



International Labour Organisation

REPORT OF THE NEW ZEALAND GOVERNMENT
DELEGATES TO THE 110th SESSION OF THE
INTERNATIONAL LABOUR CONFERENCE, GENEVA,
27 MAY-11 JUNE 2022

Presented to the House of Representatives

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THE 2022 INTERNATIONAL LABOUR CONFERENCE

The 110th session of the International Labour Conference was held in Geneva, Switzerland, from 27 May-11 June 2022. The role of the Conference is to discuss, adopt, and oversee compliance with, international labour standards, confirm the International Labour Organisation's (ILO) budget, and elect members of the ILO Governing Body. Since 1919, the Conference has served as the major international forum for debate on global labour and employment issues.

The 2022 International Labour Conference was the first such substantive event held since the COVID-19 caused cancellation of the 2020 Conference and was held in a mixed physical/virtual format attended by tripartite delegations from 177 of the Organisation's 187 member states.

Key issues covered by the Conference were the extension of the current set of Fundamental Labour Principles and Rights, established in 1998, to include work health and safety, and the first stage of a two-year discussion on a normative framework for the engagement of apprentices.

Representation

Under the ILO Constitution, national delegations to the Conference must consist of a minimum of four representatives: two from government and one each representing workers and employers, all of whom speak and vote independently.

The New Zealand delegation to the 2022 Conference comprised:

Government

- Mr Michael Hobby, Principal Advisor, International Labour Policy, Ministry of Business, Innovation and Employment (Delegate)
- Ms Jessica Russell, Senior Policy Advisor, International Labour Policy, Ministry of Business, Innovation and Employment (Delegate)
- Ms Gayathiri Ganeshan, Principal Advisor, Employment Relations Policy, Ministry of Business, Innovation and Employment (Advisor)
- Ms Lucy Duncan, Permanent Representative, New Zealand Permanent Mission to the United Nations in Geneva (Advisor)
- Mr Nathan Glassie, Deputy Permanent Representative, New Zealand Permanent Mission to the United Nations in Geneva (Advisor)
- Ms Anna Clark, General Manager, Workplace Relations and Safety Policy, Ministry of Business, Innovation and Employment (Advisor)

Employers

- Mr Kirk Hope, Chief Executive, Business New Zealand (Delegate)
- Mr Paul MacKay, Employment Relations Policy Manager, Business New Zealand (Advisor)

Workers

- Mr Richard Wagstaff, President, New Zealand Council of Trade Unions (Delegate)
- Ms Tess Upperton, Co-President, Aotearoa Legal Workers Union (Advisor)

Conference Agenda

During its Committee and Plenary sessions, the Conference considered the following matters:

Standing items

- I. Reports of the Chairperson of the Governing Body 2021-22, and of the Director-General – *The least developed countries: Crisis, structural transformation, and the future of work*
- II. Programme and Budget
- III. Information and reports on the application of Conventions and Recommendations

Items placed on the agenda by the Conference or the Governing Body

- IV. A recurrent discussion on the strategic objective of employment under the follow-up to the 2008 ILO Declaration on Social Justice for a Fair Globalization
- V. Apprenticeships (standard-setting, first discussion)
- VI. Decent work and the social and solidarity economy (general discussion)
- VII. Inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work through an amendment to paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work, 1998
- VIII. Approval of amendments to the Code of the Maritime Labour Convention, 2006 adopted by the Special Tripartite Committee at the second part of its fourth meeting in May 2022

The Director-General's Report

The Director-General's report to the Conference – *The least developed countries: Crisis, structural transformation, and the future of work* – addressed the character and challenges of labour markets in least developed countries, an agenda for structural transformations and proposed elements for an ILO strategy on the least developed countries.

Specific measures proposed include establishing a Universal Labour Guarantee so that all workers enjoy fundamental workers' rights, an international governance system for digital labour platforms to require platforms (and their clients) to respect minimum rights and protections, and incentives to promote investments in decent and sustainable work.

The report served as the focus for a number of high-level panels and seminars at the Conference, including presentations on jobs and skills, securing sustainable transitions, technological pathways for decent work, a future of work without child labour and the promotion of collective bargaining as a foundation for decent work.

