



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Forty-eighth session

### Summary record of the 9th meeting

Held at the Palais Wilson, Geneva, on Friday, 4 May 2012, at 10 a.m.

*Chairperson:* Mr. Pillay

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*Third periodic report of New Zealand*

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*The meeting was called to order at 10 a.m.*

### **Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Third periodic report of New Zealand* (E/C.12/NZL/3; E/C.12/NZL/Q/3 and Add.1; HRI/CORE/NZL/2010)

1. *At the invitation of the Chairperson, the delegation of New Zealand took places at the Committee table.*
2. **The Chairperson** welcomed the delegation of New Zealand and invited it to introduce the third periodic report of the State party.
3. **Ms. Power** (New Zealand) said that her country comprised 4 million people, principally of Maori, European, Asian and Pacific Island descent. The Maori, who represented approximately 15 per cent of the population, were a vibrant community with a growing population.
4. The Government was committed to its international obligations under the International Covenant on Economic, Social and Cultural Rights (the Covenant), and other international human rights treaties, which it had actively helped to develop and to which it was party.
5. New Zealand's constitutional structure was unique in that it included specific human rights protections, such as the Bill of Rights Act 1990 and other instruments and practices that safeguarded fundamental rights, including references to the principles provided by the Treaty of Waitangi, which had governed relations with the Maori since 1840.
6. At the national level, New Zealand had long guaranteed the enjoyment of human rights through an array of government bodies, such as the Human Rights Commission, the Office of the Ombudsmen and the Independent Police Conduct Authority, as well as NGOs. The judiciary enjoyed complete independence. More broadly, governmental transparency, a strong tradition of accessible government institutions, and a robust civil society provided many avenues for public participation.
7. During the current reporting period, New Zealand had taken a number of measures to further strengthen its implementation of the Covenant: welfare reform, new legislation governing the treatment of prisoners, responsibility for children, provision for civil unions, and strengthening of non-discrimination law. The Immigration Act, which entered into force in late 2010, made no longer an offence for a child in an irregular situation to be enrolled in a school. The Act authorized the Human Rights Commission to address immigration matters and to receive and make public statements on matters affecting human rights, enquire into any matter, practice or procedure that might infringe human rights, and report to the Prime Minister on such matters. New Zealand continued to grant open work visas to most asylum seekers, allowing them to apply for benefits if required. Since March 2012, each family member of working age in a family group claiming refugee or protected person status could be entitled to a work visa.
8. Since the end of the period covered by the third periodic report, New Zealand had ratified the Optional Protocol to the Convention against Torture; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the Convention on the Reduction of Statelessness. In 2010, it had indicated its support for the United Nations Declaration on the Rights of Indigenous Peoples.

9. During its midterm review of the New Zealand Action Plan for Human Rights, the New Zealand Human Rights Commission had found that there had been substantial initiatives in almost all the priority areas identified, including recognition of New Zealand sign language, as an official State language; paid parental leave; action to reduce violence against children and young people; and poverty reduction measures, including increasing the minimum wage.

10. The Government had also set 10 challenging targets for the public sector to achieve over the following three to five years, for which ministers and the designated persons would be accountable. They were grouped into five themes: reducing long-term welfare dependency, supporting vulnerable children, boosting skills and employment, reducing crime and improving interaction with government.

11. **Mr. Kedzia** (Country Rapporteur) recalled the Committee's recommendation in 2003 calling on the State party to review its position on the justiciability of Covenant rights (E/C.12/2003/14, para. 194), and recommendation 17 of the Working Group on the Universal Periodic Review of the Human Rights Council, issued following the 2009 review (A/HRC/12/8, para. 81), which took a similar position. He would like the delegation to comment on the State party's replies (E/C.12/NZL/3, para. 26; and A/HRC/12/8/Add.1, para. 15), and correct them, as appropriate, in the light of jurisprudence so as to shed light on the role of the Covenant rights. He was also interested in the possibility of establishing a mechanism to notify Parliament of possible inconsistencies between domestic legislation and the Covenant.

12. Referring to the "dualist jurisdiction" mentioned in paragraph 19 of the report, the delegation might say whether the Government planned to consider the possibility of incorporating the Covenant rights into the Bill of Rights Act, which was now primarily concerned with civil and political rights.

