

A snapshot of findings from the 2023 survey of

TEMPORARY MIGRANT WORKERS



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

KANTAR PUBLIC

A SNAPSHOT OF FINDINGS FROM THE 2023 SURVEY OF **TEMPORARY MIGRANT WORKERS**

As part of the temporary migrant worker exploitation research programme, Kantar Public surveyed **1,024** temporary migrant workers in early 2023 to understand how their experiences working in New Zealand have changed since the baseline survey in 2021.

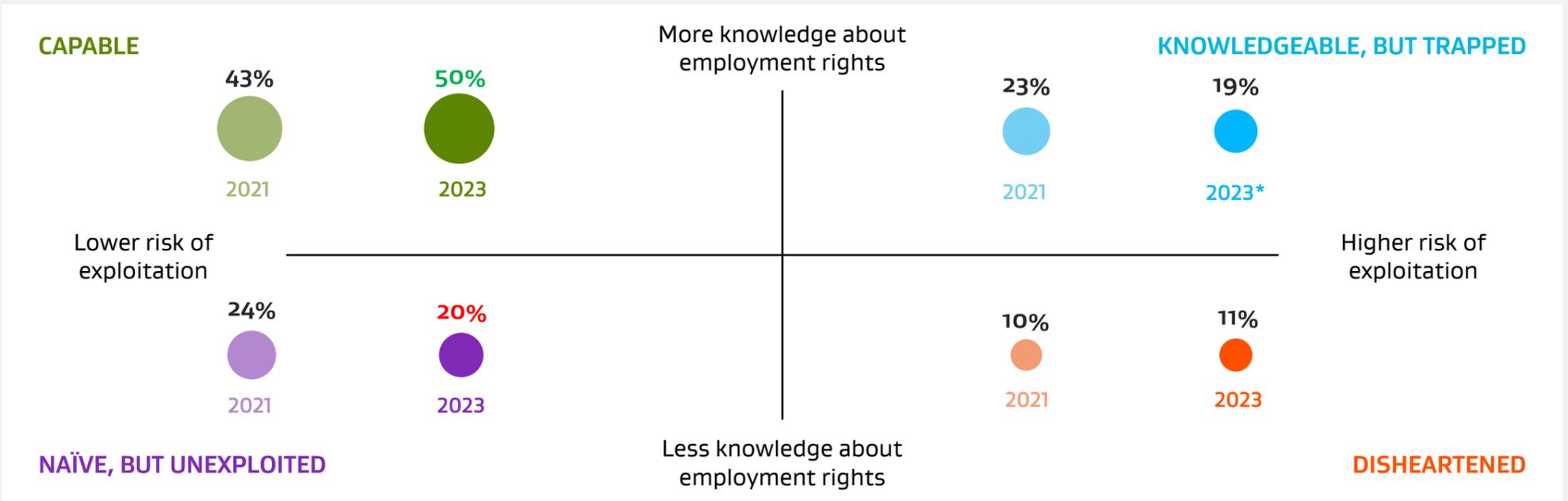
Top 5 visa types

- 26%** Post study work visa
- 24%** Partner work visa
- 16%** Essential skills
- 12%** Student and work visa
- 11%** Accredited employer work visa

Top 5 nationality groupings

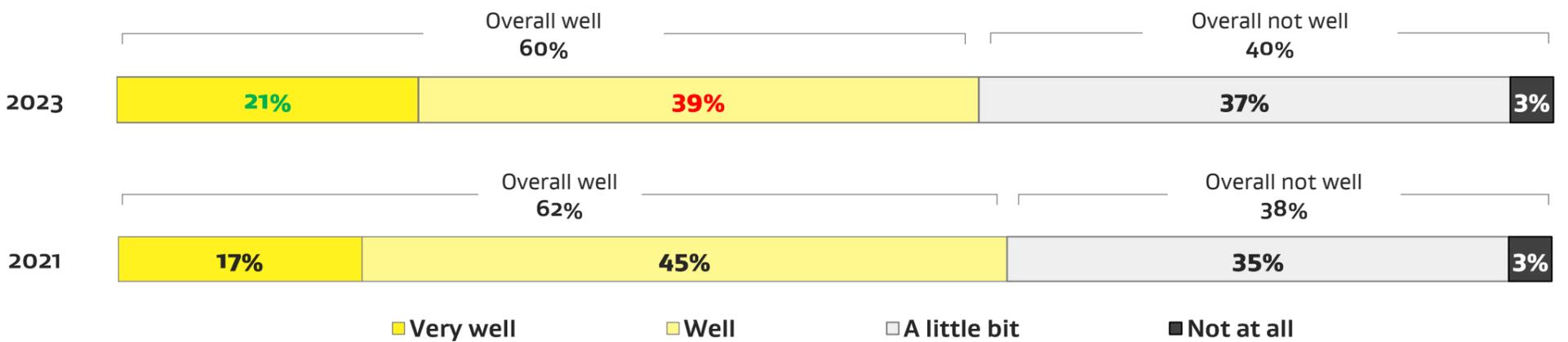
- 24%** Chinese
- 19%** European
- 10%** Indian
- 6%** Filipino
- 6%** South African

In 2021, we first identified four groups of migrant workers who differ on their knowledge of employment rights and risk of exploitation. Since then, increased knowledge and attitudinal shifts have led more migrants into the Capable segment, which is at less risk of exploitation. However, the size of the most at risk segment (Disheartened workers) has not changed significantly.



