

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

Report for the period 31 May 2008 to 1 July 2010
made by the Government of New Zealand

on the

**DISCRIMINATION (EMPLOYMENT AND OCCUPATION)
CONVENTION, 1958 (No. 111)**

- I. Please give a list of the laws and regulations, bilateral or multilateral instruments etc., which apply to the provisions of the Convention. Where this has not already been done, please forward copies of said legislation, etc., to the International Labour Office with this report.***

In so far as there exist measures other than legislation, administrative regulations, etc., which are relevant to the implementation of the Convention, please indicate their nature.

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

Please see the Government's previous report on Convention 111 for a full list of legislation that applies the provisions of the Convention.

The following legislation relevant to the Convention was passed during the reporting period:

- *Employment Relations (Breaks and Infant Feeding and other Matters) Amendment Act 2008*
- *Parental Leave and Employment Protection Amendment Regulations 2010*
- *Parental Leave and Employment Protection (Rate of Parental Leave Payment) Regulations 2009-2010*

Online versions of this legislation are available at <http://www.legislation.govt.nz>

The key Acts that apply to the provisions of the Convention are the same as described in New Zealand's previous report on Convention 111. The changes brought about by the legislation passed during the reporting period have also been described in the Government's report on Convention 100 for 2010.

Updated information on paid parental leave, the Human Rights Commission, the Equal Employment Opportunities Trust, the National Advisory Council on the

Employment of Women, Work-life balance, the Office for Disability and the gender pay gap has also been discussed in the Government's report on Convention 100 for 2010. This report covers additional information on measures undertaken by the Department of Labour, the Ministry of Women's Affairs and the Ministry of Social Development.

The New Zealand Sign Language Act 2006

Please refer to the Government's previous report on Convention 111 for the provisions of the New Zealand Sign Language Act.

The Ministry of Women's Affairs

Please refer to the Government's Convention 100 report for 2010.

The Ministry of Māori Development (Te Puni Kokiri)

There has been no change since the last report.

Please refer to the Government's previous report on Convention 111 for information on the Hui Taumata Taskforce and Māori workforce development.

Please refer to the Government's report on Convention 100 for 2010 for information on the Māori Women's Development Incorporation.

The Ministry of Pacific Island Affairs

The Pacific Economic Action Plan (PEAP), launched in August 2007, is reflective of Ala Fou findings (outlined in the Government's previous report on Convention 111) with the development of a programme which looks at Growing Young Pacific Entrepreneurs. Youth are also recognised as the basis and building block for prosperity within the PEAP and the Pacific Women's Economic Development Plan, which was launched in August 2007. Both these plans seek to progress economic development for Pacific peoples in New Zealand.

Some of the successes of the Pacific Economic Action Plan launched in 2007 include:

- The launch of an awareness campaign to raise the awareness of opportunities that exist for Pacific people in regards to trades training. An information kit has been developed and promoted to Pacific young people throughout the country. This information also feeds into wider work of the Ministry around Pacific community seminars and careers expos run in partnership with other government agencies and industry training organisations;
- The launch and implementation of a creative industries pathways development tool;
- Promotion of business skills to Pacific young people through engagement in school based student business programmes. The Ministry has provided support and incentive to increasing numbers of Pacific students participating in the Young Enterprise Scheme and (through the work of the Pacific Business Trust) the Pacific Plantation Business Game';

- Provision of internships for Pacific young people; and
- NZ-Pacific Remittance and Capability project which secured amendments to the Financial Transactions Reporting (interpretations) Regulation and the launch of the Westpac Express Card which provides ease of transferring remittances.

The Pacific Economic Action Plan has been reviewed and as at May 2010 is currently in the final stages of being updated. Its work places an ongoing emphasis on developing the skill of the Pacific workforce. The plan will provide a foundation from which to develop a longer term economic focus for Pacific peoples in the future.

The Office of Ethnic Affairs

The Office of Ethnic Affairs (OEA) was established in 2001 to support the Ministerial portfolio for Ethnic Affairs. OEA works as a conduit between government and ethnic¹ communities. Its purpose is to encourage and promote the strengths and benefits that ethnic diversity offers New Zealand. It is committed to ensuring that ethnic communities are seen, heard, accepted and included. OEA does not directly deal with discrimination, which is addressed through anti-discrimination laws under human rights framework and by the Human Rights Commission. OEA promotes the strengths and benefits of diversity that help create awareness about ethnic diversity, address discrimination, and promote acceptance and social harmony. It works with:

- Government on issues affecting ethnic New Zealanders by providing advice;
- ethnic groups to build strong, integrated and healthy communities;
- host communities to accept and include ethnic people;
- government agencies, local authorities and service providers to ensure their services are responsive to the diverse needs of ethnic groups; and
- agencies that require telephone interpreting services (Language Line).

The ethnic sector is growing and changing in New Zealand. In the 2006 Census more than 200 ethnic identities were recorded; and the ethnic population accounted for more than 11 percent of the total population. The ethnic population is projected to be about 16 to 18 per cent of the total population in 2026.

OEA's major priority areas include:

- Maximise ethnic business people's transnational network and cultural skills for domestic economic gains.
- Empower ethnic communities through increased government responsiveness.
- Maintain New Zealand's reputation as a successful model of social harmony through celebrating our multi-ethnic and multi-faith society.

¹ The ethnic sector is defined as people whose traditions and cultures distinguish them from Māori, Pacific and Anglo-Celtic New Zealand residents.

OEA's main areas of work are:

Economic development

The aim of OEA's economic development work is to harness the underutilised skills, talents and connections of ethnic communities to grow New Zealand's economy – particularly to grow our export, tourism, and education markets. OEA is a conduit to connect businesses, communities, and government agencies. In March 2010, OEA held the ASEAN Business Forum to maximise the talents, skills and connections of New Zealand's ethnic communities to grow New Zealand's economy. Local language, cultural and market knowledge, and connections are vital for businesses that want to enter into foreign markets.

