



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [East Asia and the Pacific](#) » [New Zealand](#)

2010 Human Rights Report: New Zealand

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

New Zealand is a parliamentary democracy with a population of approximately 4.3 million. Citizens choose their representatives in free and fair multiparty elections, most recently held in 2008 when the National Party won 58 parliamentary seats and formed a minority coalition government with John Key as the prime minister. Security forces reported to civilian authorities.

There were reports that indigenous persons disproportionately experienced societal problems and that ethnic minority individuals experienced societal discrimination.

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 monitoring visits by independent human rights observers.

On March 1, fellow inmates allegedly killed a prisoner at Auckland Prison. Authorities charged three men with murder and a fourth as an accessory and scheduled all four for a jury trial in Auckland in May 2011. The family complained that supervision at the prison was inadequate.

At year's end the prison population was 8,423. Of these, 525 were female, 524 were between the ages of 15 and 19, and 4,240 (approximately half) were prisoners of Maori descent. Male and female prisoners were held in separate prison facilities under equivalent conditions.

Persons accused of a crime who are 17 years of age or older are tried as adults and, if convicted, sent to adult prisons. Juvenile correctional facilities hold prisoners who are younger than 17.

Authorities allow prisoners at least one personal visit each week for a minimum of 30 minutes, permit religious observance, and allow them to make uncensored complaints to statutory inspectors or to the ombudsmen. The Ombudsmen Office reports to Parliament annually on its findings. The law provides for specified rights of inspection, including those by members of Parliament (MPs) and justices of the peace, and information was publicly available on complaints and investigations, subject to the provisions of privacy legislation.

The law requires prison facilities to be inspected to ensure that they meet minimum standards, and improvements were made when deficiencies were identified.

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 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 Procedures and Treatment While in 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 arresting and charging a suspect, police may release the person on bail until the first court appearance. Court bail is granted after the first court appearance, unless there is a significant risk that the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Police do not normally grant bail for more serious offenses such as assault or burglary. Authorities granted family members prompt access to detainees and allowed detainees 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 rights 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.

The C
Affair
the U
Exter
cons
polici

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.

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, with usage listed by the International Telecommunication Union as 84 individuals per 100 inhabitants in 2009.

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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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 country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government also provided temporary protection to individuals who may not qualify under the definition of the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol until their status was determined and action taken.

During the year the country handled five stateless persons' cases, in all of which the individuals claimed refugee status. In the case of a Kuwaiti pending at the end of 2009, authorities granted the individual refugee status. Authorities also opened four new cases involving three Kuwaitis and one Palestinian. The government granted refugee status to the Palestinian and two of the Kuwaitis; the third Kuwaiti's case remained pending at year's end.

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 2008, the National Party won 58 of 122 parliamentary seats and formed a minority government in coalition with the ACT Party and the United Future Party. The National-led government also had a cooperation agreement with the Maori Party; under the terms of the cooperation agreement, the National Party abandoned its opposition to Maori-designated parliamentary seats. A good working relationship existed between the Maori Party and the National Party government. Three other parties were represented in Parliament: Labour, Green, and Progressive.

Women participated fully in political life. There were 41 women among the 122 MPs and eight women on the executive council, which is composed of 28 ministers (20 within the cabinet and eight outside). The chief justice of the Supreme Court was a woman. There was one woman in the 24-seat parliament of the Associated State of the Cook Islands following national elections on November 17 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 MPs by election or appointment to non-Maori conventional seats.

There were 20 Maori members, six members of Pacific Island descent, and six members of Asian descent in Parliament. The cabinet included at least three members of Maori ancestry.

Section 4 Official Corruption and Government 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.

The law requires MPs, including all ministers, to submit an annual report of 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, including access for noncitizens and foreign media, to be provided within 20 working days of a request, and the government generally adhered to the law in practice. Information must be made available unless a good reason, such as concern for national security, exists for not doing so; the government did not abuse this provision. The requester must be given an estimate of any fees before the information is provided.

Section 5 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.

