

ARTICLE 22 OF THE CONSTITUTION OF THE ILO

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

on the

TRIPARTITE CONSULTATION CONVENTION, 1976 (No. 144)

- I. Please indicate whether effect is given to the Articles of the Convention:**
- a. by customary law or practice; or**
 - b. by legislation.**

In the first alternative, please indicate how effect is given to the Articles of the Convention. In the second alternative, please give a list of the constitutional and legislative provisions or administrative or other regulations which give effect to the Articles of the Convention. Where this has not already been done, please forward copies of these various provisions, etc., to the International Labour Office with this report.

Effect is given to the Articles of the Convention by customary practice. Details of any changes since the last report in 2008 are provided in the information given under the following sections of this report.

- 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 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 Standards 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

In this Convention the term "representative organisations" means the most representative organisations of employers and workers enjoying the right of freedom of association.

Please identify the representative organizations for the purpose of the Convention in your country.

The New Zealand Council of Trade Unions
Business New Zealand

If your country has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), please also indicate the manner in which these organizations are assured of the right of freedom of association.

There has been no change since the previous report.

Article 2

- 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.*
- 2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.*

Please describe the procedures which ensure effective consultations with respect to the matters set out in Article 5, paragraph 1, between representatives of the government, of employers and of workers.

Please describe the manner in which these procedures were determined and indicate any consultations which took place with the representative organizations for this purpose.

The Government convenes regular meetings with Business New Zealand and the New Zealand Council of Trade Unions. These procedures are detailed in past reports and have not changed in the reporting period.

Article 3

- 1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.*
- 2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.*

Please describe the manner in which the representatives of employers and workers for the purposes of the Convention are chosen, and indicate what measures have been taken to ensure their representation on an equal footing on any bodies through which consultations are undertaken.

There has been no change in the period under review.

Article 4

1. *The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.*
2. *Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.*

Please describe the manner in which administrative support is provided for the procedures operated for the purpose of the Convention.

There has been no change in the period under review.

Please describe any arrangements made for the financing of any necessary training of participants on the consultative procedures.

There has been no change in the period under review.

Article 5

1. *The purpose of the procedures provided for in this Convention shall be consultations on:*
 - a. *government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;*
 - b. *the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;*
 - c. *the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;*
 - d. *questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation;*
 - e. *proposals for the denunciation of ratified Conventions.*
2. *In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultation shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.*

Please give particulars of the consultations held, during the period covered by the report, on each of the matters set out in paragraph 1, including information as to the frequency of such consultations, and

indicate the nature of any reports or recommendations made as a result of the consultations.

- a. In the period under review the Government forwarded, to the representative organisations for their views, draft government responses to questionnaires concerning items on the agenda of the 98th (HIV/Aids) and 99th (Domestic Workers) sessions of the International Labour Conference. The Government appended comments of the representative organisations to its final responses.

In the period under review the Government consulted with the representative organisations on proposed texts to be discussed by the 98th and 99th sessions of the International Labour Conference.

The Government's briefing papers on the majority of agenda items prepared for the 98th and 99th sessions of the International Labour Conference were shared with all delegates at pre-Conference meetings held on 25 May 2009 and 21 May 2010.

- b. The Government invited the representative organisations to consider and comment on its proposed action statements concerning instruments adopted at the 96th, 97th and 98th sessions of the International Labour Conference. The action statements are contained in reports to the House of Representatives on International Labour Conferences. During the period under review, three such reports were issued. The report on the 96th International Labour Conference was issued in 2008, the 97th International Labour Conference was issued in 2009, and the 98th International Labour Conference was issued in 2010.

Consultation took place with the respective organisations on all Article 19 reports prepared during the reporting period.

- c. The following action has been taken in regard to the examination of unratified Conventions in the period under review:

- The Government has undertaken the following work programmes in the consideration of the following Conventions. All work programmes involve consultation with the New Zealand Council of Trade Unions and Business New Zealand.
- New Zealand is currently considering the provisions of the Maritime Labour Convention, 2006, in relation to relevant New Zealand law, policy and practice in this area.
- As part of its consideration of whether or not to ratify the Minimum Age Convention, 1973 (No. 138), the Government has continued to keep the tripartite partners informed.

- d. Consultation took place with the representative organisations on all Article 22 reports submitted to the ILO in the period under review.

- e. In the period under review no Conventions were denounced or considered for denunciation.

Article 6

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

If annual reports are issued on the working of the procedures, please provide copies of the reports issued during the period covered by the report on the Convention.

If no such annual reports are issued, please give particulars of the consultations that have taken place with the representative organizations on this question.

The Government does not consider it is necessary to issue an annual report of this nature. Details of consultations are provided under other sections of this report.

- III. *Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations etc. is entrusted and by what methods application is supervised and enforced. In particular please supply information on the organisation and working of inspection.***

There has been no change in the period under review.

- 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 been no decisions in the period under review.

- V. *Please add a general appreciation of the manner in which the Convention is applied in your country giving for example extracts from official reports and any other information bearing on the practical application of the Convention in so far as these have not already been supplied in response to previous questions.***

In New Zealand the Convention is applied in an informal manner and tripartite partners are able to contact each other at any time to discuss ILO matters. These constructive relationships are supported by the more formal meetings and regular consultation processes outlined above and in previous reports.

In addition to consultation on ILO matters as detailed above, the heads of the New Zealand Council of Trade Unions, Business New Zealand, and the Department of Labour meet on a regular basis to discuss any topical matters of interest.

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

New Zealand Council of Trade Unions
Business New Zealand