

21 November 2019

Ministry of Business, Innovation and Employment

Submission on Addressing Temporary Migrant Worker Exploitation

Thank you for the opportunity to comment on the Ministry of Business, Innovation and Employment's (MBIE) proposals to address temporary migrant worker exploitation.

The following submission represents the views of ARPHS and does not necessarily reflect the views of the three District Health Boards it serves. Please refer to Appendix 1 for more information on ARPHS.

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Yours sincerely



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Overview and recommendations

1. Auckland Regional Public Health Service (ARPHS) supports the Temporary Migrant Exploitation Review and its goal to reduce the exploitation of temporary migrant workers, including international students¹. ARPHS acknowledges the effort that has gone into this phase of the Temporary Migrant Exploitation Review (the Review) and commend the Ministry on progressing work to reduce the exploitation of a valuable population group.
2. This submission response includes recommendations regarding the scope of the Review, other areas for consideration, as well as specific comments on proposals five and six of this consultation.
3. ARPHS recommends that:
 - MBIE continues beyond this phase of the Review and focuses on other regulatory systems highlighted in page 15 of the consultation document;
 - MBIE explores opportunities for cross agency work to address communicable disease issues in migrant worker populations;
 - there is an increased emphasis on prevention and protection measures, including the use of social procurement;
 - the proposed reporting tools (proposal five) be available to the general public as well as temporary migrant workers;
 - a behavioural science approach is adopted when considering how best to engage temporary migrant workers and the general public with the reporting tools;
 - MBIE liaises with WorkSafe and ACC to jointly consider recommendations from the Superdiversity Institute for Law, Policy and Business reports on engaging with, and educating, culturally and linguistically diverse (CALD) communities about their employment rights and responsibilities (proposal six) .^{2,3}

Why this Review is important to the Auckland Regional Public Health Service

4. Exploitation of temporary migrant workers can result in a range of negative physical and mental health consequences for the individual including physical injuries, exhaustion, stress, anxiety, depression and risk of suicide.^{2,4} Temporary migrant workers are often unable to adequately protect their health or respond to health needs because of barriers to accessing information and services.^{2,5} The exploitation of temporary migrant workers is not just an immigration and employment law issue but also an important human rights and public health issue. New Zealand has obligations under international law to ensure that temporary migrant workers in New Zealand have the right to “the enjoyment of the highest attainable standard of physical and mental health”.⁶ Public health, with its population-level focus, and the health sector more generally, have a range of opportunities to identify, intervene and protect workers from exploitation.⁷ ARPHS has a statutory obligation to improve, promote and protect the health of people and communities in the Auckland region, including temporary migrant workers.

5. Temporary migrant workers are a growing and valuable asset to the Auckland region’s workforce and economy. Auckland hosts the largest number of temporary migrant workers in New Zealand.⁸ More than a third of workers approved under the Essential Skills work policy nationwide are employed in Auckland.⁸ This number has grown in recent years, more than doubling in the seven year period between 2011 and 2019.⁹ Auckland is also by far the most popular region for study of international students. In the 2016/17 period, 62 percent of International Student visa holder approvals reported that they were studying in Auckland.⁸ New student approvals have grown by 57 percent in Auckland since the beginning of the 2012/13 period.⁸ Many of Auckland’s temporary migrant workers are on work policy visa schemes, which make them vulnerable to exploitation. Exploitation is most prominent amongst migrants in the Essential Skills, International Student, Post Study Work Visa, and Working Holiday policy schemes.⁹

6. Auckland’s temporary migrant workers are often working in sectors where exploitative work practices have been reported. High levels of specific forms of exploitation have been found in the hospitality, construction and telecommunications sector.^{10,11,12} Common occupations of Essential Skills workers in Auckland are Food Trade Workers, Hospitality, Retail and Service Managers and Construction Trade Workers.⁸ The number of Trade Workers employed within the construction sector is likely to grow in Auckland, driven by the demand for housing and infrastructure in the region. Nearly half of temporary migrants working in the hospitality industry are working in the Auckland region most commonly on Working Holiday and International Student visas.¹²

Recommendations

Continue beyond this phase of the Review

7. Addressing temporary migrant worker exploitation is complex and requires a multifaceted approach. ARPHS encourages the Government to continue beyond this phase of the review and focus on the other regulatory systems highlighted on page 15 of the consultation document, as they are particularly relevant in an Auckland context:
 - *health and safety system* - Temporary migrant workers in Auckland are commonly working in sectors at high risk of injury such as the construction sector.⁸ Concerns about the health and safety risk of the temporary migrant workforce and challenges in addressing these are well documented²;
 - *international education system* - International students are a large and growing part of the Auckland regional temporary migrant workforce and are a group particularly vulnerable to exploitation¹⁰;
 - *review how visa settings can help to reduce vulnerability to exploitation and protect temporary migrant workers* - The immigration status of temporary migrant workers can increase their vulnerability to exploitation and be a barrier to reporting exploitation.⁹ ARPHS supports action to review how visa settings can be changed to reduce this vulnerability.
 - *communicable disease* - Significant opportunity exists for cross agency work to address communicable disease issues e.g. tuberculosis in migrant worker populations. Groups who are vulnerable, such as migrant workers, are at a higher risk for contracting communicable disease, which poses a risk to themselves and the wider population.

