



COVERSHEET

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Title of Cabinet paper	Outcomes of the Recognised Seasonal Employer policy review	Date to be published	24 October 2023

List of documents that have been proactively released

Date	Title	Author
14/09/23	Outcomes of the Recognised Seasonal Employer policy review	Office of the Minister of Immigration
18/09/23	CAB-23-MIN-0442 Minute	Cabinet Office
14/08/23	Recognised Seasonal Employer policy review, Summary of Submissions	MBIE
14/09/23	Diagram of proposed RSE system	MBIE

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Information has been redacted on the following grounds:

Confidential advice to Government

International relations

Privacy of natural persons

RECOGNISED SEASONAL EMPLOYER POLICY REVIEW

Summary of Submissions

14 August 2023

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Introduction

The objectives for the Recognised Seasonal Employer (RSE) policy review are a set of sustainable long-term administrative settings that work effectively for the government and employers; and a scheme that respects RSE workers and upholds their rights and dignity through an improved set of policies and guidelines, backed by consistent and ethical employment practices.

Workstreams consulted on included:

System-focus

- Cap-setting process
- Method of allocation
- Labour market test
- Compliance
- Flexibility

Worker-focus

- Accommodation
- Health
- Pastoral care
- Rights and exploitation
- Deductions
- Benefits

Details of the policy options consulted on can be found in the consultation documents.

Beginning in March 2023, the second round of consultation on policy options involved engagement with stakeholders in a range of different formats including town-hall style meetings in the regions, site visits, webinars, a three-day talanoa with Pacific governments, and an online survey for RSE workers. Stakeholders were also invited to make written submissions on specific policy options. The feedback received from consultation has informed further thinking about the development of high-level policy recommendations across the system-focussed and worker-focussed workstreams.

Furthermore, a Pacific outcomes workstream was included in the policy review to adopt a strategic view of policy proposals and ensure they contributed to good outcomes for the Pacific. This was discussed in detail during the three-day talanoa with Pacific governments.

The Consultation Approach

Officials carried out targeted stakeholder consultation in November 2022 to seek input on initial policy issues that were identified. This input informed the development of policy options.

The second round of consultation was carried out over March – April 2023 on the policy options as set in “RSE Policy Review – options for consultation”. This document summarises feedback received from both rounds of consultation.

Submissions officially closed at midday 24 April 2023. Feedback was received from a range of stakeholders including RSE employers, RSE workers, Pacific governments, Pacific communities in Aotearoa New Zealand, unions, academics and additional agencies such as the Human Rights Commission (HRC) and the International Labour Organisation (ILO).

This document does not include feedback from other Government Departments, as the views of these agencies have been incorporated throughout the policy development process.

Written submissions

As of 12 May 2023, a total of 71 written submissions have been received since the second round of consultation opened. Submissions were received from RSE employers, horticulture/viticulture industry bodies, RSE workers, Pacific governments and Pacific communities. The HRC also made a submission.

Regional visits and webinars

A webinar was held with the Chief Executives of the six industry bodies on 21 March prior to commencement of consultation on 22 March. Officials visited six regions in person: Bay of Plenty, Upper Auckland, Alexandra, Nelson, Levin and the Hawke’s Bay. RSE employers were consulted in all regions visited. In person sessions were also held with Pacific community groups in the Bay of Plenty, Hawke’s Bay and Upper Auckland, and, in addition, a meeting was held with 120 RSE workers in the Hawke’s Bay.

A further four webinars were held on 17 and 18 April with RSE employers, including one particular to those in Gisborne and Tairāwhiti, and one to members of New Zealand Ethical Employers who are primarily based in Marlborough.

Additional consultation sessions were also held with the Tripartite Group, unions (including Council for Trade Unions, First Union and Amalgamated Workers Union New Zealand), the Regional Skills Leadership Groups, the HRC, ILO, and Pasifika health professionals.

Talanoa with Pacific governments

Pacific labour mobility consultation was also held on 28-30 March in Auckland with Pacific government representatives from all nine Pacific sending countries. The three-day talanoa was facilitated by MFAT. Considerable feedback was received on specific policy review options as well as on the wider success of the scheme for the Pacific, as part of the Pacific outcomes workstream. The Pacific Liaison Officers (PLOs) attended this talanoa and submitted their feedback along with their governments.