Language Line – Telephone Interpreting Service

OEA manages a professional telephone interpreting service to support improved access to government services for migrants and refugees with no or limited English. It provides interpreting in 40 languages, and is a free service for clients of participating agencies. The volume of calls ranges from 800 to 900 per week. There are more than 70 participating agencies that cover major service providers, including social security and health providers. A number of other agencies are considering joining the service. As of March 2010, there have been around 200,000 interpreting sessions since Language Line's inception. OEA also actively encourages government agencies to provide information in multiple languages.

Intercultural Awareness and Communication (IAC) Programme

OEA has been promoting intercultural awareness in the public sector and ethnic communities since its inception. It has been providing a training programme and resources to enhance public sector employees' intercultural and cross-cultural skills and assist them to communicate effectively with diverse ethnic communities. OEA provides tools and resources on how to manage an ethnically diverse workforce. This includes the Train the Trainers modules (which enable employers to train their staff in intercultural awareness). These workshops and the Foot in the Door guide on bias-free recruiting enable employers to train their staff in intercultural awareness.

Building Bridges project

In 2005 the Office of Ethnic Affairs, in partnership with, the Federation of Islamic Associations New Zealand and New Zealand's Muslim communities, created a project called 'Building Bridges' to respond to issues raised by Muslim communities.

These issues include matters of public awareness and constructive inter- and intra-community dialogue and building strong relationships with other faith and ethnic communities, the Government and mainstream agencies.

The 'Building Bridges' project also contributes to respond to the focus areas identified in United Nations' Alliance of Civilisations initiative. This work continues.

Other activities

OEA also undertakes activities to enable ethnic New Zealanders to fully participate in New Zealand society:

- *Community forums* – such as funding workshops with the Department of Internal Affairs' Local Government and Community branch and Ministry of Social Development to enable ethnic communities to access resources and advice for ethnic NGOs development and growth.
- *Civic participation* – forums designed to enhance understanding of New Zealand's democratic process.

Tertiary Education Commission

Please see the Government's previous report on Convention 111 for a description of the role of the Tertiary Education Commission (TEC).

Tertiary Education Strategy 2010-2015

The Government's recently published Tertiary Education Strategy 2010-15 (TES) presents a long-term view of the Government's investment in tertiary education, including both institutionally and workplace based education. The Tertiary Education Strategy is aimed at lifting the performance of the tertiary education sector resulting in an increase in graduates' employment opportunities. The priorities for tertiary education for 2010-15 make specific reference to youth and under-represented groups:

- increasing the number of young people (aged under 25) achieving qualifications at levels four and above², particularly degrees;
- increasing the number of Māori students enjoying success at higher levels; and
- increasing the number of Pasifika students achieving at higher levels.

The Strategy also expects all providers and Industry Training Organisations (ITOs) to strengthen their engagement with iwi and Maori communities. The sector is also expected to be responsive to Pasifika communities.

TEC purchases the following vocational education and training programmes with the potential to help under-represented groups achieve equality in employment and vocational training:

² The National Qualifications Framework (NQF) is designed to provide nationally recognised, consistent standards and qualifications and recognition and credit for all learning of knowledge and skills. Each standard registered on the Framework describes what a learner needs to know or what they must be able to achieve. The NQF has 10 levels - 1 is the least complex and 10 the most. Levels depend on the complexity of learning. Levels 1-3 are of approximately the same standard as senior secondary education and basic trades training. Levels 4-6 approximate to advanced trades, technical and business qualifications. Levels 7 and above approximate to advanced qualifications of graduate and postgraduate standard.

Training Opportunities provides full-time, fully funded training for people who are disadvantaged in the labour market, particularly long-term unemployed people or those who lack foundation skills, including language, literacy and numeracy skills. The majority of trainees enter the programme with no or low qualifications. An average number of trainees at any one time was approximately 7,508 for 2009. As at 30 June 2009, 40% of trainees were Māori, 12% were Pacific peoples and female participants made up 47% of the total learners. Positive outcomes for the programme are strong. 70% of all learners who completed a Training Opportunities placement moved on to further training or employment within two months of leaving.³ 48% of learners moved on to employment while 21% of learners progressed into further training or education outside the programme;

Youth Training provides a bridge for young people under 18 years of age who have left school with no or low qualifications into further education, training or employment. Training is full time and fully funded. As at 30 June 2009, 9,520 trainees were in the programme. Of this number, 45% were Māori, 13% were Pacific peoples and 45% were women. Training is customised to meet individual needs so learners can maximise their chances to achieve qualifications and employment outcomes. Providers must be responsive to the learning needs of all participants including Māori and Pacific peoples, women and people with disabilities. Positive outcomes for Youth Training trainees are high. Seventy-three percent of all learners who left Youth Training moved on to further training or employment within two months of leaving⁴;

Gateway (launched in January 2001), is designed to broaden education options for senior secondary school students by offering them workplace learning opportunities that integrate structured workplace learning with senior students' classroom-based learning. Students achieve training credits in the workplace, which they can use towards nationally recognised qualifications. 10,875 students were involved in the 2009 Gateway programme. Of this group 26% were Māori and 10% were Pacific peoples. Male and female participation rates were almost equal. Gateway learners are required to achieve an average of 10 or more NQF credits⁵.

