

## APPENDIX 1

### Our legislative framework

The Department of Labour administers more than 20 statutes and 80 sets of regulations, and a number of international conventions.

They primarily relate to:

- employment relations and employment issues such as pay, holidays, and employment conditions
- health and safety in the workplace
- hazardous substances including dangerous goods
- immigration
- injury prevention, rehabilitation and compensation.

#### General

Labour Department Act Repeal Act 1989

#### Employment relations

Employment Relations Act 2000

- Employment Court Regulations 2000
- Employment Relations Authority Regulations 2000
- Employment Relations (Prescribed Matters) Regulations 2000

Equal Pay Act 1972

Holidays Act 2003

Immigration Act 1987

Marine and Power Engineers Institute Industrial Disputes Act 1974

Minimum Wage Act 1983

- Minimum Wage Act Commencement Order 1985
- Minimum Wage Order 2005

- Minimum Wage Regulations 1946

Parental Leave and Employment Protection Act 1987

- Parental Leave and Employment Protection Regulations 2002
- Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2003

Disabled Persons Employment Promotion Act 1960

- Disabled Persons Employment Promotion Order 2002

Remuneration Authority Act 1977 (formerly named the Higher Salaries Commission Act 1977)

- Higher Salaries Commission Act 1977 Commencement Order 1978
- Higher Salaries Commission (Jurisdiction) Order (No 3) 1987
- Higher Salaries Commission (Jurisdiction) Order 1988
- Parliamentary Salaries and Allowances Determination 2003 (deemed regulations)

Seamen's Union Funds Act 1971

Sharemilking Agreements Act 1937

- Sharemilking Agreements Order 2001

Shop Trading Hours Act Repeal Act 1990

Trade Unions Act 1908

Union Representatives Education Leave Act

Repeal Act 1992

- Union Representatives Education Leave Act
- Repeal Act Commencement Order 1992

Volunteers Employment Protection Act 1973

Wages Protection Act 1983

Waterfront Industry Reform Act 1989

### Health and safety in the workplace

Health and Safety in Employment Act 1992

- Health and Safety in Employment (Asbestos) Regulations 1998
- Health and Safety in Employment (Mining Administration) Regulations 1996
- Health and Safety in Employment (Mining - Underground) Regulations 1999
- Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999
- Health and Safety in Employment (Pipelines) Regulations 1999
- Health and Safety in Employment (Prescribed Matters) Regulations 2003
- Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999
- Health and Safety in Employment (Rates of Funding Levy) Regulations 1994
- Health and Safety in Employment Regulations 1995
- Machinery Act 1950
- Amusement Devices Commencement Order 1968
- Amusement Devices Regulations 1978
- Machinery Amendment Act Commencement Order 1967
- Machinery (Exclusion of Some Pressure Equipment, Cranes, and Passenger Ropeways) Order 1999

Regulations administered under Section 24 of the HSE Act

Regulations made under the Health Act 1920 and Factories Act 1946

- Abrasive Blasting Regulations 1958
- Electroplating Regulations 1950
- Lead Process Regulations 1950
- Noxious Substances Regulations 1954
- Spray Coating Regulations 1962

Regulations made under the Industrial Training Levies Act 1978

- Industrial Training Levies Order 1987 (deemed regulations)

Regulations made under the Factories and Commercial Premises Act 1961

- Factories and Commercial Premises (First Aid) Regulations 1985

### Hazardous substances

Regulations made under the Dangerous Goods Act 1974 and Explosives Act 1957 continued by the Hazardous Substances and New Organisms Act 1996 (administered by the Ministry for the Environment).

- Dangerous Goods (Class 2 - Gases) Regulations 1980
- Dangerous Goods (Class 3 - Flammable Liquids) Regulations 1985
- Dangerous Goods (Class 4 - Flammable Solids or Substances and Class 5 - Oxidising Substances) Regulations 1985
- Dangerous Goods (Labelling) Regulations 1978
- Dangerous Goods (Licensing Fees) Regulations 1976
- Explosives Amendment Act Commencement Order 1979
- Explosives Authorisation Order 1994

Mines Rescue Trust Act 1992

### Injury prevention, rehabilitation and compensation

Injury Prevention, Rehabilitation, and Compensation Act 2001

- Injury Prevention, Rehabilitation, and Compensation (Ancillary Services) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Applications to Determine Previous and Subsequent Injury Entitlements) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Earners' Levy and Earners' Account Residual Levy) Regulations 2003