RSE workers

Since the COVID-19 pandemic, the Ola Manuia Pacific RSE Health and Wellbeing Framework has been in development to ask what health and wellbeing means to the RSE

worker. Development of this framework involved talanoa with RSE workers, employers, community providers, local councils, iwi, Pacific communities and churches. Insights from this framework were incorporated into the policy review, to identify where RSE workers see the issues in the scheme and what they would like to see going forward.

INZ's RSE worker survey delivered by Ask Your Team opened on 24 April and closed on 15 May. The survey was open to all RSE workers to provide anonymous feedback on the scheme, in their own language. The survey was open for two weeks and feedback relevant to the policy review has been incorporated into recommendations.

Māori and iwi

Māori and iwi were approached through Kānoa, Muka Tangata, the Regional Skills Leadership Groups and Te Matapihi to ensure that potential opportunities for Māori groups were emphasised around horticultural production, construction of accommodation, pastoral care or labour hire management. No feedback from Māori and iwi on the particular policy options for consultation has been received to date.

General Comments

The vast majority of stakeholders highlighted the general success of the scheme, while noting areas for general improvement:

Stakeholders including employers, industry bodies, Pacific Governments and Pacific workers have all highlighted the scheme's success and indicated that industry, RSE workers and the wider Pacific are all benefitting from participation in the scheme.

Employers and industry bodies generally regard the RSE scheme to have achieved the successful management of the seasonal labour supply and enabled industry growth. They generally consider that the scheme has facilitated New Zealanders' employment and has allowed Pacific workers to support their families and communities.

However, some stakeholders such as Unions and the Human Rights Commission expressed strong concerns about the protection of worker wellbeing in the scheme. Most submitters acknowledge that standards and expectations are shifting with regards to the wellbeing and working conditions of RSE workers. There is a widespread agreement among submitters that the RSE scheme needs to have greater flexibility, clarity, defined and consistent standards, and measurable outcomes. Achieving this would ensure the overall success of the scheme and see meaningful improvements for workers, Pacific countries, and employers who participate in the scheme.

RSE employer feedback often included an overview of their management and processing operations, as well as their projected season outlooks and individual growth plans. Many submitters noted experiencing high growth due to having access to a reliable and motivated labour force; enabling effective operation through seasonal highs and lows. Many submissions mentioned the climate and economic challenges faced across the hort/vit industry, referencing the devastating effect of Cyclone Gabrielle. This was the basis for many submitters emphasising the importance of ensuring a balance is met, between raising standards/costs and ensuring the overall cost-effectiveness/profitability of the scheme.

There were some concerns raised relating to our consultation approach and other issues being out of scope of the review including:

Some submitters felt uncertainty about the effectiveness of the review. They felt consultation was rushed so there was a limited timeframe to provide in-depth feedback on the proposed policy options. There was also uncertainty about a perceived lack of robust evidence, lack of detailed information on the cost implications of the review, and a lack of reliable data or evidence quantifying issues mentioned in some areas. Submitters particularly wanted to see additional impact analysis to fully understand the repercussions of policy proposals on Pacific nations, RSE workers, and industry.

The majority of employer-aligned submitters felt the burden of costs associated with many of the options was not fairly shared between employers and Government, and these costs would be disproportionately shouldered by employers through increased regulation,

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14 August 2023

In Confidence

additional costs, and additional compliance requirements. Some of these submitters considered that higher costs would compromise the long-term sustainability of the RSE scheme by reducing sector profitability. Some also felt the options and their related costs indicated an underlying bias against employers, and raised concerns about the validity of the review as a whole.

Some employer-aligned submitters queried whether material in the consultation documents genuinely reflected Pacific perspectives. These submitters felt that certain references to perspectives of the Pacific were in fact coming directly from the New Zealand Government.

Other submitters felt that a collaborative effort between Government, industry, and the Pacific was not being facilitated through the review, to the same degree as was present in the creation of the RSE scheme. They felt that stakeholders were being consulted in isolation, or not at all, which would lead to fragmented policy that would not work for all stakeholders.

There was concern that industry had not directly inputted into the consultation documents. Some submitters believed that objectives, guiding principles, and the scope of the consultation documents would have better reflected the RSE environment and issues, if industry had provided direct input into their development. Some submitters expressed views that the proposed policy options were too focussed on issues relating to government process rather than those directly relating to employers and workers. Submitters wanted to see the policy options, including peripheral changes further reviewed and developed and implemented in partnership with the Pacific countries, the New Zealand Government, and the industries as key stakeholders.

