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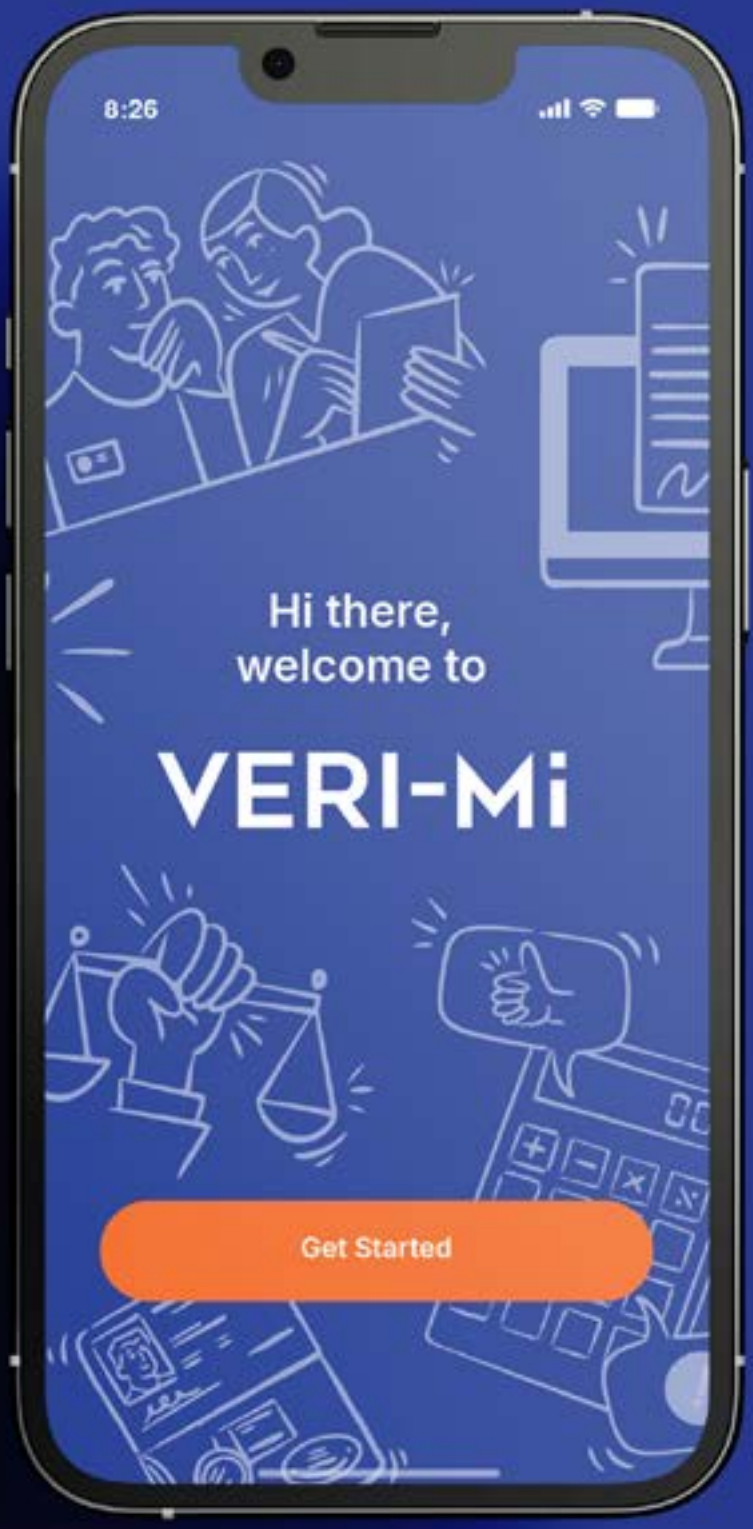
Migrant Exploitation in Aotearoa New Zealand:

Improving Employer Accountability

VERI-Mi
Michael & Suzanne Borrin Foundation
community law free legal help wellington and hutt valley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Hi there,
welcome to
VERI-Mi
Get Started

Acknowledgements

This project is dedicated to the victims of workplace exploitation who I have had the privilege of supporting through Community Law Wellington & Hutt Valley over the past six years—**thank you for placing your trust in me.**

Some of you have found resolution for the injustices you faced, while others are still navigating the journey toward justice. Regardless of the outcome, you all shared a common wish—to prevent others from enduring the same. This project and VERI-Mi are for you.

This project is possible due to generous funding from the Michael and Suzanne Borrin Foundation through their Borrin Foundation - Community Law Fellowship. I am very grateful to the Foundation for their support for this work. I also want to extend my gratitude to Community Law Wellington & Hutt Valley for supporting my grant application to the Foundation, and for allowing me to keep supporting victims of exploitation through Community Law when I stopped being a staff solicitor and joined the independent bar in July 2021.

The project started as a research idea and has evolved into the creation of VERI-Mi Charitable Trust and a digital platform aimed at empowering migrant workers and helping them uphold their employment and human rights. While there is much work still to do, I know that this kaupapa will continue to gain momentum and I am positive it will make a real difference in the lives of vulnerable people in Aotearoa.

A special thanks to the organisations and people that have believed in this mahi and its potential: The Michael and Suzanne Borrin Foundation, Creative HQ, Parry Field Lawyers, StudioC, SpotTech, Anne Dowden, Buddle Findlay, DataLab, Luke Cunningham Clere, and the trustees of VERI-Mi Charitable Trust. Thank you for supporting this work and your valuable contributions to it. And a huge mihi to all the people who gave up their time so willingly to be interviewed for this research. I hope this project does justice to all your knowledge, experiences and insights. Together, let's end exploitation in this country!

A special thanks to my family for your patience, empathy and aroha. This work is emotional, complex and stressful – I couldn't do it without your continuous love and support.

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Workplace exploitation is a pervasive and deeply entrenched problem in Aotearoa New Zealand, disproportionately affecting migrant workers and other vulnerable groups.

Addressing this issue requires more than the existence of legal rights—it demands effective, accessible, and enforceable pathways to ensure those rights are realised in practice.

No one enters an employment relationship expecting to be exploited for someone else's financial gain. Every exploitative situation begins like any other—with trust and hope. Trust in the promises and reassurances of someone who may share your language, culture or background, and hope for a better future in a new and promising country. The deliberate abuse of this trust by some employers, who manipulate vulnerability for personal profit, represents a profound breach of ethical and legal standards. Such exploitation not only undermines the dignity of migrant workers but also erodes the integrity of Aotearoa New Zealand's labour market.

This report is the culmination of a multi-year project that began with a simple question: ***how can we better support migrant workers to uphold their rights and hold exploitative employers accountable?***

Drawing on the author's experience representing over 80 clients in migrant exploitation cases through Community Law Wellington & Hutt Valley, the project evolved through a 13-week design thinking accelerator, further research, interviews, co-design with ethnic communities, and the development of a digital platform—VERI-Mi—designed to equip migrant workers with immediate, practical tools to verify exploitation, document abuse, access help, and begin to redress the power imbalance in exploitative workplaces.

Interviewees suggest that the current legal and enforcement framework is failing to adequately protect migrant workers from exploitation, and that significant reforms are needed to address the root causes and provide meaningful recourse.

Two key areas for improvement were consistently highlighted:

1. The need for stronger legal protections and enforcement mechanisms, and
2. The importance of providing better education, resources, and support services for migrant workers.

These insights reinforced the direction of the VERI-Mi project and informed its design. Following the completion of a successful pilot in Wellington's hospitality sector in 2025, the author believes VERI-Mi has the potential to make a significant impact—not only by empowering workers, but also by sending a clear message to exploitative employers: ***We are not afraid of you—we can and will use the law to defend our rights.***

What This Report Covers

This report brings together legal analysis, policy critique, and lived experience to examine the barriers migrant workers face in accessing justice in Aotearoa New Zealand. It draws on interviews with victim-survivors and advocates, insights from the Creative HQ GovTech Accelerator, and the author's frontline legal work.

The report serves both as a practical guide and a call to action—providing tools for workers and advocates, and offering recommendations for systemic reform to improve employer accountability and access to justice.

Specifically, the report includes:

- An overview of migrant exploitation in Aotearoa, including its drivers, impacts, and systemic enablers.
- Insights from interviews with victim-survivors and community advocates.
- A critique of current legal and immigration frameworks, including the Accredited Employer Work Visa (AEWV) and Migrant Exploitation Protection Visa (MEPV).
- A summary of enforcement mechanisms and their limitations.
- Practical tools and guidance for workers and advocates, including how to gather evidence, seek help, and navigate the justice system.
- Policy and operational reform proposals to strengthen enforcement, improve employer accountability, and better support migrant workers.
- An overview of the VERI-Mi platform and its role in addressing exploitation through digital innovation.

The recommendations are structured around the justice chain—a framework that recognises access to justice as a series of interconnected stages:

- Awareness of rights
- Accessing help
- Ability to bring a claim
- Fair and timely adjudication
- Enforcement of decisions
- Ongoing accountability

Each stage explores the barriers migrant workers face, supported by interview insights. This framework is grounded in the belief that justice must be more than theoretical—it must be tangible, timely, and accessible to all.

This report is offered as a resource for workers, advocates, policymakers, and anyone committed to ending migrant exploitation in Aotearoa New Zealand.

About the author

Dhilum Nightingale
Barrister

The author is a barrister based in Te Whanganui-a-Tara, Wellington. Since 2020, she has worked with Community Law Wellington & Hutt Valley (CLWHV)—initially as a staff lawyer, and later as a barrister engaged by CLWHV—focusing on migrant exploitation advocacy. Her work spans immigration and employment law advice, applications for Migrant Exploitation Protection Visas, personal grievance and wage arrears claims, and representation at mediations and hearings before the Employment Relations Authority (ERA). She also represents victim-survivors of family violence in ethnic and migrant communities seeking family violence and humanitarian visas.

Through her casework, the author has identified persistent gaps in migrant exploitation policy, weaknesses in regulatory responses, and a lack of clear, accessible information for migrants about their rights and how to enforce them. One of the most significant barriers to justice is the difficulty of obtaining robust, reliable evidence of exploitation—without which victims often struggled to achieve fair outcomes. This has raised critical questions about how to reach more people, improve justice outcomes, and reduce exploitation in New Zealand communities.

Recognising the ubiquity of smartphones among her clients, the author has seen potential in digital technology to bridge these gaps. She also understands that any sustainable solution would need to be co-designed, tested, and validated with ethnic communities, including survivors of exploitation. As a first-generation New Zealand Sri Lankan, she brings cultural understanding alongside insights gained from years of attending mediations and hearings, and engaging directly with employers and their representatives. She has witnessed the devastating impacts on clients whose visas were terminated early—forcing them to return home to face debt, poverty, and humiliation—and sought to explore deeper, systemic ways to hold employers accountable.

This work has evolved into the creation of a practitioner's guide and a migrant workers' guide, both of which are incorporated into this report and will also be available as standalone publications on the VERI-Mi website.

Between 2022 and 2025, the author's work has been supported through three key opportunities:

- Award of the Borrin Foundation – Community Law Fellowship to research and develop strategies for holding exploitative employers to account.
- Acceptance into the Creative HQ GovTech Accelerator Programme to design innovative solutions targeting migrant exploitation in the hospitality sector.
- Establishment of VERI-Mi Charitable Trust, securing grant funding to build the VERI-Mi website and app—digital tools co-designed with ethnic communities to help prevent and address exploitation by supporting migrant workers to understand and enforce their rights.

In 2025, the author was humbled to receive the New Zealand Law Society Wellington Branch Community Impact Lawyer of the Year Award, in part for her advocacy in this area and her commitment to improving access to justice for vulnerable workers.

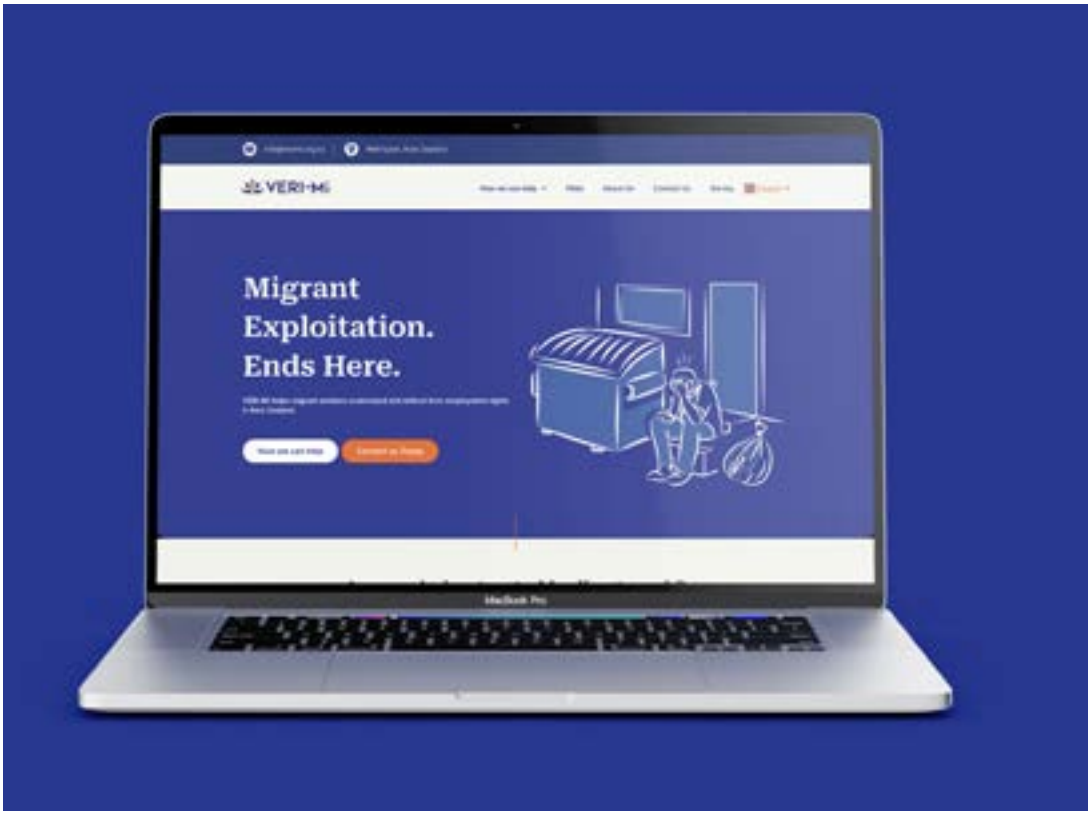
She remains deeply grateful for the trust and support of the Michael and Suzanne Borrin Foundation, Creative HQ, and the VERI-Mi digital technology grant funders—including the Ethnic Communities Development Fund, Foundation North, and the Lotteries Commission—who helped transform the vision of improving access to justice into tangible action. Over the past two and a half years, the project has made meaningful progress. The author continues to work with the trustees and board of VERI-Mi to build on these learnings, with the hope that one day the unjust and unconscionable exploitation of vulnerable migrants in Aotearoa New Zealand will end.

Migrant exploitation is widespread, underreported, and enabled by visa settings that tie workers to specific employers.

Migrant exploitation is widespread, underreported, and enabled by visa settings that tie workers to specific employers. Victims face barriers at every stage of the justice chain—from awareness of rights to enforcement of decisions. Exploitative employers often evade accountability through fabricated records, delay tactics, and company liquidation.

The VERI-Mi platform was co-designed with ethnic communities to empower workers through digital tools that help document abuse, access support, and pursue justice. A successful pilot in Wellington's hospitality sector demonstrated the platform's potential to shift power dynamics and improve outcomes for vulnerable workers.

This report offers a comprehensive analysis of legal, immigration, and enforcement frameworks, and proposes reforms across six stages of the justice chain. It calls for a shift from reactive, victim-driven complaints to a proactive, collective responsibility model—where government, employers, communities, and support services work together to prevent exploitation and uphold human rights.



Recommendations

Improving Employer Accountability Along the Justice Chain

Short-Term
(Operational)

Actions achievable within 12 months using existing policy settings, operational mechanisms, and funding—such as communications campaigns, expanded use of existing tools,and clarification of current protections.

Medium-Term
(Policy & Programme Reform)

Initiatives requiring new programmes, inter-agency coordination, regulatory changes, or reallocation of resources, but not primary legislation change.

Long-Term
(Legislative & Structural Reform)

Systemic changes requiring amendment to primary legislation, fundamental reform of visa architecture, or new statutory frameworks.

Justice chain framework

Stage 1: Awareness of Rights

Short-Term

1. Increase visibility of the MEPV through workplace posters, ethnic media, and digital outreach to raise awareness of how it can support workers experiencing exploitation.
2. Develop a domestic outreach campaign to ensure migrant workers in New Zealand receive accurate, accessible information about their employment rights and available support services. Promote the VERI-Mi website and app as independent, trusted, 24/7 sources of plain-language guidance on identifying and responding to exploitation.
3. Support community-led education initiatives that engage both employees and employers—particularly in high-risk sectors. These initiatives should deliver multilingual, face-to-face training through trusted ethnic community educators to promote understanding of employment rights and obligations, and foster safer, more compliant workplaces.al drop-in clinics in high-risk regions and ethnic community hubs.

Medium-Term

4. Require employment agreements to be provided in the worker's first language before visa applications are filed. This ensures workers understand the terms of their employment before arriving in New Zealand, reducing the risk of deception or misunderstanding.
5. Require a plain-language summary of key employment terms, including hours, pay, leave entitlements, and job duties, in the worker's first language alongside the full agreement. This summary should be signed by both parties and submitted as part of the visa application process to support transparency and informed consent.
6. 6. Launch a comprehensive offshore information campaign targeting prospective migrant workers in high-risk recruitment regions. The campaign should provide clear, multilingual information about visa conditions, maximum stay limits, pathways to residency, and employment rights in New Zealand. It should raise awareness of misleading claims by employers and agents—including false promises of residency for workers on lower-skilled visas—and help prospective migrants recognise red flags before departure. Information should be disseminated through embassies, recruitment channels, and community organisations in key source countries.

