies, domestic laws and policies are largely gender-blind or address gender considerations superficially. Meanwhile, national gender equity laws and policies often lack specific guidance for disaster contexts. The systematic failure to integrate disaster risk management and gender equity frameworks deprioritises care and disproportionately affects the economic wellbeing of women. This was observed during the Canterbury earthquakes over 2010–11, the COVID-19 pandemic of 2020–21 and Cyclone Gabrielle in 2023. This paper argues for a comprehensive, forward-looking national strategy for disaster management and gender. Recommendations include gender mainstreaming in all disaster laws and policies, which includes explicitly valuing and recognising care work and work disparities in disaster risk management frameworks.

# Gendered fault lines: unpaid care and employment in disasters in Aotearoa New Zealand

Peer reviewed

**Dr Silke Clausing<sup>1</sup>**

ORCID: 0009-0002-0502-2930

**Professor Annick Masselot<sup>1</sup>**

ORCID: 0000-0002-8453-0564

1. University of Canterbury, Canterbury, Aotearoa New Zealand.

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## Introduction

Disasters disrupt all lives, but family relationships and caregiving responsibilities are particularly vulnerable (MacRae et al. 2021) with parents facing added challenges such as displacement, school closures and loss of support networks (Peek and Fothergill 2009). Despite the heightened need for care during crises, care remains undervalued and overlooked in disaster planning (Rooney et al. 2023). This reflects an historical pattern of treating caregiving as a private (Bridgeman 2007), female responsibility rather than a public priority (Matsopoulos and Luthar 2020). Disasters intensify existing inequalities with women disproportionately affected due to gendered roles, caregiving responsibilities and social and economic disparities (Neumayer and Plümper 2007; Masselot and Russell 2020). During disasters, women are typically expected to nurture while men take on protective roles (Always et al. 1998). Mothers are often urged to evacuate with children for safety, while fathers remain behind to maintain paid work and secure the home (Peek and Fothergill 2008). In this context, safe, reliable and affordable childcare is essential during disasters especially when support networks are disrupted and daycare services are limited (Enarson 2000; Peek and Fothergill 2009). The increased caregiving burden on women during and after disasters hinders their paid work, exacerbates financial challenges and reduces their involvement in emergency and recovery efforts (Enarson 2000; Juran 2012; Horton 2012; Peek and Fothergill 2009; Juran and Trivedi 2015; Robles and Benadivez 2021). These challenges are even greater for those facing multiple vulnerabilities (Crenshaw 1989; Arora 2022) underscoring the need for inclusive

laws and policies that promote resilience and reduce risk before, during and after crises. Women and girls face greater vulnerability, yet they are also key drivers of recovery, leading as caregivers, rebuilding communities and powering the workforce (Robles and Benavidez 2021).

This paper examined how Aotearoa New Zealand's legal framework addresses gender equality in disaster contexts, focusing on women's unpaid caregiving as well as employment risks<sup>1</sup> and offers a legal analysis of the national framework based on laws, policies and existing literature. Despite ranking 4th in the Global Gender Gap Report 2023 (World Economic Forum 2023), significant gender inequalities persist in Aotearoa New Zealand, worsening during crises. Women's work in Aotearoa New Zealand is dominated by unpaid care and domestic labour (Statistics New Zealand 2001; Deloitte and Westpac 2021; Sin 2022; Ministry for Women 2022a; UNDRR 2020; Hanna et al. 2023) with limited recognition and support despite representing a significant share of Aotearoa New Zealand's gross domestic product if measured (Ferrant and Thim 2019). High childcare costs (Ministry for Women 2022a; Gromada and Richardson 2021), inadequate leave policies and accessibility challenges (especially for Māori and Pasifika mothers (Sin 2022)) create significant barriers to workforce participation and long-term employment and disproportionately affect single mothers (André et al. 2023; Gromada and Richardson 2021). Workforce gender inequalities, including pay gaps and occupational segregation heighten women's economic vulnerability (Parker et al. 2021; Ministry for Women 2020, 2021a). Despite progress, disparities persist, especially for Māori, Pasifika, Asian and women with disability, as well as mothers. In addition, women in leadership positions are still lacking in the private sector (Ministry for Women 2024; Parker et al. 2021; Johnston 2024; Haar 2019).

This paper examines these challenges through the perspective of care during 3 national emergencies: the Canterbury earthquakes (2010–11), the COVID-19 pandemic (2020–21) and Cyclone Gabrielle (2023) (NEMA n.d.). To do so, the paper is divided into 5 sections. The first section provides an overview of the characteristics of women's work and care during disasters. Section 2 outlines Aotearoa New Zealand's obligations to women under the international framework. Section 3 demonstrates that the domestic legal framework for disaster risk management is largely gender blind. Section 4 highlights that gender equality law only marginally addresses disasters. The final section suggests a strategy to integrate gender and disaster considerations into Aotearoa New Zealand's legal frameworks aiming to improve outcomes for women as caregivers and workers.

## The characteristics of women's work and care in disasters

### The invisibility and low priority of caregiving responsibilities during disasters

Gender considerations have received little attention in research and policy during Aotearoa New Zealand's national emergencies. Research on the gendered effect of the Canterbury earthquakes and Cyclone Gabrielle remains scarce, while interest in gender issues surged during the COVID-19 pandemic, reflecting global trends. Despite this, little to no gender-disaggregated data was collected during these events and research on unpaid care work in Aotearoa New Zealand during the pandemic is limited. As Scobie and Sturman (2020, p.1) highlight:

*...despite the halt to 'normal' economic functioning which Covid-19 has necessitated, the mostly un-waged and often unseen labour necessary to the ongoing function of our societies... has continued as normal in homes and communities across Aotearoa.*

Similarly, data on care and reproductive labour related to Cyclone Gabrielle is almost non-existent. This underscores both the lack of disaggregated data and the persistent disregard for work outside traditional economic productivity measures.