- Injury Prevention, Rehabilitation, and Compensation (Employer Levy) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Indexation) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Interest Rate for Late Payment of Levies) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Interim Indexation of Weekly Abatement Amounts) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Liability to Pay or Contribute to Cost of Treatment) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Lump Sum and Independence Allowance) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Minimum Weekly Earnings) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Motor Vehicle Levy and Motor Vehicle Account Residual Levy) Regulations (No. 2) 2003
- Injury Prevention, Rehabilitation, and Compensation (Public Health Acute Services) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Refund of Fuel Levy) Regulations 2003
- Injury Prevention, Rehabilitation, and Compensation (Residual Claims Levy) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Review Costs and Appeals) Regulations 2002
- Injury Prevention, Rehabilitation, and Compensation (Self-Employed Work Account Levies) Regulations 2004
- Injury Prevention, Rehabilitation, and Compensation (Code of ACC Claimants' Rights) Order 2002

Regulations made under previous accident compensation legislation

- Regulations made under the Accident Insurance Act
- Accident Insurance ('Counsellor') Regulations 1999
- Accident Insurance (Indexation of Maximum Weekly Compensation) Regulations 1999, 2000 and 2001
- Accident Insurance (Insurer Returns) Regulations 1999
- Accident Insurance (Interest on Crown Advances) Regulations 1999
- Accident Insurance (Interim Indexation) Regulations 1999, 2000 and 2001
- Accident Insurance (Motor Spirits Duty) Order 2001
- Accident Insurance (Occupational Hearing Assessment Procedures) Regulations 1999
- Accident Insurance (Payment for Public Health Acute Services) Regulations 2000 and 2001
- Accident Insurance (Payment of Base Premiums) Regulations 1999
- Accident Insurance (Prescribed Rate of Interest) Regulations 1999
- Accident Insurance (Regulator's Funding Levy) Regulations 2000 and 2001
- Accident Rehabilitation and Compensation Insurance (Motor Spirits Excise Duty) Order 1998
- Framework for the Accredited Employers Programme 2000 (deemed regulations)

Regulations made under the Workers' Compensation Act 1956

- Workers' Compensation Order 1969

### Immigration

- Immigration Act Commencement Order 1987
- Immigration (Refugee Processing) Regulations 1999
- Immigration Regulations 1999
- Immigration (Special Regularisation) Regulations 2000
- Immigration (Transit Visas) Regulations 2002

## APPENDIX 2

# Migrant Levy Collection and Allocation

A migrant levy has been paid in some form by migrants since 1995.

This levy is paid by most migrants in the Skilled/Business and Family Sponsored Streams, and some in the International/Humanitarian Stream. It is not paid by Samoan citizens, refugees and family members of refugees.

The levy for this year was \$300 per person (up to a maximum of \$1200 per application) for skilled, business and family migrants and at \$150 per person (up to a maximum of \$600 per application) for Pacific Access Category migrants.

The levy helps pay for services necessary because of immigration but difficult to charge for directly. These include contribution to

the tuition of English for Speakers of Other Languages (ESOL) in the compulsory schools sector and for adult learners. The levy also funds the Department's immigration research programme and provides funding for our settlement services, and contributes towards the Department of Internal Affairs' Office of Ethnic Affairs' telephone interpreter services (Language Line). This year the levy also contributed to the Budget 2004 Settlement Package.

Allocation of funds is agreed before the start of each financial year based on estimated numbers and revenue. This year, \$11.869 million (GST inclusive) was budgeted, as set out below, while \$11.416 million was actually collected.

### ALLOCATION OF MIGRANT LEVY 2004/05

Vote	Service	2004/05 \$000
Education	ESOL in the compulsory schools sector	2,767
Education	ESOL in schools (materials for parents, and professional development)	0,450
Education	ESOL for adults (home and community based)	0,397
Immigration	Levy Administration	0,398
Immigration	Immigration Research Programme: Short Term	0,650
Immigration	Immigration Research Programme: Longitudinal Survey of Immigrants to New Zealand (LisNZ)	0,273
Immigration	Settlement Services	1,106
Statistics	Immigration Research Programme: LisNZ	2,435
Employment	Settlement Services	0,445
Internal Affairs	Language Line - pilot telephone interpreting service	1,266
	<b>Subtotal</b>	<b>10,187</b>
	Contribution to Budget 2004 Settlement package	1,682
	<b>Total</b>	<b>11,869</b>

Note these figures differ from those in the Schedule of non-Departmental Revenue. These figures are GST inclusive, while the figures identified on the Schedule of non-Departmental Revenue are GST exclusive.

## APPENDIX 3

### Fatal workplace accidents in 2004/05

Fatal workplace accidents are one of the many indicators of occupational health and safety trends investigated and monitored by the Department. They are an important indicator to report in terms of their enormous social impact.

