



EMBASSY OF  
THE UNITED STATES  
OF AMERICA



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HIKINA WHAKATUTUKI

Anglican Diocese of Wellington



# Tango i Te Kaupae Muri

## *Take the next step*

*Collaborating together to end modern day slavery and worker exploitation  
within Aotearoa New Zealand*

**Held March 16/17, 2021, the Grand Hall NZ Parliament**

### REPORT

**by Rev. Chris Frazer**

#### INTRODUCTION

*'All human beings are born free and equal in dignity and rights. Everyone has the right to life, freedom, and safety from harm. No one shall be a slave or suffer torture. Everyone shall have equal recognition and protection under law and the right to a fair and public trial. Everyone is entitled to freely hold and express his or her own beliefs and opinions. Everyone has the right to participate in the political and cultural life of society and to take part in the fair and democratic government of his or her country. Men and women of full age have the right to marry and found a family but only with the free and full consent of both partners. Marriage, motherhood, and all children are entitled to protection by society. Everyone is entitled to an adequate standard of living, to education, to work for a fair wage and to own property'<sup>1</sup>.*

To the forefront in the initial discussions regarding the proposal to hold another conference, was the recognition that modern day slavery, and worker exploitation,

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<sup>1</sup> The Universal Declaration of Human Rights 1948

particularly for migrants, continued to be an emerging issue of deep concern within Aotearoa New Zealand. Therefore, it was timely to hold such an event in order to bring together business, civil society, and government to raise awareness of the issues from a New Zealand perspective and using effective collaboration to find ways to tackle them.

In discussions it was decided that a particular focus of the conference needed to be on systematic changes that we can take to eradicate these problems from our communities. Accordingly, day 1 would give focus to organisations, businesses, and government agencies who are taking steps to identify and address worker exploitation and slavery risks in New Zealand. Day 2 would then focus on “where to from here?” developing a plan of action aimed at taking the next steps forward in collaboration together.

## EXECUTIVE SUMMARY

The Tango i Te Kaupae Muri conference took place on 16 and 17 March 2021 in Parliament’s Grand Hall. It was supported by a range of business, civil society, and government organisations, who provided a platform for collaborating together to end modern day slavery and worker exploitation within Aotearoa. The speakers were compelling and confronting. They provided a mix of sobering examples of exploitation both here in Aotearoa and further afield, along with practical examples of good work that is underway to address it and perceived gaps, with suggestions of how they could be plugged. Strong themes of partnership and the need to encourage and support people and businesses to make difficult changes were evident across the two days.

Day 1 Setting the scene, highlighted that worker exploitation is happening here in New Zealand, as well as overseas. This flies in the face of a value many New Zealanders hold dear -Fairness. Effective partnership and action are seen as key to addressing the issues. The conference presents a great opportunity to join together across the board, and we must ensure that people and workers are empowered to play a greater role. There is now increasing evidence that as well as a risk to human rights, worker exploitation is a key risk to business. Recent high-profile cases have brought attention to how modern slavery manifests in New Zealand, and the gaps we have that allow this situation to occur. We are making progress, but we know we must do better, and together we can. We are small enough as a country to eradicate modern slavery amongst us by approaching it from many angles at once.

Day 2 looked towards our next steps, beginning with an understanding that modern slavery leaves all of us worse off because it treats people as objects for exploitation rather than full economic and social agents. Acting responsibly and doing the right thing is vital to earn, maintain, and grow consumers’ and customers’ trust. The issues are bigger than any one person, so collaboration is key to improving conditions and doing better for all. We need to let the actions we take be an authentic response based on who we are.

The second day ended with a facilitated workshop where participants identified what they think is going well, where they saw gaps, and committed to actions they would take forward.

Workshop participants noted that awareness is growing about the problem of modern slavery and that collaboration between different organisations is improving. There is increasing media interest in this area, and reporting on risks and costs of modern slavery was driving some changes.

Participants also commented that reliable and robust information and knowledge is still lacking and that despite growing awareness, there is still denial and a lack of knowledge in some quarters. It was also noted that resourcing in this area could be improved and that current incentives for workers and businesses may be contributing to the problems seen.

Participants made a range of commitments to support work in this area, to share knowledge and to contribute to joint initiatives. Comments recorded at the workshop are reproduced at the end of this conference report.

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## CONFERENCE OPENING

### Opening Karakia by Piri Rurawhe, Māori Economic Development Unit, MBIE

**The Hon Michael Wood; Minister for Workplace Relations and Safety**

YouTube Video: <https://youtu.be/xilYnbWKJEQ>



*“Effective partnership is necessary to achieve success in addressing modern slavery”*

Formally opening the conference Minister Wood began by noting that this forum brings us together as support service providers, advocates, businesses, academics, representatives of national and international groups, government representatives and individuals with a common goal of ending modern slavery and worker exploitation. He commented that modern slavery is a global scourge, and New Zealand is not immune.

*Modern slavery and worker exploitation deprive victims of their human rights. They lead to considerable harm and trauma for victims, as well as significant social and economic costs. At a business level, those that do the right thing can find themselves undercut by competitors who turn a blind eye to modern slavery or who use illegal practices to get ahead.*

Minister Wood continued by emphasising the key role everyone has in ending such exploitation, explaining that slavery is no longer associated with physical chains and shackles; today, slavery is more often associated with debt, threats, coercion, deception, and a range of controlling behaviours such as violence or the retention of identity documents. Accordingly, victims of modern slavery and exploitation may not immediately present as such. Modern slavery encapsulates a wide range of practices, and there is no single profile for what a victim may look like.

He explained that a victim could be a factory worker trapped through debt bondage, working long hours for low wages to try and pay off a debt that might never be repaid. They could potentially be working as part of a large international supply chain. But equally, a victim of modern slavery could be a street-based worker who has been forced into sexual exploitation through intimate partner violence.

Minister Wood asserted that we can, and should, strive to better understand the indicators of modern slavery to identify potential victims. Indicators can include

physical signs, such as a person being accompanied by an escort or ‘translator’, living at their workplace, or working long hours and having no time off. They can also include behavioural signs, such as a person becoming disconnected from their networks, displaying fear or anxiety, or appearing to deliver ‘rehearsed’ statements or stories.

*Let us remember that it was a conversation at a church, between a worker and a member of the public, which ultimately led to New Zealand’s first people trafficking conviction.*

Referring to the Government’s ongoing commitment to address all forms of exploitation within Aotearoa, Minister Wood detailed a series of sweeping changes aimed at preventing the exploitation of temporary migrant workers and improve enforcement of the law. These changes are supported by an investment of \$50 million over four years, and will:

- help migrant workers to better understand their rights and responsibilities when working in New Zealand,
- make it easier for migrant workers to report and leave exploitative employment, and
- reduce the risk of exploitation occurring, including by deterring non-compliant behaviour and mitigating risks associated with higher-risk business models.

*Our commitment to addressing modern slavery has been further reinforced by the international commitments we have made. Following New Zealand’s Third Universal Periodic Review by the United Nations Human Rights Council in 2019, we agreed to consider introducing legislation requiring businesses to report publicly on transparency in supply chains. The aim of this approach would be to eliminate practices of modern slavery in New Zealand and beyond our borders.*

*Recently, New Zealand ratified the International Labour Organization’s Forced Labour Protocol. This entered into force for New Zealand in December 2020. The Forced Labour Protocol is a legally binding, treaty-level agreement that requires us:*

- *to take effective measures to prevent and eliminate forced labour,*
- *to provide victims with protection and access to remedies, and*
- *to sanction the perpetrators of forced labour.*

## **Launch of the Plan of Action**

The Minister launched the new all-of-government ***Plan of Action against Forced Labour, People Trafficking and Slavery***, stating that:

*The Plan of Action sets out a high-level framework for the actions that agencies will undertake over the next five years, to 2025. It is comprised of 28 actions organised across*

*three key pillars: Prevention, Protection, and Enforcement. These actions cut across a wide range of themes, including:*

- awareness raising and training*
- the elimination of modern slavery from supply chains*
- the effective and efficient delivery of support services to victims*
- the strengthening of operational, policy and legislative settings to enhance enforcement and prosecution, and*
- international cooperation to support effective prevention and enforcement responses.*

*Although the Plan of Action is a set document, it may be the case that new actions or areas of focus are identified based on new information that comes to light. We do not assume that we have all the answers now, nor do we assume that the Plan of Action will put an end to modern slavery in five years. We are continuing to build our knowledge and understanding of these problems with each passing day.*

*We must continue to be open-minded on the means through which we can address modern slavery. We must be flexible and ready to adapt together with the changing nature of exploitation. He noted that the government's work on these issues will be informed by the discussions that will soon be taking place in this very forum.*

The Minister once more stated that fundamental to achieving success in addressing modern slavery and worker exploitation is effective partnership.

*From an enforcement perspective, modern slavery and worker exploitation often also occur in conjunction with other exploitative and illegal practices. These can include breaches of employment standards, immigration fraud, money laundering, physical and sexual assault including through family violence, and more.*

*Accordingly, it is imperative that government agencies are joined up in identifying and responding to these practices when they occur. This includes providing effective wraparound support for victims that is responsive to their needs and circumstances.*

*In relation to enforcement, we have recently seen the successful outcomes achieved from effective agency cooperation. The case involving both slavery and trafficking last year was jointly investigated by Immigration New Zealand and the Police. These two agencies also work with others to share information and coordinate investigations to combat trafficking in persons and forced labour. But more broadly, it is critical that we are effectively working together as civil society, business, union, academic and government groups, and individuals.*

The Minister reiterated that we should strive to better understand the indicators of modern slavery, to identify potential victims. This will help enable victims and survivors to take their first steps back towards freedom and normality. As part of this it is important that local communities and community groups, including ethnic

communities, are engaged. Over the course of the COVID-19 pandemic we have seen the tireless work of community organisations in meeting the needs of local and ethnic communities.

He noted that community groups are well-placed to identify and refer victims of serious exploitation and are essential to ensuring the successful reintegration of survivors. This work will be particularly important now and in coming years.

He concluded by stating that we cannot escape the impact of COVID-19 and the increased vulnerability it has brought, particularly to people who were already vulnerable to exploitation. But we can take steps to ensure our response is tailored and effective. We must do all we can to prevent exploitation, protect victims, and enforce the law.

## **The Hon Kris Faafoi, Minister of Immigration**



### ***“Exploitation has no place in New Zealand”***

Minister Faafoi began by explaining that migrants are disproportionately the victims of serious exploitation and trafficking – including here in New Zealand. Migrants and their families can incur heavy debts ‘paying’ for the opportunity to come to New Zealand.

He noted that although our borders are now largely closed to protect against COVID-19, some migrants who are already in New Zealand are now even more vulnerable to exploitation given the pandemic’s impacts, especially in sectors such as tourism and hospitality where migrants are often employed.

As part of the Government’s review into temporary migrant worker exploitation, the Minister noted that migrant participants frequently discussed the personal cost of being exploited. This included feeling trapped in exploitative situations because they saw no other option. Many participants talked of experiencing emotional and physical stress, and some described feelings of exhaustion through that stress, as well as having to work excessively long hours. Some participants said they suffered from depression and anxiety, while others contemplated suicide.

### **This cannot continue.**

The Minister stated that exploitation has no place in New Zealand, and the government is committed to building on our work to eradicate it. He said that protecting migrant workers in New Zealand from exploitation is an ongoing focus of his immigration portfolio work programme.

*Immigration and border settings have an important role to play in addressing modern slavery and worker exploitation*



The Minister noted that our immigration and border settings have an important role to play in addressing modern slavery and worker exploitation.

*It is important to ensure that our immigration and labour market systems work to prevent 'bad' employers from exploiting workers, while helping 'good' employers to access the workers they need.*

*Our settings also play an important role in protecting migrants once they are here. We must ensure that there are options for migrants to leave exploitative employment, and that these options are well-known and accessible. In mid-2021 I will be introducing a new visa that will enable migrants to quickly leave exploitative employment and find work with a new employer. While our immigration settings are important, we must also ensure they are effectively enforced.*

*The Government has committed funding and resources to making the changes necessary to eliminate migrant exploitation.*

In concluding Minister Faafoi said that this conference provides a valuable opportunity to share experiences and identify ways of working together to better address exploitation, and he wished participants every success.

## **Chargé d’Affaires Kevin Covert, US Mission to New Zealand**

*“From words to action.”*



Kevin began by saying what a great honour it was to be asked up on to the stage alongside such distinguished speakers, as we open *Tango i Te Kaupae Muri*.

*It is an even greater honor to look out and see so many familiar faces among the tireless champions in the battle against forced labor, people trafficking, and modern slavery. The U.S. Embassy has supported this conference and similar gatherings over recent years and continues to provide grants and expert support to NGOs and faith communities in what may at times seem like an unceasing fight against trafficking.*

*Every year, traffickers deny around 25 million people their fundamental rights to freedom, forcing them to live enslaved and to toil for their exploiters' benefit and profits. And every day, many of you fight to change that. We acknowledge that work, and we are all here today to help continue that fight. Today's conference theme is "Taking the Next Step." This echoes discussions I have had with many of you before today, when I have heard the common refrain that, "Words are fine, but we need action." All governments,*

*including my own, must take the next step – from words to action. We must work harder to increase prosecutions of human traffickers; to expand our efforts to identify and care for trafficking victims; and to ensure victims are not being punished for crimes that traffickers have compelled them to commit.*

*I am proud that the United States Congress took the global lead 21 year ago to act against this abhorrent crime when it passed the Trafficking Victims Protection Act, which created the annual Trafficking in Persons – or “TIP” – Report. For twenty years, this international benchmark report has continued to demonstrate the United States’ enduring conviction that human trafficking is a global threat, and one which requires a global response.*

*No country’s perfect – not the United States, not New Zealand – but the TIP Report arms our governments with the concrete data they need to increase investigations, prosecutions, and convictions of traffickers, and to provide the most appropriate protection for victims of trafficking. Perhaps now more than ever, the COVID-19 pandemic has magnified the need for us all – international partners, governments, faith communities, NGOs, business leaders – to work together in the fight. Economic instability and lack of access to critical services have been exacerbated by COVID-19, and the number of people vulnerable to exploitation by traffickers worldwide has grown dramatically.*

*When governments take the lead, they really can change things. Just a couple of weeks ago U.S. and New Zealand human trafficking investigators and prosecutors shared best practice and case studies during a two-day webinar. The virtual information-exchange between senior officials from the U.S. Department of Justice and the New Zealand government’s Trafficking-in-Persons Operations Group covered areas of shared concern – from emerging global trends in traffickers’ operating methods; to victim-centred approaches to investigations; to how to work within different cultural norms. The experts agreed that, despite significant differences in our two countries’ trafficking profiles and legal systems, the challenges of combating human trafficking revealed we had more in common than we had differences.*

*But governments need help from civil society. TIP cases present particular challenges to law enforcement agencies, where the focus is normally on the short-term goal of “solving” the crime. All of us here recognize the need for trafficking victims to have access to long-term services that address common issues such as traffickers’ continuing influence over their victims, and the survivors’ long-term physical and mental health needs. This is why I was particularly heartened to see the victim-centered approach underlined in the Plan of Action by Minister Wood, which we have all been keen to see for some time. Neither of our governments are complacent about the global scourge of human trafficking. We are making progress, but we know we must do better.*

***And with your help, we can do better.***

**The Rt. Reverend Dr. Eleanor Sanderson**  
**Assistant Bishop**  
**The Anglican Diocese of Wellington**

Anglican Diocese of Wellington



***“It is intentional collaboration across government, civil society, and business, and industry that creates the possibility of effective legislative steps to end modern day slavery”.***

Bishop Ellie began by welcoming and acknowledging all present. The Bishop continued by saying that in 2017 when many of us last gathered in this building to begin two days of work together to address the continued battle to eradicate modern-day slavery, we spoke of the need for intentional collaboration domestically and internationally across all sectors of society. We begin today with a tangible demonstration of the consequences of that ongoing hard work and commitment to collaboration. She continued.

