

Article 22 of the Constitution of the ILO

Report for the period 1 July 2004 to 31 May 2009
made by the Government of New Zealand
on the

EMPLOYMENT SERVICE CONVENTION, 1948 (No. 88)

I Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Organisation with this report.

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

Copies of the legislation covered in this report are available at www.legislation.govt.nz.

Legislative amendments between 1 July 2004 and 22 April 2009

Social Security Amendment Act 2007

- Allows the imposition of personal development and planning for work obligations on Invalid's Benefit clients (with exemption available for severe disability or sickness) and Sickness Benefit clients (sections 40(6), 60Q(7), and 54A(7)) with the aim of moving them into employment as their personal circumstances allow (section 60P).
- Amends the personal development and planning provisions so that beneficiaries and spouses or partners subject to them could be required to undertake planning for personal development and employment, and undertake certain work-related activities or programmes, or other activities or rehabilitation subject to certain restrictions (section 60Q(1)(ab), (ca), and (cb)).
- Sets out Pre-benefit activities and other obligations, which applicants for Unemployment Benefits may be required to undertake or comply with before payment of that benefit (section 96A).
- Amends the work test so that work-tested beneficiaries (including work-tested spouses or partners) may be required to undertake planning for employment, and any activity (including rehabilitation but not medical treatment) relating to work-readiness or prospects for employment - section 102(2)(da) and (h).
- Changes the obligations of independent youth beneficiaries from compliance with the work test to requirements to participate in approved activities, or be available and take reasonable steps to obtain full-time employment.
- Removed "activity in the community" as an activity that beneficiaries could undertake to satisfy their work test obligations.

Social Security (Personal Development and Development) Amendment Act 2002 Commencement Order 2007

This amendment brings into force section 23(2) of the Social Security (Personal Development and Employment) Amendment Act 2002. This section repealed sections 86(1E) and (1F) of the Social Security Act 1964. Those subsections provided for limited debt recovery suspension for sole parents whose benefits are suspended or cancelled when they enter employment. Their repeal coincides with the commencement of replacement provisions for similar purposes in the Social Security (Debt Recovery Suspension) Regulations 2007. The regulations allow debt recovery suspension for any beneficiary moving from a working-age benefit to permanent employment and for certain others.

Social Security (Working for Families) Amendment Act 2004

- Provides for Invalid's Benefit clients to trial work in open employment without affecting their eligibility to Invalid's Benefit during the period of the trial, for the purpose of establishing whether they can sustain that employment and cease receiving a benefit (section 44A).
- Provides for childcare assistance for persons who meet the criteria set out in the Social Security (Childcare Assistance Regulations) 2004 (see below). Note however that childcare assistance was previously provided under the Childcare Assistance welfare programme.

Regulations

Social Security (Cash Assets Exemption—Redundancy Payment) Regulations 2008

This regulation declares all of a redundancy payment not exceeding \$25,000 (minus tax) made to a person on/after 8 November 2008; or the first \$25,000 of a redundancy payment exceeding \$25,000 (minus tax) made to a person on/after 8 November 2008, not to be the person's cash assets for the purposes of the Act. These payments would otherwise have to be considered in determining eligibility for the Accommodation Supplement granted under section 61EA of the Act.

An amendment to the Social Security (Temporary Additional Support) Regulations 2005 provides for similar exemptions for cash assets in regard to eligibility for Temporary Additional Support.

The exemptions apply to a payment only from the time when the payment is made until the expiry of the ReStart Transitional Relief Programme (see below).

Social Security (Application of Work Test Obligations) Regulations 2007

This regulation extends the application of certain work test obligations so that they apply to a person who is a work-tested beneficiary on any day of the week. However, the obligations apply to a job seeker development activity or recognised community activity during a weekend only if the person has agreed to undertake the job seeker development activity or recognised community activity on weekends, as recorded in his or her job seeker agreement.

Social Security (Debt Recovery) Regulations 2007

This regulation requires, if the person requests, the recovery of an eligible person's benefit debts to be suspended for a period of 3 months after the person enters permanent employment and ceases receiving a working-age benefit. The suspension ends if the person resumes receiving a working-age benefit during the period.