8. Public health has strong local partnerships with a range of agencies, data, and intelligence and considerable expertise in responding to complex issues. ARPHS is well placed to support potential on-going work to address and prevent temporary migrant worker exploitation.

Emphasis on prevention and protection measures including use of social procurement

9. ARPHS supports the three pronged approach – prevent, protect and enforce - that MBIE has proposed to address temporary migrant worker exploitation. While recognising the need for enforcement measures, ARPHS encourage an emphasis on prevention and protection measures.

10. ARPHS recommends that opportunities across government agency workstreams be used to support efforts to prevent exploitation of temporary migrant workers including Government procurement. Social procurement is a valuable strategy to improve wellbeing and quality of life, reduce health inequalities, improve work conditions, employment standards and fair work practices.^{13,14} Leveraging public procurement has also been adopted as a measure by the Organisation for Security and Co-operation in Europe to prevent trafficking for labour exploitation in supply chains.¹⁵ ARPHS acknowledges the work that MBIE is doing to develop best practice procurement and explore opportunities to improve conditions for New Zealand

workers. This work could be extended into the Construction Sector Accord Procurement Standards to support the prevention of exploitation of temporary migrant workers.

Response to proposal five - promote reporting tools to general public as well as temporary migrant workers

11. ARPHS recommends that the responsibility for reporting exploitation should not lie solely with the exploited worker and that any reporting systems should also be available for concerned members of the public. Facilitation of the reporting of exploitation is a vital aspect of addressing temporary migrant worker exploitation.¹⁶ However, temporary migrants face considerable behavioural, sociological and structural barriers in reporting exploitation, and therefore may be hesitant to call a helpline for fear of reprisals or deportation^{16,17}. The United Kingdom's Modern Slavery Helpline, has been shown to be a successful way for both victims and the general public to report exploitation.¹⁶

Adopt a behavioural science approach to encourage temporary migrant workers and the general public to act and use the reporting tools.

12. ARPHS recommends that MBIE uses a behavioural science approach to encourage migrants and the general public to act and use reporting tools. This recommendation aligns with recommendations in a recent report on 'The information needs of vulnerable temporary migrant workers about workplace laws' prepared as part of the Australian Government's Migrant Workers' Taskforce.¹⁷ Information provision alone is unlikely to encourage people to act. Behavioural science increases our understanding of how people actually make decisions in everyday life and can support the identification of innovative ways to prompt behaviour change. Behavioural science approaches have been used successfully by Auckland Council to design communication campaigns including nudging visitors to notice Safeswim notices.¹⁸ ARPHS encourages MBIE to consider using the Behavioural Insight tools available in the Department of the Prime Minister and Cabinet's Policy Methods Toolbox such as the Easy, Attractive, Social and Timely Framework.¹⁹

Response to proposal six (questions six D-F) – informing temporary migrant workers of their rights and responsibilities

13. ARPHS supports MBIE's efforts to provide temporary migrant workers with information on their rights and responsibilities. Recent reports prepared for WorkSafe and ACC by the Superdiversity Institute for Law, Policy and Business provide a number of recommendations for engaging with and educating culturally and linguistically diverse (CALD) communities.^{2,3} These CALD communities will include temporary migrant workers. ARPHS recommends that MBIE liaises with WorkSafe and ACC to jointly consider these recommendations in order to better develop information /education for temporary migrant workers.

Conclusion

14. Thank you for the opportunity to comment on the Ministry of Business, Innovation and Employment's proposals to address temporary migrant worker exploitation.

Appendix 1: Auckland Regional Public Health Service

Auckland Regional Public Health Service (ARPHS) provides public health services for the three district health boards (DHBs) in the Auckland region (Counties Manukau Health, Auckland and Waitemata District Health Boards).

ARPHS has a statutory obligation under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities in the Auckland region. The Medical Officer of Health has an enforcement and regulatory role under the Health Act 1956 and other legislative designations to protect the health of the community.

ARPHS' primary role is to improve population health. It actively seeks to influence any initiatives or proposals that may affect population health in the Auckland region to maximise their positive impact and minimise possible negative effects.

The Auckland region faces a number of public health challenges through changing demographics, increasingly diverse communities, increasing incidence of lifestyle-related health conditions such as obesity and type 2 diabetes, infrastructure requirements, the balancing of transport needs, and the reconciliation of urban design and urban intensification issues.

Appendix 2: References

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