*On behalf of our church, I want to sincerely thank all those who have worked so tirelessly together in this partnership, particularly The Ministry of Business Innovation and Employment and the American Embassy. Thank you.*

*It is intentional collaboration across government, civil society, and business, and industry that creates the possibility of effective legislative steps to end modern day slavery. To make those steps count and to take the next necessary steps together we need similar hard work and collaboration at the grass roots in every community and geographic region in this land. To that end I want to share one story and offer one clear commitment.*

*In 2003 I began working with two different communities exploring the interconnection between spirituality and community development. One community was a women’s organisation in Tanzania and the other a Melanesian settlement in Fiji. To fly to Tanzania, I had to transit in Dubai, being a little closer to England than Aotearoa, my mother came and joined me there for a few days. Next to where we were staying was one of many building sites. We watched over the next few days in deep disquiet as we saw 24hrs of construction work taking place, and open topped of men transported in trucks in searing heat back and forwards from these sites and the many others that surround us*

*A few months later I was in Fiji, again with my community there. A man had been visiting the villages and settlements in their area inviting people to take up building jobs in the Middle East. This man worked directly through the local priest highlighting this opportunity as one not only of financial gain for the villagers, but also as a wonderful mission opportunity. I made the connection with what I had seen in Dubai, what I was now seeing in Fiji and what I suspected but did not know of the risks and vulnerability of human exploitation and human trafficking.*

*Thankfully shortly after my time there this man who had approached the village was arrested locally in Fiji for taking money from people on false premises and none of my friends from the settlement left on the “mission trip*

*People’s on the ground participation in local church communities has been an instrumental key in identifying and subsequently addressing worker exploitation and modern-day slavery in this country. Our Anglican church covers every geographic region in these islands and is structured as a Three Tikanga Church on bi-cultural and cross-cultural partnership. On behalf of our Diocese, I wholeheartedly offer whatever local resource and grass-roots partnerships are needed to help with the roll out of this vital action plan. Let us work together in a grass roots collaboration to make sure that anybody who identifies something that does not seem right, knows what to do, knows who to contact, knows what questions to ask and who to ask those questions of.*

*To be truly effective, it takes all of us working together. So let us keep walking together in our governmental and civil society partnerships and let us also keep walking together on the ground, it is only in doing both that we can end modern slavery and on behalf of Wellington Diocese I pledge all our support to accomplish this for our present and future generations.*

**Open letter to Minister Michael Wood  
Presented by CEO of Trade Aid Geoff White**



***New Zealand’s identity as a nation is built on kindness, fairness, equality, and sustainability***

On behalf of Trade Aid, World Vision, and Walk Free Geoff presented Minister Wood with an open letter. A collaborative initiative by Trade Aid, World Vision and Walk Free the letter calls on the New Zealand Government to reflect Aotearoa’s values of fairness and equity by progressing action towards a Modern Slavery Act. Signed by 80 New Zealand businesses it begins by urging the New Zealand government to commence a government inquiry into a Modern Slavery Act for New Zealand business and public sector supply chains. The letter emphasises that modern slavery goes against our kiwi values. New Zealand’s identity as a nation is built on kindness, fairness, equality, and sustainability. As New Zealand continues to trade on these credentials, showing leadership on addressing modern slavery through ensuring its companies and public sector are meeting global labour rights standards, becomes more important.

**The opening of the conference concluded with a blessing for morning tea by the Very Reverend David Rowe, Dean of the Wellington Cathedral of St. Paul.**

## Day 1 – Setting the Scene

### Survivor Story

A video interview with a survivor of exploitation within New Zealand who courageously shared valuable insights into their experience.

### Archbishop Emeritus Sir David Moxon, the Anglican Church of New Zealand and Polynesia



### Five minute hotspot – we see from where we stand

YouTube Video: <https://youtu.be/KpJ2C01utNM>

### *“What we see is shaped by our own space and location”*

*When Grace Forrest of Walk Free befriended a modern slavery survivor, her own heart and mind were transformed, leading to global action. When Pope Francis befriended a survivor of trafficking in Argentina when he lived there, his heart was deeply moved and remembered. When the Archbishop of Canterbury took a refugee family into his own home, he changed the awareness of many. When a Hindu ashram leader opened her community to assist with survivors of slavery to recover over time, her communities' motivation for justice and liberation increased. When the Grand Imam of Al Haza in Alexandria announced a fatwa on slavery, he began to embolden more Muslim awareness. When a chief Rabbi joins with other faiths against slavery, the attitude of Judaism about slavery since the time of Moses is revealed again.*

Archbishop David emphasised the role of faith-based communities stating that faith communities united in common cause can potentially represent just over 50% of our country and around 80% of the world population.

The place that faith communities stand in society provides them with a unique and often widespread opportunity to become aware of the suffering of people trapped by modern slavery, whatever their circumstances. Many are immigrant relatives or friends; many have networks that go deep and wide, much deeper, and wider than other bodies sometimes.

Archbishop David raised the challenging question, ***what can we do?***

He then outlined a number of suggested key steps, these being,

1. *Mobilising faith-based communities to raise awareness for joint action, to coordinate the ever-growing pool of physical, human, and financial resources, training, and education opportunities. Who may look trapped in our community? Who looks frightened and isolated even in our congregation?*
2. *Supply chain proofing. Faith communities can approach business people associated with them or known to them to research their own business supply chains.*
3. *Care for victims and survivors in terms of forced labour and prostitution, and organ trafficking. This can involve non proselytising hospitality and long-term friendship,*
4. *Law reform and enforcement in this crime against humanity. As we have just heard there are new initiatives here towards our government today for a Slavery Bill of some kind.*
5. *Education and awareness focussing on prevention by describing exploitation and at-risk communities as well as restorative activity, leading to eradication strategies.*

*All of these strategies will be supported by a new ecumenical Walking Together network which has just begun to mobilise here.*

*We have a golden opportunity here in this room to link arms across the board and form a kaleidoscopic response to this injustice in our own country. As a team of five million we could do this. I have been a part of a number of gatherings with this cause in mind overseas, but this is the first one I have attended where everyone who can be is in the room. We could be seamless and interdependent in a unique way in this cause. We are small enough as a country to eradicate modern slavery amongst us by approaching it from many angles at once.*

*William Wilberforce as an Anglican layman in Parliament in England was very vocal and effective in this cause some centuries ago. He also said after highlighting the tragedy and injustice of slavery in his time:*

***"You can turn the other way and pretend you do not see, but you cannot say you didn't know"***

**Dennis Maga, FIRST Union Secretary**

*Experiences combatting modern slavery in Aotearoa and abroad*

YouTube Video: <https://youtu.be/61iV5BxReRk>



Dennis began his presentation with an overview of the organisation.



## FIRST UNION

- Private sector trade union with **30,000 members** in retail, finance, commerce, transport, logistics, manufacturing and construction sectors.
  - Many of the companies we organise are under foreign ownership and/or part of global value chains.
  - Our union has been heavily impacted by globalisation, but we are also an actor within that process, aiming to safeguard labour rights of workers within the supply chains we organise.
- Since 2012 the **Union Network of Migrants (UNEMIG)** has organised thousands of migrant workers, combatting worker exploitation in Aotearoa.
- **Pasefika FONO** organises workers from Pacific islands, including combatting exploitation in the RSE migrant scheme.

Using the Top Glove company based in Malaysia as a study Dennis outlined the issue and the steps taken by the Union to date.

Since 2018, when Human rights investigators uncovered modern slavery-like conditions for migrant workers in two of Top Glove's Malaysian factories, FIRST Union has been monitoring these credible threats of modern slavery within the world's largest rubber glove producer. FIRST Union reported the situation to the Minister of Health at that time, demanding a supply chain investigation. Dennis observed that with the event of the pandemic COVID-19 has supercharged the demand for gloves which are so necessary for protection, whilst increasing worker exploitation.

During the height of the pandemic when the US Custom and Border Protection became aware of plight of workers producing the gloves being imported into the country, they immediately imposed an import ban. FIRST Union took a number of steps when they became aware Top Glove were supplying to New Zealand companies. These steps being,

1. Reporting to the Minister of Health with detailed information on supply chain.

## 2. Using media to put pressure on NZ buyers.

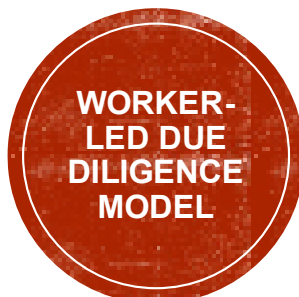
FIRST Union also contacted Foodstuffs recognising their effort by pulling Top Glove products off the shelves and removing them from food preparation lines, pending investigations.

Dennis pointed out that Foodstuffs and EBOS healthcare (both FIRST Union sites) stopped purchasing from the company. He went on to note though that NZ Superfund has not yet dropped its shares in the company.

Together with Union AID, FIRST Union are implementing a program to help former Nepali rubber glove factory workers (including Top Glove) to have recruitment debt remediated. Dennis spoke of the importance of the Corporate due diligence model.



- Due diligence is the key component of modern slavery legislation
  - You can't combat the violations that you don't know about
- Opacity is one of the key benefits to multinationals of global value chains and arms-lengths contracting
  - Not knowing what's going on in your supply chain can be very profitable
- Commercial privilege and due diligence are often at odds with one another
- Exploited workers reluctant to bite the hand that feeds



- In Aotearoa we have very good union access rules and can use that to improve the effectiveness of corporate due diligence.
- We use our international labour networks to try and expand that to other supply chains
  - The fast-fashion retail chains we organise in NZ rely on labour rights violations in supplier countries like Bangladesh, where we have union partners working inside the special economic zones



Dennis concluded with a number of recommendations saying that whilst FIRST Union supported modern slavery legislation, alone it would not be enough, workers and unions in Aotearoa and abroad need to be empowered to play a greater role in monitoring labour rights, including modern slavery.

Furthermore, NZ needs to work with other modern slavery allies to strengthen union access rules in vulnerable countries.

**Dr. Natalia Szablewska Academic, and Business and Human Rights Practitioner**

**Auckland University of Technology**



YouTube Video: [https://youtu.be/k7oQS\\_zjc7c](https://youtu.be/k7oQS_zjc7c)

### *Modern Slavery and Sustainability*

Natalia began her presentation by referring to the survivor video shown earlier, reflecting on how, having been a migrant for most of her life, she could understand the plight of the person who was interviewed. Natalia went on to point out that a person may speak the language and have educational degrees yet still manage to be caught up in some form of exploitation. Natalia emphasised that there is a common misconception that only people desperately poor are vulnerable to being trafficked, yet this has been proven to not always be the case. This misconception, she felt, was important for us all to be aware of, pointing out that all people are vulnerable to being exploited.

Natalia outlined the purpose of her presentation was to focus on human rights due diligence. When explaining what this meant Natalia pointed out that while states are the primary duty rights holders there is a baseline expectation that all businesses, as a minimum will refrain from infringing on the human rights of others. There was also an expectation that businesses would redress any harm they may have caused. This has been understood for quite some time and, while not legally binding, has been enshrined for some time within the United Nations Guiding Principles on Business and Human Rights. These Guiding Principles are considered to be the yardstick and the authoritative stand on how businesses should operate and have influenced and inspired business around the world.

## Corporate Human Rights Due Diligence

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- UN Guiding Principles on Business and Human Rights (UNGPs)
- UNGP 17: *all* businesses to undertake HRDD to “identify, prevent, mitigate and account for how they address their adverse human rights impacts”
- EU legislation: *mandatory* human rights and environmental due diligence
- (Draft) Binding UN Treaty on Business and Human Rights

Natalia went on to point out that whilst businesses in general have tended to focus on risk to business, there is now increasing evidence that risk to human rights is a risk to business, so businesses are wise to look into human rights issues and the potential harm caused for both people as well as business. Natalia went on to say there has been some progress made around the world in terms of some forms of due diligence being introduced at a domestic level. For example, the Netherlands have introduced a child labour due diligence law which will require all companies selling or supplying goods or services to Dutch consumers to ensure their products are free from child labour. This law is due to come into effect in 2022.

Natalia continued her presentation by discussing sustainability in the business context concluding with the practical implications of enacting such sustainability.

### **New Zealand’s first people trafficking and slavery conviction- Panel discussion**

**Facilitator Sheridan Broadbent, Independent Director**

**Panellists:**

**Cam Moore, Manager Investigations, Immigration NZ, MBIE**

**Sharyn Titchener, Manager International Child Protection Unit,  
Oranga Tamariki**

**Dr. Natalia Szablewska, Academic and Business and Human Rights  
practitioner**

## Cam Moore



YouTube Video: <https://youtu.be/BYwL06ttDdA>

### *“He sold a dream”*

Cam began by outlining the length and complexity of the investigation. The 3½ year investigation culminated in Joseph Matamata, a NZ resident living in Napier, being found guilty of 10 charges of trafficking people and 13 charges of dealing in slaves in 2019. Matamata, 66, was subsequently sentenced to 11 years in prison.

Cam explained how the offending first came to the attention of the authorities. It began in 2017 when two Samoan nationals unlawfully in NZ, having overstayed their visas, were picked up by compliance officers. It was during the initial interviews with the men when the likelihood of the men being seriously exploited came to light. Two senior investigators were then sent down to undertake a more thorough investigation. Believing it to be two cases of trafficking the Police were also called in so a joint investigation could take place. As the investigation progressed other agencies became involved including Oranga Tamaraki and the Labour Inspectorate.

As Cam unpacked the reality of the two decades of offending, he pointed out how Matamata, a self-titled Samoan Chief with considerable mana went over to Samoa traveling through the villages to “sell a dream”. This he did by offering victims and their families the opportunity of good wages and free accommodation in New Zealand. In the sentencing notes, the deception and the abuse that followed was graphically described.