7. Develop employer education programmes, particularly for small businesses in high-risk sectors, to ensure understanding of minimum employment standards and the consequences of non-compliance.
8. Develop a national orientation programme for migrant workers, modelled on the refugee resettlement framework. The programme should cover employment rights, visa conditions, and available support services, and be delivered in multiple languages.

Stage 2: Accessing Help

Short-Term

1. Promote wraparound support services—such as food grants, emergency housing, and legal aid—through ethnic communication channels such as WhatsApp groups, WeChat, ethnic radio, and community Facebook pages. These platforms are widely used and culturally familiar, making them effective vehicles for outreach and trust-building.
2. Remove barriers to reporting by ensuring migrant workers are not penalised for visa breaches resulting from exploitation, and that communications from MBIE clearly state this in workers' first languages to reduce fear and encourage disclosure.
3. Promote uptake of digital tools like VERI-Mi that help workers identify exploitation, collect evidence, and connect with legal and advocacy services. Embed these tools in frontline services and promote through trusted community channels.
4. Fund community-based navigation services that help migrant workers access support—including legal advice, emergency housing, financial assistance, and health services. These should be delivered by trusted community navigators in workers' own languages, embedded in ethnic community hubs, and able to guide workers through unfamiliar systems.
5. Establish free legal drop-in clinics in high-risk regions and ethnic community hubs to provide accessible legal advice and support for migrant workers navigating employment disputes or exploitation claims.
6. Support community-led education programmes that raise awareness of employment rights and available support services. Education delivered by trusted community educators in workers' own languages is essential to building awareness and confidence.

Medium-Term

7. Fund community-based monitoring and whistleblower networks led by trusted ethnic organisations. These networks can help identify issues early and provide safe, culturally appropriate pathways for workers to raise concerns. They should be resourced to operate independently and in collaboration with enforcement agencies.
8. Establish an early intervention process for employers, including education, compliance support, and culturally responsive restorative justice pathways to address exploitation before escalation.

Long-Term

9. Expand Legal Aid eligibility to cover MEPV applications. Access to justice should not depend on a worker's ability to pay. This is especially critical for workers who have lost income or housing due to exploitation.
10. Introduce conflict-of-interest rules prohibiting immigration agents from representing both employers and migrant workers in the same transaction or visa process. This will help protect workers from coercion and ensure they receive independent advice.

Stage 3: Ability to Bring a Claim

Short-Term

1. Invest in evidence-gathering tools that help workers document exploitation in real time. Tools like VERI-Mi enable workers to log hours, wages, and workplace conditions using GPS, photos, and contemporaneous notes. These records can support legal claims and counter employers' fabricated records. Investment should ensure these tools are accessible to workers with limited digital literacy.
2. Resource community law centres and frontline legal advocates with templates, training, and tools to prepare claims efficiently. Funding should also support culturally appropriate legal education and outreach delivered by trusted third-party organisations.

Medium-Term

3. Grant short-term open work visas to allow migrant workers sufficient time to pursue claims. A short-term open work visa would allow workers to remain in New Zealand while their claims progress, reducing the risk of retaliation and improving access to legal remedies. (See also Visa Policy recommendations.)
4. Provide culturally responsive and trauma-informed support for workers preparing claims. This includes legal navigators who can guide workers through unfamiliar processes, intake services in workers' first languages, and support to help workers articulate their experiences without retraumatisation.
5. Expand Labour Inspectorate capacity to take on additional migrant exploitation cases. The Inspectorate has stronger enforcement powers than individual workers, including the ability to pursue penalties against directors, and its involvement reduces the burden on under-resourced community law centres.
6. Provide access to state-funded or subsidised forensic and technical support for exploitation cases, including examination of employer records, payroll systems, and document metadata. Employers often fabricate timesheets and contracts; forensic analysis can expose falsified documents and verify workers' claims.
7. Reduce cost barriers to pursuing claims by waiving or subsidising ERA filing fees for migrant workers in exploitation cases, and expanding eligibility for funded legal representation. The current cost of initiating proceedings is prohibitive for workers who have already lost income due to exploitation.
8. Strengthen coordination between MBIE and non-commercial organisations supporting exploited workers, including community law centres, unions, and migrant advocacy groups. Establish formal protocols for information-sharing, referrals, and joint action on systemic cases. The Labour Inspectorate should not automatically withdraw from cases simply because a worker has legal representation—state enforcement and private claims serve different purposes and should proceed in parallel where appropriate.

Long-Term

9. Create a civil claims pathway for offshore premium recovery through the ERA with extraterritorial reach. This would enable workers to seek redress for premiums paid offshore and deter exploitative recruitment practices. This reform would close a critical accountability gap and ensure that justice is accessible regardless of where the harm originated.

Stage 4: Fair and Timely Adjudication

Short-Term

1. Require mandatory timetabling directions from the ERA to ensure mediation occurs within a specified timeframe when employers refuse to engage or use delay tactics. This would ensure timely progression of cases and prevent delay tactics by employers.
2. Provide interpreters as standard in all ERA proceedings involving migrant workers, and ensure mediation services are delivered in a timely manner with trauma-informed practice embedded throughout.

Medium-Term

3. Revise the ERA's practice note to explicitly recognise the credibility of worker testimony in cases where employers fail to produce wage and time records. This approach is consistent with the ERA's equity and good conscience jurisdiction and would help rebalance the burden of proof in favour of vulnerable workers.
4. Provide ERA members with training in cultural competency and trauma-informed practice, specifically tailored to exploitation cases involving migrant workers. Training should address the impact of cultural norms, trauma, and language barriers on participation and evidence presentation.
5. Pilot an inquisitorial approach within the ERA in high-risk sectors such as hospitality and horticulture. This pilot would allow the ERA to actively investigate claims and gather its own evidence, including forensic data, rather than relying solely on the worker to present a complete case. Targeting high-risk sectors will enable focused testing and refinement of the model before broader implementation.
6. Provide additional resourcing to the ERA, including specialist investigators and data forensic experts. Resourcing should support the ERA's capacity to verify claims, detect fraudulent employer practices, and implement an inquisitorial model effectively.

Long-Term

7. Following evaluation of the pilot, reform the ERA and amend the Employment Relations Act 2000 to enable a more inquisitorial approach in exploitation cases, with explicit investigative powers. Legislative amendments should authorise the ERA to proactively gather evidence and conduct investigations, reducing reliance on adversarial processes and improving access to justice.

Stage 5: Enforcement of Decisions

Short-Term

1. Make infringement notices a core enforcement tool, with wide application and meaningful consequences for breaches of employment law. Infringement notices offer a fast, low-cost way to penalise non-compliance. Expanding their use would deter minor and repeat breaches without requiring full litigation.

Medium-Term

2. Create a dedicated enforcement unit or cross-agency taskforce within MBIE to monitor and enforce decisions related to migrant exploitation, including unpaid wages, compensation orders, and visa-related outcomes. The unit should build on the existing Joint Operating Model and coordinate enforcement across MBIE, IRD, Immigration NZ, and the Companies Office through formal mechanisms such as memoranda of understanding and shared enforcement protocols.
3. Introduce automatic follow-up mechanisms for decisions involving financial remedies, ensuring that ERA and Employment Court determinations trigger built-in processes to track payment and escalate non-compliance. Automatic tracking and escalation would shift the burden from workers to the system.
4. Apply proceeds of crime legislation to recover funds from exploitative employers, especially in cases involving systemic or large-scale abuse. Engage the Organised Crime Task Force in serious exploitation cases, and develop inter-agency protocols for identifying cases suitable for asset forfeiture. Publicise the use of these powers to deter employers who view penalties as a manageable cost of doing business.
5. Enable fast-track debt recovery for migrant workers by creating a simplified, low-cost enforcement pathway within the ERA or Employment Court. This should include automatic compliance orders, garnishee orders, or wage deductions—similar to civil enforcement tools in the District Court—allowing workers to enforce unpaid awards without navigating complex insolvency procedures.
6. Strengthen enforcement against offshore recruiters and agents involved in exploitation. Section 351A of the Immigration Act 2009, enacted in November 2025, now makes it a criminal offence to seek or receive premium payments for employment, including where the conduct occurs offshore. However, gaps remain: criminal prosecution requires state resources and may not result in compensation for workers, and civil recovery of premiums paid offshore remains unavailable. To give the new offence practical effect, enforcement agencies should be resourced to investigate offshore conduct, and civil claims pathways should be developed. (See also Stage 3, Recommendation 9.)
7. Provide legal and financial support for enforcement actions, including extending legal aid or community legal services to help migrant workers pursue claims and recover unpaid compensation.
8. Provide formal recognition and support for employment advocates to represent workers in debt recovery proceedings, including in the Employment Court and District Court. While employment law allows representation by 'any person,' advocates face practical and procedural barriers. Removing these barriers would improve access to justice.

Long-Term

9. Amend the Employment Relations Act 2000 to allow the Employment Court to enforce unpaid compensation orders directly, without requiring workers to initiate separate bankruptcy or liquidation proceedings in the High Court. This would streamline enforcement, reduce costs, and avoid delays.
10. Increase penalties for breaches of minimum employment standards, ensuring they are proportionate and consistently applied. Penalties must reflect the seriousness of harm caused and be sufficient to deter repeat offending. However, increased penalties alone are insufficient—the likelihood of detection matters more than the severity of sanction.
11. Create an employer-funded compensation pool through a levy-based fund to pay out wage theft and exploitation claims when employers become insolvent or disappear. A compensation pool would ensure that workers are not left uncompensated due to employer insolvency or evasion, functioning as a safety net similar to ACC or overseas wage protection schemes.
12. Lower the threshold for director liability in section 142Y of the Employment Relations Act. The current 'knowingly involved' standard is difficult to meet and allows directors to avoid liability by claiming ignorance. Lowering the threshold—for example, to include directors who 'ought reasonably to have known' of breaches—would strengthen accountability. (See also Stage 6 on Ongoing Accountability.)

13. Review and strengthen statutory protections for employee wage claims in insolvency. Ensure that bankruptcy or liquidation does not automatically halt wage recovery proceedings, particularly where directors are personally involved in breaches or where fraud or deliberate evasion is involved. Explore options including statutory charges or deemed trusts over employer assets for unpaid wages, and extending the preferential claim period beyond four months.
14. Amend section 271 of the Companies Act 1993 to require courts to consider employee interests and the presence of worker exploitation when deciding whether to make pooling orders in related company liquidations. Clarify that employees and their representatives have standing to apply for pooling orders.

Stage 6: Ongoing Accountability

Short-Term

1. Strengthen and expand MBIE's Stand-Down List to include employers who falsify employment records (such as fake job offers, forged contracts, or false wage documentation) or who fail to comply with ERA or Employment Court decisions. Make the list publicly searchable to empower workers, advocates, and regulators to identify high-risk employers and prevent further harm.
2. Publish regular enforcement and outcomes data. Require MBIE to release quarterly reports on migrant exploitation cases, including enforcement actions, visa outcomes, and employer compliance. Transparency would allow stakeholders to monitor trends, identify gaps, and assess the effectiveness of interventions.
3. Establish a feedback mechanism for migrant workers. Develop a safe, multilingual channel for workers to report issues with justice processes—such as delays, lack of interpreters, or retaliation—with independent oversight. This would surface systemic issues not captured through formal complaints.

Medium-Term

4. Establish a rapid-response investigation capacity to proactively investigate exploitation in high-risk sectors like horticulture, construction, and hospitality. This concerns identifying and intervening in ongoing exploitation before workers are forced to bring claims—distinct from enforcement of existing decisions (see Stage 5).
5. Introduce proactive post-arrival verification by Immigration NZ. Contact migrant workers directly after they commence employment to verify actual hours worked, wages received, and whether the role matches the visa application. This provides an early warning system for exploitation.
6. Implement routine auditing of accredited employers, particularly in high-risk sectors, rather than relying solely on complaints. Audits should include direct engagement with migrant workers, review of payroll records, and comparison of actual conditions against visa applications.
7. Mandate post-mediation follow-up and monitoring, especially for employers who settle exploitation-related claims. Regulators should track whether agreed remedies are delivered and whether employers continue to comply. Where mediation results in settlement, the Labour Inspectorate should retain oversight. Oversight should apply to responsible directors, not just business entities.
8. Support the development of whistleblower networks and protections for workers who report exploitation. Workers who come forward should be protected from retaliation and have access to support services. (See also Stage 2, Recommendation 4.)

Long-Term

9. Prevent phoenixing through director-level penalties. Link penalties to individual directors and restrict their ability to re-incorporate new companies after serious breaches, including exploitation-related offences. (See also Stage 5, Recommendation 13 on lowering the threshold for director liability.)

Visa Policy Reform

Short-Term

1. Eliminate disincentives to reporting, such as the threat of visa cancellation or downgrade, and create clear, accessible pathways for workers to raise concerns without jeopardising their immigration status or future in New Zealand.

Medium-Term

2. Extend the MEPV to a minimum of 12 months, or for the balance of the original visa—whichever is longer—to provide stability and reduce the risk of re-exploitation.
3. Provide open work visas for whistleblowers and exploited workers, especially those who report abuse or leave exploitative employers, to ensure safety and the ability to remain in New Zealand while compensation claims are progressed. (See also Stage 3, Recommendation 3.)
4. Allow job mobility within industries to reduce entrapment and enable workers to leave exploitative situations without risking their immigration status.
5. Reform the employer accreditation and job token scheme to prevent its misuse for job selling and sham employment. Introduce stricter verification of genuine labour needs, including viability testing of job offers where wages or conditions appear inconsistent with market rates. Monitor visa holders' actual employment conditions and impose meaningful consequences for employers who use the scheme to extract premiums or facilitate exploitation.

Long-Term

6. Phase out sponsorship-based visa schemes that tie workers to a single employer. Transition toward independent visa pathways that allow workers to change employers without jeopardising their immigration status.

Offshore Prevention and Enforcement

Short-Term

1. Launch targeted pre-departure education campaigns, including multilingual materials that inform prospective migrants of their rights, risks of paying unlawful premiums, and how to verify legitimate job offers. (See also Stage 1, Recommendations 4 and 6.)
2. Embed human rights principles into all enforcement strategies and migrant worker protections. This includes ensuring that enforcement actions do not penalise victims, that workers have access to remedy regardless of immigration status, and that accountability mechanisms uphold dignity, fairness, and transparency.

Medium-Term

3. Establish a dedicated offshore enforcement and monitoring unit within INZ to investigate and respond to fraudulent recruitment practices in source countries.
4. Coordinate with international organisations such as the International Labour Organisation and the International Organisation for Migration to align with global standards like the ILO's Fair Recruitment Initiative and IOM's International Recruitment Integrity System.
5. Develop bilateral agreements with key source countries to regulate recruitment agencies, share intelligence on high-risk actors, and prevent exploitation.
6. Establish a reporting mechanism for offshore recruitment fraud, accessible to migrants before they arrive in New Zealand.

Long-Term

7. Introduce supply-chain accountability, holding recruiters, agents, and employers jointly liable for exploitation, including unlawful premiums and misrepresentation of job offers.
8. Enable civil claims in New Zealand courts against offshore recruiters or agents who charge unlawful premiums or engage in deceptive practices, regardless of where the transaction occurred. Section 351A of the Immigration Act 2009 now criminalises premium payments including offshore conduct, but there is no corresponding power to recover money paid offshore. Civil claims pathways would close this gap. (See also Stage 5, Recommendation 7; Stage 3, Recommendation 9.)
9. Establish a national migrant worker ombudsman, independent of MBIE and INZ, to provide independent oversight of the immigration and employment systems as they affect migrant workers. The ombudsman would receive complaints from workers both in New Zealand and offshore, investigate systemic issues, and advocate for improvements—ensuring workers have a trusted avenue for raising concerns without fear of immigration consequences.

02

Project Overview

Understanding and Responding to Migrant Worker Exploitation

This section provides an overview of the project's *inspiration*, staging, and design development.

While considerable research has explored the causes and impacts of migrant worker exploitation, this project aimed to go further—by applying a design thinking approach to understand the problem from the lived experiences of those directly affected. The goal was to co-create practical, community-informed solutions that address the real-world gaps between legal protections and everyday realities.

Sanjay, 23 years old, and in NZ with a dream.

But this is a nightmare. 70 hour weeks at work. $11/h. No leave, no breaks, no overtime. One day off a week. For 5 years. Bullied and harassed.

This is Sanjay's story. And it is a story shared by many of the 150,000 migrants in Aotearoa on work and student visas. How does this happen?

There are intersecting factors.

Sanjay's visa is tied to one employer. He's vulnerable to ongoing breaches of employment standards. He's unsure of his rights and too afraid of repercussions from his employer and the regulator to speak up. Support services can't connect with him.

His employer creates fake documents that mask reality. The power imbalance is huge. There are cultural dynamics at play. Sanjay's mental and physical health suffers and he's trapped. If he leaves his job, he loses his right to be in NZ.

No one knows the true extent of the problem. Most cases are hidden from regulators. The system relies on paper auditing and this does not protect vulnerable migrants. It also creates an uneven playing field for businesses, negatively impacts NZ's reputation, and tells migrant workers that we want their labour, but we otherwise don't care.