Social Security (Exemptions under Section 105) Amendment Regulations 2007

Work-test exemptions based on age alone were removed and existing temporary work-test exemptions for spouses or partners who have responsibility for the day-to-day care of a dependent child were extended to include situations where the primary beneficiary is unable to contribute to the care of the child.

Social Security (Income Exemption: Operational Allowances) Regulations 2007

Declares that operational allowances paid to members of the New Zealand Defence Force and the police who serve in operational areas are not income of those who receive the allowances.

Social Security (Childcare Assistance Regulations) 2004

- Provides for the payment of a Childcare Subsidy (towards the costs of an eligible child's participation in an approved early-childhood programme) for up to 50 hours a week if the child's principal caregiver is engaged in an "approved activity" (including employment and training), or is not engaged in approved activity but has a serious disability/illness. If neither of these apply, the subsidy may be payable for up to 9 hours a week.
- Provides for payment of OSCAR Subsidy (towards the cost of an eligible child's participation in an approved out-of-school care and recreation programme) if the principal caregiver is engaged in an "approved activity" (including employment and training), or has a serious disability/illness.

Welfare programmes (established under section 124(1)(d) of the Social Security Act 1964)

Employment Transition Programme 23/06/2005

Provides financial assistance to support people with disabilities who were formerly in receipt of an Invalid's Benefit to remain in employment following the completion of an employment trial.

Course Participation Assistance Programme 06/12/2006

Assists people to participate in training and work-related skills development courses by removing financial barriers to participation.

Transition to Work Grant Programme 23/07/2007

Replaces the Work Start Programme and the Pathways Payment Programme. This programme provides non-recoverable financial assistance to meet the essential costs of moving into employment for the purpose of removing financial barriers to entering employment.

Restart Transitional Relief Programme 15/12/2008

Provides time-limited transitional assistance to certain persons who have been made redundant from their full time or part time work or have lost full time work that is self-employment and are in the process of looking for other suitable full time work. This programme expires in 2011.

II Please indicate in detail for each of the following articles of the Convention the provisions of the above-mentioned legislation and administrative regulations, etc. or other measures under which each article is applied. In addition, please provide an indication specifically requested below under individual Articles.

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources.

Article 2

The employment service shall consist of a national system of employment offices under the direction of a national authority.

Please describe the powers and functions of the national authority responsible for the direction of the national system of employment offices.

There has been no change since the last report on this Convention.

Article 3

1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall:

(a) be reviewed:

(i) whenever significant changes occur in the distribution of economic activity and of the working population, and

(ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation; and

(b) be revised whenever such review shows revision to be necessary.

1. Please indicate the measures taken to establish and locate sufficient employment offices to serve the employers and workers in each of the geographical areas.

2. Please state what provision is made for review of the network of employment offices and revision, where necessary, to meet the changing requirements of the economy and the working population.

Work and Income is part of the Ministry of Social Development and its role is to help people to find work and pay income support on behalf of the Government. Work and Income has over 4,000 employees with 143 Service Centres nationwide, Regional Offices in 11 regions and a National Office based in Wellington. Work and Income also has five Contact Centre sites located across New Zealand.

Work and Income closely monitor the changing client population and the changing labour market. There is an active response in place to redeploy staff nationally as required. Work and Income also has an on-going active recruitment programme in areas of need.

Article 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organisations of employers and workers, where such organisations exist.

1. Please give particulars of the arrangements made through advisory committees for the cooperation of employer and worker representatives in the organisation and operation of the employment service and in the development of employment service policy.

2 and 3. Please indicate the number of advisory committees established nationally, regionally and locally (if applicable), how they are constituted, and the procedure adopted for the appointment of employer and worker representatives.

The Ministry of Social Development is responsible for the development of employment policy that affects Work and Income. Work and Income are responsible for employment services.

The Ministry's engagement role helps to ensure that there is co-ordination and facilitation of skills and employment issues at the regional level among central and local government.