*‘By way of an overview, from 1994, you brought Samoan nationals, some of them your relatives, others from your village, into New Zealand to illegally work for you in the horticultural industry. They were told that that they could earn significant income by Samoan standards, which they would be able to send back to their families in Samoa. Once in New Zealand, these Samoan nationals were exploited by you for your own, and that of your family’s, financial gain. Prior to the victims’ travel to New Zealand, you, either personally or through other connections, represented to the victims and in some cases, their families, the financial advantages of working for you in New Zealand. The victims were told they would live with you and your family, they would work for you, and that the rewards would be significant. They were told that the money they earned would come to you, and once they had paid off the cost of the visas and airfares, they would receive the net income earned by them after deduction of accommodation, food, and petrol costs. They would then be able to send this money back to their families in Samoa. The level of detail provided to the victims varied, but the consistent theme conveyed by you was that they would have a better opportunity to provide for their families if they came to New Zealand to work for you. You arranged and paid for their visas and for the victims’ travel to New Zealand. The visas were three-month visitor visas only, which you knew did not allow them to work in New*

*Zealand. Some of the victims were ignorant of this, and others were told that once in New Zealand, extended visas could be arranged. All of the victims were vulnerable individuals. They were poorly educated and had little access to income or assets.*

*Most could not speak English, and some could not read. The victims arrived in Hastings throughout the course of the last two decades and began living with and working for you. They worked long hours at various locations six days a week, for some occasionally seven. The horticultural owners or contractors that they worked for would make payment for their work directly to you, and the money was retained by you. Some victims were given small amounts of money such as \$10 or \$20 a week*

*The evidence revealed that there were various ways in which you controlled the victims. You took their passports on arrival and never returned them. You told the victims you needed the passports to extend their visas, but you never took any steps to try and legitimise their immigration status. This was another form of control over them.*

*The victims lived on your property, which comprised two houses and two garages surrounded by a high wire fence. The front gate was secured by a padlock. The victims were instructed when they were not working, they were to remain at the property. On occasions that padlock was unlocked but the victims gave evidence that they perceived they could not go beyond the property without your permission. At the property, they had to carry out various daily chores such as cooking and cleaning. They were told not to connect with other persons at the weekly church services they attended. They were instructed not to communicate with passers-by or other people that they came across. They were not allowed to communicate with their families back in Samoa unless you permitted it, and in any event, did not have the means to do so.*

*The youngest three victims were aged between 12 and 19 years. You adopted these victims, so no visas were required for them. You were able to exercise parental control over them. You told the victims' parents they would come to New Zealand for a better future – to work and send money home. This would assist their families. You knew they would not be paid for their labour. In relation to the slavery convictions, the same controls were in place for these three. You retained the victims' passport and bank cards. You restricted their movement and communication. They worked long hours in the orchards and then completed household chores. Again, you controlled them by actual or threatened violence.<sup>2</sup>*

**To be noted**, appeals against the conviction and sentence of Joseph Matamata were heard at the Court of Appeal on 28 April 2021. The Court has reserved its decision with an anticipated release date of 6 – 12 weeks.

**Sharyn Titchener**



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<sup>2</sup> SENTENCING NOTES OF CULL J, July 2020 High Court Napier

Sharyn explained how the youngest of Matamata's victims were adopted by Mr Matamata in the Family Court in Samoa, which gave the children the right to obtain New Zealand residency and enter and reside permanently in Mr Matamata's care. Sharyn highlighted that the adoption pathway being used as a mechanism to facilitate the entry of the children into a harmful environment in New Zealand, demonstrates how New Zealand domestic adoption legislation is outdated and no longer responsive to the challenges of today's cross-border environment.

Sharyn spoke of the vulnerability of children who are subjected to trafficking and slavery, especially children who are brought into New Zealand from another country, as was the situation for three of Mr Matamata's victims. These children are 'hidden victims'; due to English not being their first language, often they are not attending school, they do not know how to seek help or assistance, and their movement to New Zealand from their country of origin, is often founded on different layers of cultural expectations.

Sharyn reflected on how Oranga Tamaraki as an organisation, learnt a great deal from Operation Star. It is through this 'lessons learned' approach that Oranga Tamariki will be able to strengthen their practice to ensure that they are being responsive to investigating and assessing cases of child trafficking and slavery.

### **Dr. Natalia Szablewska**



In her introduction, Natalia said that she was not involved in the Joseph Auga Matamata case directly but has been following it closely. She focused on three main areas that are of particular relevance to New Zealand in relation to this case, that is it brought attention to how modern slavery manifests itself in New Zealand, how New Zealand compares internationally, and what problems or gaps exist in New Zealand that allowed for this situation to occur.

She started by reiterating the global scale of modern slavery, being estimated at over 40million, and for New Zealand the estimates indicate that some 3,000 might be enslaved in our economy. This number is sobering but, at the same time, Natalia highlighted that such cases are notoriously difficult to prosecute often due to the lack of evidence and limited cooperation by the victims themselves who might be traumatised and/or fear for their own safety or their loved ones, as well as trauma bonding where, due to the continuous pattern of abuse, the exploited develops an attachment for the exploiter.

She then stated that the estimates of slavery or slavery-like practices in New Zealand sound proportionate to the size of the population and the numbers elsewhere, but that the geo-political context needs to also be considered, in particular our closer relationship

with the Pacific nations. Natalia highlighted that culture matters and, as she termed it, the 'culture factor' plays a significant role in both the pattern of abuse as well as the specific vulnerability of victims due to the expectations and pressure on individuals to perform what might be considered to be in line with their culture. It is not a question of whether exploitation and its extreme forms exists in most/all cultures (as they do), but rather whether the given culture condemns such practices.

Natalia explained that labour exploitation is a continuum from one end where the labour standards might not be adhered to, via more serious violations of worker's rights, to the other end with the more extreme forms of exploitation, where modern slavery sits. Different countries have different labour laws and standards; thus, it often differs between nations what is considered illegal or otherwise, but the more we move towards the extreme end, the less divergence there is in terms of what would be considered morally (and often legally) unacceptable.

She briefly highlighted that New Zealand does not have legislation dealing with modern slavery in supply chains, like the UK or Australia, which creates a vacuum of regulatory mechanisms for businesses operating in New Zealand, which needs to be addressed. This case exposed major issues in New Zealand supply chains, specifically with regards to the adequate recruitment and oversight of people working in New Zealand's primary industries. She applauded the Government for making a commitment to examining the implementation of modern slavery legislation in New Zealand, which needs to address New Zealand business practices both in New Zealand and globally.

## **Liquor Retail Case Study – Panel Discussion**

**Facilitator Sheridan Broadbent, Independent Director**

### **Panellists**

**Andrew Shaw, Partner, Lane Neave**

**Matthew Wilson, Corporate Affairs Director, DB Breweries**

**Loua Ward, Regional Manager, Labour Inspectorate, Employment NZ,  
MBIE**

YouTube Video: <https://youtu.be/19LuNKeMf8Q>



## Loua Ward



Loua opened her presentation by saying “*for every good, hard working, law abiding employer in this sector, there is a non-compliant one*”. It is estimated that there is about 40% non-compliance within the retail liquor industry. The majority of non-compliant liquor stores investigated, by the Labour Inspectorate are part of nationwide franchises, chains, or franchise-like businesses.

There has recently been considerable media focus on migrant exploitation within the retail liquor sector, with extensive coverage of cases in Canterbury, Auckland, and Waikato. ‘*A fair days work for a fair day’s pay*’, Loua commented that fairness is “a New Zealand value that we hold dear.” Employers not following the rules undercut businesses who are compliant which has a detrimental impact on the profit and profitability of those who are playing by the rules.

Loua outlined some of the recent prosecutions and the resultant penalties pointing out that these penalties will render the liquor stores unable to recruit, or support visa applications, for migrant workers, as the employers will be on a stand-down list, for breaching employment minimum standards. In the Inspectorate’s view, Liquor stores and directors who exploit staff or have a history of sustained non-compliance with employment minimum standards, should not meet the licensing suitability requirements to sell liquor. Non-compliance with minimum standards by employers is anti-competitive and gives an unfair advantage over businesses that comply with the law.

### 2016 ARLA Decision

Until recently, a 2016 ruling by the Alcohol Regulatory and Licensing Authority (ARLA), the national body which hears appeals against local licensing committee rulings, discouraged licensing authorities from taking into account how employers treat their staff when considering licences. The ruling stated that there was not a clear link between employment law breaches and the operation of taverns, in relation to the safe

and responsible sale, supply and consumption of alcohol.

Two cases have since started to challenge this view:

1. An Auckland District Licensing Committee decision – where the Chairperson decided that an Inspectorate objection could proceed to a hearing. The chair cited significant concern regarding exploitation of workers in NZ and that the application should stand or fall on the merits of the case.
2. A recent renewal application for Tokoroa bottle store (Two Brother Wholesale Liquor Limited t/a Thirsty Liquor Tokoroa):
  1. In January 2021, the South Waikato District Licensing Committee relied on a Labour Inspector’s evidence, when not granting a liquor license to a company which operated liquor stores in Tokoroa.
  2. The company was investigated after a complaint about breaches of employment standards was received.
  3. Following an investigation, an improvement notice was issued although while two time extensions were granted, the improvement notice had not been complied with at the time of the hearing.

The committee’s decision, dated 28 January 2021, was to decline the renewal application, citing the employer’s *“systemic pattern of illegal behaviours over the five years that were enquired into, and this gave Two Brothers Wholesale Limited an unfair advantage in the alcohol industry”*.

The committee drew a clear relationship between compliance with minimum employment standards, as well as managing fatigue through shorter shifts and rostering two people during busy periods, and the ability to sell alcohol safely and responsibly.

### **Next steps**

Loua highlighted that they are actively challenging liquor license applications where they have evidence of worker exploitation – either as objectors or witnesses; and working closely with other government agencies – Local council liquor licensing, NZ Police, Medical Health officers across NZ.

One of the issues being seen, in a highly competitive industry with low margins, is the limited repercussions from the sector, when it comes to non-compliance.



Employment NZ have been working with Super Liquor who has taken steps to implement robust systems to assure compliance across its franchisees. They are also working with another brand to do the same. But there are brands out there, who have yet to take meaningful action.

Franchises and brands have a real opportunity to take responsibility for cleaning up the liquor industry and ensuring that exploitation is not welcome or tolerated in NZ. Such as through putting in better systems and audits programs.

1. The Labour Inspectorate will continue to regulate the industry, but we can't regulate our way out of this
2. Our role is to drive demand for change/enhancements by highlighting risks and weaknesses, through our enforcement work and associated publicity
3. We will also support business to make the necessary changes/enhancements

However, the liquor industry needs to take responsibility too. All franchises and brands have a role in taking action to eliminate migrant exploitation in NZ.

**Andrew Shaw, Lane Neave**



### *A look at recent cases and effect on industry and community*

Andrew Shaw explained how Lane Neave's Workplace Law Team is extensively involved with advising and representing clients around New Zealand on issues of minimum entitlements. Andrew then gave the example of the case of *Labour Inspector v Preet/Warrington* explaining how the Court adopted a four-step process to determine the quantum of penalties that should be imposed:

**Step One:** Identify the nature and number of statutory breaches. Each breach must be identified separately. Then identify the maximum penalty available for each breach. Consider whether global penalties are appropriate

**Step Two:** Assess the severity of the breach in each case to establish a provisional starting point for each penalty, including an adjustment for aggravating and mitigating factors.

**Step Three:** Consider the means and ability of the person in breach to pay the penalty reached under Step Two.

**Step Four:** Consider whether the provisional penalty reached after the first three steps is proportionate to the seriousness of the breach(es) and harm done. This step ensures that the imposition and amount of a penalty is just in all the circumstances.

After the application of this process, the Court ordered Preet to pay \$40,000 in penalties and Warrington to pay \$60,000 (\$7,500 was to be paid to each employee).

Lane Neave acts extensively in the liquor industry, including assisting Super Liquor to ensure its Franchisees are compliant.

Andrew outlined the minimum employment code explaining why it's important to put in place systems and good measures so to ensure workers are paid fairly. There is a risk that given New Zealand's high minimum wage requirements in comparison to other countries, that employers will endeavour to manipulate the employment code. There is a high number of migrant liquor industry employees who are vulnerable to being exploited. Such exploitation once uncovered offers the potential for MBIE to take enforcement action against the industry, with the likelihood of large penalties and costs and a reputational risk to the brand.

Andrew continued by outlining good measures aimed at reducing such worker exploitation, namely,

1. Quality payroll system – data in/data out.
2. Information to employees – posters/0800 number: MBIE/Franchisor.
3. Migrant workers union/Community Law/Citizen Advice Bureau.
4. Franchise agreement.
5. Check migrant/shareholders/family working.
6. Industry approach.
7. Education of Franchisees; and audit of business

In concluding Andrew referred to the International Labour Organisation of which New Zealand is a founding member.

The International Labour Organisation (**ILO**) is a specialised agency of the UN that prescribes international labour law by issuing Conventions, which members can adopt and ratify by enacting them into their domestic law. NZ is a founding member of the ILO. We have ratified and thus are bound by over 52 ILO Conventions. These Conventions uphold minimum entitlements with regard to such aspects as child labour, forced labour, rest breaks, contract requirements, migration for employment, equal remuneration, holiday pay, discrimination, accident prevention, workplace health and safety, etc. As a member of the ILO, NZ is required to report on its application of ILO Conventions. OECD Guideline for Multinational Enterprises. The OECD produces guidelines on responsible and sustainable multi-national business conduct. In

particular, these Guidelines outline 8 recommendations concerning employment and industrial relations.:

1. Respect workers' rights to organise, allow collective bargaining, contribute to the abolition of child/forced labour. Provide equal opportunities/treatment to all workers.
2. Provide facilities and information to workers to enable fair collective bargaining.
3. Promote consultation and cooperation between workers, employers, and worker representatives.
4. Provide no worse working conditions or employment relations than comparable employers, including providing wages that will satisfy at least the basic needs of workers and keep them safe at work.
5. Use local workers (to the extent possible) and provide training to up-skill them.
6. Provide fair notice or warning before making layoffs.
7. Use no economic threats such as moving operations to influence collective negotiations.
8. Enable worker representatives to negotiate on collective bargaining or labour management relations.

## **Matthew Wilson**



Matthew began by explaining that DB is now owned by HEINEKEN, one of the largest brewers in the world and still majority owned today by the Heineken family. As a family-owned business HEINEKEN is particularly committed to its values and sustainability -as is DB, where they have an ambition to be the leading sustainable business in NZ. Importantly, Matthew went on to say, that means not just environmental sustainability, and our quest to be carbon, water, and waste neutral by 2030, but also social sustainability – which is why we have been continually active on matters such as drink-driving.

