New Zealand is a parliamentary democracy with a population of 4.26 million. Citizens periodically choose their representatives in free and fair multiparty elections, most recently held in November. The National Party won 58 parliamentary seats and formed a minority coalition government; John Key became the new prime minister. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. There were disproportionate societal problems for indigenous people.

**RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

In June a jury acquitted four police officers of charges that they used excessive force to subdue a prisoner in 2006. The government had charged the officers after a closed-circuit camera recorded the officers using batons and pepper spray on the prisoner.

In an effort to avoid prison overcrowding, the government continued to apply more noncustodial sentences such as home and community detention when the offender was considered not a significant risk to public safety.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.
Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest and Detention

A court-issued warrant is usually necessary to make an arrest, but police may arrest a suspect without a warrant if there is reasonable cause. Police officers may enter premises without a warrant to arrest a person if they reasonably suspect the person of committing a crime on the premises or have found the person committing an offense and are in pursuit. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest.

After a suspect has been arrested and charged, police have the power to release the person on bail until the first court appearance. That bail ends at the first court appearance and is distinct from court bail. Court bail is granted unless there is a significant risk that the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Police bail is not normally granted for more serious offenses such as serious assault or burglary. Family members were granted prompt access to detainees. Detainees were allowed prompt access to a lawyer of their choice and, if indigent, to a lawyer provided by the government.

e. Denial of Fair Public Trial  The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the rights found in other common-law jurisdictions, including a presumption of innocence, a right to a jury trial, a right of appeal, and the right to counsel, to question witnesses, and to access government-held evidence. The law extends these rights to all citizens. A lawyer is provided at public expense if the defendant cannot afford counsel.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, which includes access to the Human Rights Review Tribunal and other courts to bring lawsuits seeking damages and other remedies for alleged human rights abuses. There are also administrative remedies for alleged wrongs through the Human Rights Commission (HRC) and the Office of Human Rights Proceedings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice. Section 2 Respect for Civil Liberties, Including:  a. Freedom of Speech and Press  The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.
On October 10, the High Court ruled that the daily newspaper The Dominion Post was not guilty of charges involving contempt of court and publication of police surveillance material. Following the arrest of 20 persons in October 2007 on various weapons charges (see section 5, Indigenous People), the newspaper published excerpts from police documents indicating that some of those arrested had discussed killing government officials and attacking public facilities.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association  The law provides for freedom of assembly and association, and the government generally respected these rights in practice.  
c. Freedom of Religion  The law provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

Relations among religions generally were amicable, although there were isolated instances of societal abuses or discrimination based on religious belief or practice.

The Jewish community numbered approximately 10,000 persons. Anti-Semitic incidents were rare.

The government-funded HRC actively promoted religious tolerance.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.


The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

There is no statutory authority for imposing a sentence of exile, and the government did not practice forced exile.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum. In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The government also provided temporary protection to individuals who may not qualify under the definition of the 1951 convention and the 1967 protocol until their status was determined and action taken.

Bahareh Moradi, an Iranian citizen who entered the country with a fraudulent passport in 2005, claimed refugee status based on her conversion to Christianity. Moradi asserted that she would be punished, perhaps with death, if
she returned to Iran. Her request for refugee status was denied by the Immigration Office in 2006. The Refugee Status Appeals Authority questioned Moradi’s religious conversion and declined her appeal in 2007. In July the High Court rejected a subsequent appeal. At year’s end Moradi was subject to a deportation order and, according to a media report, was in hiding.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In the most recent general elections, held in November, the National Party won 58 of 122 parliamentary seats and formed a minority government in coalition with the ACT Party (five seats) and the United Future Party (one seat). The National-led government also had a cooperation agreement with the Maori Party (five seats). Three other parties were represented in parliament: the Labour Party (43 seats), the Green Party (nine seats), and the Progressive Party (one seat).

Women participated fully in political life. There were 41 women in parliament. There were eight women on the executive council, which comprises 28 ministers (20 within the cabinet and eight outside the cabinet). The chief justice of the Supreme Court was a woman. There were three women in the 25-seat parliament of the Associated State of the Cook Islands and four women in the 20-seat parliament of the Associated State of Niue.

Seven seats in parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every five years, based on the number of persons who register to vote on the Maori electoral roll. Persons of Maori ancestry can also become members of parliament by election or appointment to non-Maori conventional seats in parliament.