When changes are made to existing policy or services, or when new Government initiatives need to be implemented, external agencies and representatives are consulted with when, and where, appropriate. External agencies include other Government Departments or Ministries, community and employer representatives, Trade Unions and Benefit Advocacy groups. Internally, front-line and regional employment service staff are consulted when, and where, appropriate.

Advisory committees and/or working groups are set up for high-level projects. Some examples of this include:

- the Mayors Taskforce for Jobs initiative (refer Article eight), this is a nationwide network of Mayors that focuses on youth employment and youth engagement in local communities across New Zealand
- Work Force Development groups, which focus on the economic and social development, in a number of regions.

Article 5

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

If this information is not already given under Article 4 please describe the arrangements made to give effect to Article 5.

This question is addressed in Article 4.

Article 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall:

(a) assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis:

(i) register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining,

(ii) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking,

(iii) refer to available employment applicants with suitable skills and physical capacity,

(iv) refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action;

(b) take appropriate measures to:

(i) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations,

(ii) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities,

(iii) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers,

(iv) facilitate any movement of workers from one country to another which may have been approved by the governments concerned;

(c) collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public;

(d) co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed; and

(e) assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

1. Please indicate the manner in which the employment service is organised and the activities which it performs in order to carry out effectively the above functions.

2. Please describe any other functions discharged by the employment service in connection with the abovementioned aims.

The Ministry continues to offer the broad functions as outlined in Article 6, and still uses the types of programmes, as previously advised, to deliver these services.

Some changes have been made to the way services are delivered and include:

Job Search Service

The Job Search Service was implemented in 2006. This service focuses on getting people who are able to work now, regardless of benefit type, into work as quickly as possible. It provides intensive job-search support through a 13-week programme, during which time clients can participate in one or a combination of group-facilitated activities.

Client Management System

In 2006, the Government invested in the Client Management System (CMS). CMS is an electronic client management system designed specifically for social security and

employment services, which enables Work and Income to focus more on outcomes for clients. In addition, CMS provides a platform to support future Government and Ministry objectives.

CMS offers a client-focused approach that supports staff to work more proactively with their clients. It provides streamlined processes that enable Work and Income to plan for client outcomes from their first contact with them. CMS also enables Work and Income to work in an integrated way with other agencies to achieve outcomes for clients.

Jobz4u

In July 2004, Work and Income introduced a new job matching tool called jobz4u which is used to match job seekers to jobs.

Work and Income capture details of a job seeker's work experience, training, education and availability in a data base which can then be searched to find suitable matches for job opportunities. Employers approach Work and Income about their job opportunities and searches for suitable job seekers are built based on their requirements. Once suitable job seekers are found, Work and Income facilitates the meetings between the job seeker and the employer.

Work and Income are currently working on a service which will allow employers to create their own searches and approach job seekers directly.

Article 7

Measures shall be taken:

(a) to facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful; and

(b) to meet adequately the needs of particular categories of applicants for employment, such as disabled persons. Please give particulars concerning the arrangements made to give effect to this Article, including the occupations, industries and special categories of applicants for which specialized arrangements have been made.

Jobs Jolt

Jobs Jolt was a collection of initiatives designed to assist people into work more quickly, and included trailing innovative new ways to assist people with complex barriers to employment (refer to 2004 Report). Jobs Jolt initiatives were implemented progressively between 2003 and 2006.

Since Jobs Jolt was implemented, Work and Income has strengthened its own service development approaches to make them more informed by both evaluations evidence and front-line experience, and has merged the positive elements of those initiatives that worked with business as usual activity.

Working for Families

Working for Families is a Government package that was announced in May 2004. The package was designed to help make it easier to move off a benefit into work and raise a family. Working for Families was implemented progressively from October 2004 to April 2007.

Working for Families pays extra money to eligible low and middle-income earning families in New Zealand. The main components of Working for Families are tax credits, Accommodation Supplements and Childcare Assistance. This financial assistance is available for:

- almost all families with children, earning under \$70,000 a year
- many families with children, earning up to \$100,000 a year
- some larger families earning more.