Industry Training Fund subsidises Industry Training Organisations (ITOs) to purchase structured training toward nationally recognised qualifications for employees with a focus on training at levels 1-4 (entry level to trades level) on the National Qualifications Framework (NQF). Industry Training is workplace based learning and ITOs are industry owned. As at 30 September 2009, there were 133,119 trainees participating in industry training. Of this number, 17.2% were Māori, 6.9% were Pacific peoples and 29.2% were women⁶

³ Performance measured from March 2008-February 2009

⁴ Performance measured from March 2008-February 2009

⁵ The NQF contains two types of national standards: **achievement** standards and **unit** standards. Credits from all achievement standards and all unit standards count towards National Certificates of Educational Achievement (New Zealand's national qualifications for senior secondary students).

⁶ The comparatively low proportion of women participating in Industry Training and Modern Apprenticeships is due to complex historical factors related to "traditional" employment patterns and the segmentation of the labour market. Also, industries that had long-standing apprenticeship traditions tended to be male dominated, and these industries were well placed to access funding from

Modern Apprenticeships is a mentored pathway to a nationally recognised qualification at level 3 or 4 on the National Qualifications Framework. TEC funds Modern Apprenticeships Co-ordinators to facilitate apprenticeship placements for young people (aged 16-21), and to support Modern Apprentices and their employers during the term of the training relationship. Modern Apprenticeships Co-ordinators are to "have particular regard to the needs of Māori, the Pacific peoples of New Zealand, people with disabilities, and women"⁷. Modern Apprenticeships was established in July 2000.

As at 30 September 2009, there were 12,854 Modern Apprentices in the programme either in training or completed. Baseline funding for the programme can support approximately 14,000 active Modern Apprentices at any one time. 14.22% were Māori, 3.08% were Pacific peoples and 11.67% were women.

Youth Guarantee is an initiative to improve the educational achievements of targeted 16 and 17 year olds, for whom academic study is not their preferred educational pathway. Youth Guarantee provides them with an opportunity to participate in a range of vocational courses within tertiary education providers free of charge. In 2010 and 2011, there are 2,000 Youth Guarantee places available across New Zealand. In general, these have been allocated according to youth unemployment in different regions of the country. The Government is currently developing the Youth Guarantee to encompass all the alternative educational pathways for students in schools. This will include a range of current and existing programmes encompassing both school and tertiary provider based education.

Wānanga

The Tertiary Education Strategy (TES) 2010-2015 sets out three core roles for the Wānanga⁸:

- To provide quality education in accordance with kaupapa Māori⁹ Philosophies, principles and approaches;
- To undertake teaching and research that maintains, advances and disseminates knowledge and develops intellectual independence, as assists the application of knowledge regarding āhuetanga Māori according to tikanga Māori; and
- To contribute towards the survival and wellbeing of Māori as a people.

the Industry Training Fund when it was set up. TEC continues to promote the spread of industry training into new industries that employ higher proportions of female staff. ITOs are encouraged to take positive steps to increase the proportion of women in non-traditional training.

⁷ Modern Apprenticeship Training Act 2000, section 17(c).

⁸ A wānanga is characterised by teaching and research that maintains, advances, and disseminates knowledge and develops intellectual independence, and assists the application of knowledge regarding āhuetanga Māori (Māori tradition) according to tikanga Māori (Māori custom).

⁹ Kaupapa Māori is the "conceptualisation of Māori knowledge" that has been developed through oral tradition. It is the process by which Māori mind receives, internalises, differentiates, and formulates ideas and knowledge exclusively through te reo Māori.

Equity funding

Equity Funding is provided to ITPs, Universities, PTEs and Wānanga in addition to direct funding for Māori and Pacific students and for students with disabilities. It is a government contribution to help improve equity of access and achievement for Māori students, Pacific students and students with disabilities. Evidence shows that these three groups experience clear disadvantages in tertiary education.

The Ministry of Social Development

Please refer to the Government's previous report on Convention 111 for a description of the Ministry of Social Development.

Employment outcomes for Māori

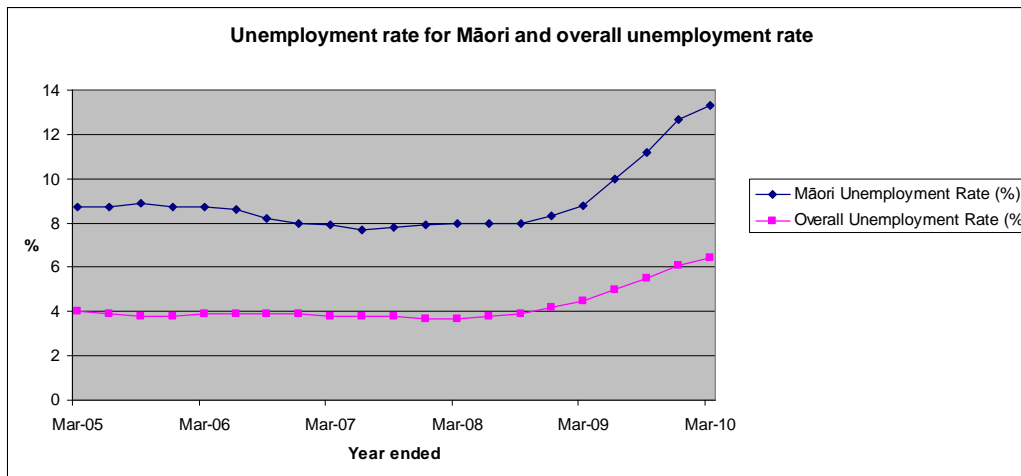
The unemployment rate for Māori was 13.3% in the year to March 2010, which was 4.5 percentage points above its 2009 level, and 4.7 percentage points higher than its 2005 level. Compared with the unemployment rate for all people, which was 6.4% in March 2010, the Māori rate has increased more sharply.

In March 2010, 246,200 Māori were in employment. Over the last five years, the employment rate of Māori decreased 1.5 percentage points from 59.4% in March 2005 to 57.9% in March 2010. The rate is below that for the total population, which stood at 63.8% in March 2010.