The report can be found at:

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_844922.pdf

NEW ZEALAND'S PARTICIPATION IN THE CONFERENCE

New Zealand participated in the following Conference committees:

- Committee on the Application of Standards – Mr Paul MacKay, Mr Richard Wagstaff, Mr Michael Hobby, Ms Gayathiri Ganeshan
- Committee on Apprenticeships – Ms Jessica Russell, Ms Gayathiri Ganeshan, Mr Michael Hobby, Ms Anna Clark, Mr Kirk Hope, Ms Tess Upperton
- General Affairs Committee – Ms Gayathiri Ganeshan, Mr Kirk Hope

Standards Committee

The Conference Committee on the Application of Standards met to discuss the Annual Report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee began its work with a discussion on general aspects of the application of Conventions and Recommendations and the discharge by member States of their standards-related obligations under the ILO Constitution. The second part of the general discussion addressed this year's General Survey of member States, covering the topic of securing decent work for nursing personnel and domestic workers, key actors in the care economy.

The Committee also considered 22 individual country cases relating to the application of various Conventions by the ILO member States concerned. New Zealand was included in this process and provided information to the Committee over the interface of the proposed Fair Pay Agreements system with the requirements of ILO Convention 98 on the promotion of collective bargaining.

The Committee did not find that Fair Pay Agreements are incompatible with the provisions of Convention 98 but recommended that Government report back on the legislation as part of the regular reporting cycle on ratified Conventions. The report of the Committee can be found at:

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_850928.pdf

General Affairs Committee

The Conference General Affairs Committee held a series of discussions concerning the inclusion of work safety and health in the ILO's framework of fundamental principles and rights at work. Prior to the 2022 Conference, the 1998 ILO Declaration on Fundamental Principles and Rights at Work set out four categories of fundamental rights, these being:

- Freedom of Association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced or compulsory labour
- The effective abolition of child labour
- The elimination of discrimination in respect of employment and occupation

Since the 1998 Declaration was made, there had been an ongoing debate about whether the four categories captured all of the fundamental labour rights; in particular why, despite the development of a number of relevant International Labour Conventions, the right to enjoy safe and healthy workplaces and not be injured or killed at work were not seen as fundamental. This debate came to a head at the 2019 International Labour Conference, when it adopted a resolution requesting the ILO's Governing Body to consider proposals for including work health and safety as an additional category in the ILO's framework of fundamental principles and rights at work. These resulted in the proposals put to the 2022 Conference.

The Committee's discussions ultimately resulted in the Conference agreeing to a resolution to amend the 1998 Declaration to include "*a safe and healthy working environment*" as a new fundamental labour principle and right. A consequence of this decision was the designation of two current ILO Conventions dealing with health and safety as "Fundamental" Conventions – these being Convention 155 on Occupational Health and Safety and Convention 187 on Promotional Framework for Occupational Safety and Health. New Zealand has ratified Convention 155 but not Convention 187, so will now be required to report annually to the ILO on its intentions and any progress towards ratification of this instrument.

The General Affairs Committee's report can be found at:

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_850697.pdf

Committee on Apprenticeships (Standard Setting Discussion)

The Conference Committee on Apprenticeships commenced a two-year process of discussion on text for a new international labour instrument focussed on apprenticeships. The focus of the discussion was on both the nature and core content of an instrument to promote quality apprenticeships and qualification frameworks or systems to facilitate the recognition of competencies acquired through apprenticeships, as well as guidance on their training, supervision and conditions of engagement and employment. The Conference agreed that the 2023 Conference will continue the discussion to finalise the draft text and that the instrument will take the form of a non-binding recommendation.

A copy of the Committee's conclusions is attached at Appendix 1. The report of the Committee can be found at:

https://www.ilo.org/ilc/ILCSessions/110/reports/records/WCMS_848121/lang-en/index.htm

TEXTS AND RESOLUTIONS ADOPTED BY THE CONFERENCE

The texts and Resolutions adopted by the Conference are available at:

<https://www.ilo.org/ilc/ILCSessions/110/reports/texts-adopted/lang--en/index.htm>

PROPOSED GOVERNMENT ACTION ARISING FROM OUTCOMES OF THE CONFERENCE

Article 19 of the ILO Constitution requires member States to submit the texts of Conventions and Recommendations adopted by the International Labour Conference to their legislatures, and to state the action they propose to undertake on these instruments. States are also required to notify the Director-General of the ILO, which in New Zealand's case is ensured by sending the ILO a copy of this report.