Following the November election, there were 20 Maori members, four members of Pacific Island descent, and six members of Asian descent in parliament. The cabinet included at least three members of Maori ancestry.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Efforts to combat corruption and prosecution of corruption cases are handled through the Ministry of Justice and the independent Serious Fraud Office.

In May the director of the Immigration Service resigned following commencement of an investigation into the improper granting of immigrant visas to several of the director’s family members.

In September the Minister of Foreign Affairs was temporarily relieved of his responsibilities pending investigation into allegations of providing misleading statements to parliament relating to the financing of his election campaign. While the Serious Fraud Office concluded that no fraud existed in the financing of the minister’s campaign, a parliamentary committee ruled that the minister was in contempt of parliament for making misleading statements to the body.

The case of a member of parliament (MP) charged in 2007 with 37 criminal violations, including bribery, corruption, and perverting justice, remained pending at year’s end.
The law requires MPs, including all ministers, to submit an annual report of their financial interests, which is then disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission.

The law provides for public access to government information to be provided within 20 working days of a request. Information must be made available unless a good reason, such as concern for national security, exists for not doing so. The requester must be given an estimate of any fees before the information is provided.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, disability, age, and national or ethnic origin, and the government actively enforced it.

Women

Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape; the maximum penalty is 20 years' imprisonment. From July 2007 through June 2008, police recorded 2,364 "sexual attacks," which resulted in 1,127 prosecutions. During the same period, the police recorded seven offenses of spousal rape with four prosecutions, and six offenses of unlawful sexual connection with a spouse and three prosecutions.

Assault by a male on a female is a nonsexual crime punishable by up to two years' imprisonment (a penalty double that for a male-on-male or a female-on-male assault, which carries a one-year maximum penalty). In the 12-month period ending June 30, 5,372 persons were prosecuted for assault by a male on a female. Of these prosecutions, 50 percent involved Maori men, 30 percent men of European ancestry, and 14 percent Pacific Islander men. Although only 15 percent of the total population claimed Maori ancestry, during the 12-month period ending June 30, 42 percent of the 28,845 women and children who used the National Collective of Independent Women's Refuges were Maori, 43 percent were of European ancestry, and 8 percent were Pacific Islanders.

Crisis centers offering support services for victims of sexual violence existed throughout the country and included centers focusing specifically on Maori and Pacific Islanders.

The government's Task Force for Action on Violence Within Families continued to coordinate a variety of government initiatives to eliminate family violence, including its Te Rito program, a national strategy to address all forms and degrees of domestic violence.

Police were responsive when domestic violence was reported. The government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services. The 2003 Prostitution Reform Act (PRA) decriminalized prostitution and created a certification regime for brothel operators. The act prohibits persons under age 18 from working in the sex industry and gives prostitutes the same workplace protections as given to workers in other industries. The law also eliminates the defense (by clients, brothel operators, and pimps, for example) of claiming ignorance that a person engaged in commercial sexual activity was under age 18. The act extends culpability to any person who receives financial gain from such activity.
involving an underage person. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts.

The PRA also established a statutory Prostitution Law Review Committee (PLRC) to review the act during the course of the year. The 10-member PLRC consisted of representatives from local government, the police, the public health industry, business, academia, nongovernmental organizations (NGOs), and the sex industry. In May the PLRC published its review of the PRA, in which it recommended continued monitoring and advocacy within the sex industry, support for sex workers seeking alternatives to street work, and enhancements at national and local government levels regarding safety and compliance measures.

The law prohibits sexual harassment. Sexual harassment in violation of the Employment Relations Act or the Human Rights Act carries civil penalties. However, sexual contact induced by certain threats may also fall under the criminal code, with a maximum 14-year prison sentence. The HRC published fact sheets on sexual harassment and made sexual harassment prevention training available to schools, businesses, and government departments on a regular basis.

The Ministry of Women’s Affairs addresses problems of discrimination and gender equality, and there is a minister of women’s affairs in the cabinet. While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the government acknowledged that a gender earnings gap persisted in practice. According to June figures, women earned 88 percent of the average hourly earnings for men. A unit within the Department of Labour dedicated to this problem administered an annual fund of one million NZ dollars (approximately $600,000) supporting employer and union initiatives to promote pay and employment equity.

