

# NEW ZEALAND 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

New Zealand is a parliamentary democracy. Citizens choose their representatives in free and fair multi-party elections, most recently held in September, when the National Party won 60 of 121 parliamentary seats and formed a coalition government led by John Key as prime minister with three other parties. Authorities maintained effective control over the security forces.

Principal human rights problems included disproportionate societal problems for indigenous persons and some societal discrimination against ethnic minority individuals.

The government has effective mechanisms for prosecuting officials who commit human rights abuses, but there were no reports of such abuses during the year.

### **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 government officials employed them.

#### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards, including availability of food and potable water.

Physical Conditions: As of June 30, the prison population was 8,571. Of these, 6 percent were women, 4 percent were between 15 and 19 years of age, and 51 percent were of Maori descent; 21 percent of the prison population consisted of pretrial detainees. The maximum intended capacity of the prison system was 10,350. The average time in pretrial detention between July 2013 and June 2014 was 57 days. Conditions for men and women were generally similar.

Persons accused of a crime who are 17 years or older are tried as adults and, if convicted, sent to adult prisons. Male prisoners younger than 17 years are managed in residential facilities operated by the national Child and Youth Welfare Agency. There is no separate facility for juvenile females because there were generally fewer than five throughout the country at any one time.

Transgender prisoners who had the gender on their birth certificates changed to reflect their preferred gender are housed in accordance with their preferred gender. Transgender prisoners whose birth certificates have not been changed may apply to the corrections chief executive to be housed with inmates of their identified gender, except for those serving or facing charges for serious sexual offenses. A Department of Corrections Prison Service rule does not allow transgender prisoners to begin medical treatment while incarcerated or to access gender reassignment surgery.

There were three deaths in prisons or pretrial detention centers during the year.

Administration: Recordkeeping on prisoners was adequate. Alternatives to incarceration for nonviolent offenders included home detention, community detention, community work, supervision by community corrections officials, fines, restitution, and discharge with or without conviction.

Authorities allowed prisoners at least one personal visit each week for a minimum of 30 minutes, permitted religious observance, and allowed inmates to make uncensored complaints to statutory inspectors or the ombudsman. The Ombudsman's Office reports to Parliament annually on its findings. The law provides for specified rights of inspection, including 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.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers.

#### **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**

The New Zealand Police are responsible for internal security, and the armed forces, under the Ministry of Defense, are responsible for external security. Civilian authorities maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

#### **Arrest Procedures and Treatment of Detainees**

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. Police do not normally grant bail for more serious offenses such as assault or burglary. Suspects have the right to appear promptly before a judge for a determination of the legality of the detention. Court bail is granted after the first court appearance unless there is a significant risk the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Authorities granted family members prompt access to detainees and allowed detainees prompt access to a lawyer of their choice and, if indigent, a lawyer provided by the government. The government did not detain suspects incommunicado. Home detention is accepted as an alternative to prison time for convicted nonviolent offenders. The Corrections Department viewed home detention as both a punitive and rehabilitative sentence, requiring an offender to remain at a suitable and approved residence and be subject to monitoring 24 hours a day.

Arrested persons have additional legal protections, including the right to initiate habeas corpus proceedings to decide the lawfulness of their detention, to be

charged and tried without “undue delay,” and to obtain compensation if unlawfully detained.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence.

### **Trial Procedures**

The law provides for the right to a fair public trial by jury, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to counsel. By law, authorities must inform defendants promptly and in detail of the charges, with free interpretation as necessary, and provide adequate time and facilities to prepare a defense. Defendants cannot be compelled to testify or confess guilt. Defendants also have the right to present witnesses and evidence, confront witnesses against them, access government-held evidence, and appeal convictions. The government provides a lawyer at public expense if the defendant cannot afford counsel. The law extends these rights to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil judicial remedies for human rights violations, including access to the Human Rights Review Tribunal. There are also administrative remedies for alleged wrongs through the Human Rights Commission 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.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 77 percent of households had access to the internet, and 83 percent of the population used the internet in 2013.

