



**The National Unpaid Carers Union and
Forum**

House of Commons Briefing Paper

**Implications of the 2025 New Zealand Supreme Court Ruling
on Family Carers as Employees**

**Prepared for: Ministers of State (Health and Social Care; Work
and Pensions; Women and Equalities)**

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Executive Summary

The 2025 New Zealand Supreme Court ruling established that family members providing high-intensity care to disabled adults under state-funded schemes may be legally recognised as **employees of the state**. This briefing outlines the relevance of the ruling to the United Kingdom, potential legal and policy implications, and options for ministerial consideration.

"Family carers perform work that is structured, supervised, and indispensable to the functioning of the state's disability support system." — *New Zealand Supreme Court, 2025*

Background

In December 2025, the New Zealand Supreme Court ruled that two family carers met the statutory definition of "homeworkers" and were therefore employees of the government. The Court held that their caring responsibilities constituted *work* and that the state benefited directly from their labour.

This is the first top-court ruling in a comparable common-law jurisdiction to recognise family care as employment.

Relevance to the United Kingdom

Legal Considerations

- UK courts frequently reference New Zealand and other Commonwealth jurisdictions when interpreting novel employment questions.
- The ruling challenges the UK's position that family care is "informal" and outside employment law.
- It may influence future UK litigation concerning:
 - Worker/employee status
 - Equality Act claims
 - Human Rights Act arguments

Policy Considerations

- The UK relies heavily on unpaid and underpaid family care, valued at over £160bn annually.
- The ruling highlights the structural dependence on family labour and the absence of employment protections.
- It may increase pressure to reform Carer's Allowance, direct payments, and overnight/on-call care arrangements.

Political Considerations

- The ruling provides a clear international comparator for Select Committees, devolved governments, and advocacy groups.
- It may prompt Parliamentary Questions and media scrutiny.

Risks and Opportunities

Risks

- **Legal:** Increased likelihood of challenges to the UK's classification of family carers.
- **Fiscal:** Potential long-term cost implications if employment rights were extended.
- **Political:** Risk of the UK being portrayed as lagging behind international standards.
- **Operational:** Pressure on local authorities and NHS Continuing Healthcare commissioning models.

Opportunities

- **Policy Modernisation:** Align social care policy with modern labour standards.
- **Workforce Stability:** Recognising carers could reduce shortages in the formal care sector.
- **Equality:** Supports gender equality commitments.
- **Leadership:** Opportunity to shape a UK-specific model of recognising family care.

Options for Ministers

Option A: Maintain Current Position

- No change to employment classification.
- Monitor international developments.

Option B: Commission a Cross-Government Review

- Joint DHSC/DWP/BEIS review of employment status of family carers.

Option C: Pilot a "Recognised Carer Worker" Model

- Limited-scope pilot granting employment-like protections.

Option D: Legislative Reform

- Amend employment or social care legislation to create a formal employment relationship.

Recommended Immediate Actions

- Commission legal advice on litigation risk.
- Prepare lines to take for Parliamentary and media queries.
- Engage with key stakeholders (Carers UK, National Unpaid Carers Union, ADASS, LGA).
- Monitor devolved government responses.

Conclusion

The New Zealand ruling represents a significant international development in the recognition of family care as work. While it does not alter UK law, it increases legal, political, and policy pressure to reassess the UK's approach. Ministers may wish to consider proactive steps to manage emerging risks and shape the narrative.