The 2022 International Labour Conference did not result in the adoption of any international labour Conventions or Recommendations, thus no formal Government action is required in this respect.

Appendix 1

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Apprenticeships” (11 June 2022)

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fourth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, a proposal for a Recommendation concerning a framework for quality apprenticeships,

Decides that an item entitled “Apprenticeships” shall be included in the agenda of its next ordinary session for a second discussion with a view to the adoption of a Recommendation.

PROPOSED CONCLUSIONS

A. Form of the instrument

1. The International Labour Conference should adopt an instrument concerning a framework for quality apprenticeships.
2. The instrument should take the form of a Recommendation.

B. Content of the instrument

Preamble

3. The Preamble of the Recommendation should:
 - (a) note that global unemployment and underemployment rates continue to be high, and that inequality persists. Rapid transformations in the world of work, such as those resulting from the challenges of climate change, exacerbate skills mismatches and skills shortages, requiring people of all ages to reskill and upskill continuously in the interest of promoting full, productive and freely chosen employment and decent work;
 - (b) note that Members recognize the importance of effective lifelong learning and quality education;
 - (c) recognize that the promotion and development of quality apprenticeships can lead to decent work, contribute to effective and efficient responses to current challenges and provide lifelong learning opportunities to enhance productivity, resilience, transitions and employability and meet current and future needs of apprentices, employers and the labour market;
 - (d) consider that an effective framework for quality apprenticeships requires apprenticeships to be well regulated, sustainable, sufficiently funded, inclusive and free from discrimination and exploitation, to promote gender equality and balance, and diversity, to provide adequate remuneration or other financial compensation and social protection coverage, to lead to recognized qualifications and to enhance employment outcomes;
 - (e) emphasize that apprenticeships should be promoted and regulated, including through social dialogue, with a view to ensuring their quality, providing benefits and protection to apprentices and enterprises, and enhancing the attractiveness of apprenticeships to potential apprentices and employers, including micro, small and medium-sized enterprises;
 - (f) emphasize the importance of quality education for all and openness to lifelong learning;
 - (g) recognize that quality apprenticeships can support entrepreneurship, self-employment, employability, the transition to the formal economy, job creation and the growth and sustainability of enterprises;
 - (h) recall the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights;
 - (i) underline the relevance of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, the ILO

Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, and the ILO Centenary Declaration for the Future of Work, 2019, for the promotion of quality apprenticeships and the effective protection of all apprentices, particularly in the light of the profound transformations in the world of work; and

(j) recall the provisions of other relevant ILO instruments, particularly the Employment Policy Convention (No. 122) and Recommendation (No. 122), 1964, the Human Resources Development Convention, 1975 (No. 142), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Private Employment Agencies Convention, 1997 (No. 181), the Human Resources Development Recommendation, 2004 (No. 195), and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

I. Definitions, scope and implementation

4. For the purposes of the Recommendation:

(a) the term “apprenticeship” should be understood as any form of education and training that is governed by an apprenticeship agreement and enables an apprentice to acquire the competencies required to work in an occupation through structured and remunerated or otherwise financially compensated training consisting of both on-the-job and off-the-job learning that leads to a recognized qualification;

(b) the term “intermediary” should be understood as an entity, other than the host enterprise or educational institution, that assists in the provision, coordination or support of an apprenticeship;

(c) the term “pre-apprenticeship programme” should be understood as a programme designed to help potential apprentices to develop their competencies with a view to improving their workplace preparedness or meeting the formal entry requirements for an apprenticeship; and

(d) the term “recognition of prior learning” should be understood as a process, undertaken by qualified assessors, of identifying, documenting, assessing and certifying a person’s competencies, acquired through formal, non-formal or informal learning, based on established qualification standards.

5. The Recommendation should apply to apprenticeships in all enterprises and sectors of economic activity.

6. Members may give effect to the provisions of the Recommendation through national laws and regulations, collective agreements, policies and programmes or other measures consistent with national law and practice.

7. Members should implement the provisions of the Recommendation in consultation with representative employers’ and workers’ organizations.

II. Regulatory framework for quality apprenticeships

8. Members should incorporate and promote quality apprenticeships within their relevant education, vocational training and employment policies.