*As an organisation DB has grown increasingly concerned at the issues, particularly, but not restricted to, worker exploitation in some traditional liquor stores, and become increasingly outspoken on this topic in the media.*

*DB viewpoint is simple, for the wider alcohol industry to be sustainable we need an environment where bad operators exit the industry and the good operators are retained, and not vice versa.*

*DB has a vested interest in a sustainable industry where standards and compliance are upheld – good practice celebrated, and bad practices called out.*

*This has led to a lot of discussion the past year in particular on what is the role we can play as a supplier to raise the bar and eliminate bad practice and those who break the law. Sometimes we hear people ask – why don't you just cut off supply to a given store? The reality is many stores do not buy direct from us – they buy via a wholesaler or they buy from other stores under buying group terms – meaning if we refuse to supply them, they can still buy and stock our products, indirectly should they want to. Our other reality is we need to be conscious of recognising due process – not trying to be the enforcer if a crime is alleged and is being fairly defended, or stray into moral judgements, which is not necessarily our role to play.*

*This is not particularly satisfactory though as these are reasons not to act as opposed to reasons to act. Where we have landed as a business is that if we see a pattern of behaviour or allegations which are so serious to be untenable, we will make an objection to that licence's renewal, or in the case of a new store with a known operator, object to the store getting a licence.*

*This could be because of past or current egregious allegations or convictions against an operator for issues such as worker exploitation, or it could be for wider issues such as where we don't believe an additional liquor licence in a given area is necessary. However, if the outlet in question is granted a licence, despite our objections, we will supply that store as it is ultimately the Licensing Authority's decision to make and not ours, and we will respect their decision, having voiced our concern.*

*As you can no doubt imagine, this position is fraught with difficulties – both in terms of potential risks with our customers and customer groups as a result, as well as being able to articulate which cases warrant an objection and which do not. Some will say we are not doing enough; some will say we have no role to play. Others will say we are picking and choosing based on commercial preferences, not legal or moral. We do not have all the answers to this yet – we just know that we have seen enough to warrant taking a stance – even if we do not know yet exactly how this will manifest.*

## **Chorus Case Study- Panel Discussion**

**Facilitator Sheridan Broadbent, Independent Director**

### **Panellists**

**Stu Lumsden, National Manager Labour Inspectorate,  
Employment NZ, MBIE**

**Sarah Baddeley, Managing Principal, Martin Jenkins**

## Rob Broadbridge, Head of Contract Management, Chorus NZ Ltd

YouTube Video: <https://youtu.be/2UrqIYEIuKs>

### Stu Lumsden



Stu began by referring to a media announcement in June 2017 when Newsroom reported 3ML services had been accused of migrant and worker exploitation. 3ML Services Ltd were subcontractors to the Universal Communications Group (UCG). In late 2017, another media story broke about contractors involved in the Fibre Broadband Rollout working as unpaid volunteers. It was identified that these contractors were employed by Sunwin Technologies Limited who were subcontractors to UCG.



Chorus was one of the successful tenders for the government's Ultrafast Broadband Rollout nationwide, they got approximately 70 percent of the project work. Chorus subcontracted to UCG and Visionstream to carry out the individual connections while Chorus focused on the construction and cable laying part of the project. Inquiries in early 2018 show that over 900 subcontractors were engaged by UCG and Visionstream and of these subcontractors approximately 424 had sponsored 9500 work visas on behalf of migrants seeking work in this sector.

Following the publication of the media article UCG sent a cease-and-desist letter to all its subcontractors in relation to the kind of arrangements described in the article. Chorus also responded to the publicity by publicly announcing that was not aware of the subcontractor's volunteer scheme and clarified that supplier contractors contracts clearly required workers to be employed according to New Zealand law. Following the revelations by media both Chorus and Visionstream made public statements in 2017 assuring and confirming that their subcontractors were operating lawfully with their employees.

In early 2018 employee advocates also contacted the Inspectorate after a number of complaints were made to them relating to subcontractors breaching minimum employment standards. A total of approximately 11 subcontractor details were given to the Inspectorate. Due to its own inquiries and submissions made by the employee advocates the Labour Inspectorate lacked confidence in the statements of assurance made by the industry.

This culminated in a 2018 operation June involving (directly or indirectly) labour inspectors, immigration officers, the Companies Office, IRD investigators. Of the 86 employers visited 75 were asked for further details. This resulted in 72 employers being identified as having likely breaches of minimum employment standards. This flowed on to potential breaches in other New Zealand legislations such as taxation, immigration, and health and safety. At that time, the Inspectorate identified that many of the employers had multiple breaches. The employment standard breaches were minimum wage breaches, non-compliant employment agreements, non-compliant record-keeping, premiums charged, holiday entitlement breaches, unlawful deductions, and cases of obstruction.

Due to the business model being utilised no employment standard breaches were identified for Chorus. It was however identified that the business model utilised by Chorus was broken and unsustainable. The Inspectorate did not have the resource to audit all 900 employees, so a decision was made to bring pressure to bear on Chorus to fix the problem. That decision resulted in the media release that highlighted the size of the problem with the Fibre Broadband Rollout and the lack of due diligence by Chorus.

**Sarah Baddeley**



### **Worker welfare in the Chorus supply chain**

Sarah began her presentation by outlining Martin Jenkins involvement in the case, by responding to the questions,

*Why we were asked to help?*

*What we found?*

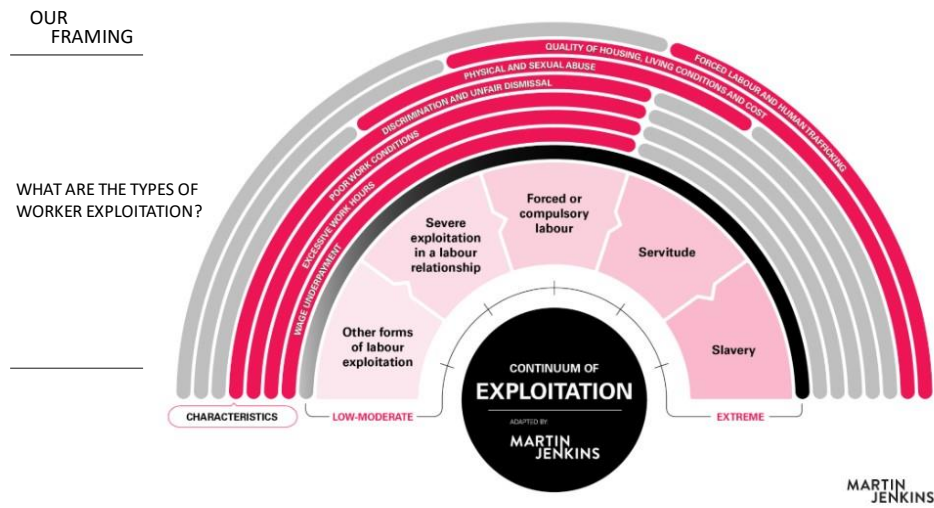
*What we recommended?*

*What others might learn from our work?*





Martin Jenkins was contracted to undertake an independent review of the Chorus contracting model. The review team was comprised of labour market specialists, assisted by an experienced Queens Counsel.

Allegations ranged from poor labour standard practice through to a small number of serious allegations of exploitative practice. All allegations related to the treatment of

migrant workers engaged at the third tier of engagement in the subcontracted workforce. The Terms of Reference for the review covered how the issues emerged and whether Chorus had appropriately addressed the risk of labour exploitation, specifically of migrant workers, and how effectively Chorus managed the issues once they arose.



#### OUR FRAMEWORK

Risk factors	Examples
 <b>Risk factors relating to workers' personal situations</b>	Relatively better than home, barrier to accessing remedies.
 <b>Risk factors relating to legal and institutional frameworks</b>	Immigration policy, visa requirements, labour and employment policy, health and safety 'person conducting a business or undertaking' (PCBU), modern slavery, international UN and ILO conventions.
 <b>Risk factors created By employers</b>	Business models (for example, sub-contracting and piece rate), worker engagement and voice power balance
 <b>Risk factors relating to the workplace</b>	Geographical isolation, travel time, lines of accountability, seasonality and environmental conditions, uncertainty

Adapted from European Union Agency for Fundamental Rights 2015

MARTIN JENKINS

#### The findings from the review were,

1. A higher than anticipated demand for connection with insufficient attention paid to strategic workforce issues.
2. Tight labour market conditions and a reasonable decision to use temporary migrant labour.
3. A sub-contracted model vulnerable to risk of exploitative practice that relied too heavily on poor quality information and assurance from service companies and sub-contractors.

4. Risk management approach by service companies were not sufficiently adequate to identify or manage risk of exploitative practice risks associated with volatility may be disproportionately borne by the end technician.

**The review uncovered such issues as,**

No time and wages records, minimum wage breaches, unpaid training, and volunteerism, deductions without approval, no employment contract in place and no holiday pay.

**Recommendations arising from the review were,**

1. A clear statement of leadership that sets expectations for how suppliers treat workers.
2. Clearer accountability at executive level in Chorus, and through key contracting parties to ensure that labour market risk is jointly governed more effectively
3. Adopting a more strategic and longer-term approach to sector-wide strategic workforce planning, with a focus on the next two to five years
4. A more mature approach to risk management, audit and monitoring that reflects the complex nature of labour exploitation, particularly migrant exploitation
5. Better support for workers, including improved information, better reporting systems, and more investment in lifting the capability of delivery partners.

**Rob Broadbridge, Head of Contract Management**



**Chorus Worker Welfare Programme**

**How Chorus addressed the shortcomings in its approach to the risk of exploitation in its supply chain.**

Rob began his presentation by acknowledging that issues ranging from minor failings through to outright exploitation were found in their supply chain.

*When we first saw this, attempts were made to manage it through engagement with our service companies and Chorus relied too much on the assurances given by the service companies and the subcontractors. Individual questioning of workers failed to recognise their reluctance to speak up. We've heard about that today and while steps were taken at the time with the benefit of hindsight, Chorus saw they were insufficient. Conventional approaches of contracting for outcomes and trusting of the right thing is being done throughout the ecosystem is clearly not enough.*



*When the Labour Inspectorate announced it had investigated 74 Chorus subcontractors and found a range of issues in the employment practice the impact on Chorus from the Board, management and the wider staff was profound for the culture of Chorus is very people focused. The decision was made by the Board to commission Martin Jenkins, and Sarah has discussed their findings. Out of that Chorus has developed a plan to improve performance and the programme to deliver that has been dubbed our worker welfare program. It's a collaborative response with the service companies. The program is designed around six pillars.*

## Chorus' Worker Welfare programme



*The Worker Welfare Programme has become an integral part of the way Chorus is carrying out business. However, whilst recognising their successes, Chorus acknowledges there is a need for a continuous improvement programme. For example, the primary risk factor remains migrant, the migrant workers on work visas tied to employers. Chorus found that despite all our efforts to build trust and provide a safe place to raise concerns, workers on a mission to secure residency are reticent to complain. They're more concerned about the risk to their residency than the cost of exploitative practices. In a recent case a complainant came to their attention in August last year, and with phone calls and emails it took until January before he got comfortable to give us details to support the claims so we could investigate it properly. And finally, communication is key. We still have technicians out there who don't understand that we're serious about it. Chorus recently went on a road show around the country focused on worker welfare, telling the story, and reinforcing it. I think that's going to be a constant thing that we will continue to do.*

In closing Rob recognised that while Chorus had made significant progress there is more to do.

*It's the understanding of Chorus that the workers in our extended supply chain are now much better informed and protected. Chorus, and their service companies and subcontractors all learned a lot and continue to learn ways to improve their practices to eliminate exploitation in our supply chain. We believe continued vigilance and hard work will be what is required to eliminate exploitation.*

**David Rutherford, Director, Tuhana Business and Human Rights: former Chief Commissioner, Human Rights Commission**



**Brent Wilton, Director, Tuhana Business and Human Rights: former Global Director Human and Workplace Rights, the Coca Cola Company**

**Getting the right things done:  
A discussion of ways we can work together to eliminate adverse human rights impacts**

YouTube Video: <https://youtu.be/okaxCQRUTdY>

The importance of context was emphasised at the beginning of David and Brent's presentation. Modern slavery/ forced labour/ human trafficking/other worker exploitation cannot be separated from the wider business responsibility to protect human rights or Government's role to protect those rights. What was needed was a landscape rather than silo approach to effectively address the issues of worker exploitation.

The United Nations guiding principles to protect, respect and remedy provide a framework from which to address modern slavery, forced labour and worker exploitation. The principles are precise stating that it is

***A State duty to Protect***

***A business responsibility to respect***

***Access to remedy is imperative***

***Victims/Survivors must be placed at the heart of the three pillars***

*How to make this happen?*

1. *Use Government convening power to bring all actors together in one space including victims/survivors as a key stakeholder*
2. *Agree common language and outreach strategy and agree on common indicators to help ensure commonality and to help people understand what to look for and what to do.*
3. *Collaborate do not compete. Let each bring its strengths to the issue. It is happening in international forums*
4. *Support not condemnation. Ignorance is widespread. We all must help everyone know exactly what they must do and what will happen if they do not*

### **Communicate, communicate**

David and Brent pointed out that our view is extremely limited, *we see the world as we are.*

*Of concern is the dominant rescue narrative- our egos get in the way. There is an urgent need to centre on the positive, as together we build a new vision of possibility and empowerment. It is important to go the root of the problem otherwise we are simply rearranging the furniture. We need a new business model.*

## Day 2 – Where to from here?

**Anne-Maree O'Connor, NZ Super Fund**  
**Head of Responsible Investment,**



### **Modern Slavery and Labour Exploitation - Sustainable Finance**

YouTube Video: <https://youtu.be/VjVbBbkNy3w>

In the first two slides Anne-Maree summarised the steps taken to work towards sustainable finance. The third outlined the task ahead.

Focussing on modern slavery and labour exploitation Anne-Maree stated that, modern slavery is a market failure. Lack of access to safe and regular financial services is a key driver of vulnerability to modern slavery and human trafficking. It reduces resilience to financial shocks, and prevents capital accumulation, both of which push people and households into risky borrowing, labour, and migration practices.

*Modern slavery leaves us all worse off because it treats people as objects for exploitation rather than full economic and social agents. We all bear the resulting economic and social costs and miss out on the economic and social potential that is locked up. In this sense,*

*modern slavery is a result of a classic market failure. Our failure to effectively price in the true social and economic costs of modern slavery, treating people as disposable assets, instead leads to the inefficient allocation of capital.*

*Businesses that tolerate or generate modern slavery and human trafficking have an unfair competitive advantage and enjoy unfair reduced costs of capital. This leads to a failure of global labour markets to provide decent work and support safe and dignified employment opportunities for all.*

Anne-Maree emphasised, that addressing modern slavery and human trafficking should be at the heart of sustainable finance, factoring environmental, social and governance (ESG) impacts into financial decisions.

