

**NEW ZEALAND (2000-2017)<sup>1</sup>**

***THE EFFECTIVE ABOLITION OF CHILD LABOUR***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<p><b>YES</b>, since the start of the Annual Reviews (ARs) in 2000. No change report for the 2003 AR.</p>
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<p><b>YES</b>, according to Government: Involvement of the Business New Zealand (BNZ) and the New Zealand Council of Trade Unions (NZCTU) (<i>Te Kauae Kaimahi</i>) through communication of Government's report.</p>
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<p><b>2017 AR:</b> Observations by BNZ  <b>2016 AR:</b> Observations by BNZ  <b>2014 AR:</b> Observations by BNZ  <b>2013 AR:</b> Observations by BNZ  <b>2012 AR:</b> Observations by BNZ  <b>2011 AR:</b> Observations by BNZ  <b>2010 AR:</b> Observations by BNZ  <b>2009 AR:</b> Observations by BNZ  <b>2008 AR:</b> Observations by BNZ  <b>2007 AR:</b> Observations by BNZ  <b>2006 AR:</b> Observations by BNZ  <b>2005 AR:</b> Observations by BNZ  <b>2004 AR:</b> Observations by BNZ  <b>2003 AR:</b> Observations by BNZ  <b>2002 AR:</b> Observations by BNZ  <b>2001 AR:</b> Observations by BNZ  <b>2000 AR:</b> Observations by BNZ</p>
	<b>Workers' organizations</b>	<p><b>2017 AR:</b> Observations by the NZCTU  <b>2016 AR:</b> Observations by the NZCTU  <b>2015 AR:</b> Observations by the NZCTU  <b>2014 AR:</b> Observations by the NZCTU  <b>2013 AR:</b> Observations by the NZCTU  <b>2011 AR:</b> Observations by the NZCTU  <b>2010 AR:</b> Observations by the NZCTU  <b>2009 AR:</b> Observations by the NZCTU  <b>2008 AR:</b> Observations by the NZCTU  <b>2007 AR:</b> Observations by the NZCTU  <b>2006 AR:</b> Observations by the NZCTU  <b>2005 AR:</b> Observations by the NZCTU  <b>2004 AR:</b> Observations by the NZCTU  <b>2003 AR:</b> Observations by the NZCTU  <b>2002 AR:</b> Observations by the NZCTU  <b>2001 AR:</b> Observations by the NZCTU  <b>2000 AR:</b> Observations by the NZCTU</p>

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention or possible cases that have been submitted to the ILO Committee on Freedom of Association, please see: <http://webfusion.ilo.org/public/db/standards/normes/libsynd>.

<p><b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>Ratification</b></p>	<p><b>Ratification status</b></p>	<p>New Zealand ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).</p>
		<p><b>Ratification intention</b></p>	<p><b>Ratification possibilities for C.138 will be considered after policy and research work and national evaluation of related issues.</b></p> <p><b>2017 AR:</b> The Government maintains its previously stated position on the Minimum Age Convention. It considers that although there is no single minimum age of employment, the current legislative and policy framework provides effective age thresholds for entry to work and for safe work. Rather than legislate for a single minimum age of employment, New Zealand has a range of protections and restrictions on young people’s work, mainly regulated by a combination of education and health and safety legislation. Children under the age of 16 are required to attend school and employers are explicitly prohibited from employing children under 16 during school hours or when it would interfere with their attendance at school. As noted in New Zealand’s previous country baseline update, the Health and Safety at Work Act 2015 came into force on 4 April 2016 with health and safety requirements applicable to all workers. Health and safety regulations set out additional duties for persons conducting a business or undertaking to ensure young persons under 15 years of age do not carry out certain types of hazardous work, such as logging and construction. Those regulations maintain the status quo from the previous regulations, transferring former requirements into the new regime, with only minor amendments necessary to fit with the terminology of the new Act. This related to the restrictions in place under the previous regime prohibiting people under 15 from being present at particularly hazardous workplaces and from undertaking specified work activities, and prohibiting people under 16 from undertaking night work except under specific conditions. There was also a change to fix a regulatory gap prohibiting the use of hazardous substances by young persons under 15. A range of submissions was received from stakeholders, and all were given due consideration by the Government before making its final decisions. Regulations outlining general duties relating to plant (i.e. vehicles and machinery) and structures are to be considered as part of the further phase of regulation development. Consideration of age-based requirements in relation to the operation of particular types of plant will form part of this work.</p> <p>NZCTU Comment: The government response provides no evidence for the position that “the current legislative and policy framework provides effective age thresholds for entry to work and for safe work”. It is impossible to verify this claim as government statistics do not adequately capture youth employment. This issue is discussed further below. In the NZCTU responses to New Zealand’s 2017 Article 22 reports on the Minimum Age Conventions C 59 (Industry) and C 10 (Agriculture),</p>

		<p>we raised the following concerns: • The continuing lack of adequate labour market statistics disaggregated by age to allow for monitoring of conditions for workers aged under 18. • The risk that the introduction of Communities of Online Learning (CoOLs) as a new category of compulsory education provider, without proper regulatory safeguards and against the objections of unions in the sector, will weaken monitoring and protection of children in employment to ensure work is not interfering with schooling. • The prevalence of injuries to children resulting from work on farms, where the Health and Safety in Employment Act allows children as young as 12 to operate heavy farm equipment and motor vehicles on farm land. The current permissive regime on child employment is failing to protect children from exploitation and work that causes harm to health, safety, wellbeing, and education.</p>
		<p>A 2010 report (Department of Labour. 2010. Schoolchildren in Paid Employment: A summary of research findings. <a href="http://www.mbie.govt.nz/publications-research/research/labour-market-and-skills/schoolchildren-in-paidemployment.pdf">http://www.mbie.govt.nz/publications-research/research/labour-market-and-skills/schoolchildren-in-paidemployment.pdf</a>) commissioned by the Department of Labour (now MBIE) investigated employment of school-age children and found: ‘Of concern, 6% of students are working more than 20 hours a week in their regular part-time jobs – a figure generally considered excessive and likely to impact negatively on subsequent educational outcomes.’<sup>1</sup> In addition, the report found that: ‘Injuries are a common and occasionally serious occurrence in school children’s workplaces, with one-sixth of secondary school students in part-time work reportedly being injured at work in the past year. While half of these injuries appear to be relatively minor, around a fifth were severe enough to warrant a visit to a medical professional or hospital. Some industries are more prone to injury and harm than others. For example, construction, agriculture and hospitality appear to be particularly risky industries for school children. Anderson’s 2010 study of child employment in New Zealand found ‘dangerous and illegal trends’ that ‘challenge the assumptions of the governments and regulatory authorities that children are ‘adequately’ protected by current legislation and practice.’<sup>3</sup> Those surveyed by Anderson who had worked as children reported a range of troubling employment practices, including substandard health and safety protection, sexual harassment, unsupervised work in sole-charge positions, and non-compliance with employment law, with 49% of those surveyed reporting working without a written contract. The New Zealand government should open consultations with unions and employers to establish a minimum age of employment at 16 years of age, subject to appropriate exemptions for work that does not interfere with the health, safety, wellbeing, and education of young people. This would allow for a more comprehensive approach to regulating child employment based around protection from harm, and would open the way to New Zealand ratifying the Convention. The Government has noted in this report that there is no single complete and</p>

		<p>comprehensive source of information on harm to young persons at work. However, we use three different sources of information to provide a more complete picture of work-related harm to children. As noted in this and the 2016 report, Government has been undertaking work to improve the accuracy and effectiveness of this data. The NZCTU has referred to comments they have made in New Zealand’s 2017 Article 22 reporting on C59 and C10, and the New Zealand Government refers the ILO to its responses set out in those reports. As part of its ongoing regulatory reform work programme, the Ministry of Business, Innovation and Employment will be further considering the current health and safety regulatory provisions relating to youth employment.</p>
		<p>BusinessNZ Comment: As the Government report explains, New Zealand does not have a minimum age for admission to employment – as Article 2.1 of the Minimum Age Convention requires – since specifying an age below which a young person cannot be employed is considered to be far too prescriptive, failing to take into account individual country circumstances. New Zealand’s minimum school leaving age of 16 - higher than the age required by Article 2.3 – effectively acts as a de facto minimum age for full-time employment while, as BusinessNZ has noted on many previous occasions, the gaining of early out of school hours work experience (on a casual or part-time basis) is seen as advantageous for young people subsequently seeking full-time employment (post-school or post tertiary study). A minimum employment age would prevent that from happening and by doing so would remove a useful element of the early learning process. BusinessNZ notes that on its website the ILO concedes that ‘not all work done by children should be classified as child labour that is to be targeted for elimination’ and, as indicated above, that is largely the situation in New Zealand. It is for this reason that BusinessNZ finds it difficult to understand why the Committee seems unable to acknowledge that New Zealand’s de facto age for full-time employment adequately meets Convention 138’s requirement for a minimum employment age.</p> <p><b>2016 AR:</b> The Government reported that it considers that even though there is no single minimum age of employment the current legislative and policy framework provides effective age thresholds for entry to work and for safe work, so that the objectives of the C.138 are effectively met. However, the Government continues to monitor the situation as to the potential for ratification. NZCTU reiterated the position it made in the 2013 Declaration report on this Convention and disagrees with the Government statement that “the existing policy and legislatively frameworks provide effective age thresholds for entry to work in general and for safe work”.</p>
		<p><b>2015 AR:</b> The Government reiterated its previous statement that given New Zealand’s consistent approach to children’s employment, existing policies and legislative framework already provide effective age thresholds for entry to work in general,</p>