System-focus

RSE worker cap

Employers generally favour cap removal, and a market-centred approach to cap setting

With some exceptions, employer submissions generally favoured the removal of the cap and reliance on market forces to determine the number of RSE workers who enter New Zealand each year. They considered that the cap limits growth and removing it will enable employers to secure all the productive labour that they need.

If there is to be a cap, most employers favoured it being set three-yearly and setting the cap well in advance in order to provide increased certainty that would provide a stable platform for them to invest in accommodation and for banks to have confidence to lend. It would also allow employers to invest in permanent New Zealand workers if there was certainty about the seasonal workforce.

Some employers were concerned that a multi-year cap would not be accurately reflect the changing nature of labour demand due to labour market volatility and changing weather patterns.

Similarly, a data driven supply/demand model received support from employers, although a risk was identified that it could be inaccurate in out-years due, for example, to weather events.

Some employers acknowledged the effects on Pacific countries labour forces and suggested that the range of countries RSE workers are recruited from could be broadened, both within the Pacific and through expansion of the scheme beyond Pacific countries.

Pacific countries have expressed a range of views regarding the effect of the scheme on their domestic labour markets

Some Pacific countries have expressed reservations about the high number of workers coming to New Zealand on the scheme, and the consequent loss of skills from their own labour markets. Other countries have high unemployment rates and welcome increased labour mobility opportunities.

Worker allocation

Employers seek certainty about worker allocation

If a cap and therefore an allocation process were still to be required, there was strong support for a multi-year allocation. Key elements sought for the allocation process were transparency, an equitable approach that did not favour large employers, and ensuring that new entrants were not disadvantaged. There was little support for recent approaches to allocating the cap or for the option of an industry-led allocation process which it was felt would be subject to too many competing interests.

The option of a performance-based approach to allocation with incentives and sanctions received some support.

Labour Market Test (LMT)

Employers' primary concern was increased costs and labour access certainty

Employers are generally supportive of the New Zealanders first principle. Employers expressed discomfort with higher level of benefits required for RSE workers but not New Zealand workers. Employers expressed concern over options that further increased this disparity.

Labour market test options that increased costs for employers were generally (but not always) viewed negatively, particularly in regions like the Hawke's Bay that have been hard hit by Cyclone Gabrielle.

Employers raised concerns with the variations between regions on satisfying the labour market test. There was also concern raised about the need to recognise employers for filling permanent roles with New Zealanders, rather than measuring short-term employment opportunities.

Employers also highlighted general New Zealand labour shortages. A common assertion was that the significantly lower cost of employing New Zealanders would naturally drive efforts to employ New Zealand workers, if they were available, and therefore further policy action in this space was not required.

Several employers supported the removal of labour market testing and relying on the RSE cap as the primary means of managing the effects of RSE on the New Zealand labour market.

There was deep opposition to the RSE standard of employment option. Employers saw this as a significant and unjustified departure from New Zealand employment law, effectively setting a new minimum wage and requirements for New Zealand workers of RSE employers. The wage costs associated with such a requirement were the primary concern.

Compliance system

Submitters generally supported the options for change to the compliance system

All submitters agreed that those in breach should be sanctioned. There was considerable support for the majority of the options.

Some submitters expressed some doubt about whether incentives for good performance would be too difficult to develop and implement, or create uncertainty or potential unfairness in that it might favour larger employers with greater resources. Other submitters favoured incentives as a means to drive better performance. RSE employers often referenced existing standards frameworks such as New Zealand Good Agricultural Practice (NZGAP) as effective means of assessment to qualify for incentives.

All submitters agreed that there was insufficient compliance resource for RSE in government, which was said to be facilitating opportunities for non-compliance.

There was support for graduated sanctions, assistance to rectify mistakes, and greater clarity in responsibilities for the parties involved, and requirements on employers.

All submitters were in favour of increasing worker voice. Several RSE employers acknowledged potential power imbalances in the current system, which made expressing concerns difficult for employees. Ideas on how to improve worker voice included:

- (a) More language appropriate induction information on New Zealand employment law, including union membership and avenues for raising issues
- (b) More information provided in workplaces on employment law and union membership, with contact details for the 0800 number for migrant exploitation
- (c) Allowing unions easy access to employees in their workplaces (i.e. employers not seeking to delay or deny access unreasonably)
- (d) Development of independent worker representatives as discussed by the Tripartite Group
- (e) Use of anonymous surveys (such as the Ask Your Team surveys already in use by the sector)
- (f) More resources for Pacific Liaison Officers.