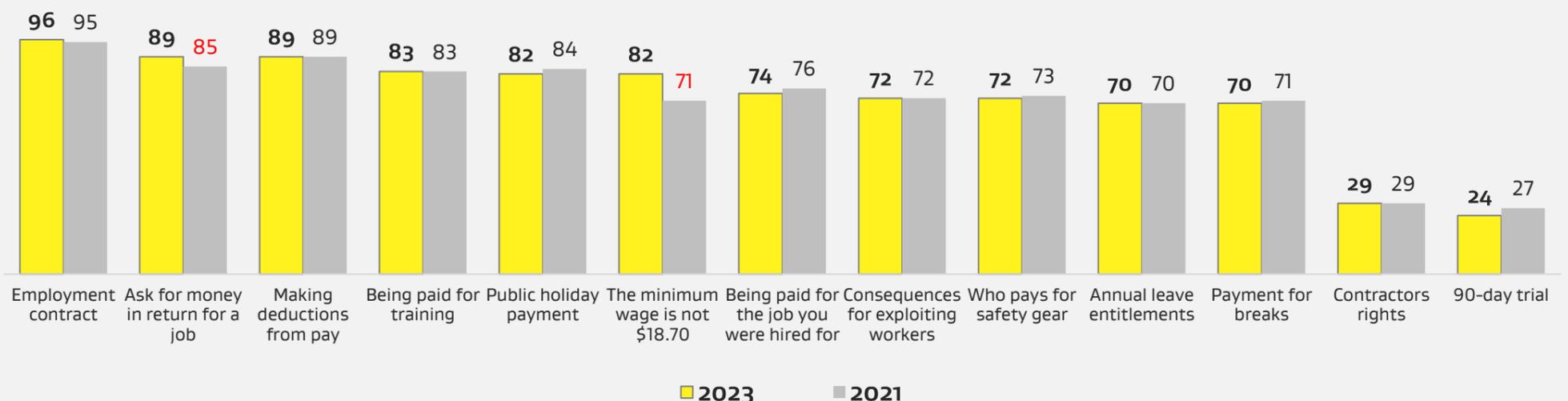
Migrant workers' knowledge of their employment rights has improved – both claimed and tested knowledge.

21% rate their knowledge of employment rights 'very well'. In 2021, 17% gave this rating.



Knowledge about whether an employer can ask for money in return for a job has improved...

% of migrant workers with correct knowledge in the following areas of employment law.



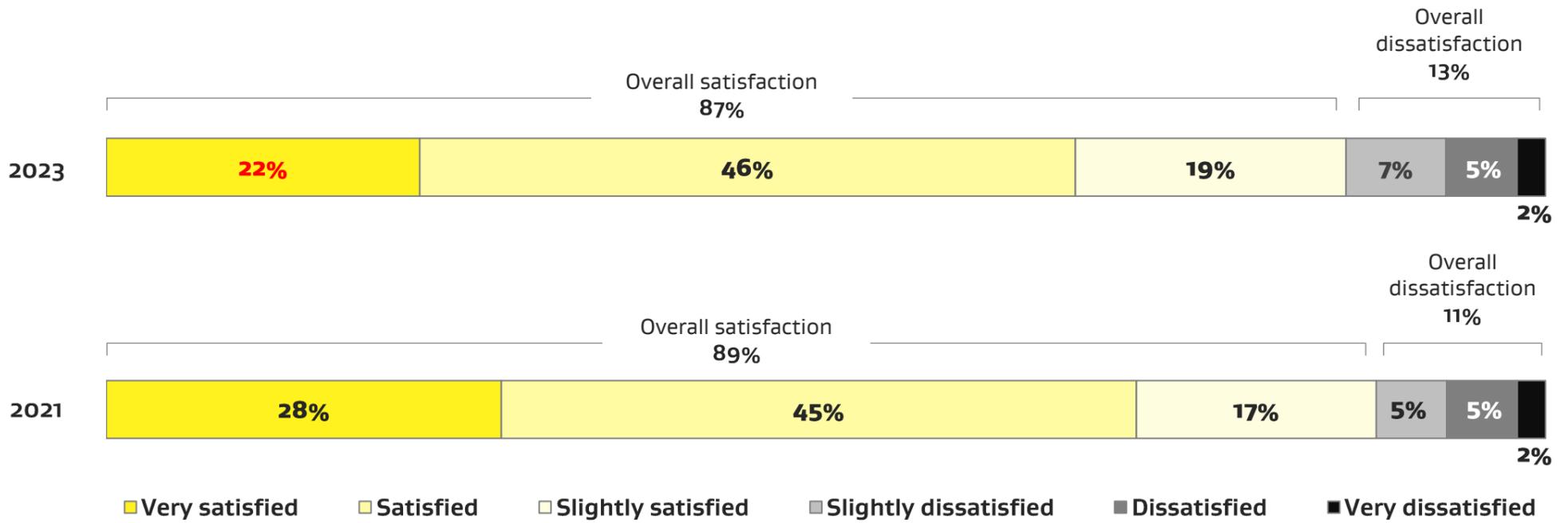
But awareness of the migrant exploitation protection visa has declined since its launch in 2021.

2021
27%

2023
16%

xx% / xx% indicates it is significantly higher/lower than 2021

And although migrant workers' overall job satisfaction is similar, fewer report being 'very satisfied' with their employment situation.

