

**International Labour Conventions Ratified by  
New Zealand**

**August 2001**

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## **About this Booklet**

This booklet is a brief guide to the International Labour Conventions that New Zealand has ratified as at 31 August 2001.

For readers who may not be familiar with the background to international standards on labour issues, the booklet provides a brief account of the International Labour Organisation (ILO) and the role played by international Labour Conventions and Recommendations.

Summaries are given of each of the Conventions that New Zealand has ratified, together with the names of the agencies that administer them and a brief outline of how New Zealand implements them (including reference to relevant legislation). Some relevant legislation may be omitted, although every attempt has been made to make the list as accurate as possible. Each entry also shows when New Zealand ratified the Convention and the total number of countries that have ratified it, as at 31 December 2000.

Some Conventions contain references to the "Competent Authority". For most purposes in a New Zealand context, this should be regarded as a reference to the House of Representatives.

Entries are in numerical order, which is also by date of adoption by the ILO. The Conventions are also listed firstly in numerical order, then by subject matter, and then by relevant statute, in Appendices 1, 2 and 3.

Conventions that New Zealand ratified and then subsequently denounced are included in Appendix 4. Appendix 5 contains a list of all ILO Conventions.

Tokelau is New Zealand's only remaining dependent non-metropolitan territory and therefore the only one for which New Zealand retains responsibility for the application of Conventions. Each entry shows whether the ratification has been extended to include Tokelau.

Copies of the full text of Conventions may be obtained from International Services, Department of Labour, PO Box 3705, Wellington, telephone 915-4092 or by accessing the website of the International Labour Organisation [www.ilo.org](http://www.ilo.org)

This publication is a guide only and should not be used as a substitute for the Convention texts or for New Zealand legislation.

**The Government maintains an ongoing review of employment relations issues. Review exercises are currently taking place in the area of equal employment opportunities, health and safety in**

**employment, parental leave, holiday entitlements and sale or transfer of businesses. These may well result in changes in the way New Zealand implements the provisions of ratified Conventions. It should also be noted that in relation to the area of accident compensation, as at 31 August 2001 the Injury Prevention, Rehabilitation and Compensation Bill was before Parliament for consideration. The Bill is intended to repeal the Accident Insurance Act 1998 (of which there are a number of references in this booklet), and intended to come into force on 1 April 2001.**

The Department of Labour takes no responsibility for the results of any action taken on the basis of the information in this booklet, nor for any errors or omissions.

## **International Labour Organisation (ILO)**

### **What is the ILO?**

The ILO was created by the Treaty of Versailles in 1919 and is unique among the United Nation's specialised agencies for three reasons:

- As the only surviving body of the League of Nations, it is not only older than all the other agencies, but is older than the UN itself.
- Since it's very beginning it has had a tripartite structure. Its Governing Body has employer and worker members as well as government representatives, and its annual conference is the only regular international forum where employers and workers have full voting rights with governments.
- It is the only international organisation whose constitution gives it the supervisory power to require Member countries to report regularly, fully and publicly on the way in which they implement the Conventions they have ratified.

New Zealand is a founder member of the ILO. The accredited channel of communication between the organisation and the government is the Department of Labour, but in dealing with ILO matters the Department consults widely with other government departments as well as with employer and worker organisations.

### **International Labour Code**

When the International Labour Organisation was set up in 1919 its prime function, as laid down in its constitution, was to establish international standards across the wide range of issues related to labour. The standards that it has set over the years are collectively called the international labour code, and consist mainly of Conventions and Recommendations adopted by its annual general conference. From the legal point of view there is a fundamental difference between these two kinds of instruments:

#### *Conventions*

An international labour Convention is a treaty which is designed to be ratified by Members.

In ratifying a Convention a Member State undertakes to comply with all its provisions and to report regularly to the ILO on how

it does so. These reports are examined by an independent committee of eminent jurists, the Committee of Experts on the Application of Conventions and Recommendations.

The Committee publishes its main findings in a report that becomes the basis of discussions at the annual conference, between the governments concerned and a tripartite committee of representatives of governments, employers and workers. The Committee of Experts also discusses individual issues directly with Members, seeking further information or using the resources of the International Labour Office to provide practical assistance if necessary.

### *Recommendations*

An international labour Recommendation sets out a number of standards that are guidelines that governments may choose to follow. It is not a treaty and has no legal force in international law.

Within 12 to 18 months of the annual conference, the full text of every Convention and Recommendation adopted by the conference is published, along with a statement of the action the New Zealand Government proposes to take on it, as an appendix to Parliamentary Paper A.7, the *Report of the New Zealand Government Delegates to the International Labour Conference*. This paper is printed in the Appendices to the *Journal of the House of Representatives* and is available in reference libraries

**THE CONVENTIONS  
AS IMPLEMENTED IN NEW ZEALAND**

**Provisions**

The Convention requires ratifying countries to deal with the problem of unemployment by:

- supplying to the International Labour Office statistics and other information about unemployment and the measures to deal with unemployment;
- operating a system of free employment agencies;
- treating foreign workers no differently from citizens as regards unemployment insurance, where such insurance systems are established.

**Administered by:**

Department of Labour

Statistics New Zealand

\*Department of Work & Income

\*Ministry of Social Policy

\* from 1<sup>st</sup> October 2001 these two agencies will be combined in a new Ministry of Social Development

**How New Zealand Implements It**

- The Department of Work and Income operates a nation-wide network of free public employment agencies (see Convention 88 for details). It is also responsible for the provision of income support payments (see Convention 44 for details).
- In general, foreign employees who have a residence permit are entitled to income support if they are unemployed, and have been resident for two years. In cases of hardship, an emergency benefit can be paid earlier. Income support can also be provided to people claiming refugee status who have a work permit, and to quota refugees. Foreign employees who are in New Zealand unlawfully, or only by virtue of a visitor's permit, a permit to study, a work permit or a limited purposes permit, are generally not entitled to income support.
- Statistical and other information is regularly supplied to the International Labour Office. This includes such material as the New

Zealand Official Yearbook and Key Statistics from Statistics New Zealand; reports of numbers registered as unemployed, participating in employment programmes, and receiving income support payments from the Department of Work and Income; and the annual reports of the Department of Work and Income, the Department of Labour and the Ministry of Social Policy.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938      **Total ratifications:** 55

**No. 8      UNEMPLOYMENT INDEMNITY (SHIPWRECK)      1920**

**Provisions**

If a ship (not a warship) founders or is lost, the owner or employer must pay to all persons employed on board, for each day of ensuing unemployment, up to a total of two months, an indemnity equivalent to their daily wage.

**Administered by:**

Maritime Safety Authority of New Zealand      *Maritime Transport Act  
1994*

**How New Zealand Implements It**

The Maritime Transport Act (Section 22) provides that:

- every employer of seafarers on a New Zealand ship shall, in the event of the loss or foundering of the ship, pay to every seafarer wages at the normal rate until:
  - the seafarer is otherwise employed; or
  - the expiry of two months from the date of loss or foundering, whichever first occurs.

This Convention is not applicable to Tokelau.

**Ratified:** 11 January 1980      **Total ratifications:** 59

**Provisions**

- The Convention prohibits the charging of fees for finding work for seamen.
- It requires free public employment offices for seamen to be set up and maintained, either jointly by representatives of shipowners and seamen, or by the State.
- Committees representing shipowners and seamen are to be set up to advise on the operation of the offices.
- Seamen must have freedom of choice of ship and shipowners freedom of choice of crew.

**Administered by:**

Department of Labour

*Employment Relations Act 2000*

Maritime Safety Authority of New Zealand

*Maritime Transport Act 1994***How New Zealand Implements It**

- The Maritime Transport Act (Section 27) makes it an offence to demand or receive remuneration for providing any seafarer with employment on a ship.
- Seafarers who want employment at sea can leave details of their qualifications and availability at Maritime Safety Authority offices at the three major ports, and this information is provided on request to employers.
- Seafarers have free choice of ship, and shipowners free choice of crew.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938**Total Ratifications:** 39

**Provisions**

- Children under the age of 14 are prohibited from working in agriculture during school hours.
- Outside school hours they may undertake only light work that cannot affect their health or their attendance at school.
- Children in technical schools are exempt if their work is approved and supervised by the public authority.

**Administered by:**

Ministry of Education            *Education Act 1989*

Department of Labour            *Health and Safety in Employment Act 1992*

**How New Zealand Implements It**

- The Education Act (Sections 20 and 25) requires the compulsory enrolment and attendance at school of every child between the ages of 6 and 16. There are some provisions for exemption provided arrangements are made for the child to be taught at least as regularly and well as in a registered school.
- Section 30 prohibits the employment of school age children at any time within school hours, or at any other time which would prevent or interfere with:
  - attendance at school; or
  - the ability to do correspondence schooling; or
  - (for exempted children) their ability to be taught at least as regularly and well as in a registered school.
- The Health and Safety in Employment Act 1992 requires employers to ensure the safety of all employees at work.
- The Health and Safety in Employment Regulations 1995 place additional duties on employers to make sure employees under 15 years of age, do not work in areas that are likely to cause harm to their health and safety.
- Employers must also make sure that children under 15 years are not required to:
  - lift any weight, or perform any task that may be injurious to their health; or
  - work at machinery; or

- drive or ride upon a tractor, or self-propelled mobile mechanical plant.
- Employers must take steps to ensure children under 16 years are not required to work between 10pm and 6am, unless the employment meets an approved code of practice for children under 16 years, for the kind of work the employee is doing. (There are no such approved codes of practice currently in effect).

This Convention is not applicable to Tokelau.

**Ratified:** 8 July 1947

**Total Ratifications:** 55

**Provisions**

Ratifying countries are to:

- guarantee to agricultural workers the same rights of association and combination as industrial workers have; and
- repeal any statutory or other provisions that restrict those rights for agricultural workers.

**Administered by:**

Department of Labour

*Employment Relations Act 2000*

***How New Zealand Implements It***

- The Employment Relations Act deals with all matters relating to freedom of association and collective bargaining.
- It applies to employees in agriculture to the same extent as to employees in other sectors.
- It gives all employees the right to join a union of their choice.
- It also gives all employees, including agricultural employees, access to personal grievance procedures if they believe they:
  - have suffered discrimination because of involvement with a union; or
  - have been subject to duress relating to their membership or non-membership of a union.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 120

**No. 12    WORKMEN'S COMPENSATION (AGRICULTURE)    1921**

**Provisions**

- The laws and regulations that provide for compensation for personal injury arising out of or in the course of employment must be extended to cover agricultural workers.
- The protection provided for agricultural workers does not, however, have to be identical to that provided for industrial workers.

**Administered by:**

Accident Compensation Corporation    *Accident Insurance Act 1998*

Department of Labour

**How New Zealand Implements It**

- New Zealand's accident compensation scheme covers all employees (see Convention 17 for details).
- It does not differentiate between agricultural employees and other employees.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938      **Total Ratifications:** 76

**Provisions**

- All workers in industrial undertakings shall have a rest period of at least 24 hours in every period of seven days.
- Certain exemptions are permitted, with due regard to economic and humanitarian considerations, and after consultation with the responsible employers' and workers' organisations.
- When there are exemptions, compensatory rest periods are, as far as possible, to be provided.

**Administered by:**

Department of Labour                      *Employment Relations Act 2000*

*Minimum Wage Act 1983*

Ministry of Transport                      *Transport Act 1962*

**How New Zealand Implements It**

- The Minimum Wage Act provides that employment agreements shall not fix hours to be worked at more than 40 hours in one week, excluding overtime, on not more than 5 days of the week, unless the parties to the agreement agree.
- Section 70B of the Transport Act deals with the hours of work for drivers of heavy motor vehicles and vehicles being used under a transport service licence. A driver of one of these vehicles must have at least 24 consecutive hours off duty during every seven-day period.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 116

**No. 15      MINIMUM AGE (TRIMMERS AND STOKERS)      1921**

**Provisions**

- Persons under the age of 18 may not be employed as trimmers or stokers on steamships.
- If, in a given port, the only people available for those jobs are aged between 16 and 18, two people must be employed for each vacancy.
- The master of every vessel is required to keep a register of all persons younger than 18 who are employed on board, or enter their names in the articles of agreement (which must also contain a brief summary of the provisions of the Convention).