Flexibility

Submitters supported increased flexibility in the scheme

There was strong support for increased flexibility in the RSE scheme including the ability for RSE workers to move between roles, location, regions and employers without a new Agreement to Recruit being required.

There was universal support for multi-entry RSE visas so that workers may return home for a short period during the season for bereavements or significant events.

The option for multi-year visas also received support from both RSE workers and employers, on the condition that both parties could choose whether a worker returns each year.

There was some support from a range of stakeholders for not tying workers' visas to their employers as a mechanism to reduce the potential for worker exploitation, including from the ILO and HRC. However, many employers expressed concern about the risk of losing their RSE workers to other employers, after their considerable investment in recruiting workers, paying half their airfares, induction and training. Several stakeholders were also concerned that this option posed a risk to the pastoral care being delivered across the scheme.

Some employers also requested that Agreements to Recruit be streamlined or done on a three-yearly rather than annual basis.

Worker-focus

Accommodation

There is support for improving the accommodation standards, if there are appropriate transitional arrangements and flexibility

Submitters generally favoured updating the standards for clarity and consistency. Many submitters including the HRC, Pacific communities, unions and some workers expressed strong concerns about the quality of accommodation provided to RSE workers.

Many employers reported confusion around how the standards apply alongside the building code and councils' rules. Most submissions noted the need for appropriate transitional and grandfathering arrangements for existing accommodation that might not meet the updated standards.

Many submissions pointed out that different types of accommodation worked well for RSE, and the standards need to accommodate these differences. Some submissions disagreed with a more prescriptive approach and requested flexibility in how the underlying aims of the standards could be met (for example, whether the need for indoor recreational space could be met through increasing bedroom sizes if workers want to watch TV in their bedrooms rather than a common area). Some submitters also noted that the standards should recognise where certain arrangements such as catered meals would reduce the need to have kitchen space for all workers to cook at the same time.

Some submissions questioned whether purpose-built should be viewed as a 'preferred' option for RSE accommodation. However, in areas where residential housing cannot be used for RSE workers unless already included in a pre-2019 Agreement to Recruit, purpose-built accommodation is effectively the only option for expanding the number of RSE worker places. Submitters that commented on purpose-built accommodation noted the extensive costs involved and noted concerns about how changes in the standards might affect recent new builds.

Most submissions strongly agreed that the standards should require Wi-Fi in accommodation, and many asserted that this should be at no cost to the worker. Many employers reported that they already provide Wi-Fi in accommodation for workers. This option was particularly important to the Pacific due to the connection back to the worker's home country.

There were very mixed views on whether the use of bunk beds should continue to be permitted. While some submitters did not view bunk beds as appropriate, others pointed out they could be designed for adult use (such as in army/police barracks). Feedback from some Pacific countries and workers indicated that comfortable and basic accommodation (including bunks) may be adequate, if it minimised costs to the worker.

Many employers also focussed on the high costs involved in building and providing accommodation, particularly given the freeze on costs that can be charged to workers. Feedback from Pacific countries showed a strong preference for keeping costs consistent, transparent and affordable for workers.

Although there was general support for a requirement to provide workers with more pre-arrival details about their accommodation, some submitters raised that the requirement to

provide photos would cause them logistical difficulties, as they could not guarantee that the photos would be of the exact room and configurations that the worker would actually have once they arrived.

Health

Feedback on publicly funded healthcare

Several RSE employers, workers, Pacific governments, Pacific communities and the HRC recommended that RSE workers should have access to publicly funded healthcare. Several RSE employers and some industry bodies recommended that the tax rate of RSE workers be increased to enable partial or full access to publicly funded healthcare.

Feedback on health insurance

All stakeholders agreed that the health insurance currently provided is not sufficient, and specific suggestions were made as to what could be included. All stakeholders also agreed that the insurance requirements should be standardised, and clarity provided to employers, workers and the Pacific on what it covers. RSE workers were particularly concerned at the cost of health insurance, and requested clarity as to what benefit it provides them. Feedback from workers is that the insurance does not appear to meet their actual health needs when they arise, and that the cost is too high especially when they may not be using it on a regular basis. Pacific governments and RSE workers agreed that the standard should be lifted but the cost to the worker be kept at the current level or lower.