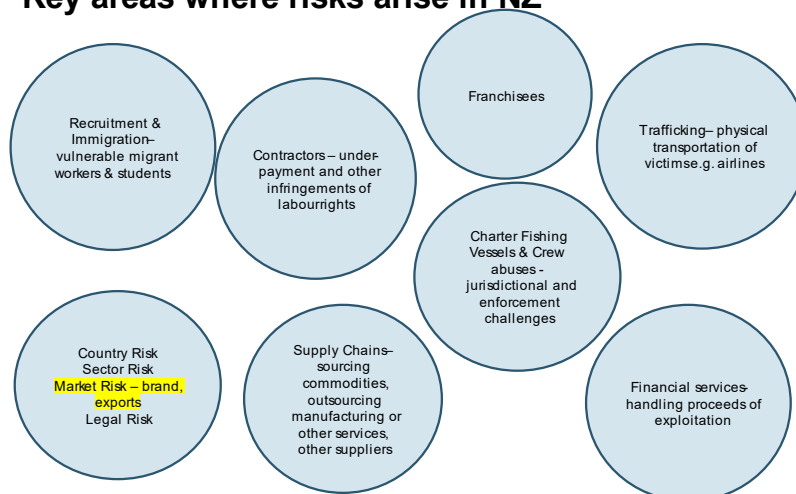
With modern slavery identification, there is a spectrum of exploitation to consider which includes, for example, deceptive recruitment practices, the use of child labour, poor working conditions, and underpayment of wages. The more extreme end includes, human trafficking, forced labour and the worst forms of child labour.

Tolerance for exploitative practices can set up an environment in which more severe abuses can occur. Companies have been actively working to clean up their supply chains and have been relatively successful to Tier 1 suppliers – but significant challenges remain for auditing down through other tiers.

A more recent phenomenon is contractor outsourcing using agents and increased access to a migrant workforce. Agents and “gang-masters” can deliberately and deceptively use debt bondage and prey on immigration status to control people.



### Key areas where risks arise in NZ



Anne-Maree finished with sharing some tools and resources, namely,

1. Finance against slavery and trafficking: <https://www.fastinitiative.org/resources/>
2. Walk Free Foundation <https://www.walkfree.org/projects/business-and-investor-toolkit/>
3. RIAA Guide for Investors - <https://responsibleinvestment.org/wp-content/uploads/2019/11/ACSI-RIAA-Modern-Slavery-Reporting-Guide-for-Investors-November-2019-1.pdf>

## **Kiri Hannifin**

**General Manager, Corporate Affairs, Quality, Safety and Sustainability, Countdown Supermarkets**



## **Sharleen Gargiulo**

**Human Rights, Responsible Sourcing & Sustainability Specialist, Countdown**

### **No retailer is immune to modern slavery**

Kiri began the presentation by pointing out that no retailer is immune to modern slavery. It's an issue driven by globalisation and people living in extreme poverty looking for a way out that makes them vulnerable to exploitation. Human rights issues are becoming more prominent in the media and public eye.

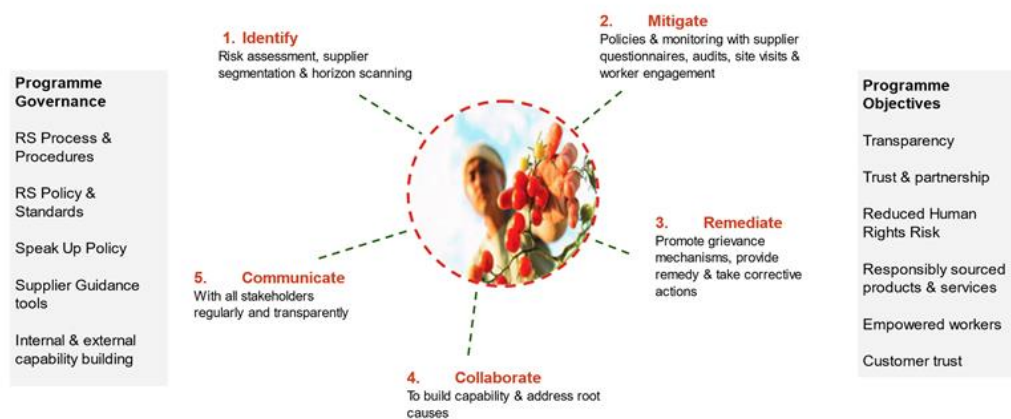
*With NZ's first combined modern slavery and human trafficking conviction in 2019, Myanmar's military coup this year, as well as new research that suggests more than half a million people from ethnic minority groups in Xinjiang have been coerced into picking cotton, to name but a few examples reported in the last year. And, as a business, as customers, as people, we cannot ignore these abuses - we must do all we can to ensure that we are not contributing to these. These cases of worker exploitation could put customer loyalty at risk for any brand, company or even an entire sector that could be associated with the headlines.*

*Social and environmental sustainability is increasingly seen as fundamental to Kiwis, and consumers expect supermarkets to make it easy for them to live these values. Acting responsibly and doing the right thing is vital to earn, maintain and grow our customers' trust. As a business, we've prioritised respecting human rights. That means we consider risks to people alongside risks to business. In 2009, we launched our first Ethical Sourcing Policy that was then aligned to industry best practice. Soon after, in June 2011, the UN launched the UN Guiding Principles on Business and Human Rights, which are today the authoritative voluntary tool businesses work from. The guiding principles outline both the government's duty to protect and the corporate responsibility to respect human rights. It's referenced in our policy and standards.*

## Countdown's five step approach to mitigating risks

*As our knowledge and capacity has evolved, we've advanced and extended our due diligence across our supply chain and operations, prioritising efforts towards the areas identified as highest risk. We have built our internal capabilities by engaging and educating our staff, including through e-learning, as well as the external capabilities through partnerships with our suppliers, certification schemes and bodies. Our Human Rights Due Diligence Framework has robust governance with simple and clear objectives.*

### How do we mitigate risks?



Sharleen pointed out that Countdown has thousands of suppliers in Aotearoa and in more than 50 countries, so they need to prioritise their efforts.

*While all our suppliers are subject to our Responsible Sourcing Policy, given the diversity and scale of our supply base, we need to focus first on the areas of greatest risk.*

*Like many global retailers, we have identified greater risks and leverage among suppliers of unbranded or own brand products. As we are directly connected to these products, we can influence how these workers are cared for, so we take greater oversight over these suppliers' practices through our due diligence and engagement.*

*Countdown has worked with global experts Elevate on a comprehensive updated risk assessment and new supplier segmentation, to determine the different requirements we have of suppliers. The new supplier segmentation is driven by multiple indicators including country risk, third-party social compliance data and the nature of the supplier arrangement. For many of the high-risk food commodities (such as palm oil, coffee, tea, cocoa, sugar), we also require third party certifications such as Rainforest Alliance and Fairtrade.*

*There is a need for more social auditing within New Zealand - not just in high-risk overseas countries. To support this Countdown arranged for a free eight-week online*

*social auditor course which was led by global experts Verité. The training covered topics such as social standards, investigative skills, validation, and reporting.*

*Countdown recognised the importance for workers to have a safe place to raise issues. Accordingly, they have provided to their team and suppliers, Speak Up, a website and free phone line that allows them to raise concerns anonymously 24 hours a day, 365 days a year. Workers are able to make reports in 150 commonly spoken languages by requesting an operator in the language they are most comfortable with. This channel is particularly important for workers who may feel they can't discuss employment issues with their employer and need support. Any issues raised are then investigated by Countdown.*

Reference was made to the global nature of the crime and the action being taken. For example, laws passed in the US, the UK, France, and Australia requiring mandatory disclosures or due diligence related to human rights or modern slavery. As part of Woolworths Group, Countdown published its first Modern Slavery Statement last year under the Australian Modern Slavery Act. As these laws require reporting on how modern slavery risks are being managed within supply chains - our complex and global supply chains - they have far more wide-reaching impacts beyond our own jurisdictions.

Speaking of Countdown's learnings Sharleen emphasised that the most important thing they learnt was that we cannot act alone. These issues are bigger than any one person, so collaboration is key to improving conditions and doing better for all.

**Gary Shaw, Kathmandu**  
**Corporate Social Response-ability Manager**  
YouTube Video: [https://youtu.be/dm7Z\\_8soIg8](https://youtu.be/dm7Z_8soIg8)



Gary began by graphically portraying his first-hand experiences working for a Human Rights group in Cambodia whose focus was on rescuing children and young women from sex trafficking.

Gary spent 8 years in the field, investigating cases of Modern Slavery. During that time, the groups he worked with were able to rescue a few hundred women and children. He acknowledged though that ultimately, they failed to rescue thousands and thousands.

A presentation slide was of a photo taken of him rescuing one of the children trapped in a brothel. He asked those present at the conference not to view the slide as Gary rescuing 1 child, but indeed as a photo portraying him leaving 44 children behind. Using his experiences in the field as the basis for his presentation, Gary shared what he had learned in the process. Firstly, Gary spoke of letting go of our egos and the illusion of separation so that we are truly willing to *see* ourselves "in" the other.

*As long as victims of Modern Slavery remain “objects” rather than “subjects” in our eyes, they will forever remain separate from us. In combating slavery and injustice, the wisdom of the ages remains the same, namely the invitation to start with ourselves and to become aware of and recognise that our viewpoint – is just that, a limited view from a very small point. Ancient wisdom reminds us, and modern psychology confirms that we do not see the world as it is. We see the world as we are. Until our perception changes, our lens of the world is transformed, nothing is really going to change. It will only be a polite rearranging of the furniture, not the much-needed construction of a new room.*

Secondly Gary challenged the persistent anti-trafficking paradigm of ‘fighting against.’

*“Fighting against” and the oppositional energy it generates leads us back into comparison, competition, and aggression, and perpetuates the same system that gave birth to slavery in the first place, only in different form. Our egos love the noble idea of “conquering evil,” yet what Victor Frankl teaches us from a Nazi death camp and Martin Luther King from a Mississippi jail is paradoxically, we rest in and build upon, in ever expanding circles, our inherent human dignity and freedom.*

*Simon Sinek calls it a just cause; something we stand for and believe in, not something we oppose. He says, it is easy to rally people against something because our emotions run hot when we are angry or afraid. Being for something, in contrast, is about feeling inspired. Being for ignites the human spirit and fills us with hope and optimism. Being against is about vilifying, demonising, or rejecting. Being for is about inviting all to join in common cause. Being against creates a common enemy and sets up a “winnable” or “finite game”, falsely leading us to believe we can defeat it once and for all. Being for gives us a positive cause to advance and rally others around.*

*Another reason we cannot “fight against” modern slavery is because we live in a deeply interconnected universe and we would ultimately be fighting against ourselves. A significant part of our lives only exists because of Modern Slavery. If you have a diamond on your finger, chocolate in your diet or a smart phone in your pocket, the simple reality is you have slaves working for you. Even if we care enough to change our lifestyle choices, many New Zealand consumers are not willing to give up their \$5 T-shirts or their shrimp on the BBQ.*

Speaking of the present business model Gary pointed out that Kathmandu was one of 80 New Zealand businesses that signed the Open Letter that was presented to the Minister, asking the Government to initiate an inquiry into a New Zealand Modern Slavery Act.

*Kathmandu played a key role in both the collaboration and the content of the letter, in partnership with Trade Aid, World Vision and Walk Free. However, new laws, policies, and strategies on their own are not enough. There is an urgent need to proactively address the root of the problem. Unless there is a significant change in the way we see the world (our*



*Mindset) and operate as businesses, none of the strategies submitted as part of Modern Slavery Act reporting requirement are going to be effective in any meaningful or sustainable way.*

*Addressing Modern Slavery stands and falls on the ability to let go of our corporate ego and be transparent about the imperfections in our businesses. This will require the support and collaboration of all sectors, Government, NGO, and media. Otherwise, when a business is open about their weaknesses and the challenges they are facing, they will be cut down and silenced by an archaic naming and shaming approach and in so doing, fertilise the very soil that keeps Modern Slavery flourishing in the shadows.*

In concluding his presentation, Gary asked the question, “a Modern Slavery Act? or Freedom Act of New Zealand?” He pointed out that so far, every nation that has sought to address Modern Slavery, has created a Modern Slavery Act. In doing so, each nation has defined who they are by what they are against, rather than more clearly defining and stating, what they are for.

*However, the values that guide our nation are grounded in fairness, equality, and inclusion. The higher and more powerful invitation is therefore to frame our response in terms of our shared values. In other words, let the actions we take be an authentic response based on who we are, not an externally imposed international responsibility that we reluctantly feel obliged to adhere to.*

*In keeping with our Kiwi heritage and culture, rather than a Modern Slavery Act, what if we instead created the Freedom Act of New Zealand; that absolutely addresses the full continuum of Modern Slavery but does so in the context of the mana and freedom we already embody. In doing so we will not seek to be the best in the world, but to be of greatest benefit for the world.*

**Julie Robertson, Former Director, Commercial Division,  
Department of Corrections**

YouTube Video: <https://youtu.be/REScWhsGfqg>





**International Supply Chain Transparency**  
**How to identify and mitigate risks of exploitation in overseas procurement**

Tango i Te Kaupae Muri- Take the next step  
 March 16-17 2021 Grand Hall, Parliament Buildings

Julie began her presentation with a global overview of the estimated size and extent of Modern Slavery. Pointing out that Worldwide, the International Labour Organisations estimate over USD\$150 billion of illegal profits are generated by traffickers each year. New Zealand Business and Government Agencies hold the key to address the risks of modern slavery. Bringing it into the NZ backyard Julie referred to NZs first modern slavery conviction. Joseph Auga Matamata was found guilty on 10 charges of human trafficking and 13 charges of dealing in slaves in 2020. A report from the Centre for Research on Modern Slavery exposed high levels of exploitation amongst migrant workers in New Zealand, with regular payoffs demanded from workers and potential threats to family in home countries if workers complained. Business models are being built on exploitation across range of sectors.

Julie said that *“People are being sold a dream of permanent residency but to make it a reality, you have to pay”*.

Using a case example Julie outlined the complexity and challenges of understanding the supply chain.



### Case study

#### Understanding the supply chain

- **At the outset** the Main Contractor had only a **very limited view** of their own complex supply chain, with knowledge only of their modular cell subcontractor (Chinese) and custodial fittings contractor (Australian).
- **Further due diligence** by the Agency (with the Main Contractor) identified that the supply chain ran much deeper – with many further subcontractors to the initially known set of subcontractors.
- The main challenge was that a significant part of the supply chain was offshore – with subcontractors across a number of geographies – Australia, China and USA.
- This meant the Agency and the Main Contractor had to work together to embed a **minimum set of expectations** while respecting jurisdictional differences.

## The supply chain – Initial view



The initial view of the supply chain was limited to only main subcontractors, with no visibility beyond the initial layer. Due diligence identified that there are complex subcontractor relationships involved.