**Administered by:**

Maritime Safety Authority of New Zealand      *Maritime Transport Act 1994*

**How New Zealand Implements It**

The Maritime Transport Act (Section 26):

- prohibits the employment of a person under the age of 18 years as a trimmer or fireman on steamships;
- permits two persons over the age of 16 to be employed in place of one person over 18 in a port where no persons over the age of 18 is available;
- requires a list of all crew members under the age of 18 to be included in a register.

This Convention is not applicable to Tokelau.

**Ratified:** 26 November 1959      **Total ratifications:** 70

**Provisions**

- No young person under the age of 18 may be employed on a vessel unless they can produce a medical certificate confirming they are fit for work.
- The certificate must be issued by an approved doctor and renewed within 12 months.

**Administered by:**

Maritime Safety Authority of New Zealand

*Maritime Transport Act 1994***How New Zealand Implements It**

A maritime rule made pursuant to Section 36 of the Maritime Transport Act:

- requires every person under 18 who is employed on any New Zealand or home-trade ship to deliver to the ship's master a medical certificate issued by an approved practitioner; and
- limits the validity of the certificate to no more than 12 months.

This Convention is not applicable to Tokelau.

**Ratified:** 5 December 1961    **Total Ratifications:** 81

**Provisions**

- The Convention deals with compensation for workmen who suffer personal injury due to industrial accident.
- It does not cover seamen, fishermen, or agricultural workers.
- Some categories of workers may be exempted, e.g. outworkers, members of the employer's family who live at home, persons who earn more than a specified amount, etc.
- Compensation is payable to the injured worker or his or her dependants.
- In the case of permanent incapacity or death it shall be paid as periodical payments, although a lump sum may be paid if the competent authority is satisfied that it will be properly utilised.
- Compensation in the case of incapacity must be paid not later than as from the fifth day after the accident.
- Additional compensation is to be paid if the injured worker requires constant care.
- Injured workers are entitled to whatever medical, surgical and pharmaceutical aid is necessary, and the cost of this is to be met by the employer or an insurance institution.
- They are also entitled to the supply and renewal of artificial limbs and surgical appliances, although in exceptional circumstances a cash equivalent may be provided for these.

**Administered by:**

Accident Compensation Corporation      *Accident Insurance Act 1998*

Department of Labour

**How New Zealand Implements It**

- The Act sets up a scheme to compensate all persons who suffer personal injury by accident in New Zealand, including people in the categories excluded by the Convention.

- All employers are required to insure their employees against all work injuries through the Accident Compensation Commission, or under a self insurance provision agreed by the ACC.
- Self-employed and private domestic employees are required to insure through the Self-Employed Work Account, which provides a compensation fund for work accidents.
- People who suffer a work accident are entitled to compensation which includes, where appropriate: hospital, medical and rehabilitation costs; an independence allowance; the cost of travelling to obtain medical treatment; weekly compensation; and, in case of death, funeral expenses and for the dependent spouse and dependent children, weekly compensation in proportion to the deceased's earnings.
- People who are incapacitated and unable to work may be entitled to a Sickness Benefit or Invalids Benefit and/or Disability Allowance paid under the Social Security Act 1964.
- Compensation for work accidents is payable from the day the incapacity commenced.
- The costs of attendant care, home help and childcare are met where necessary, also payment for wheelchairs and other aids and appliances that are likely to assist independence in daily living.
- The amounts payable are index linked, and adjusted each year to reflect inflationary trends.

The Act perpetuated some provisions that have been questioned as not fully satisfying the requirements of the Convention. These involve the possibility that the employee may be required to contribute, either directly or indirectly, to a proportion of the expenses incurred in treating an occupational injury and the five year limitation on payment of weekly compensation to widows. Discussions with the ILO are currently taking place with a view to resolving these issues.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total ratifications:** 71

**Provisions**

- The Convention applies to sea-going vessels (with specified exceptions) registered in any country that ratifies it.
- Articles of agreement are to be signed - with adequate supervision by the competent authority - by the shipowner or his representative and by the seafarer.
- The agreements may be for a definite period or for a single voyage or, if national law permits, for an indefinite period.
- They should contain particulars listed in the Convention (such as, the name and age of the seaman, the place and date the agreement was completed, the voyage or voyages to be undertaken, the capacity in which he is employed, when and where he is to report, what wages he is to be paid, what leave he is to get, when and how the agreement will terminate, etc.) and state clearly the respective rights and obligations of each of the parties.
- If national law requires a crew list to be carried on board, the agreement must be either recorded in or attached to the list.
- Appropriate measures are to be taken to enable the seafarer to check on his rights and obligations while he is on board, for instance by posting the conditions of the agreement in a place easily accessible from the crew's quarters.
- The Convention also lays down the conditions under which an agreement may be terminated by either party.

**Administered by:**

Department of Labour

*Employment Relations Act 2000*Maritime Safety Authority of  
New Zealand*Maritime Transport Act 1994***How New Zealand Implements It**

- The Employment Relations Act covers employment agreements in general.
- The Maritime Transport Act sets out in Section 22 the particular conditions applicable to articles of agreement for ships' crews. These provisions cover each of the points specified in the Convention.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938      **Total ratifications:** 58

**Provisions**

- The Convention applies to sea-going vessels (with specified exemptions) registered in any country that ratifies it.
- A seafarer who is landed during, or on expiry of, his term of engagement shall be repatriated to his own country or to the port of engagement or to the port at which the voyage commenced.
- A foreign seafarer engaged in a country other than his own is to be repatriated as provided by national law, or, if there is no such law, as in the articles of agreement.
- The costs of repatriation are to include transport charges, food and accommodation during the journey, and maintenance up to the time of departure.
- If the seafarer is discharged for reasons beyond the seafarer's control, for instance because of work accident or shipwreck, the seafarer is not to bear the costs of repatriation.
- If he is repatriated as a crew member, the seafarer must be paid for work he performs during the voyage.

**Administered by:**

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

**How New Zealand Implements It**

- The Maritime Transport Act, section 22, provides that an employer of seafarers on a New Zealand ship (other than a pleasure craft) going on an overseas voyage must arrange at the termination of the voyage for the seafarers' return to their own country or to the port where the voyage commenced, or any other mutually agreed place.
- The same obligation is placed on an employer under section 22 where a seafarer is left behind as a result of:
  - injury sustained during employment;
  - shipwreck;
  - illness not due to wilful act or default of the seafarer;
  - discharge for any cause for which the seafarer cannot be held responsible.

- Where the employer fails to follow the course of action required by section 22 and the seafarer pays the expenses for maintenance and return, the seafarer is entitled to claim them as wages owing.

This Convention is not applicable to Tokelau.

**Ratified:** 11 January 1980      **Total ratifications:** 45

**Provisions**

- Ratifying countries are to create and maintain machinery to fix minimum rates of wages for workers employed in certain sectors where there are no effective arrangements for regulating wage rates (whether by collective agreement or otherwise) and in which wages are exceptionally low.
- Ratifying countries are free to decide, after consulting the appropriate workers' and employers' organisations, which sectors the minimum wage-fixing machinery is to be applied to.
- They can also decide the nature and form of the machinery and how it will operate, provided the principles specified in the Convention are observed.
- Measures must also be taken to ensure that the minimum rates of wages are paid. This includes a system of supervision and sanctions.
- Ratifying countries must supply information annually to the ILO on the sectors the minimum wage-fixing machinery applies to, the approximate numbers of workers covered and the wage rates that have been fixed.

**Administered by:**

Department of Labour

*Minimum Wage Act 1983***How New Zealand Implements It**

- Under the Employment Relations Act employers and employees negotiate their employment agreement, which may be:
  - individual, covering one employer and his employee, or
  - collective, covering two or more employees and their employer(s).
- The employment agreement sets out the agreed conditions of employment including wage rates, which may not be less than the minimum prescribed by the Minimum Wage Act.
- The Minimum Wage Act provides the floor for wage payments in the labour force, and the minimum wage is reviewed annually.
- The Minimum Wage Order 2001 currently provides a minimum wage for employees aged 18 years or more, and a minimum wage for employees aged 16-17 years.

- The Act is enforced by labour inspectors employed by the Department of Labour.
- A labour inspector, on behalf of the employee, may issue a demand notice or take a claim for a breach of the Act to the Employment Authority, which can impose penalties as well as order restitution.
- An employee, or their union, may pursue a breach through mediation, and failing agreement through the Employment Relations Authority

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 101

**Provisions**

- Forced or compulsory labour is defined as any work exacted under the threat of any penalty and for which a person has not offered himself voluntarily.
- Ratifying states undertake to abolish the use of compulsory labour in all its forms.
- Exceptions are made for:
  - compulsory military service;
  - normal civic obligations including minor community service;
  - penal labour exacted following a conviction in a court of law and performed under the supervision and control of a public authority (not work for private individuals or bodies);
  - work exacted in emergencies; and
  - work demanded by law or custom in countries where food production is organised on a communal basis.

**Administered by:**

No designated agency

**How New Zealand Implements It**

- New Zealand has not enacted any laws that specifically prohibit forced labour.
- Compliance with the Convention is dependent on various sanctions against illegal imprisonment or detention, on the entitlements of employees as specified in various Acts and collective agreements, and on the absence of legislative provisions that permit forced labour.

This Convention is applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 156

**Provisions**

- This Convention aims to ensure that workers who load or unload ships are protected against accidents.
- It deals with a number of technical aspects, such as:
  - safety of workplaces;
  - safety of means of access, such as ladders and gangways;
  - lighting;
  - handling of hatch coverings and beams;
  - safety of cargo handling gear and appliances, safe working loads, inspection of appliances and keeping of those inspections;
  - safety in general: standard loads, signals, stacking of goods, loading or unloading of goods in bulk, the use of stages and trolleys, etc.;
  - work in the presence of dangerous goods;
  - first aid;
  - designation of persons or bodies responsible for safety;
  - provision for a system of inspection and the posting of regulations.
- Reciprocal arrangements are to be made between States that ratify the Convention, particularly as regards mutual recognition of arrangements for testing, examining and annealing, and of certificates and records relating to these activities.

**Administered by:**

Maritime Safety Authority  
Of New Zealand

*Harbours Act 1950*

*General Harbour (Ship Cargo and Dock Safety) Regulations 1968*

*General Harbour (Safe Working Load) Regulations 1982*

Department of Labour

*Health and Safety in Employment Act 1992*

*Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999*

## How New Zealand Implements It

- The General Harbour (Safe Working Load) Regulations 1982 have been made under authority of Section 241 of the Harbours Act 1950.
- The 1982 Regulations prescribe safe working loads for cargo gear, and set out other safety measures relating to the construction and use of the gear.
- The 1968 Regulations relate to safety and accident prevention in New Zealand harbours: on board ships tied up in port; on docks, wharves, quays or slipways; in connection with the repair of ships; and in connection with the loading and unloading of all types of cargo.
- The Health and Safety in Employment Act 1992 and the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations 1999 cover the safety requirements for cranes and their operations.
- That Act also imposes a duty on both employers and employees to follow safe work practices.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 45

**Provisions**

- Compensation is to be paid to workers incapacitated by occupational diseases, or, in cases of death, to their dependants.
- The rate of compensation must be not less than what is paid to workers injured in industrial accidents.
- Attached to the Convention is a schedule of diseases and poisonings, and of trades and processes where those diseases and poisonings can occur. If a disease or poisoning affects a worker engaged in the trade or process listed opposite it in the schedule, the ratifying country is required to consider it an occupational disease.