This was the introduction to the author's Creative HQ GovTech Accelerator 2022 Demo Day pitch. Sanjay (not his true name) was a client the author helped at Community Law Wellington & Hutt Valley in 2021.

His story was the inspiration behind this project and VERI-Mi.[1]

[1] Sanjay's story formed the basis of a media article: Kirsty Johnston, Stuff, 29 November 2022, *"Man denied day off for wedding after working 70 hours a week for five years"*, Man denied day off for wedding after working 70 hours a week for five years | RNZ News.

Project staging

The project has progressed through five key stages.

1 Scoping and Concept Development

Initiated through the Creative HQ GovTech Accelerator in 2022, this phase focused on defining the problem including through surveys and focus group discussions, and exploring potential solution pathways including an early prototype for a digital platform.

2 Research and Insight Gathering

This stage occurred through 2023 and 2024 and involved interviews with migrant workers, advocates, and legal experts to explore the core issues in more detail and barriers to justice experienced by victims of exploitation. Ethics approval[2] was sought for interviews. The main themes explored during interviews were:

- What barriers and challenges do migrant workers face accessing justice when they have been exploited in their workplaces?
- How can these barriers and challenges be reduced or removed to improve employer accountability and uphold access to justice and the rule of law?

3 Co-Design with Ethnic and Migrant Communities

Migrant workers and community advocates played a central role in refining the digital platform prototype, ensuring the solution was culturally relevant, accessible, and grounded in lived experience. Co-design also extended into the more detailed website and app development process.

Face-to-face feedback sessions were held with people from ethnic communities, whose insights directly shaped the platform's content, design, and functionality. Their input helped ensure the tools were intuitive, linguistically inclusive, and responsive to the real-world challenges migrant workers face.

4 Launch of VERI-Mi Charitable Trust and Digital Platform

To deliver practical tools that support migrant workers, the VERI-Mi Charitable Trust was established in June 2023. The project's digital platform includes a website and mobile app designed to help workers understand and assert their employment rights.

- The website (verimi.org.nz) went live in early 2025.
- The mobile app has been developed and is scheduled for public release in December 2025.

5 Pilot Testing and Validation

A beta version of the app was piloted in July 2025 with eight hospitality workers in Wellington. The pilot confirmed the platform's usefulness and impact. A summary of the pilot and evaluation report is included in Annex VI.

Annex I provides a summary of the Creative HQ Accelerator process and outcomes (Stage 1).

Insights, analysis, and recommendations from stages 2 and 3 are presented in the main body of this report.

[2] Ethics approval was granted by the Aotearoa Research Ethics Committee (Reference AREC23_30).

Further testing and refinement of the app is planned for 2026.

VERI-Mi has secured funding to run two targeted programmes:

- One in the kiwifruit sector in the Bay of Plenty
- One with liquor and convenience store workers in Auckland

A third initiative is currently being scoped for the tourism and hospitality sector in Central Otago.

Design Development

Gathering Interview insights

In 2023 and 2024 the author interviewed seven victims of workplace exploitation and eight employment and immigration advocates to gain their perspectives on the barriers that migrant workers face accessing and achieving justice for workplace exploitation.

Interview participants were recruited through advertisements, by word of mouth and referrals.

The criteria for migrant workers were that they were experiencing, or had experienced, on-going breaches of their minimum employment standards at work such as pay, leave and rest breaks, and/or that they had been requiwred to pay their employer money for their job. It was also a criterion that the person had been on a temporary work visa or student visa at the time of the employment breaches.

For the purposes of the project, a migrant is defined as a person who has moved to New Zealand from overseas, either temporarily or permanently, and who identifies as Middle Eastern, Latin American, African, Asian, Pasifika or Continental European.

Ethics approval was obtained prior to recruitment and interviews commencing. Seven victims of exploitation were interviewed and eight immigration and/or employment advocates.

All participants provided informed consent. No information that could identify any participant is presented in this report. Interviews took place in person and by video call.

Interviews were recorded and transcribed, and the insights analysed and themed and summarised in the following sections of the report.

Identifying the issue

The need for more effective, hands-on support emerged as a consistent theme in interviews with victim-survivors of exploitation.

These interviews highlighted several critical breakdowns in the justice process:

- Awareness of rights: Victims who are unaware of their legal rights are significantly less likely to seek help or challenge exploitative treatment.
- Accessing help: Uncertainty about where to turn or who to trust can prevent victims from initiating claims against exploitative employers.
- Enforcement of decisions: Even when victims succeed in bringing a claim, justice can remain symbolic if employers evade financial accountability and consequences are not enforced.

All three of these issues are critical barriers to the attainment of justice for victim-survivors of migrant exploitation.

To develop robust and practical solutions to these justice barriers, this project adopted a design thinking approach—centring the lived experiences of victim-survivors to reimagine support systems and restore meaningful access to justice.

Utilising the Justice Chain Framework

Justice is the principle and practice of fairness, accountability, and equality under the law.

It ensures that individuals and communities are treated with dignity, that rights are protected, and that wrongs are addressed through fair processes.

The key dimensions of justice are:

- **Legal Justice** – Fair application of laws by courts and legal institutions.
- **Social Justice** – Equal access to resources, opportunities, and protections regardless of background.
- **Restorative Justice** – Focuses on repairing harm and restoring relationships.
- **Procedural Justice** – Ensures that processes are transparent, impartial, and inclusive.
- **Distributive Justice** – Concerns the fair allocation of resources and benefits in society.

The **justice chain** is a conceptual framework that illustrates how access to justice is not a single step, but a sequence of interconnected stages that must all function effectively for justice to be truly accessible. This idea is central to the UNDP's "Programming for Justice: Access for All" and has been further elaborated by Francioni in his work on customary international law.[3]

[3] United Nations Development Programme (UNDP), *Programming for Justice: Access for All – A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, Bangkok: UNDP, 2005. Available at UNDP Asia-Pacific Publications. [undp.org]; Francesco Francioni, "The Rights of Access to Justice under Customary International Law," in Access to Justice as a Human Right, Oxford University Press, 2007, pp. 1–55. ISBN: 9780199233083. Available at European University Institute Repository.

The stages can be summarised as follows:

- **Awareness of Rights**
  Individuals must first know their rights and understand when those rights are being violated.
- **Accessing Help**
  This includes the ability to reach legal aid, community advocates, police, or support services.
- **Ability to Bring a Claim**
  People must be able to initiate legal proceedings, which requires procedural knowledge, financial resources, and institutional support.
- **Fair and Timely Adjudication**
  Courts or tribunals must be impartial, accessible, and operate without undue delay.
- **Enforcement of Decisions**
  Legal decisions must be implemented effectively—whether through compensation or other remedies.
- **Ongoing Accountability Mechanisms**
  Systems must exist to monitor justice institutions, ensure transparency, and allow for redress if the process fails.

Strengthening each link in the justice chain—particularly for individuals facing language barriers, insecure visa status, and financial hardship—is essential to making justice not just a theoretical ideal, but a practical reality. This project has chosen to apply the justice chain framework because it offers a structured way to identify systemic gaps and design targeted interventions. The framework will be used to analyse interview insights later in this report.

Expected outcomes of applying the Justice Chain

Applying the justice chain framework to migrant exploitation cases in Aotearoa New Zealand supports a more holistic and effective approach to justice.

It strengthens each stage of the justice process—from awareness to enforcement—and delivers outcomes that go beyond legal remedies.

Two key outcomes are:

1 Improved access and autonomy for migrant workers

- **Legal empowerment**
  Workers are better informed about their rights and equipped to take action when those rights are breached.
- **Procedural justice**
  Accessible, transparent, and culturally responsive processes help workers navigate the justice system with confidence.
- **Social justice**
  Reducing barriers such as language, visa dependency, and financial hardship promotes equity and inclusion.
- **Restorative justice**
  Victim-survivors can access compensation, support, and healing, rather than being retraumatised by complex or inaccessible systems.

2 Improved employer accountability

Holding employers accountable for exploitation is essential to restoring trust in the system and deterring future harm. **This includes:**

- **Legal justice**
  Ensuring that employment laws such as minimum wage, leave entitlements, and safe working conditions, are upheld and enforced.
- **Preventive justice**
  Strong accountability mechanisms deter future violations and promote a culture of compliance.
- **Transparency and oversight**
  Public registers, stand-down lists, and post-mediation monitoring help surface hidden exploitation and prevent repeat offending.
- **Systemic reform**
  Employer accountability drives broader changes in visa policy, recruitment practices, and enforcement strategies.

03

The issue explained

Migrant exploitation: The problem in Aotearoa New Zealand

There are articles in the media almost every week about the exploitation of migrant workers. Why does this keep occurring and why are existing initiatives to address the problem not working?

The issue explained
Migrant exploitation

~30%
born overseas

Approximately 30 per cent of New Zealand's population **were born overseas** and came to Aotearoa as manuhiri and tangata tiriti (people of Te Tiriti o Waitangi).[4]

20%
of Aotearoa

20 per cent of our current population identifies as either Asian, Middle Eastern, Latin American or African.[5]

600,000
migrants

The latest migration data records over 600,000 migrants in Aotearoa—almost **200,000 on work visas**, just under **350,000 who have recently been granted residency status**, and nearly **85,000 on student visas.**[6]

It is the ethnic and cultural diversity of all people in Aotearoa that is integral to what makes our country the socially, culturally, politically, economically, and spiritually dynamic country that it is. Our diversity should be lauded and celebrated.

However, research commissioned by MBIE in 2022 found that nearly three in ten migrants living in New Zealand have experienced overwork and underpayment, and many only know their employment rights "a little bit" or not at all.[7]

Migrant exploitation can be described as the unjust and illegal utilisation of migrant labour for the extraction of profit.[8] It is under-reported both in New Zealand and globally, and ranges from breaches of a worker's minimum employment standards through to extensive coercion, extortion, trafficking and subjection to conditions described by some researchers as modern slavery.[9]

Section 351 of the Immigration Act 2009 provides a legislative definition of migrant exploitation: "a breach of minimum employment standards that is deliberate and sustained, and involves significant harm or disadvantage to a person holding a temporary work visa".

[5] "Census results reflect Aotearoa New Zealand's diversity", Stats NZ, 3 October 2024, https://www.stats.govt.nz/news/census-results-reflect-aotearoa-new-zealands-diversity/.

[5] Above n 2.

[6] Ministry of Business Innovation & Employment "Migration Data Explorer" <https://mbienz.shinyapps.io/migration_data_explorer/>. MBIE's Migration Data Explorer is a government website that contains data on visa applications by visa type, data on migrant populations, and flows of migrants in and out of New Zealand (last accessed 30 November 2025).

[7] Ministry of Business Innovation & Employment "Migration Data Explorer" <https://mbienz.shinyapps.io/migration_data_explorer/>. MBIE's Migration Data Explorer is a government website that contains data on visa applications by visa type, data on migrant populations, and flows of migrants in and out of New Zealand (last accessed 30 November 2025).

[8] Francis Collins and Christina Stringer "Migration, Discrimination and the Pathway to Workplace Exploitation in Aotearoa New Zealand" in A McCarthy (ed) *Narratives of Migrant and Refugee Discrimination in New Zealand* (Taylor & Francis, 2022) at 140.

[9] Christina Stringer, Brent Burmester, Snejina Michailova, Centre for Research on Modern Slavery The University of Auckland Business School and Thomas Harré, LawAid International "Toward a Modern Slavery Act in New Zealand – Legislative landscape and steps forward" White Paper, September 2021, p iii; Amanda Reid "Modern slavery and migrant labour exploitation" Economic Insights, (BERL, 18 February 2020).

Common forms of migrant exploitation include:

- **Underpayment** (e.g. being paid below minimum wage or not being paid for all hours worked).
- **Cash paybacks from wages** (sometimes referred to as 'wage recycling' where an employee is forced to pay some or all of their wages back in cash to their employer)
- **No written employment agreements**
- **Premium charging** (making workers pay for a job or visa sponsorship — illegal under s 12A Wages Protection Act 1983).
- **Threats of deportation** or cancelling a visa to force compliance with an employer's demands.
- **Withholding passports** or personal documents
- **Denying leave entitlements**
- **Unsafe or degrading conditions** (e.g., excessive hours without rest, unsafe equipment).

Awareness of the problem

It is difficult to gauge the extent of migrant exploitation as much of it is hidden and language and other barriers make data collection difficult.[10]

Although the true extent of the problem is unknown, exploitation of migrant workers is a pervasive and serious problem in New Zealand[11] which continues to occur despite policy and Parliamentary attention, and increased government resources and funding aimed at cracking down on exploitative labour practices.

We have known for well over a decade that migrant exploitation exists in New Zealand. In 2015, George Mason, General Manager of the Labour Inspectorate said in an RNZ interview: (quoted in Stringer C, "Worker Exploitation in NZ: A Troubling Landscape":

"Our concern is that this kind of conduct [not paying the minimum wage] is fairly widespread. It is very difficult to uncover because, you can understand, people are not coming forward to tell us about it.... It affects a particular section of the labour market... there is a significant and fairly contained set of employers who are engaging in these kinds of practices and in particular ***taking advantage of young migrant workers.****"*

Research indicates that exploitative workplace practices are widespread.[12] Instances of non-compliance are particularly common in horticulture, fishing, agriculture, and hospitality industries but in recent years the sectors at risk have grown to include construction, tourism and retail. A select committee investigation in 2022 found that migrant exploitation is a real and serious problem in New Zealand.[13] The Ministerial Advisory Group on Transnational, Serious and Organised Crime says it is "highly likely that serious criminal exploitation, such as people trafficking, forced labour and sexual exploitation, is underreported and growing within New Zealand. There are almost certainly exploited migrants in our horticulture, construction, beauty services and hospitality sectors".[14]

Official data from MBIE shows that migrant exploitation complaints surged from 933 in 2022/23 to 3,925 in 2023/24—a fourfold increase.[15] Complaints fell to 2,701 in 2024/25, but remain nearly three times higher than two years earlier.[16] Data for 2025/26 shows 732 complaints in the first four months alone (to 31 October 2025).[16] The number of Migrant Exploitation Protection Visas approved followed a similar pattern: 225 in 2022/23, rising to 2,070 in 2023/24, and 1,670 in 2024/25. When she was in opposition, Erica Stanford, now the Minister of Immigration, described migrant exploitation as "the worst human suffering we have seen in this country, maybe ever.[17]

Judicial decisions in New Zealand have consistently recognised the heightened vulnerability of migrant workers whose immigration status is tied to their employer. In the case of *A Labour Inspector v Parihar*[18], the Employment Court noted that the affected employees were particularly susceptible to abuse due to their precarious immigration status and their reliance on the employer for visa sponsorship. The Court highlighted that such workers often lack knowledge of their rights and are therefore more easily exploited.

Similarly, in *A Labour Inspector v Matangi Berry Farm Ltd*[19], the Court observed that language barriers and unfamiliarity with New Zealand employment law compounded the vulnerability of migrant workers. The employer's ignorance of employment standards was not accepted as an excuse for breaches, and the Court emphasised the responsibility of employers to seek advice and ensure compliance with statutory protections designed for vulnerable workers.

In *Domingo v Suon and Heng*[20] the Court underscored the inherent power imbalance between employers and employees, particularly in the context of migrant workers with little knowledge of their rights. The Court stressed the importance of compliance with employment law and the need to protect vulnerable employees from exploitation.

[10] *Inquiry into migrant exploitation*, Report of the Education and Workforce Commitee, August 2022, Final-report-inquiry-into-migrant-exploitation-.pdf, at 5.

[11] Marja Lubeck Report into migrant exploitation (Report of the Education and Workforce Committee, August 2022) at 5.

[12] See for instance NZ would be shocked by modern-day slavery numbers - researcher - Business & Human Rights Resource Centre

[13] Final-report-inquiry-into-migrant-exploitation-.pdf.

[14] June Report, p 9-10 available at tsoc-mag-25-04-july-report-communities.pdf.

[15] Hon Erica Stanford Improving the integrity of the Migrant Exploitation Protection Visa Settings (Ministry of Business, Innovation and Employment, Cabinet Paper, 17 October 2024) at [11.1]-[11.2].

[16] Data released by MBIE under the Official Information Act, Ref DOIA-REQ-0023199, 3 December 2025

[17] Lincoln Tan "Worse human suffering we have seen" Newstalk ZB (online ed, 1 September 2023) <https://www.newstalkzb.co.nz/news/national/migrant-exploitation-probe-immigration-new-zealand-reveals-hundreds-of-investigations-into-employer-visa-breaches/>.

[18] [2019] NZEmpC 145.

[19] [2020] NZEmpC 43.

[20] [2017] NZEmpC 23.

04

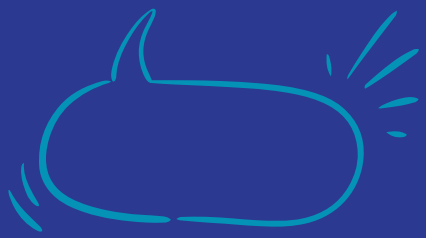
Interview insights

Lived Experiences of Migrant Worker Exploitation

Interviews with migrant workers and advocates reveal a deeply embedded system of exploitation operating both within and outside formal regulatory frameworks.

These insights highlight the structural vulnerabilities created by visa conditions, recruitment practices, and power imbalances in the workplace.

Further quotes illustrating the range and depth of exploitation experienced by migrant workers are included in **Annexure I**. These testimonies provide additional evidence of wage theft, deception, coercion, and the emotional toll of exploitation.



Premium payments – 'Job Selling' and a Parallel Economy

Many migrant workers described paying exorbitant fees—often between $20,000 and $45,000—to secure jobs in New Zealand.

