

Construction sector community research – Audience and communication channels

Immigration New Zealand

Whiringa-ā-rangi 2021



Making sense of the numbers

Authors: Amanda Reid, Dr Jane Horan, and Urvashi Yadav

All work is done, and services rendered at the request of, and for the purposes of the client only. Neither BERL nor any of its employees accepts any responsibility on any grounds whatsoever, including negligence, to any other person.

While every effort is made by BERL to ensure that the information, opinions and forecasts provided to the client are accurate and reliable, BERL shall not be liable for any adverse consequences of the client's decisions made in reliance of any report provided by BERL, nor shall BERL be held to have given or implied any warranty as to whether any report provided by BERL will assist in the performance of the client's functions.

Executive summary

This research was commissioned by Immigration New Zealand (INZ) and focuses on how INZ communicates with migrant workers who are coming into New Zealand on a variety of visas to work in the construction industry.

INZ recognised that the level of exploitation happening and the unfairness of this for migrant workers, along with the rate of non-compliance with visa conditions, was not supporting the construction sector and is potentially disadvantaging complying employers. Therefore, they wished to better understand the non-compliant audience, and the communication channels best used to communicate with this audience.

This research focuses on INZ's communication processes to and within the construction sector, with a focus on migrant workers who are working illegally in New Zealand, and people who are employing them. INZ considers that, within the construction sector, there are hard-to-reach communities of workers who are unaware or not following the conditions of their visa. The research has sought to elaborate INZ's understanding of the migrant worker community and their relationship with their employers and to evolve perspectives on:

- Who migrant workers are and what has motivated them to come to New Zealand to work
- What the circumstances and conditions of their recruitment to come to New Zealand are, and how things play out when they are here
- How these migrant workers perceive their rights, and how they find out what their rights are
- The intricacies of how the whole ecosystem works, and therefore the nuances around the levers that can be used to affect change within the system.

Thus, the research has sought insights on who the group is who are wilfully or unintentionally non-compliant; identifying and segmenting these groups, so as to have a better understanding of the audience for communications; and determining what the best channels to communicate with migrant workers are.

We spoke with 22 migrant workers, who were Filipino, Chinese, and Malay. Six of these are sole trader employers or supervise/manage workers. We also spoke with four managers at two Tier two New Zealand-owned construction companies, six worker advocates, two social media stakeholders, and a representative of an Asian business association. We conducted 30 interviews across 35 people, most of whom were based in Auckland, with one person in China and two others in regional New Zealand. Eight of the interviews were conducted in person, and the rest were done via Zoom because of changes in COVID-19 Alert Levels in August 2021.

We were unable to recruit interview participants who were in New Zealand and working on a visa that did not permit work, such as a visitor visa – needing to take the research process online may have been a contributing factor for this. We asked the other worker, employer, advocate, and stakeholder participants their thoughts about why and how workers were coming here to work illegally. The consensus was, amongst the Chinese participants in particular, that those who came to set up businesses that were cash-based did so because the perception is that this is easy to do. For those who were workers and came to New Zealand to work on visitor visas, people thought that most would do this unwittingly. They would have been promised a 'pipe dream' by a recruiter that involved proper visas, pathways to residency, well-paying work, and families being able to join

them, but for many, the reality has been anything but this. These people have no way to check the validity of recruiter's claims while they are still in China, because their English language ability does not allow them to access INZ information, which is in English.

The role of recruiters in bringing workers from China is essential, because most workers do not have the English language skills or the knowledge of New Zealand to navigate immigration and employment processes. However, three out of the four participants that we spoke with who had paid between \$NZD20,000 - \$NZD70,000 to recruiters, were sold the pipe dream, and their experience here has fallen short of the promises they were made.

For Filipino workers, employment in New Zealand is sanctioned and organised through government agencies. However, for a number of the Filipino participants we spoke with, they were scammed via 'manpower agencies'¹ who do the logistics to bring workers to offshore countries, and who work directly with employers to provide workers as per their needs. Workers are not meant to be charged by these agencies; the employer is meant to pay. However, while the manpower agencies are also state sanctioned, the participants indicated that they do charge workers and threaten black listing, etc., if workers don't pay. Often employers have no idea that the agencies are 'double dipping'. The worker advocates estimated that nine out of ten Filipino construction workers arrive here having being charged in this way. They assert that this, and the potential to be scammed again when Filipino workers get to New Zealand, means that Filipino construction workers generally spend their first year here paying off debt.

Once Filipino workers get to New Zealand, the manpower agencies can 'skim' workers again by hooking them into extortionate finance plans to buy vehicles, or charging exorbitant rates for accommodation. Other workers signed punitive contracts with labour hire companies that made these sorts of payments 'legal', but their debt burden was the same.

The participants in the research indicated that exploitation for Chinese workers in New Zealand tends to involve unscrupulous employers exploiting the potential power imbalance created when visas are tied to a single employer. Some workers end up in situations where they feel they need to prioritise visa compliance over their employment rights. Others had contracts that stated they would be paid a certain rate – the employer would pay tax, but the worker would be required to pay back a portion of the money in exchange for the 'right' to work, and the visa that a company could provide. Cultural protocols around reputation, deference to hierarchy, and the need to save face, were reasons why Chinese workers felt powerless to speak up. Filipino workers were often compliant, because their experiences of working elsewhere in the world were worse, so they express being grateful to be in New Zealand.

We asked workers how they got information about workers' rights, and working and being settled in in New Zealand when they were offshore, and then when they got to this country. They all talked about accessing information online predominantly, via sources that were effectively interpreting INZ information in their languages. Chinese participants used Chinese social media and WeChat, and Filipinos and Malay, Facebook. This is because the INZ information is only available in English and most did not read English well enough to be able to access INZ material without translation. For those who do speak and read English well enough, INZ material is still devoid of the context and cultural nuance they need for adequate comprehension. Because this information is in a single language (English), and the format reflects a single cultural lens, this effectively excludes

¹ The term 'manpower' agency or company was used by interview participants in reference to labour on hire agencies, and does not refer to the branded labour supply agency of that name.

information and knowledge from those who do not read good English, and those who are from different cultural backgrounds. The impact of this is an information vacuum.

As a consequence, what has arisen in this space is a whole lot of activity that can be described as an industry of the ‘translation of INZ information’. For many – especially those with limited English – INZ websites provide a ‘one-dimensional’ version of the information they require, so these need translating according to the workers’ and/or employers’ specific set of circumstances. So, into the vacuum created, steps third parties who are taking on the role of translating the information, and they are doing so with an array of agendas. Translators include: Licenced Immigration Advisors, advocate/NGO groups/, and friends/family/associates/ peoples’ unknown networks. The implications of this translating of INZ information by others is that portions of this online activity are likely to be generating interpretations that are partial, unverified, or even inaccurate and misleading, or created with agendas that are financially extractive (both appropriately and inappropriately). Equally, these third parties can deliver information that is in the language of the migrant, and in forms and on platforms that actually do inform and communicate with workers by giving context and cultural nuance to INZ information.

We held two focus groups with 15 staff members of INZ’s Verification and Compliance branch. Compliance staff feel the most crucial information migrant workers should know is the conditions of their visa, and this information should be available in multiple languages on multiple platforms at multiple touchpoints. They thought that migrant worker’s knowledge on employment rights was generally poor, and while Licenced Immigration Advisors may pass on information, their focus was largely on visas not employment standards. They also said that expectations of minimum employment standards in New Zealand may differ based on what employment experiences migrant workers have had previously. The compliance staff said most employers know if their workers are not on the right visas, and those who are breaching employment laws know they’re doing so. They said a huge part of the demand for those working on visitor visas comes from non-compliant employers.

The desktop research we did noted that temporary migrants are inherently more vulnerable to exploitation than those who have residency rights or citizenship. Research from the United Kingdom noted those who are being exploited seldom complain because of their vulnerability and the risk of losing income. Tying visas to employers for migrant workers created vulnerabilities from the potential power differential this creates, and migrants in this type of situation also prioritised visa compliance and having income over workers’ rights. Information asymmetry between would-be migrants and those who are paid to recruit and organise for them created scenarios where migrants arrived in host countries in less than legal positions, having had no capacity to prevent this. Other research noted that the lack of separation of immigration and labour issues can breed a culture of temporary labour exploitation.

The research attested to the way migrants elsewhere obtain information. This largely reflected the findings of our qualitative research, so the determining factors of whether or not migrants use immigration services sources are:

- In-language material
- The commitment to contextualise and culturally nuance material
- The way immigration services disseminated material on social media and in off-line social networks.

Research also indicated the usefulness of information campaigns in source countries helped prevent migrants coming to host countries, either with the intention of working illegally or ending up doing so unwittingly.

Social groups and networks on and off line were shown to be very important to migrant workers. So communication channels need to be tailored to languages of migrants and be in tune with cultural imperatives, and the more diverse the forms of information, the better. The use of a mix of official and unofficial channels for information reached a wider audience. The platform InfoMigrants for example, set up by three media sources, provides information in the form of stories and narratives to create awareness around the risks of irregular migration, as well as official information that is designed to convey the parameters of the rules. The platform uses the languages of the migrants and democratises robust information.

The recommendations of this research are:

- Provide information in multiple languages
 - Having settlement and compliance products only in written English creates a real barrier for workers with low written English literacy skills
- Provide information in different formats
 - Using forms that are more varied than written information in booklets and on websites, can deliver information in contextualised and culturally nuanced ways, including spoken, pictorial, and diagrammatic information
- Widen the distribution channels and platforms of information, including collaborations with third parties
 - Third party translators are using Chinese social media and WeChat to communicate with the Chinese community in New Zealand and China, and Facebook to engage with Filipino and Malay communities around the world
 - Partnering with community organisations, Licenced Immigration Advisors, and worker advocate groups may help to disseminate information on official as well as unofficial networks
- Take a whole of government approach to the information needs of migrant workers and their employers
 - Whole of government and industry collaboration is key to shared understanding of the role of migrant workers in the construction sector.

Contents

1	Introduction.....	1
1.1	Scope.....	1
2	Findings	3
2.1	Interviews with migrant workers, employers, and stakeholders	3
2.2	Focus groups with Verification and Compliance staff.....	18
2.3	Desktop research	20
3	Recommendations	26
3.1	Provide information in multiple languages	26
3.2	Provide information in different formats	27
3.3	Widen the distribution channels and platforms of information, including collaborations with third parties.....	27
3.4	Take a whole of government approach to the information needs of migrant workers and their employers	28
Appendix A	Research methodology	30
A	Interviews with migrant workers, employers, and stakeholders	30
B	Focus groups with Verification and Compliance staff.....	35

Figures

Figure 1	2021 Resident Visa diagram on SkyKiwi, 2021 (Chinese).....	16
Figure 2	2021 Resident Visa diagram on SkyKiwi, 2021 (English translation)	17

1 Introduction

Business and Economic Research Limited (BERL) was commissioned by Immigration New Zealand (INZ) to undertake research on communicating with migrant workers in the construction sector who are coming into New Zealand on a variety of visas. The research comes under one of four priority initiatives in the INZ Construction Sector Strategy, being to increase the reach of information and education in the construction sector.²

INZ recognised that the level of exploitation happening and the unfairness of this for migrant workers, along with the rate of non-compliance with visa conditions, was not supporting the construction sector and was disadvantaging complying employers. Therefore, they wished to better understand the non-compliant audience and the communication channels best used to communicate with this audience.

The overall research objectives were to:

- Tell the stories of migrant workers who are coming to New Zealand to work on visa categories that are not for work
- To understand and contextualise the labour supply chain that is bringing migrant workers to New Zealand
- To gain insights on the ecosystem within which the migrant labour sector is working to shed light on how exploitation is taking place
- To understand the communication channels that would reach this group of migrant workers.

The research was intended to generate insights to help INZ create effective forms of communication that inform migrant workers in ways that create greater compliance with visa conditions and minimise exploitation of workers. Additionally, the research would shed light on how the ecosystem of migrant labour in the construction sector operates.

1.1 Scope

This research focuses on INZ communication processes to and within the construction sector, with a focus on migrant workers who are working illegally in New Zealand, and people who are employing them. INZ considers that, within the construction sector, there are hard-to-reach communities of workers who are unaware or not following the conditions of their visa.

The research focused on three migrant worker nationalities – Chinese, Malaysian, and Filipino workers – as identified by INZ in its operational activities. Unite Union advocate, Julia Liu summarised the issues this way: “There is a language barrier, a culture barrier and a knowledge barrier.”³ Part of this research was about shedding light on how these barriers are impacting migrant workers and employers of these workers within the construction sector ecosystem.