### **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.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: From July 2013 to June 2014, the government accepted 750 refugees for resettlement and facilitated their local integration. A total of 751 refugees were accepted during the same period in 2012-13. The country's refugee policy commits the government to resettle 750 refugees each year as part of its Refugee Quota Program. Under an agreement concluded in February 2013 between Prime Minister John Key and former Australian prime minister Julia Gillard, 150 of these slots may be reserved for refugees in Australia awaiting resettlement. The agreement was scheduled to take effect in 2015. Funding for national resettlement planning and support services for quota refugees in their first 12 months increased to NZ\$13.2 million (\$10.4 million).

Temporary Protection: The government provides temporary protection to individuals outside its annual quota of 750 refugees accepted for resettlement, but information was not available on the number of such cases during the year.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In the most recent general elections, held in September, the National Party won 60 of 121 parliamentary seats and formed a government in coalition with minority parties ACT, the Maori Party, and United Future. The coalition re-elected John Key Prime Minister. Three other parties were represented in Parliament: Labour, the Green Party, and New Zealand First.

Participation of Women and Minorities: Women participated fully in political life. There were 36 women among the 121 MPs and nine 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 and two 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 seats. There were 21 members of Maori descent, seven members of Pacific Island ethnicities, and five members of Asian descent in Parliament. The cabinet included at least three members of Maori ancestry.

Overall turnout in the general election was 81 percent, while turnout in designated Maori electorates was lower and ranged from 60 percent to 69 percent. In South Auckland electorates with a high percentage of Pacific Island voters, turnout was 69 percent. The country's Maori and Pacific Island populations had a higher than average percentage of persons under age 30, with a median age of 23. Younger cohorts demonstrated consistently lower voter turnout across all ethnic groups.

#### **Section 4. Corruption and Lack of Transparency in Government**

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.

Corruption: Efforts to combat corruption and prosecution of corruption cases are handled through the Ministry of Justice and the independent Serious Fraud Office. These entities operated effectively, collaborated actively with civil society, and had adequate resources for combating corruption.

Financial Disclosure: The law requires MPs, including all ministers, to submit an annual report of financial interests, including income and assets, which is disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission. The Office of the Registrar of Pecuniary and Other Specified Interests of Members of Parliament is mandated with monitoring and verifying these disclosures. The registrar compiles and maintains the reports, provides advice and guidance to members in connection with their obligations under the law, and is responsible for reporting irregularities to the speaker of the house for further review and action.

Public Access to Information: 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. 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 information is provided. If a request is refused, the relevant department must give a written reason for the refusal explaining the grounds for the decision. The department must also give the applicant information on how to complain to an ombudsman to seek an investigation and review of the refusal.

### **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.

Government Human Rights Bodies: The Ministry of Justice funded the Human Rights Commission (HRC), which operated as an independent agency without government interference. The HRC had a staff of 70 and adequate resources to perform its mission. It submitted 76 legal and policy interventions during the 12-month period ending June 30. It also continued to investigate two significant cases from 2012 relating to discrimination against persons with disabilities. The government responded to its recommendations, which led to several policy changes. The HRC was considered effective and enjoyed high public confidence.

The Office of the Ombudsman, an organization responsible to parliament but independent of the government, is charged with investigating complaints about 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, had adequate resources, and was considered effective. The office produced a wide variety of reports for the government that were available on its website.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination on the basis of race, gender, sexual orientation, gender identity, social status, language, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

#### **Women**



Rape and Domestic Violence: According to a 2014 government report, one in four women experienced intimate partner or sexual violence in their lives. 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 the prisoner poses a continuing threat to society. From July 2013 to June 2014, police recorded 3,629 charges for "sexual attacks," with 1,709 cases resolved. In the same period, there were 15 charges of spousal rape with two cases resolved, and 12 charges of "unlawful sexual connection with spouse" with 10 cases resolved.

Domestic violence is a criminal offense, but police did not classify domestic violence separately from other types of assault. The government reported in 2013 there were 11,700 prosecutions for domestic violence-related offenses. The Child, Youth, and Family Office, a service of the Ministry of Social Development, reported receiving 146,657 notifications of concern, which includes family violence referrals from police for the year ending June 30.