Working for Families is delivered by Work and Income and by the Inland Revenue Department.

New Service Approach

The New Service Approach was a new approach to streaming people who were applying for benefit assistance from Work and Income. It was implemented nationwide in 2006.

The New Service Approach meant that people applying for benefit assistance would be streamed into service groups based on their readiness to work. These groups included Work Support (work ready people), Work Development Support (for people who may be able to work now or in the future, or who need additional or more intensive support to do so) and Community Support (for people whose circumstances are such that they are considered likely that they are unable to work at all in the foreseeable future).

The eligibility criteria for employment and training assistance were also widened, so that it was based on individual needs rather than benefit type.

Working New Zealand: Work Focused Support

Working New Zealand: Work Focused Support was a package of initiatives that were developed with the aim of building on changes introduced through the New Service Approach in 2006, to increase opportunities for people to participate in the labour market, while continuing to provide social and financial support for people with temporary or long-term barriers to work. Initiatives from this package included:

- the progressive roll-out from September 2006 of a Job Search Service for people in Work Support Service Group (and others who volunteer)
- amendments to the existing suite of employment and training programmes
- a number of changes to align weekly assessment and payment provisions working towards simplifying the benefit system.

Employment Assistance

In April 2007 changes were made to Employment Assistance that is offered by Work and Income. These changes focused on having the right support and services in place to help people prepare for, make the transition to, and stay in work. These changes included:

- Course Participation Assistance grant – a payment to help people on a benefit or stand-down for benefit with costs incurred through participation in short-term employment related training programmes. The payments are a contribution towards course tuition and enrolment fees, transport costs and caring costs (including childcare, care for people with disabilities, and care for older people)
- Wage Subsidy changes – current subsidies were consolidated into two subsidies:

- a) Skills Investment Subsidy - a wage subsidy that invests in a disadvantaged job seeker by making a temporary contribution to their wages and training to enable them to access and maintain employment
- b) Taskforce Green - a wage subsidy that allows a client to participate in project-based work where they can develop work habits and general on-the-job skills.
- Transition to Work – existing programmes (Work Start Grants, Pathways payment programme, and Pathways Debt Suspension) were merged into a single programme. Transition to Work payments provide financial assistance for people who are job-seeking (such as contributing to job interview costs) or moving into employment (such as contributing to essential costs of moving into work).

Job Search Service

The Job Search Services was progressively rolled out from September 2006 for people in Work Ready Support service stream (and others who volunteer). It comprised of intensive job search activity and support, regular contact with Work and Income, and access to more intensive assistance when required.

Since 2007 enhanced services have also been rolled out for people in the Work Development Support and Community Support streams. This included developing a new assessment and engagement process for people with ill health or disabilities. The new assessment process considers what they are capable of doing and the barriers they face, particularly health, or disability related barriers, in achieving their goals and potential (more information is under *People with Ill Health, or Disability*).

Independent Youth Benefit activity changes

From September 2007 people receiving the Independent Youth Benefit have full-time activity obligations. Previously people aged between 16 or 17 years had work test obligations in the same way that people on the Unemployment Benefit have. Full-time activity obligations mean that a person must be:

- participating in one or more approved activities of 30 to 40 hours a week and
- developing and agreeing to their Youth Activity Plan or
- being available for, and actively seeking, full-time employment

Employer Services

The Jobs Jolt initiative established Jobs Partnership with Industry in 2003. Following the introduction of this approach a dedicated team has been established to expand the partnership programme with nationally significant employers and key industry groups. The Employer Services team work exclusively with industry, employers and industry training federations to understand the demands of their business and design training programmes that will meet the needs of the industry while at the same time create a job opportunity for individual unemployed persons.

In 2008 a new programme was designed with the aged-care and support workers sector who continue to experience a significant skills shortage as well as a growing demand for their services. The partnership programme developed with this sector placed unemployed people interested in this type of work directly into a full-time job with the employer and provided a training and development programme, on the job. All people receive on-going supervision and support, industry qualifications to NZQA level 3 and a career development plan.