In the year to March 2010, the leading industries in which Māori worked were manufacturing (41,100 workers) and wholesale & retail (34,800 workers). Over the last five years, health and community services experienced the largest gain in Māori employment (up 48%), while transport & storage had the largest loss (down 24%). Over the last year, agriculture and mining had the largest gain in Māori employment (up 10%), while utilities and construction had the largest loss in Māori employment (down 20%).

In the year to March 2010, the most common occupational groups for Māori were plant & machine operators and assemblers (40,900 workers) and service & sales workers (40,200 workers). Over the last five years, legislators, administrators & managers experienced the largest gain in Māori employment (up 53%), while elementary occupations had the largest loss (down 21%). Over the last year, agriculture & fisheries workers had the largest gain in Māori employment (up 13%), while trade workers had the largest loss (down 15%).

Māori received better wages in 2009 compared to 2005. The median weekly earnings across all occupations for Māori rose by 14.3%.



Employment initiatives for youth

The Youth Opportunities package is a \$152 million initiative announced in August 2009. It is targeted to those more at risk of long-term unemployment because of the recession. A suite of initiatives provides employment and training opportunities for sixteen to twenty-four year olds up to the end of 2010. In particular, the Job Ops and Community Max initiatives subsidise the employment of low skilled young people in business and community programmes. Many of the initiatives in the Youth Opportunities package aim to foster confidence and discipline, connect young people into their communities, provide appropriate and relevant training, and develop work skills.

Job Ops provides a \$5,000 subsidy to employers to take on young people (16-24 yr olds) for six months work experience in entry-level jobs. The scheme is aimed at the most disadvantaged young people (those with the lowest levels of skills and qualifications). Employers do not have to guarantee that they will provide employment beyond the six months. The Youth Opportunities package included funding for 4,000 Job Ops. To meet employer demand, in November 2009, Cabinet agreed to fund an additional 2,000 Job Ops places.

Community Max provides full wage subsidies, training and supervision expenses for disadvantaged young people to participate in six-month community and environmental projects. The Youth Opportunities package included funding for 3,000 Community Max places.

Job Connect. Changes have also been made to the Job Search Services of Work and Income to better reflect the abilities of some job seekers. Job Connect allows self-motivated job seekers to maintain contact with Work and Income through the contact centre, rather than face to face appointments; and provides enhanced job matching, screening and referral services for employers and job seekers.

Please refer to the Government’s Convention 100 report for further information on employment initiatives.

State Services Commission

The State Services Commission's involvement with the Human Rights Commission is set out in the Government's previous report on Convention 111.

The Equality and Diversity: New Zealand Public Service Equal Employment Opportunities Policy which was launched in 2008 seeks to address the issues of equity and diversity within the public service in New Zealand in a number of ways. These are:

- Treating people fairly and with respect, ensuring equality of access to opportunities (equality);
- Understanding, appreciating and realising the benefits of individual differences (diversity);
- Basing appointments on merit;
- Recognising the employment aspirations of Maori, ethnic and minority groups, women and people with disabilities; and
- Integrating equality and diversity is a key ingredient for organisational success.

Successful implementation of this project will mean that the public service will be an employer who recognises and values difference and is comprised of people who are committed to service and who want to work in the public service.

Chief executives of public service organisations are encouraged and reminded by the Government of their obligations under this policy to ensure that any gender inequities identified within their organisations are responded to as part of good management practice and as part of the responsibilities of being a good employer under the Employment Relations Act 2000.

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.

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 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.

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. *For the purpose of this Convention the term "discrimination" includes-*
 - a) *any distinction, exclusion or preference 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;*
 - b) *such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.*
2. *Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination*
3. *For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.*

Paragraph 1 (a): please indicate whether there exist in your country any distinctions, exclusions or preferences falling within this paragraph:

- i. in law or administrative practice;*
- ii. in practical relationships between persons or groups of persons.*

Please refer to the Government's previous reports on Convention 111.

Please supply detailed information on the actual situation in your country regarding vocational training, employment and occupation of persons according to their race, colour, sex, religion, political opinion, national extraction or social origin.

i. Vocational training

Table 1: Gender and ethnicity of industry trainees (as at 30 September 2009)

**GENDER AND ETHNICITY OF INDUSTRY TRAINEES
as at 30 September 2009**

All ITOs	European/Pakeha	NZ Maori	Pacific Peoples	Other	Not Specified	Total
Male	58,552	15,500	5,682	8,774	5,793	94,301
Female	21,673	7,374	3,466	4,801	1,504	38,818
Unknown						-
Total	80,225	22,874	9,148	13,575	7,297	133,119

All ITOs	European/Pakeha	NZ Maori	Pacific Peoples	Other	Not Specified	Total
Male	44.0%	11.6%	4.3%	6.6%	4.4%	70.8%
Female	16.3%	5.5%	2.6%	3.6%	1.1%	29.2%
Unknown						0.0%
Total	60.3%	17.2%	6.9%	10.2%	5.5%	100.0%

**AGE OF INDUSTRY TRAINEES
as at 30 September 2009**

All ITOs	15-19	20-29	30-39	40-49	50+	Total
Total	12,237	42,509	28,386	26,789	23,198	133,119
	9.2%	31.9%	21.3%	20.1%	17.4%	100%

Note: These figures include Modern Apprenticeships

The statistics presented in the table cover 38 Industry Training Organisations (ITOs) that were supported by the Industry Training Fund as at 30 September 2009.

ii. Employment according to Gender and Ethnic Group

Gender

In the wake of the global economic downturn in 2008 and 2009 the rate of unemployment in New Zealand has increased for both males and females since the Government's last report on Convention 111, which provided figures from March 2008. Table 2 (on page 14) provides employment data from year to March 2010. The rate of unemployment for males has increased from 3.9% to 5.8%, and the rate of unemployment for females has increased from 3.9% to 6.3%.