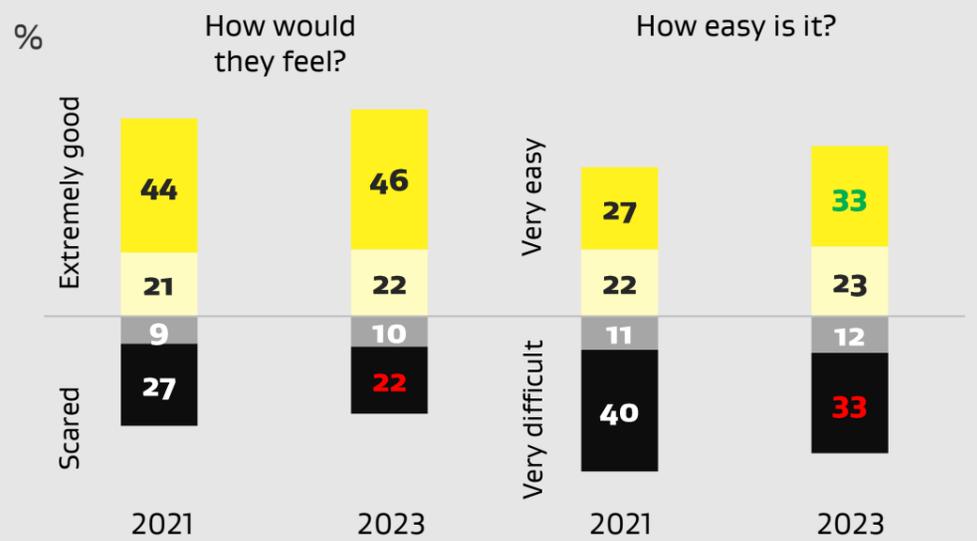


There is greater polarisation in the emotions migrant workers feel in 2023, with small increases in both feelings of calm and anxiety. Fewer migrants express a sense of gratitude for their employment situation...

% of migrants who feel...

	2021	2023
Calm	20%	27%
Anxious	11%	15%
Grateful	46%	38%

Fewer migrants would feel scared about speaking up and more would find it easy to do so



A number of other attitudinal shifts are evident since 2021 – these likely reflect more knowledgeable workers and a tighter labour market in 2023.

Fewer migrants would tolerate breaches of their employment rights and more expect to enjoy the same conditions as NZ workers.

	2021	2023
Would put up with things that are against NZ employment law because they feel lucky to have their job	27%	21%
Can't expect to have the same employment conditions as NZ workers	30%	25%

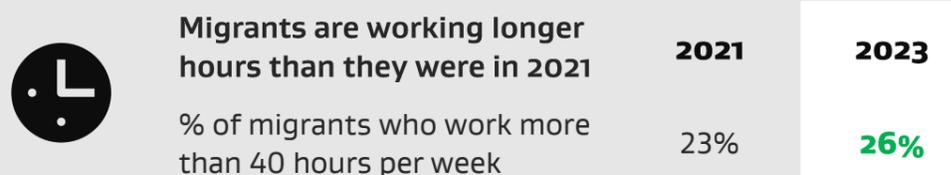
Fewer agree staying in their job is essential to gain NZ residency

	2021	2023
Staying in my job is essential for me to get NZ residency	70%	61%

But one in three migrants still experience employment concerns

Top 4 concerns in 2023:

Paid less than Kiwi colleagues	8%
Working a lot more hours than they agreed to	7%
Job is not what was promised	6%
Workplace racism	5%



And the potential for migrant workers to be isolated and unsupported is still high.

Only...

- 45% have family or relatives living in NZ
- 18% belong to an ethnic association or migrant community group (usually social media)
- 10% belong to a union

76% would find a free government disputes resolution service helpful

36% would find a free government disputes resolutions service a motivating factor to speak up

xx% / xx% indicates it is significantly higher/lower than 2021

A snapshot of findings from the 2023 survey of

EMPLOYERS OF MIGRANTS IN NEW ZEALAND



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

KANTAR PUBLIC

A SNAPSHOT OF FINDINGS FROM THE 2023 SURVEY OF EMPLOYERS OF MIGRANTS

As part of the temporary migrant worker exploitation research programme, Kantar Public surveyed **528** employers in early 2023 to understand their experiences of employing migrant workers. Comparisons are made with a 2021 baseline survey.

Top industries

- 22% Hospitality
- 14% Construction
- 12% Dairy farming
- 10% Manufacturing
- 5% Technology
- 4% Retail
- 4% Transport

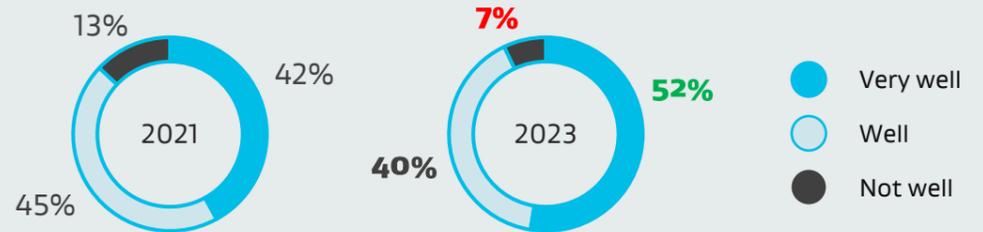
Top nationalities of migrant workers in the business

- 35% Filipino
- 34% Indian
- 21% European
- 17% South African
- 14% Chinese
- 13% Fijian
- 8% Sri Lankan



Employers of migrants' knowledge of employment law has improved since 2021...

More feel they understand employment rules and regulations in NZ 'very well'...



