

Article 22 of the Constitution of the ILO

Report for the period 2 May 2005 to 30 April 2010

made by the Government of New Zealand

on the

Placing of Seamen Convention 1920 (No. 9)

(ratification registered on 29 March 1938)

Section I-II:

The Maritime Transport Act 1994 (section 27) provides for New Zealand compliance with Article 2 of the Convention.

The Employment Relations Act 2000 assures freedom of choice of ship for seafarers and freedom of choice of crew for shipowners.

The Government agency Work and Income maintains offices nation-wide for finding employment, as well as maintaining an internet register to facilitate finding employment. The service is open to all industry sectors without charge and not specifically aimed at seafarers.

Information outlining unemployment figures for seafarers is attached.

Section III:

Application of the Maritime Transport Act 1994 is the responsibility of Maritime New Zealand. The Employment Relations Act 2000 is administered by the Department of Labour. Work and Income is a part of the Ministry of Social Development and offers a single point of contact for New Zealand residents needing job search support, financial assistance and in-work support.

Section IV:

No decisions of this nature have been given.

Section V:

Seafaring is a relatively small employment sector in New Zealand. New Zealand generally does not provide public employment services for specific industry sectors. Employment services for seafarers are offered on the same basis as those for other workers. Therefore, the employment offices are not administered by persons having practical maritime experience and no committees are established to oversee these offices.

Section VI:

Copies of this report have been forwarded to the following representative organisations of employers and workers:

Business New Zealand
The New Zealand Council of Trade Unions

Response to Observations of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on Convention 9

CEACR observation

The Committee notes the Government's report for the period ending 1 May 2005, which includes observations made by the New Zealand Council of Trade Unions (NZCTU) as well as the Government's response to these observations.

Article 4, paragraph 1, of the Convention. Organization and maintenance of efficient and adequate systems of public employment offices. With reference to earlier NZCTU observations that the relevant maritime union has not been made aware of the office space available to seafarers through the competent authority, the Committee notes the Government's statement that it will ensure that information on services provided for the placement of seafarers is communicated to workers' organizations. The Government further indicates that the district office staff of Maritime New Zealand (as the Maritime Safety Authority has been renamed) undertakes to record the names of all persons seeking employment and pass them on to prospective employers. In this respect, the NZCTU states that, in practice, the maritime unions are not aware of the possibility of seamen using such a service nor MSA office space, as the information has not been communicated to their national offices. The NZCTU feels that the availability of such a service would be of great assistance to seafarers, if it could be electronically accessed at different ports and employers were made aware of it.

The NZCTU further maintains that the government policy does not encourage continuity of employment for seafarers as required under Convention No. 145, since the Government no longer maintains a register of seafarers available for work. This has led to a situation where some employers approach the union for crew, but others employ directly and go straight to Maritime New Zealand for validation of qualifications, thus bypassing unemployed qualified seafarers who live across the country. The NZCTU considers it important that a register of available seafarers with all statistical information concerning unemployment of seafarers be established. It holds that this is a government responsibility but that it would be willing to support government work with such a register.

The NZCTU therefore believes that the use of office space for seafarers and assistance from the district office staff of Maritime New Zealand to maintain a register would be very helpful, and recommends that the Government take responsibility for re-establishing the register of seafarers available for employment to implement Conventions Nos. 9 and 145, and facilitating further communication between the competent authority and the maritime unions to this end. The Government claims that the establishment and maintenance of a seafarer register database would go beyond the scope of existing functions and resourcing, and it is not clear that there is a specific need for such measures.

The Committee recalls the provisions of Article 4, paragraph 1, according to which each Member which ratifies the Convention agrees that there shall be organized and maintained an efficient and adequate system of public employment offices for finding employment for seafarers without charge. Such system may be organised and maintained, either by representative associations of shipowners and seamen jointly under the control of a central authority, or, in the absence of such joint action, by the State itself. The Committee notes that there are no seafarer recruitment and placement agencies in New Zealand. In practice, maritime unions

are not aware of the services provided by the competent authority for the placement of seafarers (e.g. use of Maritime New Zealand's office space, recording the names of persons seeking employment and passing them on to prospective employers). The Committee trusts that appropriate measures will be taken by the Government to ensure the placement of seafarers in accordance with the requirements of the Convention. The Government may wish to consider implementing the Convention by arranging for the organization and maintenance of seafarers' employment offices by representative associations of shipowners and seafarers jointly under the control of a central authority, in accordance with paragraph 1(a) of this Article. In particular, the Committee requests the Government to take all necessary measures, in the near future, to ensure that detailed information on the facilities and services offered by the competent authority for the placement of seafarers is communicated to all parties concerned, i.e. associations of shipowners and seafarers, as well as generally publicized among seafarers and employers. Please also indicate the measures taken to ensure coordination at national level (Article 4, paragraph 3).

Government response

Maritime New Zealand is not in a position to provide employment services and has no statutory authority to do so. Seafarers and shipowners can make use of the services provided by Work and Income, a Government agency that provides employment services for those looking for work, throughout New Zealand.

Article 10, paragraph 1. Information concerning unemployment among seamen and concerning the work of seamen's employment agencies. The Government has supplied a summary table of the number of individuals (44) on the national unemployment register seeking work in seafarer-related occupations as at 31 March 2005, in response to the Committee's comment under Article 10, paragraph 1. The Government claims that it has a limited ability to report valid statistical data on unemployment amongst seafarers, as there are no special and exclusive statistics for the category of seafarers, and the national standard classification of occupation does not contain a specific code for seafarers. While the establishment of a register of seafarers available for employment is not explicitly required under the Convention, the Committee is bound to emphasize that specific data on the placement and unemployment of seafarers contribute to ensuring that full effect be given to the provisions of the Convention. The Committee trusts that the Government will endeavour to supply the statistics, or other information, required under this Article of the Convention.

Update table below

Job choice of 'Seaman' for current working age main beneficiaries at the end of April 2010		
<i>Source: IAP Data Warehouse, prepared by Decision Support Team, Information Analysis and Monitoring Unit, MSD</i>		
Job choice	Total	
Deck Rating	22	
Other Ship or Boat Hand	4	
Ships Engineer	18	
Ships Officer (Deck) Including Master	19	

Total	63
<p>Notes:</p> <p>The table includes working age only (18 to 64 years)</p> <p>Seaman job titles searched for include: Deck Rating, Launch Master, Ships Officer (Deck) Including Master , Other Ships Deck Officer and Pilot, Other Ship or Boat Hand and Ships Engineer.</p> <p>These figures are the occupation specified by a client as their First Choice (Preferred) occupation</p> <p>This table is a count of job choices not a count of clients, some clients may have more than one job choice.</p> <p>Main Benefits exclude NZ Superannuation, Veteran's Pension, Non-Beneficiary assistance, Orphan's Benefit and Unsupported Child's Benefit.</p> <p>These figures do not include the Royal New Zealand Navy. The Navy is classified under NZSCO as "Armed Forces" and cannot be separated.</p>	

Furthermore, as regards the Governing Body's invitation of States that have ratified Convention No. 9 to consider the possibility of ratifying the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), the Government indicates that it is the practice to allow the tripartite partners to put forward suggestions for possible ratifications that are then prioritized based on consultations and available resources. To date, Convention No. 179 has not been suggested and would have low priority in light of the new Maritime Labour Convention, 2006. The Committee would appreciate being kept informed on any new developments in this respect.

Government response

New Zealand is considering the ratification of the Maritime Labour Convention 2006 and therefore consideration of Convention No. 179 is a low priority.