Beyond gaps in research and policy, women's representation in response-related decision-making has been notably absent. Studies show the importance of including women, mothers and girls in preparedness and recovery efforts. However, during the Canterbury earthquake recovery, the city leaders, government ministers, recovery teams, demolition crews and emergency services personnel featured in the media were overwhelmingly male (Gordon 2013).

Care is a central factor in disaster-related inequality. Yet care-related concerns were often deprioritised in favour of other issues. Research on women's experiences during and after the Canterbury earthquakes shows that they faced increased caregiving responsibilities due to disruption of infrastructure and care services. Women were often taking on family coordination roles while men assumed different tasks (McManus 2015). The report to the Convention on the Elimination of all Discrimination against Women (CEDAW) Committee (New Zealand Human Rights Commission 2012) highlighted that women were the primary support for families facing displacement due to housing and property loss after the Canterbury earthquakes and that women made up the majority of caregivers for the elderly, who comprised 15% of Christchurch's population.

1. While recognising that women, men and LGBTIQ+ individuals each face distinct challenges in disaster contexts, this article focuses on the disproportionate effects of disasters on women.

Despite these challenges, many women—particularly mothers—played a vital role in both community support and emergency management, actively contributing to the recovery efforts (Jennings et al. 2018). The Women's Voice study found that while men were recognised for their roles in search, rescue and reconstruction, women's crucial contributions as caretakers and organisers of informal networks (managing children, relocation and household tasks amid disrupted infrastructure) were largely overlooked (Gordon 2013).

Across the world, the COVID-19 pandemic highlighted the unequal distribution of unpaid care work, with women shouldering much of the domestic responsibility including caring for families and managing children's education during lockdowns while balancing paid jobs (Azcona et al. 2020; Craig and Churchill 2021; Deloitte and Westpac 2021; Alon et al. 2020). Though both mothers and fathers faced increased domestic burdens, mothers often took on a larger share (UN Women 2020; Power 2020). This trend was replicated in Aotearoa New Zealand where the government recognised that women were more likely to carry the burden of increased unpaid work such as childcare and caregiving responsibilities (Government of New Zealand 2023). A study of the first level 4 lockdown found that while the increased home workload was shared between mothers and fathers, it did not change the overall trend of women doing most unpaid care work and men holding most of the paid work (Deloitte and Westpac 2021). Women, particularly those with inter-sectional characteristics, were disproportionately affected due to unequal structures, power dynamics and social norms (Ministry for Women 2023).

Similarly, the increased care burden after Cyclone Gabrielle was obvious given the scale of disruptions of the floods as well as school and childcare facilities closures (Gerritsen 2023). Yet little information could be found in relation to the unequal distribution of care during and in the aftermath of the cyclone.

The need to reopen schools and childcare centres is well recognised as a priority after disasters to re-establish a sense of normality for children and families (Mutch 2015). School reopening was given high priority after the Christchurch earthquake in 2011. The New Zealand Government and education authorities recognised the importance of restoring education quickly to provide stability for children and families. During the pandemic, a review of school and early learning centre closures in the initial lockdown considered the impact on 'essential' workers (disproportionally women) who had been unable to attend paid work due to caregiving responsibilities. While the primary motivation for these considerations may have been to sustain the health system, because many women held 'front-line' roles, the review highlighted the

broader workforce effects of the closures. This included increased absenteeism and reduced productivity due to childcare needs. The review recognised the need for accessible support for whānau [extended family] especially for those already experiencing inequities (Ministry of Health 2020). The priority to reopen schools and childcare centres as well as support to disadvantaged families (however, without mentioning women) was recognised.

Despite this recognition, the importance of keeping schools open or prioritising their reopening is not (yet) reflected in an official 'pre-disaster' policy. The handling of schools and early learning centres before Cyclone Gabrielle illustrates that care giving responsibilities can remain a low priority. The Ministry of Education directed all Auckland schools, early learning services and tertiary institutions to close for 7 days under emergency regulations (Tertiary Education Commission 2023). This decision followed a request from New Zealand's National Emergency Management Agency (NEMA) to reduce traffic for storm-related repairs (1News 2023). However, the directive was rescinded just one day later following a review. The rationale for this reversal remains unclear and it is uncertain whether the potential gendered effects of the closures were taken into account in the decision-making process.

### The disproportionate gendered effect on women's employment

Disasters have profound economic consequences, including widespread job losses. However, policy responses frequently overlook the gendered dimensions of these consequences. In doing so, they risk perpetuating or exacerbating existing labour market inequalities and structural disparities. After the Canterbury earthquakes, women, particularly rural and older women, experienced disproportionate job losses as well as an increase in casual, part-time work (New Zealand Human Rights Commission 2012; Masselot 2022). Labour market analysis revealed that while construction jobs in the Canterbury region, predominantly held by men, were on the rise, sectors like retail and accommodation, which employ mostly women, faced significant losses (New Zealand Human Rights Commission 2012).

The COVID-19 pandemic also disproportionately affected women's employment with women making up to 90% of pandemic-related redundancies in 2020 and sharp increases in precarious jobs by 2021 (RNZ 2020a; Masselot and Hayes 2020; Statistics NZ 2020). Māori and Pasifika women, already facing greater inequalities, were hit hardest (Thorpe et al. 2022). Nevertheless, the government prioritised funding for male-dominated 'shovel-ready' projects, with little focus on gender-equal economic recovery (RNZ 2020b). In addition, pandemic wage subsidies, administered by the Ministry of Social

Development, disproportionately benefited men, reflecting a gender imbalance in financial support (Ministry of Social Development 2020, 2022). The effects of the COVID-19 pandemic on women's employment were not addressed within mainstream policy frameworks but were delegated to the Ministry for Women. Early in the pandemic, the ministry cautioned that ostensibly gender-neutral policy responses were having disproportionate effects on women. In response to these concerns, the ministry implemented targeted support through its Community Fund to provide assistance to selected organisations focused on retraining and upskilling women who had lost employment as a result of the pandemic (Ministry for Women 2022b). It also advised that a structured approach to women's employment was needed. In a Cabinet paper entitled 'Building back better for women: Improving women's wellbeing and employment outcomes in response to COVID-19', the Ministry for Women outlined the need for a strategy to support women who were facing job losses and increased caregiving responsibilities (Ministry for Women 2021b). In 2022, the ministry released its strategy to address the effects of the pandemic on women's employment (Ministry for Women 2022a).

