Temporary Migrant Worker Exploitation in Aotearoa/New Zealand

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Migrant exploitation in Aotearoa/NZ

Chorus moves to protect workers after scathing report

Abuse of migrant workers in spotlight

Employers caught exploiting migrant workers may be in for a shock

Business. Immigration is seeking feedback to protect workers from poor treatment. The inspectorate has been investigating complaints about migrant exploitation. Part of the Ministry of Business, Innovation and Employment, the inspectorate will check whether companies are complying with the minimum wage and holiday pay and employment agreements. The inspectorate would select companies based on sources including the media, complaints, information from competitors and people in the market.

Rebuild fears

Christchurch rebuild companies will come under increasing scrutiny after a surge in complaints about migrant exploitation. The Labour Inspectorate has beefed up its staffing and is kicking off a series of audits of companies. Part of the Ministry of Business, Innovation and Employment, the inspectorate will check whether companies are complying with the minimum wage and holiday pay and employment agreements. The inspectorate would select companies based on sources including the media, complaints, information from competitors and people in the market.

No pay, and fighting to stay

Anil Verma has not been paid since February, and is owed at least $10,000. Now he fears deportation because his visa allows him to work only for his former employer.

Modern slavery in NZ

The Migrant Workers Association is calling on the Government to provide amnesty to exploited migrant workers, students, and whistleblowers. Laura Walters looks at the country’s shameless migrant exploitation situation, which in some cases, has been described as a form of modern slavery.
Research Purpose and Scope

- Nature, drivers and consequences of exploitation of temporary migrant workers
- What is considered ‘broken’ with regard to the systems
- What are effective interventions to mitigate temporary migrant worker vulnerability and reduce exploitation
- Essential skills, Int’l students, post-study, working holiday (not RSE, partners, sex work)

Our approach:

Pathways to migration and exploitation

<table>
<thead>
<tr>
<th>Pathways to Exploitation</th>
<th>Pre-departure</th>
<th>Education</th>
<th>Accommodation</th>
<th>Workplace</th>
<th>In-country</th>
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<tbody>
<tr>
<td></td>
<td>intermedidation</td>
<td>provision</td>
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<tr>
<td>International students and post-study work</td>
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<tr>
<td>Temporary migrant workers (Essential skills)</td>
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- High vulnerability
- Medium vulnerability
- Low vulnerability
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<tr>
<th>Nationality</th>
<th>India</th>
<th>China</th>
<th>Philippines</th>
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<tr>
<th>Visa Type</th>
<th>Working Holiday</th>
<th>Student</th>
<th>Essential Skills</th>
<th>Open Work</th>
<th>Post-study</th>
<th>Residence</th>
<th>Partnerships</th>
<th>Religious</th>
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<th>Employee</th>
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<th>Cleaning</th>
<th>Security</th>
<th>Retail</th>
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# Key stakeholder Interviewees

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<tr>
<th>Supply Side Key Stakeholders</th>
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<th>Demand Side Key Stakeholders</th>
<th>No.</th>
<th>Sampling</th>
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<tr>
<td>Community Organisations and Migrant Representatives</td>
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<td>Regions and Nationalities</td>
<td>Employers</td>
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<td>Immigration Advisors</td>
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<td>Industries and Regions</td>
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Types of workplace exploitation

- Under/Non Payment
- Excessive hours
- No contract
- Cash back scheme
- Denied annual leave
- Job/visa premiums
- PAYE non-payment
- No payslip

Number of instances

Type of exploitation

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### Creation of vulnerability

#### Immigration status
- Employer-assisted visas (sometimes used as justification for exploitation)
- Timing of exploitation across pathways

#### Control mechanisms
- Spatial control – workplace, residential, personal
- Fraud and fabricated crimes
- Disempowerment

#### Exacerbating factors
- Bureaucratic delays
- High debt
- Lack of social connections

#### Co-ethnicity
- Business models
- Immigration settings
- Cultural and linguistic familiarity
### Responding to exploitation

#### Official organisations
- Unwillingness to approach officials
- Mixed experiences
- Labour inspectorate

#### Taking action
- Lack of trust
- Mediation

####Exiting exploitation
- Reaching threshold of tolerance
- Resignation, termination, business closure
- Immigration status change: residency, open visa, employer sponsorship
- Leaving New Zealand

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Key stakeholder views

Factors in exploitation
- Co-ethnicity/nationality (but not only this); power imbalances, reputation
- Marginalisation: difficulty in finding jobs, bureaucracy (Immigration NZ)
- International education sector: advisors, low quality courses, costs/debts
- Employer-assisted visas: employers’ sense of entitlement; bureaucracy

Employer / industry concerns
- Labour shortages – expected to increase in coming years
- Immigration bureaucracy, complexity and delays
- Unfair competition; uneven playing field
- Image of industry (or even particular regions) damaged by exploitation

Speaking up
- Not common within the culture
- Afraid of consequences; fear of losing job and potential deportation
- Unaware of key institutions or Immigration NZ not seen as supportive

Other issues
- MBIE/INZ is not properly resourced to prevent or enforce
- Legal fees are a barrier; CAB issues in terms of expertise and accessibility
- Cannot rely on INZ to act on behalf of the migrants; online processing has reduced opportunities to build trust
Views on addressing exploitation

- Review employer-assisted visas
- Review International Education – especially PTEs
- More coherent and simplified immigration/employment information
- Enforcement and victim support
- Immigration New Zealand – resources, bureaucracy, proactive
- Work more closely with industry groups and communities
What is gov’t doing? (policy proposals)

https://www.mbie.govt.nz/have-your-say/temporary-migrant-worker-exploitation-review/
How can you have your say?

Make a submission

  - You can make submissions anonymously
  - Submissions are accepted in any form
  - Your submission may respond to any or all of the issues we ask about

See: https://www.mbie.govt.nz/have-your-say/temporary-migrant-worker-exploitation-review/

Search: migrant exploitation review
What are we doing?

- Communicating findings with participants and stakeholders
- Seeking to develop ‘migrant worker empowerment toolkit’
- Developing more robust insight into the drivers of migrant exploitation:
  - Pathways to exploitation: immigration settings, employment and aspirations
  - Emotional dimensions of exploitation