People with Ill Health, or Disability

Since 2004 there have been a number of initiatives undertaken to help people with disabilities or ill health return to work. This has included purchasing specific health interventions to help people to get work-ready, and to improve their understanding and ability to engage with health professionals and their clients.

Since September 2007 people with ill health or disabilities have been invited to engage with Work and Income. Engagement means that people are sitting down with Work and Income staff to discuss their future and to identify ways they can be supported. This support can take many forms – training, part-time or casual employment, health services, or helping them to overcome practical difficulties like childcare or transport.

The Mainstream Program

In July 2008, the Mainstream Program was transferred to Work and Income from the State Services Commission. The Mainstream Program is a supported employment programme. It facilitates the creation of employment opportunities for people with significant disabilities within selected State Sector organisations.

This transfer has provided Work and Income with the opportunity to review the programme in 2008/2009. Following the completion of the review in early 2009, a plan to address the findings will be developed and implemented.

Maori and Pacific people

Between 2006 and 2008 a Framework for Sustainable Employment Outcomes for Maori identified key outcomes for Maori. Overall, there have been significant improvements in recent years in Maori participation in, and contribution to, the labour market. The following are highlights of the achievements for Māori against key expected outcomes of the Policy Framework:

- lower numbers of Maori on unemployment related benefits
- increasing numbers of placements of Maori into sustainable employment
- increased labour force participation and employment by Maori
- increased literacy levels for Māori and
- increased number of Māori assisted into self-employment and entrepreneurship.

The Pacific Wave Strategy was launched in July 2003, with the aim of reducing the number of Pacific clients receiving an unemployment-related benefit (in the Auckland region) by 50%. The initial goal was achieved in the June 2005 quarter and the Pacific Wave Strategy aimed to continue to reduce the number of Pacific clients receiving unemployment-related benefits by a further 50% in the two years to June 2007. The strategy took a multi-tiered approach to assist Pacific clients by:

- assisting unemployed Pacific clients into training and work
- supporting these clients to remain in work once they get a job
- working with Pacific youth to link them with work, training or further study
- assisting Pacific Peoples returning to an unemployment-related benefit to find work quickly.

The Pacific Youth Development Strategy is a collaborative initiative that was launched in June 2005. The Strategy has achieved the following:

- the development of the Strategy has provided a voice to young Pacific people in the Auckland region regarding issues and participation widely in society and the economy

- collaborative work between agencies, non government organisations and Pacific community leaders
- a stocktake of programmes, private and public, available to Pacific young people in Auckland is currently underway. This is to be completed in 2009.

Between 2008 and 2009 Work and Income's aim has been to help all working-age people achieve a permanent transition from financial assistance to economic independence, by providing access to:

- generic and tailored programmes
- regional initiatives/programmes for Maori and Pacific people
- ensuring our services for example Youth Transition Services reflect the community that they are responding to.

Redundancy Support

From December 2005, Work and Income has been supporting employers who need to reduce operations but want to retain workers and those who are considering down-sizing, closing or relocating operations, due to the current economic situation, by:

- meeting, in confidence and on site, to talk about the particular situation and how we can help employees transition into other work
- coordinating services across agencies such as IRD and Career Services
- helping employees with CV preparation, skills assessment and training and information to help them get another job.

Two new initiatives were implemented in 2009 to provide redundancy support in response to the current economic situation. These are the ReStart package, and the Job Support Scheme.

The ReStart package provides transitional relief to people who have been made redundant from full-time work. People can get it if they are self employed and entitled to Unemployment Benefit. The ReStart package is made up of three parts:

- ReCover – a payment if people have dependent children and are no longer entitled to an in-work tax credit
- RePlace – an extra payment to help people with accommodation costs
- ReConnect – help for people finding a job that's right for them.