**Administered by:**

Accident Compensation Corporation

*Accident Insurance Act 1998*

Department of Labour

**How New Zealand Implements It**

- The Accident Insurance Act incorporates the Schedule of the Convention, and specifically requires claims for cover for diseases and poisonings included in the Schedule to be automatically accepted in the relevant circumstances.
- The Act also provides cover for any gradual process, disease or infection arising out of and in the course of employment.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938**Total Ratifications:** 53

**Provisions**

- Benefits or allowances are to be paid to the involuntarily unemployed, through a compulsory or voluntary insurance scheme or a combination of both, or through one of these forms of insurance combined with a complementary assistance scheme.
- The Convention specifies the categories of persons to be covered and the conditions they must meet to qualify for the benefit.
- It defines "suitable employment" which the unemployed person may be required to accept, the grounds on which beneficiaries may lose their entitlement, the maximum duration of the benefit, the form of payment, and the rights of non-residents, frontier workers and foreigners.

**Administered by:**

- Department of Work and Income *Social Security Act 1964*

From 1<sup>st</sup> October 2001 this organisation becomes part of a new Ministry of Social Development.

**How New Zealand Implements It**

- The Unemployment Benefit is the main form of income support for the unemployed, and is available to all people who meet the eligibility criteria. The Unemployment Benefit is funded from general taxation and there is no qualifying period of employment in order for an unemployed person to be eligible.
- A person is entitled to the Unemployment Benefit if he or she: is not in full time employment, but available for and seeking it, willing and able to undertake it, and has taken reasonable steps to find it.
- A person can qualify for the non-work tested Sickness Benefit on the grounds of sickness, injury or disability.
- A person is entitled to a Sickness Benefit if he or she:
  - is not in full time employment, is willing to undertake it, but because of sickness, injury or disability is limited in his or her capacity to seek, undertake, or be available for it;
  - is in employment, but is losing earnings because of a reduced level of working due to sickness or injury

- The following additional criteria for an Unemployment Benefit and Sickness Benefit also apply:
  - the person is aged 18 years or over, or 16 years or over and married<sup>#</sup> and with one or more dependent children;
  - the person has resided continuously in New Zealand for at least 2 years at any one time;
  - the person has no income, or an income less than the amount that would result in their benefit being fully abated.
  
- An unemployment benefit may also be granted on the grounds of hardship, even if one or both of the two additional criteria are not fulfilled. The person must still comply with the employment and age criteria, and must also be:
  - suffering hardship;
  - not qualified to receive any other benefit; and
  - unable to earn sufficient income to support themselves, their spouse, and any dependent children.
  
- A person granted an Unemployment Benefit or Unemployment Benefit on the ground of hardship is subject to the work test. In some situations the work test also applies to the spouse of the recipient. The work test obligations are:
  - to be available for, and take reasonable steps to obtain, suitable employment; and
  - to accept any offer of suitable employment, whether full-time employment, part-time work, temporary employment, or employment that is seasonal or subsidised; and
  - to attend and participate in an interview for any opportunity of suitable employment to which the beneficiary is referred by the Department of Work and Income; and
  - when required by the Department of Work and Income, to attend and participate in any interview with an officer of the Department; and
  - when required by the Department of Work and Income, to cooperate in the development of a job seeker agreement, and then to sign it; and
  - when required to by the Department of Work and Income, to select at least 1 job seeker development activity from a list of activities that are suitable for the beneficiary, and to include it or them in the beneficiary's job seeker agreement; and
  - once the person has signed a job seeker agreement,–
    - (i) to undertake the job-search activities set out in the agreement; and
    - (ii) to undertake and complete any job seeker development activity or recognised community activity set out in the agreement; and

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<sup>#</sup> "Married" includes defacto relationships between a couple of opposite sex.

(iii) to undertake and complete any other activities set out in the agreement.

- Failure without good reason to meet the conditions of the work test will result in withdrawal of the benefit.
- In the following situations there is no entitlement to an Unemployment Benefit:
  - a full time student (except between academic years);
  - unemployed because of strike action either personally or by fellow members of the same employees' organisation at the same place of employment; or
  - unemployed or on leave without pay for the purpose of undertaking employment-related training.
  - has moved to an area with reduced employment prospects without good reason.
- In the following situations a person is not entitled to an Unemployment Benefit for 13 weeks following the cessation of their employment:
  - has left their employment without good reason (including self-employed people who chose to sell or close down a viable business);
  - has lost their employment because of serious misconduct;
  - during a 13 week non-entitlement period on provisional benefit may be available subject to satisfactory participation in a suitable job search activity.
- Entitlement to receive the unemployment benefit is subject to an income test, for which the income of both spouses is taken into account. If other income were sufficiently high to fully abate the benefit, the applicant would not be eligible for a payment.
- The standard Unemployment Benefit is not subject to an asset test. However, in cases where a person does not meet all the standard eligibility criteria (and an Unemployment Benefit is being paid on the grounds of hardship) cash assets of an applicant and their spouse are taken into consideration.
- Most applicants for an Unemployment Benefit are subject to a stand down (wait period) of between one and ten weeks. The length of the stand down is determined in relation to an applicant's income and family circumstances.
- There is no limit on the duration for which the Unemployment Benefit may be paid, provided the beneficiary continues to meet the eligibility criteria.

- The Social Security Appeal Authority is an independent authority set up to hear appeals against decisions on benefits.
- In general, foreign employees who have a residence permit are entitled to income support on the grounds of unemployment only if they have been resident for 2 years. In cases of hardship, an Unemployment Benefit (hardship) can be paid earlier. Income support can also be provided to people claiming refugee status who have a work permit, and to quota refugees. Foreign employees who are in New Zealand unlawfully, or only by virtue of a visitor's permit, or a permit to study, are not entitled to income support on the grounds of unemployment.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 14

**Provisions**

- Ratifying countries must declare their approval:
  - of the principle of a forty-hour week implemented in such a manner that the standard of living is not reduced in consequence; and
  - of the measures considered appropriate to achieve the forty-hour week.
- They must undertake to apply this principle to classes of employment as prescribed in other Conventions that they may ratify.

**Administered by:**

Department of Labour

*Employment Relations Act 2000**Minimum Wage Act 1983***How New Zealand Implements It**

- The Minimum Wage Act provides that employment agreements shall fix the working week at not more than 40 hours, excluding overtime, to be worked on not more than five days of the week, unless the parties to the agreement agree.
- Overtime rates are set by negotiation.
- Employers must keep wage and time records and make them available to employees.
- Penalty actions and compliance orders for breach of agreement can be pursued by the employee, or their union, through mediation, or failing agreement in the Employment Authority

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938**Total Ratifications:** 14

**Provisions**

- The Convention prescribes a number of conditions that must be met if indigenous people are recruited for work for which they have not spontaneously offered their services.
- It deals with such issues as pressure by employers, protection of the political and social organisation of the peoples concerned, protection of the families of recruited workers, the licensing of recruitment agents, and the protection of the workers themselves - health, transport, repatriation, advances of wages, and so on.

**Administered by:**

N.A.

**How New Zealand Implements It**

- The Convention applies to employees in dependent territories of ILO members. It establishes a set of rules to protect the indigenous people in such territories from the harmful social, economic and other consequences of labour recruiting schemes imposed upon them.
- New Zealand's only remaining dependent territory is Tokelau, to which the Convention has not been applied.

Ratified: 8 July 1947

**Total Ratifications: 33**

**Provisions**

- This Convention applies to persons employed in virtually all undertakings, public and private, industry, commerce and services.
- All people covered by it are to receive at least six working days' annual paid holiday. People under 16 are entitled to at least 12 working days' annual holiday after one year of continuous service.
- Public holidays and sick leave are not to be included in the annual holiday.
- For the full period of holiday a worker is entitled to either his usual remuneration or the remuneration determined by collective agreement.
- Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.
- Employers are to keep a record of each worker showing his start date, annual holiday entitlement, the dates when the holiday is taken and the pay received during each holiday.
- Ratifying countries are to set up a system of sanctions to ensure these provisions are observed.

**Administered by:**

Department of Labour

*Holidays Act 1981***How New Zealand Implements It**

- The Holidays Act entitles every employee in local government and the private sector, at the end of each year of employment, to three weeks' holiday on pay, or to proportionate holiday pay when the employee has been employed for less than one year.
- Holiday pay is to be at least the same rate as the employee's ordinary pay at the time the holiday begins.
- Except where expressly provided, no employment agreement can deprive an employee of any right or benefit the Act provides.
- Employers are required to keep records for each employee, showing details of holidays and holiday pay taken and entitlements.

- A labour inspector may issue a demand notice for non compliance or pursue breaches in the Employment Relations Authority
- An employee, or their union, may seek mediation and failing agreement pursue the matter in the Employment Authority.
- Collective and individual agreements in the public service match or exceed the Act's holiday provisions.

This Convention is not applicable to Tokelau.

**Ratified:** 10 November 1950    **Total Ratifications:** 55

**Provisions**

- No person shall carry out the duties of master or skipper, navigating officer in charge of a watch, chief engineer or engineer officer in charge of a watch, unless he holds the appropriate certificate of competency.
- The certificate must be issued or approved by the public authority of the territory where the vessel is registered.
- The certificate may be awarded only to people who meet certain conditions in terms of minimum age, experience and examinations.
- Enforcement measures must be set in place and must include the maintenance of an efficient inspection system.

**Administered by:**

Maritime Safety Authority  
Of New Zealand

*Maritime Transport Act 1994*

*Maritime Rules Part 31A – Minimum  
Personnel and Watchkeeping (Fitness for  
Duty) Foreign Going and Coastal*

*Maritime Rules Part 32 - Qualifications*

**How New Zealand Implements It**

Maritime rules made under the Maritime Transport Act prescribe the qualifications and examination requirements for the holders of certificates of competency of masters, mates and ships' engineers. The Act provides the necessary enforcement mechanisms to support the requirements implemented under the maritime Rules.

This Convention is not applicable to Tokelau.

**Ratified:** 29 March 1938

**Total Ratifications:** 33

**Provisions**

- Young persons under the age of 15 may not be employed on vessels other than vessels upon which only members of the same family are employed.
- Children aged not less than 14 may, however, be granted a certificate permitting them to be employed if the appropriate authority is satisfied that the employment will be beneficial to the child.
- The master of every vessel must keep a register of all persons under the age of 16 years employed on board, or enter their names and date of birth in the articles of agreement.
- Work done by children on school or training ships is exempt when it is approved and supervised by the public authority.

**Administered by:**

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

Ministry of Education

*Education Act 1989*

Department of Labour

*Employment Relations Act 2000*

**How New Zealand Implements It**

- Under Section 26 of the Maritime Transport Act:
  - no person of an age that requires that person to be enrolled at school may be employed on any ship in any capacity;
  - the master of a New Zealand ship must keep a register of all crew members under the age of 18.
- The Education Act (Sections 20 and 25) requires the compulsory enrolment and attendance at school of all children between the ages of 6 and 16 years.
- The Employment Relations Act requires every employer to keep a wage and time record for each employee, and if the employee is under 20 the record is to include his or her age.

This Convention is not applicable to Tokelau.

**Ratified:** 7 June 1946

**Total Ratifications:** 52

**Provisions**

- Children under 15 years of age are not permitted to be employed in any public or private industrial undertaking, or in any branch of an industrial undertaking.
- Certain exceptions may be made to enable young persons to be employed in family undertakings, except in work which is dangerous to the life, health or morals of the persons employed there.
- Work in technical schools that is approved and supervised by a public authority is exempt.
- Every employer in an industrial undertaking is required to keep a register of all workers under the age of 18, and of their date of birth.
- A higher minimum age should be set for work that is dangerous to the life, health or morals of the workers.