Julie outlined the challenges for the investigation team, these being,

1. Full visibility of the end-to-end supply chain and fully understanding the parties involved.
2. Ensuring raw materials sourced (especially the steel) are produced ethically and does not involve modern slavery or breach of any sanctions.
3. Ensure fair working conditions and fair treatment of workers across the supply chain (including no modern slavery or forced labour).
4. Ensuring compliance with local laws and accepted International standards (including bringing standards up to NZ levels where reasonable).
5. Ensuring health and safety expectations are met. Ensuring there is robust quality assurance on the production process and output.

Julie then outlined the Department's due diligence approach, which included three sets of due diligence visits to the supplier locations, and ongoing QA on the manufacturing process through a third party team onsite.

In concluding the presentation Julie detailed how the due diligence helped the investigation team to be informed of the risks in the supply chain and enabled them to take actions where there was potential for reputational or other risks.

## Risks identified and how we managed them

- The due diligence helped us to be informed of the risks in the supply chain and enabled us to take actions where there were potential for reputational or other risks.

Risks / Issues (sample list)	Management / mitigation
The Department did not have end-to-end visibility of supply chain, exposing it to potential risks of unfair practices within supply chain.	<ul style="list-style-type: none"> <li>• Mapped out the supply chain with the Main Contractor. Established processes for reporting any changes / updates.</li> </ul>
Identified that the labour brokers for the fit-outs were sourcing potentially untrained former farm workers for work on the factory floor	<ul style="list-style-type: none"> <li>• Obtained commitments on worker trainings and orientation</li> <li>• Confirmed incorporation of commitments in site visits</li> </ul>
Identified potential Health and Safety issues (lack of Personal Protection Equipment, flooded shop floor)	<ul style="list-style-type: none"> <li>• Ensured PPEs are mandated and any H&amp;S incidents are reported</li> </ul>
Identified payment delay further down the supply chain, causing a ripple effect on downstream supply chain	<ul style="list-style-type: none"> <li>• Payment arrangements reviewed and issues addressed</li> <li>• Established obligations around reporting.</li> <li>• Reduce the supply chain.</li> </ul>
Cultural nuances leading to behaviour that may be in conflict with safe working conditions (e.g. sleeping on shop floor)	<ul style="list-style-type: none"> <li>• Worked with the sub-contractor to ensure such behaviours are addressed.</li> </ul>

**Greg Williams, NZ Police**  
**Detective Superintendent, National Manager Organised Crime**




Greg outlined the NZ Police strategy for combatting transnational organised crime.


Firstly, Greg began with the question, what is organised crime?

### What is organised crime?

*Organised crime refers to planned and systematic criminal activity committed by a group\* or network, with the objective of gaining profit, power or influence*




ORGANISED CRIME GROUPS



CRIMINAL NETWORKS



CaaS  
CRIME AS A SERVICE  
CRIMINAL EXPERTS



NATIONAL ORGANISED CRIME GROUP

Transnational organised crime has been dubbed as “deviant globalisation”. It is the dark underbelly of globalisation. Continuing, Greg described the five laws of how transnational organised crime operates, namely,

1. **Establishing a profit-based business in an illegal market.** An “entrepreneur” provides a product or service that is not permitted in the legal world, such as drugs or prostitution
2. **Use of directed violence,** rather than random violence. Violence is employed to obtain internal cohesion, keep the group together, or identify people who may or may not be working for the good of the group. Or violent acts may be committed to prevent others from entering a territory or to settle disputes
3. **State corruption**
4. **Internal cohesion.** What binds the group together? Is it only profit-based? Or is more about a connection with the community?
5. **Community acquiescence.** There must be some benefit to the community, or the organised crime group will face broad resistance to its operations.

Such criminal activity is able to flourish within Aotearoa due to globalisation, technology, legislative and policy vulnerabilities, corruption, and criminal filtration.

By the use of a five dimensional targeting of criminal business entities, the NZ Police work to reduce such criminal activity.

In NZ Police’s strategy, migrant exploitation is identified as one category of transnational organised crime in New Zealand. This type of crime includes forced labour of, and illegal working conditions for, migrants; immigration fraud; and, sometimes, people trafficking.

Further information about NZ Police’s transnational organised crime strategy can be found here: <https://www.police.govt.nz/sites/default/files/publications/transnational-organised-crime-in-new-zealand-our-strategy-2020-to-2025.pdf>

**Nita Zodgekar**  
**Manager International Labour Policy, MBIE**



**Sam Foley**  
**Principal Policy Advisor, International Labour Policy, MBIE**

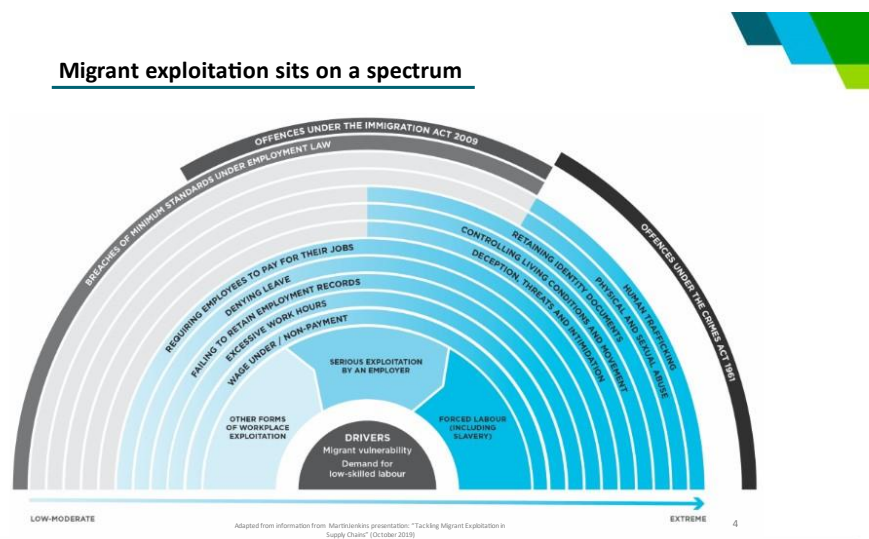
**Temporary Migrant Worker Exploitation Review**

YouTube Video: <https://youtu.be/Y3anxbwm6BI>

**The Review was part of the Government’s commitment to taking “serious action against migrant exploitation, particularly of international students.”**

Nita introduced the item saying that from the onset the review took a very consultative approach. An external consultation group was put in place made up of businesses, unions, representatives of the international student and migrant communities so that their perspectives could be heard and taken on board. They were taken through from the beginning of the policy development process through to the development of the options. A cross-agency steering group oversaw the policy development process which included the key regulators. This group is now focused on monitoring the changes and implementation of the proposals.

Independent research was commissioned, that was led by Associate Professor Christina Stringer and Professor Francis Collins. Public consultation was a key element of this, with public consultation occurring in October and November 2019. Moreover, the consultation documentation was translated into several different languages. Nita explained how migrant worker exploitation sits on a spectrum.



The purpose of the review, Nita explained, sits on the left-hand side of the spectrum, so the review’s focus was on the basic breaches of minimum employment standards and conduct under the Immigration Act as well. At this end, exploitation, as we all know takes many forms, it includes requiring workers to pay for their job, denying leave, excessive work hours, under or non-payment of agreed wages, failure to provide an employment contract, retaining or withholding passports, controlling living conditions, movements or communications, and threats and intimidation, and at the most serious end of the spectrum it does include forced labour.

Nita explained that the independent research conducted interviews with temporary

migrant workers who have been exploited as well as stakeholders. In total, 131 interviews were conducted.

*The key types of exploitation identified included the underpayment or non-payment of wages, non-compliance with employment contracts, the non-payment taxes, denial of leave and the non-payment of holiday pay. There was a personal cost for the migrant workers of being exploited. Some felt trapped in an exploitative situation because they saw they had no other option. For others there was an emotional toll; participants discussed depression, weight loss, lack of sleep and exhaustion, with some participants having contemplated suicide. In terms of the kind of bigger picture, we know that migrant worker exploitation does have very serious implications for our labour market as a whole, such as,*

- **Migrants:** Exploited migrant workers suffer physical, psychological, and financial harm. This harm extends to their families both within New Zealand and in their country of origin.
- **Businesses:** Compliant employers that promote fair and productive employment relationships are undercut by exploitative employers.
- **Aotearoa and our communities:** Exploitation facilitates crimes that affect the wider community, such as fraud and money laundering. Exploitation also puts pressure on tax and healthcare systems.

## Our international reputation

*Migrant exploitation damages our international reputation as a non-corrupt, safe place to work and live. To be noted, Covid-19 has increased existing migrant vulnerabilities because temporary migrants are over-represented in industries such as hospitality and tourism that have been heavily affected.*

### An integrated package of changes was agreed by Cabinet in 2020

PREVENT	PROTECT	ENFORCE
<p>the occurrence of workplace (and other) conditions that might enable temporary migrant worker exploitation.</p> <ul style="list-style-type: none"> <li>Introduce a duty on third parties with significant control or influence over an employer to take reasonable steps to prevent a breach of employment standards occurring.</li> <li>Require franchisees to meet higher accreditation standards under the employer-assisted visa gateway system.</li> <li>Disqualify people convicted of migrant exploitation and people trafficking from managing or directing a company.</li> </ul>	<p>temporary migrant workers in New Zealand and enable them to leave exploitative employment.</p> <ul style="list-style-type: none"> <li>Establish a dedicated migrant exploitation 0800 phone line and online reporting, and establish a specialised migrant worker exploitation-focused reporting and triaging function.</li> <li>Create a new visa to enable temporary migrant workers to leave exploitative employment situations.</li> </ul>	<p>immigration and employment law to deter employer non-compliance through a fit-for-purpose offence and penalty regime.</p> <ul style="list-style-type: none"> <li>Establish three new immigration infringement offences targeting non-compliant employer behaviour.</li> <li>Allow Labour Inspectorate to issue an infringement notice where employers fail to provide requested documents in a reasonable timeframe.</li> <li>Expand the stand down list to cover existing Immigration Act offences. Ensure employers with serious immigration convictions cannot support applications for migrant workers.</li> <li>Notify impacted migrant workers that their employer has been stood-down.</li> </ul>
<p>These changes will be supported by: increased funding for Employment New Zealand and Immigration New Zealand to work together to ensure that serious action is taken against non-compliance, and a new information and education action plan to ensure that migrant workers and employers understand their rights and obligations.</p>		



Sam went through, in detail the wide-ranging changes which will be implemented resulting from the review and consultation process. An integrated package of changes was agreed by Cabinet in 2020.

These changes are aimed to, **prevent, protect, and enforce.**

## PROTECT

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

Change		Benefit
<b>Four</b>	Establish a dedicated migrant exploitation 0800 phone line and online reporting tool, and establish a specialised migrant worker exploitation-focused reporting and triaging function	This will make it easier for migrants to report exploitation, and provide a trained and dedicated team to take the reports and ensure that they are directed into the most appropriate investigatory stream
<b>Five</b>	Create a new visa for exploited migrant workers	This will ensure migrants can quickly leave any exploitative situations without negatively affecting their immigration status, and increase the incentives on migrants to report exploitation

## PREVENT

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

Change		Benefit
<b>One</b>	Introduce a duty on third parties with significant control or influence over an employer to take reasonable steps to prevent a breach of employment standards occurring	A positive duty will incentivise businesses and employers to embed good practice in their supply chains
<b>Two</b>	Require franchisees to meet higher accreditation standards under the proposed employer-assisted visa gateway system	Particular risk factors for exploitation exist for these businesses, this will enable these to be managed through the immigration system
<b>Three</b>	Disqualify people convicted of migrant exploitation and people trafficking from managing or directing a company	This will prevent exploitation by ensuring that people who had been convicted of serious exploitation cannot use a company to continue such activities



## ENFORCE

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

Change		Benefit
Six	Establish new immigration infringement offences for non-compliant employer behaviour that contributes to exploitation and vulnerability.	These measures will enable more efficient responses to non-compliant employer behaviour, and decrease the vulnerability of migrant workers.
Seven	Allow Labour Inspectorate to issue an infringement notice to employers who do not provide documents requested within a reasonable timeframe.	This would ensure that employers are not delaying providing information that is legislatively required under the <i>Employment Relations Act</i> in order to impede investigations.
Eight	Expand the stand-down list to capture existing immigration offences and, in future, immigration infringement offences for employer non-compliance.	This would ensure that employers with a history of non-compliance with immigration law are not able to support visa applications.
Nine	Notify employees on employer-assisted visas who work for an employer who is stood-down.	This would ensure that affected migrant workers are aware of the implications on any further visa applications and can make informed decisions on their future employment.

These changes will be implemented starting this year. It is expected that the 0800-reporting line, reporting and triaging function and new migrant exploitation protection visa will be in place in mid-2021. Further changes will also be implemented in 2021. Legislation will be required to implement some of the changes. It is expected that this legislation will be introduced in late 2021.

In concluding Sam indicated that these changes, which Government has agreed to action, will require a collaborative approach working in partnership with business civil society and ethnic community groups. They are conscious this is especially important in the information education space; community faith worker and ethnic network networks are critical to reach some of our vulnerable migrant groups.

### Lydia Tsen, Senior Policy Advocate, Chartered Accountants Australia, and New Zealand



#### Getting Started on the Risk Management and Reporting Duty

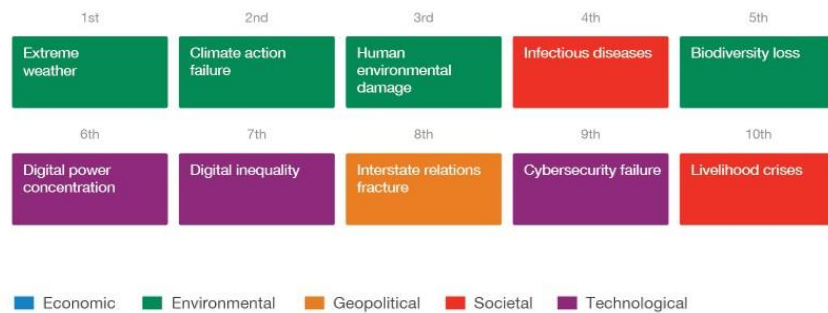
YouTube Video: <https://youtu.be/ogGLSsQn2cE>

Lydia began her presentation with the question, “*what are non-financial risks?*”. These she pointed out, are risks arising from non-financial sources, but that still have a direct impact on core revenue-generating activities.

#### **All risks can have financial consequences.**

Using diagrams from the World Economic Forum Global Risks Report 2021, Lydia showed the top global risks by likelihood and impact.

