

A Legislation Response To Modern Slavery and Worker Exploitation



New Zealand Council Of
Christian Social Services

Towards freedom, fairness and dignity in operations and supply chains and 2022

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Organisation Name:	New Zealand Council of Christian Social Services (NZCCSS)
Organisation description:	<p>The New Zealand Council of Christian Social Services (NZCCSS) welcomes the opportunity to provide feedback on ‘A legislation response to modern slavery and worker exploitation’.</p> <p>NZCCSS has six foundation members; the Anglican Care Network, Baptist Churches of New Zealand, Catholic Social Services, Presbyterian Support and the Methodist and Salvation Army Churches.</p> <p>Through this membership, NZCCSS represents over 250 organisations providing a range of social support services across Aotearoa. We believe in working to achieve a just and compassionate society for all, through our commitment to our faith and Te Tiriti o Waitangi. Further details on NZCCSS can be found on our website www.nzccss.org.nz.</p>

Tirohanga Whānui | Overview

“Every person ought to have the awareness that purchasing is always a moral -and not simply an economic act” (Pope Francis, World Day of Peace. 2015).

NZCCSS supports the Government’s focus on a legislative approach to strengthen New Zealand’s response to modern slavery and worker exploitation.

All people have the right to work in an environment in which they are treated with fairness and dignity, and feel safe. We know from both international and domestic reports modern day slavery and exploitation is widespread in a broad range of industries (and other settings) operating across the globe, including in New Zealand.

NZCCSS agrees consumers and businesses are increasingly aware of the impact of modern slavery and exploitation on workers and their families, and want to support fair employment practices when purchasing goods and services. Given New Zealand's high-principled stance on a range of human rights issues, it is appropriate New Zealand joins other countries to develop specific legislation to make transparent modern slavery and exploitation practises, and place a responsibility on 'entities' to identify and take action when these actions are exposed.

Given the broad work settings and potential interface with human rights and employment legislation here and in other countries, the proposed legislative approach needs to sit alongside education and resources tailored to support 'entities' to understand fully the requirements set out in any draft legislation going forward.

Knowledge of and focus on modern slavery and exploitation is often in the area of 'operations' and 'supply chain' based overseas. We know from advocacy work in New Zealand that temporary migrant workers particularly in agriculture, but also in retail and the service industries, experience exploitation in their workplace (Community Law, 2021).

Taunakitanga | Recommendations

Our main points are:

Item One: Any legislative response needs to be proportionate to the 'size' and funding type of the entity.

The definition and scope of 'entities' in relation to responsibilities and duties to identify and take action needs careful consideration as potentially a broad range of organisations could be included in the definition of 'entities'. An additional criterion to assess 'a graduated set of responsibilities' (and any associated penalties) should be based on profit measures. It is critical that any legislative response is proportionate to the size and funding type of the entity.

Recommendation: The inclusion in legislation of a criterion to assess 'a graduated set of responsibilities' which relates to the size of the entity.

Item Two: Guidance information, resources and advice to entities

Given the intended breath of this legislation and potential for corresponding penalties, it is important sufficient consideration is given to the provision of appropriate guidance information, resources and advice to support 'entities' to undertake the level of due diligence proposed in the consultation document.

This provision should also require that migrant workers in New Zealand receive information from their employers on their employment rights, and other legal rights as migrant workers during the duration of their work in New Zealand.

Recommendation: NZCCSS supports the inclusion in legislation of a provision to require the provision of guidance information, resources and advice to entities as part of meeting obligations as set out in the legislation.

Item three: Annual disclosure reports

NZCCSS supports the inclusion in legislation of a requirement to prepare an annual disclosure report of any unfair practices in either their 'operations or 'supply chains', domestically and globally. The

information contained in these reports would be useful in terms of monitoring improvements over time, and preparing advice to 'entities'.

Recommendation: The disclosure reports should require information on the treatment of migrant workers in relation to fair employment conditions and the provision of information about New Zealand's employment laws and legal rights .

Item four Establishment of an Office for fair supply chain practices

Given that the scope of the legislation will be applied to domestic and overseas 'operations' and supply chain, take into account human rights law, and employment law across different countries and jurisdictions, NZCCSS would support the inclusion of a mechanism of oversight of the legislation and obligations in relation to 'identifying' modern slavery and exploitation and 'taking action'.

Recommendation: The legislation should include a requirement for an oversight mechanism to support quality advice to 'entities' on 'disclosure obligations' and how to best 'take action'.

Item five: Name of the legislation

The title of the legislation should reflect the vision and values of what the legislation wishes to achieve rather than what the problem the legislation is addressing. It seems appropriate the legislation to address modern slavery and exploitation practices should be titled 'Fair work practices across operations and the supply chain'

Recommendation: The title of the legislation should reflect the vision and values of what the legislation hopes to achieve.