INZ had a set of assumptions/perceptions about the hard-to-reach worker communities that they are seeking to communicate more effectively with. These included:

² Priority initiatives in the INZ Construction Sector Strategy, approved 28 April 2021.

³ <https://www.stuff.co.nz/business/industries/124279195/its-all-fake-chinese-migrant-builders-sold-a-dream-left-exploited-and-hungry>

- The impact on migrant workers who are not following the conditions of their visa is that they are at risk of exploitation from their employers and are in New Zealand unlawfully
- Unlawful employers of migrant workers are not acting lawfully and are misusing the immigration system, and may be undercutting compliant competitors
- The impact on INZ is that visas are not being used for the purpose that they have been approved for. This adds to compliance costs and places migrant workers at risk.

The understanding of the migrant worker community and their relationship with their employers was limited. Therefore, the following constituted the scope of the research process:

- Who migrant workers are and what has motivated them to come to New Zealand to work
- What the circumstances and conditions of their recruitment to come to New Zealand are, and how things play out when they are here
- How these migrant workers perceive their rights, and how they find out what their rights are
- The intricacies of how the whole ecosystem works, and therefore the nuances around the levers that can be used to affect change within the system
 - This includes the nature of the relationships between and within the construction sector to do with the nature of contract allocation, the community, and the middlemen sector, the regulatory environment created by the visa categories, what constitutes a satisfactory system from the perspective of migrant workers, employers, the construction companies who hold the large contracts that then commission smaller contractors etc., and advocates of migrants.

INZ wishes to understand:

- Who is the group who are willfully or unintentionally non-compliant
- Can we identify and segment these groups to have a better understanding of the audience
- What are the best channels to communicate with migrant workers.

With a clearer map of the channels of communication, and what channels work well, INZ will be able to improve the reach of information and education, particularly to harder-to-reach communities.

2 Findings

To answer the research questions, we predominantly utilised qualitative research including interviews and focus groups. The methodology for the interviews included information gathering and relationship building to facilitate recruitment of interview participants. This preparation included discussions with stakeholders and employers, community leaders, and worker advocates to pitch the idea of the research in order to establish the integrity and parameters of the research, as well as the potential contribution it can make.

We also undertook a scan of academic, government, and market research to better understand how some comparative countries communicate with migrant workers. This section covers the research findings. Further detail about the research methodology, including interview and focus group participants can be found in Appendix A.

2.1 Interviews with migrant workers, employers, and stakeholders

This section presents the findings from interviews with migrant workers, employers of migrant workers, and stakeholders. To maintain confidentiality, all participants are given unique identifier codes, which are used to attribute quotes and experiences to throughout this sub-section. Appendix A provides further details of these interviewees.

2.1.1 The labour supply chain that is bringing migrant workers to New Zealand

Migrant workers on visa categories that do not permit work

We asked the Chinese migrant employment advocate we spoke with why workers would come here on a visitor visa to work. She said that they just wanted to make money because the perception of risk associated with coming to New Zealand (if they had any perception of this) was minimal compared to the reality of their lives and the lack of prospects they have in China.

The New Zealand Pākehā union advocate said,

“[The workers] must know how easy it is to work in New Zealand, that we have a system of subcontractor subcontractor subcontractor, so you can turn up on the day, and get a cash job, nobody pays tax, nobody has employment agreements, nobody. And if you are an employer, you know that if you're caught doing it, you are just told you shouldn't do it; you are 're-educated', you get given a booklet on what you should do. That's what happened to those ten workers [who were deported from Auckland at the beginning of 2021 after a stay in Mt Eden prison]. The employer was told not to do it again and that was all. That's what everybody thinks anyway, that's what's all over Chinese social media.”

The Migrant Association advocate (who is also a Licenced Immigration Advisor), said that,

“The agents have been selling a pipe dream...people are paying 10s of 1000s of dollars to be trafficked into this country.... So, the easiest visa to get quite often is the visitor visa, and the way the traffickers are doing this is quite sophisticated, so it's not easy for authorities to uncover what is going on. So those people, the vulnerable migrants, they're being told: 'you go on this visa and we'll have a job ready for you'. Some of those people may know that they are doing this unlawfully, but I think a lot of the times people don't because of the language issues, or maybe the country they are coming from, all of this may be acceptable and the laws are not implemented and enforced to the extent that they are in Aotearoa.”

The role of recruiters for migrant workers coming from China

Four of the nine Chinese participants we spoke with, had paid recruiters in China to facilitate securing a work visa and job in New Zealand, and their relocation and settlement here. Four others came in on study visas (which they paid education consultants to help secure), and one came in on a partnership visa. All of the participants said that if you don't speak good enough English, there is no other way to get to New Zealand other than pay a recruiter/agent. This is because they literally need someone to 'translate' the rules into their language, to tell them how to go about getting visas and work, and how to settle into New Zealand. The rates these participants paid ranged between \$NZD20,000-\$70,000 to come to New Zealand and/or to secure visas once they were here. We heard about many others who have paid this sort of money too.

Three of the four Chinese workers who paid recruiters, were victims of the 'pipe dream' the recruiters were selling, but did not intend to deliver. Mr CW16, who is an experienced spray painter and has worked in Japan and Dubai, paid a recruitment agent in China around \$NZD45,000 to come to New Zealand. He said, "The promise was they would find a job for me, and I had to pay them a certain service fee. And if I do well, maybe I stand a chance to get permanent residency...But after I came here, I found out that there is not really such chance."

Mr CW18, a carpenter, knew his recruiter for a number of years and had worked with him in China. His recruiter claimed to own a big company in New Zealand, and that they were recruiting under the authorisation of the New Zealand Government. He was promised a three-year contract, and would be entitled to migrate to New Zealand, and his family could come too. Once Mr CW18 got here, the reality was far from the promises made by the recruiter. Mr CW19, a bricklayer with over 30 years' experience, who had left high paying work in Singapore, paid \$NZD60,000 to the recruiter before he left China to come to New Zealand in 2017. We asked Mr CW19 why he trusted the recruiter. He said that he had met him in China in 2006/2007, and that the recruiter had applied three times over the next few years for a work visa for Mr CW19. He said,

"Having known him for more than 10 years, I thought a liar could not be an immigration agent for so long, so I trusted him; whatever he said I believed. I didn't know anything about New Zealand myself. He [name of the recruiter] said he had been an immigration agent for more than 10, 20 years. I think hundreds if not thousands of people have come here via him to New Zealand, but many were cheated by him."

Not everyone had an unsatisfactory experience with agents though: Ms CW20 and her husband, who is a certified structural steel rigger-welder, paid the equivalent of \$NZ20,000 to come to Auckland. The agent didn't guarantee Ms CW20's husband a visa or a job, but they signed a contract with the agent with the understanding that the company would look for these for them for three years. They supplied their documentation to the embassy in China and did most of the work to secure the visa, but were expertly guided by their agent. Ms CW20's husband received an essential skills visa and he arrived in November 2017, while she and their child came in on a partner visa in 2018. The agent helped Ms CW20's husband to secure a job as a rigger-welder with a New Zealand-owned company, who are excellent employers. He worked 40 hours a week with an hourly rate of \$27.50, and was paid all the appropriate statutory holiday and annual leave payments and overtime if he worked more hours. He remained working for the same company from the time he arrived in 2017 until he, Ms CW20, and their child went on holiday back to China in January 2020 and got stuck there because of COVID-19 boarder closures. Their agent helped with their settlement process as well. Ms CW20 said of her husband's employer, and of the process that their agent had facilitated, "when we were working in New Zealand, we were truly satisfied. I haven't actually faced such a good situation before."

Mr CW14, a wholesale sales person in a plumbing company, said that some of the workers he oversaw in his capacity as a construction site supervisor in a previous job have paid \$NZD20,000 or more to agents. His personal estimate is that 30 percent of recruiters were unscrupulous, and over-charged and under-delivered what they promised.

The reality for all four of the Chinese participants who paid significant sums to recruiters to come to New Zealand to work in the construction industry, is that none of them had any way to verify the promises made by the people they were paying money to in China. For them, the absence of information with which they as workers could make an informed decision about which recruiter/agent to pay to help them get to New Zealand gave the recruiters they used significant power over migrant workers, and “equity” (as Mr ME&W11 described it) to do exploitation with.

Manpower agencies in the Philippines

Filipino workers all talked about how normalised it is for people to work offshore, and on a national level, the importance of remittances from offshore workers to the Philippines economy. The systemisation of this process of exporting labour is fully supported and facilitated by the Filipino government through the Philippines Overseas Employment Agency (POEA). On a personal level, each of the workers we spoke to, had family they were sending money back to in the Philippines. The Filipino union/migrant advocate we spoke with said that ‘manpower agencies’ proliferate in the Philippines.⁴ They are the intermediary (“middle-man”) between workers and employers in other countries like New Zealand, and manage the logistical requirements of the visa (vetting and preparation documents for pre-deployment), relocation, job finding, and settlement processes. The Filipino union/migrant advocate maintained that while these companies are sanctioned and accredited by POEA, corrupt practices are common. The advocate explained:

“Supposedly, no money should be paid by migrant worker when they depart Manila, but most workers do, I’d say nine out of ten workers end up having to pay...We call this a triangle employment system. For example, Dr Jane owns a construction company, and I am the manpower back home and Juan is the migrant worker. Juan is looking for a job. There’s four million unemployed Filipinos right now, and Juan, a builder, is walking around looking for work. So, Juan will give his CV to me, and I will vet it to check if he is sufficiently qualified. There’s Dr Jane in Auckland with her construction company who needs a builder for her construction site. I give her Juan’s name, and Dr Jane’s construction company will pay me a minimum of \$NZD7,000-8,000 per person I find for them...Supposedly, the rule of thumb is, and this is government policy, I should not be asking Juan for anything, but I do.

There are some good players, who don’t want money but most manpower agencies do, it is a rampant corruption. I will ask money from Juan. I will tell Juan, if you don’t put any ‘grease elbow money’ my way, I will not put your name down, so you will not go to New Zealand. Juan is desperate. Juan pays the money. Where does Juan get the money? Yeah, me: I also work/manage a lending company. Normally their pricing is around \$NZD2,000, sometimes more – manpower agencies call this “processing fees for admin”. There’s no receipt, they don’t pay taxes. I send Juan to Dr Jane’s construction company in New Zealand...So the \$NZD7,000 from Dr Jane’s construction company is for my legwork for finding Juan, for securing a visa for Juan, and then his plane ticket, so Juan is off to New Zealand. The

⁴ The term ‘manpower’ agency or company was used by interview participants in reference to labour on hire agencies, and does not refer to the branded labour supply agency of that name.

\$NZD2,000 plus [that] I get from Juan is my grease money, which is totally unnecessary because I got paid \$NZD7,000 already by Jane Construction.”

Mr FW1, a builder, who has been in New Zealand since 2017, saw a billboard in Manila that was advertising the recruiting of construction workers to work in New Zealand, so he went to the POEA. A New Zealand employer was there that day recruiting for construction workers for his labour hire business. Mr FW1 was interviewed on the spot and was offered a job with a legal visa. He was then directed by POEA to a manpower company to help him complete the visa process and the logistics of getting to New Zealand. Mr FW1 said that he was told by this agency that he would be required to pay around \$NZD6,000 which would be taken from his earnings. He didn't want to do this so he went to another manpower agency, which he was told did not have this type of fee, but he ended up paying the fee and more once he got to New Zealand.

2.1.2 The ecosystem within which the migrant labour sector is working

What exploitation looks like in New Zealand: Filipino workers and manpower agencies in New Zealand

The Filipino union/migrant advocate explained to us what he is seeing happening when workers get here. He said New Zealand based subsidiaries of the Filipino manpower companies get involved in worker care when they get here, but exploitation is rife in this space too. Accommodation can be charged at exorbitant rates; workers need transport to get to work, so the manpower agency will recommend a car salesman,

“They will skim you and put you on the worst possible financial plan for a car....an army of migrant workers in the construction industry came from the most impoverished sectors and provinces of the Philippines, many are farm people. Imagine, ‘I haven't had a car in my life’. They tell me to get a BMW, I get an X5 immediately, and I get debt...the workers end up being covered in debt, so many ways to skim the system... there is a saying we have, the first year [working in New Zealand] is always the year to pay your debt.”

Whilst Mr FW1 thought he had avoided a fee from the manpower agency he used in the Philippines, when he finally arrived in New Zealand, he was picked up at the airport by the New Zealand arm of the manpower agency he was connected with. They informed him there would be a deduction for their services, which included accommodation, car, and orientation. He was not told about this in the Philippines – the Filipino union/migrant advocate called this ‘double dipping’. His employer forwarded his whole salary to the New Zealand-based manpower company for the first months of his employment in Auckland, so he ended up paying well over \$NZD7,000 for the cost of his accommodation, etc. It was not known if the employer also paid the manpower company.

