

NEW ZEALAND 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

New Zealand is a parliamentary democracy. Citizens choose their representatives in free and fair multi-party elections, most recently held in 2011, when the National Party won 59 parliamentary seats and formed a minority coalition government with John Key re-elected as prime minister. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

The principal human rights problems included disproportionate societal problems for indigenous persons and some societal discrimination against ethnic minority individuals.

Domestic violence and child abuse also were problems.

The government has effective mechanisms for prosecuting officials who commit human rights abuses, but there were no reports of such abuses during the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, including availability of potable water, and the government permitted monitoring visits by independent human rights observers.

Physical Conditions: As of June 30, the prison population was 8,597. Of these, 6 percent were female, 4 percent were between 15 and 19 years of age, 50 percent were of Maori descent, and 19 percent were pretrial detainees. The maximum intended capacity of the prison system was 10,160. The average time in pretrial detention increased from 54 days in 2009 to 60 days in 2013.

Persons accused of a crime who are 17 years of age or older are tried as adults and, if convicted, sent to adult prisons. Prisoners younger than 17 are managed in residential facilities operated by the national Child and Youth Welfare Agency.

There were two deaths in prisons or pretrial detention centers during the year.

Administration: Recordkeeping on prisoners was adequate. Alternatives to incarceration for nonviolent offenders included home detention, community detention, community work, supervision by community corrections officials, fines, making restitution, and discharge with or without conviction.

Authorities allowed prisoners at least one personal visit each week for a minimum of 30 minutes, permitted religious observance, and allowed inmates to make uncensored complaints to statutory inspectors or the ombudsmen. The ombudsmen's office reports to parliament annually on its findings. The law provides for specified rights of inspection, including those by members of parliament (MPs) and justices of the peace, and information was publicly available on complaints and investigations, subject to the provisions of privacy legislation.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The New Zealand Police are responsible for internal security, and the armed forces, under the Ministry of Defense, are responsible for external security. Civilian authorities maintained effective control over the security forces, and the government has effective mechanisms to investigate and punish abuse and

corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

A court-issued warrant is usually necessary to make an arrest, but police may arrest a suspect without a warrant if there is reasonable cause. Police officers may enter premises without a warrant to arrest a person if they reasonably suspect the person of committing a crime on the premises or have found the person committing an offense and are in pursuit. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest.

After arresting and charging a suspect, police may release the person on bail until the first court appearance. Police do not normally grant bail for more serious offenses such as assault or burglary. Suspects have the right to appear promptly before a judge for a determination of the legality of the detention. Court bail is granted after the first court appearance unless there is a significant risk the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Authorities granted family members prompt access to detainees and allowed detainees prompt access to a lawyer of their choice and, if indigent, a lawyer provided by the government. The government did not detain suspects incommunicado. Home detention is accepted as an alternative to prison time for convicted nonviolent offenders. The Corrections Department viewed home detention as both a punitive and rehabilitative sentence, requiring an offender to remain at a suitable and approved residence and be subject to monitoring 24 hours a day.

Arrested persons have additional legal protections, including the right to initiate habeas corpus proceedings to decide the lawfulness of their detention, to be charged and tried without “undue delay,” and to obtain compensation if unlawfully detained.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The law provides for the right to a fair public trial by jury, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to counsel. By law authorities must inform defendants promptly and in detail of the charges, with free interpretation as necessary, and provide adequate time and facilities to prepare a defense. Defendants cannot be compelled to testify or confess guilt. Defendants also have the right to present witnesses and evidence, confront witnesses against them, access government-held evidence, and appeal convictions. The government provides a lawyer at public expense if the defendant cannot afford counsel. The law extends these rights to all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil judicial remedies for human rights violations, including access to the Human Rights Review Tribunal. There are also administrative remedies for alleged wrongs through the Human Rights Commission (HRC) and the Office of Human Rights Proceedings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate

legal authority. According to the International Telecommunication Union, approximately 87 percent of households had access to the internet, and 90 percent of the population used the internet in 2012.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: From July 2012 to June 2013, the government accepted 845 refugees for resettlement and facilitated their local integration. This was an increase from the 679 accepted during the same period in 2011-12. The country's refugee policy commits the government to resettle 750 refugees each year as part of its Refugee Quota Program. Under an agreement concluded in February between Prime Minister John Key and Australian Prime Minister Julia Gillard, 150

of these slots may be reserved for refugees in Australia awaiting resettlement. The agreement is scheduled to take effect July 1, 2014.

