

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

New Zealand - 2021

THE EFFECTIVE ABOLITION OF CHILD LABOUR

REPORTING

Fulfilment of Government's reporting obligations

138 Fulfilment of Government's reporting obligations

Yes

Involvement of Employers' and Workers organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations? b) The most representative workers organizations?

94. Please describe the consultation process(es). [10.2]

The representative organisations are consulted on the content of the Government's draft reports.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

95. Did employers organizations comment on the report? [11a]

Yes

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them

New Zealand has forwarded these comments to the ILO

Workers' organizations

96. Did workers organizations comment on the report? [11b]

Yes

97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them

New Zealand has forwarded these comments to the ILO

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT

Ratification

Ratification intention

21. What are the prospects for ratification of Convention No. 138?

Unlikely

23. What, if any, are the impediments to the ratification of Convention No. 138?

The New Zealand Government maintains its previously stated position on the Minimum Age Convention. It considers that although there is no single minimum age of employment in New Zealand, the current legislative and policy framework provides effective age thresholds for entry to work and for safe work. As noted in previous reports, 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.

Recognition of the principle and right (prospect(s), means of action, basic legal provisions)

Policy, legislation and/or regulations

24. Have there been changes in law and practice in your country as regards minimum age for admission to employment?

Yes

The 2020 Labour Party Election Manifesto committed to fully adopting the 1989 United Nations Convention on the Rights of the Child (UNCROC), which enshrines rights, principles and standards for the status and treatment of children. Lifting the current reservations maintained on UNCROC by New Zealand would have implications for a minimum employment age. The Labour Manifesto also committed to raising the age of entry into hazardous work from 15 to 16 years of age to align with the school leaving age. Any work on these commitments would incorporate the consultation on raising the age of entry into hazardous work from 15 to 16 previously outlined in New Zealand's last Declaration report. However, work on these matters has been delayed by the Government's on-going need to respond to the COVID-19 pandemic and other portfolio priorities, and no decisions have yet been made by Government.

Special attention to particular situations

29. Has particular attention been paid to specific groups of population, workers or sectors of activity in the efforts to promote effective abolition of child labour?

Yes

<p>29.1. Please specify</p>	<p>MBIE’s Labour Inspectorate continues to investigate and take 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 retail, horticulture, hospitality and dairy. These sectors are also more likely to employ young and migrant workers.</p>
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Information/ Data collection and dissemination

<p>26. Have efforts been made to promote the effective abolition of child labour in your country?</p>	<p>Yes</p>
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<p>27. If yes, please specify:</p>	<p>d) Awareness-raising</p>
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Monitoring, enforcement and sanctions mechanisms

<p>24. Have there been changes in law and practice in your country as regards minimum age for admission to employment?</p>	<p>Yes</p>
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Involvement of the social partners

<p>27.1. Please specify and indicate the involvement of social partners</p>	<p>The Ministry of Business, Innovation and Employment (MBIE) continues to provide information for young employees, and for employers who hire young people or work in industries with young employees, including: o via the Employment New</p>
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Zealand website: - young people - <https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/young-employees/> - employers of young people - <https://www.employment.govt.nz/starting-employment/hiring/hiring-young-people/>, and - training resource (see more details below) - An Introduction to Your Employment Rights e-module through a “Young Workers Employee Rights and Protections” leaflet, which is distributed throughout New Zealand, directly and through stakeholders (e.g. Citizens Advice Bureau) through MBIE’s social media (e.g., Facebook) and call centre activity, which includes monitoring and responding to queries regarding young employees and their rights / employer responsibilities. Additional social media channels (e.g. Instagram) are being considered to reach more young people and make them aware of their rights under New Zealand’s employment laws through MBIE’s ongoing stakeholder engagement work, which includes liaising with a range of youth-focused organisations from student associations, student employment services, government agencies, tertiary institutions, and training entities focused on training and upskilling young people. MBIE also works with the Young Workers Resource Centre to support their engagement and advocacy work with young people through exhibits at regional career expo events targeting New Zealand secondary students, their parents, and teachers, and through a new employment e-learning module with basic information about employment rights targeting young people, including migrant workers, was launched in October 2019. This introductory module was initially available in English, with a further five languages (i.e. Samoan, Chinese, Tagalog, Hindi and Korean) added in 2020 and two more languages (i.e. Māori and Tongan) added in 2021. Since its launch, there have

	<p>been 4,745 users who have completed the module. The new module has been actively promoted to the education sector. For example, it is featured on the Ministry of Education's website: School Leavers' Toolkit: My rights and responsibilities at work – School Leavers' Toolkit (education.govt.nz) and the Student Job search website: Employment relations: SJS - Employment relations. Social partners meet with Government on a regular basis to discuss topical matters of interest.</p>
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Promotional activities

<p>26. Have efforts been made to promote the effective abolition of child labour in your country?</p>	<p>Yes</p>
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<p>27. If yes, please specify:</p>	<p>d) Awareness-raising</p>
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Special initiatives-Progress

<p>28. Have any initiatives resulted in successful examples or good practice in promoting the effective abolition of child labour?</p>	<p>No</p>
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CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT

According to the Government

<p>30. What are the current challenges and difficulties faced in the effective abolition of child labour?</p>	<p>As noted in previous reports, it can be a challenge to ensure relevant groups receive information on rights and obligations in respect of young workers. The New Zealand Government produces a range of resources online and in print. Consultation on youth and hazardous work will include engagement with children, as well as with employers, unions and other stakeholders. A further challenge is that there is no single complete and comprehensive source of</p>
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information on harm experienced by young persons at work. As outlined in the 2017 baseline report on Convention 138, the New Zealand Government commonly uses three different sources of data to provide a more complete picture: accident compensation claims; WorkSafe notifications; and the Youth2000 survey series. A new Youth and Wellbeing Survey “Whataboutme?” has replaced the Youth2000 survey. It has been developed to collect health and wellbeing data on up to 14,000 young people in secondary schools, alternative education units, and kura kaupapa. The survey is to be conducted every three years, and data collected will be used to inform policies, programmes, and services, and measure progress on 15 indicators under New Zealand’s Child and Youth Wellbeing Strategy. Data collection for the survey has been delayed until this year due to COVID-19.