These payments were frequently made in cash, offshore, and through informal networks involving family or community connections. Workers arrived already in debt, creating intense pressure to endure poor conditions in the hope of eventually gaining residency.

Interviewees spoke of a hidden recruitment economy that operates out of sight of regulators, where job access is commodified and exploitation begins before arrival.

In the following testimonies:
ADV: *Advocate*
VEX: *Victim of Exploitation*

"I'm sure MBIE didn't think at the time that employers would be selling these job tokens and that is what's happening. It's like gold bullions." **– ADV#6**

"He demanded $20,000... but only in cash, in India, through his uncle." **– VEX#1**

"We had to pay $30,000 for the job... I worked one month with no pay." **– VEX#7**

"Exploitation is economic duress.... You invest the money and it's easier to put that extra in than lose your investment." **– ADV#3**

"There is a whole different market that exists. These employers charge $40,000 to $50,000 and they bring these workers here but they don't have enough work for them. So they pay them below the minimum wage.

It's just a scam. There is a parallel economy which is running... on paper it is one thing but in reality, the worker is getting something very different, and sometimes they're actually paying their wages back in cash." **– ADV#1**

Wage theft and false records

Once in New Zealand, many workers reported being underpaid, not paid at all, or forced to return part of their wages in cash.

Payslips were often inaccurate or fabricated, and hours worked were routinely misrepresented. Some employers manipulated public holiday records or offered verbal agreements with no written contracts. These practices were often normalised within communities, making it difficult for workers to recognise or challenge exploitation.

"I worked 45 hours every week with no break... payslip said 30 hours." **– VEX#7**

"We worked every single public holiday, they never pay an hour and a half... We work and they make it look in the pay slips that we had the day off on those public holidays." **– VEX#3**

"He said you have to work for like eight hours. I can only pay you for two hours. But in bank account, I can pay you the entire money. You have to withdraw the rest of the money and you have to give it back to me." **– VEX#1**

"On paper, it looks like they're being paid the right amount, but they're actually paying money back in wages, back in cash to the employer... It is common for them to be paid $29.60 in their account, but to actually just receive the minimum wage due to the cash back requirement."
– ADV#1

"I was working every day from mid morning until 10pm or 11pm in the evening. I was working around 70 hours a week but I was only paid for 30 hours."
– VEX#6

Abuse of trust, bullying, intimidation and cultural coercion

Workers interviewed described trusting employers due to shared cultural backgrounds or family connections.

This trust was exploited, with employers using cultural familiarity to justify poor treatment or delay payment. Workers felt emotionally and financially trapped, having invested their savings and hopes into the job. Employers also exerted power, dominance and intimidatory tactics over victims.

"He came to our house and he was telling ... 'I've flourished in New Zealand. I'm a citizen. I have two or three houses so I can hire a lawyer.You don't have money. So don't try to play tricks with me, I'll make sure you will go back to India.' So they feel that once they have residency, once they have citizenship, they can do anything they want because they wouldn't be deported." **– VEX#1**

"We trusted [the employer]... he knew my aunty back home."
– VEX#5

"My manager was an Indian .... He would particularly pick these ...people with immigrant backgrounds and ... force them to cut down their working hours... He would tell us like, OK, I have given the opportunity to you guys, I could have hired Kiwis but I know you guys need money." **– VEX#2**

Lack of Contracts and Informal Arrangements

Some workers were hired without contracts and paid based on fluctuating business performance.

This left them vulnerable to arbitrary decisions and dismissal, with no legal protections or recourse.

"Our law puts a primary on written contracts. But that is not a cultural universal ... it's something I've seen with a lot of Chinese clients... They put a primacy on the verbal agreement and that's more important than a written document. My word is what's most important. So there's a verbal agreement to work for $400 a week. Then that's the real deal." **– ADV#8**

"I asked him for a job and he said I could work there starting tomorrow. There was no contract. He just paid me whatever he wanted to each week, depending on customer sales." **– VEX#4**

Systemic normalisation of exploitation

Advocates and workers alike described exploitation as widespread and longstanding.

There was a sense that the system — including visa policies and employer accreditation — enables exploitation to continue unchecked. Some workers felt that enduring exploitation was a necessary step toward residency.

"It's happening every day... it's always been there."
– ADV#6

"We had to put up with it... now we have residency."
– VEX#5

Q: "Do you think that what we are seeing and the people that come to see you... Do you think it's only a small part of what is really happening?"

A: "Oh yeah." **– ADV#5**

"It's happening every day. It's not being reported. The odd case comes out and it's serious but it's happening. It's happened. I've been here for 40 years. It's happened right from the beginning.

It's always been there but certain things like the accredited employer scheme has made it worse in the last few years."
– ADV#6

Trauma and financial hardship

Migrant exploitation often results in profound emotional, psychological, and financial harm. Interviewees described not only the stress of unpaid wages and poor working conditions, but also the devastating impact of debt, humiliation, and threats—both in New Zealand and from overseas actors.

Many workers arrive already burdened by loans or family expectations, and when exploitation occurs, the consequences extend beyond the individual, affecting their families, communities, and long-term wellbeing. For some, the experience was so overwhelming that it led to thoughts of self-harm or complete loss of hope.

"... we were incurring so much debt back in India because my husband's parents, they have taken money as a loan interest, they are paying to people. And it was very huge. We were like, I can't even tell you like ... all the humiliation, you're ... begging for food." **– VEX#1**

"The sad part is where there are genuine people who come to me who have mortgaged their house, borrowed the money in India and paid 30,000 to $50,000. That's very sad because they've been ripped off and they still owe the money over there and they are suffering here." **– ADV#6**

"They [get] themselves into a financial trap by borrowing money or .. selling family assets to come here and study or work ... They can't just sort of give up on that. So it's easier to pay more on top of that initial investment to get residency than to leave without the residency." **– ADV#3**

"I wasn't paid any wages for seven months... I had borrowed a lot of money in India and because I thought I would never be able to pay that money back ... I thought about ending my life... But thinking of my family back home made me decide not to do it." **– VEX#5**

"For the first two months of work where I didn't get any pay at all, I was unable to not only meet my own basic needs but I could not provide anything for my family in India. My parents, wife and children depended on me and I could not support them at all. It was a very upsetting and humiliating time." **– VEX#6**

"They threaten you by saying I will make my company bankrupt and you won't get anything or I'll get you deported or I'll come after your family overseas ... " **– ADV#6**

05

A key cause

Employer-tied visas and entrapment

One recurring theme in both research and lived experience is the power imbalance created by employer-linked visas.

Every person interviewed commented on the power and risk of abuse with visas tied to specific employers and how that severely restricts job mobility and leads to entrapment.

A key cause
Employer-tied visas and entrapment

Migrants on employer-tied visas often cannot change jobs without risking their immigration status.

This dependency traps them in exploitative employment relationships, where the employer holds disproportionate control over their livelihood and legal right to remain in New Zealand.

Unscrupulous employers take advantage of the worker's dependency for their own financial gain, for instance, by requiring payment in exchange for the job, significantly underpaying workers, undertaking illegal 'wage recycling', and denying leave, meal breaks and other statutory entitlements.

Advocate #3 spoke about how visa policy incentivises, or at least creates the conditions that support, exploitation. Many advocates described how people are often too fearful of authorities to report their employer.

"Wherever you have systems where someone's right to be in the country is dependent on a particular employer, you will get exploitation, not every employer will abuse that, but enough." **– ADV#8**

"If your visa wasn't connected, then you would have left straight away." **– VEX#3**

"The policy settings around visas... that leads to them being in situations in which they've become exploited or forced to pay money to employers." **– ADV#3**

The Accredited Employer Working Visa

Despite including safeguards against migrant exploitation, the AEWV system has in practice made the problem worse.

The AEWV, introduced in July 2022, is now the primary pathway for hiring migrant workers across most sectors. It replaced six previous work visa categories and was intended to simplify the system and ensure that migrant workers are hired only when no suitable New Zealanders are available.

However, in practice, the AEWV has created a highly employer-controlled system that carries significant risks of exploitation. Because the visa is tied to a specific job and employer, workers face limited job mobility and heightened dependency. The scheme operates as a high-trust, employer-led model, relying heavily on self-certification and minimal document verification. Historically, this made it relatively easy for employers to gain accreditation without meaningful scrutiny.

Importantly, exploitative employers can retain accreditation unless formal complaints are lodged and resolved through civil or criminal processes. Where cases are settled through mediation, employers may avoid ongoing accountability or sanctions.

AEWV Application Process

The AEWV involves a three-step process:

1 Employer Accreditation

Employers must apply to Immigration New Zealand and be approved before hiring migrants. **Accreditation requires:**

- Compliance with employment, immigration, and business standards
- Commitment to providing information to migrants about rights, accommodation, and community services
- A declaration not to use offshore agents who charge job premiums
- Initial accreditation is granted for 12 months, with renewals available for 24 months.

2 Job Check

Employers must demonstrate that no suitable New Zealanders are available for the role (labour market test).

- As of 10 March 2025, AEWV roles no longer need to meet the median wage threshold. Instead, employers must:

  Pay at least the minimum wage (NZD $23.50/hr as of 1 April 2025)

  Ensure wages align with the market rate for similar roles and locations. For lower-skilled roles (ANZSCO Levels 4 and 5), employers must advertise through MSD's Work and Income and interview suitable candidates. Employers must declare they have genuinely considered referred candidates and conducted interviews.[20] There does not seem to be any automatic or routine verification of these declarations unless concerns are raised or evidence is required.

- In addition to labour market testing, the **Job Check** stage includes several other requirements designed to ensure the integrity of the employment relationship:

  The role must be **full-time**, with a minimum of **30 hours per week.**

  Employers must submit a **job description** and a **draft employment agreement** that meets New Zealand's legal standards.

- Employers are required to provide documentation demonstrating they have followed through on commitments made during the initial accreditation process. This may include:

  Evidence of a bona fide and operational business, such as financial records, GST or PAYE statements.

  Proof of employer-led settlement support for AEWV workers, including emails, policy documents, relocation service invoices, and induction procedures

  Organisational charts (excluding individual names) that show company structure and roles.

- If any commitments were not met, employers must explain why, and show corrective measures or implementation plans. While Employment New Zealand's online learning modules for employers and employees remain available and are encouraged as good practice, there is currently no formal requirement to submit evidence of their completion. The AEWV system operates on a high-trust, self-declaration basis, and compliance with these elements is not routinely verified unless concerns are raised.

[20] Hiring migrant workers - Work and Income.

3 Visa Application

Migrant workers apply for a visa tied to the accredited employer and specific job.

Workers cannot freely change jobs; to do so, they must apply for a Variation of Conditions with another accredited employer.

- AEWVs are typically granted for up to 3 years, though some may be issued for up to 5 years, depending on the role and sector.
- MBIE may conduct follow-up post-accreditation checks via the Accredited Employer Risk Monitoring and Review system. Employers suspected of non-compliance may face:
  - Suspension of accreditation (up to 3 months during investigations or prosecutions)
  - Revocation if ongoing breaches are confirmed
  - Fines or being barred from hiring migrant workers under AEWV.

Recent reforms to the AEWV

In February 2024, a report commissioned by the Public Service Commissioner was released on the administration of the AEWV Scheme.

The review, led by Jenn Bestwick for Te Kawa Mataaho (the Public Service Commission), focused on operational decisions made by Immigration NZ rather than the policy settings themselves. It found significant failings in risk management: INZ prioritised reducing visa processing times and did not adequately assess the risks of reducing verification checks, exposing the scheme to increased exploitation between July 2022 and June 2023. When staff raised concerns, leadership failed to pay adequate attention.

The review made 10 recommendations and 25 sub-recommendations, including reducing exploitation risks, developing an integrated compliance model across INZ and MBIE, improving intelligence gathering, and resetting the relationship between senior leaders and frontline staff. MBIE accepted the recommendations and launched a programme of work to implement them.

While some operational changes have been made, the visa policy remains largely the same and still requires employees to only work for the employer specified on their visa. If they want to change jobs, they must find a new accredited employer and apply for a variation of visa conditions.

The AEWV policy underwent two significant changes earlier this year.[21]

1 Removal of the Median Wage Threshold

Effective 10 March 2025

Previously, most AEWV roles required employers to pay at least the median wage (NZD $31.61/hour at the time), except for roles covered under Sector Agreements, which allowed lower wages under specific conditions.

As of 10 March 2025, the median wage requirement was removed entirely. Employers are now required to:

- Pay at least the minimum wage (NZD $23.50/hour as of 1 April 2025)
- Ensure wages align with the New Zealand market rate for the role and location.

This change was intended to:

- Streamline visa processing
- Reduce administrative burdens for employers
- Make AEWV settings more responsive to sectoral and regional labour shortages.

2 Mandatory English Language Requirement

Effective July 2025

Applicants seeking AEWVs for ANZSCO Level 4 and 5 roles (typically lower-skilled jobs such as cleaners, hospitality workers, caregivers, and factory staff) must now meet minimum English language standards.

The policy aims to:

- Ensure workers understand employment contracts and workplace instructions
- Reduce the risk of exploitation
- Improve workplace integration and communication.

There were a range of other changes too including increasing the visa duration for new applicants in ANZSCO Level 4 and 5 roles from two to three years. From 27 January 2025, accredited employers were no longer required to give employees paid time off during work hours in their first month of employment to complete online learning modules from Employment New Zealand.[22] INZ will instead provide employers and workers with links to freely available Employment New Zealand or INZ webpages that set out employment rights and obligations at the points in the immigration process, including in their visa approval letter.

[21] Press release, Hon Erica Stanford, "Securing the skills and experiences NZ needs", 17 December 2024.

[22] https://www.immigration.govt.nz/about-us/news-centre/changes-to-employment-new-zealand-module-requirements-and-domestic-workforce-threshold-for-aewv-coming-into-effect.

Work Visa Policy as a Driver of Exploitation

Almost every person interviewed expressed concern that the AEWV scheme facilitates rather than prevents migrant exploitation.

Interviewees consistently pointed to weak checks and balances on employers, the sale of job tokens on the open market (often offshore and beyond the reach of New Zealand authorities), and the lack of job mobility, which effectively entraps workers in exploitative employment relationships. These structural features of the AEWV system were described as amplifying employer power and undermining the policy's stated intent to protect migrant workers.

"I think they should just forget this accredited employee scheme altogether. It was predicted [that it would be] a disaster. You just increase the power of the employer." **– ADV#6**

"It's easier to come in under the [AEWV] scheme ... before you had the skills migrant category and higher qualification [requirements]. Now you can have people with hardly any qualifications, they just come up on the job token... they arrive and then have all the related issues when they get here." **– ADV#6**

ADV#3 provided an open and robust critique of the AEWV accreditation process. The key failings identified are:

- **Intent vs. Reality**
  The government designed the AEWV accreditation scheme to identify and approve "good employers" who were less likely to exploit migrant workers. However, the actual implementation failed to achieve this goal.
- **Self-Declaration Model**
  The accreditation process relied heavily on online self-declaration, with minimal document verification. This made it easy for employers to gain accreditation without meaningful scrutiny.
- **High Threshold for Document Triggers**
  The questions in the application form were set at such a high threshold that only the most egregious offenders would be flagged—those who would likely have been caught under previous systems anyway.

- **Loss of Financial Sustainability Checks**
  Under the previous visa system, immigration officers could request financial documents to assess whether an employer could sustainably pay a migrant worker. The new system removed this safeguard, allowing marginally viable businesses to become accredited.
- **Risk of Exploitation Increased**
  Employers with poor financial health or inadequate record-keeping—conditions often linked to exploitative practices—could now be accredited more easily. This increased the risk of migrant exploitation rather than reducing it.

"[There is] this whole fantasy that you're advertising to see if there's a shortage of New Zealanders ... it's a fantasy to think that it's actually ... genuinely testing the labour market because it can be manipulated in so many ways that you can get exactly the outcome that you want. You know, depending on what you put in the advertisement." **– ADV#3**

"He told me he didn't actually need a manager in his shop at all. He did all this so he could get [the employee] residency. But now he's got his residency, he immediately left and he's run off and he's asked [the employee] for $100,000 and they become bitter and resentful about it because they feel like they've done that person a favour. And in some ways you could argue that they have because they would have never have got their residency without that employer supporting them as a manager of a pizza shop in the first place – and because they actually didn't need a manager of a pizza shop." **– ADV#3**

"The [visa] accreditation process added absolutely nothing because it was just self-declaration. In fact it made [exploitation] a lot easier .... If an employer is not keeping good time and wage records, and if the employer is barely sustainable financially, they're more likely to enter into an exploitative relationship with a worker. So suddenly the new accreditation process eliminated the ability of an immigration officer to immediately detect that potential because of the way that the questions on the online form were designed. So they would, for example, ask something like .... has the business been profitable for the last two years? You can honestly say 'yes, it has been profitable', but you've been making, $10 profit for the last two years." **– ADV#3**

06

Failures of the system

Barriers to seeking help, accessing justice, and holding employers accountable

While any worker can experience exploitation, migrant workers face distinct and compounding vulnerabilities that make them particularly susceptible.

These vulnerabilities are shaped by immigration settings, cultural dynamics, economic pressures, and systemic barriers to justice. Interviewees described a complex web of factors that drive migrant worker exploitation in Aotearoa New Zealand.

Migrant workers face multiple barriers to reporting exploitation, including fear of jeopardising their visa status, lack of awareness of their rights, language and cultural barriers, and pressure from their own communities and families not to complain.

Some victim-survivors described how cultural familiarity is weaponised to justify exploitation. These obstacles mean many cases go unreported.