		<p>and for safe work, and that the Government continues to monitor the situation.</p> <p>NZCTU position is that the Government should ratify C.138 given the Country's obligations under other international human rights treaties, and also that C.138 is a core Convention that ILO member States are expected to ratify.</p> <p><b>2014 AR:</b> The Government reported that given New Zealand's consistent approach to children's employment, existing policies and legislative framework already provide effective age thresholds for entry to work in general, and for safe work, and that the Government continues to monitor the situation.</p> <p>According to BNZ: BNZ supports the Government's view that New Zealand's existing policies and legislative framework already provide effective thresholds for entry to work in general and for safe work. As BNZ has said on many occasions, allowing young people to work during out-of-school hours has long been seen as a good way for them to acquire valuable labour market experience – experience both of the kind of jobs available in their area and that will stand them in good stead when later looking for full-time work. Given a choice of job candidates, an employer is far more likely to take on a young person with some understanding of the world of work (with, for example, established time-keeping skills) than one with no such understanding. The problem with C.138 is that it requires an actual age below which young persons cannot be in paid employment; an inflexible interpretation of the age requirement means New Zealand's de facto employment age is not recognised. New Zealand clearly observes the Convention's principles but owing to the Convention's prescriptive nature, not what might best be described as 'the letter of the law'.</p> <p>The NZCTU advocated for legislative measures to enable the ratification of C.138. While the scope of the problem is not clear, NZCTU believes that children are extremely vulnerable to exploitation in work. The lack of a minimum employment age hampers New Zealand's ability to ratify other ILO Conventions such as C.189 on Domestic Workers. The NZCTU does not agree with the Government's statement that "the existing policies and legislative framework provides effective thresholds for entry into work and safe work."</p>
		<p><b>2012-2013 ARs:</b> According to the Government: In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand is able to ratify C.138 until after the evaluation of material (policy and research) on the issues surrounding, and the prevalence of, children's employment in New Zealand.</p> <p>According to BNZ: As BNZ has repeatedly indicated, the employment of young people in New Zealand is seen as a good way to acquire valuable labour market experience which frequently provides them with a head start when later looking for full-time employment. New Zealand to date has not found itself able to ratify C.138 because the country does not (as the Convention requires it) have an actual age below which young persons cannot be in paid employment but rather a <i>de facto</i> age; which is</p>

		<p>16, the school leaving age. Young persons must attend school until they are 16 unless, in exceptional circumstances. A particular young person is permitted to leave school before turning 16. The kind of work in which young people in New Zealand engage is not ‘child labour’ in the sense that the ILO would understand that term. Should child labour in ILO terms be found to exist it would in no way be condoned. All children in the country are provided with a tax-payer funded education and required to attend school at both the primary and the secondary level.</p> <p>According to the NZCTU: It is common practice in New Zealand for children and young people to voluntarily seek their own employment or contract to gain work experience and to earn money of their own. New Zealand does not have an actual minimum age below which persons cannot be employed as long as it is not in school hours.</p> <p><b>2011 AR:</b> According to the Government: In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand is able to ratify C.138 until after the evaluation of material on the issues surrounding, and the prevalence of children’s employment in New Zealand. This policy and research work is underway.</p> <p>According to BNZ: BNZ has on many occasions explained why it is not appropriate for New Zealand to ratify C.138 given the prescriptive nature both of the Convention itself and of the approach to Convention compliance that the ILO is likely to take. New Zealand observes C.138 principles, but does not, for reasons previously stated, prescribe an actual age below which young people are denied any right to engage in paid employment.</p> <p><b>2010 AR:</b> According to the Government: After deferring consideration of ratification of C.138 in 2008, the Minister of Labour met with the Director-General of the ILO in June 2008 to discuss options for New Zealand’s compliance with this instrument within New Zealand’s current legislative and policy framework. A follow-up letter was concerning this issue was sent to the Director-General of the ILO. The 2008 General Observation by the Committee of Experts on the Application of Conventions and Recommendations on light work in relation to C.138 served as a useful clarification for New Zealand. In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand could ratify C.138 until after the evaluation of material on the issues surrounding, and the prevalence of, child labour in the country. This research is currently underway.</p>
		<p>According to BNZ: It is important to recall that in New Zealand the employment of young persons under the age of 18 has long been seen as a means of acquiring good work habits which stand them in good stead when later seeking permanent employment. For all such young persons, general health and safety laws apply – as well as some specific protections in certain areas – and exploitation of young workers is neither condoned nor a feature of the New Zealand labour market. It would be unfortunate for the ILO to assume that the</p>



		<p>kind of work undertaken by young people during out of school hours is in any way comparable to ‘child labour’ (or the worst forms of child labour) as these terms are commonly understood. For these reasons, BNZ is not able to support ratification of C.138 at present.</p> <p>The NZCTU supported the Government’s moves to ratify C.138, but indicated its preference for a clearer timeframe for action and more consultation on the current issue of child labour.</p> <p><b>2009 AR:</b> The Government, BNZ and NZCTU maintained their positions.</p> <p><b>2008 AR:</b> According to the Government: New Zealand’s policy is to ratify Conventions once the law, policy and practice fully comply with the provisions of the Convention. New Zealand wishes to reiterate that the process of assessing the possibility of ratifying C.138 includes an analysis of what legislative changes may be required with a view to ensuring full compliance with the provisions of this Convention.</p> <p>According to BNZ: As in previous years, BNZ continues to oppose the ratification of C.138 because it doubts that the Committee of Experts will accept a <i>de facto</i> minimum age for full-time employment. In New Zealand there is a perception that might contrast with the Committee’s. As both the Government and BNZ have explained, the employment of younger persons has traditionally been considered to benefit young people by teaching them valuable work skills and increasingly, with both parents employed, by ensuring that children are looked after in at least some of their out of school hours through gainful employment. (While out of school care is provided in New Zealand, young teenagers often consider themselves to be beyond care of this kind.) There would appear to be little to be achieved by ratifying a Convention, which would then open up New Zealand to a pointless challenge.</p> <p>According to the NZCTU: The NZCTU refers to New Zealand’s ratification of the UN Convention on the Rights of the Child (CRC) with reservation regarding article 32.2 of this instrument, and also the recommendation by the CRC Committee that the Government revise the legislation and set the minimum age for employment. The NZCTU further cites child advocates’ opinion that the Government should review examples of child employment legislation from countries with similar culture, such as the United Kingdom, and the Australian states of Queensland and Victoria. The NZCTU notes that although the Government has made some progress towards ratifying C.138, it has not yet developed draft legislation that would meet ILO standards for compliance.</p>
		<p><b>2007 AR:</b> According to the Government: New Zealand’s policy remains not to ratify any Convention unless law, policy and practice fully comply with the provisions of the Convention. New Zealand wishes to reiterate that it is still in the process of assessing whether or not it can ratify C.138. This process includes an analysis of what legislative changes may be required in order for New Zealand to be in full compliance with C.138. The</p>

			<p>New Zealand Department of Labour is developing a proposal describing possible reforms to New Zealand’s policy settings that might ensure full compliance of New Zealand law, practice and policy with the spirit of C.138. The Department will be working closely with the tripartite partners in the development of this proposal with the aim of achieving tripartite approval before the Governing Body meeting in November, which can then be discussed with ILO officials.</p> <p>According to BNZ: BNZ considers that New Zealand complies with C.138 by having a <i>de facto</i> minimum age, that is, a school leaving age of 16 that serves to prohibit the employment of children younger than 16 years during school hours. However, there is a perception that in order to comply with the Convention, the ILO requires an actual minimum and this perception is incompatible with BNZ’s view that employment at ages less than 16 can be beneficial for the young people concerned. Ratification on the ILO’s terms could not, therefore, be supported. Were ratification to occur, the absence of an actual age below which employment of any kind is prohibited would leave New Zealand open to a challenge of non-compliance with a ratified Convention. But providing for an actual age below which employment was not permissible would be contrary to a long-standing and accepted New Zealand practice of allowing a certain amount of out of school employment in the belief that acquiring early work experience is of considerable value to young people.</p>
	<p><b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b></p>	<p><b>Constitution</b></p>	<p><b>2006 AR:</b> According to the Government: New Zealand policy is not to ratify a Convention unless law, policy and practice fully comply with the provisions of the Convention.</p> <p>The NZCTU recommended ratification of C.138 by New Zealand.</p> <p><b>2002-2005 ARs:</b> The Government reported that it was assessing, in the context of reviewing its reservation to article 32(2) of the UN Convention on the Rights of the Child, whether a general minimum age would be the most appropriate protection against the exploitation of children in work. This work, once completed, would assist with determining whether New Zealand is able to ratify C.138.</p>



		<p><b>Policy, legislation and/or regulations</b></p>	<ul style="list-style-type: none"> <li>• <b>Policy:</b> <p><b>2012 AR:</b> According to the Government: Updates on national policy includes improving the knowledge base for policy development.</p> <p><b>2011 AR:</b> According to the Government: The existing policies and legislative framework already provide effective age thresholds for entry to work in general, and for safe work. As in the previous ARs: These policies and legislative framework include: (1) The Education Act 1989; (2) The Health and Safety in Employment Act 1992; (3) The Health and Safety Employment Regulations; (4) The Prostitution Reform Act 2003; (5) The Sale of Liquor Act 1989.</p> <p><b>2007 AR:</b> According to the NZCTU: The NZCTU notes the Government announcement of new policy initiatives including “the development of specialized trade academies, expanded opportunities for school-based apprenticeships and enhanced trade and technology-based learning opportunities”. As yet the NZCTU has received no detail on such proposals. The NZCTU would welcome the opportunity to work with the Government on developing these proposals to maximize their relevance and fairness to young workers.</p> </li> <li>• <b>Legislation:</b> <p>The Health and Safety Employment Regulations 1995 restrict people under the age of 15 from working in dangerous workplaces, and they restrict people under the age of 16 from night work.</p> <p>According to BNZ: The legislative provisions referred to by the Government under this heading are as effective as any arbitrary age for employment would be in providing protections for young people in employment.</p> <p><b>2016 AR:</b> The Government reported that the Health and Safety at Work Act 2015 came into force on 4 April 2016 and applies to all workers, regardless of age. The Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (at Part 4 - Young Persons at Workplace) set out the duties of a person conducting a business or undertaking to ensure young persons under 15 years of age do not carry out certain types of work (such as construction and forestry), perform harmful tasks involving hazardous substances, work at or with machinery, drive or ride upon certain vehicles, or carry out night work. Two public consultation processes were carried out during the development of these regulations, providing the opportunity for a closer examination of young people at work in New Zealand and a platform to explore areas of concern. One result was the identification that the previous regulations did not prohibit young people from undertaking work with hazardous substances. The Government sought feedback on taking reasonably practicable steps to ensure that a person under 15 years of age does not work in an area where hazardous substances are manufactured, used, or generated. Feedback confirmed support for the provision but that there needed to be some exceptions to allow young people to handle and sell small quantities of packaged hazardous substances (e.g. methylated spirits or turpentine) in retail</p> </li> </ul>
--	--	--	---

			<p>environments. The final regulations were refined based on that feedback. The submissions MBIE received from stakeholders on other issues facing young people in the workplace resulted in all other provisions relating to young people remaining the same, apart from small amendments necessary to align the regulations with the new Health and Safety at Work regime. The new regulations came into force at the same time as the new Act and are supported by guidance material.</p>
--	--	--	--

