

# **Women's groups- joint UPR submission- New Zealand November 2008**

## **EXECUTIVE SUMMARY**

1. New Zealand is a world renowned leader in progressing women's rights. It was the first nation state to give women the vote and has had two consecutive female Prime Ministers as well as women in other top constitutional positions. It has impressive proportions of women participating in higher education and in the labour market.
2. Participation does not equate to equal representation, however. There are signs that women's progress has stalled in terms of senior representation in management and governance positions and that Māori and Pacific women are at greater disadvantage from the gender pay gap. Family responsibilities impact on gender equality and labour market outcomes for women.
3. Women and children in New Zealand suffer from unacceptably high levels of domestic violence.

## **INTRODUCTION**

4. The submitting organisations are members of the Caucus on International Women's Issues, an umbrella caucus that meets under the auspices of the Ministry of Women's Affairs and was started by former Minister of Women's Affairs Hon. Ruth Dyson (see Appendix 1).
5. Three Caucus organisations have made submissions which have been collated into a single document on women's rights. Time constraints prevented a more meaningful engagement with women's NGOs and civil society and we recommend that government promote and develop an engagement process that allows for women's NGOs and individuals to fully participate in the Universal Periodic Review process in future years.
6. The submitting organisations are:
  - The New Zealand Council of Trade Unions representing over 350,000 workers in 40 affiliated unions whose membership is more than 50% women
  - The National Council of Women of New Zealand formed in 1896 which has approximately 350,000 members and associates
  - The New Zealand Federation of Business and Professional Women which has 27 branches nationwide and advocates for work-life balance and workplace equity issues.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

7. **The New Zealand Council of Trade Unions (NZCTU) recommends:**
  - The Government introduce a plan to ensure compliance with ILO Maternity Convention 183.
  - Provisions and a plan to progressively lengthen paid parental leave to 56 weeks which includes 4 week of paid leave for partners/ spouses.
  
8. **NZCTU states:**

The New Zealand Council of Trade Unions (NZCTU) is the New Zealand member organisation of the International Trade Unions Confederation. The NZCTU attends International Labour Organisation meetings with Government and employer representatives, including the annual International Labour Congress.
  
9. The extension of paid parental leave to 14 weeks brings New Zealand in line with the minimum duration recommended by ILO Maternity Convention 183. But to fully comply with Convention 183, eligibility needs to be extended to seasonal and contract workers, payment levels increased and breast feeding breaks must be paid. There is substantial support for extending the period of paid parental leave up to 56 weeks to prevent too early a return to work and to promote breast feeding.
  
10. **The National Council of Women of New Zealand (NCW) recommends:**
  - wider publicity, promotion and implementation of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).
  
11. **NCW states:**

The CEDAW objectives and substantive provisions are not fully taken into account or articulated in the Action Plan for New Zealand Women and the Convention and optional Protocols are not widely known throughout the country or sufficiently utilised in policy development or in bringing cases related to discrimination against women.
  
12. The government needs to utilise the Beijing Declaration and Platform of Action, which reinforce the provisions of CEDAW. There needs to be integration of a gender perspective and explicit reflection of the provisions of the Convention to achieve the Millennium Development Goals.
  
13. The findings and recommendations of the UN CEDAW Committee (10 August 2007) accurately sum up the situation in New Zealand.

## **11. PROMOTION & PROTECTION OF HUMAN RIGHTS ON THE GROUND: IMPLEMENTATION OF THE INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

### **EQUALITY & NON-DISCRIMINATION**

#### **WOMEN**

## **PAY AND EMPLOYMENT EQUITY**

14. **The New Zealand Council of Trade Unions (NZCTU) recommends:**
- Funding for remedial settlements, following pay investigations, to close the gender pay gap.
  - Acceleration of phase 3 of pay and employment equity plan of action which focuses on the private sector including consultation with trade unions on pay and employment equity legislation.

15. **NZCTU states:**

The New Zealand gender pay gap is 12 percent with only marginal movement in the last decade. Pay reviews, established under the Pay and Employment Equity Plan of Action, have identified gender pay gaps in the public sector up to 30 percent. Factors contributing to gender inequity include lower starting salaries, higher performance pay for men, fewer promotional opportunities, and lack of career pathways and occupational concentration of women. Though there is a process for pay investigations and remedial settlements, there has been a sluggish uptake by Government departments to using these two pay and employment equity mechanisms.

## **LOW PAY AND THE MINIMUM WAGE**

16. **The New Zealand Council of Trade Unions (NZCTU) recommends:**
- Increases to the minimum wage and indexation of the minimum wage to 2/3<sup>rd</sup> of the average wage in line with the recommendations of the 1973 Royal Commission on Social Security.
17. **NZCTU states:**
- Women are more likely to be in low-paid jobs than men. Women workers still remain clustered into occupational groups especially service and sales, health and community and manufacturing. Many of these industries and occupations are low-earning and low-paying. Increases in the minimum wage substantially benefit women.

## **CONTRACTING OUT**

18. **The New Zealand Council of Trade Unions (NZCTU) recommends:**
- Responsible contracting policies to ensure gender equity processes and consideration in Government procurement processes
  - Strengthening of the employment relations legislation to increase collective bargaining.
19. **NZCTU states:**
- Women are strongly clustered in contracted-out Government funded public sector work in the health and education sectors and in cleaning of Government departments. Employment conditions and wages eroded during the 1990s through dismantling the award system have been hard to rollback due to low union density in the private sector. Though some policy work has been established in the public health sector, overall, there has been a slow response to recommendations to improve employment equity and employment conditions through responsible contracting policies.