Cultural familiarity, loyalty and dependency on employer

Cultural dynamics also play a significant role. Exploitation frequently occurs within the same ethnic communities, where employers or agents from the same background exploit trust, shared language, cultural norms, immigration status dependence, and lack of knowledge about labour rights.

Victims may feel a sense of loyalty or fear of shame, and are often reluctant to speak up about exploitation due to cultural norms, fear of retaliation, and a lack of understanding of the local system. They may attempt to resolve issues informally—sometimes involving community leaders, religious figures, or even village elders back home (eg the Sarpanch). In one notable case the author was aware of, formal settlement discussions were abruptly ended when the families involved resolved the matter privately in India.

"One [reason] could be just communication. It's easier culturally to fit in and you have that initial trust... After a while they realise, but they feel that, you know, of course we Asians have a sense of loyalty ... So they hang on ...." **– ADV#6**

"When I arrived in [city in New Zealand, the employer] did not tell me to open a bank account or apply for an IRD number. He said my first two months was training and this was normal in New Zealand. I thought this was strange but I was grateful to have the opportunity and I didn't know who to ask about it." **– VEX#6**

"The fact that they are dependent on their employer in many cases ... for their right to be in New Zealand is a huge problem. With that...comes other things that for many, but not all migrants, would exist ... like language issues, just navigating this scheme, often reliant on their employer for navigating the wider society and also ... not having that sort of competency of having grown up and understanding the system and also for navigating the community. Many of them will have had some form of facilitation by the employer to be there, and that increases their dependency on them." **– ADV#5**

"... everything is sort of casual, right between you and me and we just do it and we operate in that space of status ..." **– ADV#6**

"I also trusted [the employer] because he had been living in New Zealand for 15 years, so I assumed that he knew how things happened here."
– VEX#4

"one [reason] could be just communication. It's easier culturally to fit in and you have that initial trust."
– ADV#6

Some interviewees spoke about the cultural aspects of the relationship between the exploiting employer and the employee. They described status, class, caste systems, how the relationship will often begin through connections in the home country, and how in societies overseas arrangements are usually casual and often undocumented, and how employers in New Zealand can exert pressure on the employee's family overseas. In this way, migrant workers often face exploitation from multiple fronts—not just from employers in New Zealand, but also from agents, money lenders, and family members in their home countries.

This creates a complex web of social and financial obligations that make it difficult to seek help or exit exploitative situations.

"Migrant workers look for work within their own ethnicity because they feel safe and they trust." **– ADV#6**

"So it's not just that they have to deal with the local environment. They have to deal with the environment back in China because those agents or employers, they, you know, they work from the other end and push them, and ... they have to really overcome such pressure ...they may be threatened by someone back in China, or in India – it happens quite often. **– ADV#4**

"sadly it happens because they know they can do it and people are looking for ... language... [and for] something that's familiar." **– ADV#6**

Exploitation often occurs within ethnic communities where shared language and cultural familiarity create initial trust. Workers may feel a sense of loyalty to employers who helped them migrate, even when mistreatment occurs.

This loyalty, combined with cultural norms around hierarchy and deference, can discourage workers from speaking out.

"We Asians have a sense of loyalty and, you know, he helped me to get the job and whatever. So they hang on ...." **– ADV#6**

Knowledge of employment rights

In the author's experience, many migrant workers lack awareness of their employment rights.

While most employers who exploit their employees do so deliberately, the author has also encountered others who appear genuinely unaware of their legal obligations.

The interviews offer valuable insights into the reasons behind this, including language barriers that prevent workers from understanding employment agreements written in English, the complexity of unfamiliar legal and regulatory systems, and uncertainty about where to access reliable information or whom to trust. These barriers often lead migrant workers to seek advice within their own communities—sources that may not always provide accurate or helpful guidance.

Lack of awareness of rights and systems further compounds vulnerability. Migrants unfamiliar with New Zealand's legal framework may not know what protections exist or how to access help. This increases their dependence on employers and reduces the likelihood of reporting breaches.

"The working culture is different over there ... we have this hierarchy system ... People then carry over [that way of working here] without realising NZ's laws also apply to them." **– VEX#2**

"... the majority are migrants exploiting migrants... the employment regime is so different to what's in their home country." **– ADV#6**

"I think the biggest barrier is lack of information and lack of awareness ... I think that migrant workers don't have adequate information or have not been told what their rights and obligations are or where to actually seek help if anything goes wrong. And I think from the get go, they're disadvantaged." **– ADV#7**

"Most [people] will be getting [information]] from their agents or their employers or other sort of trusted people." **– ADV#3**

"We really don't come from a background where employment rights are highly appreciated or valued. So we are not used to standing up for our employment rights. It's not being taught in our schools." **– VEX#2**

"Actually they really don't know what to do. These people will always threaten them and they will work for like 18 hours, get paid for three hours.. they are not aware of their rights." **– VEX#1**

Q: *"Do you think that in your experience, people that come and work here do have some understanding of their employment rights and know when they are being breached?"*

A: *"No, no, none whatsoever."*
– ADV#3

"Most people are not aware of their rights and some of the employers, they know that and that's why they are like mainly, you know, targeting on immigrants. I would say like, targeting that vulnerability." **– VEX#2**

"I feel that the information you can get now, even if you found that on-line, it's very complicated or it's not specific to the migrant situation."
– VEX#1

"... though they were the ones that paid ... they might not have known that was wrong. They might have just thought, well, that's what you do. That's how you come here. You pay $30,000." **– ADV#6**

*"If something happens .... [people] are just unaware whether it is lawful or not."***- ADV#7**

Even when information is available online, it is often too complex or not tailored to migrant experiences. Workers may not instinctively feel that New Zealand's laws apply to them.

"They need someone to interpret the law in plain English." **– ADV #6**

"It seems ludicrous that someone who speaks Chinese is given an employment agreement in English to sign." **– ADV#8**

ADV#7 suggests that New Zealand's employment system is shaped by Western norms that may not align with the perspectives or experiences of many migrant workers. A major barrier is language, which limits access to and understanding of employment information.

As a result, migrants often turn to their own communities for guidance. However, these communities may perpetuate misinformation or learned behaviours, especially when long-standing members have themselves experienced exploitation and come to see it as normal.

This creates echo chambers where inaccurate interpretations of rights and entitlements are passed on to new arrivals. Additionally, fear of racism or exclusion discourages migrants from seeking help outside their communities, reinforcing isolation and misinformation.

"They've been in NZ for over three years... this is the very first time they've heard they have rights."
– ADV #7

"We need to reach the trusted person in the community... not just the worker." **– ADV #8**

"Some of my previous clients said they had talked to this friend who has been here for 20 years and they said that this is acceptable, it's fine because they've also experienced that. So it's learned behaviour I think, and they isolate themselves in their small bubble and don't necessarily branch out because they're fearful of racism in the country.

I don't know, but they're fearful that they can't approach someone outside of their community....so they are getting perspectives from people that think in a similar way. And .... it is not necessarily ... correct but it's just what they've experienced in their learned behaviour and what they've been taught or heard from other people and it just keeps being passed onto new migrant workers and new people that come into their circle and their community." **– ADV#7**

"While there is a reasonable amount of information on Employment New Zealand websites and the like, partly people may struggle to access that information if they don't speak English and don't know how the system works. But also, and I think in some ways even more fundamentally, people don't necessarily have an instinctive response that these systems and these laws are for them."
– ADV#8

False promises, immigration settings and recruitment deception

Interviewees described how migrants are often sold an unrealistic dream—promised residency, free education for children, or high wages.

These promises are used to justify large payments and create false expectations, which are rarely met. Interviewees talked about how the "ultimate goal is to get 'PR' (permanent residency - ADV#6).

"A lot of people are being sold a dream. And I have seen situations where the employer has said a lot more about 'if you come and work your children will be able to attend New Zealand schools for free' than about the job itself." **– ADV#8**

"They come in with a rosy, rosy picture ... they blindly believe the consultancy and all these scams are happening. They think that if they come to New Zealand, their life will be like heaven." **– VEX#1**

"Really most people that come here are wanting that residency pathway." **– ADV#5**

"When [the employer] finally started paying me, he also told me I had to pay $200 into his account for rent. This was the first time he mentioned paying rent. In India he told me he would take care of my accommodation and expenses". **– VEX#7**

Economic pressures and debt

Financial obligations to family members and lenders in home countries are a powerful driver of silence and endurance.

Workers may tolerate exploitation because their income is essential to repay debts or support loved ones in their home country.

As MBIE-commissioned research has shown[23], this financial imperative can lead workers to tolerate breaches of employment law, including underpayment, denial of entitlements, and illegal practices like wage recycling.

"For some people it's all about the life back home. It's so difficult that they do anything to stay here."
– ADV#1

The impacts are profound. Exploitation harms the **emotional, psychological, physical, and financial well-being** of migrant workers and denies their fundamental human rights. It also undermines fair labour practices, creating an uneven playing field for compliant businesses.

As a 2022 Select Committee report stated:[24]

"Whatever form it takes, exploitation has devastating effects. Migrants suffer financially, psychologically, and physically. This harm can extend to family members, including children. Exploitative work practices also have negative implications for the economy.

They can undercut good employers, and contribute to wage suppression and job displacement in low-paid industries. Migrant exploitation affects New Zealand's international reputation and must be condemned."

[23] MBIE, "Temporary migrant worker exploitation research programme: quantitative findings", Kantar Public, 24 November 2023, https://www.mbie.govt.nz/dmsdocument/28157-temporary-migrant-worker-exploitation-research-programme-quantitative-findings-wave-2-2023

[24] Report of the Education and Workforce Commitee, August 2022, Final-report-inquiry-into-migrant-exploitation-.pdf

The author's experience

Since 2019, the author has had the privilege of providing free legal support to victims of migrant exploitation through Community Law Wellington and Hutt Valley (CLWHV). During the COVID-19 pandemic, when CLWHV operated a fully remote legal clinic, the author observed a notable increase in queries from across Aotearoa. Since this time, she has advised approximately 80 individuals, with most cases resolving through mediation.

While settlements are often significantly lower than the original claims, many clients express relief at receiving some compensation and avoiding the lengthy and uncertain Employment Relations Authority (ERA) process, which can take 9 to 12 months and carries the risk of employer insolvency during that time. All compensation received by the author's clients—whether through settlements or ERA determinations—was passed on in full to the clients, although CLWHV may seek tariff costs in ERA proceedings.

The cases the author has worked on represent only a small fraction of the exploitation occurring nationwide. She regularly receives queries from outside the Wellington and Hutt Valley regions, but due to funding limitations, these individuals are referred to one of the other 24 community law centres in Aotearoa.

There are both strengths and challenges in the justice process. Interpretation services are frequently required, and CLWHV is fortunate to access high-quality phone and video interpretation through 'Connecting Now'. However, access to professional interpreters is more limited for other lawyers and advocates working on low bono or pro bono cases. As a result, clients often rely on friends or family members to interpret, which can compromise the neutrality and accuracy of communication.

Gathering evidence presents several challenges. Clients may not realise that WhatsApp messages, photos, and other digital records can support their claims. Collecting this material requires time and patience. If location services are enabled on their phones, this can provide strong evidence of work hours—though employers often dispute this, claiming the data was edited or that the worker lingered near the workplace to create a false impression.

Writing witness statements is also difficult for many clients, especially as most rely on smartphones and do not have access to computers. The author typically takes notes during interviews and transcribes clients' accounts, reviewing the draft with an interpreter via video call. This process is time-consuming due to communication barriers.

Another layer of complexity arises from cultural norms of deference, which often lead clients to agree with what the author has written without questioning or correcting it. While this trust is well-intentioned, it can make it harder to ensure the evidence truly reflects their experience. Careful, patient work is required to encourage clients to express their stories in their own words—an essential step for credibility and for withstanding scrutiny in legal proceedings.

Complying with evidence exchange timelines can be demanding and requires ongoing support. Nonetheless, mediation is often a positive and empowering experience. While some employers refuse to engage or offer minimal settlements, it can be mana-enhancing for clients to confront their employer and articulate the personal impact of their mistreatment.

In the author's view, most instances of exploitation remain hidden from regulators and support services due to two key factors:

1. Migrant workers often lack confidence in asserting their rights, or fear retaliation—such as job loss or visa cancellation—if they speak up or file a complaint.
2. Employers may fabricate documents to falsely demonstrate compliance with employment laws, making it difficult for workers to provide evidence of mistreatment or feel confident about bringing a claim.

The author's experiences were a key motivator in developing digital tools designed to close information and evidence gaps, and to empower migrant workers to understand and assert their rights with greater confidence and security.

07

Existing Solutions

Legal Responses to Exploitation

Legal responses to migrant exploitation in Aotearoa New Zealand fall under civil, criminal, and immigration law.

These frameworks offer distinct avenues for redress, accountability, and protection, and may be pursued separately or in combination depending on the nature of the exploitation.

Accessing remedies

The civil, criminal, and immigration law responses outlined below can be triggered in different ways, depending on how a worker seeks help and how agencies assess and triage the complaint.

Migrant workers who have experienced exploitation have two main pathways to seek redress:

A. File a civil claim directly – A worker can notify their employer of a personal grievance and/or unpaid wages claim, and pursue the matter through the Employment Relations Authority. This is the appropriate route for recovering unpaid wages, challenging an unjustified dismissal, or seeking compensation for disadvantage. Workers can seek legal advice, including through a community law centre, or represent themselves.

B. Report exploitation to Employment New Zealand – Workers can report exploitation using Employment New Zealand's online webform or by calling 0800 20 90 20 (interpreters are available). Employment New Zealand's triage team will conduct a credibility assessment of the report. If the report is assessed as credible, the worker will receive a Report of Exploitation Assessment letter, which enables them to apply for a Migrant Exploitation Protection Visa (MEPV). The triage process and how complaints are referred for enforcement action is discussed below.

These pathways are not mutually exclusive—a worker may report exploitation to Employment New Zealand and separately pursue a civil claim for unpaid wages or a personal grievance. However, MBIE takes care to ensure there is no "double dipping" of compensation where both pathways are pursued, as discussed below.

Triage and enforcement in practice

When Employment New Zealand receives a report of exploitation, they make an initial triage assessment and a credibility assessment to determine the appropriate response. Complaints can be referred to regulatory groups within MBIE such as the Labour Inspectorate, Immigration Compliance and Investigations, or Immigration New Zealand (INZ). Outcomes range from a full investigation that may result in criminal charges, through to warnings being placed on INZ's case management system to ensure further visas are not granted without consideration of the employer's compliance with immigration and employment law.[25]

Not all allegations considered by an Investigator will lead to a prosecution. Investigators consider a range of options depending on the severity of the offending, including criminal prosecutions, issuing infringements, issuing formal warnings, educating people on the right thing to do, and referring to other regulatory bodies as appropriate.

Official Information Act data released in 2024 reveals how rarely complaints result in formal enforcement action. Between 2022 and 2024, INZ received 201 complaints from Indian nationals alone. Enforcement action was taken against just eight employers with three receiving an education pack and five receiving a formal warning letter. [26]

[25] Information released by MBIE under the Official Information Act 1982, Ref: DOIA-REQ-0003193, 15 October 2024, https://www.mbie.govt.nz/dmsdocument/30766-oia-on-the-application-stats-around-the-accredited-employer-work-visa

[26] Above

Across all complaints nationwide, INZ prosecuted only 12 employers under sections 350 or 351 of the Immigration Act between January 2020 and October 2024—an average of fewer than three prosecutions per year. Under s 351 of the Immigration Act 2009, it is an offence to exploit a person on a temporary visa. Conviction can result in imprisonment for up to seven years and/or a fine of $100,000. According to the OIA data from October 2024, only five prosecutions for exploitation have been brought in nearly five years.

In the author's experience, coordination between enforcement agencies and community legal services is also limited. Once a worker has legal representation—for instance, through a community law centre—the Labour Inspectorate will typically close its file on the basis that the matter is being pursued privately. If the claim settles at mediation, that is the end of any regulatory involvement. If proceedings are filed in the Employment Relations Authority, the Inspectorate will generally withdraw, leaving the community law centre to carry the case without state enforcement support. This means employers face only a private claim, patterns of offending may go undetected, and under-resourced community organisations bear the burden of enforcement. These issues are addressed further in Section 6 (Ongoing Accountability).

The sections that follow outline the legal responses available when exploitation is reported or a claim is brought: civil remedies through employment law, criminal offences under the Immigration Act and Crimes Act, and immigration consequences for non-compliant employers.

Response 1: Civil law

Key legislation

Civil claims focus on breaches of employment standards and contractual obligations, and typically involve recovery of unpaid wages, unlawful deductions and leave entitlements. There is a six-year limitation period for these claims.

Key provisions commonly relied upon include:

Wages Protection Act 1983

s 12A – recovery of unlawful premium payments

s 4 – failure to pay wages owed when due and in accordance with the employment agreement

Minimum Wage Act 1983

ss 4 and 6 – failure to pay the minimum wage

Holidays Act 2003

ss 24, 25, 50, 56 – failure to pay annual leave, public holiday pay (time and a half), or to provide a day in lieu

s 81 – failure to maintain wage and leave records

Employment Relations Act 2000

ss 69ZD–69ZE – failure to provide rest and meal breaks

s 65 – failure to provide a written employment agreement

s 130 – failure to maintain a wage and time record

s 4 – failure to comply with the duty of good faith

These breaches of minimum employment standards can attract penalties of up to $20,000 for companies and $10,000 for individuals. The Employment Relations Authority (ERA) will often "globalise" penalties across breaches, but the amounts can still be significant.