There is no easily available data or analysis on the effects of Cyclone Gabrielle on women's paid employment. Quarter 2023 market statistics show that the seasonally adjusted unemployment rate remained at 3.4% post-cyclone. Still, gender disparities exist. While the male unemployment rate decreased to 3.2% (a reduction of 1,000), it increased for women to 3.7% (an addition of 3,000), (Statistics New Zealand 2023a) implying a different effect on men and women. While the Household Labour Force Survey tracks reasons for reduced work hours, including 'bad weather', Statistics New Zealand has not provided gender-disaggregated data related to the higher than usual 'bad weather absenteeism' (Statistics New Zealand 2023b). The Ministry of Business, Innovation and Employment's monthly labour market fact sheet does not show gender disaggregated data (Ministry of Business, Innovation and Employment 2023). Similarly, it is not apparent that the specific response and recovery to the floods took gender considerations into account when it comes to employment initiatives. For example, the 2023 Budget for expanded and new employment programs to affected regions failed to include a gender perspective. The number of work-age people who received benefits was not gender-disaggregated (Ministry of Social Development 2023a). The Ministry for Women was seemingly not involved in the response and recovery. While special support was made available for people with disability, women with disability were not mentioned (Ministry of Social Development 2023b). This approach neglects the intersectional nature of vulnerability and stands in contrast to the ministry's recovery framework, which recognises the need for

targeted consideration of specific groups, including women. The ministry explicitly notes that women are disproportionately affected in the aftermath of disasters. Women are also less likely to benefit from employment opportunities arising from post-disaster infrastructure investment, thereby exacerbating pre-existing gender disparities (Ministry of Social Development 2023c).

## Aotearoa New Zealand's obligations under the international framework

The limited integration of gender and care considerations in Aotearoa New Zealand's disaster risk reduction and management frameworks is notable, particularly given its commitments under various international legal instruments that acknowledge gender as a vital dimension of effective governance. This section explores the extent to which gender is addressed within the international legal and policy frameworks to which New Zealand is a party, highlighting the normative emphasis these instruments place on the inclusion of gender-responsive approaches in disaster risk reduction and management. New Zealand has ratified or endorsed the following international instruments:

- *Sendai Framework of Disaster Risk Reduction 2015-2030* (UNDRR 2015) including its Gender Action Plan (UNDRR and UNFPA 2024)
- *Convention on the Elimination of all Discrimination against Women [CEDAW]* (United Nations 1997) including the Committees' General Recommendation No. 37 on Gender related Dimensions of Disaster Risk Reduction and Climate Change (CEDAW Committee 2018)
- *Agreed Conclusion of the 66th session of the UN Commission on the Status of Women 'Achieving gender equality and the empowerment of Women and girls in the context of climate change, environmental and disaster risk reduction policies and programs'* (UNCSW 2022).

These international frameworks emphasise 4 crucial aspects to advance gender equity in the context of disasters:

- Mainstreaming gender considerations in all disaster laws, policies and programs.
- Promoting meaningful participation and leadership of women, especially of marginalised groups, in all stages of disaster risk reduction.
- Enhancing gender statistics and data disaggregated by sex, ethnicity, age, race, disability and other characteristics to develop evidence-based efficient disasters policies and programs.
- Increasing allocation of resources to advance gender equality in the context of disasters.

Highlighting the issue of unpaid care, these instruments consider the issue during disasters and the need to

recognise and adopt measures to reduce, redistribute and value unpaid care and domestic work. They further support the adoption of provisions for gender-responsive economic recovery.

The *Sendai Framework for Disaster Risk Reduction 2015-2030* (UNDRR 2015) (Sendai Framework) is a global agreement adopted by Member States to guide countries in reducing risks and building resilience. New Zealand has endorsed the framework and committed to implementing its principles by aligning its national laws and policies accordingly. The Sendai Framework states that ‘a gender, age, disability and cultural perspective should be integrated in all policies and practices, and women and youth leadership should be promoted’ (UNDRR 2015, para. 19(d)). It emphasises the need ‘to strengthen the design and implementation of inclusive policies and social safety-net mechanisms’ (UNDRR 2015, para. 30 (j)). The participation and lead of women and other groups disproportionately affected by disaster in designing, resourcing and implementing gender-sensitive disaster risk reduction policies, plans and programs is further emphasised throughout the Sendai Framework (UNDRR 2015, para. 32; 36 (i) ff; 7).

The Sendai Gender Action Plan 2024 (UNDRR and UNFPA 2024) (GAP) is deemed essential to accelerate gender and inclusion aspects of the Sendai Framework and confirms the urgent need to decrease gender-related disaster risk by 2030. Objectives, aligned with Sendai Framework priorities, are to:

- increase the availability of disaggregated data and qualitative information on gender and disaster risk
- use gender analysis to generate and apply disaster risk knowledge in decision-making
- mainstream gender equality across disaster risk reduction laws, policies, strategies, plans and institutions
- increase meaningful participation and empowerment of women and gender stakeholders in disaster risk governance.