**Administered by:**

Ministry of Education	<i>Education Act 1989</i>
Department of Labour	<i>Health and Safety in Employment Act 1992</i> <i>Employment Relations Act 2000</i>
Department of Justice	<i>Sale of Liquor Act 1989</i>

**How New Zealand Implements It**

- The Education Act (Sections 20 and 25) requires the compulsory enrolment and attendance at school of every child between the ages of 6 and 16 years. There are some provisions for exemptions provided arrangements are made for the child to be taught at least as regularly and as well as in a registered school.
- Section 30 prohibits the employment of school age children at any time within school hours, or at any other time which would prevent or interfere with:
  - attendance at school; or
  - the ability to do correspondence schooling; or
  - (for exempted children) their ability to be taught at least as regularly and well as in a registered school.

- The Health and Safety in Employment Act 1992 requires employers to ensure the safety of all employees at work.
- The Health and Safety in Employment Regulations 1995 prohibit children under 15 years of age from working in manufacturing, construction, or logging or in other areas that are likely to cause harm to their health or safety.
- Employers must ensure that children under 15 years, are not required to:
  - lift any weight or perform any task that may be injurious to their health; or
  - work at machinery; or
  - drive or ride upon a tractor, or a self-propelled mobile mechanical plant.
- Employers must take steps to ensure children under 16 years are not required to work between 10pm and 6am, unless the employment meets an approved code of practice for children under 16 years, for the kind of work the employee is doing. (There are no such approved codes of practice currently in effect).
- Under the Sale of Liquor Act a person under 18 may not sell or serve liquor in a restricted area of licensed premises while the area is open for the sale of liquor.

This Convention is not applicable to Tokelau.

**Ratified:** 8 July 1947

**Total Ratifications:** 36

**Provisions**

- Ratifying countries are required to compile and publish statistics on wages and hours of work and to supply them to the International Labour Office.
- The Convention comprises four parts, and ratifying countries must adopt, as a minimum, Part I plus either Part II or Part III.
- All parts set out in some detail the categories of data that are to be collected and the way the statistics are to be presented.
- Part II deals with average earnings and hours actually worked in mining and manufacturing.
- Part III deals with time, rates and wages, and normal hours of work in mining and manufacturing.
- Part IV deals with wages and hours of work in agriculture.

**Administered by:**

Statistics New Zealand

**How New Zealand Implements It**

- New Zealand has not adopted Part II of the Convention.
- The other parts are observed by supplying specially prepared statistics of wages and hours of work to the ILO for inclusion in its quarterly bulletin, yearbook and October inquiry publications,

This Convention is not applicable to Tokelau.

**Ratified:** 18 January 1940

**Total Ratifications:** 34

**Provisions**

- The Convention is designed to regulate contracts of employment of indigenous workers, who are defined as workers "belonging to or assimilated to the indigenous population of a dependent territory of a Member of the Organisation or belonging to or assimilated to the dependent indigenous population of the home territory of a Member of the Organisation".
- The contracts covered by the Convention are for the most part contracts of employment under which a worker enters the service of an employer as a manual worker.
- The Convention contains detailed provisions regarding the form and content of such contracts and the conditions of their validity.

**Administered by:**

N.A.

**How New Zealand Implements It**

- New Zealand does not have a "dependent" indigenous population of its home territory. Its only dependent territory is Tokelau, to which the Convention does not apply. The Convention consequently has no application to New Zealand.

**Ratified:** 8 July 1947**Total Ratifications:** 31

**Provisions**

- All penal sanctions are to be abolished for any breach of contract of employment by an indigenous worker (defined as in Convention 64 above).
- For the purpose of the Convention breach of contract is defined as:
  - refusal or failure to commence or perform the service stipulated in the contract;
  - neglect of duty or lack of diligence;
  - absence without permission or valid reason; and
  - desertion.

**Administered by:**

No designated agency

**How New Zealand Implements It**

- In New Zealand, as in Tokelau, no act or default is punishable unless it is expressly made punishable by an Act of Parliament or other enactment.
- No enactment in either country makes it an offence for an "indigenous employee" to break a contract of employment.
- No penal sanctions can therefore lawfully be imposed for breach of employment contract.
- Any employer who attempted to impose such a sanction on any employee by taking the law into his own hands would be liable to be charged with assault or another criminal offence.

This Convention is applicable to Tokelau.

**Ratified:** 8 July 1947

**Total Ratifications:** 33

**Provisions**

- Ratifying countries are to promote a proper standard of food supply and catering service for the crews of sea-going vessels engaged in the transport of cargo or passengers. Regulations are to be framed and enforced that deal with: food and water supplies; catering equipment; food storage, handling and service; the inspection of these supplies and facilities; the certification of catering staff; and research into and education concerning methods of ensuring a proper food supply and catering service.
- The provisions are to be administered by a permanent staff of qualified persons, including inspectors. National laws or regulations must prescribe penalties for failure to comply with laws or regulations in force and for any attempt to obstruct an inspector.
- The competent authority must prepare an annual report, which is to be made available to all bodies and persons concerned and is also to be sent to the International Labour Office.
- Training courses for employment in the catering department of sea-going ships are to be organised either in approved schools or through other arrangements acceptable to both ship owners' and seafarers' organisations.

**Administered by:**

Maritime Safety Authority  
Of New Zealand

*Maritime Transport Act 1994*

**How New Zealand Implements It**

- The Maritime Transport Act 1994, section 23, provides that employers of seafarers on New Zealand ships must provide suitable supplies of food and water.
- *Part 51—Crew Accommodation* of the maritime rules pursuant to the Maritime Transport Act sets standards for the arrangement and equipping of alleys on seagoing ships.
- Ships' masters must every week inspect all parts of the ship where food is kept or served. Maritime Safety Inspectors employed by the Maritime Safety Authority also make annual inspections.

- Polytechnics undertake seafarers' training which includes the training of ships' cooks and stewards. The courses are based on research carried out by the polytechnics and the Ministry of Health.
- Representatives of seafarers, shipowners, government and polytechnics meet regularly to discuss training standards.
- The Department of Health also provides advice on the proper manufacture and preparation of food.

This Convention is not applicable to Tokelau.

**Ratified:** 31 May 1977

**Total Ratifications:** 23

**Provisions**

- Every ship's cook must hold a certificate of qualification, prerequisites for which are that he or she has reached a prescribed minimum age, served at sea for a minimum period decided by the competent authority, and passed an examination as prescribed in the Convention.
- The term "ship's cook" is defined as the person directly responsible for the preparation of meals for the crew.
- The requirement of a certificate of qualification may be waived if there is an inadequate supply of certified ship's cooks.
- Certificates of qualification issued in other countries may be recognised.

**Administered by:**

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

**How New Zealand Implements It**

- Maritime rules pursuant to the Maritime Transport Act provide for the continued certification of ships' cooks on foreign-going New Zealand ships
- Polytechnics carry out the training and certification of ships' cooks (although because of an oversupply of qualified cooks at sea no training or certification has taken place since 1992).
- Representatives of seafarers, shipowners, government and the polytechnics meet regularly to discuss training standards.

This Convention is not applicable to Tokelau.

**Ratified:** 11 January 1980      **Total Ratifications:** 36

**Provisions**

- All persons employed as able seamen are required to have undergone an examination and be certificated.
- No person may be engaged on any vessel as an able seaman unless he or she:
  - is a person who under national law is regarded as competent to perform any duty that may be required of a member of the crew serving in the deck department; and
  - holds a certificate of qualification as an able seaman granted in accordance with the provisions of the Convention.
- No person may be granted such a certificate unless he or she:
  - is at least 18 years old;
  - has served at sea in the deck department for at least 36 months (with certain defined exemptions); and
  - has passed an examination of proficiency in seamanship.
- The competent authority is required to make arrangements for the examinations and for granting the certificates of qualification. It may provide for certificates issued in other countries to be recognised.

**Administered by:**

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

*Maritime Rules part 32-  
Ships' Personnel-Qualifications*

**How New Zealand Implements It**

- Maritime rules Part 32 set out sea service, age, examination and certification requirements in line with the provisions of the convention.
- The training of able seamen is undertaken by polytechnics.
- Representatives of seafarers, shipowners, government and the polytechnics meet regularly to discuss seafarer training standards.

This Convention is not applicable to Tokelau.

**Ratified:** 5 December 1961    **Total Ratifications:** 27

**No. 80**

**FINAL ARTICLES REVISION**

**1946**

**Provisions**

- This provides for the Conventions adopted at the first 28 Sessions of the International Labour Conference to be partially revised to take account of:
  - the dissolution of the League of Nations; and
  - the association of the ILO with the United Nations as a specialised agency.

**Ratified:** 8 July 1947

**Total Ratifications:** 56

**Provisions**

- Ratifying countries are required to maintain a system of labour inspection in industry and commerce.
- The inspection staff must comprise a sufficient number of adequately trained public officials with the status and stability of employment to make them independent of changes of government and of improper influences.
- There must be enough inspectors to carry out their duties effectively and they are to be provided with the necessary resources.
- The functions of the labour inspection system are:
  - to enforce the legal provisions relating to conditions of work and the protection of workers;
  - to inform and advise employers and workers on how they can best comply with the laws; and
  - to advise the competent authority of defects or abuses not specifically covered by existing legal provisions.
- Inspectors are to have free right of entry to workplaces at any time without previous notice and to carry out any examination or enquiry they consider necessary to satisfy themselves that the legal provisions are being strictly observed.
- They must have the power to take steps to remedy defects they find in plant, layout or working methods that they believe constitute a threat to the health or safety of workers.
- National laws are to provide penalties for violations of the laws that labour inspectors administer, and for obstructing inspectors in the course of their duties.
- Labour inspectors must report periodically to the central inspection authority, and that authority must publish an annual general report on the work of the inspection services under its control.

**Administered by:**

Department of Labour

*Employment Relations Act 2000**Health and Safety in Employment Act 1992**Holidays Act 1981*

### *Minimum Wage Act 1983*

#### **How New Zealand Implements It**

- The Department of Labour operates two inspectorates:
  - the labour inspectors of the Employment Relations Service provide advice and information to employers and employees on the statutory terms and conditions of employment, and investigate complaints about breaches;
  - the health and safety inspectors of the Occupational Safety and Health Service (OSH) carry out inspections, investigations and audits, and enforce the health and safety legislation. An important role of the Service is advice and education.
- All people appointed as Inspectors are appointed by the Secretary of Labour and their employment can only be terminated by the Secretary.
- Inspectors have free right of entry to premises and the power to require health and safety defects to be remedied. When appropriate or necessary they can issue demand notices for non-compliance, or pursue breaches in the Employment Relations Authority (labour inspectors) or the District Court (health and safety inspectors).
- The annual report of the inspectors' activities is published as part of the annual report of the Department of Labour.

This Convention is not applicable to Tokelau.

**Ratified:** 30 November 1959    **Total Ratifications:** 125

### Provisions

- The Convention sets out in some detail the policies and measures which ratifying countries must apply in their non-metropolitan territories.
- The aim is the well-being and development of the people in the territories and to promote their desire for social progress.
- The principal objective in economic development planning is to be the improvement of standards of living.
- It addresses such matters as:
  - how to avoid disruption of family life and traditional social units;
  - urban congestion;
  - living conditions and establishment of industries in rural areas;
  - alienation of land;
  - producer and consumer co-operatives; and
  - basic living conditions.
- Other issues covered are: the protection of migrant workers; remuneration; non-discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation; and education and training.

### Administered by:

Ministry of Foreign Affairs and Trade

*Tokelau Act 1948*

*Tokelau Crimes  
Regulations 1975*

*Tokelau (Territorial Sea  
and Exclusive Economic  
Zone) Act 1977*

Department of Internal Affairs

*Citizenship Act 1977*

### How New Zealand Implements It

- The Tokelau Act 1948 provides the basis for Tokelau's legislative, judicial and administration system.