		<p>NZCTU stated that while there are measures that would need to be taken to ensure that New Zealand policies, legislation and practices are in compliance with this Convention, and therefore be able to ratify it, legal advice that the NZCTU received in 2007 confirmed that the changes are relatively straightforward and there is sufficient flexibility in C138 to accommodate the exceptions that New Zealand might seek. Ratification of this Minimum Age Convention is even more important now to ensure adequate protective measures for children in employment are in place given New Zealand's high rates of child poverty, the high levels of wage inequality and very low wage growth for low income workers over the last decade. High poverty levels and high income inequality increases the pressure on children to be in employment. It is critical given children's vulnerability in employment and the economic pressures on families to have strong safeguards around the employment of children. The research into the working experiences of New Zealand children's by Danae Anderson in 2010 found evidence that the current protective legislation is sufficient and that there is a general lack of regulatory enforcement and compliance. This research identified that children lack sufficient coverage in and knowledge of their health and safety and employment rights and as a result are extremely vulnerable to dangerous and/or illegal working conditions. The power imbalance in children's working relationships means their ability to affect and improve working conditions is constrained. Without the ratification of this ILO Convention we are concerned that there is insufficient effort being made to understand the scope and severity of the child labour problem and detailed data collection and study is not taking place. The 2010 Department of Labour summary of research findings of school children in paid employment confirmed the significant gaps in knowledge and data about school students' employment practices and experiences. During the consultation process for the development of the new Health and Safety at Work Regulations, the NZCTU raised the Government's non-compliance with restrictions on hazardous work for children (including setting the general age restriction for hazardous work to 15 year and failure to adequately regulate children's use of quad bikes and tractors). The Government ignored these submissions and has since been strongly criticised by the CEACR (see 2015 Comments on New Zealand's compliance with C182). Given this, it is unsustainable for the Government to continue to claim compliance with C138 in these reports. We have agreed with the Government to commence a review of these issues in the upcoming Hazardous Work Regulations review. In response to the comment of NZCTU, the Government stated that As noted in the Government's report, rather than legislate for a single minimum age of employment, New Zealand has a range of protections and restrictions on young people's work, mainly regulated by a combination of education and health and safety legislation. Children under the age of 16 are required to attend school and employers are explicitly prohibited from employing children under</p>
--	--	---

			<p>16 during school hours or when it would interfere with their attendance at school. There are also restrictions on hiring children under the age of 15 to do certain work such as logging, construction and manufacturing - or any other work that is likely to cause harm. Children enjoy the same protection under most of the legislation but there is no minimum wage currently for employees under the age of 16. The Government's proposal in 2014 in respect of regulations governing the work of young persons was to maintain the status quo and transfer existing requirements into the new regime, with only minor amendments necessary to fit with the terminology of the Act.</p>
--	--	--	--

		<p>This proposal related to the restrictions in place under the previous regime prohibiting people under 15 from being present at particularly hazardous workplaces and from undertaking specified work activities, and prohibiting people under 16 from undertaking night work except under specific conditions. The only proposal for change was to plug a regulatory gap prohibiting the use of hazardous substances by young persons under 15. A range of submissions was received from stakeholders, and all were given due consideration by the Government before making its final decisions. Regulations outlining general duties relating to plant (i.e. vehicles and machinery) and structures are to be considered as part of the second phase of regulation development. Consideration of age-based requirements in relation to the operation of particular types of plant can form part of this work. The Government does not claim compliance with Convention 138, given we are yet to ratify the Convention. As general policy, Conventions are not ratified until domestic law, policy and practice are in full compliance with the provisions of the Convention concerned.</p> <p><b>2014-2015 ARs:</b> The Government restated that New Zealand's existing policies and legislative framework which provide effective age thresholds for entry to work in general, and for safe work include the following: (i) The Education Act 1989 requires children to attend school until the age of 16 (with some limited exemptions, such as to attend alternative education or training), while employers are prohibited from employing children under 16 during school hours or when it would interfere with their attendance at school; (ii) The Health and Safety in Employment Act 1992 sets out duties to provide safe workplaces, and applies to all workers regardless of age. The Health and Safety Employment Regulations 1995 restricts people under the age of 15 from working in dangerous workplaces, and they restrict people under the age of 16 from night work; (iii) The Prostitution Reform Act 2003 prohibits people under the age of 18 from engaging in sex work. New Zealand Government takes the issue of underage prostitution very seriously. Police has included people trafficking in their Criminal Investigations Bureau (CIB) training module. This will help identify potential victims of underage prostitution. Police enquiries have not uncovered any evidence of underage prostitution; and (iv) The Sale of Liquor Act 1989 bans people under the age of 18 from selling liquor on licensed premises.</p> <p>NZCTU added that other restrictions apply to children and young people (for example there are restrictions on casino work for under-20s). There is a useful summary table here: <a href="http://www.dol.govt.nz/infozone/myfirstjob/parents/restrictions.asp">http://www.dol.govt.nz/infozone/myfirstjob/parents/restrictions.asp</a>. NZCTU stated that it does not believe that there is sufficient evidence for the government to claim that the age thresholds are appropriate and that children are subject to safe work. According to the latest available (2011) Injury Statistics</p>
--	--	--

			<p>(<a href="http://www.stats.govt.nz/browse_for_stats/health/injuries/InjuryStatistics_HOTP11.aspx">http://www.stats.govt.nz/browse_for_stats/health/injuries/InjuryStatistics_HOTP11.aspx</a>): work-related claims 15-24 year olds had significantly higher average annual workplace injury rates (116 claims per 1,000 FTE) than the general population (97 claims per 1,000 FTE). Data is not reported on under-15 year olds in that series.</p>
--	--	--	---

		<p><b>2009-2010 ARs:</b> According to the Government: These policies and legislative framework include:</p> <p>(i) The Employment Relations Act 2000, sections 65, 54 and 5 (written employment agreement: individual and collective agreements and trial period); (ii) The Education Act 1989 requires children to attend school until the age of 16 (with limited exemptions such as to attend alternative education or training), while employers are prohibited from employing children under 16 during school hours or when it would interfere with their attendance at school; (iii) The Health and Safety in Employment Act 1992 sets out duties to provide safe workplaces, and it applies to all workers regardless of age. The Health and Safety Employment Regulations 1995 restrict young people under age 15 from working in dangerous workplaces, and they restrict people under 16 from night work; (iv) The Prostitution Reform Act 2003 prohibits people under 18 from sex work; (v) The Sale of Liquor Act 1989 bans people under 18 from selling liquor in licensed premises; and (vi) The Health and Safety in Employment Regulations 1995 as amended in 2008: protection of young people from hazardous work and extension of age restrictions on hazardous work and night work.</p> <p><b>2008 AR:</b> According to the Government: Relevant legislation adopted since 2006 includes the Education Amendment Act 2006. The National Student Number (NSN) was introduced into Part 30, section 341, of the Education Act 1989. This amendment provides additional security for monitoring the attendance and achievement of New Zealand students. The Government mentioned that as of 1 April 2007, under the Minimum Wage Act 1983, the adult minimum wage (for employees aged 18 years and over) is \$11.25 per hour and the youth minimum wage (employees aged 16-17 years) is \$9.00 per hour.</p> <p><b>2006 AR:</b> According to the Government: It passed into law the Employment Relations Amendment Act 2004.</p> <p><b>2003 AR:</b> According to the Government: New Zealand's national legislation does not establish a general minimum age for admission to employment.</p>
		<p><b>Basic legal provisions</b></p> <p>(i) The Employment Relations Act 2000, sections 65,54 and 5 (written employment agreement: individual and collective agreements and 90-day trial period); (ii) The Education Act 1989; (iii) The Prostitution Reform Act 2003 (prohibition of people under the age of 18 from sex work); (iv) Holidays Act 1981; (v) Wages Protection Act 1983; (vi) Equal Pay Act 1972; (vii) Health and Safety in Employment Act 1992; (viii) The Health and Safety Employment Regulations 1995 (restrictions for people under the age of 15 from working in dangerous workplaces, and people under the age of 16 from night work); (ix) The Sale of Liquor Act 1989 (ban for people under the age of 18 from selling liquor on licensed premises; (x) the Explosives Act 1957; (xi) Guardianship Act 1968; (xii) Children, Young Persons and their Families Act 1989; (xiii) Summary Offences Act 1981; and</p>



			(xiv) Crimes Act 1961; (xv) the Gambling Act 2003 prohibits every person under 18 years who participates in “Class 4” gambling; the Sale and Supply of Alcohol Act 2012 prohibits people under the age of 20 from being appointed as a manager of any licensed premises.
		<b>Judicial decisions</b>	<b>NIL.</b>
<b>Exercise of the principle and right</b>	<b>Compulsory education</b>	<b>YES, the age of both boys and girls at the end of this period is 16 years (the Education Act 1989).</b>	
	<b>Minimum age</b>	<p><b>2008 AR:</b> The NZCTU view is as follows: While noting that there is a strong cultural and community acceptance in New Zealand of part-time and casual employment for many young people, there is a need for legislation that would be both consistent with the aims of UNCRC and C.138, but without unduly restricting the right of children and young people to earn their own money. The development of legislation restricting the employment of young people from 13 to 15 years to light work as described in article 7 of the C.138, and setting the standard minimum age of employment at 16 years for other work would appear to meet these aims.</p> <p><b>2000-2005 ARs:</b> According to the Government: New Zealand’s national legislation does not establish a general minimum age for admission to employment. The Government does not believe that all forms of child employment are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking.</p> <p>The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.</p>	
		<b>Worst Forms of Child Labour</b>	<b>C.182 is ratified.</b>
		<b>Special attention to particular situations</b>	<p><b>2013 AR:</b> The Government reiterated the statement it made under the 2011 AR.</p> <p><b>2012 AR:</b> According to the Government: Particular attention continues to be paid to young people working in farms. In November 2010, the Department launched a quad bike farm safety campaign. One of the four basic safety steps promoted was “Don’t let children ride adult quad bikes (over 90cc)”. The campaign is supported by information, and, from April 2011, has been broadened to include enforcement.</p> <p><b>2011 AR:</b> According to the Government: Particular attention has been paid to young people working in farms, as statistics show that New Zealand farmers and growers, and their families, suffer more accidents and illnesses in earning a living. Young people are especially at risk.</p>
		<b>Information/ Data collection</b>	<b>2016 AR:</b> The Government reported that government agencies publish age-based workplace