This year, the Department began investigations of 46 workplace deaths, including the deaths of seven 'bystanders' (those not employed at the workplace, such as customers, visitors and passengers). This is significantly fewer than each of the previous two years – 62 in 2003/04 and 73 for 2002/03.

In particular, the numbers in construction and forestry are comparatively low, whereas the toll remains high in agriculture.

It must be noted that the number of workplace fatalities investigated by the Department is neither an accurate indicator of trends over time, nor a reliable guide to levels of safety performance in the workplace.

The fact that workplace fatalities have fallen, while New Zealand's economic activity and workforce participation has increased, may reflect the improved and sustained safety efforts by all parties in the labour market. It is a tribute to these companies, their health and safety staff, employee representatives, industry associations, trade unions and others, with whom the Department and ACC have been closely working to raise awareness of the importance of effective management of workplace hazards.

In the agricultural sector, vehicle accidents, especially tractors and all-terrain vehicles ('quadbikes' or ATVs), were again the leading

cause of serious injury and death, accounting for nearly all of the fatal workplace accidents. The Department continues to examine the factors involved and to work co-operatively with ACC, farming organisations, and the agricultural community to address the issues. Following seven deaths in 2001/02, a joint campaign to combat a rising toll of ATV accidents was initiated. With two deaths reported last year it appeared to have been successful, however, this year there were five further deaths from this cause.

In the construction industry, falls from heights were a main cause of serious injury and death. In 1999/00 there were 13 deaths from falls. For the past five years, working safely at heights has been targeted as a priority for the construction industry, the Department, ACC and industry organisation Site Safe New Zealand. This has significantly reduced the incidence of fatal falls, with none reported this year.

A high proportion of fatal workplace accidents also occur in the general industrial and commercial sector category, comprising a wide range of workplaces. The causes of these accidents are correspondingly diverse. We continue to monitor for factors that can be addressed through targeted intervention.

#### Important notes:

##### Source limitations

The workplace fatality investigation statistics collated by the Department are administrative statistics arising from coverage of the Health and Safety in Employment Act.

They do not purport to give an accurate measure of New Zealand's workplace fatalities as a whole. These figures reflect only the workplace deaths investigated by the Department, which are deaths arising from sudden incidents, but exclude such deaths in workplaces covered by Maritime Safety New Zealand and the Civil Aviation Authority, who maintain their own records for deaths on ships and aircraft.

Deaths to those at work while driving on the road may not all be reported to the Department. Deaths from occupational illness are also not included in this figure.

#### Currency of information

These statistics may differ from those published on the Department's website ([www.dol.govt.nz](http://www.dol.govt.nz)) for the same period, because further information about fatalities for the period may have become available after publication of the Annual Report.

### FATAL ACCIDENTS INVESTIGATED DURING 2004/05

46 fatal accidents were investigated during 2004/05

Agriculture		Construction		Extractives		Forestry		Industrial/ Commercial	
Tractor accident	7	Vehicle accident	1	Machinery accident	1	Vehicle accident	1	Vehicle accident	2
ATV accident (quadbike)	5	Crushing injuries	2					Forklift accident	3
Other vehicle accidents	7	Machinery accident	2					Diving accident	1
Unloading accident	1							Horse-riding accident	1
Crushing injuries	2							Mountain accident	2
Machinery accident	1							Resthome accident	2
								Fall from height	1
								Electrocution	2
								Crushing injuries	1
								Machinery accident	1
<b>Total</b>	<b>23</b>	<b>Total</b>	<b>5</b>	<b>Total</b>	<b>1</b>	<b>Total</b>	<b>1</b>	<b>Total</b>	<b>16</b>

Source: Workplace health and safety fatal accident register

The statistics published in this annual report may differ from those published on the Department's website for the same period because further information about fatalities for the period may have become available after publication of the annual report. The statistics on the website are updated if additional information becomes available following subsequent enquiries.

### FATAL ACCIDENTS INVESTIGATED – 3 YEAR COMPARISON

#### NUMBER OF FATAL ACCIDENTS INVESTIGATED

Period	Agriculture	Construction	Extractives	Forestry	Industrial & Commercial	Total
2004/05	23 (19 vehicle accidents)	5 (0 from a fall)	1	1	16 (0 homicides)	<b>46</b>
2003/04	15 (9 vehicle accidents)	6 (1 from a fall)	2	9	30 (0 homicides)	<b>62</b>
2002-03	22 (14 vehicle accidents)	14 (5 from a fall)	1	7	29 (3 homicides)	<b>73</b>

Source: Workplace health and safety fatal accident register

The statistics published in this annual report may differ from those published on the Department's website for the same period because further information about fatalities for the period may have become available after publication of the annual report. The statistics on the website are updated if additional information becomes available following subsequent enquiries.

