

**Memorandum of Understanding  
on Labour Cooperation**

The Department of Labour of New Zealand, in the name of New Zealand and the Ministry of Human Resources and Social Security of the People's Republic of China, in the name of the People's Republic of China (hereinafter referred to as "the Parties" or individually as "Party" unless the context otherwise requires),

***Desiring*** to strengthen the growing economic and political relationship between New Zealand and the People's Republic of China;

***Sharing*** a common aspiration to promote sound labour policies and practices in New Zealand and China, to promote closer and greater cooperation, and to improve the capacities and capabilities of both countries, including non-government sectors, to address labour matters;

***Considering*** the objectives of the International Labour Organisation of which the Parties are members;

***Committed*** to the pursuit of sustainable development, taking into account the social, environmental, cultural and economic circumstances of both countries, and noting it is essential for economic prosperity;

***Desiring*** to strengthen bilateral cooperation to contribute to the development of appropriate global approaches to sustainable development issues;

***Acknowledging*** that both Parties resolve to improve working conditions and living standards in their respective countries and

protect, enhance and enforce the basic workers' rights, taking in to account the different levels of national development and cultural and historical backgrounds;

**Reaffirming** the commitment of the Parties to develop the content of their bilateral agenda and to share the knowledge and experience gained in the fields related to employment, training, and labour inspection policies; and

**Convinced** that cooperation between the Parties in the above mentioned matters will serve their mutual interests and contribute to strengthening the relations of friendship between the two countries,

Have agreed as follows:

### **Article 1 – General Provisions**

1. The Parties reaffirm their obligations as members of the ILO, including their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.
2. The Parties respect their sovereign rights to set their own policies and national priorities and to set, administer and enforce their own labour laws and regulations.
3. The Parties recognise that it is inappropriate to set or use their labour laws, regulations, policies and practices for trade protectionist purposes.

4. The Parties recognise that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in domestic labour laws, regulations, policies and practices.

5. The Parties recognise the desirability of clear and well understood labour policies and practices and the utility of broad domestic consultation with national stakeholders in formulating these policies.

## **Article 2 – Scope and Means of Cooperation**

1. Taking account of their national priorities and available resources, the Parties agree to cooperate on labour matters of mutual interest and benefit. The Parties shall jointly decide specific labour cooperative activities.

2. Cooperative activities may be in areas including but not limited to:

(a) labour laws, policies and practices, including social dialogue, and raising the awareness of the legal rights and obligations of employers and employees, to realise decent work;

(b) compliance and enforcement systems and labour inspection;

(c) sound labour relations, including labour management consultation, cooperation and labour dispute settlement;

(d) working conditions;

(e) human capital development, training and employability;

(f) promotion and protection of the employment rights and obligations of migrant workers.

3. Cooperative activities may be implemented through a variety of means, such as the exchange of best practice and information, joint projects, studies, exchange visits, visits, workshops and dialogue as the Parties may agree, including in relation to international labour forums and matters.

4. Each Party may, as appropriate, invite the participation of its unions and employers and/or other persons and organisations of their countries in identifying potential areas for cooperation and in undertaking cooperative activities.

### **Article 3 – Institutional Arrangements**

1. With a view to guaranteeing the implementation of this Memorandum of Understanding, to establishing a cooperation programme to be carried out within a specified period and to coordinating the cooperation activities referred to in this Memorandum of Understanding, each Party shall appoint a coordinator within the six months following the entry into force of this Memorandum of Understanding to facilitate communication between the Parties.

2. The funding of cooperative activities shall be decided by the Parties on a case-by-case basis and shall depend on the budgets available and shall be governed by the laws and regulations applicable in each country. Any specific activity or project launched by joint decision may, if necessary, be dealt with in a separate arrangement.

3. Each of the Parties shall seek to secure the funds required to support cooperation activities and shall undertake the coordination for the implementation of this Memorandum of Understanding.

4. The Parties, including senior officials of the government agencies responsible for relevant labour matters, shall meet within the first year after this Memorandum of Understanding enters into force, and then on a regular basis, every two years unless otherwise jointly decided, to:

- (a) establish an agreed work programme of cooperative activities;
- (b) oversee and evaluate cooperative activities;
- (c) serve as a channel for dialogue on matters of mutual interest;
- (d) review the operation and outcomes of this Memorandum of Understanding; and
- (e) provide a forum to discuss and exchange views on labour issues of interest or concern with a view to reaching consensus on those issues between the Parties.

5. Each Party may consult with members of its public or specific domestic non-government sectors over matters relating to the operation of this Memorandum of Understanding by whatever means that Party considers appropriate.

6. The Parties may exchange information and coordinate activities between meetings using email, video conferencing or other means of communication.

#### **Article 4 – Consultations**

1. Should any issue arise over the interpretation or application of this Memorandum of Understanding, a Party may request consultation with the other Party, through the coordinator. The Parties will make every effort to reach a consensus on the matter through cooperation, consultation and dialogue.

2. If a Party seeks a meeting of the Parties to assist in the resolution of any such issues the Parties will meet as soon as practicable and, unless otherwise jointly decided, no later than 90 days following the request.

3. The matter may be communicated to a joint meeting of the Parties, which may include Ministers, for consultations.

#### **Article 5 - Final Provisions**

1. This Memorandum of Understanding shall enter into force sixty days after the Parties exchange written notification that any necessary domestic procedures for entry into force have been completed, or after such other period as the Parties may agree in the written notification, and shall remain in force indefinitely unless either Party gives notice of termination to the other Party with six months notice.

2. The termination of this Memorandum of Understanding will not affect the validity of any arrangements already made under this Memorandum of Understanding.

3. This Memorandum of Understanding shall apply equally to any successor bodies or agencies of the Department of Labour and the Ministry of Human Resources and Social Security.

Done in duplicate at Wellington and Beijing on the dates indicated, in English and Chinese languages, each version being equally authentic.

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For Department of Labour in the  
name of New Zealand

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For Ministry of Human Resources  
and Social Security in the name of  
the People's Republic of China

Dated this \_\_\_\_ day of \_\_\_\_\_ 2008.  
WELLINGTON

Dated this \_\_\_\_ day of \_\_\_\_\_ 2008.  
BEIJING