On July 2, the prime minister announced a chief victims' advisor would be assigned to the Ministry of Justice. Trial programs offering intensive case management services for family violence victims were also announced. 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 can issue Police Safety Orders, under which an alleged perpetrator can be removed from the family home for up to five days. Police were responsive when domestic violence was reported. The government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family-violence victim support networks, and violence prevention services.

During the year the government passed the Victims' Orders Against Violent Offenders Act, which creates the option of a "noncontact order" that may be applied to any person who has been sentenced to more than two years in prison for a specified violent or sexual offence. The order may prohibit the offender from contacting the victim in any way, including by electronic means.

Female Genital Mutilation (FGM/C): FGM/C, including sending a child abroad for FGM/C to be performed, is illegal. There is a maximum seven years' prison

term for anyone found guilty of practicing FGM/C. There was no documented evidence that FGM/C was practiced.

Sexual Harassment: The law prohibits sexual harassment and provides civil penalties. 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. In the year ending June 30, the HRC received 79 new human rights inquiries and complaints that cited sexual harassment.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and the right to attain the highest standard of reproductive health, free from discrimination, coercion, or violence. The government did not limit access to male contraception, and contraception for women was available without parental consent to those ages 16 and older. Skilled health care for women was widely available, including skilled attendance at childbirth, prenatal care, and essential obstetric and postnatal care.

Discrimination: Women enjoy the same legal status and rights as men, and the law prohibits discrimination in employment and rates of pay for equal or similar work. In October the Court of Appeal upheld an Employment Court ruling that employers in the female-dominated aged care industry must pay wages equal to those in a similar male-dominated industry.

The Ministry of Women's Affairs addresses problems of discrimination and gender equality, and there is a minister for women in the cabinet. The HRC has an equal opportunity employment team that focuses on workplace gender-related problems. This team regularly surveyed pay scales, conducted a census of women in leadership roles, and engaged public and private employers to promote compensation equality. A mid-year report by the Stock Exchange reported in 50 companies examined, 10 percent of directors and 23 percent of officers were women.

## **Children**

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

requires notification of births by both parents as soon as “reasonably practicable,” deemed as generally being within two months of the birth, and most births were registered within this period.

Child Abuse: The number of substantiated cases of child abuse and neglect decreased to 19,623 for the July 2013 to June 2014 fiscal year, compared with 22,984 the previous year. A disproportionately high number of reported cases of child abuse (more than 50 percent) involved Maori children.

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.

Early and Forced Marriage: The legal minimum age for marriage is 20 for both men and women, except persons ages 16-19 may marry with parental permission. Marriages involving persons under age 18 were rare.

Female Genital Mutilation/Cutting (FGM/C): FGM/C, including sending a child abroad for FGM/C to be performed, is illegal. There is a maximum seven years’ jail term for anyone found guilty of practicing FGM/C. There was no documented evidence that FGM/C was practiced.

Sexual Exploitation of Children: The law makes it an offense punishable by seven years’ imprisonment to assist a person under age 18 in providing commercial sexual services; to receive earnings from commercial sexual services provided by a person younger than 18 years; or to contract for commercial sexual services from, or be a client of, a person under 18 years. The law also makes it an offense to deal in individuals younger than 18 years for sexual exploitation or engagement in enforced labor. The law provides that any person who has a sexual connection with a person younger than 16 years is liable to imprisonment for up to 10 years.

The penalty for a person who enters into an arrangement or takes an action involving a person under 18 years for the purposes of sexual exploitation or forced labor is 14 years’ imprisonment. Citizens who commit child sex offenses overseas may be prosecuted in the courts.

Commercial sexual exploitation of children remained a concern. No recent data was available on its prevalence, however. The government, in concert with nongovernmental organizations (NGOs), operated programs to reintegrate children

out of prostitution through vocational training and educational opportunities. See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

The law prohibits child pornography and provides for a NZ\$10,000 (\$7,910) fine of an individual, and NZ\$30,000 (\$23,730) of a corporate body, 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 (\$158,230) fine of a corporate body if a person commits such an act knowing the publication is objectionable. Possession of objectionable material is also an offense punishable by a NZ\$2,000 (\$1,580) fine for an individual and NZ\$5,000 (\$3,950) for a corporate body. Knowingly possessing objectionable material is punishable by five years' imprisonment or a NZ\$50,000 (\$39,550) fine for an individual or a NZ\$100,000 (\$79,100) fine for a corporate body. For sentencing purposes, it is an aggravating factor if the publication promotes or supports exploitation of youth 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.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at <http://travel.state.gov/content/childabduction/english/country/new-zealand.html>.

