

Consultation on Modern Slavery and Worker Exploitation

MBIE is seeking feedback on a legislative response to Modern Slavery and Worker Exploitation, Forced Labour, People Trafficking and Slavery. The consultation documents are available [here](#). Submissions are due by 5pm on 7 June 2022.

What is being proposed?

The proposal would create new responsibilities across the operations and supply chains of all types of organisations in New Zealand, with more responsibilities for larger organisations:

- All organisations would be required to take action if they become aware of modern slavery or worker exploitation
- Medium and large organisations would be required to disclose the steps they are taking
- Large organisations and those with control over New Zealand employers would be required to undertake due diligence.

Objectives

The primary objective is to:

- reduce modern slavery and worker exploitation in New Zealand and elsewhere, helping to build practices based on fairness and respect.

The secondary objectives are to:

- enhance New Zealand's international reputation as a country that supports human rights and transparency
- strengthen New Zealand's international brand and make it easier for our businesses to continue to trade with the world
- support consumers to make more informed choices in relation to modern slavery and worker exploitation risks associated with goods and services
- drive culture and behaviour changes in entities which lead to more responsible and sustainable practices
- level the playing field for entities which act responsibly across their operations and supply chains.

The legislation would only be one part of the picture and it will need to be accompanied by extensive promotion, guidance and support for entities. It is necessary to build a collective understanding of the issues and a long-lasting culture change which encourages collaboration.

What MBIE wants to know

"We want to know how best to facilitate lasting cultural change and encourage best practice to support freedom, fairness and human dignity across the operations and supply chains of entities.

We also want to know about the impact of the proposals on victims and survivors, entities of all types, and individuals. We want to know what you think the benefits of the proposals and options might be, as well as their costs. We also want your ideas about how the proposals and options could be designed and implemented effectively."

Definitions

Modern slavery is severe exploitation that a person cannot leave due to threats, violence or deception. It includes forced labour, debt bondage, forced marriage, slavery, and human trafficking.

Worker exploitation in this proposal includes non-minor breaches of employment standards in New Zealand.

More information about Modern Slavery and Worker Exploitation is available [here](#).

How is New Zealand currently addressing Modern Slavery and Worker Exploitation?

In 2021, the Government committed to a [Plan of Action against Forced Labour, People Trafficking and Slavery](#). This sets out a high-level framework for the actions that agencies will take over 5 years to 2025, to combat these practices.

Source: [MBIE.govt.nz](https://www.mbie.govt.nz)

Fully open border and immigration changes

Prime Minister Jacinda Ardern has announced a major package of reforms, which include an early opening of New Zealand's border and a simplification of immigration settings, to address the immediate skill shortages in New Zealand and speed up the economic recovery from COVID-19.

- Border fully open two months early from 11:59pm 31 July
- Significantly simplified immigration processes that provide faster processing for businesses
- New Green List that includes over 85 hard to fill roles created to attract and retain high-skilled workers to fill skill shortages
- Green List will provide streamlined and prioritised pathway to residency incentivising high skilled healthcare, engineers, trade and tech sector workers to relocate to New Zealand long term
- Visa extensions for around 20,000 migrants already in New Zealand to ensure skilled workers stay in country
- New sector specific agreements, to help industries transition from a reliance on low-wage, low skill migrant labour, including additional measures to support the rebuild of our tourism sector
- Full resumption of international education from 31 July
- Apprenticeship Boost extended to the end of 2023, supporting an extra 38,000 New Zealanders into trades
- Online visitor visa applications reopen to Pacific Island Forum countries (excluding Australia) from 16 May

The Government has also announced new rebalanced immigration settings. "New Zealand cannot return to pre pandemic trends that saw us overly reliant on growing numbers of lower-skilled workers and resulted in the increased exploitation of migrants," Immigration Minister Kris Faafoi said.

"Our plan is to grow skills at home. The cornerstone of our rebalance is the new Green List which will incentivise and attract high skilled migrants to New Zealand, by providing a new streamlined pathway to residency for those globally hard to fill roles. The list features 85 hard to fill roles including construction engineering, trades, health workers and tech.

“New sector agreements for the care; construction and infrastructure; meat processing; seafood; and seasonal snow and adventure tourism sectors will provide for a short-term or ongoing need for access to lower-paid migrants.”

Education Minister Chris Hipkins said the full reopening is a significant milestone for the international education sector, which can now start to rebuild sustainably, with a big focus on value and by attracting genuine students.

“More than 5000 international students have already been confirmed for entry as part of previous border exemptions, which means they can be here by mid-July. From the end of July, all international students who meet normal entry criteria can enrol for study here. Changes we’re announcing today seek to attract students to New Zealand to learn, while also shutting the backdoor route to residency.”

These changes include:

- Students in non-degree level courses will not get post-study work rights except where they are studying and then working in specified shortage and skilled occupations
- For degree-level and other eligible international students the length of time they can work after their studies will mirror the time they study in New Zealand. Currently some students can work for up to three years after just 30 weeks’ study. Masters and PhD students will retain the right to work in New Zealand for up to three years after their studies
- Students will also not be able to apply for a second post-study visa in New Zealand.

Full details of the Immigration Rebalance, including changes to settings, are [here](#).

Accredited Employer Work Visa

Applications to become an Accredited Employer open on 23 May 2022 with approvals to be awarded 4 July 2022. Only accredited employers meeting minimum requirements and commitments will be able to employ migrants. The rules are set out [here](#).

Source: [Beehive.govt.nz](https://www.beehive.govt.nz)

This article is brought to you by AdviceWise People, who provide WGANZ’s free employment helpline 0800 692 384. If you have any questions or would like to discuss the article, please call Philip or Anthony.