The number of aspects of employment law correctly understood by **at least 80%** of employers of migrants has **increased from 14 to 15 of the 20 tested.**

And understanding of these areas of employment law has improved since 2021



Consequences for exploiting migrant workers

up 8pts to 94%



A worker doing a different role to what they were employed to do

up 9pts to 85%



Payment for overtime

up 10pts to 76%



Contracting

47% (vs. 50% in 2021)

But understanding remains low for contracting.



Awareness of the **migrant exploitation work visa** has grown a little, although most employers of migrants still have not heard of the visa.

2021

18%

2023

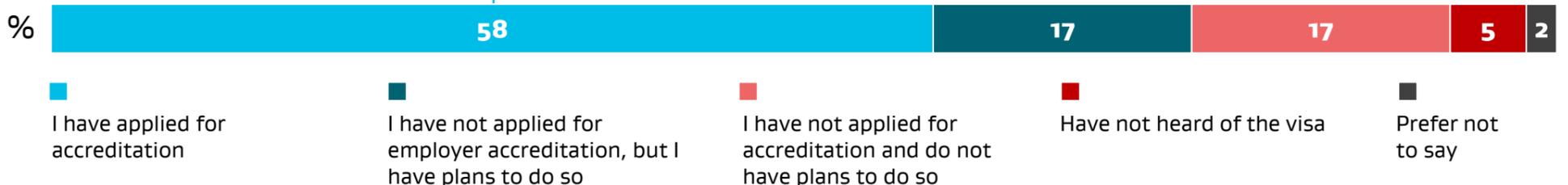
24%

Employers of migrants are finding it easier to keep up with employment and immigration laws, and more feel their workers are aware of employment law.

% who agree...	2021	2023	% who agree...	2021	2023	% who agree...	2021	2023
It is hard to keep up with immigration laws	76%	68%	It is hard to keep up with employment laws	60%	53%	My migrant workers are aware of New Zealand employment law	82%	88%

Three quarters of employers of migrants have either applied, or plan to apply, for accreditation. Most larger employers of migrants have already applied.

Employers with 6+ migrant workers (82%, vs. 59% of those with fewer than five) are more likely to have applied for accreditation



But there is a greater sense that government rules inhibit businesses since 2021.

Some of the Government's employment rules and regulations make doing business difficult in my industry

	2021	2023
Agree	76%	81%
Disagree	24%	19%

xx% / xx% indicates it is significantly higher/lower than 2021

67% of employers of migrants feel a free government disputes resolution would make them more likely to comply with employment law.

56% of employers of migrants feel a free government service to help with access community support would make them more likely to comply with employment law.

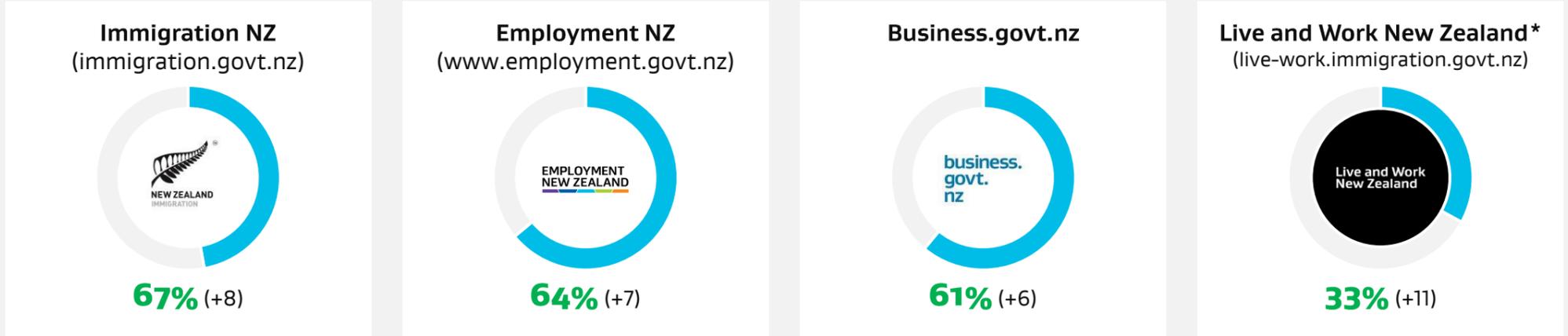
Searching online is still the main way employers of migrants find useful information on employment law.



And more have received useful employment law information from Immigration NZ emails.



www Visitation of all websites tested has increased...



xx% / xx% indicates it is significantly higher/lower than 2021

* Formerly called New Zealand Now and this is what was referred to in the 2021 survey.

The top three learning and information preferences are...

www

Website dedicated to employment law
78% (82% in 2021)

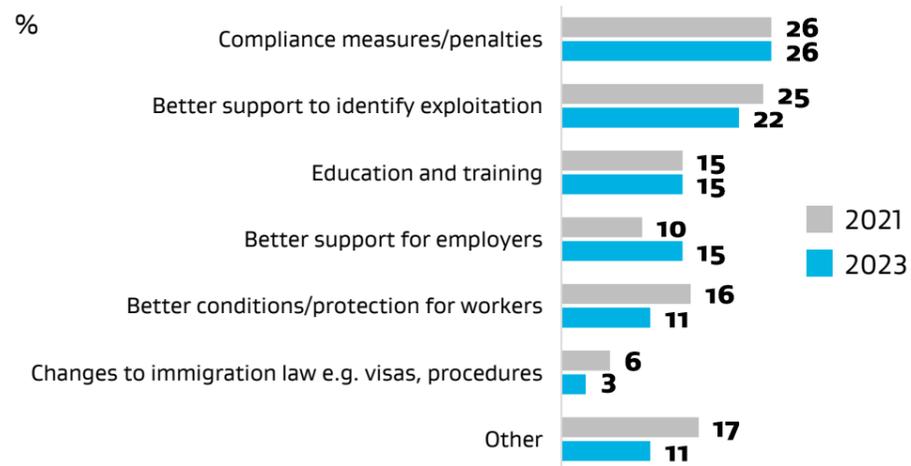


Helpline for employers
71% (72% in 2021)