		<p><b>and dissemination</b></p>	<p>data used to monitor and improve workplaces on matters related to children and young people. The data is available at:</p> <ul style="list-style-type: none"> <li>▪ <a href="http://www.acc.co.nz/about-acc/statistics/injury-statistics/index.htm#">http://www.acc.co.nz/about-acc/statistics/injury-statistics/index.htm#</a></li> <li>▪ <a href="http://www.stats.govt.nz/browse_for_stats/health/injuries/info-releases.aspx">http://www.stats.govt.nz/browse_for_stats/health/injuries/info-releases.aspx</a></li> <li>▪ <a href="http://www.business.govt.nz/worksafe/research/health-and-safety-data/workplace-fatalities-by-age-group">http://www.business.govt.nz/worksafe/research/health-and-safety-data/workplace-fatalities-by-age-group</a></li> </ul> <ul style="list-style-type: none"> <li>▪ The number of accident compensation claims involving earners and workers aged 10-14 years indicates that not many children of this age were working and/or the work they did resulted in few injuries.</li> <li>▪ Accident Compensation Corporation (ACC) data for July 2014 – June 2015 indicated claims by 10-14 year old earners due to injury:             <ul style="list-style-type: none"> <li>- in commercial or service locations, or industrial places, were 4 compared to 8 claims the previous year, and</li> <li>- on farms, were 5 compared to 4 claims the previous year.</li> </ul> </li> <li>▪ ACC data for July 2014 – June 2015 indicated that claims by 10-14 year old workers due to injury:             <ul style="list-style-type: none"> <li>- in commercial or service locations, or industrial places, were 27 compared to 19 claims the previous year, and</li> <li>- on farms, were 5 compared to 6 claims the previous year.</li> </ul> </li> <li>▪ ACC data for July 2014 – June 2015, indicated no claims due to fatality by 10-14 year old earners or workers in commercial or service locations, industrial places, or on farms</li> </ul> <p>BNZ commented that the accuracy of the accident statistics attributable to young persons can be open to question. Currently an accident occurring in a workplace (farms are typical) will be designated a workplace accident whether or not the young (or any) person was employed or working there. Better segregation of accident data is needed, and this need has been made known to the government.</p> <p>NZCTU stated that it does not believe that the ACC data represents an adequate proxy for the number of children injured at work. New Zealand is poor at recording accurate workplace injury data so there are holes in any official statistics. We note that according to WorkSafe’s workplace fatalities data by age, between 2011-2016, 22 children aged 4-15 years were killed in workplace fatalities. Assuming a typical ratio of fatalities to injuries in workplace accidents this would suggest much higher injury figures than the ACC claim data above would suggest.</p> <p>In response to the comments of BNZ and NZCTU, the Government responded that WorkSafe Serious Harm notification numbers exclude those that are notifiable to other regulators (e.g. incidents on public roads, in the air, out at sea). Unlike ACC, WorkSafe’s data includes both workers and others who were not working but were injured as a result of someone else’s work activity, which includes children. Also, to enable better use of fatalities data for targeting WorkSafe’s efforts towards meeting the</p>
--	--	---------------------------------	---

		<p>injury reduction targets, over time improvements to WorkSafe New Zealand’s (WorkSafe) fatality review and notification record keeping process have taken place. In early 2014 a ‘Fatality Review Committee’ was set up. WorkSafe records potential workplace fatalities in the National Fatalities Register. The Fatalities Review Committee reviews all new and outstanding fatality records on a fortnightly basis. Consideration is given as to whether they meet the following criteria: whether the fatality occurred at a workplace, was related to a work activity, was associated with an external event (vs natural cause e.g. heart attack), and was within WorkSafe’s jurisdiction. Those that meet the criteria are recorded as a workplace fatality. Fatalities that do not meet the criteria are not reported as a workplace fatality, but the information is retained in the Fatalities Register for intelligence purposes. A further review took place in May 2016, where further changes were approved. This included standardising WorkSafe’s industry classification process to focus on the primary person conducting a business or undertaking’s (PCBU) industry (e.g. the employer’s industry where the victim is a worker), which will enable WorkSafe to calculate more accurate fatality rates for industries. This approach also appears to align with the approach recommended by the International Labour Organisation  <a href="http://www.ilo.org/safework/info/standards-and-instruments/codes/WCMS_107800/lang--en/index.htm">http://www.ilo.org/safework/info/standards-and-instruments/codes/WCMS_107800/lang--en/index.htm</a>.          WorkSafe’s further analysis of fatality data revealed that:</p> <ul style="list-style-type: none"> <li>▪ only 11 of the 22 previously recorded fatalities for the 2011-2016 period (calendar years to date) within the 14 and under age range were in fact work-related. In all 11 work-related fatalities in this age group, the victim was not themselves working at the time of the accident. Rather, they were a bystander to someone else’s work activity or in the vicinity of someone else’s workplace.</li> <li>▪ Of the 25 workplace fatalities within the 15 to 24 age range (calendar years to date), 21 were determined as carrying out a work activity. Of those, the age of victims ranged from 17 to 24 years old.</li> </ul> <p><b>2014-2015 ARs:</b> The Government indicated that it continues to provide information on matters related to children and young people and work with the aim of improving current practice. In this regard, the New Zealand Government is improving its information base through surveying school students. In 2012 the Youth2000 survey surveyed secondary school children from around 100 New Zealand schools and around 10,000 school students. It is running for the fourth time in 2013 (with results available mid-2014), and was previously run in 2001, 2007 and 2012. The Youth’12 survey offered representative and accurate information from young people in secondary schools throughout New Zealand about a wide range of risks and protective factors affecting young people. Youth’13 aims at</p>
--	--	--

		<p>getting as many school students as possible aged 13-18 to take part.</p> <p>NZCTU suggests that the Government should undertake a more systematic data collection and study of the issue of child labour in New Zealand. The Youth2000 survey mentioned in the Government's report collects useful data on student employment but it appears that this has not yet been analysed in detail.</p> <p><b>2013 AR:</b> According to the Government: The Government is improving its information base through surveying school students. The Youth2000 survey is surveying secondary school children from around 100 New Zealand schools and around 10,000 school students. The survey is intended to gain representative and accurate information from young people in secondary schools throughout New Zealand about a wide range of risks and protective factors affecting young people.</p>
		<p>According to the NZCTU: There is limited statistical information on which to assess the extent of under-age employment in industry in New Zealand. Official employments are only available in respect of people on age but not on a disaggregated basis. As a starting point, age coding could be combined with other information on tax databases for information about those young people whose tax payments on wages are deducted by employers. Moreover, the NZCTU mentioned findings of a research report of the department of labour: (i) The estimated number of secondary students in part time work is assessed at over 100,000. The report suggests that if children of intermediate and primary school age were included as well, the total number of school children could be significantly higher. (ii) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6 year olds working. (iii) 50 per cent of children do not have written employment agreements as required by law. (iv) 7 per cent of children under 16 years of age work between 10 pm and 6 am. This is currently illegal in the absence of an approved Code of Practice. (vi) No detailed Accident Compensation Corporation (ACC) statistics as to accidents and injuries suffered by child workers. The NZCTU recommends that the Government collect data for young workers in one or two year bands and also gathers information on young workers earning less than the minimum wages. The NZCTU considers it difficult to assess whether New Zealand employment practice complies with C.138 or not, due to a lack of data on children under the age of 15 years in the workforce and the aggregation of workers aged 15 to 19 years. Furthermore, the NZCTU indicated that a survey will produce more information; it is not a substitute for an effective system for collecting, collating, and analyzing statistical information on a regular basis about the prevalence and type of work undertaken by children and young people on a regular basis. The information needs to be collected consistently and evaluated over time for trends of work activities with work related injury and fatality rates.</p> <p><b>2012 AR:</b> According to the Government: The Government continues to take a strategic approach to information sharing and gathering about matters</p>

		<p>related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138.</p> <p><b>2011 AR:</b> According to the Government: The Government is taking a strategic approach to information sharing and gathering about matters related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138. The strategic approach involves: (i) Improving promotion on children and young peoples' employment rights, including through measures such as the new on-line resource <i>My First Job</i>; (ii) Improving the knowledge base for policy development. Work underway includes an analysis of existing research on School Children in Paid Employment, which draws on previously untapped information sources, official statistics, and published research. An output of this work is a report which outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information.</p>
--	--	---

		<p>This research is available at: <a href="http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf">http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf</a>; and (iii) Improving engagement with stakeholders. An ongoing process of involving stakeholders in an evaluation of the online resource will raise awareness, improve the content of the resource through insight into the target audiences' understanding and practice, and improve understanding of the impact of the current regulatory framework.</p> <p>According to the NZCTU: It has specifically sought collection and analysis of statistical information disaggregated by age on children and young people's participation in work. To date, statistical information on children's employment is still collected on a grouped, but not age disaggregated basis. The Action for Children in and Youth in AOTEAROA (ACYA) report to the United Nations Committee on the Right of the Child (UNCROC) is also accompanied by a number of working papers, including papers on Employment of Children and Child Poverty and Child Health. ACYA commented on O'Neil's research for the Department of Labour, noting: (i) the estimated number of secondary students in part time work is assessed at over 100,000. ACYA believes that if children of intermediate and primary school age were included as well, the total number of school children could be significantly higher; (ii) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6 year olds working; (iii) 50 per cent of children do not have written employment agreements as required by law; (iv) 7 per cent of children under 16 years of age work between 10 pm and 6 am. This is currently illegal in the absence of an approved Code of Practice; (v) only limited research findings on young children working as contractors and the possible harm they may incur; and (vi) no analysis of ACC statistics as to accidents and injuries suffered by child workers.</p> <p>Moreover: (1) The estimated number of secondary students in part time work is assessed at over 100,000. ACYA believes that if children of intermediate and primary school age were included as well, the total number of school children could be significantly higher. (2) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6 year olds working. (3) 50 per cent of children do not have written employment agreements as required by law. (4) 7 per cent of children under 16 years of age work between 10 pm and 6 am. This is currently illegal in the absence of an approved Code of Practice. (5) Only limited research findings on young children working as contractors and the possible harm they may incur. (6) No analysis of ACC statistics as to accidents and injuries suffered by child workers. ACC statistics on work-related injuries (in 2006) showed around 300 children under 15 years old visited their local doctor for a work injury. Accident compensation entitlements or rehabilitation assistance, such as physiotherapy subsidies, were paid to around 10 children under 9; around 15 children in the 10-14 age</p>
--	--	--

			bracket, and between 1,000-2,000 young people in the 15-19 age group.
--	--	--	---