### **Anti-Semitism**

The Jewish community numbered approximately seven thousand. Anti-Semitic incidents were rare, but during the September national election, several campaign posters featuring the prime minister were defaced with anti-Semitic graffiti. The prime minister responded by addressing the importance of peace and religious freedom for all religious communities.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities, including air travel and other transport; and the provision of goods, services, housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be “demonstrably justified.” There are laws and programs designed to provide access to communications and information for persons with disabilities. The government effectively enforced applicable laws. Most school-age children with disabilities attended school.

From July 2013 to June 2014, the HRC received 455 disability-related complaints, which represented 30 percent of the total complaints received. The government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. Additionally, both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

### **National/Racial/Ethnic Minorities**

Pacific Islanders, who constituted 7 percent of the population, experienced some societal discrimination. Asians, who made up 12 percent of the population, also reported some societal discrimination.

The Ministries of Justice and Pacific Island Affairs had a program to identify gaps in delivery of government services to Pacific Islanders. The government's race relations commissioner managed the Diversity Action Program, which was aimed at the Maori, Pacific Islander, and Asian communities and included an annual, widely attended Diversity Forum considered effective in helping to eliminate race-based discrimination.

The Office of Ethnic Affairs within the Department of Internal Affairs focused on improving dialogue and understanding about minority communities among the wider population.

### **Indigenous People**

Approximately 15 percent of the population claim descent from the country's indigenous Maori.

Between July 2013 and June 2014, legislation was enacted that settled eight claims by indigenous groups ("iwi"), relating to the 1840 Treaty of Waitangi, the country's founding document. An additional 10 groups had signed deeds of settlement and were in various stages of the legislative process to make their deeds unconditional. By June the government was in active negotiations with almost all iwi in various stages of the claims process.

The law prohibits discrimination against the indigenous population, but 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 50.8 percent of the prison population and 43.5 percent of persons serving community-based sentences. The government, along with community partners, continued to implement programs and services to reduce Maori recidivism and overrepresentation in the criminal justice system.

The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous persons.

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

Consensual same-sex sexual conduct between adults is not criminalized. The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. From July 2013 to June 2014, the HRC received 44 discrimination complaints relating to gender identity or sexual orientation (1.7 percent of all complaints).

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides that workers can form and join unions of their choice without previous authorization or excessive requirements. The law provides for the right of workers to organize and bargain collectively and conduct legal strikes. The law prohibits antiunion discrimination. While it does not require reinstatement of

workers fired for union activity, the courts can order this at their discretion. The government respected these rights in practice.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. Police have the right to freedom of association and the right to organize and bargain collectively, but sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) do not have the right to strike or take any form of industrial action. Contractors cannot join unions, bargain collectively, or conduct strike action.

The right to strike has limitations. Workers may strike while negotiating the right to a collective bargaining agreement or over matters of health and safety. 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; dairy production operations; and animal slaughtering, processing, and related inspection services. The inclusion of some of these sectors was based on broader criteria than the International Labor Organization's definition of "essential services."

To bargain collectively, unions must be registered, independent, governed by democratic rules, and have at least 15 members. Unions may not bargain collectively on social or political issues.

The government effectively enforced applicable laws without lengthy delays.

Unions can and did conduct their activities without government interference. Nearly all unionized workers were members of unions affiliated with the New Zealand Council of Trade Unions, an independent federation that included unions representing various trades and locations. A few small, nonaffiliated unions also existed. There were no cases of antiunion discrimination during the year.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor obtained by means of debt, law, custom, or agreement that prohibits a person from leaving employment. The law criminalizes forced labor, imposing penalties of up to NZ\$250,000 (\$198,000) and

20 years' imprisonment for fraudulent employment and recruiting practices. Fines can be imposed for labor violations such as underpayment of wages and excessively long working hours. The government generally enforced these provisions effectively.