In addition, the GAP has the objective to increase funding allocations and improve access to financing for disaster risk reduction initiatives that advance gender equality (UNDRR and UNFPA 2024). Special actions to reach these objectives are foreseen in relation to the issue of unpaid care, such as the development of ‘disaster response and early recovery plans and strategies that identify increases in unpaid care and domestic work that primarily fall on women and girls and address their negative impacts’ (UNDRR et al. 2024, action 27, p.24). For example, the plan urges ‘to plan in advance alternate support for childcare and education’ (UNDRR and UNFPA 2024, action 27(d), p.24). With regards to paid work, the GAP recommends to:

*... use gender analysis and joint planning with local women’s organisations and other gender equality and inclusion stakeholders to prepare plans, strategies and assessments for gender-responsive economic recovery that promote decent work, livelihoods and relevant business opportunities to empower women and girls, and support gender equitable economic outcomes.*  
UNDRR and UNFPA (2024, action 28, p.24)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee 2010), ratified by New Zealand in 1985, aims for gender equity in areas such as politics, employment, education and health care. The Member States’ obligations in relation to climate change and disaster risk have been specifically addressed in the committee’s General Recommendation No. 37 (2018) ‘on the gender-related dimensions of disaster risk reduction in the context of climate change’ (CEDAW Committee 2018). The general recommendation is applicable to disasters caused by any hazard, including earthquakes, not only to disasters linked to climate change (CEDAW Committee 2018, para 13). The guidelines emphasise that Member States have obligations to ensure that all policies, legislation, plans, programs and budgets relating to risk reduction and climate change are gender-responsive (CEDAW Committee 2018, para 8; 26f, 42). Priority should be accorded to marginalised groups of women and girls, such as those from indigenous, racial, ethnic and sexual minority groups, women and girls with disability, older women, women heads of households or widows and apply an intersectional approach. The rights of women to participate at all levels of decision-making must be guaranteed in all climate change and disaster risk policies and programs (CEDAW Committee 2018). State Parties should identify mechanisms to collect, analyse and manage data disaggregated by sex, age, disability, ethnicity and region to inform gender-responsive national risk reduction and climate resilience legislation, policies, programs and budgets. Governments should promote increased budget allocations to respond to gender-specific disaster and climate change prevention, preparedness, mitigation and recovery (CEDAW Committee 2018, para 46).

In the context of unpaid care and paid employment, the general recommendations highlight the issues of unequal remuneration of men and women, gendered division of household labour and the undervaluing of the contribution in domestic, community and care work. During disasters, the guidelines recognise that the burden of caregiving and domestic work often increases, for example, due to destruction of housing and infrastructure and the absence of social protection systems. The result of such inequalities can contribute to increased vulnerability, and caregivers frequently have less time to engage in economic activities or to gain access to resources. Thus, gender-based discrimination limits the capacity of women to prevent

and adapt to the harm generated by disasters (CEDAW Committee 2018, para. 61f). State Parties therefore should invest in gender-responsive social protection systems that can reach all women, including women with disability. Equal rights to sustainable employment should be upheld in disaster prevention, management and recovery, while the unequal burden of unpaid and caregiving work performed by women must be acknowledged and addressed within disaster and climate change policies (CEDAW Committee 2018, para. 72).

The 66th session of the UN Commission on the Status of Women, a global policymaking body within the UN Economic and Social Council, focused on advancing gender equality and women's rights in the context of climate change, environmental sustainability and disaster risk reduction. At its session in March 2022, New Zealand reaffirmed its commitment to address the needs of communities facing multiple and intersecting forms of discrimination who are most affected by climate change and disasters. This included women and girls in all their diversity, particularly indigenous women, women in poverty, those with disability and those in rural or remote communities.

New Zealand also affirmed that, while disproportionately affected by disasters and climate change, women are also powerful agents of change (Tinetti 2022). The 2022 Agreed Conclusions recommended:

- the integration of a gender perspectives into disaster risk reduction policies and programs (UNCSW 2022, para (i))
- expanding gender-responsive finance for women's civil society organisations (ibid, para. (u). (z) (aa) ff)
- meaningful participation of women, especially those from marginalised groups, in all stages of disaster risk reduction (ibid, para. 56).

It recommended enhancing gender statistics and data disaggregated by sex, ethnicity income, age race, marital status, migration status, disability and other characteristics in the context of disasters to the develop evidence-based efficient policies and programs (ibid, para. 56).

The Agreed Conclusions 2022 highlight the gendered division of unpaid care and domestic work. It acknowledges that worsened gender division can limit women's ability to take part in decision-making processes, economic opportunities and to occupy leadership positions. The CSW stresses the need to recognise and adopt measures to reduce, redistribute and value unpaid care and domestic work, for example, through social protection mechanisms, affordable and quality social services and family friendly policies such as childcare, flexibility in working arrangements and maternity, paternity or parental leave (UNCSW 2022, para. 47f; (z) (jj); 57).

The 2030 Agenda for Sustainable Development, which New Zealand adopted in 2015 and committed to implementing its goals, contains goals regarding gender equality (Goal 5) and disaster risk reduction and climate change (goals 11 and 13). Goal 5 expressly recognises and values unpaid care work through the provision of public services, infrastructure, social protection services and promotion of shared responsibility within the house. It requires women's full and effective participation and opportunities for leadership. It is further understood that realising gender equality and the empowerment of women will make a crucial contribution to progress across all the goals and strategies (United Nations 2015).

In 1993, New Zealand ratified the Convention of the Rights of the Child (CRC), which outlines the rights and protection that should be afforded to children and recognises the rights and responsibilities of parents or legal guardians. State Parties are required to protect children from all harm while in the care of parents or legal guardians including effective procedures for the establishment of social programs to provide the necessary support for children and also for those who have the care of children (United Nations 1989). The CRC stipulates that states should do all appropriate measures to ensure the wellbeing of children, which includes support of parents in times of disasters and emergencies.

## Gender blindness in Aotearoa New Zealand Disaster Risk Management Legal Framework

Despite New Zealand's international commitments through binding treaties such as CEDAW and the CRC and global policy frameworks including the Sendai Framework and the Agreed Conclusions of the Commission on the Status of Women, an analysis of disaster risk management and emergency legislation reveals a lack of gender consideration. Disaster laws and gender equity legislation largely operate in silos, failing to acknowledge that disasters exacerbate gender inequalities.