Another worker, Mr FW5, a scaffolder, went through a similar process via POEA to get to New Zealand in February 2019. The manpower company was organised through POEA too, but he did not have to pay a fee. However, Mr FW2, a plumber, got ‘stung’ by the cost of settlement when he got to New Zealand and was made to pay for tools that he was not going to use. Mr FW4, a pipe lagger, signed a contract in the Philippines with his manpower company, so effectively agreed to a ‘legal’ fee. He said, “The fees are really high, I think they can charge the workers, because there's nothing free, but not too much. You should charge us only what is due.” Mr FW2, who works around 60 hours a week said, “we love it that there is a lot of government support in New Zealand, because I've experienced a lot of things in other countries that I worked in so for me it is lot better here...but I was actually surprised, even shocked, at how much we have to pay for so many things while living here, to the point that there is almost nothing left for us [after expenses].”

What exploitation looks like in New Zealand: Versions of exploitation experienced by the Chinese migrant community

Mr CW14, the plumbing company sales person, talked about a previous job he had as a site supervisor where he ran a team of carpenters. He routinely worked 60+ hours a week, but was paid for 45. He said this was because he was on an annual salary, “If you are paid annually, they can ask you to work more.” He got pay slips and reports from Inland Revenue Department, so his boss was paying tax, but he was being underpaid.

Mr CW15, a construction site supervisor and project manager for a Chinese developer, had also studied in New Zealand and then got an open work visa. Previous to his current job, he replied to an ad on a Chinese social media platform, SkyKiwi,⁵ aimed at graduates to become an installer of insulation for a Chinese-owned business. The contract he signed was seemingly legitimate but the reality of the job was quite different. He was employed on a \$NZD300/week plus commission basis, but the pricing model that the company used to calculate the commission meant that he effectively owed them money after bringing in \$NZD50,000 worth of work over two months and working 14-hour days six or seven days a week.

Mr CW16, the spray painter, told us about a Chinese migrant friend of his who works in Botany repairing equipment, and he has an agreement with his employer to be paid \$25 per hour; but every week he has to pay back a certain amount of money to the employer. He works 70-80 hours per week, and only gets paid \$NZD700-800 each week with no holidays. Mr CW16 said, “He doesn’t know what could be done to solve the problem. The only thing he had in mind was to find another employer...He asked an advisor to change employer for his visa..., but it’s going to cost him quite some money.”

We spoke with Mr CW17, a carpenter and painter, on the day of the announcement of the new pathway to residency visa. He already has permanent residency, but he said that he had many friends who were very happy about the visa. He said, “They don’t need to worry what their bosses think of them now, they’re kind of free. They don’t have to keep looking at the bosses face [to check their mood] anymore.” Some of these friends were in schemes with an employer to effectively buy work to residence (WTR) visas: one friend had paid \$NZD50,000 to his employer here in New Zealand for this. Mr CW14, had a friend who paid \$NZD20,000 to an agent to come to New Zealand, and another \$NZD50,000 to a local agent to secure a job with WTR (which he got).

⁵ SkyKiwi, 新西兰天维网, <http://www.skykiwi.com/>, is a website and is one of the main go-to social media platforms for local and global information and news for the New Zealand-Chinese community in New Zealand. Other Chinese social media sites that were used by the participants in this project are: 看看新西兰, Kankan New Zealand; 936全资讯, 936 All Info, which connects to the Chinese radio station, AM 936; 新西兰后花园, New Zealand’s Backyard/garden, <https://nz.hougarden.com/>; 这才是新西兰, This is New Zealand, which has no website of their own, but content can be found on other platforms, such as Netease (a very popular and common Chinese blog website), as well as others, e.g. <https://nz51.net/>; 新西兰中文先驱网, Chinese Herald, <https://www.chineseherald.co.nz/>.

These are not accessible from China. WeChat is a separate app/platform that is not directly affiliated to any of the New Zealand Chinese social media accounts listed above, but all of these use WeChat as another online space to build their brand/service and interact with people. WeChat and Chinese New Zealand social media are intricately connected via QR codes that link between forums, chat groups, etc. WeChat is used by Chinese speaking (and some English speaking) people around the world. WeChat houses ‘official accounts’ which can be set up by any individual or organisation and requires identification to do so. WeChat official accounts are often available to Chinese people in China.

Mr CW18 paid \$NZD40,000 to a recruiter who promised a visa (which he did get) and high paying work, but when he arrived, the work did not materialise. There were irregularities in the way his visa was applied for too, so he has had trouble renewing his visa subsequently. Mr CW14 told us about a group of Chinese workers who were deported from a worksite that his friend supervised eight other Chinese workers on, and where Mr CW14 had previously worked. He said that the men's employer had promised them \$40 per hour and they were there to make money, but they only got paid \$27 per hour because they were not paid for every hour they worked. Neither he nor his friend were aware of any sanctions that the employer suffered, he said, "deportation should be the last choice; they came here to earn money...I don't believe INZ."

The consensus of workers and advocates was that the system is not victim centric. Whilst there are rules in place to penalise employers, there was no 'teeth' in the system to enforce this.

The role of cultural frameworks in the structures and contexts of exploitation

Exploitation is a contravention of employment laws, but what migrant workers perceive as exploitation - until they are fully conversant with the laws of their new country - will be a function of the context in which they have grown up, as well as their experience of working offshore elsewhere in the world.

Chinese workers, English language ability, and hierarchies of social interaction

A number of the Chinese workers talked about how Chinese migrants will default to finding work in the Chinese New Zealand construction sector. This is because they do not have the confidence that comes with higher English language skills to work for New Zealand businesses, and that what passes for exploitation within a Chinese world view versus a 'Kiwi' one is mitigated by different factors. Mr CW14 said that people put up with exploitative wage issues in particular because they are too afraid to speak up. The Chinese migrant employment advocate we spoke with said that their fear is based on the particular social norms and imperatives that orientate Chinese migrants' positioning in society and rules of social interaction. She said,

"If they speak better English, that means they could find employment outside the Chinese community, and then they would have a better bargaining power. When you don't speak English, your employment is confined within the community. And so [you don't speak up] you don't want to jeopardise the ties, that are important for employment opportunities. You worry about word of mouth, because a bad reference would undermine your future career path. That is a real constant concern and worry for Chinese people."

Mr CW15, who posted on SkyKiwi about his experience of being exploited by a New Zealand Chinese firm, speculated that he was probably foolish to do this because of the potential risk to his reputation. While a number of the people who commented on his story post said this, others were supportive of his courage to chronicle his experience.

For the Chinese participants we spoke with, while notions of 'workers' rights' are contingent on the environment and cultural frameworks that people have grown up in, this is further complicated by other cultural imperatives for the Chinese migrant community. The worker participants and the advocates we spoke to asserted that the awareness of what constitutes 'workers' rights' in New Zealand is largely understood by Chinese migrants, but competes with deference to the Chinese notion of maintaining 'face'. This can change through time though, the longer a person is in New Zealand - and as they acquire more information about exploitation here.

It took Mr CW15 time in New Zealand to grow his awareness and confidence to speak out, and to acquire a reference point for what was acceptable here. What also made a difference was that he got another job that he really liked (his current job being a site supervisor and project manager for a Chinese developer), and he was fairly certain that his new boss had sufficient integrity to not hold his previous experience of exploitation against him, or the fact that he wrote about and published his account on SkyKiwi. When we asked Mr CW15 what information he needed before he took on that job that could have potentially prevented the exploitation, he said, “We know the basic rights; we just don’t think it can come true. We don’t believe it. I just didn’t think it was true... because everybody starts from \$300 per week there...it feels normal. Even when we knew what the minimum wage is in New Zealand.” He also noted that he didn’t know that pay slips were compulsory when he graduated with his two-year Master’s degree from AUT. He said, “So still, I had a basic lack of knowledge I guess, or we just trusted employers too much as graduates.” And when we asked him if joining a union was an option for him, he said, “I don’t even have a concept of a union, it’s like a fairy tale! It doesn’t exist in the Chinese community...and if you did join, you might be isolated by your colleagues.”

Mr CW15 saw others creating discussion about exploitation experiences on the SkyKiwi forum where he posted his story. This gave him context and understanding about what exploitation is, and prompted him to post his own experience. Potentially, if information and discussion about what unions are and how they can potentially work for migrants was more readily available and visible on Chinese social media, this ‘fairy-tale’ nature of unions and workers’ rights might evolve.

Filipino workers’ experiences elsewhere in the world and their ‘debt of gratitude’

For the Filipino workers we spoke with, what constitutes exploitation in New Zealand is often relative to their experiences in other offshore locations and their sense of gratitude about being here. New Zealand represents a relative utopia for Filipino workers compared to many other places worked around the globe by the Filipino diaspora. The Filipino union/migrant advocate said that New Zealand as a work destination represents the gold standard for workers. He described standard work conditions in Saudi Arabia and Qatar, where workers routinely get their passports confiscated; are housed in substandard, bunker-type accommodation; have very limited freedom; travel home only every two years; and have employers with real, punitive power over them. Therefore, their acceptance of illegal conditions here is a function of this reality.

The advocate said Filipinos in New Zealand are a “most docile” workforce, “So we say that Filipino migrant workers are vulnerable before they even get here, either they’re covered in debt or they have experiences in different atmospheres of working so they will not talk back.” A number of the Filipino workers talked about a ‘debt of gratitude’ they had towards their employers, in particular the ones who brought them to New Zealand and have sponsored their visas. This is especially the case with WTR, where workers are tied to their employers with their visa, even if the actual circumstances that they were living and working were less than ideal or even illegal.

Mr FW2, a plumber, talked about his debt of gratitude to his employer, and how this meant that he took redundancy in the wake of the lockdown in 2020. He waited, hoping to be reemployed by them, even turning down other work. He was eventually reemployed by this company after three months of no work.

Wage levels: Auckland Chinese construction sector and ‘compete with price not service’

Ms MW&E12, who is a kitchen and bathroom designer and owns a residential home renovation company, said that the smaller Chinese contractors compete with price, not service to the extent

that this constitutes their fundamental business model. Ms CW&E22, who has her own architectural business, said that she pays her migrant Chinese contractors fairly, but that she is aware of other Chinese-New Zealand architectural firms who require 'free labour trial periods', and then put the workers on low rates if they make the grade. She herself experienced this sort of exploitation when she graduated with her Master of Architecture from a New Zealand University. She said it makes it very difficult to compete with those other firms.

Mr CW15 said that, in his view, undercutting employees' wages is how Chinese-New Zealand companies compete, "they don't directly gain money from exploitation from my experience. They are doing it because of competition... that's how they reduce the price. From my experience, for Kiwi companies the sales are better, but because the margin is really low, that's how New Zealand-Chinese companies do things."

Mr CW15 also felt there was an element of racism in the way many New Zealanders won't work with Chinese-New Zealand companies in the residential construction industry in particular. He said, "Chinese developers perceive that their services are 'cheap', so they reduce their price, reduce their quality... our price is incredibly low, and our efficiency is incredibly high. But the Kiwi developers don't choose us. So, we can only work with Chinese developers...Very few Kiwi customers come to us."

The Chinese migrant employment advocate we spoke with indicated that there is too much to gain for employers via exploitation through cost cutting of employee wage levels.

"If an employer claims that they are not aware of the rules, that is nonsense. They know. They are aware but the trouble is that the price for breaches is too low. And the return is very high, so the temptation is very very high...the chances of them being caught and prosecuted is pretty slim, really small."

She fully supported the need for quotas of migrants, whilst acknowledging the need for migrant labour in sectors like construction. But asserted that enforcement of measures to punish the perpetrators of exploitation and not just the victims, was key to support compliant employers, and that these were currently under-utilised.

Mr ME&W13, the business development director of an Asian-owned subsidiary, said that the issue of illegal workers who were being paid less by unscrupulous companies was so widespread that it was really impacting their capacity to compete in the market as well. He said,

"INZ should play a more active role in addressing the non-registered workers and their companies. I wouldn't say they came to New Zealand illegally, but they're causing a lot of trouble in our industry. The exploitation of these workers is not good... but they are also causing a lot of disturbance, and unnatural business for construction...[from the perspective of] a reputable company like ours, to establish in this market is very tough...some of them are earning tonnes of money but they don't pay it back [in tax]. And they undercut our price/quotation, and give very false impressions of the actual construction costs.