The Ministry of Justice funds the active HRC, which operated as an independent agency without government interference. The commission had a staff of 60 and adequate resources to perform its mission. It submitted more than 60 legal and policy interventions during the year ending June 30, and the government responded to its recommendations, which led to several law changes. The HRC was considered effective, and public confidence in it was high.

The Office of the Ombudsmen, an organization responsible to Parliament but independent of the government, is charged with investigating complaints about the administrative acts, decisions, recommendations, and omissions of national- and local-government agencies; inspecting prisons; and following up on prisoner complaints. The office enjoyed government cooperation, operated without government or party interference, was adequately resourced, and was considered effective and trusted by the public. The office produced a wide variety of reports for the government that were available on its Web site www.ombudsmen.parliament.nz.

Section 6 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 these prohibitions.

Women

Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape. The maximum penalty is 20 years' imprisonment; however, indefinite detention may occur in cases where the parole board during its annual review believes that the prisoner continues to pose a continuing threat to society. (The Ministry of Justice reported no such cases during the July 2009 through June 2010 period.) During the July 2009-June 2010 period, police recorded 2,961 "sexual attacks" that resulted in 1,362 prosecutions, an increase compared with 2,364 sexual attacks and 1,127 prosecutions during the previous comparable period. In 2009 police recorded 21 offenses of spousal rape with 19 convictions and 77 charges of unlawful sexual connection with a spouse with 73 convictions.

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 law prohibits sex tourism. The government prosecuted in New Zealand sexual offenses committed abroad, based upon evidence collected, including photographs confiscated from the accused upon reentry into the country.

The law prohibits sexual harassment and provides 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 government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and granted access to information on reproductive health free from discrimination, coercion, or violence. The government does not limit access to male contraception, and female contraception is available without parental consent to women 16 years and older. According to UN Population Fund data and the Population Reference Bureau, the country's estimated maternal mortality ratio in 2008 was 14 deaths per 100,000 live births with a woman's lifetime risk of maternal death of one in 3,800. The UN estimated contraceptive use among married women ages 15-49 at 75 percent. Skilled healthcare for women was widely available. Women and men were equally diagnosed and treated for sexually transmitted infections, including HIV.

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. The HRC has an equal opportunity employment team that focuses on workplace gender problems. This team regularly surveys pay scales, conducts a census of women in leadership roles, and actively engages public and private employers to promote compensation equality.

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 2009 Department of Labor (DoL) survey statistics, women earned more than 89 percent of the average hourly earnings for men.

Children

Children born in the country attain citizenship if either parent is a citizen or legal permanent resident of the country. Children born outside of the country attain citizenship if either parent is a citizen born in the country.

Cases of child abuse and neglect increased over previous years, but according to the Ministry of Justice, it remained unclear whether this trend identified in 2008 reflected higher levels of abuse and neglect, or whether lower community tolerance stimulated increased reporting. The government promoted information sharing between the courts and health and child-protection agencies to identify children at risk of abuse. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children.

Commercial sexual exploitation of children remained a problem. A 2007 nationwide study found that 1.3 percent of 772 surveyed sex workers were underage. When discovered, law enforcement authorities arrested and prosecuted the violators. Citizens who commit child sex offenses overseas may be prosecuted in New Zealand courts. The law makes it an offense punishable by seven years' imprisonment to assist a person under 18 years of age in providing commercial sexual services; to receive earnings from commercial sexual services provided by a person younger than 18; or to contract for commercial sexual services from, or be a client of, a person under 18. The law also makes it an offense to deal in individuals younger than 18 for sexual exploitation or engagement in enforced labor. The penalty for a person who sells, buys, transfers, barter, rents, hires, or in any other way enters into a dealing or takes an action involving a person under 18 for the purposes of sexual exploitation or enforced labor is 14 years' imprisonment.

On August 18, a court found a New Plymouth brothel owner guilty of charges from 2008 of employing a 15-year-old girl as a prostitute in 2005 and scheduled sentencing in January 2011.

A 2007 prosecution in Christchurch relating to underage prostitution resulted in a conviction on December 10 and a sentence of six months' home detention and 200 hours' of community work.