### Top Global Risks by Likelihood

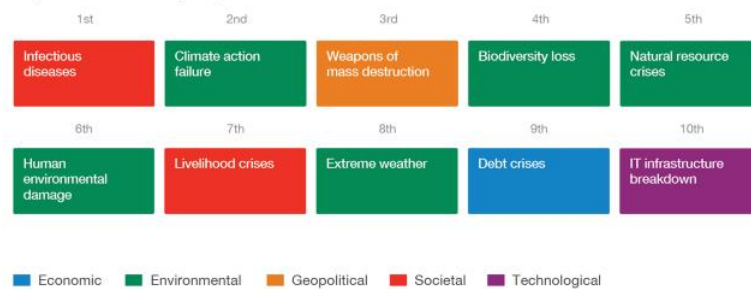


Source: World Economic Forum Global Risks Report 2021

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### Top Global Risks by Impact



Source: World Economic Forum Global Risks Report 2021

© Chartered Accountants Australia and New Zealand 2020



## Risk management is everyone's responsibility and enables decision making in uncertainty

Risk management guidelines, produced by the Financial Markets Authority (FMA) advise the following,

1. A formal risk framework outlining the organisation's risk management approach, risk appetite, risk tolerance, accountabilities for managing risk, and reporting on ESG factors
2. A risk register recording the likelihood and impact of material risks
3. Internal controls, including financial and non-financial reporting
4. A separate risk management function or committee (for larger entities)
5. An internal audit function



- An annual risk assessment and report to stakeholders and investors.

And the below shows an example risk register as provided by the Australian Securities Exchange (ASX):

1. Identify material business risks			2. Prioritise the risks			3. Manage material business risks	4. Report	
Risk description	Current controls	Effectiveness of current controls	Likelihood	Consequences	Risk level	Further management action required	Responsibility /timeframe	Status
Describe each risk including potential consequences that may impact on the company if it eventuates.	List management controls currently in place to prevent or minimise the effect of risk occurring.	Consider the effectiveness of current controls in addressing the risk.	Determine the likelihood of risk occurring	Determine the impact on company if it does occur	Determine the overall risk level. Arrows may be used to track change in risk level since last report.	If risk level is too high or above company's risk tolerance, document additional management action required to reduce the risk level.	Allocate responsibility for each risk and specify timeframe	Track the status of risk mitigation actions and report to the board.

Source: Principle 7: Recognise and manage risk ASX Markets Supervision Education and Research Program.

© Chartered Accountants Australia and New Zealand 2019

Lydia concluded by summarising the next steps to be taken when undertaking risk reporting, namely,

- Identify which risks are likely to have the biggest financial impact on the organisation (consider stakeholders)
- Establish what is needed to manage these risks internally (and who is responsible)
- Tell stakeholders how the organisation is managing these risks
- If limited by capacity and resources, start with risk that has highest impact / likelihood

**Cam Bower, Managing Director, AIM, CRI**  
**Casey Costello, General Manager, AIM, CRI**

**Identifying and Acting on Poor Labour Practices in Supply Chains**

YouTube Video: <https://youtu.be/bp7-jo9XoK0>



Cam and Casey's presentation was based on solution delivery instead of analysis of the problem. They work from the ground up rather than looking at the problem downwards and try and fix it that way. The presentation focused on identifying and acting on poor labour practices in supply chains.

*Established in 2016, AIM has been responding to the increasing prevalence and complexities of exploitation in New Zealand. In simple terms, they try to focus on tangible solutions that reduce the risk of exploitation in their business or client supply chain.*



ABOUT AIM

**AIM are**

- Working with industry that have committed to actions that implement accountability within their supply chain
- Bridging the gap between regulatory intervention and compliance programs

AIM  
CRI

*AIM concentrates on assessing risk to brand, regulatory compliance, corporate policies, improving transparency through effective due diligence, evaluating compliance within the supply chain, responding to complaints and issues through engagement with complainants and through investigation, verification for businesses requiring or needing to comply with international market standards, and advising and supporting in the implementation of systems and processes generally relating to social practice policy, education, training, etc.*

*AIM recognises the gap between regulatory authority, intervention, compliance programs and corporate policy. They have engaged with businesses and identified that often the intention did not necessarily lead to the actions of appropriate outcomes. So, wanting to change within their supply chain, but not actually knowing how to achieve their goals. So real people are being victimized, and while businesses are able to maintain a distance or offset accountability generally through a complex or long supply chain, or lack of resource for the authorities to enforce the issues, or the implementation of processes that do little more than communicate expectations without any verification or compliance. Exploitation is a reality, and due to the clandestine nature of it, it is close to impossible to identify without the skills to know what you are looking for. The increasing frequency of significant breaches can no longer be ignored by industry. Instead, responding to the issue of exploitation and buying into the change in landscape by working with a new idea of “healthy self” will significantly help in reducing the impacts and damage to your business. Establish a process for responding to complaints within your supply chain and monitor this and you will quickly see connectivity.*

*Best practice - Reducing the risk of exploitation affecting your business can be achieved through a proactive commitment to improving visibility within your supply chain, incorporate ethical conduct expectations into existing supply chain management and prioritise accountability through the monitoring and auditing of supplier performance.*

*There is a need for companies to be able to present a transparent and independent process is becoming imperative for brand protection and compliance. Ignorance of what is happening cannot continue to be justification. From procurement processes to capability analysis, it becomes obvious that there are issues. The price of service not equivalent to minimum wage, treatment, code of conduct, service agreement etc*

*Monitor that the standard you have set for your supply chain is being met and consider an independence to this monitoring to give confidence in the process. We acknowledge that providing a sustainable workforce when challenged with the complexities of exploitation is no easy feat. Be Proactive - Front footing the issue will essentially protect business, improve output, promote action against social issues and demonstrate accountability.*

Casey began her presentation by referring to an article written a long time ago by Mother Teresa, where she talked about attending a conference about starvation and hunger and how we're going to solve it. And on her way to that conference in Bombay she stopped because on the stairs of that building there was a starving man. And she picked him up and she took him back to her home and she cared for him. And she was criticised for not attending the conference on the big picture because you can't stop every time there's a starving person and not deal with the big picture. Casey stated that whilst there is a lot of people dealing with the big picture, what they were here to talk about and represent is that first and foremost we are all here to stop and deal with the guy starving on the doorstep.

Casey highlighted that there has to always be a victim-centric response. Casey went on to mention one of the companies they have been working with is Zespri. Zespri has been engaged for three years on a journey into looking at these issues and responding in a different way. Resulting in the implementation of something that was more tangible and was bottom up. Such a response placed the victim firmly in the centre. So, the first stage of Zespri's process was to look at generating a commitment in their contractor program, which was requiring the supplier commitment to their code of conduct. And that was the first stage and they recognized that. Then they implemented and developed a much tighter standard around the global gap and grass commitment around auditing and compliance to that program.

Quickly though the Zespri team leading this work recognised that there was a gap, and the gap was that this was a big problem.

*And when there is a problem what do you do with it and how do you respond to it? And what's the independence, what's the autonomy of their process are they policing themselves, and telling themselves that they're doing a good job, or is there some external resource to get involved and deal with this.*

Casey said they have been really privileged to work with organisations like Zespri that are willing and unafraid of looking at their dirty laundry, and more importantly aren't afraid of showing people, and sharing that information.

Casey went on to say,

*So the work continues, and those risk profiles get developed and we start to analyse that information a bit more. It's scary sometimes and it's a little bit overwhelming but Zespri have continued on the journey and they continue to be committed to it. So now we have complainants that are willing to come forward and speak, because we're independent, because we're working outside of those regularly bodies, we can build the trust and we can do things that that means we can actually intervene.*

*When you have organisations that are willing to be practical, be responsive, and act quickly, there's something to be done. And we're not criticizing the concept of: you need the policy positions, you need the statements, you need those commitments at the highest level. All of those sorts of things. But each of us is in a position, that we've got to be careful we don't step over the starving guy as we go to the conference on exploitation. That we've got to look and be prepared to give them a hand up and respond.*

## Workshop - Take the next step

### Facilitated by the Modern Slavery and Labour Exploitation Advisory Group

The purpose of this end session was to acknowledge what was already being done, to identify further action and to offer support through collaboration.

Conference participants were asked to join one of the following groups to discuss and record their perspectives and offers of support:

- Business Group 1
- Business Group 2
- NGO Group 1
- NGO Group 2
- Unions, Academics, Human Rights
- Government

The instructions were:

- ~ *Discuss with the group what is already happening among the people within your group and collate this on a large sheet*
- ~ *On a second sheet record where you see the gaps, what further needs to be done?*
- ~ *Lastly on a third sheet, using sticky notes each person is invited to write down, using sticky notes, what they are offering to do as together we determine what steps we need to take.*

The results for each group are presented below.

#### Business group 1

What is going well?	Where are the gaps?
<ul style="list-style-type: none"><li>✓ Conversations are underway!</li><li>✓ Level of compliance-MBIE inspectors etc.</li><li>✓ Collaboration is happening (and it's genuine)</li><li>✓ Awareness and recognition of the issues are building across multiple sectors, Government NGOs, and business at senior leadership levels.</li></ul>	<ul style="list-style-type: none"><li>✓ Do we understand how big and deep this problem is?</li><li>✓ Knowledge and acceptance of the problem is not discussed at the very senior levels of business and Government. Connect senior directors with the Government table</li><li>✓ Cross sector collaboration</li><li>✓ Good and accessible information that all sectors can share</li><li>✓ Using all mechanisms including community groups</li></ul>

- ✓ Trust in NGOs and community groups to act the right way
- ✓ Lack of mainstream talking about this

### What can we do?





## Business 2

What is going well?	Where are the gaps?
<ul style="list-style-type: none"> <li>✓ CANZ reporting is happening</li> <li>✓ Reporting is driving change</li> <li>✓ Australia MSA</li> <li>✓ Momentum</li> <li>✓ Boards accountable</li> <li>✓ Ethical re-set</li> <li>✓ Received \$50 million!</li> </ul>	<ul style="list-style-type: none"> <li>✓ Transparency and fair act</li> <li>✓ Government having own supply chain</li> <li>✓ RST policy implementation review</li> <li>✓ Awareness by general public</li> <li>✓ Consumer education</li> </ul>

### What can we do?

Start asking the workers!  
Give them a safe/anonymous space to raise issues! Confrontation is hard!

**Rachel Kreegher, Ask Your Team**  
[rachel@askyourteam.com](mailto:rachel@askyourteam.com)

Collaborate and co-design a system to give every worker a voice

**Rachel Kreegher, Ask Your Team**

We have data! Work with us to leverage and expand this for data-based decisions.

**Rachel Kreegher, Ask Your Team**

Always consider people risk alongside business risk.

**Countdown**

Ongoing dialogue with our team, suppliers, and business partners on how we can better care for our people.

**Countdown**

Continual review of the effectiveness of our human rights and responsible sourcing programmes. Continued learning and improvement

**Countdown**

Share our learning and programme with wider industry and work with them to learn

**Chorus**

Any legislation / reporting changes need to focus on actions from reporting

We will develop the 10 things you need to know to be a responsible business and robust data to measure these things.

**David Rutherford, Tuhana Business and**

Worker welfare plans should become part of the RSE application process. Employing migrant workers is not a right.

Promote Modern Slavery legislation

**Daniel King, The nature of Business**

Case Studies

**Zespri**

Educate employers to educate employees

**Retail NZ**

Work with an NGO to develop a standard for best practice / transparency

**Brian Johnston**  
[brian@cogo.co](mailto:brian@cogo.co)

Consultation / feedback on proposals, education

You should have to show, in practical terms, what your plan is to care for the human beings you offer employment to.

**Tanya Pouwhare, NZ Master Contractors**

**Collaboration and communication at an industry level**

Support in creating awareness within general public as ultimately consumer needs to know

**Amnesty International**

Ongoing engagement with respect to policy and reporting / disclosure rules

**Lvdia Tsen. CAANZ**

**NGO 1**

What is going well?	Where are the gaps?
<ul style="list-style-type: none"> <li>✓ Modern Slavery Legislation Campaign-7 weeks public petition <a href="http://www.signforfreedom.nz">www.signforfreedom.nz</a> seeking world class modern slavery legislation</li> <li>✓ New social justice advocate hired to commence great work in NZ</li> <li>✓ Schools, vocational centres internationally</li> <li>✓ Work in SDGs, refugees</li> </ul>	<p><b>Organisations</b></p> <ul style="list-style-type: none"> <li>• Our own supply chain transparency (coffee, cleaners)</li> <li>• Need to be asking the right questions</li> </ul> <p><b>Wider</b></p> <ul style="list-style-type: none"> <li>• Visas not tied to employers</li> <li>• Technology links to slavery</li> <li>• Ethical story telling around modern slavery</li> </ul>

**What can we do?**

Educate – technology links to slavery.  
Research – international law.

**Jag39@uclive.ac.nz**

Be part of a group of NGOs who can support survivors because we are not government

Be part of ongoing movement to support social justice and human right sin NZ and the world. Be kept in touch

**habena@xtra.co.nz**

I would want to be kept in touch

**Morris Van Voornveld**  
natcoord.swbuz@gmail.com

Commit to staying involved, in touch, then sharing our learning and resources

**Nicola.ecclietion@goodshepherd.org.nz**

I would like to be in touch. I could talk about ethical story telling across the board.

**Maggie Rapson**

**Champion cause at sustainability groups**

I could offer my experience in sexual exploitation.

**Maggie Rapson**

Stay involved and in touch. Encourage a look at our own supply chains.

**Wynne Reddish, Salvation Army**

Talk with leaders of community workers regarding asking the right questions.