Migrant workers, including in the agricultural, hospitality, and domestic sectors were potentially vulnerable to forced labor. Recruitment agencies based within the country that recruit workers from abroad must have a licensed immigration adviser. The government expanded partnerships with foreign governments to better monitor and regulate recruitment of foreign workers by foreign companies outside the country, even if the employer was foreign owned and operated.

Concerns remained in the NGO community about forced labor on board foreign-flagged fishing vessels in New Zealand territorial waters. The government passed a law requiring all foreign-flagged fishing vessels to be reflagged and to comply with labor practices in accordance with New Zealand law and monitored by New Zealand authorities.

There were fewer than 10 substantiated reports of forced labor during the year; these led to court cases.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

By law children under age 16 may not work between the hours of 10 p.m. and 6 a.m. The law also states children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education. The law bans the employment of children under age 15 in hazardous industries such as manufacturing, mining, and forestry. Department of Labor inspectors effectively enforced these laws.

Concerns remained about the commercial sexual exploitation of children (see section 6, Children).

### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination on the basis of race, gender, sexual orientation, gender identity, social status, language, disability, age, HIV status, and national or



ethnic origin, and the government actively enforced these prohibitions (see also section 6, Women).

### **e. Acceptable Conditions of Work**

The minimum hourly wage is NZ\$14.25 (\$11.27). The “training minimum wage” for those age 20 or over, and the “starting-out” wage for 16- to 19-year-old workers, is NZ\$11.40 (\$9.02) for nonsupervisory workers with fewer than three months or 200 hours of employment. There was no official poverty-level income figure, but researchers frequently used 60 percent of the median household income, (NZ\$26,300 (\$20,805)), as the unofficial poverty-level marker.

The law provides work hours should be set in collective or individual agreements between employers and employees, and although a 40-hour workweek is traditional, employer and employee parties may contractually agree to a workweek of more than 40 hours. There are no legal provisions regarding overtime pay rates, but they may be negotiated between the employer and employee. In the absence of a negotiated agreement on overtime, employers may request, but may not require employees to work overtime hours.

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 for most industries. The law provides for 11 paid public holidays and a minimum four-week annual paid vacation. 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 excepted from this benefit.

By law employees are accorded 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.

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. The government mandates employers to provide health insurance for their seasonal workers. The law allows workers to refuse to perform work likely to cause serious harm and permits legal recourse if they believed they had been penalized as a result.

The government proactively investigated labor conditions and in cases of noncompliance with labor law levied fines, required restitution of wages to workers, and pulled licenses from offenders.

The Department of Labor of the Ministry of Business, Innovation, and Employment is responsible for enforcing laws governing working conditions, including wages and hours, and occupational safety and health. The department's inspectors effectively enforced safety and health rules, and they have the power to shut down equipment if necessary. The department normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification. Convictions for violations of these laws carry penalties of up to NZ\$500,000 (\$400,000) or imprisonment of up to two years.

As of October 2014, WorkSafe NZ, the stand-alone workplace safety and health regulatory agency created in December 2013, employed 145 assessment, investigations, and response inspectors; four chief inspectors, and 18 inspectors in the High Hazards Unit. This was a 45 percent increase from 2013.

During the year legislation was enacted requiring all vessels operating in territorial waters to adhere to the country's labor laws from May 1, 2016. This followed government establishment of a panel of inquiry in 2011 to evaluate the country's fishing industry in response to allegations by unions, Maori groups, and human rights organizations, among others, of labor abuses on foreign-flagged fishing vessels operating in the country's territorial waters and exclusive economic zone.

In 2013, 55 persons were reported killed in the line of work, compared with 46 confirmed fatalities in 2012, and 182,900 claims were made to the Accident Compensation Corporation for a work-related injury, up from 180,000 provisional claims in 2012. Workers ages 15-24 years and 65 years and over had the highest claim rates across all age groups. The fishing and forestry industries had the highest number of entitlement (i.e., more serious) claims as a proportion of all claims within the industry, both with 18 percent of claims involving entitlement payments.