Free government disputes resolution service
70% (newly added in 2023)

Punitive measures to encourage compliance are still favoured by employers of migrants over other measures, but this year more suggested support for employers (mainly by making it easier to employ migrants).



	2021	2023
One in ten employers of migrants agree sometimes employment rules need to be broken to keep the business running	11%	12%

	2021	2023
And half of employers of migrants struggle to make a profit without doing everything they can to get an advantage over the competition.	46%	50%

Employers think worker fear enables 'bad' employers (although this has weakened a little since 2021).

Employers who are mistreating their (migrant) workers don't get caught because (migrants/workers) are scared to report employers' actions to the authorities – 70% (vs. 77% in 2021)
Employers who are mistreating their (migrant) workers don't get caught because migrants are scared that they will lose their visa and be deported – 74% (vs. 77% in 2021)

In 2021, we identified four groups of employers that sit along two spectrums in line with the strength of their attitudes to moral and legal compliance.

Despite some improvements in employment law knowledge, the size and profiles of the four employer groups has not changed since 2021. This is because improving employer knowledge isn't enough to reduce the potential to exploit, but also requires enhancing business' moral and legal attitudes towards compliance e.g. employment laws that are perceived to support business success.

VIRTUOUS AND COMPLIANT

- Strong moral responsibility and sound business reasons to comply
- Enthusiastic about compliant generally
- Knowledgeable and open to learning



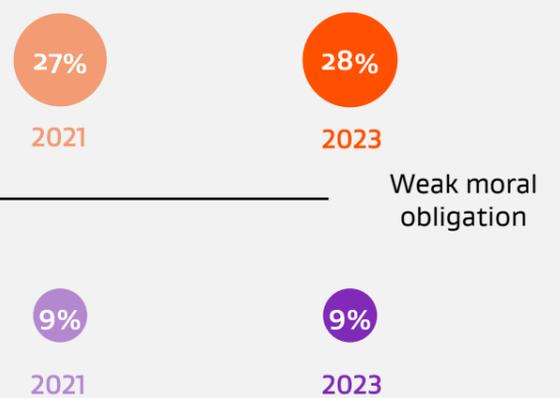
DOING RIGHT BY WORKERS

- Fairly average understanding of obligations
- Not strongly motivated by compliance but generally do so

Strong (consistent) legal compliance

CONFLICTED

- Find it hard to keep up with obligations
- Worker knowledge can keep them informed/in check



POTENTIAL EXPLOITERS

- Subject to strong business pressures
- Least likely to know obligations
- Most reluctant to support compliance

Weak (contextual) legal compliance

A snapshot of findings from the 2023 survey of

WORKERS IN NEW ZEALAND



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

KANTAR PUBLIC

WORKERS IN NEW ZEALAND

The temporary migrant workers exploitation research programme interviewed both temporary migrant workers and a representative sample of all NZ workers. This infographic focuses only on NZ workers. Kantar Public surveyed **955** NZ workers in early 2023. Comparisons are made with the 2021 baseline survey of 669 NZ workers.

Top 5 occupations

- 19%** Technical or skilled worker/tradesperson
- 17%** Professional or government official
- 15%** Teacher, nurse, police or other service worker
- 15%** Clerical or sales employee
- 11%** Semi-skilled worker



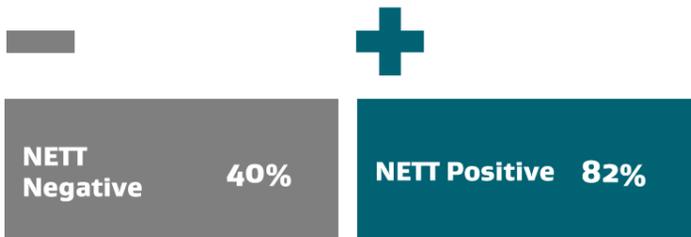
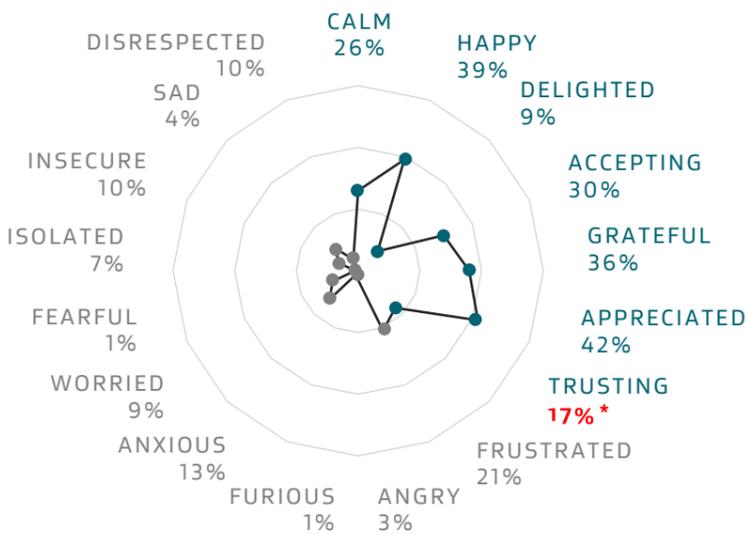
The majority of NZ workers are satisfied with their employment situation

Overall satisfaction
82%

Overall dissatisfaction
9%



On the whole, NZ workers continue to feel positively about their employment situation. However, trust has declined since 2021.