Rightfully, in a proper manner, we should fight on equal terms...Usually 1-2 of them bound together with a proper company; we can call it exploitation, cost-cutting, it is a real problem for us...It gives a very unhealthy business environment for newcomers like us...they get to quote without GST. And that earns you a lot of money, because they don't pay tax....: these workers, they are either on their own doing their jobs, or employed by companies who do it, who undercut us...in terms of quality and cost, we can compete with the locals. But

Chinese-New Zealand companies undercut us easily like that, but the Kiwi companies have a better home base, so they have something different going on.”

The participants indicated that the combination of the perception that there is little-to-no enforcement of sanctions against those who are undercutting employee wages and doing cash jobs, and the reality that this is an actual business model, effectively advertises this to those elsewhere in the world. It is possible that while workers come to New Zealand from China after paying large sums and unwittingly end up with a tourist visa, others might come explicitly to set up business to operate in this way because they largely can. The Chinese migrant employment advocate said, “By not dealing with migrant exploitation, the whole system is eroded.”

Wage levels and equivalences

A number of participants made comments about how wages in the Chinese-New Zealand economy were lower than for comparable work in the broader New Zealand economy when you worked for a New Zealand firm. They also said wages were lower if you were a migrant in a New Zealand firm, because the levels set are according to visa requirements and not market rates. Mr CW15 said that he based this on what friends who were working for New Zealand companies were getting, but he found it difficult to get information on equivalences. Mr CW18 has a job lined up that will pay him \$27.50 per hour, but was aware that New Zealand builders get around \$35 per hour. While he had certifications from Singapore, he does not have New Zealand qualifications. He said,

“It’s very hard for Chinese people to get the carpentry certification because we don’t understand English. It’s very very hard for us to get the qualification...the employer recognises [that he is as skilled as a master builder], but the New Zealand government does not.”

Mr CW15 said that lack of ability to speak English and access information and cultural context that this gives people was one of the main contributors to worker exploitation in New Zealand. He said,

“Those people who don’t speak English... they don’t know how much their value is until someone is willing to pay them \$30-40 per hour. Before that, it’s all gaslighting. They believe whatever they are facing... that they need to face exploitation to get a work visa.”

Mr FW4 told us about some Filipino builders he had meet on a worksite, who had worked in Saudi Arabia and Japan, and were very experienced. However, they had a different job title here and the contractor did this so that they could pay these builders at a much lower hourly rate. Because they had no qualifications that INZ recognised, their boss was able to get away with paying them a lot less. The Chinese migrant employment advocate said that she was aware of this type of scenario too. She noted that the COVID-19 pandemic and closed borders have made some difference to this, because of the scarcity of labour which has upped hourly rates, but not to any great extent.

Visa compliance over worker rights: Consequences of tying visas to employers

Mr MW9, a Quality, Safety, Health and Environment national manager at a European-owned subsidiary, said that the Filipino labour hire workers that he encountered are often extremely good workers but they are ‘captured’ by punitive and exploitative contracts and the way their visas are tied to a single employer. His company seeks to employ good workers that they encounter from labour hire companies directly, but they have to pay large fees to get the workers ‘released’ from their contracts. It is best practice from a health and safety/risk perspective to have workers under their direct employ. He said,

“I’m sure those companies need to make a profit, but they’ve already made a profit from all the years we have paid them for the workers. I think this actually prevents a lot of employers trying to hire skilled workers directly...this is occurring a lot, we try to hire a lot of workers directly, I would like them to be directly under [name of his company], because then they get the benefits from the company and we’ve got insurance, we’ve got a lot of things that we can provide... [Not being able to do this] is a huge cost to our business, not only in terms of money, but also in terms of the quality of the end result of the product. So, when you get a new employee, you’ve got to train them up from scratch, because construction is not a place where you can just learn something within a week or two, you’ve got to take time to learn the trade, to learn the skill, to learn the risk. And then you get a good pool of people that can actually do the job.”

The Chinese migrant employment advocate said that exploitation is enabled systemically, because workers feel they need to prioritise their immigrant status over the employment rights because visas are tied to a single employer. There is also a cultural component for Chinese workers because of the shame and fear around calling out employers who are being exploitative. Mr CW15 said that Chinese workers come to New Zealand with a basic awareness of worker rights in this country, and this emboldens them in many ways to pay the high fees to recruiters to obtain an essential work visa. But “after they come to New Zealand, they discover that the actual situation was exploitation, but the essential work visa bound them to the same employer... so essential visas are slave visas... they stop the free market competition.”

The Filipino union/migrant advocate said that tying a visa to a single employer creates a massive power imbalance that is highly problematic for the workers from day one. Migrant workers should have the same rights as New Zealand workers, which is the reality – until an employer decides to be unscrupulous. The Migrant Association advocate noted that New Zealand workers can exercise their worker rights as per New Zealand employment law, but migrants can’t do that because of the power imbalance. Consequently, they always have to consider the conditions of their visa compliance over workers’ rights because of the power that employers have over them.

Questions on the cash economy

We heard anecdotes from people about working for cash in the Chinese-New Zealand construction sector in particular that pose questions about the extent of the cash economy. These participants came in on generally study visas, and then acquired open visas after they graduated. Some found themselves in between jobs from time to time, so because cash work is so easy to get, this seems to be a routine stop gap for people.

The participants indicted that notification of the availability of cash work is available through closed social media groups or often through word of mouth. Mr MW8, who is a carpenter, works for a reputable company, and supervises up to 40 other carpenters on sites. He said that he was aware that often workers who come to site via subcontractors are paid cash and sometimes at significantly reduced rates. He had SiteSafe numbers for them, but he was not sure if they were legitimate and it wasn’t his job to check, nor did he have any way of doing this when he was on site. He said, “I just had to give the numbers to the office.” He generally avoided discussing the visa status of these workers, because he had no control over this, had deadlines to meet, and felt really sorry for these workers, so he didn’t want to make their lives more difficult.

2.1.3 The communication channels that would reach this group of migrant workers

At the moment, when migrants are offshore or in New Zealand and they seek out information about: immigrating to New Zealand and what this involves; rules around working here; what settling in New Zealand requires; and what workers' rights and employment law prevail in this country, they have access to the INZ websites for trusted and official information. Because this information is in a single language (English), and the format reflects a single cultural lens, this effectively excludes information and knowledge from those who do not speak good English, and those who are from different cultural backgrounds. The impact of this is an information vacuum.

As a consequence, what has arisen in this space is a whole lot of activity that can be described as an industry of the 'translation of INZ information'. For many – especially those with limited English – INZ websites provide a 'one-dimensional' version of the information they require, so this needs translating according to the workers' and/or employers' specific set of circumstances. So, into the vacuum created, steps third parties who are taking on the role of translating the information, and they are doing so with an array of agendas. If INZ wants to communicate with migrant workers with "targeted information [that] gets to the right place at the right time,"⁶ using the languages of migrants, the platforms that they are on, and the forms of communication that resonate with them would support this strategic outcome. INZ needs to be the recognised official source in this information translation space. The immigration lawyer we spoke with said,

"Chinese workers want to come here. So, they need to know exactly what they're going to run into, and WeChat would be the place to be....and then craft it so that the worker picks it up and is able to understand very clearly in their own language, what it is about New Zealand and then you could warn them that just because they pay \$NZD30,000 or \$NZD40,000 to an agent doesn't guarantee them the work visa. Because when they get their visa it's in English, and it says Visitor's Visa and they don't know this unless they get someone to interpret, they just think they paid money so they are ok...but they just rely on this promise that it's a pathway to staying in New Zealand. So, from the very beginning, in the home country, New Zealand immigration needs to get out there and advertise and spread the word through the medium these people are going to be able to access so they get the truth."

Social media and Filipino, Malay, and Chinese construction workers

Importance of Facebook in the Filipino and Malay communities

Based on data that the Filipino union network had collected, the Filipino union/migrant advocate commented on the importance of Facebook and smart phones in the lives of Filipino construction workers. He said,

"The simple pleasures of a Filipino migrant worker is their mobile phone...What are they doing? They're talking to their families. And they're doing it by a mobile phone, so the mobile phone is an essential tool...they will wake up at 4 o'clock in the morning, leave the house at 5.30, get to the worksite at 6.30 or 7. When they come home, they will cook from 4 to 5, and the moment they come home, they will use Facebook...they spend so many hours on Facebook to communicate with their families [on video calls]."

Mr FW1, Mr FW2, Mr FW3, Mr FW4, Mr FW5, and Ms FW6 all talked about their Facebook use. Mr FW3, a fire rating door estimator and detailer, was characteristic of how Facebook fits into Filipino workers lives. He said,

⁶ Strategic outcome in the INZ Construction Sector Strategy, approved 28 April 2021.

“I’m a typical person who’s on Facebook, maybe a third of my day. So, I only get the INZ information about changes from there, because there’s a Filipino group on Facebook, ‘[name of Facebook page]’ or something like that, it’s a group that normally posts about immigration things and what changes are coming from immigration this month. So that’s how I get the information regarding immigration’s new policy...It’s in English, they include a link, and when you click, the link goes directly to the INZ website.”

Mr FW5 talked about another community Facebook page which has 8,500 members. He said,

“This is where we get to share our stories. It is very helpful because this is where we learn right and wrong. And when there are people who have problems, they would post it and then there will be a lot of comments from other Filipinos. And we also share experiences in this page. And a lot of Filipinos are into Facebook. That’s why so many Filipinos here, and also those who want to come here, are members of [name of Facebook page].”

Ms FW6, who works for a labour hire company to support the 120 Filipino construction workers the company hires out, said,

“It is a fact that social media is how people communicate. I can speak for the Filipino communities because everyone has a Facebook account, and Facebook Messenger is the way that they communicate with their families. And so, if [INZ]’s target audience are Filipinos, Filipino workers in New Zealand, it will only help them to spread out the message well if they are on a platform where Filipino people are. So, Facebook is a platform where people are.”

Ms FW6 routinely recruits for more Filipino labour for the labour hire company she works for and she does this specifically by placing ads/posts on 25 Filipino community Facebook pages.

Importance of WeChat and other Chinese social media for the Chinese community

All the participants we spoke with who were Chinese and Chinese Malay were on WeChat and used Chinese social media like SkyKiwi extensively. Our Mandarin-speaking research assistant communicated with all these potential participants via WeChat. The interview we did with MsCW20 (who was in China) was done via WeChat for audio, so the participant could speak with the research team and the online interpreter who were using Zoom. The omnipresence and complete integration of WeChat into the lives of the Chinese and Chinese Malay participants makes western social media look rudimentary to the extent that interaction between the two ‘parallel universes’ of Chinese social media and non-Chinese communications system can be difficult. Many of the Chinese participants did not have email for example, and several struggled to acquire this in order to sign up for a Zoom account so we could do an interview with them.

The ‘translation industry’

Given that WeChat and Chinese social media are where Chinese people are congregating online and Facebook is the platform for the Filipino and Malay communities, these are the spaces where the translation, contextualising, and culturally nuancing of INZ information is taking place.

Overwhelmingly, these are being accessed by people via their smart phones too, which is a specific modality within which to see and interact with information in.

The array of third-party translators included:

- Licenced Immigration Advisors and others who claim to be immigration consultants to offshore audiences

- Worker advocates and NGOs
- Online networks, community forums, and chat groups, which include family / friends / associates / unknown people.