- The territory is administered by the Administrator of Tokelau under delegation from the Minister of Foreign Affairs. The Administrator has, since 1994, delegated his powers to the General Fono (Tokelauan legislature) and, when the General Fono is not in session, to the Council of Faipule (Tokelauan Cabinet).
- The only significant employer is the Tokelau Public Service, whose conditions of employment are monitored by the Tokelau Employment Commissioner. The Commissioner is a transitional position, soon to be replaced with a three person Tokelau Employment Commission.
- The main economic activities other than the public service, however, are the production and gathering of food, fishing, village maintenance, and handcrafts.
- Tokelauans are New Zealand citizens under the Citizenship Act.

**Ratified:** 19 June 1954

**Total Ratifications:** 4

**No. 84**

**RIGHT OF ASSOCIATION  
(NON-METROPOLITAN TERRITORIES)**

**1947**

**Provisions**

- Employers and workers in non-metropolitan territories are both to be guaranteed the right to associate.
- All practicable measures are to be taken to assure to trade unions the right to conclude collective agreements with employers.
- Other issues covered deal with: the protection of workers and application of labour legislation; conciliation machinery; and machinery for dispute settlement.

**Administered by:**

N.A.

**How New Zealand Implements It**

- At the time of ratification, this Convention was applied to the Cook Islands and Niue. However, the Cook Islands attained full self-governing status in 1965 and Niue in 1974.

The Convention is not applicable to Tokelau.

**Ratified:** 1 July 1952

**Total Ratifications:** 4

**Provisions**

- Ratifying countries must maintain a free public employment service, comprising a nation-wide network of local and regional offices, under the direction of a national authority.
- The general policy of the service is to be developed in consultation with employer and worker organisations, through advisory committees.
- The staff of the employment service must comprise a sufficient number of adequately trained public officials with the status and stability of employment to make them independent of changes of government and of improper influences.
- The service must ensure effective recruitment and placement by:
  - helping workers find suitable employment and employers find suitable workers;
  - obtaining vacancies;
  - interviewing applicants for employment;
  - referring applicants to vocational guidance or training if appropriate;
  - assisting occupational and geographic mobility; and
  - collecting and disseminating data on the employment market.
- The employment service is also to co-operate in administering unemployment relief schemes, and in social and economic planning.
- Employment offices must be permitted to specialise by occupations and industries, and to meet the needs of particular groups, such as young or disabled people.
- Employers and workers are both to be encouraged to make full use of the service.

**Administered by:**

Department of Work and Income

\* From 1<sup>st</sup> October 2001 this organisation becomes part of a new Ministry of Social Development

**How New Zealand Implements It**

- The Department of Work and Income operates a nation-wide network of offices. Its aim is to assist people who are unemployed and seeking work, by providing:

- quality nation-wide placement services to employers and job seekers;
  - programmes that help people increase their opportunities for employment;
  - work opportunities for communities; and
  - information and advice on the employment market.
- All centres are required to ensure that they meet the needs of groups with particular disadvantages, including women, Maori and Pacific Islands people, youth, and people with disabilities.
  - The staff of the Department of Work and Income are recruited solely on the basis of merit, and are given full training. The department provides integrated delivery of income support and employment services.
  - All employers may use the Department of Work and Income, which maintains contact with employers in order to obtain vacancies and place job seekers.
  - The Department of Work and Income refers job seekers to suitable vacancies and also, if appropriate, to places in vocational guidance, careers advice, training, or other employment assistance programmes. Recipients of a work-tested benefit are automatically registered as job seekers. Non work tested beneficiaries and people not receiving a benefit are eligible to register as job seekers.
  - Statistics New Zealand and the Department of Work and Income collect data on a wide range of matters, such as employment, unemployment and vacancies. The Department of Labour collates and interprets a range of data on the labour market and the wider economy, as a contribution to social and economic planning.
  - Informal ongoing consultation with employer and employee organisations on the operation of the Department of Work and Income takes place at the local level. There is also a formal advisory committee with employer and employee representation that has a role in advising on policies relating to the employment of women.

This Convention is not applicable to Tokelau.

**Ratified:** 3 December 1949    **Total Ratifications:** 82

### Provisions

- The Convention is designed to ensure that crew accommodation on sea-going vessels meets certain minimum standards of safety, hygiene and comfort. It lays down general principles and specifies in some detail the technical standards relating to the location, design and construction of crew accommodation.
- It deals in particular with ventilation, heating, lighting, sleeping rooms (location, minimum floor area and head room, berth arrangements and size, maximum number of occupants, furniture and equipment), mess room and recreation accommodation, sanitary accommodation, hospital or sick bay accommodation and facilities for washing and drying clothes and for hanging oilskins.
- Organisations of shipowners and seafarers must be consulted on a number of specified matters and particularly about any alterations required to bring existing vessels into closer conformity with the Convention.
- The competent authority must give prior approval to the plans for any construction or alterations to crew accommodation, and must inspect all vessels on registration or re-registration, after alteration, or following a complaint by a recognised organisation representing a proportion of the crew, that the accommodation does not comply with the Convention.
- The master and at least one crew member are to inspect all crew accommodation at least weekly.

### Administered by:

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

### How New Zealand Implements It

- *Part 51 – Crew Accommodation* of the maritime rules pursuant to the Maritime Transport Act gives effect to the requirements of this Convention.

This Convention is not applicable to Tokelau.

**Ratified:** 31 May 1977

**Total Ratifications:** 42



- The Immigration Act and regulations made under it set up the legislative framework within which government policies are administered.
- The Act provides for residence permits to be issued to approved migrants, who then have the right to stay in New Zealand indefinitely, and need no further approval to take up work or enter any course of study or training. (However, the grant of both welfare benefits and student allowances are tested against a two year residence requirement, except in the case of refugees). Migrants with resident permits have full access on the same terms as New Zealand citizens to the free employment services provided by the Government.
- Applications by temporary migrants for work permits are tested against the labour market, and are approved for only a limited period.
- With regard to terms and conditions of employment, no distinction is made between New Zealand citizens and migrants who are lawfully in New Zealand on residence permits. Persons who believe they have suffered discrimination by reason of their national origin may make a complaint under the Human Rights Act or pursue a personal grievance under the Employment Relations Act.
- There is no provision whereby migrants and their family may be returned to their country of origin if, because of illness or injury, they are unable to follow their occupations.
- There are currently no schemes for financially-assisted migration.
- It is an offence under the Immigration Act to publish or disseminate false or misleading information for the purpose of encouraging or preventing migration to New Zealand. In addition, new penalties for migrant trafficking were introduced under the Immigration Act 1999.

This Convention is not applicable to Tokelau.

**Ratified:** 10 November 1950    **Total Ratifications:** 41

**Provisions**

- Ratifying countries are to create or maintain adequate machinery for fixing minimum wage rates for people employed in agriculture and related occupations.
- The precise undertakings, occupations and categories of persons covered are to be determined after consulting with the most representative organisations of employers and workers concerned.
- The employers and workers concerned are to take part in, or be consulted about, the operation of the minimum wage fixing machinery, on a basis of complete equality.
- Minimum wage rates that have been fixed are binding on both employers and workers and not able to be abated.
- Ratifying countries are to implement measures for supervision, inspection and sanctions to ensure that the wages paid are not less than the minimum rate.
- A worker who is paid less than the minimum rate is entitled to take proceedings to recover the underpaid amount.

**Administered by:**

Department of Labour

*Employment Relations Act 2000**Minimum Wage Act 1983***How New Zealand Implements It**

- See under Convention 26.

This Convention is not applicable to Tokelau.

**Ratified:** 1 July 1952**Total Ratifications:** 52

**Provisions**

- Equal remuneration is to be paid to men and women workers for work of equal value without discrimination based on sex.
- Remuneration is defined as the ordinary or basic wage or salary, plus any additional emoluments payable directly or indirectly by the employer to the worker, in cash or kind, and arising out of the employment.
- The principle of equal remuneration for work of equal value must be applied to all workers.
- Differential wage rates that correspond to differences in job content are not contrary to the principle of equal remuneration.

**Administered by:**

Department of Labour	<i>Equal Pay Act 1972</i> <i>Employment Relations Act 2000</i>
State Services Commission	<i>Government Service Equal Pay Act 1960</i>
Department of Justice	<i>Human Rights Act 1993</i>

**How New Zealand Implements It**

- The Government Service Equal Pay Act requires all government employees to receive equal remuneration for equal work.
- The Equal Pay Act requires all male and female employees to be paid at a rate of remuneration in which there is no element of differentiation based on sex. An employer cannot pay men and women different pay rates for doing the same or substantially similar work, if the only difference is their sex.
- It defines remuneration as the salary or wages actually and legally payable to an employee, and includes time and piece wages, overtime, bonus payments, allowances, fees, commission, and other special payments and emoluments.
- An individual employee and employer are permitted to agree on a rate based on the special qualifications, experience or other qualities of the employee, where this does not involve any discrimination based on sex.

- The Human Rights Act and the Employment Relations Act prohibit discrimination in employment on the grounds of gender.
- The Human Rights Commission and the Department of Labour investigate equal pay complaints in all sectors. Individuals are able to choose the procedures they wish to follow in making a complaint of pay discrimination.

The Convention is applicable to Tokelau.

**Ratified:** 3 June 1983

**Total Ratifications:** 150

**Provisions**

- Workers employed in agriculture and related occupations must be granted an annual holiday with pay after a period of continuous service with the same employer.
- Each ratifying country is free to decide whether to provide for it through collective agreement or regulation.
- Where appropriate, provision is to be made for:
  - more favourable treatment for young workers in cases where the annual holiday is considered inadequate for them;
  - an increase in the duration of the annual holiday with length of service;
  - proportionate holidays (or payment in lieu) for continuous service of less than a year; and
  - exclusion from the annual paid holiday of public holidays, weekly rest intervals and sick leave.
- Every person taking their annual holiday is to receive their usual remuneration or remuneration calculated as prescribed by the national laws, collective agreements or arbitration awards.
- Any agreement to relinquish the right to an annual holiday with pay or to forgo the holiday is to be void.
- There must be adequate inspection and supervision to ensure these standards are met.

**Administered by:**

Department of Labour

*Holidays Act 1981*

**How New Zealand Implements It**

- The Holidays Act applies to all employees, including agricultural employees.
- For details, see Convention 52.

This Convention is not applicable to Tokelau.

**Ratified:** 24 July 1953

**Total Ratifications:** 47

**No. 104**

**ABOLITION OF PENAL SANCTIONS  
(INDIGENOUS EMPLOYEES)**

**1955**

**Provisions**

- Penal sanctions for breaches of contract of employment by indigenous workers are to be abolished immediately.
- For the purpose of the Convention breach of contract is defined as:
  - refusal or failure to commence or perform the service stipulated in the contract;
  - neglect of duty or lack of diligence;
  - absence without permission or valid reason; and
  - desertion.

**Administered by:**

No designated agency

**How New Zealand Implements It**

- See Convention 65.

This Convention is applicable to Tokelau.

**Ratified:** 28 June 1956

**Total Ratifications:** 26

**Provisions**

- Ratifying states undertake to abolish any form of forced or compulsory labour:
  - as a means of political coercion or education or as punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
  - as a method of mobilising and using labour for purposes of economic development;
  - as a means of labour discipline;
  - as a punishment for having participated in strikes;
  - as a means of racial, social, national or religious discrimination.
- Although there is some overlap, the scope is not identical with that of Convention 29.
- This Convention supplements No. 29 in that it relates not to the nature of the labour imposed but to the act being repressed.

**Administered by:**

No designated agency

**How New Zealand Implements It**

- New Zealand has not enacted any laws that specifically prohibit forced labour.
- Compliance with the Convention is dependent on various sanctions against illegal imprisonment or detention, on the entitlements of employees as specified in various Acts and collective agreements and on the absence of legislative provisions that permit forced labour.

This Convention is applicable to Tokelau.

