

## THE TEMPORARY MIGRANT WORKER EXPLOITATION REVIEW:

# A summary of proposals

The goal of the Temporary Migrant Workers Exploitation Review is to reduce the exploitation of temporary migrant workers, including international students. The review will support people in New Zealand to be in safe and fulfilling work, and businesses to operate with confidence on a level playing field.

### Migrant exploitation leads to serious negative outcomes for...

#### MIGRANTS

Exploited migrant workers suffer physical, psychological, and financial harm. This harm extends to their families both within New Zealand and in their country of origin.

#### BUSINESSES

Compliant employers that promote fair and productive employment relationships are undercut by exploitative employers. This may render the business unsustainable.

#### NEW ZEALANDERS

Exploitation facilitates crimes that affect the wider community, such as fraud and money laundering. Exploitation also puts pressure on tax and healthcare systems.

#### OUR INTERNATIONAL REPUTATION

Migrant exploitation damages our international reputation as a non-corrupt, safe place to work and live.



## PROPOSALS FOR CHANGE

### PREVENT

the occurrence of workplace (and other) conditions that might enable temporary migrant worker exploitation.

**PROPOSAL 1:** Introduce liability for parties with significant control or influence over an employer that breaches employment standards.

**PROPOSAL 2:** Require certain subcontractors and franchisees to meet additional criteria under the currently proposed employer-assisted visa gateway system.

*This will leverage the system of accreditation changes that are part of the temporary work visa reforms.*

**PROPOSAL 3:** Introduce a labour hire licensing scheme providing certain protections for workers.

*This builds on the principles of the accreditation approach that is part of the temporary work visa reforms for labour hire companies by extending protections to all labour hire workers.*

**PROPOSAL 4:** Prohibit people convicted of exploitation under the Immigration Act from managing or directing a company.

### PROTECT

temporary migrant workers in New Zealand and enable them to leave exploitative employment.

**PROPOSAL 5:** Establish an MBIE dedicated migrant exploitation 0800 phone line and online reporting, and establish an MBIE specialised migrant worker exploitation-focused reporting and triaging function.

*This builds on work underway to consolidate and streamline information platforms on employment rights and migrant exploitation reporting.*

**PROPOSAL 6, OPTION A:** Develop a bridging-type visa for exploited migrant workers.

**PROPOSAL 6, OPTION B:** Improve the current INZ visa status consideration process.

### ENFORCE

immigration and employment law to deter employer non-compliance through a fit-for-purpose offence and penalty regime.

**PROPOSAL 7:** Establish new immigration infringement offences for non-compliant employer behaviour that contributes to exploitation and vulnerability.

**PROPOSAL 8:** Allow Labour Inspectorate to issue an infringement notice to employers who do not provide documents requested within a reasonable timeframe.

**PROPOSAL 9:** Expand the stand-down list to capture existing immigration offences and, in future, immigration infringement offences for employer non-compliance.

*This aligns to changes to the employer-assisted work visa changes, as having an expanded stand-down list would reduce the need for immigration officers to undertake an assessment of an employer's compliance with the immigration system at each accreditation application.*

**PROPOSAL 10:** Notify those employees on employer-assisted visas who work for an employer who is stood-down.