9. Members should establish regulatory frameworks for quality apprenticeships, and qualification frameworks or systems to facilitate the recognition of

competencies acquired through apprenticeships. Representative employers' and workers' organizations should be involved in the design, implementation, monitoring and evaluation of systems, policies, programmes and frameworks for quality apprenticeships.

10. Members should establish or designate one or more authorities responsible for regulating apprenticeships, in which representative employers' and workers' organizations should be represented.

11. Members should ensure that the competent authorities have clearly defined responsibilities, are adequately funded and work in close cooperation with other authorities or institutions responsible for regulating or delivering education and training, labour inspection, social protection, occupational safety and health, and public and private employment services.

12. Members should adopt a process, in which representative employers' and workers' organizations are represented, for recognizing a skilled trade or occupation as being suitable for quality apprenticeships, taking into account:

- (a) the competencies needed to work in that skilled trade or occupation;
- (b) the appropriateness of an apprenticeship as a means of acquiring such competencies;
- (c) the duration of the apprenticeship required to acquire such competencies;
- (d) the current and future demand for skills in, and employment potential of, that skilled trade or occupation;
- (e) the occupational, training and labour market expertise of employers' and workers' organizations; and
- (f) the wide range of emerging occupational fields, and evolving production processes and services.

13. Members should establish occupation-specific or general standards, as appropriate, for quality apprenticeships by taking measures in accordance with national laws and practices that provide, among other things, for:

- (a) the minimum age for admission, in accordance with the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182);
- (b) occupational safety and health measures, in accordance with the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);
- (c) any educational qualifications, attainments or prior learning, if needed for admission;
- (d) the need for supervision of apprentices by qualified staff and the nature of supervision required;
- (e) the appropriate balance between apprentices and workers in the workplace and the need to promote apprenticeships also in micro, small and medium-sized enterprises;
- (f) the expected minimum and maximum duration of the apprenticeship;

- (g) the extent to which the expected duration of the apprenticeship may be reduced on the basis of prior learning or progress made during the apprenticeship;
- (h) learning outcomes and curricula based on relevant occupational competencies, the education and training needs of apprentices and labour market needs;
- (i) the appropriate balance between off-the-job learning and on-the-job learning;
- (j) access to vocational guidance and career counselling, and other supportive services as appropriate, before, during and after the apprenticeship;
- (k) the qualifications and experience required for teachers and in-company trainers;
- (l) the appropriate balance between apprentices and teachers, taking into account the need to ensure quality education and training;
- (m) the procedures for assessing and certifying the competencies acquired; and
- (n) the qualification acquired on successful completion of the apprenticeship.

14. Members should take measures to ensure that there is a fair and transparent process by which an apprenticeship can be undertaken in more than one enterprise, subject to the apprentice's consent, when this is considered necessary for the completion of the apprenticeship.

15. Members should, in relation to apprenticeships, take measures to respect, promote and realize the fundamental principles and rights at work.

16. Members should take measures, in accordance with national laws and circumstances, to ensure that apprentices:

- (a) receive adequate remuneration or other financial compensation, which may be increased at different stages of the apprenticeship to reflect the progressive acquisition of occupational competencies;
- (b) are not required to work hours that exceed limits specified by national legislation and collective agreements;
- (c) are entitled to holidays with adequate remuneration or other financial compensation;
- (d) are entitled to be absent due to illness or accident, with adequate remuneration or other financial compensation;
- (e) have access to social security and maternity protection;
- (f) are afforded protection and receive training in respect of occupational safety and health and in respect of discrimination and violence and harassment;
- (g) are entitled to compensation for work-related injuries and illnesses;
- (h) have access to paid maternity, paternity and parental leave; and

(i) have access to an effective complaints and dispute resolution mechanism.

17. Members should prescribe the conditions under which:

- (a) enterprises may offer apprenticeships;
- (b) educational and training institutions may provide off-the-job training; and
- (c) intermediaries may assist in the provision, coordination or support of apprenticeships.

18. Members should take measures to continuously develop and strengthen the capacity of government agencies, employers' and workers' organizations, and teachers, in-company trainers and other experts involved in apprenticeships.

19. Members should take measures to ensure that apprenticeship systems and programmes are regularly monitored and evaluated by the competent authorities. The results of monitoring and evaluations should be used to adapt the systems and programmes accordingly.