The Job Support Scheme has been available since March 2009. The Job Support Scheme helps employers who are facing temporary difficulty in the current economic conditions and may be looking at either reducing the size of their work force, or the number of paid hours their staff work. The Job Support Scheme allows full time employees to agree with their employer to working a nine day fortnight whereby the Government pays part of the tenth day. The scheme is for large and medium workplaces with 50 or more employees and the benefit is that employees on the scheme cannot be made redundant.

Article 8

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services. Please give particulars concerning the arrangements made to give effect to this Article.

The Training Opportunities Programme

Training Opportunities programmes are administered by the Tertiary Education Commission (TEC) and funded by Work and Income.

Training Opportunities represents a major investment by Government in lifting the foundations skills of those who have not acquired those skills at secondary school. The prime focus of the programme is to assist learners to acquire a critical bundle of foundation skills that will enable them to move effectively into sustainable employment and/or higher levels of tertiary education. Foundation skills taught are the same as those mentioned in the last report on this Convention.

All Training Opportunities programmes offer learners formal units of study towards national qualifications relevant to the workforce, for example hospitality services, computing skills, work place safety and licensing to operate vehicles. Programmes are designed so that learners can achieve the base (Level 1) qualifications they need to progress on to higher training or entry level employment.

Please see New Zealand's last Report on this Convention for the Training Opportunities programme's outcomes.

Training Opportunities can be accessed by job seekers registered with Work and Income who are aged 18 and over. On average there are around 7000 trainees in training at any one time.

Limited Service Volunteers and Outward Bound remain unchanged since the last report on this Convention.

Mayors Taskforce for Jobs

The Mayors Taskforce for Jobs (MTfJ) partnership was formally established in April 2000, following a community conference that recognised employment and livelihood as fundamental to stability in communities.

The Government entered into a Memorandum of Understanding with the MTfJ in July 2008 and renewed a revised memorandum in April 2009.

The memorandum affirms a core area of common interest between the Government and the Taskforce:

"maximising local employment opportunities for young people and ensuring their successful transitions to education, training or employment"

The Taskforce have also undertaken to support the Government in responding to the impact of the recession by broadening its scope in the short term. Accordingly, the memorandum includes an annex which states that the Government and the Taskforce will agree to work together to respond to the impact of the recession by focusing on the following in the short term:

- assisting communities that are disproportionately affected by the recession
- responding to local employment shocks as a result of the recession.

The memorandum also enables the Government and the Taskforce to agree on other areas of common interest from time to time.

Under the umbrella of the Mayors Taskforce, Work and Income is running regional initiatives in partnership with District Councils and other local bodies to assist young people into work.

Youth Transition Service

Youth Transition Services were established in 2004 to support the Government's goal (shared with the Mayors' Taskforce for Jobs) of having all 15-19 year-old youth in work, education or training or other activities that contribute to their long-term economic independence and wellbeing by 2007. This goal was widened in 2008 to include all young people under the age of 25 years.

There are currently 19 Youth Transition Services established nationwide in areas of highest need and each of these deliver against the following four core functions:

- follow-up school leavers and identify where they are transitioning to. Offer customised support if the young person has not identified a "next step"
- engage with the young people who are at risk of prolonged disengagement from work, education or training and provide them with customised support and guidance to facilitate their re-engagement into appropriate work, education or training (these may be community and school referrals, or have been identified through the school leaver follow up)
- identify and support the development of appropriate labour market, education and training opportunities for young people
- provide a forum for ongoing strategic planning and co-ordination of services for young people.

Youth Gangs

Work and Income have made a strong start on working with young people who are at risk of gang involvement or who are already involved with gangs. Best practice local response guidelines for responding to youth gang activity have been developed to meet any emerging need for action on youth gangs. The guidelines outline the best practice approach for government agencies to address the multiple needs of young people (and their families) involved with gangs or at risk of gang involvement at a local level.

There is no change to Student Job Search since the last report on this Convention.

Article 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.