**Ratified:** 14 June 1968

**Total Ratifications:** 153

**Provisions**

- The Convention defines discrimination as including any distinction, exclusion or preference, other than those based on the inherent requirements of a particular job, made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.
- The terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.
- Ratifying countries must declare and pursue a national policy designed to promote equality of opportunity and treatment in employment and occupation, in order to eliminate discrimination.

**Administered by:**

Ministry of Justice	<i>Human Rights Act 1993</i>
Department of Labour	<i>Equal Pay Act 1972</i>
	<i>Employment Relations Act 2000</i>
	<i>Parental Leave and Employment Protection Act 1987</i>
State Services Commission	<i>Government Service Equal Pay Act 1960</i>
	<i>State Sector Act 1988</i>

**How New Zealand Implements It**

- Remedies are available under the Human Rights Act and the Employment Relations Act for discrimination. An employee may choose to use the procedures under either Act.
- The Human Rights Act prohibits discrimination on grounds specified by the Convention, plus some additional grounds.
- The prohibited grounds of discrimination under the Human Rights Act are: sex, marital status, religious belief, colour, race, ethnic or national origins, disability, age, political opinion, employment status, family status, or sexual orientation.

- The Human Rights Act makes it unlawful for an employer to:
  - refuse to employ a qualified applicant for available work;
  - offer a qualified applicant or employee less favourable conditions of work including fringe benefits, opportunities for promotion, training, and transfer;
  - terminate the employment of an employee;
  - cause an employee to retire or resign on the basis of one of the prohibited grounds of discrimination.
  
- There are a number of exceptions that include where the ground is a genuine occupational qualification; and for reasons of privacy. Measures to assist particular groups to achieve an equal place in the community do not amount to discrimination.
  
- An employee may pursue a personal grievance under the Employment Relations Act if he/she has been dismissed, or not given the same employment opportunities as someone with similar skills or qualifications, because of the employee's colour, race, national or ethnic origin; marital status; religious or ethical belief; sex; age; or their involvement with a union. Remedies include reinstatement, compensation, and reimbursement for lost earnings.
  
- A number of employment, and training schemes have been established to assist unemployed and disadvantaged people towards the opportunities for employment. Other initiatives to promote equality of opportunity for employees include the Equal Employment Opportunities (EEO) Trust and the Equal Employment Opportunities Contestable Fund.
  
- The State Sector Act requires all Government Departments to be "good employers" and develop an Equal Employment Opportunities programme.
  
- There is also a range of measures to increase employment opportunities for women, including the work of the Ministry of Women's Affairs, the two equal pay acts, and the Parental Leave and Employment Protection Act that provides leave to either parent after the birth or adoption of a child.

This Convention is applicable to Tokelau.

**Ratified:** 3 June 1983

**Total Ratifications:** 146

**No. 116**

**FINAL ARTICLES REVISION**

**1961**

**Provisions**

- This provides for the Conventions adopted at the first 32 sessions of the International Labour Conference to be partially revised so as to permit the Governing Body, whenever it considers it necessary:
  - to request a report on the working of a Convention; and
  - to consider the question of its revision.

**Ratified:** 1 March 1963

**Total Ratifications:** 76

**Provisions**

- Ratifying countries are required to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.
- The policy is to aim at ensuring there is work for all people who are looking for work, that it is as productive as possible, and that there is freedom of choice of employment.
- It must take due account of the stage and level of economic development and mutual relationships between employment objectives and other economic and social objectives.
- The measures adopted for achieving the objectives of the active employment policy must be kept under review.
- Representatives of the persons affected by the measures to be taken, and in particular the representatives of employers and workers, must be consulted concerning employment policies with a view to taking full account of their experience and views, and obtaining their full co-operation and support.

**Administered by:**

Department of Work and Income	<i>Social Security Act 1964</i>
Department of Labour	<i>Employment Relations Act 2000</i>
	<i>Equal Pay Act 1972</i>
	<i>Disabled Persons Employment Promotion Act 1960</i>
Ministry of Education	<i>Education Act 1989</i>
Department of Justice	<i>Human Rights Act 1993</i>
	<i>Race Relations Act 1971</i>
State Services Commission	<i>Government Service Equal Pay Act 1960</i>

There are other agencies that also administer acts and policies that have an impact on employment policy, but the above are the main ones.

## How New Zealand Implements It

- The Department of Labour is the major agency responsible for employment policy. Its role is to facilitate equity, efficiency and flexibility in the labour market by developing policy which seeks to help disadvantaged job seekers find work and encourage people who receive income support to become self supporting where this is possible.
- The Department of Work and Income is the major agency for the delivery of employment policy. The Department of Work and Income provides:
  - access to a free nation-wide network;
  - a range of services to help disadvantaged job seekers into the workforce, such as work focus interviews, job clubs, workplace modification grants for people with disabilities, wage subsidies, training, and project-based work experience programmes.
  -
- The Community Employment Group of the Department of Labour provides a range of services to help communities, groups and individuals identify their local resources, overcome barriers to employment and enterprise development, and generate employment opportunities at a local and national level.
- The Training Opportunities Programme (TOP) provides training to school leavers and long term unemployed people, to improve their chances of finding employment. Through its links to the National Qualifications Framework, TOP is also designed to lead towards recognised qualifications. From 1 July 1998, the resources associated with the provision of TOP to those aged 18 years and over were transferred from Vote Education to Vote Work and Income. Skill New Zealand (formerly known as the Education and Training Support Agency) is contracted to the Ministry of Education and Work and Income New Zealand to administer TOP. TOP is delivered through a wide range of training providers.
- Freedom of choice of employment is guaranteed by the various equal opportunities acts described under Convention 111.
- This Convention is not applicable to Tokelau.

**Ratified:** 15 July 1965

**Total Ratifications:** 91

**Provisions**

- The Convention is designed to supplement the provisions of Convention 92, in view of the rapidly changing characteristics of both the construction and the operation of modern ships.
- It sets out in detail the prescribed minimum floor area and occupancy rates for sleeping rooms, and minimum mess, recreation and ablutions facilities. It permits variation for distinctive religious and social practices, and provides for alterations in existing ships.
- The shipowners' and seafarers' organisations must be consulted on any variations to the standard requirements, on the drafting and administration of regulations, and on alterations to ships that already existed at the time of ratification.
- Adequate inspection is required, specified persons are to be responsible for compliance, and there must be penalties for violations.

**Administered by:**

Maritime Safety Authority of  
New Zealand

*Maritime Transport Act 1994*

**How New Zealand Implements It**

- *Part 51 – Crew Accommodation* of the maritime rules pursuant to the Maritime Transport Act gives effect to the requirements of this Convention.

This Convention is not applicable to Tokelau.

**Ratified:** 31 May 1977

**Total Ratifications:** 26

**Provisions**

- The Convention deals with accident prevention measures on board ships at sea and in port.
- Ratifying countries are to ensure that occupational accidents are adequately reported and investigated, and that comprehensive statistics are kept and analysed.
- Research must be undertaken into general trends and into hazards that are identified by statistics.
- Specific provisions dealing with the prevention of occupational accidents are to be laid down by law, codes of practice or other appropriate means.
- The shipowner's obligation to provide protective equipment is to be matched by a requirement that seafarers observe the relevant accident prevention measures.
- Designated crew members are to be responsible, under the ship's master, for accident prevention.
- The competent authority must set up occupational accident prevention programmes with the co-operation of the shipowners' and seafarers' organisations, and health protection measures are to be included in training curricula. Seafarers are to be given information about particular hazards.
- National or local joint accident prevention committees are to be set up, with representation of the shipowners' and seafarers' organisations.

**Administered by:**

Maritime Safety Authority  
Of New Zealand

*Maritime Transport Act 1994*

*Maritime Rules Part 21—Safe Ship  
Management Systems*

*Maritime Rules Part 49- Ships' Lifting  
Appliances*

*General Harbour (Ship, Cargo Dock Safety)  
Regulations 1968*

### **How New Zealand Implements It**

- Part II of the Maritime Transport Act requires employers of seafarers to systematically manage hazards in the sea-going work place, and provide appropriate training and supervision.
- Sections 30 and 31 of the Maritime Transport Act provide for the recording and reporting of accidents, incidents and mishaps.
- Part 21-Safe Ship Management Systems of the maritime rules pursuant to the Maritime Transport Act requires ship operators to implement safety management systems aimed at ensuring a safe working environment, safeguards against all identified risks and continuous improvement in the safety management skills of personnel ashore and on board ships. Elements of such systems must include defined responsibilities for safety, documented operation and emergency procedures, and the systematic investigation and analysis of accident and incidents with a view to improving safety.
- The training of seafarers and instruction in accident prevention are carried out by maritime training establishments.
- Representatives of seafarers, shipowners, government, and training establishments meet regularly to discuss accident prevention training standards.
- Training courses include fire-fighting, survival craft, and courses on tanker safety for deck and engine room crew.
- The Maritime Safety Authority reports regularly on accidents to seafarers to all interested parties.

This Convention is not applicable to Tokelau.

**Ratified:** 31 May 1977

**Total Ratifications:** 27

**Provisions**

- The Convention promotes tripartite consultation on ILO standards.
- It requires ratifying countries to operate agreed procedures for effective consultation with the most representative organisations of employers and workers.
- The specified topics for consultation are:
  - International Labour Conference (ILC) agenda items;
  - the submission to Parliament of newly adopted ILO instruments;
  - proposals for ratification and denunciation of Conventions;
  - the Government's regular reports to the ILO on how it implements the Conventions it has already ratified;
  - the Government's reports to the ILO on Conventions which it has not ratified, including reports for the annual follow-up concerning non-ratified fundamental Conventions.

**Administered by:**

Department of Labour

**How New Zealand Implements It**

- The Department of Labour consults regularly on ILO matters with Business New Zealand (formerly the New Zealand Employers' Federation) and the New Zealand Council of Trade Unions as the most representative employer and employee organisations.
- Draft responses to questionnaires about ILC agenda items, Article 22 reports on ratified Conventions, and Article 19 reports on unratified Conventions (including reports for the annual follow-up concerning non-ratified Fundamental Conventions) are forwarded to the social partners for comment and a meeting may be convened, if the partners request it, to attempt to reach a consensus view which can be incorporated into the Government reply.
- Government briefing papers for Conference delegates are provided to all members of the delegation and the likely stance of the three parties discussed at a pre-Conference briefing session.
- The social partners are invited to comment on the Government proposed action statement on new instruments adopted at the ILC. The statement is amended if factual errors are apparent or unconsidered ideas are put forward.

- An annual tripartite debriefing session for Conference delegates discusses the most recently adopted Conventions and their prospects for ratification. The social partners are able to call for the consideration of any other particular Convention for consideration for ratification or denunciation, with the onus on whoever calls for the discussion to provide a discussion document.

This Convention is not applicable to Tokelau.

**Ratified:** 5 June 1987

**Total Ratifications:** 100

**Provisions**

- Ratifying countries must have a national policy that encourages:
  - qualified seafarers to be provided with continuous or regular employment so far as is practicable; and, as a consequence,
  - shipowners to be provided with a stable and competent workforce.
- Seafarers are to be assured either minimum periods of employment, or a minimum income or a monetary allowance, the manner and extent of which are to depend on the country's economic and social situation.
- The regular employment might be achieved by contracts for regular or continuous employment with a shipping firm or shipowners' association, or by registers or lists of qualified seafarers. Seafarers on a register or list are to have priority of engagement.
- Ratifying countries must also ensure that appropriate safety, health, welfare and vocational training provisions apply to seafarers.

**Administered by:**

Department of Labour                      *Employment Relations Act 2000*

Maritime Safety Authority of New Zealand

**How New Zealand Implements It**

- Seafarers who want employment at sea can leave details of their qualifications and availability for work at Maritime Safety Authority offices at the three major ports, and this information is provided on request to employers.
- All seafarers are engaged on contracts providing unbroken service with individual employers, the effect of which is to provide continuous pay irrespective of the amount of sea service performed. The Government is not involved in administering these arrangements.
- Appropriate safety, health, welfare and vocational training are provided in line with the requirements of international treaties.