## **FLEXIBLE WORKING HOURS**

20. **The New Zealand Council of Trade Unions (NZCTU) recommends:**

- The extension of flexible working arrangements to all workers.

21. **NZCTU states:**

Flexible working hours arranged for workers with caring responsibilities came into force in July 08 though eligibility is limited to people with caring responsibilities. This provision is expected to provide for more equity for women to better accommodate work and caring responsibilities and recognise needs related to child rearing and caring with employment aspirations and needs.

## **RIGHT TO LIFE, LIBERTY & SECURITY OF THE PERSON**

22. **The New Zealand Federation of Business and Professional Women (BPWNZ) recommends:**

- That the government ensures that refuge services are adequately funded to ensure the safety of all women and children who have to flee a violent relationship.
- That the government ensures that refuge services are adequately funded to meet the needs of sexual abuse survivors free of charge, including counselling and therapy
- That the government ensures that adequate resourcing is provided to ensure that legislation protecting women and children from violence can be fully implemented. This may include training for judges.
- That the government fully implements the recommendations in the 1989 Roper Report on violence in New Zealand<sup>1</sup> that two Sex-Offender Treatment Centres be established providing treatment upon entry to prison and throughout the term of imprisonment, as well as a structured pre-release programme and post-release assistance

23. **BPWNZ states:**

The New Zealand Federation of Business and Professional Women (BPWNZ) are concerned about domestic violence in New Zealand. New Zealand has comprehensive legislation covering violence against women and children but the number of cases appearing before the courts is still unacceptably high. Research commissioned by the Ministry of Women's Affairs from the University of Waikato<sup>2</sup> showed that inadequate action is taken by police, lawyers and judges to deal with breaches of protection orders. 61% of judgments are not based on mandatory risk assessments. Women's Refuges are struggling to meet a 65% increase in demand over the last 5 years without any corresponding increase in government funding, which currently meets only 45% of refuge costs. Of the 50 refuges throughout New Zealand, 529 of the 759 workers are unpaid volunteers. Sexual abuse is a particular concern

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<sup>1</sup>Report of the Ministerial Committee of Inquiry into the Prisons System, Sir Clinton Roper, 1989

<sup>2</sup> *Living at the Cutting Edge – women's experience of protection orders*, Robertson, N; Busch, R; D'Souza, R; Sheung, F; Balzer, R; Simpson, A & Paina, D. University of Waikato for Ministry of Women's Affairs, August 2007

and Rape Crisis Centres also report major difficulties in getting adequate funding.

24. **NCW states:**

There is lack of statistical data disaggregated by sex in all areas covered by CEDAW. This makes it difficult to assess accurately the situation and progress of women under the Convention. For example – violent crime against women is broken down according to gender when it is a case of domestic violence. There is also a charge of assault – “man attacks woman”, however, if a weapon is used then the charge can be upgraded and the issue of gender is not specially recorded. This promotes a significant gap in the level of violence against women recorded in this country.

## **Appendix 1**

### **Caucus on International Women's Issues Convened by the New Zealand Ministry of Women's Affairs**

#### **Organisations**

Amnesty International  
Anglican Church  
Family Planning Association of New Zealand  
Human Rights Commission  
Māori Women's Welfare League  
Ministry of Foreign Affairs and Trade  
National Council of Women  
New Zealand Council of Trade Unions  
New Zealand University Students' Association  
NZAID  
International Federation of University Women  
Office for the Advancement of Women for the Baha'is of New Zealand  
Pacific Women's Watch  
PACIFICA  
Pan-Pacific South East Asia Women's Association  
The Council for International Development  
UNIFEM New Zealand  
United Nations Committee of the Association of Presbyterian Women Aotearoa/New Zealand  
UMMA Trust (works with Arabic-speaking communities in Auckland)  
YWCA

#### **Purpose of the Caucus**

The Caucus provides a forum for government agencies, NGOs and relevant individuals to collaborate, to enhance New Zealand's capacity to participate in and contribute to international fora.

This is done by:

- sharing information on issues and institutions
- co-ordinating participation in international fora
- co-ordinating dissemination of relevant information domestically.

The Caucus meets twice per year. Involvement is voluntary and membership is inclusive.

## **Appendix 2**

### **Working Protocol for the Caucus on International Women's Issues**

#### *Purpose*

The purpose of the Caucus is to provide a forum for government agencies, NGOs and relevant individuals to collaborate to enhance New Zealand's capacity to participate in and contribute to international fora arising from the institutions and instruments of the United Nations relevant to the interests of women by:

- sharing information on issues and institutions
- co-ordinating participation in international fora
- co-ordinating dissemination of relevant information domestically.

#### *Membership*

The Caucus shall consist of those government agencies, individuals and NGOs with an interest and involvement in issues relevant to the interests and well-being of women that arise in international fora.

Involvement in the Caucus is voluntary.

#### *Process*

The Caucus shall meet two times a year in April and October, and may meet on other occasions if required.

The Ministry of Women's Affairs will convene the Caucus.