Personal grievances

Employees can also raise **personal grievances** under s 103 of the Employment Relations Act 2000. Common grounds include:

- **Unjustified dismissal (including constructive dismissal, s 103(1)(a)** – where the employer's actions leave the employee no option but to resign.
- **Unjustified disadvantage (s 103(1)(b))** – for example, persistent underpayment of wages or failure to comply with the employment agreement.
- **Discrimination (s 103(1)(c)) or racial harassment (s 103(1)(e))**.
- **Breach of health and safety protections (s 103(1)(j))**, including coercion or inducement.
- **Retaliation for whistleblowing (s 103(1)(k))** – it is unlawful for an employer to punish or threaten an employee for speaking up about serious wrongdoing such as ongoing wage underpayment. Employees are protected from dismissal in these circumstances, and retaliatory action can form the basis of a separate personal grievance.

Unjustified dismissal and unjustified disadvantage claims have been successfully brought in migrant exploitation cases.[27]

While there is a 6-year timeframe to raise breaches of employment standards such as wage arrears claims, personal grievances must be brought within 90 days of the action giving rise to the grievance first arising or coming to the employee's notice. If the underpayment is ongoing, the employee may raise a grievance for disadvantage occurring within the 90-day period, and earlier underpayments may be considered as part of a continuous course of conduct. If the grievance is raised outside the 90-day period from the most recent underpayment, the employee must seek leave from the Authority, demonstrating exceptional circumstances for the delay.

Key mechanisms in the civil process

- **Employment Relations Authority (ERA):** Resolves disputes such as unpaid wages, unlawful deductions, and personal grievances (e.g. unjustified dismissal, disadvantage, discrimination).
- **Labour Inspectorate:** Investigates breaches of minimum standards (but not personal grievances) and can initiate enforcement action.
- **Director liability:** Under s 142Y of the Employment Relations Act, individuals involved in breaches (e.g. company directors) may be held personally accountable.
- **Mediation:** Often the first step in resolving claims; settlements are confidential and may limit further sanctions.

The ERA is an independent tribunal established under the Employment Relations Act 2000. It is tasked with:

1. **Resolving Employment Disputes**
   Covers issues like personal grievances, unjustified dismissals, breaches of employment agreements, and pay disputes
2. **Investigating Employment Problems**
   The ERA investigates the facts of each case and makes decisions based on substantial merits, not legal technicalities
3. **Issuing Legally Binding Determinations**
   These decisions can include orders for reinstatement, compensation, or penalties. They are enforceable through the District Court if necessary
4. **Promoting Good Faith Bargaining**
   Especially in collective bargaining, the ERA ensures that negotiations are conducted fairly and respectfully
5. **Enforcing Employment Agreements**
   The ERA interprets and upholds the terms of employment agreements and can issue compliance orders when obligations are breached.

The ERA has wide discretion to make factual findings and issue binding determinations. These may include orders for payment of wage and leave arrears, compensation for personal grievances, penalties for breaches of minimum employment standards (with at least part of any penalties payable to affected employees), as well as awards of interest, costs, and disbursements.

The ERA has an equity and good conscience jurisdiction. Regulation 4 of the ERA Regulations 2000 explicitly states that the Authority must deliver "speedy, informal, and practical justice" and determine cases based on their substantial merits, not technicalities.

Premium payments

Under s 12A of the Wages Protection Act 1983, it is illegal for employers or recruiters to charge workers a premium—a fee in exchange for employment or visa sponsorship.

However, enforcement is difficult when such payments are made **offshore**, outside New Zealand's jurisdiction. Courts have historically been reluctant to apply employment law extraterritorially, as seen in *Mehta v Elliot (Labour Inspector)*[28], which limited the recovery of premiums paid overseas.

Although more recent cases have questioned this precedent, the legal position remains unsettled, and migrant workers often face barriers in holding employers accountable for offshore premium payments—even when those payments were clearly linked to employment in New Zealand.

The ERA has recently referred two proceedings to the Employment Court to reconsider the *Mehta* precedent.[29] This presents an important opportunity to clarify the law and strengthen protections for migrant workers seeking to recover offshore premium payments.

Limitations of civil processes include long delays, potentially low penalties, and challenges enforcing awards—especially where employers liquidate companies or fabricate records. One positive aspect of a civil process is the ability to join a director or 'person responsible' into the claim, as discussed below.

[28] [2005] NZERA 738 and [2005] NZERA 587.

[29] Above

Section 142Y Employment Relations Act 2000

Section 142Y gives the ERA the power to 'pierce the corporate veil' by holding individuals personally liable for breaches of minimum employment standards – such as unpaid wages, holiday pay, and other statutory entitlements where:

- they were a director, officer, or person in charge of the business, and
- they were involved in the breach — whether by directing it, actively participating, or knowingly turning a blind eye.

The section allows employees to bring claims not only against the company but also against the individuals who controlled or benefited from the exploitation. This is particularly important where employers attempt to avoid liability by liquidating companies. In such cases, directors or other persons in charge may still be held personally accountable. The ERA must, however, grant leave to an employee to bring a claim against a director or officer and only where they consider that the 'person in charge' test in s 142W is satisfied. Labour inspectors have broader powers to join and pursue remedies against directors and other persons in charge.

Section 142Y is designed to address situations where the direct employer is insolvent, has absconded, or is otherwise unable to meet their obligations, and where other parties (such as directors, managers, or controlling third parties) have played a role in the breach. The section applies to any person "involved in the breach," which, as defined in s 142W, includes those who have aided, abetted, counselled, procured, induced, or been knowingly concerned in the breach.

However, the "knowingly involved" threshold is high. It requires proof that the individual knew about and participated in the breach—a standard that can be difficult to meet, especially where directors claim ignorance of day-to-day employment practices or hide behind corporate structures. In practice, this allows directors to avoid personal liability even where they have benefited from exploitation or failed to ensure compliance.

Response 2: Criminal law

Criminal law responses to migrant exploitation are reserved for particularly egregious conduct—such as coercion, threats, fraud, or sustained breaches of employment standards that involve abuse of immigration status.

These offences recognise the heightened vulnerability of migrant workers and the serious harm caused by exploitative practices. The decision to lay criminal charges lies with prosecuting agencies such as Immigration New Zealand's criminal investigations team or the New Zealand Police, depending on the nature of the offending. Criminal proceedings may run parallel to or suspend civil claims, and successful prosecutions can result in significant penalties, including imprisonment,fines and immigration consequences such as deportation or loss of accreditation.

Section 351 – Offence to exploit unlawful employees or temporary workers

This provision makes it a criminal offence for an employer to exploit:

1. Unlawful employees – people not entitled to work in New Zealand (e.g., overstayers, people without a work visa).
2. Temporary workers – people on valid temporary visas with work rights (e.g., work visa holders).

Under the section, exploitation means breaches of employment standards (e.g., underpayment, denial of entitlements, excessive hours) combined with taking advantage of the person's unlawful or temporary status.

Maximum penalties are 7 years' imprisonment, and/or fines up to NZD $100,000. The offence recognises that migrant workers are particularly vulnerable due to their visa status, and targets employers who abuse that vulnerability.

Section 351A – Offence of seeking or receiving premium payments

Section 351A of the Immigration Act 2009, enacted on 27 November 2025, creates a new offence targeting the exploitation of migrant workers through premium payments. A premium is any payment or benefit sought or received by an employment-related person in exchange for employment or potential employment in New Zealand.

The offence applies broadly to employers, agents, and recruiters, and covers victims whether they are domiciled in New Zealand or overseas—including unlawful workers, temporary visa holders, and those seeking residence or temporary entry class visas. The offence applies even before employment begins and regardless of whether the person actually starts work in New Zealand - closing a major gap in previous law.

The maximum penalties are imprisonment for up to seven years, a fine not exceeding $100,000, or both. A person convicted who holds a resident visa is also liable for deportation.

While the offence applies to conduct occurring outside New Zealand, the legislation does not include a corresponding power to recover premium payments made offshore. Section 12A of the Wages Protection Act 1983 remains subject to the extraterritorial limitations identified in Mehta, and no equivalent recovery mechanism was added to the Immigration Act. As a result, migrant workers may see offenders prosecuted but still be unable to recover the money they paid. However, as noted above, the Employment Court is due to reconsider the Mehta precedent in 2026, which could resolve this gap.

Slavery and trafficking offences

Beyond the immigration offences discussed above, the most serious cases of exploitation may give rise to charges under the Crimes Act 1961. Section 98 (dealing in slaves) applies where a person employs or uses another as a slave, or induces a person into debt-bondage or serfdom. Section 98D (trafficking in persons) applies where a person arranges entry into or exit out of New Zealand—or the reception, recruitment, transport, or harbouring of a person—for the purpose of exploitation, or involving coercion or deception. The penalties reflect the gravity of these offences: up to 14 years' imprisonment for slavery and up to 20 years' imprisonment and a $500,000 fine for trafficking. These provisions may apply where workers are subjected to debt bondage, have their movements or documents controlled, or are deceived into exploitative arrangements.

While prosecutions under these provisions remain rare, *R v Matamata*[30] confirms they can be applied to serious migrant exploitation. Joseph Matamata was convicted of 13 charges of slavery and 10 of trafficking after bringing Samoan nationals to New Zealand over many years with promises of paid work, then exploiting them for horticultural labour while controlling their movements and retaining their passports. He was sentenced to 11 years' imprisonment, and an asset forfeiture order was made against two properties used to facilitate the offending.

New Offence of Wage Theft

In March 2025, wage theft became a criminal offence under s 220AA of the Crimes Act 1961. Employers who deliberately withhold wages or fail to pay workers the correct amount can face criminal charges. Unlike s 351 of the Immigration Act, s 220AA applies to all employees and does not require proving exploitation linked to immigration status.

Fraud and forgery offences

Where employers fabricate timesheets, payslips, or employment agreements to conceal exploitation, they may also be prosecuted under general fraud, forgery, and false accounting provisions of the Crimes Act. These offences carry penalties of up to seven years' imprisonment.

For lower-level breaches, Labour Inspectors and immigration officers may issue infringement notices under the Employment Relations Act and Immigration Act respectively[31], including where an employer employs a person outside the terms of their visa or fails to provide employment records or written agreements. These summary offences are discussed further under the heading 'Immigration law' below.

Response 3: Immigration Law

Immigration law responses aim to protect migrant workers by enabling them to leave exploitative employment without becoming unlawful or breaching their visa conditions, while also holding employers accountable for breaches of immigration and employment obligations.

The Migrant Exploitation Protection Visa

The key mechanism for achieving this is the **Migrant Exploitation Protection Visa (MEPV)**, which took effect on 1 July 2021. It allows migrant workers on employer-supported visas to leave exploitative employment situations quickly and legally, provided their report of exploitation is assessed as credible by Employment New Zealand. The MEPV is valid for six months and allows a worker to leave their current job and have open work rights which means they can work for any other employer in New Zealand provided the work is lawful.

[30] [2020] NZHC 1530.

[31] These amendments were introduced through the omnibus Worker Protection (Migrant and Other Employees) Act 2023.

In the author's experience, the MEPV serves as a vital safety mechanism, enabling individuals to exit exploitative workplaces more quickly and efficiently than the alternative route of securing a new accredited employer and transferring their visa. However, the six-month duration of the visa is often insufficient for individuals to secure long-term employment and obtain a new visa. As a result, many are forced to return to their home countries once the visa expires—often carrying significant debt incurred during the period of exploitation or from unlawful premiums paid to offshore recruiters or employers to obtain the job in the first place.

Initially, the MEPV could be renewed for an additional six months if the individual could demonstrate genuine efforts to secure a new AEWV but had been unsuccessful. However, as of 31 October 2024, this renewal option was removed under new immigration policy changes. According to the Immigration Minister Erica Stanford, the original 12-month timeframe risked prolonging the time migrants remained in vulnerable situations. The removal of the renewal option was intended to encourage migrants to either secure new employment within the initial six-month period or make arrangements to depart New Zealand. This was seen as a way to reduce financial instability and the risk of further exploitation.

A cabinet paper explaining the policy change stated that there had been an "exponential increase in MEPV applications" with MBIE receiving 3,925 complaints of migrant exploitation in the financial year to 30 June 2024, and 2,067 MEPV applications being approved in the same time period, up 214 from the previous year.[32] The cabinet paper and associated Minute say that the policy settings for the MEPV were creating "perverse incentives for migrants, and pose undue risk to the integrity of the immigration system".[33]

ther changes to the policy introduced as part of these amendments included removing a person's eligibility for the MEPV if they paid a premium offshore and then came to New Zealand to find that the job did not exist. This is unfortunately a situation that happens relatively frequently and the author has assisted numerous clients in this position.

While the MEPV remains a crucial tool for enabling exploited migrant workers to leave abusive employment without risking their immigration status, the abrupt removal of the six-month extension option has left many in vulnerable positions, unable to secure a new accredited employer within the limited timeframe. In the authors' view, the rise in MEPV applications reflects the effectiveness of protective mechanisms—demonstrating that when safe pathways exist, individuals are more likely to report exploitation. There is, therefore, no valid basis to interpret the increase in reported cases as evidence of misuse or fraudulent claims, as suggested in the cabinet paper.

[32] Cabinet paper, "Improving the integrity of the Migrant Exploitation Protetion Visa Settings", Cabinet Economic Policy Committee, August 2024 (and released 17 October 2024), https://www.mbie.govt.nz/dmsdocument/29661-improving-the-integrity-of-the-migrant-exploitation-protection-visa-proactiverelease-pdf.

[33] Hon Erica Stanford Improving the integrity of the Migrant Exploitation Protection Visa Settings (Ministry of Business, Innovation and Employment, Cabinet Paper, 17 October 2024) at [11.1]-[11.2] and Cabinet Minute ECO-24-Min-0167, https://www.mbie.govt.nz/dmsdocument/29661-improving-the-integrity-of-the-migrant-exploitation-protection-visa-proactiverelease-pdf.

Other policy changes

A positive policy change that occurred in the same suite of changes is that migrants who report exploitation are not deemed complicit in the offending simply by virtue of their involvement in the employment relationship. This shift is significant as it acknowledges the power imbalance and coercive circumstances that often prevent workers from speaking out. The policy change reflects a more victim-centred approach, recognising that silence or continued employment under exploitative conditions does not equate to complicity.

The other significant immigration policy change was the enactment in January 2024 of the Worker Protection (Migrant and Other Employees) Act 2023 which attempts to strengthen protection for migrant workers by providing labour inspectors and immigration officers with enhanced powers to access employment records and share information with other regulatory agencies such as the Police and Inland Revenue Department in order to verify compliance. The legislation also introduced an infringement notice procedure as discussed earlier.

This allows Labour Inspectors to issue notices for certain offences without initiating full legal proceedings. Infringement notices may be issued to employers for:

- Employing individuals in breach of their visa conditions.
- Employing someone unlawfully in New Zealand.
- Failing to comply with a 10-working-day request for employment-related information.

Each infringement carries a **minimum fee of NZD $1,000 for individuals** and **NZD $3,000 for companies or other entities.** Upon issuance, the employer is automatically added to the **immigration stand-down list**, which restricts their ability to support visa applications or regain accreditation during the stand-down period.

Response 4: Stand-down periods

Employers who breach employment standards—such as failing to meet minimum wage obligations—may be placed on a stand-down list, which prevents them from supporting visa-related applications for migrant workers.

A stand-down can result from enforcement actions including:

- An infringement notice issued by the Labour Inspectorate.
- A penalty, banning order, or declaration of breach from the ERA or the Employment Court.

Stand-down periods include:

- 6 months for a single infringement notice.
- An additional 6 months for each subsequent notice.
- A maximum of 12 months if multiple notices are issued simultaneously.

Employers on the stand-down list may still hire migrants holding open work visas, but cannot sponsor new visa applications.

Further penalties may include:

- Loss of Accredited Employer status.
- Temporary suspension from sponsoring migrant workers.
- Additional enforcement actions depending on the number and severity of infringement notices received.

Between April 2024 and April 2025, the first year of the infringement scheme operating, 142 infringement notices were issued to 139 employers, leading to a total of NZD$431,000 in penalties.[34] The top three industries to receive the most infringements were construction, hospitality, and the beauty industry.

Stand-Downs for Breaches of Employment Standards

The duration of a stand-down varies depending on the nature and severity of the breach, ranging from 6 months for minor infringement offences to 24 months for more serious violations. These stand-downs may occur independently or alongside other enforcement actions such as penalties or banning orders.

MBIE maintains and publicly shares two lists of employers subject to stand-downs—one for breaches of employment law and another for breaches of immigration law.

Importantly, if an exploitation issue is resolved through mediation, the employer is not subject to further sanctions and does not enter the stand-down process overseen by MBIE.

Response 5: Employer Solvency and Director Accountability in Exploitation Cases

In cases where an employer company is liquidated or dissolved following a determination of exploitation, the legal framework provides mechanisms to pursue accountability beyond the corporate entity. There are numerous ERA determinations involving exploitation cases and companies in liquidation.

[34] Press release – NZ Immigration, reported in Business.Scoop, "142 Infringements Issued in First Year of Immigration Employment Infringement Scheme", 10 April 2025, https://business.scoop.co.nz/2025/04/10/142-infringements-issued-in-first-year-of-immigration-employment-infringement-scheme/

Obligations under the Companies Act 1993

1. Director and Shareholder Liability in Company Failure

Continuing Liability after Deregistration

The removal of a company from the New Zealand register does not extinguish the pre-existing liabilities of its directors or shareholders. Under the Companies Act 1993, directors remain accountable for their conduct prior to the company's dissolution, ensuring deregistration cannot be used to evade responsibility.