During the year the government allocated 15 million New Zealand dollars (NZ\$) (\$12.4 million) to rebuild a refugee processing center in Auckland.

Temporary Protection: The government provides temporary protection to individuals outside its annual quota of 750 refugees accepted for resettlement, but information was not available on the number of such cases during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In the most recent general elections, held in 2011, the National Party won 59 of 122 parliamentary seats and formed a minority government in coalition with the ACT and United Future parties. The National-led government also had a cooperation agreement with the Maori Party. Four other parties were represented in parliament: Labour, Green, New Zealand First, and Mana.

Participation of Women and Minorities: Women participated fully in political life. There were 41 women among the 121 MPs and eight women on the executive council, which is composed of 28 ministers (20 within the cabinet and eight outside). The chief justice of the Supreme Court was a woman. There was one woman in the 24-seat parliament of the Associated State of the Cook Islands and three women in the 20-seat parliament of the Associated State of Niue.

Seven seats in parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every five years, based on the number of persons who register to vote on the Maori electoral roll. Persons of Maori ancestry can also become MPs by election or appointment to non-Maori seats. There were 19 members of Maori descent, six members of Pacific Island ethnicities, and five members of Asian descent in parliament. The cabinet included at least four members of Maori ancestry.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Corruption: Efforts to combat corruption and prosecution of corruption cases are handled through the Ministry of Justice and the independent Serious Fraud Office. These entities operated effectively, collaborated actively with civil society, and had adequate resources for combating corruption.

Whistleblower Protection: The law provides protection from retaliation for employees of both public and private workplaces who report serious wrongdoing relating to use of public money or resources, risk to public health, safety or the environment, and any criminal offense. This protection does not extend to MPs or the media. The law protects whistleblowers' rights to damages and other forms of compensation and specifies time limits for reporting retaliation.

Financial Disclosure: The law requires MPs, including all ministers, to submit an annual report of financial interests, including income and assets, which is disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission. The Office of the Registrar of Pecuniary and Other Specified Interests of Members of Parliament is mandated with monitoring and verifying these disclosures. The registrar compiles and maintains the reports, provides advice and guidance to members in connection with their obligations under the law, and is responsible for reporting irregularities to the speaker of the house for further review and action.

Public Access to Information: The law provides for public access to government information, including access for noncitizens and foreign media, to be provided within 20 working days of a request, and the government generally adhered to the law. Information must be made available unless a good reason, such as concern for national security, exists for not doing so. The government did not abuse this provision. The requester must be given an estimate of any fees before information is provided. If a request is refused, the relevant department must give a written reason for the refusal explaining the grounds for the decision. The department must also give the applicant information on how to complain to an ombudsman to seek an investigation and review of the refusal.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Ministry of Justice funded the active HRC, which operated as an independent agency without government interference. The HRC had a staff of 68 and adequate resources to perform its mission. It submitted 60 legal and policy interventions during the fiscal year ending June 30. It also continued to investigate two significant cases from 2012 relating to discrimination against persons with disabilities. The government responded to its recommendations, which led to several policy changes. The HRC was considered effective and enjoyed high public confidence.

The Office of the Ombudsmen, an organization responsible to parliament but independent of the government, is charged with investigating complaints about administrative acts, decisions, recommendations, and omissions of national and local government agencies; inspecting prisons; and following up on prisoner complaints. The office enjoyed government cooperation, operated without government or party interference, had adequate resources, and was considered effective. The office produced a wide variety of reports for the government that were available on its website.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, sexual orientation, gender identity, social status, language, disability, age, and national or ethnic origin, and the government actively enforced these prohibitions.

Women

Rape and Domestic Violence: Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape. The maximum penalty is 20 years' imprisonment; however, indefinite detention may occur in cases where the parole board, during its annual review, believes that the prisoner poses a continuing threat to society. During the period July 2012 to June 2013, police recorded 3,651 charges for "sexual attacks," resulting in 1,952 cases resolved.

From July 2012 to June 2013, there were 17 charges of spousal rape resulting in 12 cases resolved and 11 charges of “unlawful sexual connection with spouse” resulting in eight cases resolved.