Whilst it was beyond the scope of the research to determine the veracity of information we saw online, it was clear that the volume of translated information potentially enables:

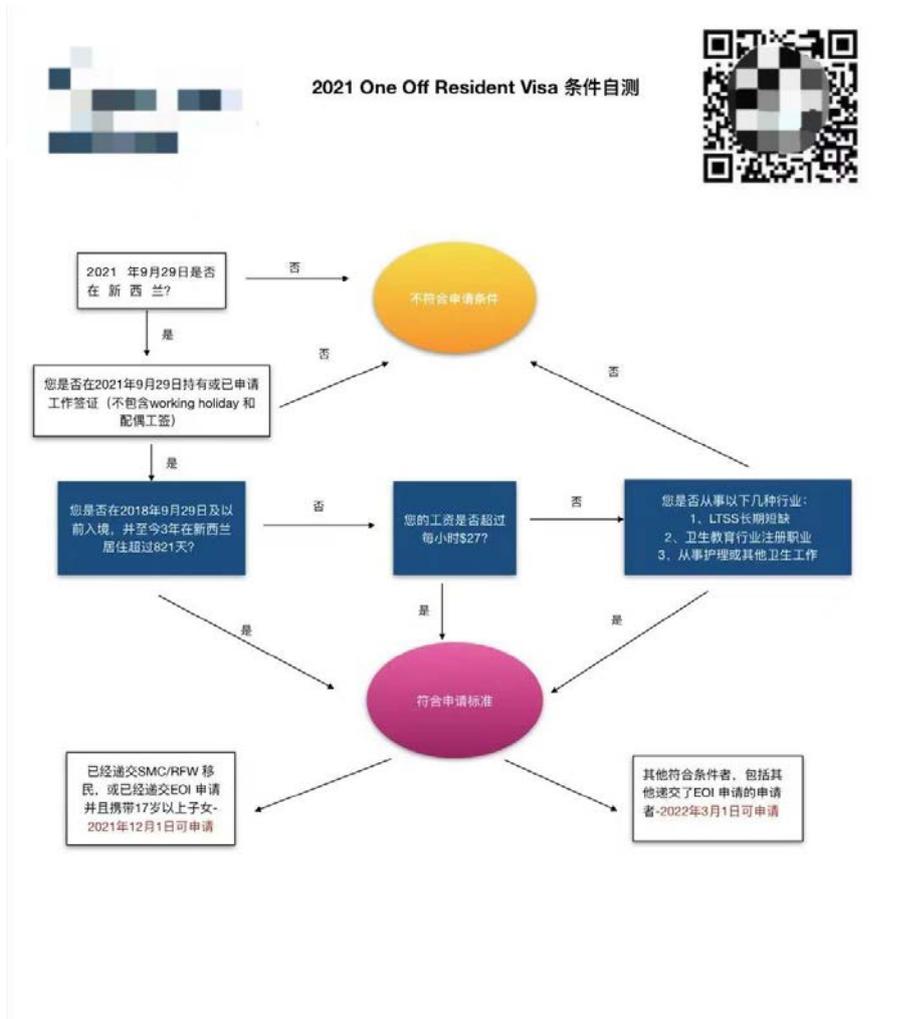
- Confusion of INZ information that could prevent the perpetuation of exploitation
- Separation of information so there are potentially issues around who to trust
- The loss of information in translation – translations may not necessarily be accurate because the third party are not competent translators, even when the information was conveyed in English.

However, equally, information can be conveyed in more nuanced, culturally appropriate ways particularly when collaborations between worker advocate/NGO groups and Licenced Immigration Advisors who speak the language of the target audience happened.

Agendas and the third-party translators

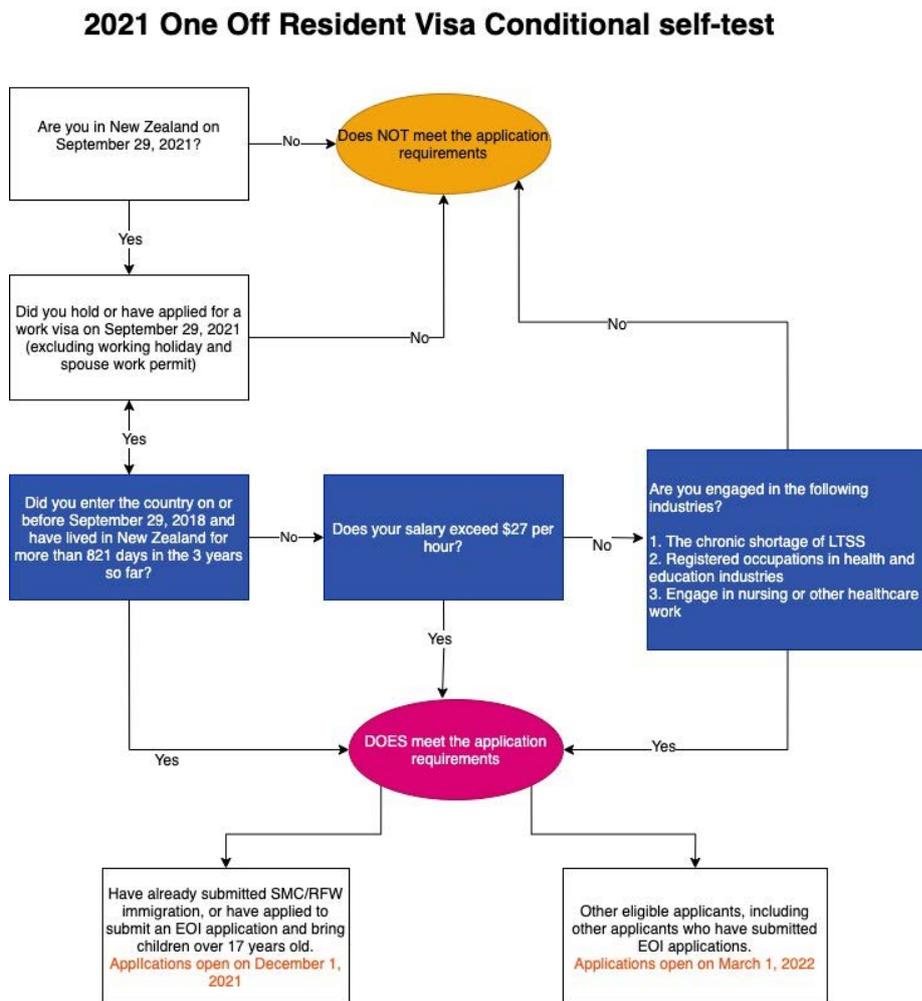
Licensed Immigration Advisors (and others who claim to be immigration consultants) who worked with Chinese, Filipino, and Malay migrants were very active online across the ethnically-specific social media channels we were looking at and recruiting interview participants on. They were explaining changes in immigration policy and conditions of visas and presumably, potentially canvassing for clients. They are extremely adept at providing the context, cultural nuance, and social connection that migrant workers need in order to consume INZ information.

Figure 1 2021 Resident Visa diagram on SkyKiwi, 2021 (Chinese)



For example, there was an explosion of activity online in the wake of the announcement by INZ about the 2021 Resident Visa on 30 September 2021. Figure 1 is a diagram posted on a SkyKiwi forum. This image is the actual diagram that was posted, while Figure 2 is a rough translation by our Mandarin-speaking research assistant. The diagram explains the eligibility criteria for the new visa, and went up on 1 October 2021. The QR code links to a WeChat group.

Figure 2 2021 Resident Visa diagram on SkyKiwi, 2021 (English translation)



The activity of Licenced Immigration Advisors is not necessarily inappropriate, and in fact the way Licenced Immigration Advisors translate information for migrant workers is clearly providing a service, but the issue again is access to the full scope of this information. Licenced Immigration Advisors are expensive and there is no clarity around how they are providing information and how much they retain information in order to preserve their business model. They are an important part of the wider INZ information system, but their ongoing capacity to provide accessible information needs further consideration if INZ want to deliver information to migrants that genuinely makes a difference. This is about democratising contextualised and culturally nuanced information.

The Filipino union/migrant advocate and the wider union network are attempting to do this democratisation process. For example, they understand how to culturally nuance information about workers' rights and deliver it in modalities that Filipino construction workers can consume. Their specific use of Filipino Licenced Immigration Advisors who speak Tagalog is evidence of this.

The online networks that participants were accessing via WeChat and Chinese social media, and Facebook were equally important for providing context and cultural nuance for all the participants. What these platforms also enabled were social connection via dialogue and interaction that provided support as people discussed their perspectives on INZ information, and elaborated real

world examples of what exploitation looked like. The administrator of the Malaysian community public page on Facebook said that people often post a question about a visa issue, and people in the 3,000-strong membership will comment and give their advice. He said he always tags an Licenced Immigration Advisor who he knows is in the group, but that there is a lot of dialogue and discussion between people who are not “experts” on his page. In the absence of more multidimensional approach to providing information from INZ, this realm has the potential to spread inaccuracies and be speculative – even as it provides integral social connection for communities.

The SkyKiwi narrative that Mr CW16 posted about his experience of exploitation at the hands of his employers at the insulation company was of a very particular narrative style. Originally in Mandarin, the English translation still conveyed a degree of the sarcasm and scorn that Mr CW16 wrote it in. Mr CW16 said that he had seen many similar posts, which is what emboldened him to write like this. He said that this is a common form for news and information that is conveyed in Chinese news and social media. Telling stories is a technique utilised by the Chinese government in China too he said so people are used to this form.

The communication about INZ’s approach gets relayed in other modes as well. The immigration lawyer we spoke with had advocated for nine of the ten Chinese construction workers who were detained in Mt Eden Prison and then deported at the beginning of 2021. He said this was a missed opportunity on the part of INZ to show that the enforcement of punitive consequences for employers was a priority. He said it was all over Chinese social media that the workers were penalised and that the employer got away with it. Even if there was more to this context, he said,

“The message that went out through the Chinese community was: anybody who is being exploited, they will take your money, and then you’re on a plane out of here but the people doing it get away with it. So, if that’s the message they want to communicate to visitors, if that’s the one they want to send, they’ve sent it, because it was all over the Chinese media, what happened to these guys, back to China, because that’s what happens when you go to New Zealand. Now some people you know, they’re desperate, they might still fall prey in China to the people taking \$NZD30-40,000 just to get in [they will be the next ones]. But the people who do the exploiting get away with it.”

We asked Mr CW15 what form of information would help to inform construction workers about exploitation. He said,

“It needs to be in Mandarin...and Chinese people prefer to see actual, real outcomes. We want the bad guys to be punished, but as individuals we don’t stand up. We hope for there to be a ‘god’ to punish the bad guys, because if we stand up individually, it’s just very difficult and I don’t understand why that is. And if INZ can act as this ‘god,’ then I think everyone will get a lot of help...The ERA [Employment Relations Authority] is already there but I didn’t believe it to be true before I actually experienced it [he was not able to report his situation to the ERA because he left it too long]... and it takes a lot of expertise to communicate with ERA. Language is a barrier, and then there’s culture.”

2.2 Focus groups with Verification and Compliance staff

Two focus groups were held with staff members of INZ’s Verification and Compliance branch in early August, one in Auckland and Christchurch, at Ministry for Business, Innovation, and Employment offices. The 15 focus group participants worked in business units across the branch, including Risk and Verification, Compliance, Investigations, Intelligence, and Allocation and Support.

The groups were provided with the research scope one week before the focus groups occurred. Question prompts are in section B of Appendix A. Following is a summary of the themes emerging from the compliance staff focus groups.

2.2.1 Immigration information migrant workers need access to

Compliance staff feel the most crucial information migrant workers should know is what the conditions of their visa are. They thought this information should be available in multiple languages on multiple platforms at multiple touchpoints. This includes before they board the plane to come to New Zealand, when they first arrive, and when they start work, as well as when they are navigating the visa application process.

Discussion on visa information was largely focused on those migrant workers who arrive on visas that do not permit work (e.g. visitor visas). Many of the staff members had overseas experience in the immigration system. Some noted that agents or advisors who may not be reliable or truthful can lead migrant workers, particularly those from China, who arrive on visitor visas to believe they can get a work visa when they arrive in the country.

However, others felt it was 50/50 as to whether migrant workers on visitor visas know the visa they have is not the visa they should have (for work), but they're intentionally applying for the wrong visa; or they apply for a visa through an unscrupulous agent. One staff member said, "People travel to New Zealand thinking they can work it out here, but they get here and they don't have the pathway (that they thought they would) to get the right visa."

Social media was mentioned as a current source of misinformation, particularly WeChat, WhatsApp, and Facebook. Staff said, "they trust what they've been told in a Facebook group", "they hear through social media you can earn money in New Zealand", "they might've been told on WeChat, go to New Zealand, you're going to earn good money." Information is shared in Facebook and WhatsApp groups that may not be accurate, but it's what people make decisions based on.

Compliance staff suggested immigration information and signage at international airport arrival terminals related to visitor visas may be helpful, in the same way there is biosecurity information. They said that in investigations, they often hear, "I didn't know", regarding not working on visitor visas.

2.2.2 Employment information migrant workers need access to

The consensus was that migrant worker's knowledge on employment rights was generally poor. Compliance staff agreed with the experience of employment advocates that visa compliance comes first, worker rights come second. Staff said Licenced Immigration Advisors may tell migrant workers about employment rights, but their focus was largely on visas.

They also said that expectations of minimum employment standards in New Zealand may differ based on what employment experiences migrant workers have had previously. For example, if they perceive they're getting good money compared to what they had earned in their home country or elsewhere, they "don't necessarily have the inclination to ask about it... [They] don't want to upset that system, compared to other industries it's not that bad." Additionally, if their home country does not have employment contracts as a standard, they won't expect that in New Zealand.

Staff considered that information on where to get help should be more explicit and easily accessed, especially for situations where people were being exploited or being underpaid. They did say that

the Employment Services branch had a targeted information strategy with Indian and Mandarin language radio stations.