The government developed in concert with NGOs a national plan of action against the commercial exploitation of children and operated programs to reintegrate children out of prostitution through vocational training and educational opportunities.

The law provides that any person who has a sexual connection with a person younger than 16 years of age is liable to imprisonment for a term not exceeding 10 years. However, no person may be convicted of such a charge if he or she was married to the young person concerned at the time.

The law prohibits child pornography and provides for a NZ\$10,000 (approximately \$7,500) fine of an individual, and NZ\$30,000 (\$22,500) of a body corporate, if a person makes, imports, supplies, distributes, possesses for supply, displays, or exhibits an objectionable publication. The law also provides a penalty of 10 years' imprisonment or a NZ\$200,000 (\$150,000) fine of a body corporate if a person commits such an act knowing that the publication is objectionable. Possession of objectionable material is also an offense punishable by a NZ\$2,000 fine (\$1,500) for an individual and NZ\$5,000 (\$3,750) for a body corporate. A person possessing objectionable material and knowing it is objectionable is liable to a penalty of 5 years' imprisonment or a NZ\$50,000 (\$37,500) fine for an individual or a NZ\$100,000 (\$75,000) fine for a body corporate. It constitutes an aggravating factor to be taken into account in sentencing if the publication promotes or supports exploitation of children or young persons for sexual purposes, deals with sexual conduct with or by children or young persons, or exploits nudity of children or young persons.

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.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community numbered approximately 7,000. Anti-Semitic incidents were rare.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 HRC received 357 disability-related complaints which represented 27 percent of the total complaints received. Compliance with access laws varied. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, 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 problems in their antidiscrimination efforts.

In its December report, the HRC identified areas in which the government made progress in implementing the Convention on the Rights of Persons with Disabilities. One highlighted area receiving complaints was public land transport; an HRC inquiry found it to be "significantly less available, less accessible, less affordable, and less acceptable" to persons with disabilities than to others. During the year the government undertook initiatives to improve accessibility to public land transport, although the government stated that gaps remained.

National/Racial/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 some societal discrimination. The government mandates a Race Relations Commissioner who developed a Diversity Action Program aimed at the Maori, Pacific Island, and Asian communities. The program includes an annual Diversity Forum to eliminate race-based discrimination that was widely attended and considered effective.

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 constituted approximately half of the prison population and 42 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 persons and their traditional values and customs, including cultural and environmental problems that affected commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous persons.

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; provides for universal public access; and establishes a mechanism to accommodate customary indigenous rights of land use, including preservation of existing fishing rights. The law continued to be the focus of protests by Maori groups asserting customary title to the land and by non-Maori groups opposing such claims. In addition various Maori leaders expressed differing views. After a leader of the Maori Party, which cooperated with the National Party-led government, introduced a bill repealing the law on September 15, a parliamentary select committee undertook to consult publicly and report in early 2011.

During the year the government settled two Maori claims related to the 1840 Treaty of Waitangi, the country's founding document. By year's end six additional groups signed deeds of settlement and were awaiting legislation to make their deeds unconditional, and 36 other groups were in various stages of negotiations with the government. The government Web site found at <http://www.ots.govt.nz> continued to enable the public to monitor treaty-settlement progress.

The Land and Water Forum (also known as the Land and Water Trust) met in October and November to identify shared outcomes and goals for freshwater and related land management. Maori Iwi (tribes) and trust organizations actively participated in forum meetings, although indigenous Maori rights and interests in freshwater resources are also covered elsewhere.

Seventeen of the cases involving individuals investigated in 2005 and arrested in 2007, some of whom were Maori, remained pending at year's end with trials on various weapons charges expected in 2011.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits abuse, discrimination, and acts of violence based upon sexual orientation and gender identity, and the government generally enforced the law. During the year the HRC received 187 discrimination complaints relating to gender or sexual orientation (14 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

On December 10, a court sentenced two men to nine and one-half years and 10 years in prison, respectively, for the manslaughter of a transsexual in 2009. One prison term was longer, because the court determined the offense to be a hate crime.