Domestic violence is a criminal offense; however, police no longer classify domestic violence separately from other types of assault. Police investigated 86,722 domestic violence complaints in 2011 (the latest separate figures available); of those, 40,024 were classified as actual offenses and the remainder were classified as “non-offense investigations.” The government’s Task Force for Action on Violence Within Families continued to coordinate a variety of government initiatives to eliminate family violence, including its Te Rito program, a national strategy to address all forms and degrees of domestic violence. Police were responsive when domestic violence was reported. The government partially funded women’s shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

Sexual Harassment: The law prohibits sexual harassment and provides civil penalties. Sexual contact induced by certain threats may also fall under the criminal code, with a maximum 14-year prison sentence. The HRC published fact sheets on sexual harassment and made sexual harassment prevention training available to schools, businesses, and government departments on a regular basis. In the fiscal year ending June 30, the HRC received 70 new human rights inquiries and complaints that cited sexual harassment.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children free from discrimination, coercion, or violence, and granted access to information on reproductive health. The government did not limit access to male contraception, and contraception for women was available without parental consent to those ages 16 and older. Skilled healthcare for women was widely available, including skilled attendance at childbirth, prenatal care, and essential obstetric and postnatal care.

Discrimination: Women enjoy the same legal status and rights as men, and the law prohibits discrimination in employment and rates of pay for equal or similar work.

The Ministry of Women’s Affairs addresses problems of discrimination and gender equality, and there is a minister of women’s affairs in the cabinet. The HRC has an equal opportunity employment team that focuses on workplace gender-related problems. This team regularly surveys pay scales, conducts a census of women in

leadership roles, and engages public and private employers to promote compensation equality.

Children

Birth Registration: Children born in the country attain citizenship if either parent is a citizen or legal permanent resident of the country. Children born outside the country attain citizenship if either parent is a citizen born in the country. The law requires notification of births by both parents as soon as “reasonably practicable,” deemed as generally being within two months of the birth, and most births were registered within this time frame.

Child Abuse: The number of substantiated cases of child abuse and neglect increased from 21,525 to 21,778 for the July 2012 to June 2013 fiscal year compared with the same period in 2011-12. More public awareness campaigns were conducted to bring attention to this issue, which was believed to have led to more reports of concern. A disproportionately high number of reported cases of child abuse (more than 50 percent) involved Maori children.

The government promoted information sharing between the courts and health and child-protection agencies to identify children at risk of abuse. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children.

Forced and Early Marriage: The legal minimum age for marriage is 20 for both men and women, except that persons ages 16-19 may marry with parental permission. Marriages involving persons under age 18 were rare.

Sexual Exploitation of Children: The law makes it an offense punishable by seven years’ imprisonment to assist a person under age 18 in providing commercial sexual services; to receive earnings from commercial sexual services provided by a person younger than 18; or to contract for commercial sexual services from, or be a client of, a person under 18. The law also makes it an offense to deal in individuals younger than 18 for sexual exploitation or engagement in enforced labor. The law provides that any person who has a sexual connection with a person younger than age 16 is liable to imprisonment for up to 10 years.

The penalty for a person who enters into an arrangement or takes an action involving a person under 18 for the purposes of sexual exploitation or enforced

labor is 14 years' imprisonment. Citizens who commit child sex offenses overseas may be prosecuted in the courts.

Commercial sexual exploitation of children remained a concern. No recent data was available on its prevalence, however. The government, in concert with nongovernmental organizations (NGOs), operated programs to reintegrate children out of prostitution through vocational training and educational opportunities.

The law prohibits child pornography and provides for a NZ\$10,000 (\$8,260) fine of an individual, and NZ\$30,000 (\$24,790) of a corporate body, if a person makes, imports, supplies, distributes, possesses for supply, displays, or exhibits an objectionable publication. The law also provides a penalty of 10 years' imprisonment or a NZ\$200,000 (\$165,290) fine of a corporate body if a person commits such an act knowing that the publication is objectionable. Possession of objectionable material is also an offense punishable by a NZ\$2,000 (\$1,650) fine for an individual and NZ\$5,000 (\$4,130) for a corporate body. Knowingly possessing objectionable material is punishable by five years' imprisonment or a NZ\$50,000 (\$41,300) fine for an individual or a NZ\$100,000 (\$82,600) fine for a corporate body. For sentencing purposes, it is an aggravating factor if the publication promotes or supports exploitation of youth for sexual purposes, deals with sexual conduct with or by children or young persons, or exploits nudity of children or young persons.