### FATAL ACCIDENTS INVESTIGATED – 3 YEAR COMPARISON

#### VICTIM STATUS – 3 YEAR COMPARISON

Period	Employee	Self-Employed	'Bystander'	Total	Under 18 (included in prior totals)
2004/05	28	10	8	<b>46</b>	3
2003/04	38	10	14	<b>62</b>	6
2002/03	43	24	6	<b>73</b>	5

Source: Workplace health and safety fatal accident register

The statistics published in this annual report may differ from those published on the Department's website for the same period because further information about fatalities for the period may have become available after publication of the annual report. The statistics on the website are updated if additional information becomes available following subsequent enquiries.

## APPENDIX 4

### A Brief history of the Department of Labour

Established initially as the Bureau of Industries in 1891, the Department of Labour is one of New Zealand's oldest government departments. It was among the early pioneers internationally to tackle the 'labour problem' during the prolonged depression conditions of the late 19th century. Following the passage of the first Factories Act in late 1891, the bureau was officially renamed the Department of Labour in May 1892. The Labour Department Act of 1903 confirmed the Department's role in administering labour laws, collecting statistics, and acquiring/distributing information for the purpose of 'improving the relations between employers and workers'. With its extensive district network around the country, the Department was seen as a convenient administrative mechanism for many regulatory measures.

The following list gives a flavour of the breadth of functions that the Department had in its early years (until after the Second World War):

- setting up a bureau for women's employment
- inspecting factories
- establishing licensing offices for domestic servants
- registering trade unions and employer organisations, and enforcing awards of the Arbitration Court
- improving living conditions of rural workers
- administering workers' compensation
- building state housing
- registering the unemployed and assisting them into employment
- organising relief work during the Depression
- assisting immigration from the United Kingdom.

The post-war years saw a strengthened role for the Department in improving workplace conditions, administering assisted immigration, and a renewed centrality of industrial relations policy. The Department's activities included:

- administering compulsory military training (1949-1958, 1961-1972)
- administering male and female hostels for 'manpower' requirements (1947-1987)
- inspecting machinery (1950)
- taking over immigration control (from Customs in 1951)
- running the Home Aid Service which assisted women at home (1947-1974)
- introducing job creation schemes (with rising unemployment in the 1970s)
- providing vocational guidance and careers information (1978-1990).

#### More information

More comprehensive information about the Department's history can be found in *Holding the Balance: A History of New Zealand's Department of Labour 1891-1995* by John E. Martin.

## APPENDIX 5

### Where to find us

The Department of Labour has 67 offices at 20 New Zealand locations, including the national office in Wellington. We also have 14 immigration offices overseas (eight in Asia, three in Europe, three in the Pacific). Immigration services on behalf of the Department are also provided through Ministry of Foreign Affairs and Trade and British Embassy and Consular posts overseas.

The location of offshore offices relates to the need to target the skilled migrants New Zealand needs, foster regional relationships, and manage risk. Our approach is to test the feasibility of new markets and align with other New Zealand agencies offshore, before setting up a branch.

DEPARTMENT SITES





## OVERSEAS LOCATIONS

### Immigration Branches

Bangkok, Beijing, Hong Kong, Jakarta, London, Moscow, New Delhi, Nuku 'Alofa, Shanghai, Singapore, Suva, Sydney, Taipei, The Hague.

### Ministry of Foreign Affairs and Trade Posts

Ankara, Berlin, Brussels, Buenos Aires, Canberra, Dubai, Geneva, Hanoi, Ho Chi Minh City, Honiara, Kuala Lumpur, Los Angeles, Madrid, Manila, Mexico City, Niue, Noumea, Ottawa, Paris, Port Moresby, Port Vila, Pretoria, Rarotonga, Riyadh, Rome, Santiago, Sao Paulo, Seoul, Tarawa, Tehran, Tokyo, Warsaw, Washington.

### British Embassy and Consular Posts

Algiers, Amman, Abu Dhabi, Bogota, Brasilia, Cairo, Caracas, Casablanca, Doha, Guatemala City, Islamabad, Karachi, Kuwait, La Paz, Lima, Muscat, Panama City, Port of Spain, Quito, Sanaa, San Jose, Tel Aviv / Jerusalem, Tunis, Yangon.

