

27 November 2019

**SUBMISSION TO THE MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT
ON THE “ADDRESSING TEMPORARY MIGRANT WORKER EXPLOITATION” CONSULTATION**

*Migrants do not only represent a problem to be solved,
but are brothers and sisters to be welcomed, respected and loved.*

Pope Francis: [Message for the World Day of Refugees and Migrants](#), September 2019

1. The Wellington Archdiocesan Commission for Ecology, Justice and Peace supports the general direction of the “Prevent, Protect and Enforce” approach outlined in the MBIE consultation paper, and the ten-point proposed changes.
2. We have learned directly about some situations affecting migrant and immigrant workers through the work of the Wellington Catholic Filipino outreach Barangay Santa Maria Assumpta, who have befriended many temporary migrant workers working in construction and healthcare. Some of the situations highlighted included workers asked to undertake orientation and training as volunteers without pay; to work beyond rostered hours; were charged unreasonable amounts for employer organised accommodation and transport; and who experienced physical and psychological abuse from rest home residents. Despite being skilled workers, such as nurses, because they are working in roles considered “unskilled” in New Zealand, they must repeatedly reapply for visas to be able to continue working here. Many feel unable to challenge employers because of their temporary status.
3. We agree with the analysis outlined in the introduction to the MBIE consultation report about factors which drive temporary migrant worker exploitation. Experience from within the Archdiocese is that people do not always experience fair working conditions and are reluctant to seek advice or support, because the consequences of losing work or having to leave the country are greater than putting up with poor working conditions.

PREVENT

4. We agree that indirect forms of employment, including subcontracting, franchising and labour hire, increase the vulnerability of workers, and that greater checks and requirements are required when workers are not directly employed.

PROTECT

5. In addition to the groups outlined on page 26 of the report, churches and chaplaincies are also places where people bring concerns about employment. MBIE could do more to acknowledge, empower and collaborate with groups working within communities, including parishes and ethnic communities.
6. We strongly support Proposal 5 for a MBIE dedicated migrant exploitation 0800 phone line and online reporting, and MBIE specialist migrant worker focused staff. Beyond this, there is also a need for more presence, visibility and awareness campaigns in social media. For example, Filipinos heavily use Facebook for information and communications.
7. We also support a bridging-type of visa or other options which enable workers to report exploitative and abusive working situations without fear of losing their job and immigration status.
8. We note that workers sometimes feel caught between two options – their status quo or having action taken against their employer which may result in the loss of their job and visa. Many feel that to report concerns will automatically result in the loss of work. Many workers would be open to a mediated solution, for example, where dialogue can be opened up with an employer which wouldn't automatically lead to prosecution, but could see their concerns addressed, especially in relation to enforcement of legal minimums.
9. Concerns are not just about direct employment conditions (for example pay, hours of work, safety etc) but also about indirect conditions, such as the cost of accommodation and transport arranged by the employer. We support any changes which can reduce the dependence of vulnerable workers on specific employers for all aspects of their lives (immigration status, pay/income, housing, transport, advice about New Zealand).
10. Migrant/immigrant workers also need support to understand New Zealand workplace expectations. For example, Treaty of Waitangi/cultural training for people in the health sector, traffic licensing requirements for people in transport and construction industry, health and safety in New Zealand workplaces. Not knowing about New Zealand expectations adds another level of vulnerability.

ENFORCE

11. We agree with points made in the consultation agreement that exploitative practices by a minority of employers unfairly undercuts the competitiveness of the majority of New Zealand employers who do respect labour laws and conditions. We support changes that increase the ability of workers, labour inspectors, unions and others to enforce labour standards and conditions.
12. Temporary migrant workers are welcome and productive members of our society and communities, who bring gifts and skills to share. They revive and enliven our communities both in and out of their workplaces. They are our brothers and sisters, and deserve to work and live in the same dignity as others who contribute to the economy through work and participation in the community.

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