13. Lastly, recalling that the State party had not accepted the recommendation of the Working Group on the Universal Periodic Review to ratify the Optional Protocol to the Covenant, but had not excluded revisiting the issue (A/HRC/12/8/Add.1, para. 4), might he ask whether any progress had been made in that regard? If the State party was still reluctant, he would like to know the reasons.

#### *Articles 1 to 5*

14. **Mr. Dasgupta**, noting that the State party currently allocated less than 0.3 per cent of its gross domestic product to official development assistance (ODA), less than half the United Nations 0.7 per cent target for 2015, asked whether any measures had been taken to meet that commitment.

15. **Ms. Shin**, endorsing Mr. Kedzia's comments, asked whether the Government had adopted the New Zealand Action Plan for Human Rights and, if so, under what procedure. Noting that the post of Health and Disability Commissioner was a part-time position, she hoped that it would be made full-time. She also considered that the State party could and should do more to protect minorities from discrimination, including the Maori and Pacific peoples, and women. Lastly, she wondered whether the State party was willing to apply the principles of universal design during the reconstruction of Christchurch, destroyed by an earthquake the year before.

16. **Mr. Schrijver** asked what impact the privatization of companies exploiting earth and marine energy resources had on the right of indigenous peoples, particularly the Maori, to make use of their natural resources. Supporting Mr. Dasgupta's comment on ODA, he wished to know whether the State party's assistance was conditional on the incorporation of human rights, especially economic, social and cultural rights.

17. **Mr. Sadi** requested information on the nature of the relationship of the 15 per cent of Maori with the rest of the New Zealand population, and asked whether there was a policy of integration or assimilation, for example through cross-community marriages. Did immigration really fall outside the competence of the New Zealand Human Rights Commission? He wished to know how and at what stage of schooling human rights were taught, whether reference was made to the Covenant rights and whether there was awareness-raising of Covenant rights among magistrates and members of the judiciary and the legal professions. He wondered how the wave of privatization had affected implementation of the Covenant. Lastly, was it true that the Treaty of Waitangi did not permit the Maori to seek damages for violations of their rights?

18. **Mr. Ribeiro Leão** asked for details on how the different State authorities managed the interplay between the gradual implementation of rights and non-discrimination.

19. **Mr. Abashidze**, returning to the obstacle posed by the specificities of the legal system for implementing international instruments, asked how far the Covenant rights were incorporated into the Human Rights Act 1993. Given the view of a number of bodies tasked with defending human rights, he wished to know how the Government of New Zealand monitored the enforcement of economic, social and cultural rights.

20. **Mr. Riedel** said he found it strange that a State party to the Covenant approached one of the provisions of the instrument, specifically article 2, paragraph 1, as if it were a scarcely binding resolution. Recalling that in 2009 the State party concerned had accepted that it should consider recommendations 19 and 20 of the universal periodic review (A/HRC/12/8/Add.1, para. 17), he wondered what specific steps had been taken subsequently.

21. **Mr. Keith** (New Zealand) said that, in compliance with its Constitution, New Zealand had verified its legislation's compatibility with the Covenant prior to ratification of the instrument in 1978. Implementation of the range of international human rights instruments was an ongoing process designed to introduce the most effective mechanisms to guarantee the enjoyment of each right. Since 1948, New Zealand had continuously reaffirmed the indivisibility of civil and social rights through numerous public policies and programmes. Although New Zealand had a dualist system, in which international instruments did not have any direct effect at the national level and were rather implemented through laws and other measures, he recognized that New Zealand had no single text establishing the rights enshrined in the Covenant. Nonetheless, several legislative provisions covering, inter alia, health, education and social security, guaranteed rights and provided for the State's obligations, as well as mechanisms of recourse. The Covenant often gave the courts interpretive aid and in certain cases referred to in the periodic report, such as *Lawson v. Housing New Zealand*, the courts had declared themselves incompetent, since they could not rule on a policy decision. Conversely, in other cases the courts had invoked the provisions of an international human rights instrument, as the High Court had recently done in a benefits payment case in which it had invoked the Covenant right to social security.

22. Members of the judiciary were trained in all international human rights instruments. Individuals had access to several mechanisms of informal appeal, such as the Health and Disability Commissioner, who was competent to receive complaints of violations of the relevant Code of Rights and was responsible for ensuring the full realization of the right to health.