III. Apprenticeship agreement

20. Members should ensure that apprenticeships are governed by a written agreement that is concluded between an apprentice and an enterprise or public authority and, if permitted by national laws and regulations, may also be signed by a third party, such as an educational or training institution or an intermediary.

21. Members should ensure that an apprenticeship agreement:

- (a) clearly defines the parties' respective roles, rights and obligations;
- (b) contains provisions, in accordance with national laws, relating to the apprenticeship duration, remuneration or other financial compensation and its frequency, work hours, rest time, breaks, holidays and leave, occupational safety and health, social security, dispute resolution mechanisms and the termination of the apprenticeship agreement;
- (c) identifies the competencies, certifications or qualifications to be attained and any additional education support to be provided;
- (d) is registered under conditions established by the competent authority; and
- (e) is signed on the apprentice's behalf by a parent, guardian or legal representative, where the apprentice is a minor, as may be required by national laws and regulations.

22. Members should develop a model apprenticeship agreement to facilitate consistency, uniformity and compliance.

IV. Equality and diversity in quality apprenticeships

23. Members should take effective measures to prevent discrimination and violence and harassment against apprentices.

24. Members should take appropriate measures to promote gender equality and balance in apprenticeships and in access to apprenticeships.

25. Members should take measures in accordance with national laws to promote equality, diversity and social inclusion in apprenticeships, taking special account of the situation and needs of persons in vulnerable situations or belonging to disadvantaged groups.

26. Members should actively promote apprenticeships for adults and experienced individuals wanting to change industry or occupation, upgrade their skills or enhance their employability.

27. Members should take measures to promote access to quality apprenticeships as a means to facilitate the successful transition from the informal to the formal economy and from insecure to secure work.

V. Promotion of quality apprenticeships and international cooperation

28. Members should, in consultation with the social partners, take measures to create an enabling environment for promoting quality apprenticeships, including by:

- (a) developing and implementing strategies, setting national goals and allocating adequate resources for quality apprenticeships;
- (b) mainstreaming quality apprenticeships in national development strategies and in employment, education and lifelong learning policies;
- (c) establishing sectoral or occupational skills bodies to facilitate the implementation of quality apprenticeships;
- (d) developing and maintaining robust mechanisms, such as a labour market information system and regular consultations with the social partners, to assess the current and future demand for skills with a view to designing or adapting apprenticeship programmes accordingly;
- (e) implementing effective and sustainable financing models;
- (f) providing incentives and support services;
- (g) facilitating effective public-private partnerships to support quality apprenticeships within a national regulatory framework;
- (h) encouraging intermediaries to participate in the provision, coordination and support of apprenticeships, when appropriate;
- (i) undertaking awareness-raising activities and promotional campaigns at regular intervals to improve the image and attractiveness of quality apprenticeships by promoting the benefits of apprenticeships to workers, young people, families, teachers, career counsellors, employers' and workers' organizations, and employers, particularly micro, small and medium-sized enterprises;
- (j) increasing awareness of apprentices' rights, entitlements and protections in promotional campaigns;
- (k) establishing needs-based pre-apprenticeship programmes with a focus on increasing participation of disadvantaged groups;
- (l) facilitating access to further vocational and higher education opportunities for apprentices;

(m) providing flexible learning pathways and career guidance to support mobility, lifelong learning and portability of skills and qualifications; and

(n) using new technologies and innovative methods to improve the effectiveness and quality of apprenticeships.

29. Members should promote a culture of lifelong learning, skilling, upskilling and reskilling.

30. Members should, in consultation with the social partners, with a view to facilitating the transition from the informal to the formal economy, take measures to:

(a) strengthen the capacity of micro and small economic units by facilitating access to business development and financial services, improving the occupational safety and health environment, and enhancing the teaching and training methods and the technical and entrepreneurial competencies of master craftspersons;

(b) ensure that apprentices have access to off-the-job learning and may complement their on-the-job learning in other enterprises or through intermediaries, where applicable; and

(c) strengthen the capacity of associations of micro and small economic units, including through financial support, to improve the quality of apprenticeships.

31. Members should take measures to:

(a) enhance international, regional and domestic cooperation and exchange information on good practices, in all aspects of quality apprenticeships;

(b) cooperate to offer expanded learning opportunities to apprentices and recognize competencies acquired through apprenticeship programmes or prior learning; and

(c) promote the recognition of completed apprenticeship qualifications nationally, regionally and internationally