Children The law provides specific safeguards for children’s rights and protection. The government demonstrated its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

Child abuse continued to be of concern to the government. The government promoted information sharing between the courts and health and child protection agencies to identify children at risk of abuse. From July 2007 through June 2008 there were 24,034 applications to Family Court for guardianship and parenting orders under the Care of Children Act and 4,490 applications for protection orders under the Domestic Violence Act. During the same period, there were 1,328 cases of assaults on children reported to police, with 661 prosecutions. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children. Cases of child abuse and neglect increased over previous years, but according to the Ministry of Justice it was unclear whether this trend reflected higher levels of abuse and neglect, or whether lower community tolerance stimulated increased reporting.

Illegal commercial sexual exploitation of children remained a problem. When discovered, law enforcement authorities arrested and prosecuted the violators.

In January police removed 16 young individuals from the streets during an undercover operation to crack down on the use of young persons in prostitution. Police charged two adults with being the client of a person under 18 years engaged in prostitution and one for sexual connection with a person under 16 years. The 16 individuals were either returned to their parents or placed in the care of Child, Youth, and Family Services.

In November authorities charged a New Plymouth brothel owner with several offenses relating to his employment of a 15-year-old girl as a prostitute during a six-month period in 2005. The charges remained pending at year's end.

There were developments in two 2007 prosecutions involving the use of underage prostitutes in Christchurch. In February a defendant accused of "using persons under 18 years of age" (a 14-year-old girl and a 16-year-old girl) to provide sexual services in his brothel in 2005 was sentenced to one year of home detention. In March another
defendant was sentenced to 27 months in prison for facilitating and assisting in the hiring of an underage prostitute. Two other 2007 prosecutions in Christchurch relating to underage prostitution remained pending at year's end.

In July a Christchurch brothel owner was charged with exploiting underage girls in prostitution. The two girls, ages 16 and 17, worked at the brothel for more than a year. This was the first occasion that prosecutors applied the law banning sexual slavery, adopted in 2006 in accordance with the UN Convention on the Rights of the Child. At year's end the case was pending.

In December the Tauranga District Court sentenced a 19-year-old Bay of Plenty man to 27 months' imprisonment for assisting and receiving earnings from his 15-year-old girlfriend, who engaged in prostitution in 2006 and 2007. The government had a national plan of action against the commercial exploitation of children developed in concert with NGOs, and it operated programs to reintegrate children out of prostitution through vocational training and educational opportunities.

The Department of Internal Affairs' Censorship Compliance Unit actively policed images of child sex abuse on the Internet and prosecuted offenders. The government maintains extraterritorial jurisdiction over child sex offenses committed by the country's citizens abroad.

Trafficking in Persons

The law prohibits international trafficking in persons. The Department of Labour followed up on all allegations of trafficking but did not discover evidence sufficient for prosecution. No new confirmed cases of internationally trafficked persons have been brought to the attention of the authorities since 2001, although some nonresident women were found to be working illegally in the country as prostitutes. Authorities uncovered no proof that such women were victims of trafficking, nor did any nonresident prostitutes come forward to claim they were victims of trafficking.

The antitrafficking law does not address domestic trafficking per se. However, other laws criminalize the exploitation of persons in cases where victims (e.g., underage prostitutes) have not crossed an international border.

Although prostitution is not a crime, it is illegal for nonresidents to work in commercial sex activities.

The penalties for trafficking in persons stipulate a maximum of 20 years in prison and fines of NZ$500,000 (approximately $300,000). Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison. Under the PRA it is illegal to use a person under 18 years of age in prostitution. Under the criminal law, it is also illegal to have sexual contact with a child under 16 years of age, regardless of whether the accused believed the child to be 16 years or older.

The Department of Labor has primary responsibility for coordinating government efforts to combat trafficking in persons. In May the department unveiled the government's national plan of action against trafficking in persons to address prevention, protection, prosecution, and victim reintegration. The department released a discussion document that outlined the government's existing antitrafficking efforts, and in June it conducted three public "consultations" in Auckland, Wellington, and Christchurch to solicit civil society input for a new action plan.

The government and NGOs coordinated in antitrafficking matters and provided assistance programs to victims of trafficking, including short-term sanctuary, witness protection, access to medical services, and safe repatriation.
The government also worked to address trafficking in children by providing funding for NGO outreach programs in Auckland and Christchurch that provided accommodations and other support for young persons involved in or at risk of involvement in prostitution.

Shakti Community Council, Incorporated, an NGO with a strong interest in combating trafficking, reported abuses resulting from the immigration of Indian women for forced marriages and provided services to abused women through four refuges located in three cities: Auckland, Christchurch, and Tauranga.