3. The means of ascertaining such qualifications shall be determined by the competent authority.

4. *The staff of the employment service shall be adequately trained for the performance of their duties.*

1. Please give particulars concerning the status and conditions of service of the employment service staff.

2. Please give general information concerning the methods of recruitment and selection of this staff.

3. Please indicate the arrangements made to ensure the training of employment service staff for the performance of their duties, including both:

(a) arrangements for their initial training at the time of appointment to the service; and

(b) arrangements for subsequent training.

As reported previously, the New Zealand public service is politically neutral. The status, conditions of service, recruitment and selection of staff has not changed since the last report. The training of staff has not changed since the last report on this Convention.

Article 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

Please indicate the arrangements made nationally and locally in cooperation with employers' and workers' organisations to encourage full voluntary use of employment service facilities.

There is no change since the last report on this Convention.

Article 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

Please give particulars concerning the arrangements made to give effect to this Article.

Providing employment services is part of Work and Income's core functions. Private employment agencies in New Zealand, however, are run as businesses for profit.

Work and Income will refer job seekers to private employment agencies, when they have suitable employment vacancies. Work and Income also has recruitment partnerships with large employers, the main aim of which is to help those employers fill vacancies with people that are registered with Work and Income.

Article 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this

Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.

2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

If this is the first annual report of your Government upon the application of the Convention please indicate any areas which have, in virtue of the authorisation given in paragraph 1 of this Article, been excluded, in whole or in part, from the application of the Convention, together with the reason or reasons for their exclusion.

If this is a report subsequent to the first annual report, please indicate any areas in respect of which the right to have recourse to the provisions of this Article may have been renounced.

The New Zealand Government has neither lodged any prior renunciations nor seeks to renounce the Convention.

III Please state to what authority or authorities the application of the above-mentioned legislation and administrative regulations, etc., is entrusted and the methods for supervising and enforcing that application. In particular, supply information on the organisation and working of inspection, if any, of the organisation and operation of the public employment offices.

The New Zealand Government has neither lodged any prior renunciations nor seeks to renounce the Convention.

IV Please furnish statistical information available in published annual or periodical reports concerning the number of public employment offices established, the number of applications for employment received, the number of vacancies notified, and the number of persons placed in employment by such offices.

The Ministry of Social Development's annual report for 2007-2008 is available using the following link: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/corporate/annual-report/>

The Ministry of Social Development's Statement of Intent 2008-2011 is available using the following link: <http://www.msd.govt.nz/about-msd-and-our-work/publications-resources/corporate/statement-of-intent/>

V. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

VI. Please give a general appreciation of the manner in which the Convention is applied in your country including, for instance, extracts from official reports and information on any practical difficulties in the application of the Convention.

The New Zealand Government continues to support the Convention.

VII. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation

1. If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

Copies of this report have been forwarded to:

New Zealand Council of Trade Unions
Business New Zealand

Response to comments made by the Committee of Experts on the Application of Conventions and Recommendations in 2006

The Committee notes that the NZCTU, while acknowledging the range of employment policy advisory committees and bodies with external participants, considers that this does not constitute full and meaningful consultation, especially where there has been no direct consultation with organizations representing workers' interests to seek nominees, nor any mechanism for seeking the organizations' views. The Committee further notes that Business New Zealand considers that where there is a good reason for the Government to consult social partners, consultation does occur, a typical example being cooperation over the promotion of workplace-based learning.

However, Business New Zealand considers that there would appear to be no good reason for specific consultation over the development and operation of a state-run employment service. In this regard, the Committee refers to its 1998 observation and recalls that the Convention requires that suitable arrangements should be made through advisory committees for the cooperation of representatives of employers and workers in the organization and operation of the employment service and in the development of employment service policy, and that the representatives on these committees should be appointed after consultation with representative organizations of employers and workers. Furthermore, the general policy of the employment service in regard to referral of workers to available employment should be developed after consultation with representatives of employers and workers through these advisory committees. The Committee trusts that the necessary measures will be taken to give full effect to the essential requirements provided by Articles 4 and 5 of the Convention.

It asks the Government to provide in its next report detailed information on the consultations which have taken place with regard to the abovementioned provisions.

Answer: For the New Zealand Government's response please refer to Article 4 on page five.