

**Employment Advocacy Project**

**Summary of Engagement Findings**

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**Introduction**

We are pleased to share the main findings from our online engagements carried out over Dec 24-Feb 25 facilitated by the Ringa Hora Workforce development council (WDC) project team. The purpose of the meetings was to provide industry and interested parties an opportunity to share their perspectives on the Employment Advocacy (EA) industry’s current challenges and explore potential solutions. The discussion focused on several key questions:

* What do you see as the biggest challenges currently facing the employment advocacy profession in New Zealand?
* What is your vision for the future of the employment advocacy profession in New Zealand, and what steps are needed to achieve it?
* How do you see the current pathway into employment advocacy? What was your career pathway into the profession (if applicable)?

This report summarises the key themes, the pros and cons of proposed solutions, and commentary on career pathways into the industry which were discussed in the session. All information below has been anonymised. These are not Ringa Hora views. These findings reflect what people have told us about current issues and possible solutions.

**Who have we heard from?**

Initial engagements involved online meetings with legal association bodies and legal professionals across New Zealand. We were privileged to engage with a range of people to hear from different perspectives about their experiences and views of Employment Advocacy. We arranged both generic and targeted opportunities to encourage wide, safe, and open contributions.

**Key themes identified**

All participants in the sessions affirmed that there are widespread issues with EAs. These areas included:

* **Inconsistent EA Practices**: The absence of a standardised code of ethics results in varied service quality across the industry.
* **Limited Checks and Balances**: A lack of regulatory oversight prevents accountability and allows poor practices to persist.
* **No Barrier to Entry**: There are no formal requirements for individuals to operate as EAs, leading to a range of competencies and ethical standards.
* **Over-Reliance on AI:** Some EAs use AI-generated reports, which may contain inaccuracies, compromising case integrity.
* **High Costs:** The industry lacks pricing transparency, leading to potentially exploitative costs for clients.
* **Professional Perception:** The EA profession is often viewed as less credible than traditional legal professions.
* **Mental Health Concerns:** EAs frequently work with vulnerable clients without sufficient support systems in place.
* **Cultural Sensitivity Issues:** A lack of understanding and respect for tikanga and pono leads to culturally insensitive practices.

A common phrase used by several participants was that EAs operate as ‘rogue’ or ‘cowboy’ practitioners, referencing the unpredictable and unqualified practices of EAs.

**Potential solutions**

From this discussion, two key potential solutions were raised:

1. an education approach, and
2. a regulatory/legislative approach.

Many stated that the two need to go hand-in-hand and that one alone might not be enough. Others emphasised that regulation was more important and would make more of an impact than an education approach. Others also stated the regulation approach would take too long and there needed to be more immediate action.

# In favour of a regulatory approach

There were many in favour of a regulatory approach. Many raised the lack of regulation as a key concern for the profession. They said there was no incentive for EAs to improve poor practice, stating that without enforcements this behaviour will not change.

* **Need for guidelines of practice, ethics or conduct**: There is demand for a quality framework to set and monitor professional standards, ensuring consistency across the industry. ELINZ does have a code of conduct, but this is not enforceable and sign up is voluntary. Many participants wanted people calling themselves EAs to have some kind of requirement to comply with to represent someone. These could include a requirement to be a registered EA, and stipulations on what licence, qualifications or experience this role requires.
* **Need for an independent overseeing body:** Currently there is no one to address complaints when bad practice is reported, nor a way to ‘strike off’ advocates with known poor practice. The only way to do so is to take someone to court, which is often a lengthy and expensive process. If someone who is a member of ELINZ is called out, they tend to just leave the organisation rather than stay (it has an opt-in membership), and this often has little to no negative impact on their career.
* **Benefits to the client:** there would be a better standard of service, more trust for the profession, less of an emotional impact for the client and more value for money (if standards were set, there would be a more justifiable and equitable charge/fee).
* **No win no fee approach:** could prevent exploitation.

# Concerns with a regulatory approach

Despite overwhelming support from participants for a regulatory approach, there were several concerns identified:

* **Length and difficult process:** there was concern that in the meantime, the industry needed immediate action. Some participants advocated for a qualification approach to address the issue in the meantime.
* **Needs government backing:** this process would need government support and funding to progress.
* **Opposition from existing EAs**: Participants noted that more experienced EAs who have been in the industry a long while may reject the need for more regulation.

# In favour of an education solution

The korero around a qualification approach was mostly positive, with most participants supporting the need for a qualification to address the extensive skills gap. This was seen by a few as essential to start the process for pursuing statutory requirements. These benefits of creating a qualification to support EAs were identified:

* **Upskilling opportunities:** Allows opportunity for EAs to upskill and provide reassurance to clients.
* **Interest in potential qualification:** Demonstrated demand for set of standards going forward.
* **Credentialising pathways:** Creating a qualification would promote a basic barrier to entry, potentially eliminating AI users and cowboys - entry criteria supported

There was discussion around what this qualification could look like:

* **Qualification structure and RPL:** Use Recognition of Prior Learning (RPL) to acknowledge existing expertise. Introduce mentorship and supervision programs to build practical experience.
* **Pastoral Support:** Provide wraparound services to support an advocate.
* **Skill Development:** Focus on technical (employment law, negotiation) and interpersonal (emotional intelligence, restorative justice) skills. Emphasise personal growth, unbiased decision-making, and values-driven advocacy.
* **Considerations for course structure:** Participants suggested a 2-year qualification with 6-8 papers, as well as an employment law advocacy – L5 and 6. Diploma of about 6 courses. Level 5 of about 3. Equivalent to first year of law school.
* **Role of ELINZ:** Several suggested that this qualification/product should be monitored by ELINZ.
* **Potential students:** Credential needs to work for mature students as many who become EAs enter from other career paths, so any qualification product would need to recognise and offset prior learning.

# Participants outlined current skills gaps observed:

* Understanding of ethics, litigation, legal system (including employment law, privacy, tenancy, commercial).
* Understanding of social and cultural needs to ensure tika and pono are embedded into the EA process.
* **Conflict resolution:** mediation and counselling
* **Interpersonal skills/emotional intelligence**: communication and interviewing
* **Other technical skills/understanding:** HR processes, report writing and risk.

# Concerns with an education solution

Whilst most participants were in support of an education solution, the primary concern was around uptake post-qualification development as some people within the industry may not be interested in upskilling or getting an accreditation if it is not required.

Other concerns include:

* The qualification might not recognise prior experience/those who already have a degree.
* The lack of demand/interest/incentive from those already operating within the field without a qualification.
* From a provider perspective, will providers pick it up if it doesn’t have sufficient interest
* How much will the qualification cost for EAs to take?
* Will a qualification make the industry seem less accessible for people to enter the profession?

**Where to from here?**

Ngā mihi nui ki a koutou. Thank you to everyone who has contributed to the Employment Advocacy project by generously sharing experiences and views.

We will use these insights to guide decisions for future development of credentials (qualification/standards) and wider workforce development initiatives, including the challenges and opportunities to be mindful of.

If you would like to discuss our findings further, or to get involved as the project progresses, please reach out to [qualifications@ringahora.nz](mailto:qualifications@ringahora.nz).