The State Department’s annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities The law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provision of goods, services, housing, and accommodation. During the year the Human Rights Commission received 424 disability-related complaints. Of those complaints, 26.4 percent related to employment; 12.7 percent to education; 6.1 percent to access to places, facilities, and vehicles; 20.6 percent to provision of goods, services, housing, and accommodation; and 34.2 percent to other complaints. Compliance with access laws varied. The government is prohibited from discrimination on the basis of physical or mental disability, unless such discrimination can be "demonstrably justified."

The government supported equal access for persons with disabilities to polling facilities.

The government’s Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, during the year both the HRC and the Mental Health Commission continued to address mental health issues in their antidiscrimination efforts.

National/Racial/Ethnic Minorities

On August 26, the HRC released, and the then Prime Minister Helen Clark publicly endorsed, a national Statement on Race Relations. The statement reaffirmed the government’s commitment to human rights and equality among the country’s racial and ethnic groups, and it set out 10 fundamental rights to guide government policies toward racial and ethnic minorities.

Pacific Islanders, who made up 7 percent of the population, experienced societal discrimination. The Ministries of Justice and Pacific Island Affairs had a program to identify gaps in delivery of government services to Pacific Islanders.

Asians, who made up 10 percent of the population, also reported discrimination.

Indigenous People

Approximately 15 percent of the population claimed at least one ancestor from the country’s indigenous Maori minority. The law prohibits discrimination against the indigenous population; however, there was a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households.

Maori unemployment was 7.9 percent in September, compared with the national average of 3.8 percent. The average hourly earnings for Maori in June were NZ$18.76 ($11.26), and the median earnings were NZ$16.74 ($10.04). These figures compared with the average and median earnings for all workers of NZ$22.35 ($13.41) and NZ$18.75 ($11.25), respectively.

Maori constituted approximately 50 percent of the prison population and 45 percent of persons serving community-based sentences. The government, along with community partners, implemented several programs and services to
reduce Maori recidivism and overrepresentation in the criminal justice system.

Government policy recognized a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that affected commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous people. A special tribunal continued to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi. The deadline for submission of historical claims under the treaty was September 1, and many additional claims were submitted just before the deadline. After September 1, new claims could still be filed and existing claims amended.

On June 25, the government and seven indigenous Maori tribes negotiated the settlement of a grievance arising from the seizure of Maori land by 19th-century European settlers. The settlement included a payment of NZ$420 million ($252 million) and transfer of 435,000 acres of forest land to the tribes. On August 19 and 22, the government settled claims with two additional tribes for NZ$25 million ($15 million) and NZ$7 million ($4.2 million), respectively.

A 2004 law regulates ownership of the foreshore (the land between high and low tide) and the seabed. The law grants ownership of the foreshore and seabed to the state and provides for universal public access. It also established a mechanism to accommodate customary indigenous rights of land use, including preservation of existing fishing rights. This legislation was the focus of protests by Maori groups asserting customary title to the land and by non-Maori groups opposing such claims.

In August 2007 the UN Committee on the Elimination of Racial Discrimination (CERD) reported on racial discrimination in the country. The report criticized the government's foreshore and seabed legislation and its handling of Maori land claims. The report also expressed concern that the Bill of Rights Act and the Treaty of Waitangi, under which many Maori rights are spelled out, do not enjoy protected status within the country's parliamentary system. Therefore, according to CERD, enactment of legislation contrary to the act and the treaty was possible. The report included 16 recommendations for changes relating to Maori rights or the rights of other ethnic groups that the government was considering at year's end but had not endorsed. In September the government submitted a written response to CERD, but at year's end the response had not been released to the public.

Twenty persons, some of whom were Maori, were arrested in October 2007 on various weapons charges, including unlawful possession of rifles. The arrests reportedly stemmed from an investigation begun in 2005 after hunters told authorities they had seen a group of men training with firearms in a camp in a remote mountain area. Maori MPs and others in the Maori community criticized police conduct of the raids that led to the arrests as excessive and heavy-handed. At year's end charges remained against 18 of the defendants, and the next court hearing was scheduled in March 2009.