*Lower than 2021 (21%) at the 90% confidence level

Half of NZ workers feel they are expendable, while over half feel a strong sense of dependence on their job for financial support.

% who agree that...



My employer could easily replace me if I left my job
51%
(higher for younger workers – 18-29 year olds **60%**)



It's essential I stay in this job so I can financially support me and my family
61%
(higher for workers aged 30-49 – **68%**)



And 48% have concerns about their employment situation

The top 2 concerns are the same as in 2021, and this year other concerns have becoming slightly more prevalent...

Top concerns were:	2021	2023
Working long hours	22%	24%
No breaks	11%	13%
Working more hours than agreed	-	12% (new addition to the survey)
Underpayment	11%	11%
Workplace discrimination other than race	7%	9%
Insufficient notice when shifts have changed	6%	9%
Paid less than colleagues for the same job	8%	8%
Job is not what they promised	8%	7%
Workplace racism	6%	7%
Psychological, physical or sexual harassment	5%	7%
Hours or days changed without consultation	5%	7%
Being sworn at frequently	4%	7%



1 in 4 NZ workers don't know where to go or who to ask for help about their employment rights (excluding those who felt the question didn't apply to them).

NZ workers' self-rated knowledge of employment law has not changed since 2021, but tested knowledge of employment law has improved.

65% know their employment rights well or very well



35% know their employment rights a little bit or not at all

xx% / xx% indicates it is significantly higher/lower than 2021

Since 2021, more NZ workers know about annual leave entitlements



Annual leave entitlement

75%



80%

are aware of this in 2023

And more know the adult minimum wage is not \$18.70 per hour



Wrong adult minimum wage

59%



83%

are aware this is wrong in 2023

But there is greater uncertainty about whether an employer can ask a worker to do a job they were not employed for



Doing job employed to do

26%



34%

are unsure about this in 2023

Working without an employment contract is a little less common than in 2021, but remains a more significant issue for workers in small businesses.

% of NZ workers who have an employment contract	2021	2023
Yes	90%	93%
No	9%	5%
Don't know	1%	1%



25% of workers in business with 1 to 5 employees do not have a written employment contract (down from 37% in 2021)

NZ workers' preferences for useful information about their employment rights have not changed.

	2021	2023
Searching online / websites	55%	60%
Personal contacts (e.g. friend of family)	33%	37%
A union representative	22%	21%
My boss	18%	15%

xx% / xx% indicates it is significantly higher/lower than 2021

Most NZ workers would feel good about speaking up in an exploitative work situation and think it is important. However, three in ten would find it difficult.

How would they feel?



How easy is it?



How important is it?



Reasons why workers feel scared to speak up, in their own words...

"I'd be afraid that my employer would find out. They might also get into trouble and then they go under, then I'm left without a job."

"Employers often know rights better than employees and either directly or indirectly intimidate employees."

"Getting 'let go' because someone found out I reported it, not having income while being investigated, not being able to get another job or a 'good' job because you'll have a black mark against your name."

"I would not like to make it public/can impact future employment opportunities. I would prefer to speak with the company myself and/or seek legal advice."

"Because if it gets back that it was you or suspected that it was you - you could be treated badly or fired. And if you speak out, the government will do nothing as they will favour the business owner who gives a job not the complaining person."

"Might cause further problems with the employer. Could lose the only job I have affecting myself and family."

"I would feel like I was making a big deal about nothing."

"Not so much scared, but apprehensive as I would be unsure of the reaction of my employer"

"Just the uncertainty of what is going to happen. How my employer will react when they find out."



Normalising speaking up and generating a sense of 'helping others' would be most effective in encouraging workers to speak up. Employer education would be least likely to encourage workers.

Top 3 things which would encourage NZ workers to speak up...

Knowing that if I speak up it would help other workers like me	47%
If other staff from my employer also spoke up	46%
Knowing there is a free government service available to help resolve employment relationship disputes	45%

The two things least likely to encourage workers to speak up...

If employers had to do a course about employment rights	19%
If all business owners had to do mandatory courses about employment when they opened up a business	18%



We've identified four groups of workers who differ on their knowledge of employment rights and risk of exploitation.

About one in three NZ workers are at potential risk of exploitation – 22% know their employment rights, but feel strongly reliant on their job for financial reasons. And 12% don't know much about their employment rights or where to go for help, and fear losing their job.

