



COVERSHEET

Minister	Hon Iain Lees-Galloway	Portfolio	Immigration and Workplace Relations and Safety
Title of Cabinet paper	Temporary migrant worker exploitation review – Approval to consult	Date to be published	29 October 2019

List of documents that have been proactively released

Date	Title	Author
16 September 2019	Temporary migrant worker exploitation review – Approval to consult	<i>Office of Hon Iain Lees-Galloway</i>
16 September 2019	Temporary Migrant Worker Exploitation Review: Release of Consultation Document	<i>Cabinet Office</i>

Information redacted

YES

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

Some information has been withheld for the reason of confidential advice to Government.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Temporary Migrant Worker Exploitation Review: Release of Consultation Document

Portfolios **Workplace Relations and Safety / Immigration**

On 16 September 2019, following reference from the Cabinet Economic Development Committee (DEV), Cabinet:

Background

- 1 **noted** that the Coalition Agreement between Labour and New Zealand First contains a commitment to ‘take serious action on migrant exploitation, particularly of international students’;
- 2 **noted** that on 5 September 2018, DEV:
 - 2.1 agreed to the objectives of a work programme to address the exploitation of temporary migrant workers, including international students;
 - 2.2 invited the Minister for Workplace Relations and Safety and the Minister of Immigration (the Minister) to report back in the latter half of 2019 seeking agreement to publicly consult on draft proposals for change;

[DEV-18-MIN-0179]

Release of consultation document

- 3 **noted** that the goal of the Temporary Worker Exploitation review is to reduce the exploitation of temporary migrant workers, including international students;
- 4 **agreed** to publicly consult on the following proposals to reduce exploitation:

Under the ‘Prevent’ workstream

- 4.1 Proposal One: introducing liability for parties with significant control or influence over an employer that breaches employment standards;
- 4.2 Proposal Two: requiring specified subcontractors and franchisees to meet additional accreditation standards under the Immigration New Zealand employer-assisted visa gateway model;

- 4.3 Proposal Three: introducing a labour hire licensing scheme, providing certain protections for labour hire workers;
- 4.4 Proposal Four: preventing persons convicted of exploitation offences under the Immigration Act 2009 from managing or directing a company;

Under the 'Protect' workstream

- 4.5 Proposal Five: how the Ministry of Business, Innovation and Employment might establish an 0800 number and online reporting form for temporary migrant workers (and others) to report exploitation, and a specialised worker exploitation-focused reporting and triaging function;
- 4.6 Proposal Six: that the Ministry of Business, Innovation and Employment either:
- 4.6.1 Option A: develops a new bridging-type visa specifically for temporary migrant workers who have reported exploitation as a transparent mechanism through which they can leave an exploitative employer; or
- 4.6.2 Option B: makes changes to the current Immigration New Zealand process for when a migrant worker reports exploitation, to allow Immigration Officers, on a case-by-case basis, to issue a new visa to a migrant worker reporting exploitation;

Under the 'Enforce' workstream

- 4.7 Proposal Seven: establishing new infringement offences and fees for non-compliant employer behaviour that contributes to exploitation and vulnerability;
- 4.8 Proposal Eight: providing an ability to issue an infringement offence and fee against employers who do not provide employment documents requested within a reasonable timeframe;
- 4.9 Proposal Nine: expanding the Immigration New Zealand employer 'stand-down' list to capture existing immigration offences and, in future, immigration infringement offences;
- 4.10 Proposal Ten: introducing a process for notifying employees on employer-assisted temporary work visas if their employer is on the stand-down list and cannot support visa applications;

- 5 **agreed** to the release of a consultation document *Addressing Temporary Migrant Worker Exploitation* (the consultation document), attached as Appendix One to the paper under DEV-19-SUB-0242, subject to any minor or technical changes that may be authorised by the Minister before its release;
- 6 **noted** that the Minister intends that the consultation document be widely distributed to migrants and their representatives, other community stakeholders, and the business community;

Financial implications

- 7  Confidential advice to Government

8

Confidential advice to Government
[Redacted]

9 **endorsed** the Minister's decision to direct Employment services and Immigration New Zealand in the Ministry of Business, Innovation and Employment to develop a new compliance and enforcement strategy to take action on migrant exploitation;

Further report

10 **invited** the Minister to report back to DEV by the end of February 2020:

10.1 on proposals to reduce temporary migrant worker exploitation, [Redacted] Confidential advice to Government

10.2 on the compliance and enforcement strategy.

Michael Webster
Secretary of the Cabinet

Secretary's Note: This minute replaces DEV-19-MIN-0242. Cabinet amended paragraph 10.

Hard-copy distribution:

Prime Minister
Deputy Prime Minister
Minister for Workplace Relations and Safety