## APPENDIX 6

### Where to find more information

#### Department of Labour

Department of Labour  
PO Box 3705 Wellington  
Phone: +64 4 915 4000

##### [www.dol.govt.nz](http://www.dol.govt.nz)

The Department's website provides extensive information about the Department and all its services. It features regular updates on labour market information and research, and covers initiatives such as the Productivity Agenda, Medium-Term Skills Action Plan and our international services.

You can access Departmental publications and media releases, including documents such as the Statement of Intent and Annual Report. There is an A-Z of links to specific subjects and research, plus links to other Department of Labour websites and related government websites.

##### Workplace

The Department of Labour Contact Centre offers information and guidance on a range of workplace issues, and can refer you to further specialist information or assistance, including Department of Labour branches.

You can access this information 24 hours a day, 365 days a year through the websites below. They provide a wide range of information and practical tools, including calculators and a free employment agreement builder. The websites also link you to the Contact Centre by e-mail, or you can freephone during regular business hours on 0800 20 90 20.

##### [www.ers.dol.govt.nz](http://www.ers.dol.govt.nz)

This site has information about employment rights and obligations for employers and employees, from the start of the employment relationship to the end. It covers employment agreements, problem-solving, holidays, minimum pay, parental leave, good faith and union matters; and provides fact sheets and tools including calculators for holiday pay and paid parental leave, and an employment agreement builder. You can also register for automatic updates to keep up with changes in the law or practice affecting workplaces.

##### [www.osh.dol.govt.nz](http://www.osh.dol.govt.nz)

This site provides general information about health and safety law and practice, hazards in the workplace, and hazardous substances, plus links to relevant publications, research and media releases. The site also provides help on requirements to record and notify work-related accidents and illnesses, forms, and Department contact details for health and safety matters.

##### [www.workinfo.govt.nz](http://www.workinfo.govt.nz)

The WorkInfo website covers the latest changes to workplace related law, including holidays and leave, minimum wages, and health and safety in employment. It includes specific information for employers, employees, self-employed and principals, and volunteers. Specific topics include dealing with workplace accidents, and stress and fatigue. The site has fact sheets, online access to publications, and access to information on productive workplaces, health and safety, and employment relations.



### [www.worksite.govt.nz](http://www.worksite.govt.nz)

WorkSite/PaeMahi is a one-stop information portal on skills and work in New Zealand. It combines work-related resources and services from government and non-government organisations. WorkSite/PaeMahi has information about education and training, career planning, finding work, finding employees, and establishing and operating a business, as well as publications and other information about working in New Zealand.

### [www.workplaceproductivity.govt.nz](http://www.workplaceproductivity.govt.nz)

This site provides practical information and resources to help people improve their workplace productivity. It explains what productivity is, and gives employers and employees ideas about how they can work in different and better ways to increase the value of what they produce.

### **Work-life balance**

#### [www.dol.govt.nz/worklife](http://www.dol.govt.nz/worklife)

This is an interactive website on the New Zealand Work-Life Balance project which is helping to shape further practical solutions to help people combine healthy, productive work with other aspects of life. The site has information on work-life balance, case studies, events, regular newsletters, and a channel to feed your ideas and views into the project.

### **Future of Work**

#### [www.dol.govt.nz/futureofwork](http://www.dol.govt.nz/futureofwork)

The Future of Work programme aims to increase understanding of future trends in work and their implications for the workplace, workforce and employment opportunities in New Zealand. The website has information and new research on changing trends, a monthly newsletter and seeks online feedback.

### **Workforce**

#### [www.immigration.govt.nz](http://www.immigration.govt.nz)

The Immigration New Zealand website has the following three subsites:

#### [www.nzopportunities.govt.nz](http://www.nzopportunities.govt.nz)

The 'Discover and Decide' site has information about New Zealand and New Zealanders – the way we live, and work opportunities here. Once migrants have decided to come to New Zealand, they can move on to our Apply and Settle site.

#### [www.immigration.govt.nz/migrant](http://www.immigration.govt.nz/migrant)

Our Apply and Settle site provides information about immigration policy, migrating to and living in New Zealand, applying for visas and permits, fees, and office locations. Migrants can download forms, calculate skills, apply online for certain visas and permits, and link to a range of related government and non-government sites in New Zealand and overseas.

#### [www.immigration.govt.nz/community](http://www.immigration.govt.nz/community)

Our Employ and Support Site provides information for people working in the immigration industry, employers looking to hire workers from overseas, educational institutes for international students and community-based organisations offering support to migrants.

#### **Immigration Freephone 0508 558 855**

A 24-hour 7-day a week freephone automated telephone service is also available to answer general enquiries on immigration and visa and permit enquiries within New Zealand. Callers can securely check that their application has been received and its status, using a PIN number.