### Hard 'disaster law' is gender-blind

The *Civil Defence Management Act 2002*<sup>2</sup> is the primary legislation governing disaster and emergency management in New Zealand. While emphasising the protection of life, property and the social, economic, cultural and physical wellbeing of the community, the Act fails to mention gender or women. The *Local Governance Act 2002*<sup>3</sup> (as amended in 2019), under which local authorities are granted significant responsibilities for preparing, responding and recovering from disasters, introduces 'four

2. *Civil Defence Management Act 2002*, at [www.legislation.govt.nz/act/public/2002/0033/51.0/DLM149789.html](http://www.legislation.govt.nz/act/public/2002/0033/51.0/DLM149789.html).

3. *Local Governance Act 2002*, at [https://nzlii.org/nz/legis/consol\\_act/lga2002182.pdf](https://nzlii.org/nz/legis/consol_act/lga2002182.pdf)

well-beings’ (social, economic, environmental and cultural wellbeing) to guide the decision-making and planning processes of local authorities. The Act fails to refer to wellbeing from a gender perspective, excluding the specific needs of men, women and people of diverse genders. The Act assumes that everyone is placed in similar situations, disregarding pre-existing inequalities based on gender roles. Participation in local decision-making is facilitated for Māori but fails to consider other groups that are disproportionately affected by disasters, including wāhine Māori. Emergency legislation, adopted under urgency in response to a disaster, has also lacked a gender-sensitive approach. These include the *Canterbury Earthquake Response and Recovery Act 2010*<sup>4</sup> (CERRA), the *Canterbury Earthquake Recovery Act 2011*<sup>5</sup> (CER Act), the *COVID-19 Public Health Response Act 2020*<sup>6</sup> as well as the *Severe Weather Emergency Legislation Act 2023*<sup>7</sup> and the *Severe Weather Emergency Recovery Legislation Act 2023*<sup>8</sup> after Cyclone Gabrielle. None of these Acts make any reference to gender or women. Alarming, this omission persists in the Emergency Management Bill (No.2)<sup>9</sup> introduced in December 2025 to reform the emergency management legislation and strengthen national disaster resilience.

As a result, New Zealand’s disaster laws currently fall short of meeting international commitments. The CEDAW Committee, in General Recommendation No. 28, called for a shift from gender-neutral to gender-specific legislation as pre-existing inequalities might not be addressed (CEDAW Committee 2010). The committee urged the New Zealand Government to prioritise the perspectives of Māori and ethnic minority women and girls (CEDAW Committee 2018b).

### ‘Soft disaster law’ pays lip service to gender

Soft law such as non-binding guidelines, principles and frameworks play an important role in shaping decisions and complementing binding legislation. In New Zealand, gender considerations are commonly included in disaster risk management soft law, more so than in hard law, but typically only at a surface level. These documents focus on inclusive language without embedding a thorough, systematic approach to address gender issues in planning and response. For example, the *Civil Defence National Disaster Resilience Strategy 2019* (MCDEM 2019) (National Strategy), which outlines the vision and long-term goals for civil defence emergency management, mentions ‘gender’ once within the context of disaster risks and vulnerability. It states that vulnerability includes social vulnerability which refers, inter alia to gender (MCDEM 2019, para. 3.1).<sup>10</sup> **Gender** issues are overlooked in the remainder of the strategy, including in efforts to reduce vulnerability and achieve equity through policies, plans and practices (MCDEM 2019, para. 3.6). The strategy acknowledges that specific groups disproportionately affected by disasters include Māori, Pasifika, people for whom English is not

a first language, people living with social and economic deprivation as well as people with disability, ill health or social or geographic isolation but fails to mention women or caregivers. Similarly, the strategy addresses the need to enhance the resilience of people disproportionately affected by disaster, including people with disability, children and youth, culturally and linguistically diverse communities and rural communities, but ignores women in all their diversities (MCDEM 2019, para. 4.4). While the strategy emphasises New Zealand’s commitment to the Sendai Framework, it overlooks the obligation to include a gender perspective in all legislation and policies (MCDEM 2019, p.15). No gender perspective is found in the 18 objectives designed to progress the strategy’s priorities.

The *National Civil Defence Emergency Management Plan 2015* (MCDEM 2015a) supports the implementation of the National Strategy by outlining operational details, roles and responsibilities. To achieve the strategic goals, the plan acknowledges risks, exposure and vulnerabilities before, during and after a disaster as well as the need to address them in policies and programs but does not take a specific gender lens (MCDEM 2015a, para. 88 (b)(ii) (e)). The plan also fails to take a gender approach when assigning responsibilities for welfare services to support individuals, families, whānau and communities responding to and recovering from emergencies (MCDEM 2015a, para. 62ff).

In the director’s guideline designed to provide guidance to disaster management groups and associated agencies responsible for welfare service during emergencies (MCDEM 2015b), gender is mentioned once. Section 5 introduces the welfare services sub-functions, stating that welfare services should take an inclusive approach and consider vulnerable and hard-to-reach communities when planning, including consideration of ‘gender’. This approach cannot be considered gender mainstreaming, particularly since gender is largely absent from the rest of the guidelines. For example, while the guidelines state that welfare services must contribute to ensuring that New Zealand meets its national and international human rights commitments, it only refers to age, disability and culturally and linguistically diverse communities (MCDEM 2015b,

4. *Canterbury Earthquake Response and Recovery Act 2010*, at [www.legislation.govt.nz/act/public/2010/0114/31.0/DLM3233004.html](http://www.legislation.govt.nz/act/public/2010/0114/31.0/DLM3233004.html).

5. *Canterbury Earthquake Recovery Act 2011*, at [www.legislation.govt.nz/act/public/2011/0012/latest/DLM3653522.html](http://www.legislation.govt.nz/act/public/2011/0012/latest/DLM3653522.html).