Director's Duties and Enforcement in Insolvency

When a company is facing insolvency, the duties of its directors under the Companies Act 1993 come under sharp focus, particularly the duty not to trade recklessly (s 135) and the duty to exercise reasonable care (s 137). A director who breaches these duties may be held personally liable for the company's losses.

Where a breach is established, s 301 of the Act empowers a liquidator to apply to the court for an order requiring the director to contribute compensation to the company's assets. This was demonstrated in cases like *New Zealand LJ Food Express Taupo Limited (in liquidation) v Zeng*[35] where a director was ordered to pay compensation after continuing to trade and accrue liabilities that the company had no prospect of paying.

The Corporate Veil

A core principle of company law is the "corporate veil," which separates the company's debts from the personal assets of its shareholders. This protection is robust, and courts will only pierce the veil in exceptional circumstances, such as fraud or where the company is used as a mere façade.

2. Asset Distribution and Employee Claims in Liquidation

The Statutory Order of Priority

When a company is placed into liquidation, the liquidator's primary duty is to realise its assets and distribute the proceeds to creditors according to a strict statutory order of priority. This distribution "waterfall" is governed by s 312 and Schedule 7 of the Companies Act 1993.

The general order of priority for distribution from the company's unencumbered assets is as follows:

(a) Secured Creditors: Creditors with a valid security interest (e.g., a mortgage or charge) are paid first from the proceeds of the assets over which they hold security.

(b) Costs of Liquidation: The liquidator's fees and the reasonable costs of administering the liquidation are paid next.

(c) Preferential Creditors: This class includes specific unsecured claims that are given priority by law.

(d) Employee Entitlements: Unpaid wages, salary, and holiday pay accrued in the four months before liquidation, subject to a statutory cap

[35] [2024] NZHC 2517].

per employee (currently $25,480).

(e) Inland Revenue: Certain unpaid taxes, such as PAYE and GST, that the company collected but did not remit.

(f) Unsecured Creditors: All other creditors without security or preferential status rank next. If funds are insufficient, they are paid on a rateable, pro-rata basis.

(g) Shareholders: If any surplus remains after all creditors are paid in full (a rare event in an insolvent liquidation), it is distributed to shareholders.

Limitations and the Importance of Section 142Y

While employees have preferential status, their ability to recover unpaid entitlements is often limited by the statutory cap and the availability of company assets.

This is why s 142Y of the Employment Relations Act 2000 (discussed above under Response 1: Civil remedies) is of critical importance. This provision is a powerful tool that effectively allows the corporate veil to be pierced in an employment context. It enables a Labour Inspector or employee to recover unpaid wages and other entitlements directly from individuals—such as directors—who were knowingly involved in the breach of employment standards. This right to pursue individuals personally is not defeated by the company's liquidation, providing a crucial accountability mechanism to ensure directors cannot use an insolvent liquidation to escape responsibility for unpaid wages.

This is complemented by s 385 of the Companies Act 1993, which acts as a public protection measure by allowing the Registrar to prohibit directors involved in failed companies from management for up to 10 years.

3. Pooling Orders, Phoenixing, and Gaps in the Current Framework

Pooling orders and related companies

Where an exploitative employer is part of a corporate group, s 271 of the Companies Act 1993 allows courts to pool the assets of related companies in liquidation where it is just and equitable to do so. This could enable recovery from other entities in the group—for example, where the direct employer is asset-poor but related companies have benefited from the exploitation.

However, this mechanism has significant limitations. The criteria in s 272 focus on the conduct of related companies in relation to creditors—there is no reference to employees, employee claims, or exploitation.

It does not seem that s 271 has been used in exploitation cases, and employees may not have clear standing to apply for pooling orders.

Phoenixing

The phenomenon of "phoenixing"—where directors dissolve one company and continue operating through another to avoid liabilities—was recognised by the Employment Court in *Labour Inspector v Cypress Villas Ltd*[36] as a significant barrier to recovery. The Court noted that many vulnerable employees, including migrants, work for companies with few assets, and that when recovery actions are brought, these companies are often placed into liquidation, leaving insufficient assets to satisfy wage claims. While s 142Y of the Employment Relations Act provides a tool to pursue directors personally, it does not guarantee recovery and is not designed to prevent the underlying behaviour.

[36] [2015] NZEmpC 157

Gaps in the current framework

Despite these mechanisms, significant gaps remain. Unlike some overseas jurisdictions, New Zealand does not provide statutory charges or deemed trusts over employer assets for wage claims. A statutory charge would give employees a secured interest in specific assets; a deemed trust would hold certain funds (such as wages deducted but not paid on) in trust for employees. Both would strengthen employee claims relative to other creditors.

These gaps leave exploited workers bearing the risk of employer insolvency and evasion. See the Section 5 recommendations on enforcement of decisions for discussion of reform options, including overseas models.

Response 6: A Human Rights approach

I. Foundational Human Rights Principles in Employment

All people in Aotearoa New Zealand, regardless of their nationality, race, or immigration status, are entitled to have their fundamental human rights respected and protected without discrimination. This principle is enshrined in international law, beginning with the Universal Declaration of Human Rights (UDHR), which affirms that "all human beings are born free and equal in dignity and rights".

The right to work is a fundamental human right, recognised in major international treaties. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognise the right of everyone to the opportunity to gain a living by work which is freely chosen or accepted. The right to work is connected to the right of everyone to the enjoyment of just and favourable conditions of work. This includes remuneration that provides, as a minimum, fair wages, a decent living for workers and their families, safe and healthy working conditions, and reasonable limitations on working hours with paid holidays.

New Zealand is a party to seven of the nine core human rights treaties, including the ICESCR, which it ratified in 1978. However, it is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

This Convention requires States to respect and protect the human rights of migrant workers and their families without distinction of any kind, and includes specific protections such as equality of treatment with nationals in respect of remuneration and conditions of work, protection against arbitrary expulsion, and access to justice.

New Zealand's non-ratification places it alongside other major migrant-receiving countries—including Australia, the United States, Canada, and all EU member states—none of which have ratified the Convention. This pattern reflects a broader reluctance among destination countries to accept binding international obligations that might constrain immigration policy or extend additional rights to temporary migrant workers. Critics argue that this leaves migrant workers reliant on domestic frameworks that may be inadequate, inconsistently enforced, or subordinated to immigration control objectives—as the issues with the AEWV scheme have demonstrated.

While New Zealand's domestic legal framework, including the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, applies to all persons regardless of immigration status, these protections have not prevented systemic exploitation. The gap between formal legal rights and the lived experience of migrant workers suggests that domestic protections alone are insufficient without the accountability mechanisms and reporting obligations that treaty ratification would bring.

II. Migrant Exploitation as a Breach of Human Rights

While New Zealand has a comprehensive legislative framework, there is still a significant gap between legal protections and the reality faced by many migrant workers.

It is imperative that the exploitation of migrants is understood not only as a series of employment law breaches, but as a significant human rights issue.

This perspective was formally articulated by Te Kāhui Tika Tangata, the New Zealand Human Rights Commission, in its August 2024 report, *The Accredited Employer Work Visa (AEWV) Scheme in Aotearoa New Zealand: A Human Rights Review.* The report found that the "high trust" model of the AEWV scheme had inadvertently created conditions for a surge in migrant exploitation, which it explicitly framed as a breach of fundamental human rights. The Commission's findings documented cases of migrants being charged illegal fees, arriving to non-existent jobs, and being subjected to deceptive and coercive practices, leaving them in highly precarious situations.

III. The Employment Court's Human Rights Approach to Exploitation

This human rights-based approach has received strong judicial endorsement. In the landmark case of *Labour Inspector v Samra Holdings Ltd t/a Te Puna Liquor Centre*[37] the Employment Court confronted what the Labour Inspectorate described as "modern-day slavery". The Court looked beyond specific statutory breaches to address the profound violation of the employees' human dignity, imposing record penalties to signal that such exploitation is an egregious abuse that undermines fundamental human rights.

This judicial trend was significantly advanced in *Soapi v Pick Hawke's Bay* Incorporated.[38] The case involved unlawful wage deductions from Recognised Seasonal Employer scheme workers. Its primary significance lies in the Court's explicit willingness to consider international law, including International Labour Organisation standards and UN conventions on the rights of migrant workers, when assessing the employment claims. While New Zealand is not a signatory to the International Convention on the Protection of the Rights of All Migrant Workers, the Court's approach affirms the principle that domestic legislation should be interpreted, so far as its wording allows, in a way that is consistent with New Zealand's international human rights obligations.

Together, *Samra Holdings* and *Soapi* demonstrate a clear judicial direction: the Employment Court is increasingly framing severe migrant worker exploitation not just as a breach of contract or statute, but as a serious human rights violation, and it is prepared to draw on international legal principles to inform its interpretation and enforcement of domestic protections.

[37] [2022] NZEmpC 234.

[38] [2023] NZEmpC 94.

08

A need for reform

Conclusion on existing legal responses

New Zealand's legal framework—comprising both civil and criminal avenues—provides important protections for migrant workers on employer-linked visas.

However, significant barriers to justice persist. As highlighted in the interview insights below, many workers face challenges in reporting exploitation, including fear of retaliation, limited awareness of their rights, and concerns about how complaints might affect their immigration status. Language barriers and cultural differences further hinder access to legal remedies.

The effectiveness of mechanisms such as the Migrant Exploitation Protection Visa (MEPV) depends not only on the existence of legal protections but also on workers' ability to access timely information, culturally appropriate support services, and fair processes. While the law imposes clear obligations on employers to uphold minimum employment standards—and enforcement agencies have expanded powers to investigate and prosecute breaches—these measures are only as effective as the systems that support their implementation.

The enactment of s 351A, which criminalises seeking or receiving premium payments in connection with a migrant's employment, represents a positive step toward strengthening protections. However, the legislation does not include a corresponding power to recover premium payments made offshore. Section 12A of the Wages Protection Act 1983 remains subject to the extraterritorial limitations established in *Mehta v Elliott*, and no equivalent recovery mechanism was added to the Immigration Act. As a result, migrant workers may see offenders prosecuted but still be unable to recover the money they paid. Notably, the Employment Court is due to reconsider the *Mehta* precedent in 2026, following referral of two proceedings from the Employment Relations Authority—a development that could significantly improve migrant workers' ability to recover offshore premiums.

Even where criminal liability exists, enforcement remains highly problematic when payments are made offshore, beyond New Zealand's jurisdiction. Authorities face considerable challenges in investigating and prosecuting overseas recruiters or intermediaries. This enforcement gap underscores the urgent need for enhanced international cooperation and regulatory oversight to hold all parties accountable, regardless of where the payment occurs.

New Zealand's continued non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is a further gap in the legal framework. Ratification would bring binding international obligations and reporting requirements that could strengthen domestic accountability and signal a commitment to migrant worker rights that extends beyond ad hoc enforcement.

The practical realities faced by migrant workers in asserting their rights point to the need for sustained investment in outreach, education, and enforcement. Strengthening these areas is essential to ensure that legal protections translate into meaningful justice and accountability.

A human rights-based approach must underpin all legal and policy responses to migrant worker exploitation. This means recognising migrant workers not merely as vulnerable individuals in need of protection, but as rights-holders entitled to dignity, equality, and justice. Legal mechanisms should be designed and implemented in ways that uphold these rights, ensuring that enforcement is not only effective but also fair, accessible, and non-discriminatory. Embedding human rights principles into enforcement strategies—including participation, accountability, transparency, and non-retaliation—can help shift the focus from reactive compliance to proactive empowerment, enabling migrant workers to assert their rights without fear and with confidence in the system.

Existing legal response can lead to further exploitation

Interviewees acknowledged that while current employment and immigration laws offer some protections, there are significant weaknesses that allow exploitation to persist.

First, the tied work visa policy immediately places someone in a position where a bad employer can take advantage of them, including by requiring them to pay a fee for the job. Interviewees commented on how the high trust accreditation model leaves too much space for job selling and unlawful premiums, and how more needs to be done to prevent premiums being charged offshore.

Second, most people interviewed commented favourably on the MEPV but said that 6 months is too short as it is difficult to find new employment with a visa of such a short duration.

Several advocates highlighted the value of the free Mediation Service provided by MBIE, noting that it can be a useful and accessible pathway for resolving disputes. However, they stressed that wait times must be reduced, especially in cases involving exploitation. Interviewees also raised concerns about employers repeatedly rescheduling mediation dates without consequence, which can delay justice and wear down workers. They recommended that the ERA issue binding directions to ensure proceedings are set down if parties fail to attend mediation after a certain number of attempts.

Others pointed out that settlements reached at mediation often allow employers to avoid broader accountability. These payments are typically small compared to the profits gained through exploitation, and because mediation outcomes are confidential, employers can continue to hire migrant workers without facing reputational or regulatory consequences.

"The authority is meant to be informal and swift... but it's become a court-like process." **– ADV #8**

"Look at this case where 30 or 40 people were living in the same household back in Auckland. It was such a big problem. And then 50 people, they have been brought from India. How many people have been charged? Only one person, this immigration advisor was charged so far and it's already been months and month. I think this law is basically a mockery." – **ADV#1**

"The authority says: you haven't given evidence of all these hours... even when the employer kept no records." **– ADV #8**

Penalties for breaches of employment standards were described as disproportionately low compared to the financial gains employers can make from underpaying workers. The enforcement process was seen as overly complex, slow, and often ineffective in delivering justice.

"Employment law is very toothless. It's not like immigration law... They can maybe revoke your visa or even deport you. That's quite effective. But employment law, there's no such effective actions in comparison with immigration law." **- ADV#4**

Workers may be forced to settle for far less than they are owed, just to avoid the stress and uncertainty.

"The INZ criminal team are investigating but my employment case is now on hold and I heard it could be years to go through the criminal courts." **– VEX#4**

"Employers are often very willing at mediation to offer a payment plan and they'll go, we'll pay in instalments, and very often the payments start and then they just stop." **– ADV#4**

"They have no personal reputation, they have no business reputation and they don't care about that and they can just simply set up another company, incorporate another legal entity. We start all over again. This is the area we need to really focus and find some tools to deal with that." **– ADV#4**

"Settlement is the easy way out. You know, all the cases I've handled [settle for] around 10 grand. Ok. They paid the money and said I'm out of here. No more headache for me." **– ADV#6**

"You made $50,000 from exploiting your workers and you're fined $5,000? That's not going to do much." **– ADV#8**

"They would send me to other places to work for other contractors even though that was against my visa. They kept paying me but less than my timesheet hours and some weeks there was no work. I had to complain as I could not live like this, not knowing if I could pay my rent next week or not. Then the employer filed for liquidation and that was that. The liquidator said my claim could not continue. I was owed thousands of dollars." **– VEX#6**

Reforming the system

Interview insights

Interviewees suggest the current legal and enforcement framework is failing to adequately protect migrant workers from exploitation, and significant reforms are needed to address the root causes and provide meaningful recourse.

Interviewees highlight three main areas where improvements are required:

- The need for stronger legal protections and enforcement mechanisms, and
- The importance of providing better education, resources, and support services for migrant workers
- The need for a mechanism for collecting evidence to support claims.

1 The need for stronger legal protections and enforcement mechanisms

There is widespread concern that current legal and enforcement frameworks are inadequate to prevent and respond to migrant exploitation.

"For things that amount to human rights abuses, there needs to be serious consequences and a framework for the consequences. And there needs to be resourcing for engaging those. But really the very first answer is we shouldn't have a system that facilitates [exploitation]. ... some of the exploited people who've been through it themselves - they got exploited and then they got their visa, they paid the $50,000 and got residency in time, and set up the liquor store of their own and they did the same thing. ... the system is not ... there needs to be serious change and it does actually need ... a significantly different response. - **ADV#5**

"Some exploited workers go on to exploit others... the system is broken." **– ADV #5**

Supply-chain accountability is absent, and offshore recruiters escape scrutiny.

"There's a parallel economy... on paper it's one thing, in reality it's very different." **– ADV#1**

"The government should fund community law or unions... there's no point having rights without the ability to enforce them."
– ADV #5

"Overnight the company had changed its director – I was very stressed when I found out. The employer was trying to get away with being the one responsible." **– VEX#5**

Interviewees emphasised the need for:

- Higher penalties for breaches of minimum employment standards and exploitation, including the use of proceeds of crime legislation and mandatory mediation with enforceable deadlines.
- Stronger personal liability for employers, especially to prevent them from evading accountability by liquidating companies or hiding behind limited liability structures.
- A more proactive role for government agencies, particularly the Labour Inspectorate, in investigating and prosecuting exploitation. This includes routine workplace inspections, lowering thresholds for enforcement, and prioritising exploitation cases in the justice system.
- A shift in enforcement focus: when workers report underemployment or exploitation, the system should investigate the employer's conduct, not penalise the worker for visa non-compliance.
- Recognition that increasing penalties alone is ineffective if employers don't understand the law. Enforcement must be paired with education and structural reform.
- A call to eliminate disincentives to reporting (e.g., fear of losing visa status) and create incentives for workers to come forward, such as longer open work visas and access to basic support like food and shelter.
- Acknowledgement that the state has a duty of care and must take responsibility for structural reform, not just reactive enforcement.

2 The importance of providing better education, resources, and support services for migrant workers

Interviewees consistently highlighted the need for accessible, culturally appropriate education and support to help migrant workers understand their rights and access assistance.