Ethnic Group

The rate of unemployment for Pacific peoples has increased to 13.5%, and the rate of unemployment for Māori has increased to 13.3%. The overall rate of unemployment for in New Zealand, in comparison, is 6.0%.

iii. Occupation according to Gender and Ethnicity

Table 3 (on page 16) presents labour market information by sex and ethnic group. This table updates the information provided in the Government's previous report. The tables are compiled from statistics drawn from the Household Labour Force Survey conducted by Statistics New Zealand.

Males are over represented in the occupational categories of:

- legislators;
- trades workers;
- agriculture and fishery workers;
- elementary occupations; and
- plant and machine operators.

By contrast, females are over represented in the occupational categories of:

- professionals;
- technicians;
- clerks; and
- service and sales workers.

The figures also show that Māori and Pacific Island labour force are disproportionately distributed toward the industry groupings of:

- service and sales;
- trades; and
- elementary occupations.

Table 2: Persons Employed, Unemployed and Not in the Labour Force: Women, Older Workers and Ethnic Groups (Year to March 2010)

	Employed	Unemployed	Total Labour Force	Not in Labour Force	Working-age Population	Labour Force Participation Rate	Unemployment Rate
	(000)					(%)	
Males							
European Only	824.6	38.5	863.1	282.6	1,145.7	75.3	4.5
Māori Only	72.1	11.4	83.6	34.4	118.0	70.8	13.7
Pacific Peoples Only	41.6	6.0	47.6	20.6	68.2	69.8	12.6
Other ⁽²⁾	208.7	21.1	229.8	82.0	311.8	73.7	9.2
Total ⁽³⁾	1,149.1	77.0	1,226.1	420.2	1,646.3	74.5	6.3
Females							
European Only	736.4	33.1	769.6	439.5	1,209.0	63.7	4.3
Māori Only	63.6	10.8	74.5	52.6	127.1	58.6	14.6
Pacific Peoples Only	33.6	5.7	39.3	38.2	77.5	50.7	14.4
Other ⁽²⁾	179.7	20.8	200.5	129.1	329.6	60.8	10.4
Total ⁽³⁾	1,014.7	70.5	1,085.2	660.2	1,745.4	62.2	6.5
Total							
European Only	1,561.1	71.6	1,632.7	722.0	2,354.7	69.3	4.4
Māori Only	135.8	22.3	158.1	87.0	245.1	64.5	14.1
Pacific Peoples Only	75.2	11.7	86.9	58.8	145.7	59.6	13.4
Other⁽²⁾	388.4	41.9	430.3	211.1	641.4	67.1	9.7
Total⁽³⁾	2,163.8	147.6	2,311.4	1,080.3	3,391.7	68.1	6.4

This data is not seasonally adjusted and so all figures have been averaged over a year to reduce seasonal variation and sample errors.

⁽¹⁾ Ethnic groups in this table have been created using the single/combination output method.

⁽²⁾ Others composed of 'Asian only', 'Middle Eastern/Latin American/African', 'other ethnicity only', 'European/Maori', and 'two or more groups not elsewhere included'.

⁽³⁾ People who did not specify their ethnic status are included in the totals only.

Source: Statistics New Zealand, Household Labour Force Survey.

Table 3: Persons Employed (Thousands): Occupation by sex and ethnic group (Year to March 2010)

	Managers	Professionals	Technicians and Trades Workers	Community and Personal Service Workers	Clerical and Administrative Workers	Sales Workers	Machinery Operators and Drivers	Labourers	Total ⁽⁵⁾
Male									
European Only	198.6	164.4	168.9	35.7	40.8	57.1	64.9	90.9	824.6
Māori Only	6.5	7.6	12.5	6.1	3.0	2.2	14.1	19.7	72.1
Pacific Peoples Only	2.2	3.6	8.0	3.5	2.7	1.5	8.5	11.2	41.6
Other ⁽³⁾	33.7	38.1	39.1	12.1	12.4	15.3	19.5	37.3	208.7
Total ⁽⁴⁾	241.2	213.8	228.9	57.4	59.1	76.3	107.3	159.5	1149.1
Female									
European Only	88.9	197.3	36.6	95.9	176.2	81.8	7.6	49.2	736.4
Māori Only	5.3	13.3	2.5	10.7	10.7	6.0	2.4	11.8	63.6
Pacific Peoples Only	5	5.6	1.5	6.4	6.7	2.8	5	8.3	33.6
Other ⁽³⁾	18.4	43.7	9.4	24.1	33.2	25.9	3.0	21.0	179.7
Total ⁽⁴⁾	113.7	260.0	50.1	137.3	227.1	116.6	14.0	90.4	1014.7
Total									
European Only	287.4	361.6	205.5	131.5	217.0	138.8	72.5	140.1	1561.1
Māori Only	11.8	20.8	15.0	16.8	13.8	8.1	16.5	31.5	135.8
Pacific Peoples Only	3.2	9.1	9.5	9.8	9.4	4.3	9.4	19.5	75.2
Other⁽³⁾	52.1	81.8	48.5	36.2	45.6	41.2	22.5	58.2	388.4
Total⁽⁴⁾	354.9	473.8	279.0	194.7	286.2	192.9	121.3	250.0	2163.8

This data is not seasonally adjusted and so all figures have been averaged over a year to reduce seasonal variation and sample errors.

⁽¹⁾ Occupation based on the Australian New Zealand Classification for Occupation.

⁽²⁾ Ethnic groups in this table have been created using the single/combination output method.

