

Submission of Justice & Peace Commission of Catholic Diocese of Auckland on Worker Protection (Migrant and Other Employees) Bill 1 December 2022

The Justice & Peace Commission of the Catholic Diocese of Auckland has had a long involvement in advocacy for providing better protection and support for Migrant Workers and their families. We are generally supportive of the provisions introduced in this Worker Protection (Migrant and Other Employees) Bill and it is encouraging that the Government has announced its intention to 'take a comprehensive approach to stamping out migrant exploitation'.

We are particularly supportive of the introduction of infringement offences which will ensure that employers who refuse to provide employment documentation are dealt immediately rather than requiring authorities to go to court over this.

We are also very supportive of the changes that came into effect in July 2021 including a dedicated 0800 number and the introduction of the Migrant Exploitation Protection Visa and liaison support services for victims of migrant exploitation. These are really important to ensure workers reporting exploitation are protected.

Workers need to know their rights and we support the BERL recommendations that these be provided in multiple languages and in different formats and taking an integrated approach across the government to the information needs of employers and migrant workers.

It is also encouraging that long overdue sick leave provisions are now to be introduced to our RSE workers, in addition to minimum wage requirements introduced during the pandemic.

In our earlier oral submission in March 2022 we recalled July 2019 Research by Francis Collins and Christina Stringer which indicated the need for action in the following areas

- Extensive information campaigns for migrant workers of their rights and employers of their responsibilities to avoid migrant worker exploitation
- Effective and constructive support for those exploited
- Better immigration policies and systems and
- Effective legislation to regulate key industries where exploitation takes place. ¹

Earlier research by Christina Stringer had found that most migrant building workers experienced pay discrimination and other exploitation and lacked ways of safely speaking up.²

¹ <https://www.mbie.govt.nz/dmsdocument/7109-temporary-migrant-worker-exploitation-in-new-zealand>

² <https://www.workerexploitation.com/report>

It's encouraging that this Bill is making positive steps to address the disgraceful situation many migrant workers have been placed in.

As we pointed out in our submission:

'We believe introducing infringement notices could be a game changer in this area. These simple cost-effective measures could quickly target the worst offenders and make an enormous difference to the lives of so many very vulnerable people.'

We would like to also raise the following matters with the Select Committee.

The first is how the current review of measures to combat migrant worker exploitation can be linked with work already underway under Plan of Action Against Forced Labour, People Trafficking and Slavery³ to provide a co-ordinated plan to protect vulnerable workers inside New Zealand as well as those who are outside the country, but part of its supply chain.

As part of its review of rules preventing the exploitation of migrant labour,⁴ there is an opportunity to demonstrate New Zealand's commitment to caring for workers outside this country⁵ when the product of their labours becomes part of our economy through international supply chains. As MFAT notes:

Some consumers and businesses are unknowingly supporting modern slavery through the purchase of goods and services here in New Zealand and overseas – including purchases of clothing, food, electronics, accommodation and a range of other goods and services.⁶

We applaud the work the New Zealand government has been doing in response to concerns from the International Labour Organisation. However, we urge the government to take the opportunity to ensure that different approaches to labour within and outside New Zealand are more closely linked to address long standing concerns about ensuring that supply chains are transparent, clean and ethical through the protection of workers outside New Zealand⁷ when this country benefits from the sale of the goods they produce, often in circumstances that amount to forced labour.

This would broaden and strengthen New Zealand's the government's ability to protect the rights of all workers involved in our economy. This might, for instance, be done by insisting that goods brought into New Zealand via international supply chains are manufactured by workers who have been recruited according to New Zealand standards.

This might be further strengthened by collaboration with private sector stakeholders sensitive to their Corporate Social Responsibility (CSR) standing with stakeholders. (See, for instance, the case of Hewlett Packard and migrant worker production in Malaysia detailed by the Global Initiative against Transnational Organized Crime.)⁸

³ Wood, 2021.

⁴ Radhakrishnan, 2022.

⁵ MFAT, 2021.

⁶ Ibid.

⁷ Garrett, 2021.

⁸ Basu and White, 2017

Such action would reflect the possibilities noted by the International Labour Organisation, which reported that, on the issue of supply chains, many member States had:

“taken action to strengthen national labour administration and labour inspection systems. . . . Other interventions include legislation on responsibility down the chain, *sometimes providing for cross-border regulation of supply chains.*”⁹ (Our italics)

We would welcome an indication of what links could be established between the proposed legislation and the Plan of Action Against Forced Labour, People Trafficking and Slavery¹⁰ and the policy work underway to explore legislative and other options to address modern slavery including forced labour in international supply chains.

The second issue concerns the continued exploitation of international students on visas in this country. This issue has been the focus of major investigations in recent years.¹¹ One of the major concerns raised was that exploitation of the students often began in their home countries by recruiters, a situation analogous to that of migrant workers overseas who become part of New Zealand’s supply chain.¹²

Anecdotal evidence suggests that exploitation continues, with students reporting wages being withheld or being below the amount promised. Students are reluctant to complain, even when they know that they are being exploited.

We would urge that specific measures be developed in collaboration with the tertiary sector and student bodies to educate international students about their rights and to provide channels through which they can lodge complaints and seek redress.

We wish to make an oral submission on this Bill.

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⁹ ILO, 2016.

¹⁰ Wood, 2021.

¹¹ McPake, 2016.

¹² MBIE, 2021.

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