23. New Zealand did not wish to promote some rights to the detriment of others, but rather to take a more focused approach to its spending, particularly social expenditure. That called for a special mechanism in each field to supervise implementation of the new measures. The procedures for considering individual complaints aimed to ensure every

individual's access to recourse, and in fact monetary damages or effective reparation. The Human Rights Review Tribunal ruled on complaints of violations of the Human Rights Act, the Privacy Act and the Code of Rights.

24. Any government policy proposal relating to economic, social and cultural rights was expressly required to include a reference to the provisions of the Covenant. Proposals were developed with civil society in full transparency, and were evidence-based. The New Zealand Human Rights Commission was currently carrying out a study on the implementation of international human rights standards. It was not competent to rule on individual immigration cases, which were the responsibility of other bodies and the ordinary courts.

25. As stated in its observations on the recommendations of the Working Group on the Universal Periodic Review (A/HRC/12/8/Add.1), New Zealand only partially accepted the idea that economic, social and cultural rights should be implemented by their incorporation in domestic legislation so as to ensure their justiciability, since it was firmly convinced that a subject-specific legislative approach was the only way to guarantee observance of those rights.

26. New Zealand, which had actively participated in the drafting of the Optional Protocol to the Covenant, did not wish to ratify the instrument, but might review its position. The Government accorded the highest importance to the reports of the New Zealand Human Rights Commission and to the occasional studies on the implementation of human rights. To New Zealand, the "gradual implementation of rights" did not mean the ad hoc implementation of rights one after the other, but their implementation on a regular and ongoing basis. The standards established by international human rights instruments featured in the school curriculum. To implement economic, social and cultural rights, the Government of New Zealand had opted to take social measures when privatizing enterprises, rather than assisting them.

27. The New Zealand Action Plan for Human Rights, developed by the Human Rights Commission, had been part of a package of public policy reform. In 2008, the Human Rights Commission had carried out a midterm review of the Government's progress on the Action Plan's 178 priorities: 22 had been achieved, 132 were under way and 24 had been compromised by the lack of a pertinent public policy. Parliament was currently looking into whether the Commission could rule on violations of the rights of persons with disabilities.

28. The review of the Constitution had been carried out by an independent body that was currently developing proposals for amendments. The Treaty of Waitangi was an integral part of the New Zealand Constitution. The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) had not been ratified because, following consultation with Maori representatives, it had been found not to conform to a model of the State and relations with indigenous peoples that complied with the provisions of the Treaty of Waitangi, which had constitutional status. The Waitangi Tribunal was a permanent commission of inquiry charged with making recommendations on Maori claims of breaches of promises made by the Crown in the Treaty of Waitangi. New Zealand was opposed to all policies of assimilation or integration and recognized the Maori identity as such. The Maori population enjoyed specific rights as an indigenous people of New Zealand. The Waitangi Tribunal had recently published the Wai 262 report on the reforms to be made to laws and policies on Maori culture. The Waitangi Tribunal had restored to the Maori certain lands long claimed by them, or compensation had been paid. Certain lands with spiritual associations had also been returned.

29. Regarding oil and gas exploration, the courts monitored respect for the right to free, prior and informed consent of the Maori communities concerned. While the level of ODA had indeed fallen between 2008 and 2009, New Zealand had subsequently raised it again.

The New Zealand agency responsible for administering ODA had established a reference guide for incorporating human rights into ODA.

30. **Ms. Power** (New Zealand) drew attention to the calibre of the laws in place to combat discrimination and recognized that further action could be taken for the Maori and persons with disabilities. The Government was committed to building sustainable social housing with public funds, while taking into account the principle of “universal design” and the strategy for persons with disabilities that had been in place since 2001.

31. **Mr. Riedel** asked what place economic, social and cultural rights occupied in the arsenal of informal procedures available in the State party. Welcoming the active and constructive role that New Zealand had played in the adoption of the Optional Protocol to the Covenant and recalling the Committee’s Statement on the evaluation of the obligation to take steps to the “maximum of available resources” under an optional protocol to the Covenant (E/C.12/2007/1), he asked whether the State party’s position on the ratification of that instrument had evolved since 2009.

32. **Mr. Sadi** asked the delegation to provide details on how NGOs had been consulted during the drafting of the report.

33. **Mr. Kedzia** asked the delegation to explain how civil and political rights differed from economic, social and cultural rights, since if the authority of the Attorney-General to inform Parliament of inconsistencies between legislation and the international commitments of the State party was limited to the first category without extending to the second, it implied that the two categories of rights did not benefit from the same level of protection.