		<p><b>2010 AR:</b> According to the Government: The Department of Labour has gathered information from its Contact Centre and inspectorates about what issues are being raised by young people (and those who make contact on behalf of young people). In 2009 the Department released the first in the National Monitoring Series of labour market reports on Youth Labour Market Outcomes. This provided a 5 year overview of trends for youth in education and employment. The change helps ensure that young people doing contract work have similar protection to young people working as permanent employees. The changes do not affect home occupiers engaging young people for domestic or gardening work in their own homes, and there is a special exemption allowing young contract workers aged 13 and over to use tractors for agricultural work provided they are fully trained or being trained. New policy initiatives that have been announced include the development of specialized trade academies, expanded opportunities for school-based apprenticeships and enhanced trade and technology-based learning opportunities. The Government has also announced its intention to accelerate the introduction of the Youth Guarantee Scheme. This will provide 16 and 17 year olds with an entitlement to free school-level education at a wider range of institutions, including schools, polytechnics, wānanga <sup>2</sup> and private training establishments or through apprenticeships.</p> <p>According to the NZCTU: The NZCTU agrees with the need to undertake additional research on young people in the workforce both as employees and as contractors. There is a general scarcity of information about the causes and situations of workplace injuries. The Department of Labour has received research indicating significant under-reporting of workplace accidents to young workers. There is also widespread under-reporting of accident compensation claims, particularly in the informal labour market where injuries may be attributed to non-work accidents as a way of the employer avoiding increased ACC premiums. The CTU believes that better information about the extent of children and young people working would help to quantify the highest areas of risk. Such information should be disaggregated and presented in individual year groupings to should which ages are most vulnerable.</p> <p><b>2008 AR:</b> According to the NZCTU: There is a need for better information on the extent of children’s and young people’s participation in the labour force. Noting the BNZ suggestion that New Zealand’s current laws and practices are broadly compliant with C138 through restricting employment of young people to that which does not interfere with their schooling, the NZCTU calls for better data on the numbers and ages of young workers, and the quantum of hours they work, to verify whether this assumption is accurate. As a starting point, age coding could be combined with other information on tax databases for information about those young people whose tax payments on wages are deducted</p>
--	--	---

			<p>by employers. The NZCTU recommends that the Government collect data for young workers in one or two year bands rather than grouped into five yearly bands (For example, to collect data on how many <i>eleven and twelve year old</i> children; how many <i>thirteen and fourteen year old</i> children; and how many <i>fifteen year old</i> children.) and also collect information on the hours they work (e.g. per week) to create a more substantive information base.</p>
--	--	--	--

		<p>The NZCTU considers it difficult to assess whether New Zealand employment practice complies with C.138 or not, due to a lack of data on children under the age of 15 years in the workforce and the aggregation of workers aged 15 to 19 years.</p> <p><b>2007 AR:</b> According to the Government: The Department of Labour has completed a review of its data collection methods. Although the reports developed using these new methods have not yet been released, they are not expected to affect the Department’s child labour information.</p> <p>According to the NZCTU: The NZCTU is pleased that the Government is taking steps to rectify the lack of disaggregated data. Data like Accident Compensation Cooperation (ACC) statistics give an indication that there are young people injured in the workplace but little other information is known.</p> <p><b>2006 AR:</b> According to the Government: The Department of Labour has recently tendered work to carry out a stock take on existing data collection methods. Data collection on child labour is covered by this project. The stock take will be completed next year and will be helpful to evaluate and improve data collection methods. The results of the exercise will be included in next year’s report.</p> <p><b>2005 AR:</b> According to the Government: The most recent survey in 2002 was taken from Auckland regional schools, and collected information on the rates of participation in work, rates of pay, nature of work, and extent of employment rights.</p> <p>An analysis of the Christchurch Health and Development Study data show that working while still at school does not have any significant effect (detrimental or beneficial) on academic performance.</p> <p><b>2002 AR:</b> According to the Government: It undertakes surveys that provide statistical information on the extent and/or nature of child labour; the results of surveys are presented separately by sex and by age (15-19 years).</p> <p>The Government undertook research into options for improving information on youth participation in the labour market.</p> <p><b>2001 AR:</b> According to the Government: A reporting process has been carried out in order to identify options for improving information on the working patterns of children under the age of 16 years, with a view to undertaking further study of the position of these children in the labour market.</p> <p><b>2000 AR:</b> According to the Government: The Occupational Safety and Health Service (OSH) database records workplace injuries and deaths that have been investigated by OSH.</p> <p>According to the NZCTU: The NZCTU and the Post Primary Teachers' Association had recently carried out a survey through high schools to look at young people in employment.</p>
	<p><b>Monitoring, enforcement and sanctions mechanisms</b></p>	<p><b>2016 AR:</b> The Government pointed out that MBIE’s Labour Inspectorate investigates and takes enforcement actions against exploitative breaches of labour standards - young people in work are treated as a priority focus in this.</p>

		<p>NZCTU commented that the extremely low numbers of labour inspectors in New Zealand add to the difficulties in checking on the problems and experiences of young people and children in employment. While we acknowledge that a few additional staff have recently been recruited it is far too little given the scale of the issues and New Zealand's number of labour inspectors relative to international comparisons. In response to this comment, the Government indicated that the number of labour inspectors has increased from 41 in 2014 to 57 in 2016, an increase of 39 percent. NZCTU further stated that the Labour Inspectorate protections are weakly enforced due to limited resources. They also only relate to children within the formal relationship. Research from Caritas in the early 2000s indicates a significant issue with children working as contractors (for example, as leaflet deliverers) for very little money and without job security. We call on the Government to step up efforts to protect this vulnerable group of workers and consider whether contractual relationships for child labour should be restricted to children of at least 13 years of age.</p> <p>BNZ indicated that New Zealand is not, in general, a country where the worst forms of child labour are to be found, although there might on occasions be instances of (illegal) child prostitution. Such activity is illegal, however criminal sanctions are not applied to the young person but to whoever encourages or profits from the activity. It is important not to confuse worst forms of child labour with the lawful work in which younger people more usually engage. The work most New Zealand young people do should not attract the 'worst forms' label simply because, for instance, it does not conform to international definitions of the minimum age for work.</p> <p><b>2013 AR:</b> According to the Government: The Operational Manual for the Ministry of Business, Innovation and Employment's (MBIE) Labour inspectorate was revised in November 2011. This followed legislative changes providing new enforcement tools for Labour inspectors. The operational manual provides guidance to inspectors when they are making complaint response decisions. For example, a complaint made by a young person will influence the decision to take direct intervention, as opposed to other options such as no further action or guided self-resolution.</p> <p><b>2011 AR:</b> According to the NZCTU: The review of the Approved Code of Practice (ACOP) for Youth (and children) working in the Entertainment Industry was conducted without direct advice to the NZCTU. The NZCTU subsequently requested additional submission time which was then given. The NZCTU understands the finalized Code will address many of the concerns that the NZCTU and other submitters raised over this Code, but this has not yet been released.</p> <p><b>2010 AR:</b> According to the NZCTU: While Government inspectors are able to respond to complaints, there does not appear to have been any increased vigilance in monitoring this sector in general. The NZCTU welcomed the legislative changes requiring rest and meal breaks, and extending health and safety in employment coverage to self-employed contractors. Many young people are employed as contractors in the distribution sector and there have been reports of unregulated and hazardous work in this sector. Legislation only has value if it is enforced.</p> <p><b>2008 AR:</b> The Government indicated that the New Zealand Department of Labour had established a Children's Employment Work Programme (CEWP) Advisory Group to oversee the children's employment work programme and any other issues relating to children's employment. The CEWP Advisory group replaced the Child Labour Officials Advisory Committee (CLOAC), which has been in abeyance since 2004. Moreover, it stated that the Advisory Group was in the process of finalising its terms of reference in consultation with tripartite partners and confirming the work programme for 2007/08.</p> <p>According to the NZCTU: As at February 2007, there had been nine people convicted of employing or using prostitutes under the age of 18 as provided by sections 20-23 of the Prostitution Reform Act. The NZCTU notes that the sentences given to those convicted of these</p>
--	--	--

		<p>offences appear lenient and unlikely to deter further abuse of under-age sex workers.</p> <p><b>2006 AR:</b> According to the Government: Although New Zealand does not have a minimum age for employment, the measures currently in force in New Zealand do contribute to the protection of children in employment.</p> <p><b>2003-2005 ARs:</b> According to the Government: Inspection/monitoring mechanisms, penal sanctions and special institutional machinery have been implemented to enforce Minimum Ages for employment.</p> <p><b>2002 AR:</b> According to the Government: Legal reforms had been implemented to realize the principle and right (PR), whereas inspection/monitoring mechanisms are envisaged.</p> <p><b>2000 AR:</b> According to the Government: The right to enforce an employment contract through the Employment Tribunal and Employment Court is available to all employees, including children.</p> <p>The Education Act is administered and enforced by the Ministry of Education. A fine of up to \$1,000 may be imposed in relation to a breach of any of the Education Act provisions.</p> <p>The Family Court also provides a formal resolution process and may make a range of orders to protect the child and support care and protection arrangements.</p>
	<p><b>Involvement of the social partners</b></p>	<p><b>2008 AR:</b> The NZCTU notes the Government replacement of the Child Labour Officials Advisory Committee (CLOAC) with a new body, the Children’s Employment Work Programme (CEWP) Advisory Group. CLOAC included representation by NZCTU. Consultation on NZCTU input to CEWP is continuing. The NZCTU understands from discussions with officials that CEWP will include C138 in its work agenda as well as work on C182.</p> <p><b>2002 AR:</b> According to the Government: The Government’s social partners, the NZCTU and NZEF, were being consulted on various issues including those relating to legal reform and inspection/monitoring mechanisms.</p>
	<p><b>Promotional activities</b></p>	<p><b>2017 AR:</b> According to the Government: the Ministry of Business, Innovation and Employment (MBIE) provides information for young employees, and for employers who hire young people or work in industries with young employees, including: a) via the website <a href="https://www.employment.govt.nz/starting-employment/rightsand-responsibilities/young-employees/">https://www.employment.govt.nz/starting-employment/rightsand-responsibilities/young-employees/</a> and b) through a new Young Workers Employee Rights and Protections leaflet, which was published in March 2017 and is to be distributed throughout New Zealand. MBIE’s Labour Inspectorate investigates and takes enforcement actions against exploitative breaches of labour standards – young people in work are treated as a priority focus in this. The Labour Inspectorate Strategy and its Enforcement Policy, ‘Ensuring Fair Workplaces,’ (developed in 2016) include a focus on preventing the exploitation of young workers. The Strategy recognises that young people, along with migrant workers, are potentially vulnerable workers. The Labour Inspectorate also proactively targets sectors where there is poor compliance with minimum employment standards, such as horticulture, hospitality, and dairy. These sectors are also more likely to employ young and migrant workers. With respect to the Government report’s reference to sectors where there is ‘poor compliance with minimum standards’, BusinessNZ commented that many young people who ‘work’ in some capacity or other in the agricultural sector will not be working as paid employees but rather will either be ‘bystanders’ or ‘helping out’ on the family farm.</p> <p><b>2016 AR:</b> The Government indicated that MBIE provides information via the website:  <a href="https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/young-employees/">https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/young-employees/</a></p> <p><b>2014-2015 ARs:</b> According to the Government: The former Department of Labour (now Ministry of Business, Innovation and Employment - MBIE) updated in 2011 its manual “Achieving Sustainable Compliance”</p>