Other Societal Abuses and Discrimination

The law prohibits violence or discrimination against persons based on sexual orientation. From January 1 to December 23, the HRC received 162 discrimination complaints relating to gender or sexual orientation (10.9 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

The law also prohibits violence or discrimination against persons with HIV/AIDS. From January 1 to December 23, the HRC received four complaints relating to HIV/AIDS. There were no reports of violence against persons with HIV/AIDS.
Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join organizations of their choice without previous authorization or excessive requirements, and the law was applied. Nearly all unionized workers were members of the Council of Trade Unions, a federation that included unions representing various trades and locations. A few small, independent labor unions also existed. Unions represented approximately 18 percent of all wage earners. The law allows unions to conduct their activities without government interference, including the right to strike, and this right was exercised in practice.

Labor organization in the territory of Tokelau (population 1,400) was limited and based on communal decision making and activity. In Niue, a self-governing country in free association with New Zealand (population 1,400), the dominant public sector (460 positions) had an active public service association. In the Cook Islands, also a self-governing country in free association with New Zealand (population 22,000), most workers in the public sector, the major employer, belonged to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of New Zealand's national legislation.

Sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) are barred from striking or taking any form of industrial action. Disputes that cannot be settled by negotiation between the police association and management are subject to compulsory, final-offer arbitration. Strikes by providers of "key services" are subject to certain procedural requirements, including mandatory notice of three to 14 days, depending on the service involved. The Department of Labor offers mediation in such cases, and the Employment Court is empowered to resolve matters relating to such disputes.

b. The Right to Organize and Bargain Collectively

The law provides for the right of workers to organize and contract collectively, and workers exercised this right in practice. The Employment Relations Act governs industrial relations and promotes collective bargaining. To bargain collectively, unions must be registered, be governed by democratic rules, be independent, and have at least 15 members. Unions may not bargain collectively on social or political issues.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. However, police have freedom of association and the right to organize and bargain collectively.

There were no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and the government generally enforced these provisions effectively.

d. Prohibition of Child Labor and Minimum Age for Employment

Department of Labor inspectors effectively enforced a ban on the employment of children under the age of 15 in manufacturing, mining, and forestry. Children under age 16 may not work between the hours of 10 p.m. and 6 a.m. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

e. Acceptable Conditions of Work

In April the minimum hourly wage increased to NZ$12 (approximately $7.20). Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally was adequate to provide a decent standard of living for a worker and family. In addition, a separate youth minimum wage for younger workers (ages 16 to 17) was replaced with a new entrants' wage of NZ$9.60 ($5.76) for nonsupervisory workers with less than three months or 200 hours of employment. A majority of the work force earned more than the minimum wage.
A 40-hour workweek is traditional. There are legal limits regarding hours worked and premium pay for overtime work. The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it was the norm. The law provides for a minimum four-week annual paid vacation and 11 paid public holidays. Parliament adopted a new law, to become effective April 1, 2009, granting employees two paid 10-minute breaks and one unpaid half-hour break during an eight-hour shift.

The Department of Labor was responsible for enforcement of laws governing conditions of work. From July 2007 to June 2008, the department received 2,439 employment complaints (addressing 4,627 separate employment issues) and conducted 3,527 investigations. Seventy-six percent of matters regarding employment relations were settled before or at mediation.

There were some reports of exploitation of foreign workers, especially seasonal workers employed in the horticultural sector.

On July 29, the Department of Labor closed, on grounds of insufficient evidence, a case in which eight Thai workers alleged they were forced to work 60- to 70-hour, seven-day weeks in vineyards, often at less than the minimum legal wage.

In April 2007 the government introduced its Recognized Seasonal Employer (RSE) policy allowing horticulture and viticulture employers to recruit 5,000 workers from other countries in the Pacific. The purpose of the policy, according to the Department of Labor, was to meet industry need for seasonal workers, promote development in participating Pacific countries, reduce the use of illegal labor, and protect opportunities for citizen seasonal workers. During the year there was one incident involving 70 Kiribati workers admitted under RSE, some of whom were removed from their original employer at the request of the workers because of the lack of appropriate accommodations. Fifty-four workers were placed with new employers, who were not able to provide employment for as long as had been offered by the original employer. When no more work was available, 41 of the workers returned home. Thirteen workers attempted to remain in the country unlawfully--of these, all but five had left by year's end. According to the Department of Labor, all of the workers were paid for the work they did as part of the RSE program.

Extensive laws and regulations govern health and safety issues. Employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others.

Workers have the legal right to strike over health and safety issues, as well as the right to withdraw from a dangerous work situation without jeopardy to continued employment. Department of Labor inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The Department of Labor normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

In May the Human Rights Review Tribunal ruled that a section of the Accident Compensation Law violated the Human Rights Act on the basis of age discrimination.