The Department of Internal Affairs Censorship Compliance Unit actively policed images of child sex abuse on the internet and prosecuted offenders.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see http://travel.state.gov/abduction/country/country_5884.html.

Anti-Semitism

The Jewish community numbered approximately 7,000. Anti-Semitic incidents were rare. In June an Auckland court found a man guilty of writing anti-Semitic graffiti on graves in a historic Jewish cemetery in Auckland in 2012, and ordered the man – a noncitizen – to leave the country or be sentenced to community service. A second man pleaded guilty and was sentenced to community service, including participation in a restorative justice program organized by members of the local Jewish community.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment; education; access to places and facilities, including air travel and other transport; and the provision of goods, services, housing, and accommodation. The government is prohibited from discriminating on the basis of physical, sensory, intellectual, or mental disability, unless such discrimination can be “demonstrably justified.” There are laws and programs designed to ensure access to communications and information for persons with disabilities. The government effectively enforced applicable laws. Most school-age children with disabilities attended school.

From July 2012 to June 2013, the HRC received 398 disability-related complaints, which represented 28 percent of the total complaints received. The government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. Additionally, both the HRC and the Mental Health Commission continued to address mental health problems in their antidiscrimination efforts.

National/Racial/Ethnic Minorities

Pacific Islanders, who constituted 7 percent of the population, experienced some societal discrimination. Asians, who made up 8 percent of the population, also reported some societal discrimination.

The Ministries of Justice and Pacific Island Affairs had a program to identify gaps in delivery of government services to Pacific Islanders. The government's race relations commissioner managed the Diversity Action Program, which was aimed at the Maori, Pacific Islander, and Asian communities and included an annual, widely attended Diversity Forum that was considered effective in helping to eliminate race-based discrimination.

The Office of Ethnic Affairs within the Department of Internal Affairs focuses on improving dialogue and understanding about minority communities among the wider population.

Indigenous People

Approximately 15 percent of the population claimed descent from the country's indigenous Maori minority.

Between July 2012 and June 2013, the government settled eight Maori claims related to the 1840 Treaty of Waitangi, the country's founding document. By year's end 15 additional groups signed deeds of settlement and awaited legislation to make their deeds unconditional. As of year's end, all indigenous groups, known as "Iwis," had moved into active negotiations with the government, and there were more than 80 Iwi groups in various stages of claims.

The law prohibits discrimination against the indigenous population, but there was a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households.

Maori constituted 50 percent of the prison population and 45 percent of persons serving community-based sentences. The government, along with community partners, continued to implement several programs and services to reduce Maori recidivism and overrepresentation in the criminal justice system.

The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous persons.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law criminalizing consensual same-sex sexual conduct between adults. The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. During the July 2012 to June 2013 fiscal year, the HRC received 41 discrimination complaints relating to gender identity or sexual orientation (1 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

The law prohibits violence or discrimination against persons with HIV/AIDS, and no such cases were reported.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects the right of workers in the public and private sectors to form and join organizations of their choice without previous authorization or excessive requirements, and it was applied. The law allows unions to conduct their activities without government interference, including the right to strike, a right they exercised. The law provides for the right of workers to organize and bargain collectively through unions, and workers exercised this right. The law prohibits antiunion discrimination and allows for reinstatement of workers fired for union activity. No such cases arose during the year that required government intervention.

Contractors are not covered by most provisions of employment law. For example, they cannot join unions, bargain collectively, or benefit from certain leaves or overtime compensation.

The law limits the right to strike to negotiations for a collective bargaining agreement and matters of health and safety. Strikes by providers of key services are subject to certain procedural requirements, including mandatory notice of three to 14 days, depending on the service involved. Key services include: production, processing, and supply of petroleum products; production and supply of electricity, water, and sewer services; emergency fire brigade and police services; ambulance and hospital services; manufacturing of certain pharmaceuticals and dialysis solutions; operation of residential welfare or penal institutions; airport and seaport operations; dairy production operations; and animal slaughtering, processing, and related inspection services. The listing of some of these sectors is based on broader criteria than the International Labor Organization's definition of "essential services."