2.2.3 The role of employers in the ecosystem of migrant work

In both focus groups, there were discussions around where responsibility sat in the labour supply chain in construction – what responsibility do head contractors have to know who is on their site at any given time, do they understand the safety signage on the site, are they in safe working situations? One compliance staff member described a site where only one migrant worker in a group of 20 spoke English, so the contractor would speak to that one worker who would pass information on. Another talked about migrant workers using someone else’s SiteSafe card on construction sites.

Social media was again mentioned in the context of organising work – “An employer puts out a message, ‘I need 3 workers for 2 days to build a wall’, they don’t ask questions. They tell the workers, ‘Turn up here’, [they] pay cash, it’s quite casual.” Compliance staff also supported interview findings that social and community connecting points are where the word gets spread about cash work that’s available, online and offline. They described how workers may be living together, travelling to their workplaces together, shopping at speciality stores, and accessing information and their wider community via social media.

The compliance staff said most employers know if their workers are not on the right visas. They described situations where employers have deliberately set up third party companies that they pay to then pay the migrant workers as subcontractors, or registered companies in their employees’ names. They generally felt employers who are offending (by breaching employment laws) know they’re doing so, and that a huge part of the demand for those working on visitor visas comes from non-compliant employers. One officer said, “If employers are compliant, then they’re not going to employ illegal labour. Most exploitation is with illegal workers – employers are the reason for people’s unlawful stay in New Zealand. If they’re still here and getting good money, they’re going to stay.”

2.3 Desktop research

This section provides context to the situation of temporary migrant workers, particularly those who are unaware of the conditions of their visa or are not following the conditions of their visa. We highlight what makes temporary migrants particularly susceptible to exploitation, and the most effective and appropriate channels of communication to increase their awareness of visa and workplace laws and obligations.

2.3.1 Temporary migrant workers are inherently more vulnerable to exploitation

Temporary migrant workers are generally more vulnerable to exploitation in their host countries than citizens or permanent migrants. A multitude of factors contribute to their exploitation by employers or third parties, such as employment agents. It is important to understand the ecosystem temporary migrants operate in and the factors that make them more susceptible to exploitation. Without this understanding, it would be impossible to develop and provide effective solutions to the problem.

Fear of being detained or deported deterred migrants who were in an irregular immigration system from accessing information from official communication channels.⁷ Migrants in vulnerable situations, such as those being exploited by employers, were even harder to reach. Evidence from the United Kingdom (UK) shows that migrants were less likely to complain about their situation to appropriate authorities if it put them at risk of losing their source of income, or if they believed that speaking out against the exploiter would not improve their situation.⁸

Temporary migrants rarely have access to social and economic safety nets such as unemployment benefits in their host nations.⁹ Moreover, their work visas are often linked to their employers, or they require employer assistance or an existing job to apply for a work visa. This effectively binds them to an employer or job, opening up the possibility for exploitative practices. As a result, leaving an exploitative employer would leave a migrant without a source of income and an uncertain future. For lower skilled migrants with limited English language proficiency, finding new employment can be a daunting task. In some circumstances, they may have to exit the host country. All of these factors deter migrants from seeking help. Oftentimes, even when migrants do try to reach out, the channels put in place by authorities to provide help can be ineffective. Migrants who do not speak English are at a greater risk of being exploited. If they are unable to access government support and receive official information in their own language, they may turn to unofficial sources such as employers, agents, and their peers.

According to the International Labour Organisation (ILO), temporary migrants were favoured by employers in the construction sector since output of the sector is heavily tied to the fortunes of the economy as a whole.¹⁰ As a result, during bust periods, when economic activity is sluggish, temporary migrants, especially those at the lower end of the wage ladder can easily be laid off. This is one of the reasons that unscrupulous employers in this sector might prefer informal labour (workers without a legal contract). Within the construction industry, migrant workers tend to be over-represented in the case of self-employed and labour-only subcontractors. In London, over 50 percent of construction workers were migrants, with the majority being in low-paid work.¹¹

Another issue that contributed to exploitation was the asymmetry of information. While employers and recruitment agents have accurate and complete information about the employees they recruit (agents often have first-hand knowledge of the local communities they recruit from), migrants have limited information on issues such as the type of job they will be doing, the wages they will be paid, and employment rights in the host country. This information imbalance means that temporary migrants often leave their countries with incomplete information, not just on workplace rights and obligations but also on the exact conditions of their visas. This information asymmetry also leaves them heavily dependent on their employers or agents. Moreover, avenues for seeking

⁷ <https://micinitiative.iom.int/guidelines/guideline-6-communicate-effectively-migrants>

⁸ Focus on Labour Exploitation (FLEX). (2019). *The risks of exploitation in temporary migration programmes: a FLEX response to the 2018 immigration white paper*. Retrieved from <https://labourexploitation.org/publications/risks-exploitation-temporary-migration-programmes-flex-response-2018-immigration-white>

⁹ Focus on Labour Exploitation (FLEX). (2019). *The risks of exploitation in temporary migration programmes: a FLEX response to the 2018 immigration white paper*. Retrieved from <https://labourexploitation.org/publications/risks-exploitation-temporary-migration-programmes-flex-response-2018-immigration-white>

¹⁰ ILO. (2016). *Migrant work and employment in the construction sector*. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_538487.pdf

¹¹ FLEX. (2018). *Shaky foundations: labour exploitation in London's construction sector*. Retrieved from <https://www.labourexploitation.org/publications/shaky-foundations-labour-exploitation-londons-construction-sector>

help are limited in a host country if migrants do not speak the language as they cannot navigate official websites.

The lack of separation of immigration and labour issues can breed a culture of temporary labour exploitation. In Australia, The Fair Work Ombudsman (FWO) protected and enforced the rights of all workers, including temporary visa holders. The Department of Home Affairs, which dealt with immigration and issued visas, had an arrangement with the FWO to support temporary visa holders.¹² This arrangement was called the Assurance Protocol. Visa holders in exploitative positions could approach the FWO without the fear of being deported for breaching their work-related visa conditions. This was conditional on migrants helping the FWO with its inquiries. Such a system allowed migrants to seek help without being worried about losing their right to live and work within a country. In Australia, in 2019–2020, seven percent of the workforce was made up of temporary migrants, however, 44 percent of litigations initiated by the FWO involved a migrant worker, and 22 percent of all anonymous reports of employers being exploitative were from migrants.

2.3.2 Migrants use multiple sources to obtain information

In a survey of migrant workers conducted by the Migrant Workers' Taskforce in Australia on the information needs of migrants about workplace laws,¹³ respondents were asked about the sources of workplace information they relied on the most. Although this research was on knowledge of workplace laws and not visa conditions, it provided some useful insight into the most appropriate channels of communication for migrant groups.

Of the 2010 respondents, 30 percent stated that they used in-language social media/internet chat rooms/discussion boards/sharing and review sites/blogs for information. This included community groups on social media rather than official government accounts. A further 30 percent indicated that they relied on family and friends in Australia, and 27 percent got their information from family/friends/colleagues in their home country. The top sources of information on workplace laws, specifically, were friends and family in Australia (34 percent) and English and in-language social media (26 and 25 percent respectively). The FWO website was also recognised as a useful source. With respect to official government information, 81 percent of respondents stated that they looked for it online, illustrating the need for high quality and easily understandable content online. Participants who were not fluent in English were less likely to seek information from official channels as they thought they would have to interact in English, highlighting the importance of providing content in other popular languages. Another important finding was the need for communication at several stages during a migrant's journey. Migrant workers stated that the top three most useful times to receive information were when looking for a job, when starting a job, and when their visa was granted.

2.3.3 Information campaigns in source countries help create awareness among potential migrants

Studies have shown that information campaigns in source countries helped curb irregular migration by as much as 20 percent by reducing information asymmetries.¹⁴ When developing an information campaign in a source country, the channels of communication must be tailored to the specific

¹² <https://immi.homeaffairs.gov.au/visas/working-in-australia/work-rights-and-exploitation>

¹³ Australian Government. (2018). *The information needs of vulnerable temporary migrant workers about workplace laws*. Retrieved from https://www.ag.gov.au/sites/default/files/2020-03/migrant_workers_taskforce_final_report_appendix_d.pdf

¹⁴ <https://www.oecd.org/migration/netcom/blog/awareness-raising-effects-in-origin-countries.htm>

characteristics of migrants. The European Union (EU) took a cooperation approach with those countries whose citizens made up a large proportion of irregular migrants in the region. For example, a significant number of Indian migrants were found to be using visitor visas as a pathway to enter the EU for employment purposes.¹⁵ The India-EU Common Agenda on Migration and Mobility (CAMM) was a framework for cooperation between India and the EU, and was established to better manage migration flows between the regions and reduce irregular migration. Some recommendations provided by CAMM included using community networks such as village leaders and local charity organisations to spread information about the risks of irregular migration, setting up pre-departure orientation, and taking strict legal action against exploitative employers and agents. They also noted the importance of telling the stories of real migrants who found themselves in these situations, especially to those who belonged to a community with a large number of members living overseas. Stories often connected better than just official information on immigration and workplace laws, and could act as a real deterrent to irregular migration.

Canada also took a similar approach. In June 2019, Immigration, Refugees and Citizenship Canada (IRCC) ran a visa information campaign in India, targeted towards temporary resident visa applicants.¹⁶ The purpose of this was to prevent temporary migrants from falling prey to immigration scams. The campaign was run on newspapers, radio, Facebook, and Google, and was available in English, French, Punjabi, and Hindi. The campaign is thought to have improved the quality of temporary migrant applicants to Canada.

2.3.4 Social groups and networks are an important source of information for migrants

Several studies have shown that ethnic and kinship networks were an important source of information for migrants.¹⁷ However, these sources often provided wrong, inaccurate, or incomplete information. This led to migrants not receiving the aid/assistance they would have otherwise qualified for and remaining in exploitative situations. In order to drive behavioural change, these kinship and social networks should be utilised. Research has also found that personal and targeted communication methods were the most effective.

To make proper use of community networks to spread accurate information, the FWO in Australia built an ongoing relationship with the Chinese business community. The FWO engaged with officials from local councils in areas with high Chinese populations, distributed resources for Chinese business operators, and demonstrated the features of the website. All of this helped build a culture of compliance with Australian workplace laws. The FWO found that one in four of the Chinese community in Australia had limited English proficiency. This highlighted the importance of making use of Chinese business and social networks to spread awareness about employment laws, as these were important sources of information for migrants. Moreover, the FWO also engaged with wider migrant groups. They delivered training to intermediaries such as community organisations, education providers, and student ambassadors, who shared the information through their networks.

¹⁵ International Centre for Migration Policy Development. (n.d.). *India-EU Common Agenda on Migration and Mobility*. Retrieved from <https://www.icmpd.org/file/download/54087/file/INDIA-EU%2520MIGRATION%2520GOVERNANCE%2520-%2520Initiatives%2520to%2520prevent%2520and%2520tackle%2520irregular%2520migration.pdf>

¹⁶ <https://www.canada.ca/en/immigration-refugees-citizenship/news/2019/06/helping-visa-applicants-apply-the-smart-way.html>

¹⁷ Sanchez, G., Hoxhaj, R., Nardin, S., Geddes, A., Achilli, L., & Kalantaryan, S. (2018). *A study of the communication channels used by migrants and asylum seekers in Italy, with a particular focus on online and social media*. Retrieved from <https://cadmus.eui.eu/bitstream/handle/1814/61086/DR0118100ENN.en.pdf?sequence=2>

The Australian Department of Home Affairs undertakes awareness activities with employers to encourage voluntary compliance with employer obligations. During 2016-2017, 979 employer awareness activities were undertaken. One of the key strategies was to promote the Visa Entitlement Verification Online system (VEVO), which allowed visa holders, employers, education providers and other organisations to check visa conditions.

2.3.5 Communication channels must be tailored to be accessible and inclusive

As part of the FWO's Multicultural Access and Equity Plan 2016-2019, the FWO in Australia removed barriers of access to advice and services for multicultural communities. This plan recognised the diversity of migrants and ensured that communication was targeted so its effectiveness could be improved. The main channel the FWO used to communicate with its audience was the website, which was also available in a mobile friendly version. An automatic translation of the website was available in 36 languages, with downloadable videos and pages available in 30 professionally translated languages. Tailored information was provided to specific industry sectors including restaurants and cafes, small businesses, and horticulture. The horticulture showcase included a series of educational videos and an interactive tool employees could use to test their knowledge of workplace laws. The language help page of the FWO website offered resources such as videos on working in Australia, workplace protections and rights, information on pay, holidays, etc. These resources (including videos) were available in over 30 languages.