6. *Public Health Response Act 2020*, at [www.legislation.govt.nz/act/public/2020/0012/latest/LMS344134.html](http://www.legislation.govt.nz/act/public/2020/0012/latest/LMS344134.html).

7. *Severe Weather Emergency Recovery Legislation Act 2023*, at [www.legislation.govt.nz/act/public/2023/0004/latest/whole.html](http://www.legislation.govt.nz/act/public/2023/0004/latest/whole.html).

8. *Severe Weather Emergency Recovery Legislation Act 2023*, at [www.legislation.govt.nz/act/public/2023/0017/latest/LMS825610.html](http://www.legislation.govt.nz/act/public/2023/0017/latest/LMS825610.html).

9. Emergency Management Bill (No 2) 2025, at [www.legislation.govt.nz/bill/government/2025/0236/latest/whole.html](http://www.legislation.govt.nz/bill/government/2025/0236/latest/whole.html).

10. The paragraph states: *Vulnerability is the conditions which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards. (...) It also includes social vulnerability, which refers to damage to livelihood, social connections, gender and other factors that influence a community’s ability to respond to, cope with and recover from a disaster.*

para 5.2.2). Similarly, a long list of potential vulnerable groups is provided for consideration when assessing risks to psychological wellbeing and risk reduction planning, but it omits women in all their diversities, including pregnant women and mothers/caregivers with newborns (MCDEM 2015b, para. 10.3). The director's guideline provides an entire section dedicated to care and protection services for children and young people (MCDEM 2015b, section 9) but mostly only applies to unaccompanied children and overlooks the need of caregivers who are accompanied by their children. Positively, the director's guideline offers several benefits especially relevant for carers and women. For example, the guideline includes financial assistance for household goods and services (MCDEM 2015b, section 11) including infant feeding supplies (MCDEM 2015b, section 11.3f). Reference to shelter and accommodation for displaced people includes support mechanisms for school and early childhood centres (MCDEM 2015b, section 12.2). Nevertheless, the guideline omits emergency services for childcare during childcare centre and school closures. In addition, while these provisions refer to families and children, women as primary carers remain invisible.

### Gender equality law and its limited connection to disaster management

Disaster law frameworks pay limited attention to gender considerations and gender equality legislation likewise lacks provisions to adequately address the challenges arising in disaster contexts, particularly within the binding legal instruments. This mutual gap reflects a lack of integration and undermines efforts to advance equitable and effective disaster risk governance. For example, although the *Human Rights Act 1993*<sup>11</sup> prohibits sex discrimination, its general provisions offer limited guidance in disaster contexts. Likewise, various employment-related statutes address gender inequality but do not account for the distinct effects and disruptions caused by disasters. The *Equal Pay Amendment Act 2020* introduces a collective process to address systemic sex-based pay undervaluation and supports women's long-term resilience.<sup>12</sup> However, it lacks a forward-looking framework to guide response and recovery. From a care perspective, neither the *Oranga Tamariki Act 1989*<sup>13</sup> nor the *Care of Children Act 2004*<sup>14</sup> make explicit reference to disaster contexts, leaving the specific needs of parents and caregivers during emergencies largely unaddressed.

Soft law relating to gender equality tends to be nuanced, often acknowledging the intersection of gender, work and disaster response. However, a review of existing soft law reveals a fragmented set of policies that lack cohesion and fail to form a comprehensive framework to support gender equality through disaster risk management. For example, entitlements for caregiver's paid leave during disasters are inconsistent, depending on the nature of

the leave and eligibility for payment. While Employment New Zealand has issued disaster-specific guidance to assist employers and employees, these remain piecemeal and lack legal enforceability (Employment New Zealand 2024). In principle, during disasters, provisions within an employment agreement or workplace policy stay in effect. Thus, employees who care for a sick or injured partner or dependants can take their leave entitlements under the *Holidays Act 2003*<sup>15</sup> and any additional leave can be negotiated with the employer 'in good faith'. However, the guidelines fail to consider the scenario where a caregiver cannot work while schools or daycare centres are closed. In this situation, employers are under no obligation to provide for 'cyclone leave' for example. While entitlement to leave is covered under employment law, certain payments of leave during disasters are regulated by the Ministry of Social Development and provided by Work and Income (Ministry of Social Development n.d.). The Civil Defence Payment is assistance for people in financial hardship following a disaster. It would cover, for example, a caregiver who has agreed leave without pay with their employer or has lost their job to care for a child because of school closure due to a disaster (Ministry of Social Development n.d.).

Soft law in this area tends to be reactive, short-term, without a monitoring and evaluation system and vulnerable to shifts in political leadership. Several initiatives introduced under the New Zealand Government during 2020–23 have been sidelined or discontinued. For example, the Women's Employment Action Plan 2022, developed in response to the pandemic, aimed to tackle structural gender inequalities in the labour market, particularly affecting Māori women (Ministry for Women 2022a). By addressing these disparities, the plan supported preparedness and resilience. However, this approach was abandoned in the National Government's Employment Action Plan of August 2024 (MBIE 2024).

The Women's Equality Strategy is still in 'engagement version' (Ministry for Women 2023). It acknowledges the disproportionate effects of economic, social and environmental shocks such as pandemics and severe flooding on women, particularly those experiencing intersecting forms of discrimination and disadvantage (Ministry for Women 2023). It recognises women's essential

11. *Human Rights Act 1993*, at [www.legislation.govt.nz/act/public/1993/0082/latest/whole.html](http://www.legislation.govt.nz/act/public/1993/0082/latest/whole.html).

12. It should be noted that pay equity was amended under urgency by the *Equal Pay Amendment Act 2025*, which increasing the threshold for raising pay equity claims by requiring claims to have merit and by increasing the threshold for what qualifies as work that is predominantly performed by female employee.

13. *Oranga Tamariki Act 1989*, at [www.legislation.govt.nz/act/public/1989/0024/latest/dlm147088.html](http://www.legislation.govt.nz/act/public/1989/0024/latest/dlm147088.html).