34. **Mr. Keith** (New Zealand) said that the Cabinet Manual provided for an overall evaluation of the compatibility of policy proposals with international obligations, with no distinction as to any set of rights. As for the Optional Protocol, the Government of New Zealand took a keen interest in the work achieved, including the Committee’s Statement (E/C.12/2007/1), and would also closely follow the manner in which the Committee performed vis-à-vis its role in the Optional Protocol.

35. In the context of a modest legal system such as existed in New Zealand, the court fees involved and the significant burden that legal proceedings placed on individuals called for a relatively flexible approach to be adopted and meant that primacy be given to the merits of a case, which in no way prevented consideration of the need to introduce more formal mechanisms. By and large, as regards the status accorded to economic, social and cultural rights, New Zealand fully accepted the indivisibility of all human rights. Regarding the NGOs consultation process, for the recently drafted periodic reports, it had involved calling on civil society partners for contributions, drawing up a draft report that took their comments into account, and then submitting it to them for approval. The transparency of the submission of the consultation and draft was easily verifiable.

#### *Articles 6 to 9*

36. **Mr. Texier** asked whether the substantial 2007 unemployment rate (E/C.12/NZL/3, para. 51) had again risen and whether the gap between men and women, and between Maori and the rest of the population, had changed.

37. Recalling the 2011 observation of the ILO Committee of Experts on the Application of Conventions and Recommendations on the ILO Equal Remuneration Convention, 1951 (No. 100), to the effect that several New Zealand laws merely established the principle of equal remuneration for men and women for the same or similar work, which was more restrictive than the phrasing “work of equal value” provided for by the Convention, he wished to know whether the State party considered those laws to be in full conformity with the concept of equal remuneration as provided for in article 7 of the Convention. What was

the situation regarding the gender pay gap which, in 2009, had been more pronounced in the public sector, at 15 per cent, than in the private sector, at 11 per cent?

38. He would also appreciate information on the maximum weekly work hours which, according to New Zealand trade unions, was as high as 70 hours, or unspecified in certain collective bargaining contracts. In the light of the reason provided in paragraph 210 of the report for not ratifying the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), he wondered whether it was the many strike constraints and very restrictive conditions on striking that had dissuaded the State party from ratifying that Convention. Lastly, given the importance of the provisions of ILO Convention No. 169 for prior consultation of populations on mining and other projects, he enquired how the Treaty of Waitangi hindered ratification of that Convention.

39. **Ms. Shin** said that, while the Government of New Zealand was clearly aware of the problems of the gender pay gap, and high unemployment rates among young people and Maori, it seemed unable to discover how to address them. She would like to know how the State party intended to tackle structural discrimination against minorities and women, and whether it planned to establish an assessment standard that would guarantee equal remuneration.

40. **Mr. Martynov** asked what specific incentives to hire persons with disabilities were in place and whether they focused solely on the public sector, or also targeted private-sector employers. The delegation might indicate how the employment of persons with disabilities had evolved between 2001 and 2011, figure-supported (absolute numbers and percentages).

41. He wished to know why the number of cases investigated by the Labour Inspectorate and leading to conviction (in para. 175 of the periodic report), had decreased between 2001 and 2007 and whether the Inspectorate was empowered to order the immediate suspension of a company's activities in the event of health and safety shortcomings. He would be interested to learn why in the workplace illnesses and diseases had increased between 2002 and 2006 (para. 177 of the report), what measures the State party had taken and how the situation had developed since.

42. Regarding social security, he would like to know whether the financial aid beneficiaries received was adequate and whether it was true that, once their housing bills had been settled, beneficiary families were left with an income below the poverty line. He also wondered whether the provision of the Social Security (Personal Development and Employment) Amendment Act, 2002 requiring certain categories of persons receiving unemployment benefit to set up a personal development and employment plan (para. 219 of the report) was prejudicial to people not in a position to set up such plans. Lastly, he was concerned that the requirement to decline parental leave in order to receive a parental tax credit dissuaded those with moderate incomes from exercising their right to parental leave.

43. **Mr. Abdel-Moneim** said he regretted that the annexes to the report, containing statistics, were only six pages long, and hoped that the annexes in the State party's next report would be more extensive. He would be interested to learn whether the Government relied on factors other than the mere numbers receiving unemployment benefit to determine that the 2007 unemployment rate was remarkably low (para. 51 of the report), and why current ways of data-collection on underemployment and persons holding more than one job did not conform to ILO standards (para. 54 of the report). He also noted that the employment rate among persons aged 15 and over, which was 75.2 per cent (para. 60 of the report) was rather disappointing for an economy like New Zealand's.