		<p>which presents the Ministry’s policy on the enforcement of employment standards. The manual includes the policy guidelines used by labour inspectors. The manual is available at: <a href="http://www.dol.govt.nz/er/compliance-policy/2011CompliancePolicy.pdf">http://www.dol.govt.nz/er/compliance-policy/2011CompliancePolicy.pdf</a>. MBIE has an online resource which promotes the rights of children and young people in relation to work. The My First Job online resource combines information from across government departments relating to children and young persons and employment. It provides information on common issues young people experience in the workplace, and also has advice for parents, guardians, and employers. The webpage is available at: <a href="http://www.dol.govt.nz/infozone/myfirstjob/">http://www.dol.govt.nz/infozone/myfirstjob/</a>.</p> <p>According to BNZ: BNZ supports the Government’s statement but adds that the kind of work in which young people in New Zealand engage is not ‘child labour’ as the ILO would understand that term. Child labour in an ILO sense is not condoned and would be dealt with severely were it found to exist. All young people in New Zealand receive tax-payer funded primary and secondary education up to the age of 16 years and beyond that age if they choose to stay on at school.</p> <p>According to NZCTU: NZCTU believes that insufficient efforts are being made to understand the scope and severity of the child labour problem and that more detailed data collection and study is needed. NZCTU emphasized that the My First Job online resource is useful but not sufficient and that it has not been adequately updated (for example, it still refers to the new entrant’s minimum wage which was superseded by the starting-out wage in 2013). Much of the information appears to have been taken from the general employment information site (and in some instances children are directed straight to the adult site) and the language is often technical and therefore difficult to understand. Given clear research findings that children are unaware of their minimum health and safety and employment rights, the lack of proactive promotion and education around these rights is concerning. NZCTU notes that the Labour Inspectorate’s policy on enforcing labour standards involves a greater emphasis on employee self-help than previously.</p> <p><b>2013 AR:</b> According to the Government: MBIE has an online resource which promotes the right of children and young people in relation to work. The “<i>My first job</i>” online resource combines information from across government departments relating to children and young persons and employment. It provides information on common issues young people experience in the workplace, and also has advice for parents, guardians and employers.</p>
		<p><b>2012 AR:</b> According to the Government: (i) The final report on School Children in Paid Employment discussed in the 2010 Declaration report has been released. The report outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information. The research is available at: <a href="http://www.dol.govt.nz/publications/research/schoolchildren-in-paid-employment/schoolchildren-in-paid-employment.pdf">http://www.dol.govt.nz/publications/research/schoolchildren-in-paid-employment/schoolchildren-in-paid-employment.pdf</a>; (ii) The Labour Department also undertook research projects exploring user feedback on the <i>My First Job</i> online resource. The results showed that the site was easy to understand and navigate, and that the content was comprehensive. However, the participants did make a number of suggestions to increase the visual appeal and search-ability, and for further information that could be included. The Department is considering the suggestions to enhance the online resource; (iii) The Department of Labour continues to regularly update the online resource <i>My First Job</i>. The <i>My First Job</i> online resource was discussed in the 2010 Declaration report.</p> <p><b>2011 AR:</b> According to the Government: The Government is taking a strategic approach to information sharing and gathering about matters related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current</p>



		<p>practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138. The strategic approach involves: (i) Improving promotion on children and young peoples' employment rights, including through measures such as the new on-line resource <i>My First Job</i>; (ii) Improving the knowledge base for policy development. Work underway includes an analysis of existing research on School Children in Paid Employment, which draws on previously untapped information sources, official statistics, and published research. An output of this work is a report which outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information. This research is available at: <a href="http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf">http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf</a>; and (iii) Improving engagement with stakeholders. An ongoing process of involving stakeholders in an evaluation of the online resource will raise awareness, improve the content of the resource through insight into the target audiences' understanding and practice, and improve understanding of the impact of the current regulatory framework.</p> <p>According to the NZCTU: The NZCTU has contributed with affiliates to testing the material for <i>My First Job</i>. This is a valuable resource that should be developed further with links to relevant standards and other supporting information. The information should cover the situation of contractors and application of occupational health and safety (OHS) provisions for these workers, particularly in relation to delivery work.</p>
		<p><b>2010 AR:</b> The Government is in the process of developing an on-line toolkit on children employment rights and a framework for evaluating the toolkit's effectiveness. This work is targeted at further improving awareness and enforcing existing children employment rights, and at the same time gathering additional information on the matter to inform future policy development. The approach is intended to engage key players such as schools, unions, employers, child advocates and Department of Labour operational staff. The evaluation will provide a focal point for external advocacy, coordination across stakeholders and information collection. Resulting information and stakeholder engagement should provide a good base, in future, from which to assess the need for any policy or legislative developments to improve the protection of children in employment.</p> <p><b>2009 AR:</b> According to the Government: The Children's Employment Work Programme (CEWP) has been developed to ensure that children are not subject to exploitation in employment.</p> <p>Highlights of the CEWP include:</p> <ul style="list-style-type: none"> <li>• Raising awareness of regulations and rights with strategic campaigns, networking with youth publications and innovative ways of engaging young people. This has included a 'clock' heralding introduction of the minimum wage changes, a comic-style fact sheet, a radio song competition, fact sheets in Maori and Pacific languages, and an interactive forum on the <i>Tearaway</i> youth magazine website. Networking with schools, school publications and stakeholder groups has also taken place;</li> <li>• Monitoring children in work. In mid 2007 the Department released the first of its regular Youth Labour Market Outcomes reports for monitoring children's participation in work;</li> <li>• Data collection to improve children's ability to enforce their rights. The Department has gathered information from its Contact Centre and inspectorates about what issues are being raised by young people (and those who make contact on behalf of young people);</li> <li>• Approval was recently given to amend regulations to extend the age-based prohibitions on hazardous work to young people working as contractors, by placing duties on principals similar to those that already apply to employers. Regulatory changes are expected to be made and in force in early 2009.</li> </ul>



		<p>The NZCTU and affiliate unions visit schools and provide young people with information about joining unions, and about young workers' rights in employment and in the workplace.</p>
		<p><b>2008 AR:</b> The Government indicated that the Department continues to provide presentations to educational providers and training institutes on workplace employment relations and health and safety fundamentals that are specific to youth workers.</p> <p>Information on youth employment rights is available on the Department's website at <a href="http://www.ers.govt.nz/factsheets/employingchildren.html">http://www.ers.govt.nz/factsheets/employingchildren.html</a> and <a href="http://www.ers.govt.nz/factsheets/youngemployee.html">http://www.ers.govt.nz/factsheets/youngemployee.html</a>.</p> <p>The BNZ indicated that its regional employers' associations continue to make employers aware of the rights of young people they employ.</p> <p><b>2007 AR:</b> According to the Government: (i) The Department continues to attend the Coca-Cola Careers Expo where it distributes information targeted at informing young people about their employment rights. The information included wallet sized 'know your rights' sheets; and (ii) information on youth employment rights is available on the Department's website at <a href="http://www.ers.govt.nz/factsheets/employingchildren.html">http://www.ers.govt.nz/factsheets/employingchildren.html</a> and <a href="http://www.ers.govt.nz/factsheets/youngemployee.html">http://www.ers.govt.nz/factsheets/youngemployee.html</a>.</p> <p>According to BNZ: BNZ prepares information for its regional associations on employer obligations under relevant employment legislation, including health and safety legislation. Its regional associations distribute this and other material to their direct employer members and are also active in the presentation of seminar material where employers are made aware of their obligations to all persons they employ, including anyone under the age of 16.</p> <p><b>2006 AR:</b> The Government continues to carry out a work programme designed to improve knowledge of existing protections for children at work. As part of this programme, the Government has generated promotional material specifically for young employees to learn their employment rights and obligations. These materials, known as 'wallet cards' and pamphlets have been distributed by employees of New Zealand's Department of Labour at various careers exhibitions throughout the country. These exhibitions are attended by young people curious about their future career options after leaving school. The Department of Labour found that the materials were well received by the young people in attendance.</p> <p><b>2003 AR:</b> According to the Government: The IPEC Programme was to take the form of a Sub-Regional Training Workshop on Ratification/Implementation and Reporting on C.138. The Department of Labour had also taken an active role in promoting awareness. Mediators had undertaken 610 seminars, talks or visits on problem resolution services and other employment related topics. Information officers and labour inspectors had conducted approximately 400 talks or seminars about employment rights and obligations with high schools, tertiary providers, Citizens Advice Bureaus, industry training providers, workplaces, community representatives and employers.</p> <p><b>2002 AR:</b> According to the Government: Awareness/raising activities were envisaged to realize the PR.</p> <p><b>2001 AR:</b> According to the Government: The Human Rights Commission undertakes promotional activities in relation to discrimination, and was shortly to run a public education campaign on sexual harassment, which would include sexual harassment of young people in the workplace.</p>
	<p><b>Special initiatives/ Progress</b></p>	<p><b>2011 AR:</b> According to the Government: The Department of Labour has developed a new online resource which promotes the rights of children and young people in relation to work. The <i>My First Job</i> online resource combines information from across government departments relating to children and young persons and employment. It provides information on common issues young people experience in the workplace, and also has</p>