⁽³⁾ Others composed of 'Asian only', 'Middle Eastern/Latin American/African', 'other ethnicity only', 'European/Maori', and 'two or more groups not elsewhere included'.

⁽⁴⁾ People who did not specify their ethnic status are included in the totals only.

⁽⁵⁾ People who did not specify their occupation are included in the totals only.

Symbol: S suppressed

Source: Statistics New Zealand, Household Labour Force Survey.

Paragraph 1 (b): Please indicate whether other kinds of distinctions, exclusions or preferences have been specified in accordance with this subparagraph, and give particulars of the consultations with representative employers' and workers' organisations and other appropriate bodies which have taken place in relation thereto. Please supply in respect of any such distinctions, exclusions or privileges the same information as that requested under paragraph 1 (a) above.

Please refer to the Government's previous reports on Convention 111.

Paragraph 2: Please indicate the main cases in which as condition of race, colour, sex, religion, political opinion, national extraction or social origin is not considered in your country as discrimination owing to the inherent requirements of the particular job. Please indicate any difficulties of application, disputes or controversies which have arisen in relation to such conditions.

Please refer to the Government's previous reports on Convention 111.

Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

Please indicate how the national policy designed to promote equality of opportunity and treatment in respect of employment and occupation has been declared, and communicate copies of all constitutional or legislative provisions, government statements, etc, relating to the declaration of this policy.

Please refer to the Government's previous reports on Convention 111.

Please describe the general methods (legal procedures, practical methods, etc.) by which this policy is being implemented in respect of each of the following fields:

- (a) access to vocational training;*
- (b) access to employment and to particular occupations;*
- (c) terms and conditions of employment.*

- (a) access to vocational training*

Ministry of Education - Tertiary Education Strategy

Specific education programmes (including Modern Apprenticeships and programmes for jobseekers) have been discussed above under Part I (page 5).

The Tertiary Education Strategy 2010-2015 establishes four approaches to achieving the Government's short and long-term priorities. One of these four priorities is "targeting priority groups".

This priority includes the following two objectives for Māori and Pasifika:

- 1. More Māori students enjoying success at higher levels*
- 2. More Pasifika students achieving at higher levels*

- (b) access to employment and to particular occupations;*

Please refer to the activities discussed above in Part I (page 9) by the Ministry of Social Development to promote access to employment.

(c) terms and conditions of employment.

Equal Employment Opportunities Provisions in Collective Employment Agreements

The Department of Labour collects information relating to provisions in collective employment agreements.

As at 30 April 2010, the Department of Labour database of collective agreements contained information relating to 1392 active agreements, covering 152,309 employees. Of these agreements, 14.32% contain EEO provisions, 1.6% of active agreements contain explicit provisions relating to Māori; and 24.17% contain culturally sensitive Bereavement Leave provisions.

Equal Employment Opportunities Plans and Policies

The Equal Employment Opportunities (EEO) Trust has collected information about the number of businesses in New Zealand with EEO plans and policies. In 2009, the EEO Trust asked members about how the global economic recession of 2008 and 2009 was impacting on their human resources management. The EEO Trust surveyed members to gain a sense of how they were responding to the recession in the areas of recruitment and retention, EEO/diversity, health and wellness, and training and development. The research project included phone interviews with 24 members and an online survey completed by 128 members.

The following data is from the Diversity Survey 2009 Report:

Broad impact of economic recession

The recession had negative impacts for most EEO Trust members who completed the survey. However, some had experienced no change and a few had experienced positive impacts or were in growth mode.

Most of the organisations interviewed reported pressure on business results. They had become more cost-conscious, were working smarter, with less discretionary spending, and were looking for efficiencies. Almost half had had redundancies, and another 24% said they will or may have redundancies later in the year. A further 19% were relying on natural attrition to decrease staff numbers. Even in organisations where staff had not been directly affected, many interviewees were aware that staff may be indirectly affected as family members lose jobs or income.

Retention

Improved staff retention was seen as a positive outcome of the economic downturn, with a third of respondents reporting low staff turnover during the previous 12 months and 70% expecting low turnover during the next 12 months.

Some of this was attributed to deliberate initiatives aimed at improving retention, but the economic climate was also seen as a factor.

Recruitment

Just over half of respondents (56%) reported an improvement in finding suitable applicants for jobs, but 25% were finding it harder than normal to get suitable applicants. Skill shortages persisted in some areas.

Eighteen per cent reported taking on fewer young staff or new graduates in the previous 12 months, and 26% expected to take on fewer in the next 12 months. This is consistent with Household Labour Force Survey data from Statistics New Zealand showing that people under 25, and especially those under 20, have suffered the most from recession-related job loss.

Half of the respondents were carefully reviewing all vacancies, with more expecting to do so during the next 12 months. A quarter to a third had increased or planned to increase the level of authority needed to replace someone.

EEO/diversity/work-life issues

The main message from the survey and interviews was of virtually no cutbacks in EEO/diversity initiatives. The only respondent reporting cutbacks said that they were part of a global repositioning and another said that new initiatives had been put on hold. Three-quarters of respondents reported no changes. Those who had made changes reported new initiatives, modifying and re-launching existing initiatives, and increasing promotion and awareness of what was available. Some respondents noted that more people were wanting full-time work now, not "casual lifestyle options".

Employment options, including flexible work options, used to cope with impact of recession

Flexible work options were being widely used by EEO Trust members to help cope with the impacts of the recession. More than half (54%) of the respondents who said they were negatively affected by the recession had offered more flexible work options to help cope with the recession during the previous 12 months. An even larger proportion (63%), expected to do so in the next 12 months. A large number were also encouraging staff to use their paid leave; a third had done so already and nearly half were intending to do so.