The HRC, some unions and Pacific communities were in favour of the RSE employer subsidising health insurance, while RSE employers and industry bodies were not. Pacific governments also noted anecdotal evidence that returning workers may return with health issues that would put pressure on the fragile health care systems in Pacific countries and recommended that insurance companies are enabled to disclose information that may assist Pacific countries in mitigating these risks.

Feedback on screening and removing the blanket ban on HIV+ applicants

Pacific governments noted that stringent health screening requirements and high costs entailed are barriers to worker participation in the scheme and requested that we consider relaxing the requirement on x-ray screening by extending the period of validity for x-ray certificates particularly for returning workers. They also noted that approved health centres are limited in labour sending countries, and that if these were increased the cost for workers could be further reduced.

Removing the blanket ban on HIV+ applicants was uncontroversial, except to one Pacific country who recommended it remain.

Pastoral care

Feedback on pastoral care standards

Pacific governments, communities, workers, the HRC, some industry bodies and many RSE employers noted the importance of improving the pastoral care in the scheme. Clarity was

requested by RSE employers, workers, and Pacific governments. The importance of culturally appropriate pastoral care, as well as the importance of reflecting the Pacific voice and worker voice was also noted by many. Several noted the existing support tended to be provided by team leaders in pastoral care.

There was diversity of views from stakeholders on food provided by employers. For many, the worker's choice was a key theme, noting that many prefer to supply their own food at a lower cost than what might be provided by the employer. For others, the health of RSE workers was noted and the health benefits, as well as in some cases the efficiency, of the employer providing nutritious food for workers as opposed to the workers supplying their own, less nutritious food.

Some RSE employers cited higher pastoral care standards as a potential area of inequity, however, between RSE workers and New Zealand workers, and some were of the view that pastoral care standards do not need to be lifted.

Feedback on pastoral care plans

A requirement for pastoral care plans was supported by the vast majority of stakeholders, as enabling accountability, a measure of consistency while noting the diversity of employer arrangements across the scheme, and a clear standard for the pastoral care provided. The role of Pacific Liaison Officers in development of the template as well as having sight of the plans provided by employers was also a consistent theme.

Feedback on pastoral care workers

A requirement for pastoral care workers was supported by RSE workers, Pacific governments, communities, and some RSE employers. Several were of the view that pastoral care workers should be from the Pacific, ideally from the workers' home country. RSE workers as well as some RSE employers noted that having both male and female pastoral care workers available was important. Some unions and the HRC recommended that this worker should be independent from the employer.

Feedback on advice/support mechanism for employers

Many employers reiterated the need for further support in the area of pastoral care, especially for those new to the scheme.

This support largely took the form of greater guidance about what is generally expected of employers when it comes to the pastoral care of workers. Ideally, this would be delivered through training or professional development workshops dealing with specific examples of how to demonstrate good pastoral care and what is appropriate in certain situations.

Rights and Exploitation

Feedback on Pacific codes of conduct and human rights and employment law

The vast majority of RSE employers agreed that clarity on Pacific codes of conduct and their own obligations in light of employment law and human rights would be welcomed. Clarity on rules around drinking alcohol and kava, and on curfews were mentioned. The appropriate response to worker misconduct was queried by several employers, who noted that there was often tension between the expectations of the Pacific sending country and New Zealand employment law.

There were some reports from workers that employers may not always allow them to leave the region when they are not working (for example while on leave to visit family in another part of New Zealand). Several workers also noted that they wished to hold on to their own health insurance cards.

Feedback on clear information for workers

Stakeholders agreed with the need for clarity for workers predeparture, as well as a clear set of supports available to workers throughout their experience on the scheme. Some recommended anonymous worker surveys as an assurance mechanism. The HRC also recommended information posters and a helpline for workers. Many workers requested the contact details for a direct line to MBIE, to raise concerns when they have them.

Feedback on contracts

Some unions recommended that workers should be given a right of return clause in their contracts. They recommended that union membership be 'opt-out', as part of the contract. The HRC also noted the importance of workers' right to join a union and recommended standardised contracts for all workers. Both the HRC and some unions noted that the risk of not being reselected by employers for future seasons was a barrier to them joining unions, which risked their overall human rights protection.