The importance of providing crucial information in multiple formats and languages was also understood by the IRCC in Canada. They provided an online guide for temporary foreign workers on their workplace rights and responsibilities, along with details on who workers could reach out to for help. These resources were available as a webpage, pdf format, in large print, braille, audio cassette and CD, e-text diskette and CD, and Digital Accessible Information System (DAISY). The pdf version of this resource was available in seven non-English languages, which were French, Hindi, Korean, Chinese, Spanish, Tagalog, and Thai. Temporary migrant workers could report abuse or exploitation anonymously in the same seven languages, with the addition of English. This helped the IRCC investigate exploitative employers. While the IRCC website was only available in English and French, some pages with information for specific migrant groups had the option to be translated into other languages. For instance, pre-departure information for Indian migrants was available in two popular regional Indian languages on the website. The aim of this was to educate migrants about immigration fraud and provide other important pre-departure information.

The UK Visas and Immigration department provided guidance to employers on conducting right to work checks on employees. These guides were available on the Home Office's website, with the option of requesting the same in alternative formats. The UK did not provide industry specific guides, or guides for migrant workers. Moreover, information on workplace laws and obligations was not marketed specifically towards the migrant community via official sources.

2.3.6 Using a mix of official and unofficial channels can help reach a wider audience

The EU sees a high level of irregular migration. Most of these migrants obtained their information from unreliable sources such as unverified agents.¹⁸ In order to create awareness in the migrant community and amongst potential migrants, three major European media sources created a platform called InfoMigrants. This platform was available in five non-English languages. The platform provided two kinds of information. The first one was migration related news and personal

¹⁸ infomigrants.net

stories of migrants, which created awareness in the potential migrant community about the risks of irregular migration. The second type of information provided on the platform was official information on EU immigration laws and pathways to lawful migration, provided by the EU. The app was a one stop shop for reliable migration related news and official information for people looking to migrate to the region.

In 2015, the Integreat app was launched in Germany.¹⁹ Although, its original target audience was asylum seekers, it is a great example of how a government funded project helped reduce information poverty for all migrants. Today, the app can be used by all migrants in the country to find information on a range of topics. Information on the app was provided by local municipal governments and community volunteers. The app was available in multiple non-English languages, depending on which city's information a migrant wanted to access. For example, information on Munich was provided by the municipality in seven languages. Representatives for each municipality provided updated information on where migrants could study, find work, visa requirements, amongst various other things. The app was a good starting point for migrants looking for official, reliable information on issues like workplace laws and obligations and contact information for those seeking help.

The cases of InfoMigrants and Integreat demonstrate how innovative projects can be funded, supported, and advanced by the government to create more channels for communicating with migrants and making their messaging more widespread, so it can reach a larger group of potential and existing temporary migrants. These channels also have the benefit of being able to reach migrants who may be hesitant to use official channels of information or may not be aware of official websites and resources.

Findings from research conducted abroad showed that migrant workers were inherently more vulnerable to labour exploitation. Low-skilled migrants in some industries, such as construction were more likely to breach the conditions of their visa.²⁰ To tackle this problem, countries such as Canada and Australia engage with migrants during various points in their migration journey using multiple channels. Building awareness in origin countries was highlighted as a useful way to improve the quality of temporary migrants and had the potential to reduce non-compliance by reducing information asymmetries. Migrants from non-English speaking countries preferred to access communication in their own language, and an important source of information was in-language social media. Migrants also got information from their own social connections, which was another useful channel to disseminate accurate information. Finally, short fact sheets with clickable links and only important information in simple language were more appealing to migrants than longer guides.

¹⁹ <https://integreat-app.de/en/>

²⁰ Commonwealth of Australia. (2019). *Report of the Migrant Workers Taskforce*. Retrieved from https://www.ag.gov.au/sites/default/files/2020-03/mwt_final_report.pdf

3 Recommendations

This research was undertaken in tandem with a partner report on the effectiveness of existing Immigration New Zealand (INZ) resources and messaging. Although the research objectives and findings for the two reports differ, the recommendations for both reports are the same. The recommendations are to:

- Provide information in multiple languages
- Provide information in different formats
- Widen the distribution channels and platforms of information, including collaborations with third parties
- Take a whole of government approach to the information needs of migrant workers and employers.

The rationale and related findings for each recommendation follows.

3.1 Provide information in multiple languages

Currently, information about immigrating to and working in New Zealand, including employment law, is provided in a single language (English). Migrant workers overwhelmingly expressed a need to read immigration and employment information in languages they understand. Indeed, the burden is on the migrant worker to know their rights and obligations. Many identified they felt they had to choose complying with the conditions of their visa over exploitative working conditions. This is a false choice – complying with New Zealand employment law is key to complying with their visa. But lack of adequate English language ability excludes many migrant workers from accessing crucial information and knowledge.

An information vacuum has resulted from the mismatch in information needs and information provision. Into the vacuum has stepped an array of third parties, who are translating INZ information into a range of languages as part of their business model. There are no checks and balances on the accuracy of the translated information, which many migrant workers are relying on to make immigration and employment decisions.

Our desktop research found New Zealand is an outlier when it comes to providing information to migrant workers in English only. Research from the Migrant Workers' Taskforce in Australia found those who were not fluent in English were less likely to seek information from official channels. Immigration and employment information in Australia, the United Kingdom, and Canada is available in multiple languages through official channels. The European Union also provides relevant information in a range of languages.

Migrant workers understanding their employment rights and obligations is essential to migrant workers in the construction sector working lawfully in New Zealand and not being exploited.²¹ Using a wider range of languages representative of those in the migrant workforce will enable INZ to communicate more effectively on key issues around immigration and employment. At the least, given over half of migrant construction workers come from the Philippines or China, official information on working in construction in New Zealand would ideally be available in Tagalog and

²¹ Long term sector outcome in the INZ Construction Sector Strategy, approved 28 April 2021.

Simplified Chinese. More widely, INZ information needs to be produced in languages that can be understood by the main migrant groups coming to New Zealand to work in construction.

3.2 Provide information in different formats

Third party INZ information translators are finding numerous ways to package INZ information that are also culturally specific to ethnic groups. Providing information in a variety of formats resonates with migrant workers, particularly where it considers their experience of the world, the ways they are familiar with being communicated and engaged with, and their level of literacy. These third parties are using the multiple functions available within social media platforms to provide written, spoken, pictorial, and diagrammatic information. Additionally, they are leveraging off the platforms capacity to socially interact with others via discussions and dialogue about INZ information, and the particularities of individuals' and groups of workers' situations. This creates a layering of information that adds multiple dimensions to the one-dimensional nature of INZ information as it is provided at the moment.

In other countries, online campaigns have been shown to raise awareness with high levels of engagement. Personal experiences and testimonials showed a larger impact than official factsheets and leaflets. Where fact sheets have succeeded, they have been succinct and bullet pointed, with key information and good design. Pictures and graphics are also considered to be helpful where they convey the main message. In Canada, resources are available as webpages, in pdf format, in large print, braille, audio cassette and CD, e-text diskette and CD, and Digital Accessible Information System (DAISY).

Using the language of the migrant group *and* forms of information that are more varied than written information in booklets and on websites, can deliver information in contextualised and culturally nuanced ways. Licenced Immigration Advisors on Chinese social media and on Facebook, and worker advocate groups on Facebook who are targeting Chinese, Filipino, and Malay construction workers are potentially producing translated versions of INZ information that are impactful and achieving the aims of INZ. Collaborations between Licenced Immigration Advisors and worker advocate groups provide examples of democratising potentially high-quality translations, particularly when Licenced Immigration Advisors' expertise is combined with the mandates of the advocate groups.

3.3 Widen the distribution channels and platforms of information, including collaborations with third parties

Both the qualitative and desktop research was clear – migrant workers are using social media as a primary source of immigration and employment information. Ensuring migrant workers can access accurate official visa and employment information, includes distributing information on social media platforms (as well as in appropriate languages and formats) that they already use and have well established pathways to finding information they trust. Using multiple channels also counters the proliferation and the potentially partial translations of INZ information by taking the lead in online and community spaces in New Zealand, and in migrants' home countries.

These channels may also be offline – communication strategies that include places migrant workers socialise ensure they can access important information on their own, and not rely on paying a third party or asking their employer.

Would-be migrant workers outside of New Zealand need to be able to access information in their own language and in forms that they can engage with that can give them insights into what a recruiter can promise and provide – and what they can't. Workers coming to New Zealand need clarity on what the rules are for working in New Zealand, so they can be self-regulating and voluntarily compliant.

Some migrant construction workers may have access to laptop and desktop computers, but many will be accessing online content exclusively via their smart phones. Therefore, it's vital that information can be easily accessed, consumed, and understood on phone screens.

In New Zealand, access to information about what exploitation is and ways to get help with this that work with cultural conventions in the different communities is really important if the culture of non-compliance and the cash economy that abounds in the construction industry is to be changed. The need for sustainable stakeholder relationships has been acknowledged in the INZ Construction Sector Strategy, particularly in respect to INZ messaging reaching currently disconnected workers and communities in the sector.

Third party INZ information interpreters have stepped into the vacuum created by English-only resources. Some of these interpreters are doing a good job of providing varied, contextualised, and culturally nuanced INZ information, but others are giving partial, inaccurate, or misleading information. Some are financially extractive in inappropriate ways.

The activity of Licenced Immigration Advisors for example, is less likely to be inappropriate, and in fact the way they translate information for migrant workers is clearly providing a service. However, their services are expensive and there is no clarity around how they are providing information and how much they retain information in order to preserve their business model. They are an important part of the wider INZ information system, but their ongoing capacity to provide accessible information needs further consideration if INZ want to deliver information to migrants that genuinely makes a difference. This is about democratising contextualised and culturally nuanced information. Collaborations between INZ, worker advocate groups, and Licenced Immigration Advisors though have the potential to deliver robust, democratised information.

3.4 Take a whole of government approach to the information needs of migrant workers and their employers

Research indicates that a whole of government approach is best used when it is clear that this approach will achieve the desired outcomes.²² In particular, whole of government approaches work well as strategic enablers, as responses to “wicked” problems, and to enable more effective service delivery models, which require sector or industry support and collaboration.

“The “whole of government” approach is one in which public service agencies work across portfolio boundaries, formally and informally, to achieve a shared goal and an integrated government response to particular issues. It aims to achieve policy coherence in order to improve effectiveness and efficiency. This approach is a response to departmentalism that focuses not only on policies but also on programme and project management.”²³

A united approach is a key enabler in the INZ Construction Sector Strategy, particularly the need for all government agencies with construction interests to collaborate effectively to achieve shared

²² Colgan, A., Kennedy, L.A., and Doherty, N. (2014). *A Primer on implementing whole of government approaches*. Dublin: Centre for Effective Services.

²³ https://apps.who.int/gb/ebwha/pdf_files/WHA68/A68_17-en.pdf

outcomes. Broadening the public focus to perpetrators of exploitation is vital to achieving the strategic objective of self-regulating and voluntarily compliant employers.²⁴ Strategically and purposefully fostering relationships with industry bodies and other government agencies will support the enforcement of consequences and penalties for the employers of non-visa compliant workers. Establishing positive relationships with sector bodies and major employers is a priority initiative in the Strategy, and our research with employers supports the work that is underway on this priority.

A whole of government approach also needs to consider mechanisms that improve modes of communication and engagement with construction sector employers of migrant workers, as well as relationships with industry bodies. Regular and varied communications and activities that raise awareness with employers have been shown to encourage voluntary compliance with employer obligations.

²⁴ Long term sector outcome in the INZ Construction Sector Strategy, approved 28 April 2021.

Appendix A Research methodology

To answer the research questions, the researchers utilised qualitative research, including interviews with a range of participants (sub-section A) and focus groups (sub-section B). We also undertook a scan of academic, government, and market research to better understand how some comparative countries communicate with migrant workers.

A Interviews with migrant workers, employers, and stakeholders

We spoke with 35 people across 30 interviews, eight of which were conducted face to face and the others were done online via Zoom. In one instance, we used Zoom for video and WeChat for audio for a participant who was in China. The interviews were generally around one hour long, some ran up to two hours, and two interviews with social media stakeholders were around 40 minutes long.

There were two broad cohorts of interviewees: stakeholders and migrant workers. Stakeholders included advocates who are on the side of migrants, and employers of migrants in the construction sector. All the employers were workers as well, including some who owned their own business, ran businesses on behalf of larger organisations, or were in senior management so the category of 'employer' was more nuanced. Three of the 35 participants were New Zealand-born and the rest were migrants. The advocates were citizens or had permanent residency, some workers and employers had permanent residence, and the rest were on various types of visas, from essential skills through to one who was currently on a visitor visa.