New and emerging EEO/diversity issues

As in previous years, respondents identified the ageing workforce as the main emerging EEO/diversity issue (14%). Other issues mentioned were dealing with the increasing multicultural diversity of the workforce (6%), managing flexible working and other work-life approaches (6%), and the effects of the economic downturn on Gen Y (3%), people with disabilities (5%) and new migrants (2%).

Health and wellness

No respondents mentioned cutbacks in health and wellness initiatives as a result of the recession. The majority (77%) had made no change and some had shifted

their emphasis or delivery mechanism. Those who had made changes were increasing provisions and/or raising awareness of what was available.

Training and development

Respondents said it was important to continue to provide training and development and half had made some changes in this area. A minority (16%) had made budget cutbacks and many gave examples of innovative ways of providing training and development on a reduced budget. For example, more training was being done internally and some respondents had tightened the criteria for approval to attend external courses.

A time for innovation and looking to the future

Most of the organisations interviewed were looking to the future, not just responding to the current situation. For example, many were investing in staff in order to retain them when the recovery comes.

Many also saw the current situation as an opportunity for innovation, such as developing new products or services in response to new needs created by the recession, improving customer service/relations to help with sales pressures, and using any extra time to invest in training and development. A couple of those interviewed said the economic climate was driving innovation.

Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice-

- (a) *to seek the co-operation of employers' and workers organisations and other appropriate bodies in promoting the acceptance and observance of this policy;*

Paragraph (a): Please indicate the measures taken to obtain the co-operation of employers' and workers' organisations and other appropriate bodies and describe the form taken by any such co-operation.

There has been no change during the reporting period. Please refer to the response provided under Article 3 of the Government's previous report on Convention 111.

- (b) *to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and the observance of the policy.*

Paragraph (b): Please indicate all legislative and other provisions designed to secure the acceptance and observance of the national policy, and describe the means by which they are applied and any relevant procedures to which persons concerned may have recourse. Please describe the manner in which public education and information on the anti-discrimination policy are provided or promoted.

EEO Trust

Please refer to Part I for a description of work performed by the EEO Trust.

State Services Commission

The State Services Commission continues to work to promote EEO policies and practices in the Public Service. Please refer to Part I for further information.

National Advisory Council on the Employment of Women

Please refer to the Government's report on Convention 100 for a description of the work performed by the National Advisory Council on the Employment of Women.

Workplace Group, Department of Labour

Please refer to the Government's previous Convention 111 reports for a description of the Workplace Group of the Department of Labour.

Please refer to the Government's Convention 100 Report for a list of the main topics of phone and face to face enquiries (public education and information) to the Department of Labour.

Please refer to the Government's Convention 100 Report for a discussion of the Employment Relations Contestable Fund.

Human Rights Commission

Please refer to the Government's report on Convention 100 for a description of work performed by the Human Rights Commission.

- (c) *to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;*

Paragraph (c): Please indicate whether any measures have been taken or are contemplated to eliminate any statutory or other provisions or administrative practices which are inconsistent with the national anti-discrimination policy.

Please refer to the information provided in the Government's report on Convention 100 regarding the repeal of the Disabled Persons Employment Protection Act 1960.

- (d) *to pursue the policy in respect of employment under the direct control of a national authority;*

Paragraph (d): Please describe the manner in which the policy is applied in respect of employment under the direct control of a national authority, and supply all appropriate information on the actual 45 methods or procedures followed to this end as regards recruitment, promotion, conditions of employment, termination of employment, etc.

- (e) *to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;*

Paragraph (e): Please supply particulars of the measures taken to promote equality of opportunity and treatment regarding vocational training and occupational guidance under the direction of national authority. Please supply

particulars of the manner in which placement services under the direction of a national authority ensure observance of the policy mentioned in Article 2, and of the means available to these services and to those who use them to ensure such observance.

Please refer to pages 5-7 of this report for information regarding the Tertiary Education Commission and its initiatives regarding vocational training.

(f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Paragraph (f): Please describe the results of the measures taken in pursuance of the national policy, and supply any information available (such as reports, studies, statistics, etc.) which may show the changes which may have occurred in regard to the vocational training, employment and conditions of employment, in the various branches of activity and at various occupational levels, of persons defined according to criteria such as those mentioned in Article 1.

Statistical information on the employment and unemployment rates for men and women, broken down by ethnic group and by occupation and industry, can be found in Tables 2 and 3 of this report.

Please refer to the Government's previous reports on Convention 111, and to Part I of this report, for details of labour market programmes run by government departments and other organisations. Further information is on these programmes is also included in the Government's report on Convention 100.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Please indicate any legislative or administrative measures and national practice governing the employment or occupation of persons suspected of, or engaged in, activities prejudicial to the security of the State, and give particulars of the right of appeal available to the persons concerned.

There has been no change during the reporting period. Please refer to the Government's previous reports on Convention 111.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.

2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Please indicate whether it has been determined that any special measures of the type described in paragraph 2 of this Article shall not be deemed to be discrimination. If so, please give particulars of such measures and of consultations with representative employers' and workers' organisations in relation thereto. Please also state why the continuance of the measures in question is considered to be necessary.

There has been no change during the reporting period. Please refer to the Government's previous reports on Convention 111.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

This convention is applied in Tokelau, New Zealand's only metropolitan territory.

III Please state to what authorities and institutions the application of the abovementioned laws, regulations, and international instruments etc., is entrusted.

There has been no change during the reporting period. Please refer to the Government's previous reports on Convention 111.

IV 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.

There have not been any significant cases or changes to the approach taken by the courts and relevant tribunals in applying legislation applicable to Convention 111 since the Government's last report.

V Please add a general appreciation of the manner in which the Convention is applied, including, for instance, extracts from official reports as well as information on any practical difficulties in the application of the Convention.