CAPABLE

- High awareness and knowledge of employment rights
- Low risk of exploitation
- Secure employment

More knowledge about employment rights

KNOWLEDGEABLE, BUT TRAPPED

- Higher than average knowledge and awareness of employment rights
- Higher risk of experiencing exploitation
- Higher than average likelihood to report employment concerns
- More reliant on job for financial reasons

Lower risk of exploitation

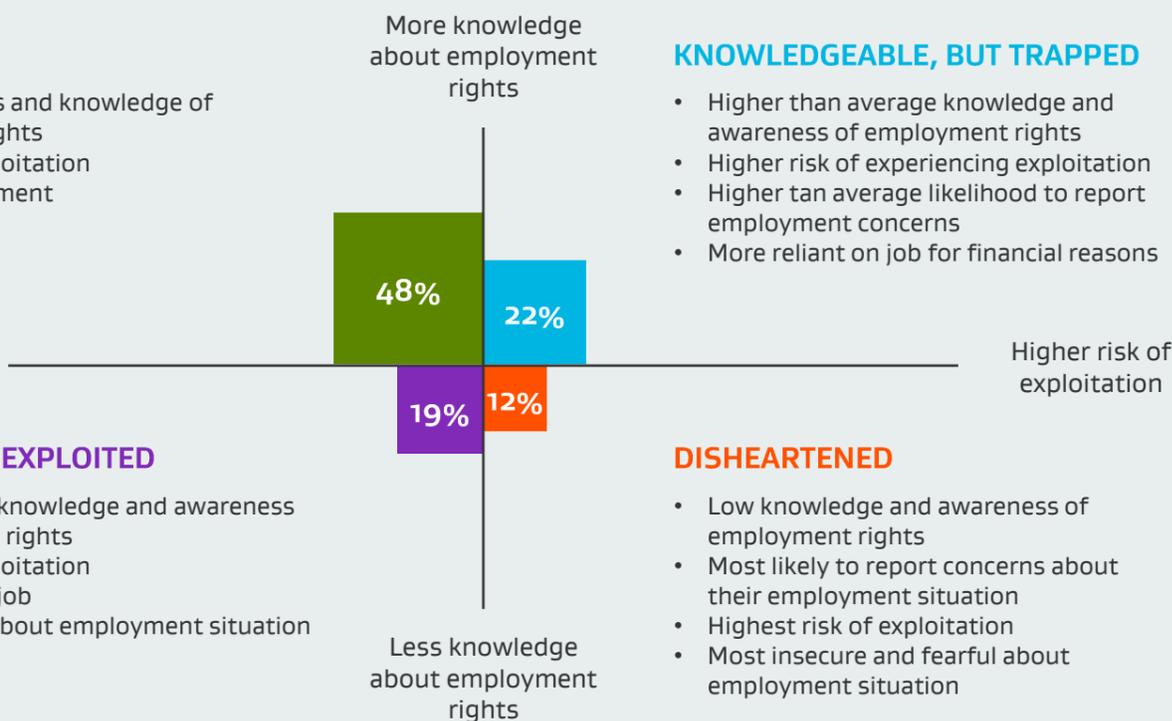
NAÏVE, BUT UNEXPLOITED

- Below average knowledge and awareness of employment rights
- Low risk of exploitation
- Less reliant on job
- More positive about employment situation

Less knowledge about employment rights

DISHEARTENED

- Low knowledge and awareness of employment rights
- Most likely to report concerns about their employment situation
- Highest risk of exploitation
- Most insecure and fearful about employment situation



A snapshot of findings from the 2023 survey of

EMPLOYERS IN NEW ZEALAND



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

KANTAR PUBLIC

A SNAPSHOT OF FINDINGS FROM THE 2023 SURVEY OF EMPLOYERS IN NEW ZEALAND

The temporary migrant worker exploitation research programme interviewed both employers of migrants and a representative sample of all NZ employers. This infographic focuses only on the latter.

Kantar Public surveyed **400** NZ employers in early 2023. Comparisons are made with the 2021 baseline survey results.

Who answered the survey

- 71% Business owners
- 10% Business directors
- 10% Team leaders
- 9% People managers
- 7% Business managers

Business size

- 62% 1-5 employees
- 15% 6-10 employees
- 19% 10-49 employees
- 4% 50+ employees



Tested knowledge of employment law has improved

10 of the 19 aspects of employment law tested were correctly understood by at least 80% of NZ employers – up from 8 in 2021.

But, employers lack knowledge in some areas of employment law...

% of NZ employers who don't understand or are unsure about the laws around...



Overtime
48%



Contractors' rights
38%



90 day trial period
35%



Working without pay
35%



Consequences for exploiting workers
32%

NZ employers' tested knowledge of contracting laws has improved since 2021, while slightly fewer understand that not all breaks should be unpaid.

% who agree that...	2021	2023
Not all breaks are unpaid	76%	70%
Contractors have the same rights as employees	53%	62%



Online and professional sources remain the key sources of useful employment law information. Employment NZ emails are now on par with accountants.

Top five sources of useful employment law information...	2021	2023
Searching online / websites	63%	66%
A lawyer or other advocate	35%	32%
An accountant	30%	30%
Employment New Zealand emails	25%	30%
Industry organisations	26%	26%

xx% / xx% indicates it is significantly higher/lower than 2021

NZ employers still prefer consequence-based approaches to dealing with employers who are non-compliant...

% who think employers would be much more likely to comply	2021	2023
Heavier penalties	49%	54%
Personally fined or taken to the Employment Relations Authority	49%	52%
Business could be fined or taken to the Employment Relations Authority	49%	51%
Banned from employing migrants in the future	50%	50%
Banned from being a director or manager of people in a business	46%	49%



"Enforce harsh penalties both in business and personally"



"More penalties to business owners and managers that undertake the exploitation"



One in three NZ employers think a free government dispute resolution service will make employers much more likely to comply with employment law.

Business pressures and a tight labour market are more evident in 2023.