		<p>advice for parents, guardians, and employers. This will be regularly updated to ensure it remains current.</p> <p><b>2009 AR:</b> NZCTU reports Government’s initiatives that include: (i) Education and Training initiatives; (ii) Income and Improvements; (iii) Improvements in work conditions and status, and information about worker rights.</p> <p><b>2008 AR:</b> The New Zealand Department of Labour has developed a proposal of potential policy options that may ensure full compliance of New Zealand law, practice and policy with the spirit of C.138. The Department of Labour has been engaged in a longstanding process of discussion with the ILO regarding compatibility of its law, policy, and practice with C.138. In April 2007 the Minister of Labour sent the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations a letter outlining New Zealand’s law, policy, and practice and requesting the Committee issue a general comment on application of the Convention. Officials are currently waiting for a response to this letter.</p> <p><b>2005 AR:</b> According to the Government: A number of government initiatives have been developed to provide improved financial assistance and social services to families and also improve health and education outcomes for clients of the Department of Child, Youth and Family Services:</p> <ul style="list-style-type: none"> <li>– The Blueprint Investment Strategy Phase 1 was undertaken to improve health and education services for Department of Child, Youth and Family Services (CYF) clients.</li> <li>– Student Aides: This initiative provides support to maintain CYF clients’ attendance, engagement and achievement in mainstream schools through the provision of one-to-one Student Aides in the classroom and, if necessary, in the playground.</li> <li>– The Government is also currently carrying out a work programme to improve knowledge of existing protections for children at work, compliance with children’s employment rights, and detection of exploitation when it does occur.</li> <li>– At international level, the Government expresses its intention to renew its assistance to other States and international organizations to combat child labour.</li> </ul>
<p><b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers’ organizations</b></p> <p><b>2011 AR:</b> According to BNZ: It is important for young people to continue to be able to acquire early experience of paid employment since this is a real help to them when looking for a permanent job. New Zealand is not alone in having a relatively high rate of youth unemployment and a young person with previous experience as a reliable employee will have a head start when it comes to finding work.</p> <p><b>2010 AR:</b> According to BNZ: Regarding the Government’s comment that with the continuing economic recession some young people may be more vulnerable to exploitation, BNZ has its own concerns that the removal of the youth minimum rate and its replacement by a new entrants’ rate of limited application has, perhaps unwittingly, contributed to the current high rate of youth unemployment.</p> <p>While government activity to inform young people of their employment rights and obligations is useful, there seems to be less recognition of the part out of school employment can play in helping students of school age achieve the core competencies set out in the new New Zealand school curriculum.</p> <p><b>2008 AR:</b> According to BNZ: BNZ is concerned about the NZCTU’s comments on child poverty which have little if anything to do with the question of whether or not there is an actual minimum age for employment in New Zealand. As BNZ said in 2006,</p>

		<p>if some children work because of necessity that is not something that would be cured by having an age below which no child could work. It is also the case that while (as the NZCTU recommends) the minimum wage has been increasing, it may be that these increases are having an entirely opposite effect to that intended, keeping beneficiaries in their poverty trap because productivity levels do not reflect the wage payable. With regard to accidents to young people (referred to under the heading 'Exercise of the principle and the right') it needs to be recognized that 'workplace accidents' include such things as drowning in public swimming pools (classified as workplaces although the young person involved was not 'at work') and accidents to children on farms (where the children involved were similarly not 'at work'), which, while not acceptable, very much reflect the amount of farming activity occurring in this country and in no way equating to the lack of an actual minimum age for employment.</p> <p><b>2007 AR:</b> According to BNZ: There may be some involvement of young persons in prostitution but that is not related to the lack of a minimum age for employment. The provision of commercial sexual service under the age of 18 years is legally prohibited and anyone in receipt of such services, encouraging their provision or profiting from their provision can be subject to a maximum of 7 years' imprisonment. Most young people work to build up their own financial resources or in order to acquire non-essential items that parents may not feel obliged to provide. If there are young persons who work due to household necessity, this is not a situation which a minimum employment age can cure.</p> <p>BNZ agrees with the Government that not all forms of child employment are harmful but instead are socially desirable.</p>
		<p><b>2004-2005 ARs:</b> BNZ supported the Government's view that all forms of child employment were not harmful.</p> <p><b>2002-2003 ARs:</b> According to BNZ: Minimum age for employment would cause problems for many small shop-keepers; other child employees likely to be affected are those who earn pocket money from delivering newspapers, circulars, etc.</p>
	<p><b>Workers' organizations</b></p>	<p><b>2015 AR:</b> According to NZCTU: The extremely low numbers of labour inspectors in New Zealand add to the difficulties in checking on the problems and experiences of young people and children in employment. While NZCTU acknowledges that a few additional staff have recently been recruited it is far too little given the scale of the issues and New Zealand's number of labour inspectors on international comparisons. There are also some specific issues about children and employment that are of a societal nature requiring dedicated resources for labour inspectors working with children and young people to ensure their employment rights are protected.</p> <p><b>2013 AR:</b> According to the NZCTU: Young people in rural parts of New Zealand are accustomed to helping on local farms, but there is still a high rate of farm-based accidents caused by the use of farm</p>

		<p>vehicles including ATVs and tractors by people under the age of 15.</p> <p><b>2011 AR:</b> According to NZCTU: Some children and young people have had negative experiences of work in New Zealand. Others have found their work experience beneficial and have appreciated the opportunity to earn their own money and improve their skills for future career choices. There is still a lack of regulation and minimum standards for employment of children and young people. Child poverty increases the risk of exploitation through low wages and at risk through work practices or conditions for which they receive little training or safety protection. Youth employment is a major issue in New Zealand. The unemployment rate for youth was 17.6 per cent for the year to June 2010, well above the annual average rate for all persons of 6.64 per cent. Youth have experienced substantial job losses during the recession, with some continuing to look for work, some returning to study, and others leaving the labour market altogether. In the June 2010 quarter, the number of unemployed youth aged 15-19 years was 37,800. Finally, the NZCTU is still concerned about an exemption for the use of tractors by Children and young people in rural parts of New Zealand who are accustomed to helping on local farms, including driving tractors and ATVs (all-inclusive guided squads), and working with animals.</p> <p><b>2010 AR:</b> According to the NZCTU: While the Government website has some information about the recent changes, the information is not easily located and would be difficult for many employers or young contract workers to find. The NZCTU does not know whether additional material has been sent to principal contractors, particularly in the distribution sector. The information available to young people on the website does not cover many risk situations that they may face. The NZCTU recommends that the Government prepare additional fact sheets to cover this area. The NZCTU is prepared to assist with feedback on information material. Moreover, the NZCTU notes with some concern the exemption for the use of tractors by children in the Government guide on “Youth Age Restrictions on Dangerous Work”.</p>
		<p>“There is an exemption for young people over the age of 12 doing agricultural work as contractors allowing you to drive or ride tractors, but only if you've been fully trained or are being trained.”</p> <p><a href="http://www.osh.govt.nz/publications/factsheets/youth-age-restrictions.html">http://www.osh.govt.nz/publications/factsheets/youth-age-restrictions.html</a> The NZCTU is unsure who would assess the adequacy of training in the use of a tractor for these young workers. While the NZCTU acknowledges that young people in rural parts of New Zealand are accustomed to helping on local farms, there is still a high rate of farm based accidents involving tractors and similar equipment and young people are more at risk. The NZCTU suggests that standards of training and assessment should be specified. Furthermore, the NZCTU notes that rising unemployment is encouraging young people to seek further training or education as an alternative to joblessness. But the funding caps on tertiary education institutes and lack of increased</p>

		<p>funding means that some young people will miss out on such opportunities. There are also concerns that a number of apprenticeships will be interrupted as some employers close down or reduce their businesses. There is insufficient planning to accommodate the need to transfer apprenticeships in such situations. There are estimated to be over 2,000 apprentices in the building and construction sector alone who have lost their jobs. The industry and individual employers are working to support these apprentices but there does not appear to be any cohesive Government plan of support or options for apprentices who lose jobs and whose training is interrupted.</p> <p>Amongst the programmes that were cut are the “<i>Innovations Pool for Students At Risk</i>,” and Adult and Community Education (ACE), which funds most night classes for adult recreational and skills education. ACE frequently provides a transition to other education for people who have not completed formal education. There are also cuts to tertiary education including vocational training. These reductions are likely to reduce the accessibility of training and education options for young people. The Government has announced changes to the Immigration Act to enable children illegally in New Zealand to have an application made for a Limited Purpose Permit in order to access publicly funded education, i.e. primary and secondary education at a state school. Currently such children may not be registered at a publicly funded school. In some cases the illegal status is a temporary situation while immigration documentation is completed. This change is a positive move but will need more support to enable young people to participate. The CTU also notes the Government has announced its “intention to accelerate the introduction of the Youth Guarantee Scheme (to) provide 16 and 17 year olds with an entitlement to free school-level education at a wider range of institutions, including schools, polytechnics, wānanga and private training establishments or through apprenticeships”. While the NZCTU welcomes the prospect of more education opportunities for young people, it is concerned there may not be adequate institutional resourcing to support such an extension. Unless funding caps are lifted or additional resources found for tertiary education institutes, the education sector may find it difficult to accommodate additional students.</p>
		<p><b>2009 AR:</b> For NZCTU; Health and Safety in Employment is still a serious area of concern.</p> <p><b>2008 AR:</b> According to the NZTCU: <i>Child Poverty</i>. Research by social justice agency Caritas showed that child poverty in New Zealand leads some children and young people to take up excessive and unsafe work. The NZCTU endorses Caritas’s concern over this problem. Other research by the Ministry of Social Development shows the Government’s Working for Families Programme has reduced the number of families with a working adult facing poverty in 2007. But child advocate agencies report that many beneficiary families are living in poverty. The poorest families are those headed by a sole parent. Children and teenagers from poor</p>