Other Societal Violence or Discrimination

The law prohibits violence or discrimination against persons with HIV/AIDS, and there were no such cases reported.

Section 7 Worker Rights

a. The Right of Association

The law provides workers in public and private sectors 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 unions affiliated with the Council of Trade Unions, a federation that included unions representing various trades and locations. A few small, nonaffiliated labor unions also existed. According to DoL statistics published in March 2009, unions represented 17 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 approximately 1,470) was limited and based on communal decision making and activity. In Niue, a self-governing country in free association with New Zealand (population 1,625), the dominant public sector (422 positions) had an active public-service association. In the Cook Islands, also a self-governing country in free association with New Zealand (official population 21,000; resident population 13,000), 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.

The law prohibits sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) 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. Key services include: production, processing, and supply of petroleum products; production and supply of electricity, water, and sewer services; emergency fire brigade and police services; ambulance and hospital services; manufacturing of certain pharmaceuticals and dialysis solutions; operation of residential welfare or penal institutions;

airport and seaport operations; and dairy production operations. The listing of some of these sectors is based on broader criteria than the International Labor Organization's definition of "essential services."

In response to potential industrial unrest, an October amendment to labor law, according to the DoL, clarified and confirmed the employment status of film-production workers to reflect that working relationships in that industry are predominantly (but not exclusively) contract based. While the legislation defines workers in the film industry who are not employees as independent contractors but does not prevent film-production-company employees from joining unions and bargaining collectively, it does take away the court's ability to determine the type of work arrangement in the screen film industry (regardless of the actual work arrangement). Unions joined screen actors in protest of the result.

A labor law amendment during the year extends the ability of employers and employees to agree to trial periods of 90 days or less for all employers, during which employees are not permitted to raise a personal grievance for unjustified dismissal (a provision that drew union criticism). However, employees may raise a personal grievance on the grounds of sexual or racial harassment, discrimination, or unjustified disadvantage. If an employment relationship problem arises during the trial period, the employee and the employer may access mediation services. Designed to improve labor-market flexibility and encourage employment of new staff members, particularly from groups that faced higher levels of labor-market disadvantage, the amendment was scheduled to become effective in 2011.

The Employment Court has full and exclusive jurisdiction in matters related to strikes or lockouts and may issue an injunction to prevent a strike or lockout. The DoL also offers mediation in such cases.

b. The Right to Organize and Bargain Collectively

The law provides for the right of workers to organize and contract collectively through unions, and workers exercised this right in practice. The law 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. There were no reports of forced labor during the year.

d. Prohibition of Child Labor and Minimum Age for Employment

DoL inspectors effectively enforced a ban on the employment of children under the age of 15 in hazardous industries such as 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

On April 1, the government increased the minimum hourly wage to NZ\$12.75 (approximately \$9.55). 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, the new entrants' wage for 16- to 17-year-old workers was

increased to NZ\$10.20 (approximately \$7.65) 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 is the norm. The law provides for a minimum four-week annual paid vacation and 11 paid public holidays. Employees who work on a paid holiday are entitled to time and a half for that day and a day off with pay on another date. The armed forces are exempted from this benefit.

Employees are accorded by law one paid 10-minute rest break during a two- to four-hour work period, one paid 10-minute rest break and one unpaid 30-minute meal break during a four- to six-hour work period, and two paid 10-minute rest breaks and one unpaid 30-minute meal break during a six- to eight-hour shift.

The law allows companies with 19 or fewer employees to hire new workers for a trial period of up to 90 calendar days. Employers are permitted to dismiss such new employees during this period without cause as long as the decision is not based upon illegal discrimination.

The DoL is responsible for enforcing laws governing work conditions. During the year the DoL received 9,246 health- or safety-related employment complaints and 2,404 miscellaneous employment complaints, and by year's end it completed 4,654 and 2,107 investigations of those complaints, respectively.

The government mandates employers to provide health insurance for their seasonal workers.

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. DoL inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The DoL normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

[Back to Top](#)