As discussed in this report, there are a range of options available for individuals who wish to bring discrimination claims. The number of claims brought to mediation and the employment relations authority is discussed below.

The Employment Relations Act 2000

The following table supplies information on employment matters brought forward for mediation or to the attention of the Employment Relations Authority. Data is filtered to matters which contained alleged employment complaint types of "discrimination" OR "other discrimination/harassment" OR "racial harassment" OR "sexual harassment" OR "racial discrimination".

An employment relationship matter may and frequently does have multiple alleged employment complaint types and may be related to sexual harassment, racial harassment and/or discrimination. Therefore it is not possible to sort these complaints by type.

The column labelled "Mediation Only" is the number of matters that were brought to mediation but had no contact with the authority. The column labelled "ERA Only" is the number of matters that were brought to the ERA but had no contact with the Mediation service. The column labelled "Mediation and ERA" is the number of matters that were brought to both the ERA and Mediation services in no particular order.

Years	Month	Mediation Only	Mediation and ERA	ERA Only
2008	Jan	13	19	6
	Feb	7	10	4
	Mar	3	6	4
	Apr	12	14	2
	May	7	15	13
	Jun	6	13	7
	Jul	6	8	5
	Aug	5	11	6
	Sep	9	12	7
	Oct	9	15	8
	Nov	5	13	9
	Dec	3	10	9
2009	Jan	3	8	8
	Feb	6	10	4
	Mar	7	18	11
	Apr	9	16	8
	May	4	11	7
	Jun	8	12	7
	Jul	1	8	7
	Aug	4	8	10
	Sep	10	20	10
	Oct	5	15	10
	Nov	6	8	3
	Dec	4	5	3
2010	Jan	5	8	4
	Feb	4	6	2
	Mar	3	3	6
	Apr	2	4	6
	May	3	5	2

Grand Total	169	311	188
-------------	-----	-----	-----

Human Rights Act: Enquiries and Complaints statistics in employment

Between 1 January 2009 and 31 December 2009, the Commission received 2272 matters, including both enquiries and complaints relating to the unlawful grounds of discrimination.

Of those matters, 653 were enquiries and complaints relating to unlawful discrimination in the areas of pre-employment and employment. Below is a breakdown of these enquiries and complaints by all grounds of discrimination:

Grounds of discrimination in Employment & Pre-employment	Number of in complaints
Disability	160
Sex	103
Ethnic or national origins	98
Race	98
Sexual harassment	77
Age	59
Racial harassment	46
Family status	37
Religious belief	27
Sexual orientation	10
Marital status	8
No Value Entered	7
Victimisation	6
Political opinion	5
Colour	3
Ethical belief	2
Employment status	1
Racial disharmony	1
Total	748

Note there are more grounds (748) than Pre-employment/ Employment discrimination matters (653) as some matters relate to more than one ground.

Below is a breakdown of all the enquiries and complaints by grounds of discrimination, received by the Commission from 1 January 2009 and 31 December 2009:

Grounds of discrimination in all Areas (including Employment & Pre-employment)	Number of complaints
Racial disharmony	772
Disability	433
Race	249
Ethnic or national origins	238
Sex	185
Age	127
Sexual harassment	97
Racial harassment	92
Family status	85
Religious belief	75
Sexual orientation	39
No Value Entered	30
Marital status	26
Colour	16
Employment status	15
Political opinion	15
Victimisation	8
Ethical belief	7
Total	2,509

Note that there are more grounds (2509) than discrimination matters (2272) as some matters relate to more than one ground.

Bio-data, geographical and industry sector data of complainants

The Commission actively collects particular data from complainants or respondents. In the period between 1 January 2009 and 31 December 2009 data was collected as it was made known to the Commission.

Also, the Commission uses geographical regions and industry sectors as defined by Statistics New Zealand. For further details please visit www.stats.govt.nz.

Of the 653 complaints and enquiries received about unlawful discrimination in pre-employment and employment, below is a breakdown of complainant's data for age, gender ethnicity and region:

Age	Complaints
Under 18	5
18-30	116
31-50	209
51-65	72
Over 65	14
Chose not to answer	14
Insensitive to ask	24
No opportunity	199
Total	653

Gender	Complaints
Female	308
Male	243
No opportunity	75
Insensitive to ask	14
Chose not to answer	9
Transgender	4
Total	653

Ethnicity	Complaints
African (or cultural group of African origin)	17
Asian nfd	3
Australian	5
British and Irish	10
Chinese	13
Chose not to answer	24
Cook Island Maori	2
Dutch	2
European nfd	17
Fijian	6
Filipino	10
German	3
Indian	25
Insensitive to ask	38
Japanese	3
Korean	2
Latin American/Hispanic	2
Maori	62
Middle Eastern	6
New Zealand European/Pakeha	190
Niuean	2
No opportunity	198
Other	9
Other Asian	4
Other European	10
Other Pacific Peoples	1
Other Southeast Asian	2
Pacific Peoples nfd	5
Samoan	9
Southeast Asian nfd	1
Sri Lankan	1
Tongan	2
Total	684

Region	Complaints
Auckland Region	189
Bay of Plenty Region	35
Canterbury Region	84
Chose not to answer	12
Gisborne Region	3
Hawkes Bay Region	13
Insensitive to ask	12
International	2
Manawatu and Wanganui Region	16
Marlborough, Nelson and Tasman Region	13
No opportunity	102
No Value Entered	9
Northland Region	12
Not Stated	1
Otago Region	15
Southland Region	12
Taranaki Region	17
Waikato Region	38
Wellington Region	65
West Coast Region	3
Total	653

VI *Please indicate the representative organisations of employers and workers to which copies of this report have been provided.*

Business New Zealand
New Zealand Council of Trade Unions.