To bargain collectively, unions must be registered, independent, governed by democratic rules, and have at least 15 members. Unions may not bargain collectively on social or political issues. Nearly all unionized workers were members of unions affiliated with the New Zealand Council of Trade Unions, an independent federation that included unions representing various trades and locations. A few small, nonaffiliated unions also existed.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. Police have freedom of association and the right to organize and bargain collectively. With regard to strikes, the law prohibits sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) from striking or taking any form of industrial action. Disputes that cannot be settled by negotiation between the police association and management are subject to compulsory, final-offer arbitration. The government effectively enforced applicable laws without lengthy delays.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor obtained by means of debt, law, custom, or agreement that prohibits a person from leaving employment, and the government generally enforced these provisions effectively. The government does not have any mechanism to regulate recruitment of foreign workers if done by foreign companies outside the country and if the employing entity is foreign owned and operated. Recruitment agencies based within the country that recruit workers from abroad must have a licensed immigration adviser. The Immigration Advisers Authority (IAA) issues such licenses, maintains standards for advisers, receives complaints, and investigates persons who provide immigration advice, including advice on recruitment of foreign workers, to check that they comply with relevant laws and regulations. The IAA may refer complaints to the Immigration Advisers Complaints and Disciplinary Tribunal, which has authority to impose sanctions on violators. There were reports of forced labor conditions aboard some foreign-flagged fishing vessels operating in the country's territorial waters and exclusive economic zone (see section 7.d.). There were no other substantiated reports of forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

By law children under age 16 may not work between the hours of 10:00 p.m. and 6:00 a.m. The law also states that children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education. The law bans the employment of children under age 15 in hazardous industries such as manufacturing, mining, and forestry. Department of Labor inspectors effectively enforced these laws.

d. Acceptable Conditions of Work

The minimum hourly wage is NZ\$13.75 (\$11.36). The “training minimum wage” for those age 20 or over, and the “starting-out” wage for 16- to 19-year-old workers, is NZ\$11.00 (\$9.09) for nonsupervisory workers with fewer than three months or 200 hours of employment. There was no official poverty-level income figure, but researchers frequently used 50 percent of the median household income, NZ\$35,000 (\$28,926) at the end of 2012, as the poverty-level income; using this measure, full-time workers earning the minimum wage were above the poverty level. A majority of the work force earned more than the minimum wage.

A 40-hour workweek is traditional. There are legal limits regarding hours worked. The law provides that work hours should be set in collective or individual agreements between employers and employees, and employer and employee parties may agree to a workweek of more than 40 hours. There are no legal provisions regarding overtime pay rates, but they may be negotiated between the employer and employee. In the absence of a negotiated agreement on overtime, employers may request, but may not require, employees to work overtime hours.

The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it is the norm for most industries. The law provides for 11 paid public holidays and a minimum four-week annual paid vacation. Employees who work on a paid holiday are entitled to time and a half for that day and a day off with pay on another date. The armed forces are exempted from this benefit.

By law employees are accorded one paid 10-minute rest break during a two- to four-hour work period, one paid 10-minute rest break and one unpaid 30-minute meal break during a four- to six-hour work period, and two paid 10-minute rest breaks and one unpaid 30-minute meal break during a six- to eight-hour shift.

Extensive laws and regulations govern health and safety issues. Employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others. Workers have the legal right to strike about health and safety issues. The government mandates employers to provide health insurance for their seasonal workers.

The Department of Labor is responsible for enforcing laws governing working conditions. The department's inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The department normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

In 2011 the government established a panel of inquiry to evaluate the country's fishing industry in response to allegations by unions, Maori groups, and human rights organizations, among others, of labor abuses on foreign-flagged fishing vessels operating in the country's territorial waters and exclusive economic zone. As a result of the panel's conclusions and recommendations released in February 2012, the government announced a number of changes to improve its ability to monitor labor practices and uphold New Zealand labor laws onboard vessels. These included requiring more transparent means of paying foreign crewmembers through New Zealand bank accounts, establishing a direct employer relationship between foreign crew and the New Zealand charter party, and increasing the frequency and thoroughness of inspections. At year's end the government continued to implement these changes.