14. *Care of Children Act 2004*, at [www.legislation.govt.nz/act/public/2004/0090/latest/DLM317233.html](http://www.legislation.govt.nz/act/public/2004/0090/latest/DLM317233.html).

15. *Holidays Act 2003*, at <https://legislation.govt.nz/act/public/2003/0129/latest/dlm236387.html>.

role in sustaining and rebuilding families and communities during periods of adversity and notes that climate change exacerbates existing inequalities. The strategy calls for efforts to strengthen resilience for those affected, particularly women. This involves addressing systemic discrimination and structural barriers pre-disasters to mitigate compounding effects. Strategy initiatives include provision of access to high-quality, accessible childcare as well as recognising and valuing unpaid caring responsibilities (Ministry for Women 2023). While the strategy provides a valuable insight into building resilience of women and identifies gaps and government tracking of its investment in women, a link of increased need for childcare and care during and after disasters is not made, nor other aspects relating to disaster response and recovery.

In 2019, an online tool 'Bringing Gender In' (Ministry for Women n.d.) was created to mainstream gender into policy processes. It provides examples of good practice, links to useful data sources and lists of non-government organisations that have expressed an interest in working with government agencies on women's issues. The online tool uses the Christchurch earthquake rebuild to illustrate the importance of applying a gendered perspective to all policies (Ministry for Women n.d.) and thus connects gender and disaster. This illustrates that, despite high labour demand during the rebuild, women's employment stagnated due to exclusion, not lack of interest. In response, the Canterbury Women in Construction Working Group was established to enhance women's participation through increased visibility and the incorporation of gender-sensitive monitoring and evaluation mechanisms. However, it remains unclear to what extent this analytical tool has been integrated into disaster risk management practices or whether its application and outcomes are subject to evaluation and oversight by policy makers.

Current gender equality strategies acknowledge the disproportionate effects of disasters on diverse groups of people, particularly women, but fail to translate this recognition into disaster risk management policies. There is no established legal or policy framework to guide emergency services or policy makers comprehensively before or after a disaster. Instead, new policies or strategies are created after each disaster, rather than applying lessons learnt to develop a proactive, pre-existing framework.

## Way forward: a strategy on disaster and gender

This analysis of Aotearoa New Zealand's laws and policies demonstrate the lack of a consistent link between disaster risk reduction and management frameworks and gender considerations as required and recommended under the international framework. Aotearoa New Zealand laws and policies fail to incorporate lessons learnt from

previous disasters. Currently, laws and policies lack a forward-looking, strategic framework to address the disproportionate effects of disasters on women. Using gender-neutral language in laws and policies or merely including gender terminology without using a differentiated approach, assumes that all people are equally situated without providing tools to address underlying inequalities. Thus, gender-neutral laws and policies can lead to different outcomes for disadvantaged groups and exacerbate pre-disaster inequalities, particularly around care and paid employment. It is argued that the New Zealand Government should develop a comprehensive, whole-of-government strategy that is forward-looking and gender-responsive and aligns with international legal obligations and commitments. Drawing on insights from past domestic disaster experiences, such a strategy would contribute to equitable and effective outcomes for women, men and non-binary individuals. Given the cross-cutting nature of disasters, it is imperative to foster policy coherence and institutional collaboration across sectors to bring about a genuinely gender-responsive approach (UNDRR and UNPFA 2024, action 11). Against this background, a number of recommendations are offered.

### Gender mainstreaming in all disaster laws, policies and programs

The disaster and gender strategy should include a review of existing legislation, policies and budgets to adopt a gender-specific rather than a gender-neutral approach (CEDAW Committee 2018b). Gender specialists should support the review process, with collaboration encouraged at national, regional and local levels involving the Ministry for Women, human rights institutions, women's organisations and other stakeholders. Intersectional issues should be considered for women facing multiple disadvantage in the planning, response and recovery process (National Women's Alliances 2020).

The Ministry for Women's tool, Bringing Gender In, offers a valuable foundation for the systematic integration of gender considerations into policy development and implementation. To support consistent application, it is essential to establish robust monitoring mechanisms. However, in light of potential capacity limitations within the Ministry for Women, a pragmatic approach may involve delegating responsibility for monitoring and evaluation to individual ministries or agencies, enabling them to tailor gender-responsive oversight mechanisms to their specific policy domains.

Care work should be valued and recognised in laws and policies. This requires investment in gender-responsive social protection systems that support women in all their diversity. This could include greater support for childcare, expanded paid parental leave and flexible working conditions for

caregivers, both in everyday circumstances and during disasters (UNCSW 2022; Ministry for Women 2022b).

*Crucially, a collective response is needed from the local to the national level to need new foundations of structural support and enabling infrastructure — from organisations and governments alike.*

Australia reMADE (2024)

Government strategies must acknowledge the long-term economic effects of increased voluntary and caregiving responsibilities on women and explore ways to keep women engaged in income-earning roles (National Women's Alliances 2020). Recognising the social and economic value of care work during and after disasters can take various forms, including acknowledgment through remuneration and awards for caregiving. Policies should prioritise maintaining formal childcare and respite services both during and after disasters. In the case of pandemics, schools and childcare facilities should be classified as essential services. If childcare centres and schools are unable to operate, additional post-disaster support measures could include temporary childcare provisions, such as a paid emergency community care system. To enhance job security, leave entitlements should be expanded for those with increased caregiving responsibilities (e.g. by incorporating disaster leave for carers into work and income guidelines).

Some of these recommendations have previously been proposed by the Australian National Women's Alliances (2020) and the National Center for Disaster Preparedness (2021). Leave provision could also be reviewed to apply in disaster situations and enable carers to combine work and care. Inspiration could be taken from the European Union's Work-life Balance Directive,<sup>16</sup> adopted in 2019, which establishes a right to 5 paid days for care leave per year as well as leave for force majeure.