This Convention is not applicable to Tokelau.

**Ratified:** 11 January 1980      **Total Ratifications:** 17

### Provisions

- Ratifying countries are required to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.
- The term “worst forms of child labour” covers:
  - all forms of slavery or practices similar to slavery;
  - the use, procuring or offering of a child for prostitution/production of pornography/pornographic performances;
  - the use, procuring or offering of a child for illicit activities;
  - work which is likely to harm the health, safety or morals of a child.
- The Convention applies to all children and young persons under the age of 18 years.

### Administered by:

Department of Labour *Health and Safety in Employment (HSE) Act 1992, HSE Regulations*

Ministry of Justice *Crimes Act 1961  
Films, Videos and Publications Classification Act 1993*

### How New Zealand Implements It

- Under the Crimes Act it is an offence to be a client in an act of prostitution by a person under the age of 18 years. The Crimes Act also prohibits offering another person’s body for prostitution and procuring any person for the purposes of prostitution.
- The Crimes Act has a range of provisions prohibiting slavery, debt bondage and serfdom.
- The Films, Videos and Publications Classification Act prohibits producing, distributing or possessing child pornography.
- The HSE Act operates on the basis of protection of the health and safety of all persons, including those under the age of 18 years. There are some HSE regulations specifically preventing employees of a certain age from undertaking work or employment of a particular description.

This Convention is not applicable to Tokelau.

**Ratified:** 14 June 2001 **Total ratifications:** 57

**RATIFIED CONVENTIONS IN NUMERICAL ORDER**

2.	Unemployment, 1919	29.03.38
8.	Unemployment Indemnity (Shipwreck), 1920	11.01.80
9.	Placing of Seamen, 1920	29.03.38
10.	Minimum Age (Agriculture), 1921	08.07.47
11.	Right of Association (Agriculture), 1921	29.03.38
12.	Workmen's Compensation (Agriculture), 1921	29.03.38
14.	Weekly Rest (Industry), 1921	29.03.38
15.	Minimum Age (Trimmers and Stokers), 1921	26.11.59
16.	Medical Examination of Young Persons (Sea), 1921	05.12.61
17.	Workmen's Compensation (Accidents), 1925	29.03.38
22.	Seamen's Articles of Agreement, 1926	29.03.38
23.	Repatriation of Seamen, 1926	11.01.80
26.	Minimum Wage-Fixing Machinery, 1928	29.03.38
29.	Forced Labour, 1930	29.03.38
32.	Protection Against Accidents (Dockers) (Revised), 1932	29.03.38
42.	Workmen's Compensation (Occupational Diseases) (Revised), 1934	29.03.38
44.	Unemployment Provision, 1934	29.03.38
47.	Forty-Hour Week, 1935	29.03.38
50.	Recruiting of Indigenous Workers, 1936	08.07.47
52.	Holidays with Pay, 1936	10.11.50
53.	Officers' Competency Certificates, 1936	29.03.38
58.	Minimum Age (Sea) (Revised), 1936	07.06.46
59.	Minimum Age (Industry) (Revised), 1937	08.07.47
63.	Statistics of Wages and Hours of Work, 1938	18.01.40
64.	Contracts of Employment (Indigenous Workers), 1939	08.07.47
65.	Penal Sanctions (Indigenous Workers), 1939	08.07.47
68.	Food and Catering (Ships' Crews), 1946	31.05.77
69.	Certification of Ships' Cooks, 1946	11.01.80
74.	Certification of Able Seamen, 1946	05.12.61
80.	Final Articles Revision, 1946	08.07.47
81.	Labour Inspection, 1947	30.11.59
82.	Social Policy (Non-Metropolitan Territories), 1947	19.06.54
84.	Right of Association (Non-Metropolitan Territories), 1947	01.07.52
88.	Employment Service, 1948	03.12.49

92.	Accommodation of Crews (Revised), 1949	31.05.77
97.	Migration for Employment, 1949	10.11.50
99.	Minimum Wage Fixing Machinery (Agriculture), 1951	01.08.52
100.	Equal Remuneration, 1951	
	03.06.83	
101.	Holidays with Pay (Agriculture), 1952	24.08.53
104.	Abolition of Penal Sanctions (Indigenous Workers), 1955	28.06.56
105.	Abolition of Forced Labour, 1957	14.06.68
111.	Discrimination (Employment and Occupation), 1958	03.06.83
116.	Final Articles Revision, 1961	01.03.63
122.	Employment Policy, 1964	15.07.65
133.	Accommodation of Crews (Supplementary Provisions), 1970	31.05.77
134.	Prevention of Accidents (Seafarers), 1970	31.05.77
144.	Tripartite Consultation (International Labour Standards), 1976	
	05.06.87	
145.	Continuity of Employment (Seafarers), 1976	
	11.01.80	
182.	Worst Forms of Child Labour	14.06.01

## RATIFIED CONVENTIONS BY SUBJECT MATTER

### A. Basic Human Rights

1. *Freedom of Association*  
Right of Association (Agriculture), 1921 (No. 11)  
Right of Association (Non-Metropolitan Territories), 1947 (No. 84)
2. *Forced Labour*  
Forced Labour, 1930 (No. 29)  
Abolition of Forced Labour, 1957 (No. 105)
3. *Equality of Opportunity and Treatment*  
Equal Remuneration Convention, 1951 (No. 100)  
Discrimination (Employment and Occupation), 1958 (No. 111)
4. *Child Labour*  
Worst Forms of Child Labour Convention, 1999 (No. 182)

### B. Labour Administration

1. *Labour Inspection*  
Labour Inspection, 1947 (No. 81)
2. *Statistics*  
Statistics of Wages and Hours of Work, 1938 (No. 63)
3. *Tripartite Consultation*  
Tripartite Consultation (International Labour Standards), 1976 (No. 144)

### C. Employment Policy and Human Resources Development

1. *Employment Policy*  
Employment Policy, 1964 (No. 122)
2. *Employment Services*  
Unemployment, 1919 (No. 2)  
Employment Service, 1948, (No. 88)

### D. General Conditions of Employment

1. *Wages*  
Minimum Wage-Fixing Machinery, 1928 (No. 26)  
Minimum Wage Fixing Machinery (Agriculture), 1951 (No. 99)
2. *Hours of Work*  
Forty-Hour Week, 1935 (No. 47)
3. *Weekly Rest*  
Weekly Rest (Industry), 1921 (No. 14)
4. *Paid Leave*  
Holidays with Pay, 1936 (No. 52)  
Holidays with Pay (Agriculture), 1952 (No. 101)

**E. Employment of Children and Young Persons**

Minimum Age (Agriculture), 1921 (No. 10)  
Minimum Age (Industry) (Revised), 1937 (No. 59)

**F. Industrial Safety, Health and Welfare**

Protection against Accidents (Dockers) (Revised), 1932 (No. 32)

**G. Social Security**

1. *Employment Injury Benefit*  
Workmen's Compensation (Agriculture), 1921 (No. 12)  
Workmen's Compensation (Accidents), 1925 (No. 17)  
Workmen's Compensation (Occupational Diseases) (Revised), 1934 (No. 42)
2. *Unemployment Benefit*  
Unemployment Provision, 1934 (No. 44)

**H. Migration**

Migration for Employment, 1949 (No. 97)

**I. Seafarers**

1. *Training and Entry into Employment*  
Placing of Seamen, 1920 (No. 9)  
Seamen's Articles of Agreement, 1926 (No. 22)
2. *Conditions for Admission to Employment*  
Minimum Age (Trimmers and Stokers), 1921 (No. 15)  
Minimum Age (Sea) (Revised), 1936 (No. 58)  
Medical Examination of Young Persons (Sea), 1921 (No. 16)
3. *Certificates of Competency*  
Officers' Competency Certificates, 1936 (No. 53)  
Certification of Ships' Cooks, 1946 (No. 69)  
Certification of Able Seamen, 1946 (No. 74)
4. *Conditions of Employment, Manning, Safety and Welfare*  
Repatriation of Seamen, 1926 (No. 23)  
Protection against Accidents (Dockers) (Revised), 1932 (No. 32)  
Food and Catering (Ships' Crews), 1946 (No. 68)  
Accommodation of Crews (Revised), 1949 (No. 92)  
Accommodation of Crews (Supplementary Provisions), 1970 (No. 133)  
Prevention of Accidents (Seafarers), 1970 (No. 134)  
Continuity of Employment (Seafarers), 1976 (No. 145)
5. *Social Security*  
Unemployment Indemnity (Shipwreck), 1929 (No. 8)

**J. Indigenous and Tribal Populations**

Recruiting of Indigenous Workers, 1936 (No. 50)

Contracts of Employment (Indigenous Workers), 1939 (No. 64)  
Penal Sanctions (Indigenous Workers), 1939 (No. 65)  
Abolition of Penal Sanctions (Indigenous Workers), 1955 (No. 104)

**K. Social Policy**

Social Policy (Non-Metropolitan Territories), 1947 (No. 82)

## LIST OF STATUTES AND THE CONVENTIONS TO WHICH THEY APPLY

<b>Name of Statute</b>	<b>ILO Conventions to which it applies</b>
Accident Insurance Act 1998	12, 17, 42
Citizenship Act 1977	82
Disabled Persons Employment Promotion Act 1960	88, 122
Education Act 1989	10, 58, 59, 122
Employment Relations Act 2000	9, 11, 14, 22, 47, 58, 59, 81, 97, 99, 100, 111, 122, 145
Equal Pay Act 1972	100, 111, 122
Government Service Equal Pay Act 1960	100,111, 122
Harbours Act 1950	32, 134
Health and Safety in Employment Act 1992	10, 32, 59, 81, 134
Holidays Act 1981	52, 81, 101
Human Rights Act 1993	97, 100, 111, 122
Immigration Act 1987	97
Maritime Transport Act 1994	8, 9, 15, 16, 22, 23, 53, 58, 68, 69, 74,92, 133, 134, 145
Minimum Wage Act 1983	14, 26, 47, 81, 99
Parental Leave and Employment Protection Act 1987	111
Race Relations Act 1971	111, 122
Sale of Liquor Act 1989	59
Social Security Act 1964	2, 44
State Sector Act 1988	111
Tokelau Act 1948	82
Transport Act 1962	14

NOTE: This list is not exhaustive.

## **DENUNCIATION OF CONVENTIONS**

Every Convention contains an Article defining the conditions under which States which have ratified the Convention may denounce it.

In the case of Conventions 1-25, denunciation is permitted after the expiration of a stated period (usually ten years but in certain cases five years) from the date on which the Convention first came into force.

In the case of Convention 26 onwards, denunciation is permitted within an interval of a year (referred to informally as a window of opportunity) from the expiration of a succession of periods (usually ten years, but in certain cases five years) from the date on which the Convention first came into force.

Denunciations are usually the automatic consequence of a State's ratification of a revised or more up-to-date Convention on the same subject. A State may also denounce a Convention because it can no longer comply with its provisions or it is no longer in accordance with its views and concerns.

New Zealand has denounced the following eight Conventions:

### **Convention 41 Night Work (Women), 1934.**

Denounced in 1950 as the result of ratifying Convention 89 Night Work (Women) (Revised), 1948.

### **Convention 60 Minimum Age (Non-Industrial Employment) (Revised) 1937.**

Denounced in 1961 because some of its requirements were at variance with established New Zealand law and practice (e.g. children under 13 selling newspapers) and legislative changes did not have public or parental support.

### **Convention 89 Night Work (Women) (Revised), 1948.**

Denounced in 1981 because the Convention was considered discriminatory and in contravention of the Human Rights Commission Act.