44. He asked why there was a significant jump in the percentage of the State budget allocated to economic development and infrastructure, which had risen from 7 per cent in 2007/08 to 27 per cent in 2008/09, only to fall to 8 per cent in 2009/10 (table 10, para. 41 of the core document). In conclusion, he hoped that in the cases on protection from arbitrary

termination (paras. 120–127 of the report), that the courts had taken due account of the relevant provisions of the Convention, particularly article 6, in their rulings.

45. **Mr. Sadi**, recalling that the Employment Relations Act had been amended to facilitate monitoring of application of the minimum wage, asked what the relevant provision was and why the minimum wage was still not respected with regard to indigenous peoples and rural communities.

46. **Ms. Power** (New Zealand) confirmed that the global financial crisis had affected the unemployment figures: the number of unemployment benefit recipients had risen from 23,000 in 2007 to 60,000 in March 2010, and had then fallen by the end of March 2012 to 53,000, 35 per cent of them Maori.

47. The Mainstream Employment Programme aimed to help persons with disabilities to find jobs in the civil service. The delegation would ensure that the next periodic report provided absolute numbers on the results of implementing the New Zealand Disability Strategy adopted in 2001.

48. In order to encourage recipients of certain benefits to return to the labour market, the Social Security (Personal Development and Employment) Amendment Act 2002 required them to provide a personal development and employment plan that prepared the staff of the Income Support Service and Work and Income New Zealand. Since introduction of the Future Focus package of reforms in 2010, a single parent of one or more children had been expected to actively seek part-time work as soon as the child, or the youngest child, had reached its sixth birthday, and full-time work once the child turned 14. As part of the reform of social security benefits, unemployed 16 to 17-year-olds and 18-year-olds raising a child were also eligible for youth or youth parenting benefits.

49. New Zealand's social security system operated on three levels: core benefits, the amount of which was re-evaluated annually; supplementary assistance — including allowances for dependent children, housing benefit and disability benefit — and hardship allowances restricted to vulnerable persons. Low earners were also eligible for social security, but not core benefits. Many families were effectively impoverished once they had paid their rent, and, although New Zealand had no official poverty line, the Ministerial Committee on Poverty established, was responsible for reporting twice a year on progress in the fight against poverty.

50. **Mr. Smith** (New Zealand) said that the global financial crisis had greatly affected his country, as demonstrated by the high unemployment rate, which had risen to 6.7 per cent among 15–64 year-olds, compared to 6.4 per cent in March 2011. The unemployment rate of 15–19 year-olds was 23.4 per cent, for 20–24 year-olds 15 per cent, while for Maori it was 13.3 per cent and 14.5 per cent for Pacific Islanders.

51. Chapter 19 of the Bill of Rights Act established equality between men and women, while the prohibition of sex-based discrimination was found in chapter 21 of the Human Rights Act. In addition, the Employment Relations Act 2000 and the Equal Pay Act 1972 provided guarantees against sex-based discrimination in the workplace.

52. The gender pay gap had narrowed from 16.5 per cent in the second half of 1998 to a mere 9.6 per cent in the second half of 2011. To further that trend, the Government was ensuring that more women occupied posts of responsibility in both the public and private sectors. The New Zealand Stock Exchange had recently proposed the introduction of a new rule whereby all companies listed on the Stock Exchange were required to declare each year the number of women in senior management posts. In the public sector, the Minister of Women's Affairs proposed candidates when a post became available on the board of a public company. The gender pay gap was the result of a combination of factors: prejudice, occupational segregation and the feminization of certain jobs. Legislation did not suffice to



resolve the problem. Targeted actions were needed to tackle the root causes of the phenomenon, as provided for in the Equal Employment Opportunities Programme and the good practice requirements of the State Sector Act 1988. The Employment Relations Act had introduced a system of personal grievance claims which, coupled with the remuneration mechanism provided for in the Equal Pay Act, allowed employees to report any wage inequality to the Labour Inspectorate. While only rarely used in the past, in 2011 the Inspectorate had received several complaints from the Council of Trade Unions that were currently under investigation. Before making any decisions, the Department of Labour had requested additional information from the Council and the authors of the complaints. The framework now in place to combat the gender pay gap was apparently inadequate, since the gap was only slowly narrowing. The issue did, however, deserve the full attention of the Government, which would welcome any advice the Committee had to offer.