Further, specific gender-responsive employment policies must be implemented in the recovery process (New Zealand Human Rights Commission 2012; CEDAW Committee 2012). The tool, Bringing Gender In, suggests that this could involve collecting data on women's employment after disasters, examining gender disparities in employment during recovery and introducing initiatives to boost women's workforce participation in the aftermath (Ministry for Women n.d.). An intersectional lens would consider specific initiatives for mature and older women (New Zealand Human Rights Commission 2012).

## Increase disaggregated data (sex, age, income, disability, ethnicity)

Additional efforts are needed to collect disaggregated data and better understand the effects across age, gender, ethnicity as well as other factors (New Zealand

Government 2023; CEDAW Committee 2012). To create evidence-based policies and programs, the collection of disaggregated risk reduction and risk management data must be incorporated into the mandates of agencies responsible for gathering, analysing disaster risk data and developing risk information (UNDRR and UNFPA 2024; UNCSW 2022). Gender-responsive indicators and monitoring systems must be developed (CEDAW Committee 2018a) and monitoring and evaluation of policies and practices must include gender disaggregation and analysis of gendered effects (New Zealand Human Rights Commission 2012).

## Meaningful participation and leadership of women in disaster risk reduction

Disaster response systems are often male-dominated (Pease 2024). To enable the meaningful participation of individuals of all genders, further research is required in the context of Aotearoa New Zealand. While women accounted for 80% of CDEM Group Welfare Managers in 2022, comprehensive data on gender representation across other roles remains limited. Although NEMA has taken a positive step with the *Diversity, Equity and Inclusion Plan 2024/25* (NEMA 2024), comparable efforts at the regional level are not evident. Adopting an intersectional and multi-stakeholder approach to disaster risk management can strengthen women's engagement in disaster recovery processes.

## Increase allocation of resources to advance gender equality

Gender-sensitive funding and budgeting are critical to ensure that resource allocation advances gender equality. However, developments in Aotearoa New Zealand suggest a regressive shift in government commitment to budgeting and women's rights more broadly. Although in 2023 the Treasury required government agencies to incorporate gender budgeting into policy proposals, no processes were implemented in the 2024 Budget. The 2024 Budget involved the rescoping and reduction of key gender-related initiatives, including decreased investment in the Bringing Gender In tool and reduced contributions to the Public Service Commission's Equal Pay Taskforce (New Zealand Human Rights Commission 2024; The Treasury 2024). In addition, the 2025 amendments to the *Equal Pay Act 1972*<sup>17</sup> (passed with urgency) have curtailed women's capacity to initiate pay equity claims and signals a diminished prioritisation of gender equality.

16. Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019, at <https://eur-lex.europa.eu/eli/dir/2019/1158/oj/eng>.

17. Equal Pay Amendment Act 2025, at [www.legislation.govt.nz/act/public/2025/0021/latest/LMS1436393.html](http://www.legislation.govt.nz/act/public/2025/0021/latest/LMS1436393.html).

## Cooperation of emergency management with gender experts

Collaboration between the emergency management sector, the Ministry for Women, human rights institutions, women’s organisations and other stakeholders is crucial to ensure that disaster policies and responses are inclusive and address the diverse needs, vulnerabilities and strengths of all genders (Parkinson et al. 2023a). Therefore, a gender and disaster strategy must establish formal cooperation mechanisms that integrate gender experts at every stage of emergency management.

### Gender training for policy makers and emergency services personnel

Effective gender training needs to be part of a broader strategy to reinforce institutional capacities for gender mainstreaming (Parkinson et al. 2023a). According to the International Training Centre of the ILO (n.d.), effective gender training can bring about change at 3 levels:

- rising awareness of the need to address gender inequality in policies
- enhancing knowledge of relevant international, national and institutional policies and laws that emphasise the importance of gender equality
- developing skills in the practical application of technical tools and guidelines to plan, implement and monitor gender-sensitive initiatives.

### Guidelines on gender and disaster for emergency services organisations

The overall strategy on disaster and gender could be supported by guidelines for emergency management personnel. Such guidelines were developed in Australia in 2021 for agencies (their employees and volunteers) involved in emergency management relief and recovery and for senior emergency management policy and decision makers (Parkinson et al. 2024a). Specific guidelines for emergency management will provide clear direction for emergency management personnel on gender-related actions and help prevent gender issues from being deprioritised during the 'tyranny of the urgent' in the post-disaster environment. Instead, gender aspects can be integrated into disaster planning, response and recovery without being diluted among other policy considerations (Parkinson et al. 2024b).

## Conclusion

Aotearoa New Zealand's gender-neutral approach to disaster risk reduction and risk management frameworks is failing to adequately support women and caregivers, as demonstrated by examining 3 national disasters of

the Canterbury earthquakes, the COVID-19 pandemic and Cyclone Gabrielle. It also contravenes international standards and obligations. To effectively address the effects of disasters on different genders, a national strategy on gender and disaster is crucial. The strategy must include gender mainstreaming in all disaster laws and policies, explicitly addressing care work and work disparities within disaster risk management frameworks. This needs to be supported by disaggregated data collection, financial backing, inclusive participation risk management and inter-institutional collaboration. The current Emergency Management Bill No 2 fails to address this issue. Urgent legal reform is needed to align disaster law with gender equality to improve disaster risk reduction for all people in Aotearoa New Zealand.

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### About the authors

**Dr Silke Clausing** is a Research Associate at the Institute of Law, Emergencies and Disasters at the University of Canterbury. Her work focuses on disasters and gender, and disaster law in the Pacific region. She has extensive experience in international development practice and has a background in rule of law, human rights and gender equality.

**Dr Annick Masselot** is a Professor of Law at the University of Canterbury. Her research interests focus on gender equality, social and employment law, work and family life, care work in a comparative context. She is an Associate Investigator in Te Hiranga Rū QuakeCoRE, the New Zealand Centre for Earthquake Resilience.