Interviews were held with:

- **Six Filipino workers**, including five male tradespeople, and a woman who is an administrator for a construction worker labour hire company
- **Seven Malay workers**: including two sole traders, a male and female, who owned their own businesses; a male labour hire company owner; a male CEO of a New Zealand subsidiary of a multinational Asian owned construction company; a male head of health and safety for a New Zealand subsidiary of a European owned Tier two company; two male tradespeople
- **Nine Chinese workers**: including six male tradespeople; the wife of a male tradesperson who is in China and unable to return to New Zealand due to managed isolation restrictions; and two sole traders, a male and a female, who own their own businesses
- **Four workers/management** at two Tier two New Zealand-owned construction companies.
- **Two Facebook administrators** for Malaysian and Filipino Facebook pages
- **One representative from an Asian country business association**
- **Six worker advocates**: a male Australian immigration lawyer; a female Chinese migrant employment advocate; a male Filipino union/migrant advocate; a female Chinese union advocate; a male New Zealand Pākehā union advocate; and a Migrant Association advocate who is also a Licenced Immigration Advisor.

Recruitment of migrant worker participants was done across forums and WeChat groups on Chinese social media for ethnically Chinese people (some Malay fit this category), and across eleven

Facebook group pages for Malay and Filipino participants. Some participants contacted us to opt into the project after being told about the research by others we had interviewed.

Participant Information Sheets and Consent Forms for workers and employers/other stakeholders were translated into Tagalog, Bahasa Malay, and Simplified Chinese, by the Translation Service at the Department of Internal Affairs. These documents were also in English, and there were stakeholder and worker advocate versions of these documents that were only in English.

We conducted a digital ethnography component while we were recruiting and as the project evolved, to assess the way social media is used to interact with information from INZ. Our Mandarin-speaking, New Zealand-born, Chinese-New Zealand research assistant did the recruitment for the ethnically Chinese participants, and our Thai-Singaporean Chinese research assistant did the recruitment of the Filipino and Malay participants.

At the proposal stage of the project, the intention was to conduct all the interviews in-person. However, changes in COVID-19 Alert Levels in Auckland from August 2021 meant that we had to pivot to online modalities. In some ways, this was an advantage, because workers and employers who previously worked 60–70 hour weeks or more on site were now far more available (and inclined) to do interviews. Doing interviews on Zoom was less straightforward, but the research team were able to work very effectively with participants so they could tell us their stories.

For interviews where the researchers did not speak the language of the participant, an interpreter from EziSpeak was present via Zoom for both in person and online interviews. Interviews were done by Dr Jane Horan, the research assistant who recruited the participant, the EziSpeak interpreter, and the participant, or with Dr Jane Horan and the participants if the interview was in English. Notes were taken in the interviews and recordings were made with participants' consent to make sure verbatim quotes were recorded faithfully. Consent forms were signed by all participants, and worker participants were given a \$100 supermarket voucher to say thank you for doing the interview. Interviewees were all living in Auckland at the time of the interview, except for three who were elsewhere: one in Tauranga, one in Christchurch, and one in southern China.

Ethics review

We conducted an ethics review of the parameters of the scope of the project and the design of the methodology. This was done by peers of Dr Jane Horan by a convening of the ethics committee of the Association of Social Anthropologists of Aotearoa New Zealand.²⁵ The qualitative interview process, and the analysis and synthesis were done as per the ethical guidelines of the Association of Social Anthropologists of Aotearoa New Zealand.²⁶

Interviewee biographies

The following bullet-points include the biographies of each of the interviewees, including occupation, relevant work and immigration history, and demographic features where relevant to the research. We used a shorthand system to code each interviewee, which is reflected in the findings in section two of the report. The shorthand system includes the codes: FW= Filipino worker; MW = Malay worker; CW = Chinese worker; E = employer. The interviewees were as follows:

- **Mr FW1:** Builder, leading hand; certifications in carpentry and cabinet and furniture making; late 30s; on work to residence (WTR) as of April 2021 which was organised by his employer; been travelling internationally for work since 2006 (Qatar, Saudi Arabia); arrived in New Zealand in

²⁵ <https://www.asaanz.org/research-ethics>

²⁶ <https://www.asaanz.org/code-of-ethics>

October 2017, and has been working for the same labour hire company since he arrived. The labour hire company employs around 400 workers, mostly Filipinos (down from 1000 because of the level of poaching that is happening due to border closures)

- **Mr FW2:** Plumber; arrived in New Zealand in 2017; essential skills visa but his company are talking about WTR with him; worked offshore since 2006 (Dubai, United Arab Emirates, Malaysia, parts of Africa); late 30s
- **Mr FW3:** Fire rated door estimator and detailer; trained as an architect in the Philippines; arrived in New Zealand in 2017 on a tourist visa to see his daughter who is a nurse with permanent residence; found a job with a company who would sponsor his work visa; but can't find a 'WTR company' so just renews visas; has worked in Saudi Arabia and Qatar
- **Mr FW4:** Pipe lagger/insulator; mid-40s; came as a tourist in 2016, studied management at level seven for a year, then got a post-study work visa; has not worked elsewhere; was an operations manager in a security firm in the Philippines; did not use a "manpower company" (labour on hire agency)
- **Mr FW5:** Ticketed scaffolder; arrived in New Zealand in February 2019; early 30s; has a Pākehā New Zealander partner and nine-month-old baby; on an essential skills visa; worked in the Middle East
- **Ms FW6:** Came to New Zealand to finish her Masters in Management at the beginning of 2020 on a study visa; got a work visa to work as admin for a labour hire company who have a representative in the Philippines who is her neighbour there; Labour Hire company has 120 Filipino workers, mostly carpenters and concrete workers, and some steel fixers; late 20s
- **Mr MW7:** Concrete bulk truck driver; works for a large concrete company; came to New Zealand in 2017; standard work visa; mid 40s; wife and son were in New Zealand too, but could not renew visa so went back to Malaysia, he is trying to get them back here
- **Mr MW8:** Carpenter; Chinese Malay; 30; came to New Zealand in 2016; essential skills work visa; works for a Chinese-New Zealand company, his boss is Malay and they subcontract to Tier one companies; team leader because his English is excellent and he is very experienced; runs a team of up to 40 carpenters on site; came on a working holiday visa, then his wife got a study visa and eventually he got an essential skills visa
- **Mr MW9:** Quality, safety, health and environments (QSHE) national manager for a Tier two construction company that is a New Zealand subsidiary of a European-owned multinational construction company; WTR and came to New Zealand with his family on a full relocation package in 2019; oversees health and safety on site, and sets and implements policy for his company; his company are involved in large infrastructure projects in Auckland; he deals with workers on the ground through to upper echelons of management of primary contractors on the infrastructure sites; late 30s
- **Mr MW&E 10:** Plasterer; has permanent residency, and owns his own company; employs a Māori man; mid 40s

- **Mr ME&W11:** Labour hire company owner with around 40 Chinese, Vietnamese, and Indonesian workers; has serious financial backing and came in on the investment visa; came to New Zealand for a break arriving the day before the first level four lockdown in 2020; decided to stay and work in construction labouring and fruit picking, but was appalled at the exploitation in the sectors, and is determined to set up his labour hire business in a way that makes being ethical a competitive advantage; late 20s
- **Ms ME&W12:** Kitchen and bathroom designer; owns a kitchen and bathroom renovation company that contracts in Chinese workers; has permanent residency, arrived in New Zealand in the late 90s.
- **Mr ME&W13:** Civil engineer and business development director of a New Zealand subsidiary of an Asian-owned multinational construction company (employs around 1,500 workers globally); he has been establishing and building the company in New Zealand since 2018 when he arrived; they have a workforce that is predominantly Chinese migrants on visas; has worked around Asia extensively; on a skilled work visa; late 40s
- **Mr CW14:** Wholesale sales person in a plumbing business; mid 30s; came on a student visa in 2014 to study English and then chef training; then did a Masters of Business Administration at AUT, and got a post-study visa; currently has a standard work visa
- **Mr CW15:** Construction site supervisor and project manager for a Chinese developer; mid 30s; came to New Zealand in 2017 to do a global business masters at AUT on a study visa; currently has an open work visa; worked at an insulation company and was exploited, posted about this on SkyKiwi
- **Mr CW16:** Spray painter, early 30s; arrived in New Zealand in 2019; paid a recruitment agent \$40,000 to come here; worked extensively in Japan and Dubai and is considered very experienced
- **Mr CW17:** Carpenter but currently has a job painting; arrived in 2016; came to New Zealand on a tourist visa and found a job; no training in China, he served in the military; has permanent residency via his wife
- **Mr CW18:** Ticketed carpenter; arrived in New Zealand August 2018; late 40s; worked in Singapore and has carpentry qualifications from Singapore; paid a recruiter \$45,000; currently on a tourist visa because of irregularities with his recruiter, which has caused problems for him when he has sought to renew his visa. He is not currently working
- **Mr CW19:** Bricklayer; 30 years' experience; arrived in New Zealand 2017; early 50s; paid a recruiter (same one as Mr CW18) \$NZD60,000 to come to New Zealand; on a limited work visa because of irregularities with his recruiter; worked in Japan and Singapore
- **Ms CW20:** Wife of a ticketed structural steel rigger welder; her husband came to New Zealand in November 2017, and she and their child came in 2018; the family went back to China for a holiday in January 2020 and are unable to return to New Zealand due to border closures; they paid a recruiter \$NZD20,000, and while they were not guaranteed a visa or a job, they got both, and her husband had an excellent work experience with his employer in Auckland; the family is

desperate to get back to New Zealand and were devastated that they were not here when the new visa was announced; essential skills visa and partner visa

- **Mr CW&E21:** Urban designer and construction project management company owner; employs two migrant workers on visas and two second generation Chinese-New Zealanders; has permanent residency; works predominantly for Chinese developers doing large scale residential projects and multi-unit residential developments; arrived in 2006
- **Ms CW&E22:** Architect and sole trader; works with both New Zealand and New Zealand-Chinese clients; came to New Zealand in 2011 to study architecture and graduated with a Masters in Architecture in 2019; has permanent residency; engages contractors, but is trying to employ a migrant architect on a visa but is finding this difficult; late 20s
- **Tier two New Zealand-owned and operated construction company A:** 100 employees, including 17 Filipinos; do contracts in the commercial, industrial, and civil space; none of their workers are on WTR, they are trying to achieve the accredited status so they can offer this to their workers; we spoke with two representatives from this company
- **Tier two New Zealand-owned and operated construction company B:** 250 employees, of which 80-90 are on work visas, 65 are Filipino and most are on WTR; this company are accredited employers; the Filipino workers are predominantly employed in the concrete structure build part of the business; went to the Philippines to recruit for around 40 workers in 2016, most are still working with the company, others have come through their Filipino employees' networks; they contract in teams of Chinese workers regularly as is required; we spoke with two representatives from this company
- **Malaysian Facebook group administrator:** Real estate agent; has PR; runs a community Malaysian Facebook page, that mentions immigration matters regularly amongst other content
- **Vietnamese Facebook group administrator:** Works for a Licenced Immigration Advisor and runs Filipino and Malay Facebook pages that deal exclusively with immigration matters on behalf of her employer
- **Asian-County Business Association representative**
- **Immigration lawyer**
- **Chinese migrant employment advocate**
- **Filipino union/migrant advocate**
- **Chinese union advocate**
- **New Zealand Pākehā union advocate**
- **Migrant Association advocate, who is also a Licenced Immigration Advisor.**

B Focus groups with Verification and Compliance staff

The following questions were used as prompts in the focus groups:

- 1) What do you think migrant workers need to know:
 - a. Before they pay the agent that recruits them (if relevant)
 - b. Before they board the plane
 - c. When they first arrive
 - d. When they start work?
- 2) What do you think people know about visitor visas? When do you think people know they may not be compliant with the conditions of their visa?
- 3) In your experience, what do migrant workers know about employment rights? Where do you think they get that information from? Has anyone mentioned the settlement guides or any websites?
- 4) What have you seen or heard of employer's awareness of employment laws? Where do you think they get that information from?
- 5) What role do you think employers play in the ecosystem of migrant work? What about those who are employing workers not on work visas?
- 6) How do you see employers keeping up exploitation, and preventing migrants from seeking help?
- 7) Lastly, what trends have you observed in migrant workers and employers?

Each focus group was 90 minutes in length, and were recorded. Notes were taken from the recordings, and were analysed thematically. To protect attendee confidentiality, no identifying features have been provided in the findings of this report.