53. The Pacific peoples' incomes were not below the minimum wage, and the Pacific community filed more complaints with the Department of Labour than other population groups, even though the programme for duly accredited seasonal employers attracted to New Zealand each year between 5,000 and 7,000 workers from the Pacific Islands to work in the horticultural and vine-growing sectors. To deal with the regular influx of seasonal workers, the Labour Inspectorate had tasked six inspectors with monitoring the observance of seasonal workers' employment rights. The inspectors travelled to the Pacific Islands to alert the workers in advance to their prospective working conditions and to their rights, and ensured that they were decently housed once they arrived in New Zealand.

54. To employ seasonal workers, an employer must be accredited by the Department of Labour and meet certain workplace health and safety and labour relations criteria. The minimum wage, which was re-evaluated each year and currently stood at 13.5 New Zealand dollars per hour, was broadcast on radio and published in leaflets translated into the different languages of the Pacific Islands to ensure that the members of that community did not accept less favourable wages.

55. Working hours in New Zealand were determined by agreement between employer and employee. It would be surprising if they did not figure in certain collective agreements, such agreements being intended to accurately describe all working conditions. It might, nonetheless, well be that the number of weekly working hours agreed between the union and the employer exceeded 40 hours. The State was not obligated to intervene in the definition of working hours; parties were simply required to come to an agreement on the matter and to ensure that the working time agreed did not endanger employees' health or safety.

56. Unlike most other countries in the world, in New Zealand the Labour Inspectorate was divided into two branches: the Health and Safety Inspectorate and the Labour Inspectorate. The former focused on health and safety issues from a legislative viewpoint, while the latter focused on actual employment relations, the aim being to prevent labour disputes from overshadowing more urgent health and safety issues. There were several reasons behind the fall in the number of legal actions taken by the Labour Inspectorate and ending in convictions between 2001 and 2007: firstly, since 2001 the focus had been on employer education and commitment, and corrective measures, where necessary, to improve health and safety in the workplace; secondly, the harsher penalties incurred had led to a change of behaviour and encouraged improvement of health and safety conditions; and lastly, health and safety inspectors had new tools at their disposal (orders to take corrective health and safety measures, and orders to suspend a dangerous activity with immediate effect). Another reason was that the imposition of harsher penalties had led enterprises accused of committing health or safety violations to put forward a vigorous defence.

57. The explosion at the Pike River coalmine, which had cost the lives of 29 miners in November 2010, had focused Government attention on health and safety at work. In that

particular case, a commission of inquiry had been established to identify any systemic or regulatory breach that could explain the tragic accident, following which the Minister of Labour had created the High Hazards Unit, which was divided into two branches: the high hazard extractive industry unit and the high hazard petroleum industry unit.

58. **Mr. Texier** asked about the scale of informal work in the State party. He noted that, even if it was accepted that New Zealand legislation did not set a maximum number of working hours per week, it should nonetheless impose a weekly rest period. Various sources, including the Council of Trade Unions, criticized the grave situation in the transport sector, where existing legislation permitted drivers to work up to 70 hours per week, contrary to article 7 of the Convention. Furthermore, according to a 2009 study, 415,000 persons — or 23 per cent of the labour force and 29 per cent of those in full-time employment — worked more than 50 hours per week in the agriculture and road and rail transport sectors. The State party must set a maximum number of weekly working hours and a minimum weekly rest period.

59. **Mr. Martynov** pointed out that the number of legal procedures initiated by the Labour Inspectorate and that had led to convictions between 2001 and 2007 also covered working conditions, and not just health and safety.

60. **Ms. Shin** asked whether the State party had introduced standards to evaluate observance of the principle of equal pay for men and women for work of equal value in the State party, and which enable, for example, a comparison between wages in the nursing sector, where women were in the majority, and typical pay in the road transport sector, generally dominated by men. Had the State party set an objective of gradually reducing the gender pay gap year by year?

61. **Mr. Abdel-Moneim** advised the delegation to resist the temptation to attribute poor unemployment figures to the financial crisis. He referred to the statistics presented in paragraph 46 of the State party's core document, which stated that the 1992 unemployment rate had been 10.9 per cent, much higher than the current rate in the State party.

*The meeting rose at 1 p.m.*