		<p>families are likely to seek money either for themselves or to help support their family through paid work, regardless of the safety or appropriateness of that work. Child advocates have recommended to the Government that the Working for Families package be simplified to apply to all families with children, and to include those families on a benefit.</p> <p><b>2007 AR:</b> According to the NZTCU: <i>Child Poverty</i>. Since the 2004 and 2005 reports, there have been both improvements and worsening situations in New Zealand in family poverty from low income through low wages, or through unemployment or health care and reliance on a Government benefit. The recent release by the Ministry of Social Development of the New Zealand “Living Standards 2004: An Overview shows that 8 per cent of the population are categorized as living in “severe hardship”, an increase from 5 per cent in the 2000 reporting period. The proportion of children in severe and significant hardship has risen from 18 per cent to 26 per cent since 2000. See <a href="http://www.msd.govt.nz/work-areas/social-research/living-standards/index.html">http://www.msd.govt.nz/work-areas/social-research/living-standards/index.html</a> for report. Government agencies are confident that the Government’s Working for Families Budget package is having a positive impact on those low income working families who are receiving the additional financial assistance. Other cost alleviation measures like subsidized medical assistance are also proving helpful. Non-governmental community agencies report, however, that two sectors of their clients are worse off. These are beneficiaries living with children, and beneficiaries who are non-custodial parents.</p>
		<p>The latter group suffers a reduction in income from deduction of child support payments, and may additionally be paying voluntary contributions directly to their children or former partner. Benefits rates have been reduced from 1 April 2006 as part of Government reform of the benefit system. While those already on a benefit did not get a reduction, new applicants for a benefit are paid at a lower level. With increases in costs of electricity, housing, food and other basics there is a commensurate increase in effective poverty. Child poverty is a motivating factor in children and young people choosing to work, even for very low wages. Many social commentators support an increase in the minimum wage as one step towards addressing poverty. Other commentators focus on measures to help adults off a benefit and into work. In general, the NZCTU supports training and skill development initiatives that will enable adult workers to take up well paid, meaningful work. Community agencies working directly with those on benefits recommend increases in the amount of financial assistance given, with more attention given to actual costs, and a quicker response where circumstances change. The NZCTU sees the benefit system as a temporary safety net for most recipients, and supports measures to ensure that children are not subjected to severe hardship or poverty during the time they are dependent on Government assistance.</p>



		<p><i>Need for Better Data.</i> The NZCTU is pleased that the Government is taking steps to rectify the lack of disaggregated data. Data like Accident Compensation Cooperation (ACC) statistics give an indication that there are young people injured in the workplace but little other information is known.</p> <p><b>2006 AR:</b> According to the NZTCU: The collection of labour statistics needs to be improved to include the collection of disaggregated information relating to the employment and conditions of children and young people, among others.</p> <p><b>2005 AR:</b> According to the NZTCU: (i) few statistics are collected about the work activities of child and youth workers; few health and safety guidelines and codes of practice specifically for young people; (ii) students from lower socio-economic and younger age group are more likely to be working to supplement the family income; (iii) 57 per cent of young prostitutes were known to have come from poor or very poor families.</p> <p><b>2002-2003 ARs:</b> The NZCTU noted the inadequacy of current information on youth participation in the labour market. It also indicated that children of school-going age should not be in a situation where they need to work in order to support themselves or others financially.</p> <p><b>2000 AR:</b> The NZCTU raised the following observations: (i) the failure of the New Zealand Government to ratify C.138 shows a failure to recognize the principle of the effective abolition of child labour; (ii) the New Zealand Household Labour Force Survey does not cover children under 15 years old; and (iii) the Labour Inspectorate is now operated primarily as an information service with a very low number of inspectors.</p>
	<p><b>According to the Government</b></p>	<p><b>2017 AR:</b> According to the Government: one challenge has been to ensure relevant groups receive information on rights and obligations in respect of young workers. As noted above, MBIE provides a range of resources including through its online and print media, and the contact centre which is accessible to non-English speakers through a free interpreting service. The other challenge is that there is no single complete and comprehensive source of information on harm to young persons at work. However, the Government commonly uses three different sources of data to provide a more complete picture, namely ACC claims data (Work-related fatality and injury claims under New Zealand's accident compensation (ACC) scheme), WorkSafe notifications (Notifications to WorkSafe New Zealand under the Health and Safety at Work Act 2015 of work-related fatality, serious injury or serious illness) and Youth 2000 survey series (A broad-ranging Government-funded survey run approximately four-yearly that collects data from New Zealand youth that is not available elsewhere. Most recently, in 2012, the survey collected data from 8,500 New Zealand secondary school children (approximately three per cent of the New Zealand school roll)). Further information can be found at the links below: <a href="http://www.worksafe.govt.nz/worksafe/research/health-and-safety-data/workplacefatalities/workplace-fatalities-by-age-group">http://www.worksafe.govt.nz/worksafe/research/health-and-safety-data/workplacefatalities/workplace-fatalities-by-age-group</a> <a href="http://www.acc.co.nz/about-acc/statistics/injury-statistics/index.htm#">http://www.acc.co.nz/about-acc/statistics/injury-statistics/index.htm#</a> <a href="http://www.stats.govt.nz/browse_for_stats/health/injuries/info-releases.aspx">http://www.stats.govt.nz/browse_for_stats/health/injuries/info-releases.aspx</a></p> <p><b>2016 AR:</b> According to the Government: Given the range of employment situations young people might be involved in, from casual, ad hoc, or family-related employment through to more regular employment, issues of their access to information and, where necessary, mechanisms for enforcing their rights may arise. As noted above, the</p>



		<p>Government undertakes work to ensure that information resources are accessible, and prioritises young people as a target group when undertaking enforcement action.</p> <p><b>2012-2013 ARs:</b> According to the Government: There is a need to improve knowledge and awareness of the rights and practices related to children and young people.</p> <p><b>2010 AR:</b> According to the Government: The Government has decided not to raise the age threshold from 15 to 16 for working in a number of sectors considered hazardous such as construction, logging and tree-felling operations. But the Department of Labour is looking at non-regulatory options to ensure the protection of young people under the age of 16 from hazardous work through developing practice guidelines and information. The Department of Labour is continuing to investigate workplace practices relating to persons between 16 and 18 years of age engaged in hazardous work. This work also includes reviewing literature containing experts' views on children's development, and their physical and psychological limits in relation to work. With the continuing economic recession, some young people may be more vulnerable to exploitation as they are competing on the job market for fewer jobs, against more experienced and skilled workers.</p> <p><b>2008-2009 ARs:</b> The Government reiterated the fact that all forms of child labour are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.</p> <p><b>2007 AR:</b> According to the Government: The Department of Labour has completed a review of its data collection methods. Although the reports developed using these new methods have not yet been released, they are not expected to affect the Department's child labour information.</p> <p>The Government further stated the following: (i) The Government does not believe that all forms of child employment are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking; The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility; (ii) There has been no new relevant legislation passed since 2005 save for Minimum Wage Order 27 March 2006. For persons 16 or 17 years old, the minimum wage is NZ\$8.20 per hour, and for a person who is aged 18 or over, the minimum wage is NZ\$10.25 per hour. The Code of Good Faith was amended to take account of the Employment Relations Act (No. 2) 2004, and came into force on 11 August 2005.</p> <p><b>2006 AR:</b> In response to the NZCTU observations, the Government mentioned that the Department of Labour had recently tendered work to carry out a stock take on existing data collection methods. It indicated that data collection on child labour was covered by this project. The stock take would be completed next year and would be a helpful tool to evaluate and improve data collection methods. The results of the stock take would be included in next year's report.</p>
<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p><b>2015 AR:</b> NZCTU reiterated its request that assistance should be sought from the ILO as to the best way to measure and analyse the prevalence and characteristics of child labour to address unsafe or exploitative work practices and move towards ratification of C.138.</p> <p><b>2014 AR:</b> NZCTU indicated that technical assistance should be sought as to the best way to measure and analyse the prevalence and characteristics of child labour with a view towards fixing unsafe or exploitative work practices and moving towards ratification of C138.</p>

	<p><b>2013 AR:</b> According to the NZCTU: New Zealand needs an effective system for collecting, collating and analyzing statistical information about the prevalence and type of work undertaken by children and young people in the country.</p> <p><b>2009-2012 ARs:</b> According to the Government and the NZCTU: Comments are the same as under the 2008 AR.</p> <p><b>2008 AR:</b> According to the NZTCU: The NZCTU notes that it may be helpful to the New Zealand situation if the ILO provides technical assistance to develop draft minimum age for employment legislation that is consistent with the aims of the United Nations Convention on the Rights Of the Child and C.138 and suits the national circumstances in New Zealand (i.e. legislation that would restrict the employment of young people from 13 to 15 years to light work as described in article 7 of the C.138, and would set the standard minimum age of employment at 16 years for other work.).</p>	
	<p><b>Offer</b></p>	<p>ILO/IPEC.</p> <p><b>2005 AR:</b> At international level, the Government expressed its intention to renew its assistance to other States and international organizations to combat child labour.</p>
<p><b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) were concerned that few governments, such as New Zealand (and three other governments), had indicated their current lack of effort to ratify C.138 and/or C.182. They recalled the following: "(...) in last year's Introduction we noted remarks from some constituents (the governments of Australia and New Zealand and Business New Zealand – BNZ) concerning the potentially negative effect of ratifying Convention No. 138 for young persons to enter the labour market. We pointed out that these concerns can be adequately addressed through the various possibilities inherent in the principle, for instance light work, or vocational training and apprenticeship. It is crucial to discuss this in tripartite consultation in each country, and we note that both of the social partners in New Zealand are commenting on this issue: while BNZ opposes the ratification of Convention No. 138, the New Zealand Confederation of Trade Unions (NZCTU) recommends ILO assistance to seek possible legislative action to allow light work from 13 years of age and set the general minimum age at 16 years, in line with Convention No. 138. We hope there will be continued efforts by the Office and, in particular, the International Programme on the Elimination of Child Labour (IPEC) on this issue." (cf. paragraph 57 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2005 AR:</b> The IDEAs listed New Zealand among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification. Furthermore, the ILO Declaration Expert-Advisers stated they hoped that the momentum of the positive dialogue on the realization of the PR would be kept, and the intention to ratify C.138 would be realized soon in New Zealand. They also mentioned the following: "Australia, New Zealand and the United States have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. It is important to maintain a continuity of social programmes to combat child labour. Once programmes are interrupted, it is difficult to maintain the momentum. The sustainability of such programmes will be enhanced with the active support of employers' and workers' organizations" (cf. paragraphs 13 and 234 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>	
<p><b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p><b>2015 AR:</b> At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p><b>2013 AR:</b> At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p>	

	<p><b>2011 AR:</b> At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101<sup>st</sup> Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p><b>2009 AR:</b> During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p><b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b></p>	<p><b>2013 AR:</b> In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316<sup>th</sup> Session in November 2012.</p> <p><b>2011 AR:</b> Following a tripartite debate at the Committee on the 1998 Declaration, the 99<sup>th</sup> Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: <a href="http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf">http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf</a>.</p>