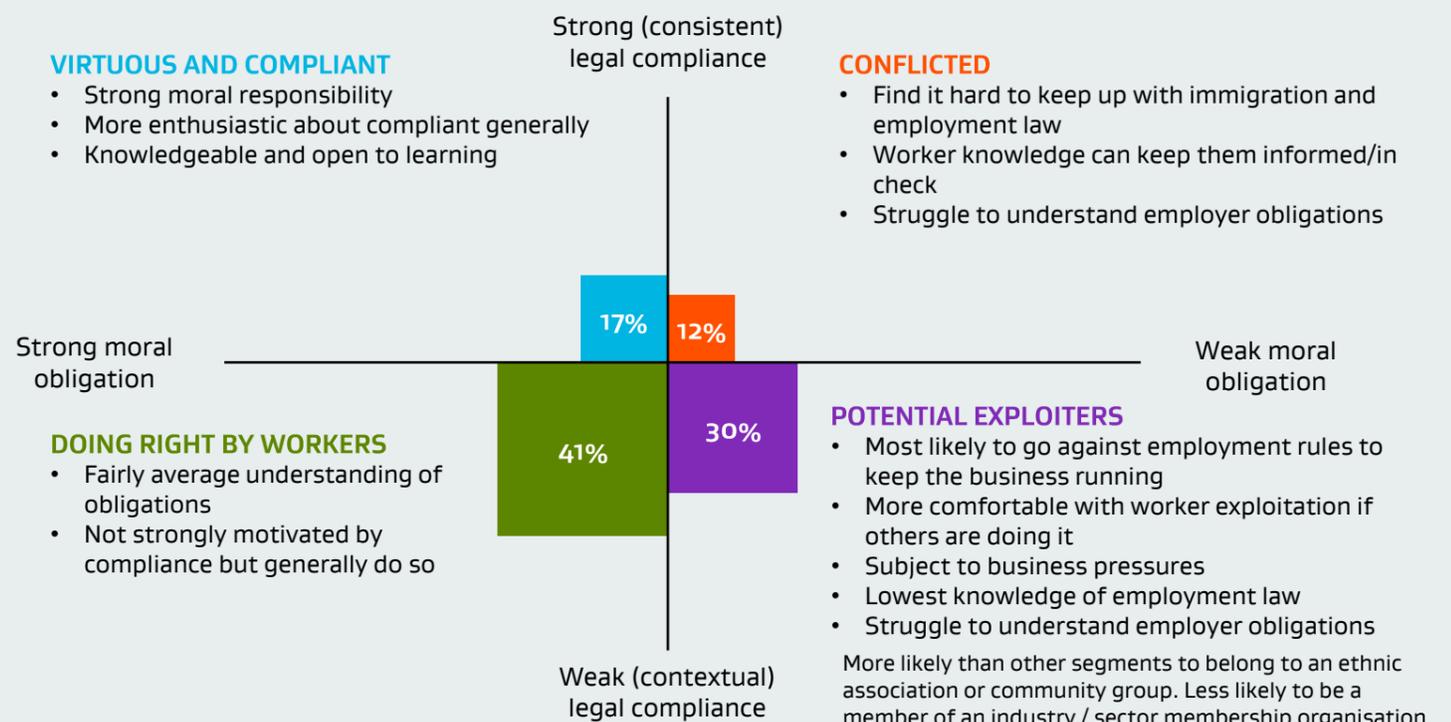
% who agree that...	2021	2023
It is difficult to find good New Zealand staff	64%	74%
It is really hard to make a profit in our industry, we need to do everything we can to get an advantage over the competition	50%	57%

And more employers now perceive there to be a lack of government resource to deal with 'bad employers'.

% who agree that...	2021	2023
Employers who mistreat their workers don't get caught because there are not enough government officials looking for bad employers	54%	62%

We identified four groups of employers that sit along two spectrums in line with the strength of their attitudes to moral and legal compliance.

'Potential exploiters' are a sizeable group of NZ employers. This reflects the large number of small businesses in NZ – small employers are more likely than larger employers to know less about their employment obligations and exhibit weaker legal compliance creating risk of worker exploitation.



In their own words...



One thing is that it's not all the employer's fault. Employees are largely at fault in my experience. Businesses do not need more legislation put on them due to the odd business failing to comply with the rules. An 0800 number free for employees so an investigation takes place is all that is needed to resolve the matter. Businesses are doing it hard. Especially after a cyclone and Covid. Business owners are stressed, and you don't want businesses to close because of more strain and impact. It's not easy and a lot of business owners are already pumping in the hours because of lack of staff and finances.

Potential exploiter

Make it easier to employ workers legally. The immigration process is horrendous and difficult. In our industry, gardening, you need 5 years' experience or a formal qualification for us to easily sponsor them. This just isn't common sense, one year of experience would be enough ... The work is there, the immigrants want it, the kiwis don't. This is where room for exploitation happens.

Potential exploiter



Employers need cultural awareness and respect. Racism and stereotyping also plays a part – seminars and education of employers. Encourage them to create a culture in the workplace that reduces the mistreatment. However, it's hard to enforce and police.

Doing right by workers

It comes down to the individual, I want to treat my employees well so they stay with me - information on the actual cost of recruitment and training of employees might encourage some employers to do the right thing. It is a moral issue - some will value money over ethics, others will value their positive impact on workers and their families.

Virtuous and compliant employer

Make it easier to sponsor them legally and people will do so. Even the people at Immigration NZ don't fully understand the rules and regulations as they are changing so much, how are we as business owners meant to keep up and keep running a business at the same time?

Conflicted employer