**Wynne Reddish**

## NGO 2

What is going well?	Where are the gaps?
<ul style="list-style-type: none"> <li>✓ More aware of migrant communities and the need to provide them with information and advocacy</li> <li>✓ International strategy in Salvation Army for trafficking/exploitation</li> <li>✓ Prevention/prosecution in NZ</li> <li>✓ Training in what to look for</li> <li>✓ Slavery has changed the way we teach, work, what we saw with them</li> <li>✓ Media is reporting more often</li> <li>✓ Non-institutional church groups have less accountable structures. Then again institutional churches are places of solace and comfort</li> <li>✓ Increased people awareness, it is happening here</li> </ul>	<ul style="list-style-type: none"> <li>✓ Inter organisational communications</li> <li>✓ Reliable incentives to report</li> <li>✓ Punishment</li> <li>✓ Fear of engaging with Government agencies</li> <li>✓ Industry to engaging with the cultural and community groups</li> </ul>

## What can we do?

Input into online engagement campaign

**Rosy Keane, Salvation Army**

Stick to what you know and keep it transparent

**Cam Bower**

Migrant Exploitation Relief Foundation (MERF)

**Casey Costello**

Willing in some way to raise awareness with Catholic Church circles including the petition being launched

**Kathleen Rushton, Catholic Church**

Work with community groups to build awareness and educate

Develop joint (collaborative) resources to help understanding

Training and awareness raising in communities (Church and migrant groups)

Continue working on biblical interpretation in context of ancient world slavery to raise awareness of how translation / interpretation obscures this  
**Kathleen Rushton**

Work with industry sectors (e.g. horticulture, construction) to gain better understanding and work on solutions

Further collaboration with agencies at work in this area  
**Sammy Millar, Salvation Army**

### Unions, academics, human rights

What is going well?	Where are the gaps?
<ul style="list-style-type: none"> <li>✓ understanding and recognition of the issues</li> <li>✓ -improving social services</li> <li>✓ Government Action Plan</li> <li>✓ Openness to Chinese construction workers</li> <li>✓ -subcontracting tiers-increased visibility of the issues</li> <li>✓ Increased academic interest from various disciplines</li> <li>✓ -on the ground research, -but lack of data</li> <li>✓ Networking, -but information gaps</li> <li>✓ Raised profile of slavery to general public</li> <li>✓ Medical and health research/education</li> </ul>	<ul style="list-style-type: none"> <li>✓ Awareness (first step)</li> <li>✓ Research (qualitative/quantitative)</li> <li>✓ Translation to public policy</li> <li>✓ Leadership</li> <li>✓ Worker empowerment</li> <li>✓ Case work</li> <li>✓ Education at all levels</li> <li>✓ Steps to change behaviour and cultural norms</li> <li>✓ Government resources</li> </ul>

### What can we do?

Continue to provide pastoral care for exploited migrant workers  
**Anu Kaloti and Mike Treen**

Provide representation with employment matters  
**Anu Kaloti and Mike Treen**

Lobby for change to immigration policy for better protection of exploited workers, e.g. pathway to residency  
**Anu Kaloti and Mike Treen**

Representing the youth Kiwai documentary team  
**Amnesty International**

Keep pushing for transparency to be made transparent enough through writing

Teach children human rights

Offer insights to university students who are interested in addressing slavery in terms of post-study options  
**Benjamin Robb**

Investigate / raise awareness of needs of health professionals to be educated on slavery / human trafficking and how to detect victims

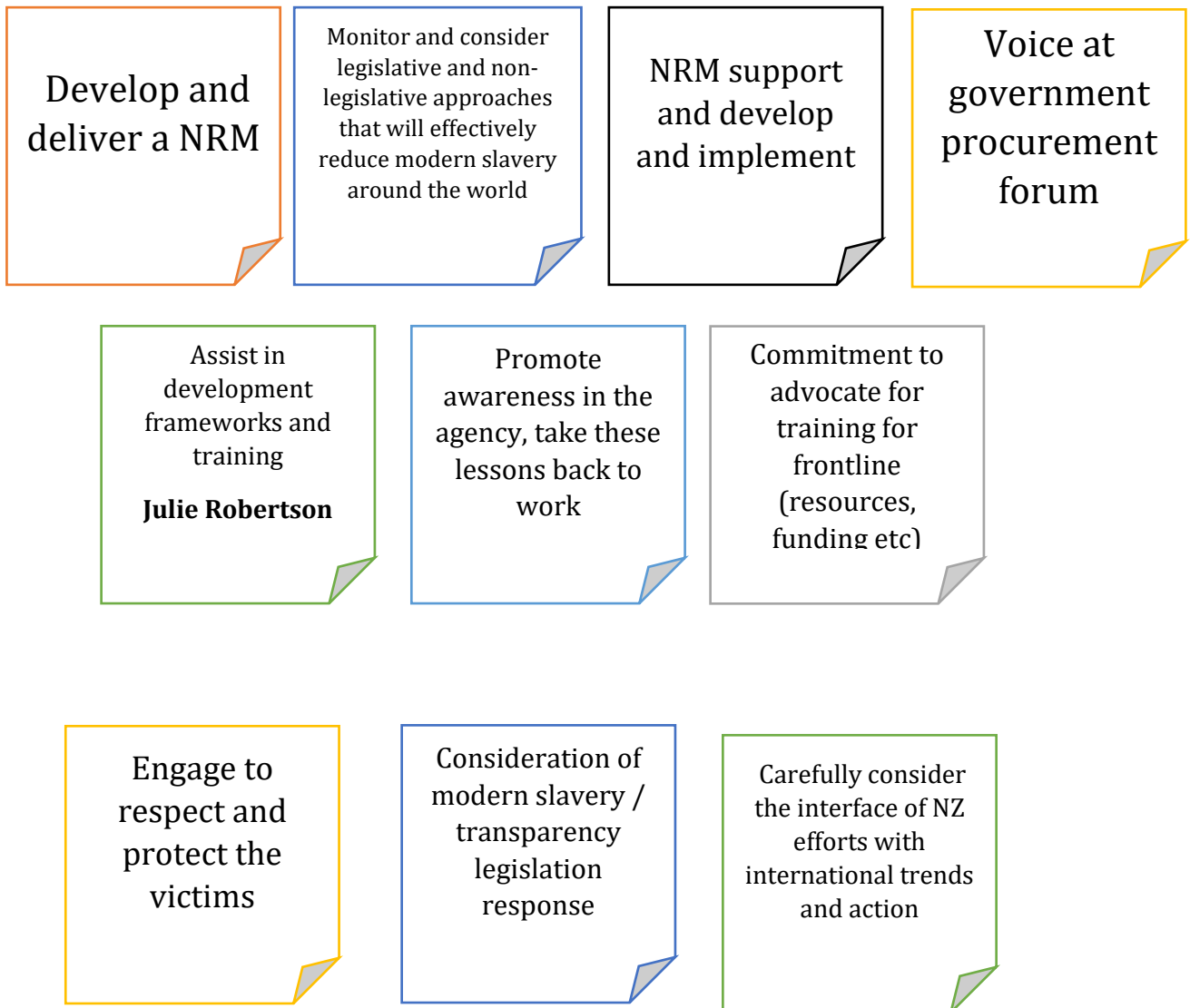
Global expertise  
**Natalia Szablewska**

**Government**

What is going well?	Where are the gaps?
<ul style="list-style-type: none"> <li>✓ Plan of action</li> <li>✓ Collaboration between agencies</li> <li>✓ OTs at the table</li> <li>✓ Strong authorising environment               <ul style="list-style-type: none"> <li>-MEX review</li> <li>-anti slavery legislation</li> <li>-National Referral Mechanism</li> <li>-procurement (work in progress)</li> </ul> </li> <li>✓ Slavery prosecution changed landscape and awareness</li> <li>✓ TNOC as cross Government Initiative</li> <li>✓ Information sharing</li> <li>✓ Strong sector engagement</li> <li>✓ <u>Strong momentum all across Government</u></li> <li>✓ Social (Global) awareness and movement- Global Good Citizen</li> </ul>	<ul style="list-style-type: none"> <li>✓ Procurement               <ul style="list-style-type: none"> <li>✓ -Still fractured</li> <li>▪ -lacks overarching framework</li> <li>▪ -contract owner may lack knowledge</li> </ul> </li> <li>✓ Speed of justice</li> <li>✓ Information and education in infancy</li> <li>✓ Collaboration with community it's a hidden crime</li> <li>✓ Still in denial</li> <li>✓ Specific resourcing for people trafficking, forced labour etc</li> <li>✓ Task force?</li> <li>✓ Lack specialisation</li> <li>✓ Not enough intel or research               <ul style="list-style-type: none"> <li>○ -local</li> <li>○ -NZ specific</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>✓ More specific legislation (supply chain)</li> <li>✓ Education of judiciary</li> </ul>
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### What can we do?



DIA-SDO identity investigations. Continue to collaborate with other govt departments (OT, INZ) in sharing information and addressing issues that impacts our products / people that interact with

**MEX legislation**  
– duty to prevent

Involve broader representative groups in considering govt policy responses

Create links with community groups to enable collaboration

**Stu Lumsden**

Think broadly and ambitiously in framing the challenge that issues of exploitation / slavery throw up

Continue to support coordination of government agencies in delivering the Plan of Action

I'm going to drive this TIP working group to deliver this NRM

## Appendix 1 – Conference Programme



### Tango i Te Kaupae Muri – Take the next step

***Collaborating together to end modern day slavery and worker exploitation  
within Aotearoa New Zealand***

Grand Hall, Parliament Buildings, Wellington

16 - 17 March 2021

#### PROGRAM: DAY ONE

Time	Item	Speakers
8:30am	<b>Registration</b>	
9:00am	<b>Opening Karakia</b>	Piri Rurawhe, Māori Economic Development Unit, MBIE
9:05am	<b>Opening Addresses</b>	<ul style="list-style-type: none"> <li>✓ The Hon Michael Wood, Minister for Workplace Relations and Safety</li> <li>✓ The Hon Kris Faafoi, Minister of Immigration</li> <li>✓ Kevin Covert, Chargé d'affaires, U.S. Mission to New Zealand</li> <li>✓ The Right Reverend Dr Eleanor Sanderson, Assistant Bishop of Wellington, Anglican Diocese of Wellington</li> </ul>
9:55am	<b>Morning Tea</b>	Blessed by the Very Reverend David Rowe, Dean of Wellington Cathedral of St Paul
10:25am	<b>Survivor Story</b> Victim of exploitation providing an account of their experience.	
10:40am	<b>We see from where we stand</b> 5 minute hotspot.	<ul style="list-style-type: none"> <li>• Archbishop Emeritus Sir David Moxon, The Anglican Church in Aotearoa, New Zealand and Polynesia</li> </ul>
10:50am	<b>Insights Into Worker Experiences Through Advocacy</b>	Dennis Maga, National Secretary, First Union



11:05am	<p><b>Modern Slavery and Sustainability</b></p> <p>Undertaking human rights due diligence to facilitate the realisation of the sustainable.</p>	Dr Natalia Szablewska, Academic and Business & Human Rights Practitioner
11:25am	<p><b>New Zealand's first people trafficking and slavery conviction – Panel Discussion</b></p> <p>A look at the conviction of Joseph Matamata and the effects on communities.</p>	<p><b>Facilitator</b></p> <p>Sheridan Broadbent, Independent Director</p> <p><b>Panellists</b></p> <ul style="list-style-type: none"> <li>✓ Cam Moore, Manager Investigations, Immigration NZ, MBIE</li> <li>✓ Sharyn Titchener, Manager International Child Protection Unit, Oranga Tamariki</li> <li>✓ Dr Natalia Szablewska, Academic and Business &amp; Human Rights Practitioner</li> </ul>
12:10pm	<b>Lunch</b>	<b>Please exit the venue to take lunch</b>
1:10pm	<p><b>Liquor Retail Case Study – Panel Discussion</b></p> <p>A look at recent cases and effect on industry and community.</p>	<p><b>Facilitator</b></p> <p>Sheridan Broadbent, Independent Director</p> <p><b>Panellists</b></p> <ul style="list-style-type: none"> <li>• Andrew Shaw, Partner, Lane Neave</li> <li>• Matthew Wilson, Corporate Affairs Director, DB Breweries</li> <li>• Loua Ward, Regional Manager, Labour Inspectorate, MBIE</li> </ul>
1:55pm	<p><b>Chorus Case Study - Panel Discussion</b></p> <p>Expert panel members providing learnings and insights from the incidents of exploitation identified in the Chorus ultrafast broadband rollout.</p>	<p><b>Facilitator</b></p> <p>Sheridan Broadbent, Independent Director</p> <p><b>Panellists</b></p> <ol style="list-style-type: none"> <li>1. Rob Broadbridge, Head of Contract Management, Chorus NZ Ltd</li> <li>2. Sarah Baddeley, Managing Principal, Martin Jenkins</li> <li>3. Stu Lumsden, National Manager, Labour Inspectorate, MBIE</li> </ol>
2:40pm	<b>Afternoon Tea</b>	
3:10pm	<b>Case Study Reflections</b>	Sheridan Broadbent, Independent Director
3:25pm	<b>Getting the Right Thing Done. How do we all work together?</b>	1. David Rutherford, Business and Human Rights Consultant; Former

	A discussion of ways we can work together to eliminate adverse human rights impacts.	Chief Commissioner, Human Rights Commission 2. Brent Wilton, Director, Tuhana Business and Human Rights; Former Global Director, Human and Workplace Rights, The Coca Cola Company
3:55pm	<b>Reflections and Conclusions</b>	Rev. Chris Frazer, Deacon for Social Justice, Anglican Diocese of Wellington
4:05pm	<b>Day 1 Concludes</b>	

## PROGRAM: DAY TWO

Time	Item	Speakers
9:00am	<b>Welcome to day two</b>	Tania Donaldson, Manager Employer Systems and Assurance, Employment NZ, MBIE
9:10am	<b>Sustainable Finance</b> Discussing the role banks and investors can play in promoting sustainable development and fighting slavery, including the work of the NZ Sustainable Finance Forum and UN-backed Finance Commission on Modern Slavery and Trafficking.	Anne-Maree O'Connor, Head of Responsible Investment, NZ Super Fund
9:40am	<b>Taking Action in Business</b> Implementing supply chain transparency / assurance approaches. Taking action following enactment of the Australian Modern Slavery Act.	Kiri Hannifin, General Manager Corporate Affairs, Quality, Safety and Sustainability, Countdown Supermarkets
10:10am	<b>Morning Tea</b>	
10:40am	<b>Business story</b> Challenges of practical implementation of supply chain transparency.	Gary Shaw, Corporate Social Responsibility Manager, Kathmandu

11:10am	<b>International supply chain transparency</b> Assurance checks that can be put in place to identify and mitigate risks of exploitation in overseas procurement.	Julie Robertson, Former Director Commercial Division, Department of Corrections
11:40am	<b>Migrant Exploitation Review</b> Details of findings and proposed actions from the review.	<ol style="list-style-type: none"> <li>1. Nita Zodgekar, Manager International Labour Policy, MBIE</li> <li>2. Sam Foley, Principal Policy Advisor, International Labour Policy, MBIE</li> </ol>
12:10pm	<b>Lunch</b>	<b>Please exit the venue to take lunch</b>
1:10pm	<b>Getting started on the risk management and reporting journey</b>	Lydia Tsen, Senior Policy Advocate, Chartered Accountants Australia, and New Zealand

1:40pm	<b>Identifying and acting on poor labour practices in supply chains</b> Focus on identifying and eradicating labour exploitation/forced, labour practices from a NZ perspective.	<ol style="list-style-type: none"> <li>1. Cam Bower, Managing Director, AIM CRI</li> <li>2. Casey Costello, General Manager, AIM CRI</li> </ol>
2:10pm	<b>Afternoon Tea</b>	
2:40pm	<b>Working together to take the next step</b> Facilitated break out groups.	Facilitated by members of the Modern Slavery and Labour exploitation Advisory Group
4:00pm	<b>Reflections and conclusions</b>	Rev. Chris Frazer, Deacon for Social Justice, Anglican Diocese of Wellington
4:15pm	<b>Closing Karakia</b>	Piri Rurawhe, Māori Economic Development Unit, MBIE