Pacific governments, the HRC and some unions noted that workers are sometimes sent home before the original end date of their contract, which had a negative effect on the worker and was seen to be a breach of their rights. Some recommended that in these circumstances the remaining length of the contract should be 'paid out' to the worker.

Deductions

Feedback on further clarity in policy

A clear policy on cost-sharing arrangements between RSE employers and workers was strongly supported by the vast majority of stakeholders, and in particular the need for the RSE employer to stick to what has been agreed with the worker.

A restricted set of allowable deductions, captured in a standardised deductions form was strongly supported by most stakeholders including RSE workers, all Pacific Island countries, the HRC and most RSE employers. One industry body opposed the introduction of a standardised deductions template. It also suggested a schedule of allowable deductions would be unnecessarily restrictive, as some employers assist RSE workers with upfront costs. Some RSE employers noted that workers may in this case be at greater risk financially if they borrowed from other lenders, potentially at interest.

Capping deductions at a certain percentage of wages received some support, although a protected earnings threshold was suggested as an alternative

Capping deductions at a certain percentage of workers' earnings was supported by Pacific governments, workers, Pacific communities, one industry body and the HRC. It was not supported by many RSE employers or other industry bodies.

Some RSE employers and industry bodies recommended that a protected earnings threshold be introduced, to ensure RSE workers receive an acceptable minimum income in the hand (i.e. after any deductions) in any pay period. One industry body noted that using a

percentage rather than a protected earnings threshold risked some workers receiving significantly less earnings than they may be able to survive on in some weeks. A protected earnings threshold, however, would ensure base level of income even where the worker is unable to work due to sickness or injury.

Feedback on further prescription in policy

The Labour Inspectorate and one Pacific government supported prescribing flexi-fares, while some RSE employers did not. The Pacific governments suggested a flight package could be negotiated with airlines for RSE workers.

Feedback on spreading deductions over a certain period

Most stakeholders acknowledged the common issue of deductions being recovered in the workers' first few weeks or months in the scheme, limiting or negating their remittances during this period. However, some noted that many workers prefer to pay off their deductions balance as soon as possible in order to start earning. Worker choice in this area was noted as an essential element to any new policy. The Pacific governments recommended that deductions be spread over at least six or 12 weeks at the worker's choice. Some RSE employers noted that the employer is 'out of pocket' until the deductions have been fully recovered.

Benefits

RSE employers generally opposed an overall shift to the balance of costs towards the employer, and raising minimum wage requirements over time

The vast majority of RSE employers opposed shifting the overall balance of costs towards the employer, away from the worker. Consistently raised was the concern that the horticulture and viticulture industries were already facing significant and sustained cost pressures, and the imposition of further costs was unjustified, and would cause further damage to the industries and export competitiveness. The rationale for such a shift was also questioned, given the higher level of benefits already required for RSE workers.

The majority of RSE employers opposed an overall raising of minimum wage requirements over time. Several employers highlighted the indexation of the RSE wage threshold to the New Zealand minimum wage as an example of recent (unwelcome) increases to costs, although some other RSE employers thought that indexation was a reasonable measure.

Employers also proposed other flexibility options to aid the employer, including removal of the requirement for workers to be paid a minimum of 30 hours a week, and the ability to average remuneration over a number of weeks to be reinstated.

Several stakeholders were generally in favour of a shifting more of the balance of costs towards employers

RSE workers, Pacific governments and communities, the HRC, ILO and unions supported a shift in the balance of costs in the scheme. Many RSE workers consider that all costs currently deducted for should be split 50/50 between the employer and the worker. RSE workers in the Hawke's Bay requested that the minimum hours per week be increased to 40 hours per week, and some Pacific governments reiterated this request.

Stakeholders including RSE workers and Pacific governments reported that workers often retain the same payrates after several years in the scheme. They highlighted the need to recognise team leaders, supervisors, drivers, and more experienced workers through higher rates of pay. This was emphasised as particularly important for individuals with potential afterhours responsibilities or additional duties (e.g., team leaders accompanying sick workers to medical treatment after hours).

Additionally, some unions recommended that the minimum RSE wage be increased to the living wage, and that piece rates be standardised. The HRC recommended that 100 per cent of flights should be covered by the employer, health should be covered by the government, Fand food and minimum accommodation should be covered by the worker. The ILO recommended that recruitment costs including flights should be covered by the employer, in line with their Fair Recruitment Guidelines.