### **Convention 21 Inspection of Emigrants, 1926.**

Denounced in 1982 because it was not considered appropriate to the New Zealand situation where migrants no longer travel in groups on board ships.

**Convention 45 Underground Work (Women), 1935.**

Denounced in 1987 because the Convention discriminates between the treatment of men and women in contravention of the Human Rights Commission Act and international human rights instruments.

**Convention 1 Hours of Work (Industry),1919.**

**Convention 30 Hours of Work (Commerce and Offices), 1930.**

**Convention 49 Reduction of Hours of Work (Glass-Bottle Works), 1935.**

Denounced in 1989 because these Conventions no longer reflected labour practice in New Zealand and were considered to restrict the adoption of more flexible working hours.

**OFFICIAL TITLES OF CONVENTIONS ADOPTED BY THE  
INTERNATIONAL LABOUR CONFERENCE**

No.

- 1 Hours of Work (Industry) Convention, 1919
- 2 Unemployment Convention, 1919
- 3 Maternity Protection Convention, 1919
- 4 Night Work (Women) Convention, 1919
- 5 Minimum Age (Industry) Convention, 1919
- 6 Night Work of Young Persons (Industry) Convention, 1919
- 7 Minimum Age (Sea) Convention, 1920
- 8 Unemployment Indemnity (Shipwreck) Convention, 1920
- 9 Placing of Seamen Convention, 1920
- 10 Minimum Age (Agriculture) Convention, 1921
- 11 Right of Association (Agriculture) Convention, 1921
- 12 Workmen's Compensation (Agriculture) Convention, 1921
- 13 White Lead (Painting) Convention, 1921
- 14 Weekly Rest (Industry) Convention, 1921
- 15 Minimum Age (Trimmers and Stokers) Convention, 1921
- 16 Medical Examination of Young Persons (Sea) Convention, 1921
- 17 Workmen's Compensation (Accidents) Convention, 1925
- 18 Workmen's Compensation (Occupational Diseases) Convention,  
1925
- 19 Equality of Treatment (Accident Compensation) Convention, 1921
- 20 Night Work (Bakeries) Convention, 1925
- 21 Inspection of Emigrants Convention, 1926
- 22 Seamen's Articles of Agreement Convention, 1926
- 23 Repatriation of Seamen Convention, 1926
- 24 Sickness Insurance (Industry) Convention, 1927
- 25 Sickness Insurance (Agriculture) Convention, 1927
- 26 Minimum Wage-Fixing Machinery Convention, 1928

- 27 Marking of Weight (Packages Transported by Vessels) Convention, 1929
- 28 Protection against Accidents (Dockers) Convention, 1929
- 29 Forced Labour Convention, 1930
- 30 Hours of Work (Commerce and Offices) Convention, 1930
- 31 Hours of Work (Coal Mines) Convention, 1931
- 32 Protection against Accidents (Dockers) Convention (Revised), 1932
- 33 Minimum Age (Non-Industrial Employment) Convention, 1932
- 34 Fee-Charging Employment Agencies Convention, 1933
- 35 Old-Age Insurance (Industry, etc) Convention, 1933
- 36 Old-Age Insurance (Agriculture) Convention, 1933
- 37 Invalidity Insurance (Industry, etc) Convention, 1933
- 38 Invalidity Insurance (Agriculture) Convention, 1933
- 39 Survivors' Insurance (Industry, etc) Convention, 1933
- 40 Survivors' Insurance (Agriculture) Convention, 1933
- 41 Night Work (Women) Convention (Revised), 1934
- 42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934
- 43 Sheet-Glass Works Convention, 1934
- 44 Unemployment Provision Convention, 1934
- 45 Underground Work (Women) Convention, 1935
- 46 Hours of Work (Coal Mines) Convention (Revised), 1935
- 47 Forty-Hour Week Convention, 1935
- 48 Maintenance of Migrants' Pension Rights Convention, 1935
- 49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935
- 50 Recruiting of Indigenous Workers Convention, 1936
- 51 Reduction of Hours of Work (Public Works) Convention, 1936
- 52 Holidays with Pay Convention, 1936
- 53 Officers' Competency Certificates Convention, 1936
- 54 Holidays with Pay (Sea) Convention, 1936
- 55 Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

- 56 Sickness Insurance (Sea) Convention, 1936
- 57 Hours of Work and Manning (Sea) Convention, 1936
- 58 Minimum Age (Sea) Convention (Revised), 1936
- 59 Minimum Age (Industry) Convention (Revised), 1937
- 60 Minimum Age (Non-Industrial Employment) Convention (Revised),  
1937
- 61 Reduction of Hours of Work (Textiles) Convention, 1937
- 62 Safety Provisions (Buildings) Convention, 1937
- 63 Convention concerning Statistics of Wages and Hours of Work,  
1938
- 64 Contracts of Employment (Indigenous Workers) Convention, 1939
- 65 Penal Sanctions (Indigenous Workers) Convention, 1939
- 66 Migration for Employment Convention, 1939
- 67 Hours of Work and Rest Periods (Road Transport) Convention,  
1939
- 68 Food and Catering (Ships' Crews) Convention, 1946
- 69 Certification of Ships' Cooks Convention, 1946
- 70 Social Security (Seafarers) Convention, 1946
- 71 Seafarers' Pensions Convention, 1946
- 72 Paid Vacations (Seafarers) Convention, 1946
- 73 Medical Examination (Seafarers) Convention, 1946
- 74 Certification of Able Seamen Convention, 1946
- 75 Accommodation of Crews Convention, 1946
- 76 Wages, Hours of Work and Manning (Sea) Convention, 1946
- 77 Medical Examination of Young Persons (Industry) Convention,  
1946
- 78 Medical Examination of Young Persons (Non-Industrial  
Occupations) Convention, 1946
- 79 Night Work of Young Persons (Non-Industrial Occupations)  
Convention, 1946
- 80 Final Articles Revision Convention, 1946
- 81 Labour Inspection Convention, 1947
- 82 Social Policy (Non-Metropolitan Territories) Convention, 1947

- 83 Labour Standards (Non-Metropolitan Territories Convention), 1947
- 84 Right of Association (Non-Metropolitan Territories) Convention,  
1947
- 85 Labour Inspectorates (Non-Metropolitan Territories) Convention,  
1947
- 86 Contracts of Employment (Indigenous Workers) Convention, 1947
- 87 Freedom of Association and Protection of the Right to Organise  
Convention, 1948
- 88 Employment Service Contract, 1948
- 89 Night Work (Women) Convention (Revised), 1948 [and Protocol,  
1990]
- 90 Night Work of Young Persons (Industry) Convention (Revised),  
1948
- 91 Paid Vacations (Seafarers) Convention (Revised), 1949
- 92 Accommodation of Crews Convention (Revised), 1949
- 93 Wages, Hours of Work and Manning (Sea) Convention (Revised),  
1949
- 94 Labour Clauses (Public Contracts) Convention, 1949
- 95 Protection of Wages Convention, 1949
- 96 Fee-Charging Employment Agencies Convention (Revised), 1949
- 97 Migration for Employment Convention (Revised), 1949
- 98 Right to Organise and Collective Bargaining Convention, 1949
- 99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951
- 100 Equal Remuneration Convention, 1951
- 101 Holidays with Pay (Agriculture) Convention, 1952
- 102 Social Security (Minimum Standards) Convention, 1952
- 103 Maternity Protection Convention (Revised), 1952
- 104 Abolition of Penal Sanctions (Indigenous Workers) Convention,  
1955
- 105 Abolition of Forced Labour Convention, 1957
- 106 Weekly Rest (Commerce and Offices) Convention, 1957
- 107 Indigenous and Tribal Populations Convention, 1957
- 108 Seafarers' Identity Documents Convention, 1958

- 109 Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958
- 110 Plantations Convention, 1958 [and Protocol, 1982]
- 111 Discrimination (Employment and Occupation) Convention, 1958
- 112 Minimum Age (Fishermen) Convention, 1959
- 113 Medical Examination (Fishermen) Convention, 1959
- 114 Fishermen's Articles of Agreement Convention, 1959
- 115 Radiation Protection Convention, 1960
- 116 Final Articles Revision Convention, 1961
- 117 Social Policy (Basic Aims and Standards) Convention, 1962
- 118 Equality of Treatment (Social Security) Convention, 1962
- 119 Guarding of Machinery Convention, 1963
- 120 Hygiene (Commerce and Offices) Convention, 1964
- 121 Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]
- 122 Employment Policy Convention, 1964
- 123 Minimum Age (Underground Work) Convention, 1965
- 124 Medical Examination of Young Persons (Underground Work) Convention, 1965
- 125 Fishermen's Competency Certificates Convention, 1966
- 126 Accommodation of Crews (Fishermen) Convention, 1966
- 127 Maximum Weight Convention, 1967
- 128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967
- 129 Labour Inspection (Agriculture) Convention, 1969
- 130 Medical Care and Sickness Benefits Convention, 1969
- 131 Minimum Wage Fixing Convention, 1970
- 132 Holidays with Pay Convention (Revised), 1970
- 133 Accommodation of Crews (Supplementary Provisions) Convention, 1970
- 134 Prevention of Accidents (Seafarers) Convention, 1970
- 135 Workers' Representatives Convention, 1971
- 136 Benzene Convention, 1971
- 137 Dock Work Convention, 1973

- 138 Minimum Age Convention, 1973
- 139 Occupational Cancer Convention, 1974
- 140 Paid Educational Leave Convention, 1974
- 141 Rural Workers' Organisations Convention, 1975
- 142 Human Resources Development Convention, 1975
- 143 Migrant Workers (Supplementary Provisions) Convention, 1975
- 144 Tripartite Consultation (International Labour Standards) Convention, 1976
- 145 Continuity of Employment (Seafarers) Convention, 1976
- 146 Seafarers' Annual Leave with Pay Convention, 1976
- 147 Merchant Shipping (Minimum Standards) Convention, 1976
- 148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
- 149 Nursing Personnel Convention, 1977
- 150 Labour Administration Convention, 1978
- 151 Labour Relations (Public Service) Convention, 1978
- 152 Occupational Safety and Health (Dock Works) Convention, 1979
- 153 Hours of Work and Rest Periods (Road Transport) Convention, 1979
- 154 Collective Bargaining Convention, 1981
- 155 Occupational Safety and Health Convention, 1981
- 156 Workers with Family Responsibilities Convention, 1981
- 157 Maintenance of Social Security Rights Convention, 1982
- 158 Termination of Employment Convention, 1982
- 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
- 160 Labour Statistics Convention, 1985
- 161 Occupational Health Services Convention, 1985
- 162 Asbestos Convention, 1986
- 163 Seafarers' Welfare Convention, 1987
- 164 Health Protection and Medical Care (Seafarers) Convention, 1987
- 165 Social Security (Seafarers) Convention (Revised), 1987
- 166 Repatriation of Seafarers Convention (Revised), 1987

- 167 Safety and Health in Construction Convention, 1988
- 168 Employment Promotion and Protection against Unemployment Convention, 1988
- 169 Indigenous and Tribal Peoples Convention, 1989
- 170 Chemicals Convention, 1990
- 171 Night Work Convention, 1990
- 172 Working Conditions (Hotels and Restaurants) Convention, 1991
- 173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992
- 174 Prevention of Major Industrial Accidents Convention, 1993
- 175 Part-time Work Convention, 1994
- 176 Safety and Health in Mines Convention, 1995
- 177 Home Work Convention, 1996
- 178 Labour Inspection (Seafarers) Convention, 1996
- 179 Recruitment and Placement of Seafarers Convention, 1996
- 180 Seafarers' Hours of Work and the Manning of Ships Convention, 1996
- 181 Private Employment Agencies Convention, 1997
- 182 Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour Convention, 1999
- 183 Maternity Protection (Revised) Convention, 2000
- 184 Safety and Health in Agriculture, 2001