Consultation with RSE workers

Ola Manuia Pacific RSE Health and Wellbeing Framework

During the COVID-19 pandemic, a range of pastoral care issues were highlighted that identified more needed to be done for Pacific workers so that they do not become vulnerable to exploitation. It also identified a lack of cultural knowledge by RSE employers in understanding and dealing with RSE workers from an employment and cultural perspective. Community and government agencies grappled with the question regarding whose role it is to lead the health and wellbeing of RSE workers. These factors have led to consideration of how to address the pastoral care of Pacific RSE workers more consistently, with a greater focus on health and wellbeing.

Ola Manuia, a Pacific Health and Wellbeing Framework for RSE workers, was developed through several workshops with RSE workers over 2021 and 2022. The cultural framework sought to embody health and wellbeing of the RSE worker, as defined by the RSE worker. As well as RSE workers, stakeholders including New Zealand's Pacific communities, churches, health providers, RSE employers, local government, local iwi and other government agencies were consulted in development of this framework. Insights from these workshops were analysed and incorporated into the RSE policy review as it progressed over 2023.

RSE worker survey

The survey showed generally high levels of satisfaction among RSE workers, with areas of concern being accommodation, raising concerns at work and time off

2,443 respondents participated in the RSE worker survey. Questions were translated into four different languages – Bislama (Ni-Vanuatu), Samoan, Tongan and Fijian and they were also available in English. Participants were assured that their answers were confidential, and that honesty was encouraged. Around half the responses were from Hawke's Bay, with Bay of Plenty and Nelson/Tasman the next largest with approximately 25 per cent of responses each. The 2,443 who participated are significantly less than the total number of RSE workers in-country over the period the survey was conducted (24 April to 15 May).¹

The overall response of the workers regarding the RSE scheme work life was positive. The vast majority (more than 95 per cent) were positive on issues around pay, treatment at work, health and safety, recruitment and employment. Ninety-four per cent stated that they were happy with their accommodation.

¹ On 12 April 13,581 RSE workers were onshore, however, just under 5,000 were to depart from that date, on 12 May 11,800 were onshore as further workers arrived.

TREATMENT AT WORK



Those that had concerns with their accommodation (six per cent of respondents), were principally concerned with crowding and lack of storage.

ACCOMMODATION – AREAS OF CONCERN AMONG THE SIX PER CENT WHO WERE DISSATISFIED



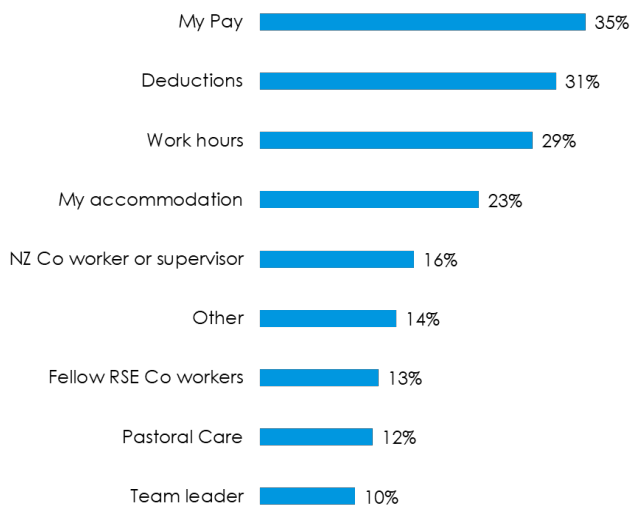
The areas with least satisfaction were holidays and rest (91 per cent) and raising concerns over their employment (93 per cent). There were nine per cent of respondents who had not received a pre-departure briefing, and eight per cent of respondent's experience did not match their expectations.

HOLIDAYS, REST AND HOURS OF WORK – LEVELS OF SATISFACTION



RAISING ISSUES

Six per cent of respondents had raised issues with their employer. When complaints were raised with the employer, they were about the following:



Team leaders were critical for raising concerns (73 per cent would go to the team leader first), and in answering questions about their work and rights in New Zealand (45 per cent would go to the team leader first) and as the preferred way of communicating about RSE (65 per cent).

Over 70 per cent communicated with home every day, and 99 per cent at least once a week.