"I think there is a duty of care from our government for people who are exploited. ... The first thing first, they should be provided at least shelter, food .... those kind of resources should be provided to them." **– ADV#1**

"You're much better off supporting those grassroots independent organisations ... such as the Migrant Workers Association ... you're going to get a lot more value out of allowing them, enabling them to do a lot of the work rather than the government departments themselves trying to deal with it." **– ADV#3**

"Once they report exploitation .. they should be given a 12 month open work visa." **– ADV#6**

"If I ring Immigration and tell them that I'm only working 25 hours and my visa says at least 30, I feel that the only bell that rings for them now is 'she's not complying with her visa'. But they should have another bell ringing. What's this employer doing?" **– VEX#3**

"[There needs to be more] support for migrant employers because the employment regime is so different to their home country ..." **– ADV#6**

"How can employers be supported to do the right thing?" **– ADV#6**

"There should be a requirement that people be given employment agreements in their own language before they leave the country." **– ADV#8**

"There needs to be more wraparound support for migrants – to help with form filling and guidance and food grants ... and for them to provide multi-lingual services." **– ADV#7**

Key recommendations include:

- Community-based education programmes delivered by ethnic and language-matched educators who can build trust and explain employment laws in culturally relevant ways.
- Face-to-face engagement is essential, especially in communities where relationships and trust are built through personal interaction.
- Multilingual materials and outreach, including advertising through trusted channels and in languages such as Chinese, Punjabi, and others.
- Support for grassroots organisations like the Migrant Workers Association and third-party agencies that can speak directly and honestly to workers
- Wraparound support services such as help with form filling, food grants, temporary accommodation, and legal assistance—especially for those in vulnerable situations.
- Employment agreements in native languages should be provided before migrants leave their home countries.
- Recognition that most migrants come seeking residency, not temporary work, and that policy must reflect this reality to avoid perpetuating exploitation.
- A call to invest in the right people and resources to educate and support both employers and workers, rather than relying solely on punitive measures.

3 The need for a mechanism for collecting evidence to support claims

Interviewees consistently identified the lack of accessible, credible evidence as a major barrier to migrant workers pursuing legal claims against exploitative employers. Many workers are employed in informal or poorly documented arrangements, where timekeeping systems are absent and payslips are either withheld or fabricated. In some cases, employers only produce records after a claim is filed — and those records are often clearly falsified.

Workers rarely have access to computers or formal documentation systems, relying instead on smartphones and messaging apps. While tools like WhatsApp or GPS data could help support a claim, many workers are unaware that this kind of digital evidence can be used. Even when they do have relevant information, they may not know how to preserve or present it in a way that meets legal standards.

The legal process itself is complex and intimidating, especially for those navigating it in a second language without legal representation. Interviewees described how cultural deference and trauma can affect the quality of evidence — workers may agree with inaccurate statements out of politeness or fear, or delay action to avoid jeopardising their visa status. These factors contribute to incomplete or inconsistent claims, which are often dismissed or settled for minimal compensation.

Advocates emphasised the need for accessible tools to help workers collect and preserve evidence in real time, and for legal processes that do not rely solely on formal documentation. They also called for trauma-informed support and culturally responsive advocacy to help workers articulate their experiences and navigate the claims process with confidence.

"There are no records during the employment and then the client raises a claim and then all of a sudden the employer produces records that are clearly fake... payslips just appeared." – **ADV#7**

"Employers fabricate time sheets... 8 out of 10 cases, the records are fake." – **ADV #4**

"Having evidence is so important to make your case and to try to persuade the employer to make a reasonable offer, but getting evidence of exploitation is really hard for a lot of our clients." **– ADV#7**

"Evidence is really key and because there's no records of their working hours for the lost wages that is a big problem ... there's no sort of clocking in or clocking out." **– ADV#7**

"Maybe eight out of 10 cases, the employer is not able to provide genuine time sheets ... it's obvious ... the time sheets are wrong and fabricated only for that proceeding." **– ADV#4**

"But how do you prove it? The only person who will say they are working long hours is the employee... The employer says 'no' they are working according to their contract and here is all the paperwor.... They are suffering working long hours and employers seem to think they can get away with it." **– ADV#6**

To address these barriers and improve access to justice, interviewees recommended the following reforms:

1. **Improve access to evidence collection tools.** Develop mobile-friendly tools (such as apps or secure platforms) that allow workers to record hours, wages, and workplace incidents in real time using photos, voice notes, GPS, and messaging logs.

2. **Train ERA members and mediators** in recognising trauma-related inconsistencies (for instance where a person has no option but to work under the table elsewhere because they are being exploited by their accredited employer) and cultural factors that may affect how evidence is presented.

3. **Fund culturally responsive legal advocacy,** including community law centres and migrant-led organisations, to assist workers in preparing claims and presenting evidence.

4. **Provide trauma-informed support** during the claims process, including access to interpreters, support workers, and legal navigators who understand the barriers faced by migrant workers.

5. **Strengthen Employer Record-Keeping Obligations.** Introduce stronger penalties for falsified employment records, including fabricated timesheets and payslips produced after a claim is filed. Require employers to maintain transparent, auditable records of hours worked and wages paid, with random audits in high-risk sectors.

09

Designing for Justice

A Human-Centred Response to Migrant Exploitation

"We need structural reform... not tweaks at the ends of the system."
– ADV #5

"I think very big picture there needs to be some serious changes to the actual settings. You need to actually have settings that don't allow for human rights abuses on a large scale. That's the priority."
– ADV#5

Interview insights

This section draws on the interview insights and the author's experience in the 2022 Creative HQ GovTech Accelerator (see Annexure V), where design thinking tools were used to understand migrant exploitation from the perspectives of those most affected.

Through interviews, surveys, stakeholder workshops, and co-design sessions, the author developed VERI-Mi—a digital platform and charitable trust aimed at improving access to justice for migrant workers.

The interviews conducted for this report and also the Accelerator design process revealed that exploitation is not just a legal issue—it is a systemic failure across multiple stages of the justice introduced at the beginning of this report:

- **Awareness of rights**
- **Accessing help**
- **Ability to bring a claim**
- **Fair and timely adjudication**
- **Enforcement of decisions**
- **Ongoing accountability**

VERI-Mi was created to strengthen as many links in this chain as possible, especially for workers facing language barriers, insecure visa status, and financial hardship. The platform went through a rigorous prototyping, testing, redesign, and iterative improvement process, including direct testing with people in ethnic and migrant communities to ensure the solution was culturally responsive, user-friendly, and grounded in lived experience. The evolution of VERI-Mi is summarised in Annexure V.

The following recommendations are structured around the justice chain and have been informed by the surveys and interviews conducted as part of the CHQ Accelerator, as well as additional interviews conducted for this report.

Summary of Justice Chain Gaps, Analysis and Recommendations

1 Awareness of Rights

Problem

Many migrant workers are unaware of their employment rights, or do not believe those rights apply to them. Misinformation circulates through ethnic networks, and official resources are often inaccessible or overly complex. Advocates also noted that some employers are unaware of their own legal obligations.

Synthesis of interview insights and analysis

When facing mistreatment at work, workers reported not knowing what actions to take or where to turn for help they could trust. One worker (VEX#1) described coming to New Zealand without knowing "where to go, how to go, whom to talk"—particularly challenging for workers with limited English.

Many migrant workers arrive in Aotearoa with little understanding of their employment rights. Interviews revealed that workers often rely on information from agents, employers, or ethnic networks—sources that may be inaccurate or deliberately misleading. Some workers were actively told by employers and their own communities that they had no rights at all. In some cases, employers restricted access to information entirely, including blocking internet access.

False promises are also common, particularly from offshore agents and consultancies who overstate residency pathways to encourage migration. Workers tend to trust these personal relationships over official sources, meaning accurate government information may not reach them—or may not be believed.

Even when information is available online, it is often too complex or not tailored to migrant experiences. Some workers lack digital literacy or are unfamiliar with tools like Google, limiting their ability to search for help. Workers may not instinctively feel that New Zealand's laws apply to them.

"They didn't realise that as a migrant worker, they also had rights... they'd been told by employers and their own community that they had no rights at all." **– ADV#7**

This lack of awareness creates a dangerous power imbalance. Employers exploit the gap, presenting misleading information about employment laws or withholding key terms.

From insight to action

How might we ensure migrant workers understand and trust their employment rights—by reaching them through trusted channels, in accessible formats, before and after arrival? And **how might we** ensure employers understand their legal obligations and the consequences of breach?

Migrant workers must be equipped with clear, accessible, and culturally relevant information about their employment rights—before and after arrival. This requires action across multiple fronts: translated employment agreements, pre-departure education, community-led outreach, and greater visibility of support options like the MEPV.

The government should recognise that many migrants arrive hoping to secure permanent residency, and must communicate visa pathways transparently and honestly—including the limits of temporary work visas—to counter false promises from employers and agents.

VERI-Mi was designed to address the information gap by providing multilingual, plain-language tools to help workers understand their rights. A targeted campaign is needed to promote VERI-Mi as a trusted source of information and support.

Stage 1 Recommendations

1. **Require employment agreements to be provided in the worker's first language before visa applications are filed.** This ensures workers understand the terms of their employment before arriving in New Zealand, reducing the risk of deception or misunderstanding.
2. **Require a plain-language summary of key employment terms, including hours, pay, leave entitlements, and job duties, in the worker's first language alongside the full agreement.** This summary should be signed by both parties and submitted as part of the visa application process to support transparency and informed consent.
3. **Launch a comprehensive offshore information campaign targeting prospective migrant workers in high-risk recruitment regions.** The campaign should provide clear, multilingual information about visa conditions, maximum stay limits, pathways to residency, and employment rights in New Zealand. It should raise awareness of misleading claims by employers and agents—including false promises of residency for workers on lower-skilled visas—and help prospective migrants recognise red flags before departure. The campaign should also inform workers where to access help if problems arise. Information should be disseminated through embassies, recruitment channels, and community organisations in key source countries.
4. **Develop a domestic outreach campaign to ensure migrant workers in New Zealand receive accurate, accessible information about their employment rights and available support services.** Promote the VERI-Mi website and app as independent, trusted, 24/7 sources of plain-language guidance on identifying and responding to exploitation.

5. **Support community-led education initiatives that engage both employees and employers—particularly in high-risk sectors.** These initiatives should deliver multilingual, face-to-face training through trusted ethnic community educators to promote understanding of employment rights and obligations, and foster safer, more compliant workplaces.
6. **Increase visibility of the MEPV** through workplace posters, ethnic media, and digital outreach to raise awareness of how it can support workers experiencing exploitation.
7. **Develop a national orientation programme for migrant workers, modelled on the refugee resettlement framework.** The programme should cover employment rights, visa conditions, and available support services, and be delivered in multiple languages.
8. **Develop employer education programmes,** particularly for small businesses in high-risk sectors, to ensure understanding of minimum employment standards and the consequences of non-compliance.

2 Accessing Help

Problem

Migrant workers face significant barriers to seeking help, including fear of retaliation and deportation, lack of trust in authorities, language and cultural barriers, and financial hardship. Many are unaware of where to go or who to trust. Support services are often invisible, inaccessible, or not culturally safe. Cultural dynamics, including shame and learned mistrust of government, prevent many from coming forward.

Synthesis of interview insights and analysis

Many migrant workers are afraid that reporting exploitation will jeopardise their visa status or future immigration prospects. This fear is compounded by past experiences where authorities responded dismissively or punitively. Even when workers suspect they are being exploited, fear and uncertainty often prevent them from seeking help—even in severe cases of abuse. Interviewees described a deep mistrust of authorities, fear of deportation, and cultural pressures to remain silent.

Support services are often invisible or inaccessible. Workers frequently do not know where to go for help or how to access support. Digital literacy challenges, unfamiliarity with New Zealand systems, and language barriers further limit access. Many rely on friends or family to interpret, which can compromise accuracy and confidentiality. Cultural norms of deference and learned mistrust of government from home countries reinforce underreporting and reliance on informal community networks, which may perpetuate misinformation.

Some interviewees highlighted the inherent conflict of interest when an employer's immigration agent also represents the employee, perpetuating power imbalances and undermining trust. Workers often feel the justice system is not designed for them, and that their experiences are dismissed or misunderstood.

As one advocate said, "Most workers know it's wrong... they just don't know how to address it." – **ADV #4**

From insight to action

How might we create safe, culturally responsive, and accessible pathways for migrant workers to seek help — without fear of retaliation or deportation — by building trust in support services, reducing language and digital barriers, and embedding assistance within communities they already trust?

Community organisations and legal clinics play a vital role in supporting proactive and accessible engagement, but they are under-resourced and not always culturally safe. The interviews highlighted the need for trusted, embedded support — delivered by people who understand the cultural dynamics and speak the same language.

Stage 2 Recommendations

1. **Promote wraparound support services—such as food grants, emergency housing, and legal aid—through ethnic communication channels.** Many migrant workers are unaware of the support services available to them, especially during times of crisis. Promoting wraparound services through trusted ethnic communication channels—such as WhatsApp groups, WeChat, ethnic radio, and community Facebook pages—can help ensure that workers know where to turn for help. These platforms are widely used and culturally familiar, making them effective vehicles for outreach and trust-building.

2. **Remove barriers to reporting by ensuring migrant workers are not penalised for visa breaches resulting from exploitation, and that communications from MBIE clearly state this.** Fear of immigration consequences is a major deterrent to reporting exploitation. Workers need assurance that they will not be penalised for breaches that occurred as a result of mistreatment. Immigration policy should explicitly protect workers who come forward, and MBIE communications must clearly and consistently convey these protections in workers' first languages to reduce fear and encourage disclosure.

3. **Fund community-based monitoring and whistleblower networks.** Exploitation often goes unreported due to isolation and fear. Community-based monitoring and whistleblower networks—led by trusted ethnic organisations—can help identify issues early and provide safe, culturally appropriate pathways for workers to raise concerns.

   These networks should be resourced to operate independently and in collaboration with enforcement agencies.

4. **Expand Legal Aid eligibility to cover MEPV applications.** Access to justice should not depend on a worker's ability to pay. Expanding Legal Aid to cover MEPV applications would ensure that exploited workers can pursue protection and legal remedies without financial hardship. This is especially critical for workers who have lost income or housing due to exploitation.

5. **Fund community-based navigation services that help migrant workers access support when they need it—**including legal advice, emergency housing, financial assistance, and health services. These services should be delivered by trusted community navigators in workers' own languages, embedded in ethnic community hubs, and able to guide workers through unfamiliar systems. Face-to-face, culturally safe support helps build trust and ensures workers can take practical steps to get help.

6. **Promote uptake of digital tools like VERI-Mi that help workers identify exploitation, collect evidence, and connect with legal and advocacy services.** Embed these tools in frontline services and promote through trusted community channels.

7. **Introduce conflict-of-interest rules prohibiting immigration agents from representing both employers and migrant workers.** When immigration agents represent both parties, it creates a power imbalance and undermines trust. Clear conflict-of-interest rules should prohibit agents from acting for both employers and workers in the same transaction or visa process. This will help protect workers from coercion and ensure they receive independent advice on work visa applications.

8. **Establish free legal drop-in clinics in high-risk regions and ethnic community hubs.** These clinics should provide accessible legal advice and support to migrant workers navigating employment disputes or exploitation claims.

3 Ability to Bring a Claim

Problem

Migrant workers face significant barriers when attempting to bring legal claims against exploitative employers. These barriers are legal, procedural, financial, cultural, and emotional. Workers often lack access to evidence, legal knowledge, and culturally responsive, trauma-informed support—while employers exploit loopholes to avoid accountability.

Synthesis of interview insights and analysis

Interviewees consistently highlighted the challenges migrant workers face in initiating and sustaining legal claims. Many described the process as slow, complex, and intimidating—especially for those with limited English, legal literacy, or trauma histories. The burden of proof typically falls on the worker, who may lack documentation or face challenges gathering evidence. Employers exploit the system through delay tactics, fabricated records, or by dissolving companies to avoid liability.

Victims often cannot bring claims before their visa expires, forcing them to choose between maintaining lawful status and pursuing justice. One advocate noted that cases can take years to resolve—by which time the worker may have returned home or their visa may have lapsed.

Community law centres and frontline advocates play a vital role in supporting migrant workers to bring legal claims, yet they are often under-resourced. Advocates described lacking the templates, training, and digital tools needed to prepare claims efficiently. Some noted that the Labour Inspectorate delays taking on cases or refers them back to community law, even when the Inspectorate has stronger enforcement powers.

Premium payments made offshore—often to recruiters or employers—are a common feature of migrant exploitation. Interviewees noted there is currently no clear legal pathway for recovering these payments, leaving workers without redress for money paid before they even arrived in New Zealand.

Employers frequently dissolve companies or hide behind corporate structures to avoid accountability. Interviewees described how directors move money through trusts, liquidate entities, and reappear under new company names—leaving workers with unenforceable judgments.

Interviewees also emphasised the importance of strong, credible evidence to support claims and counter employers' denials or fabricated records. However, financial constraints and limited access to technology often hinder workers' ability to gather and present such evidence. Some advocates noted the need for forensic or technical expertise to examine metadata and expose falsified documents.

From insight to action

How might we create incentives for reporting and empower migrant workers to safely and confidently bring legal claims against exploitative employers? **How might we** simplify legal processes, improve access to evidence-gathering tools, and provide culturally and trauma-informed support throughout the justice journey?

Stage 3 Recommendations

1. **Create a civil claims pathway for offshore premium recovery through the ERA with extraterritorial reach.** A civil claims mechanism through the ERA, with extraterritorial reach, would enable workers to seek redress for premiums paid offshore and deter exploitative recruitment practices. This reform would close a critical accountability gap and ensure that justice is accessible regardless of where the harm originated.

2. **Invest in evidence-gathering tools that help workers document exploitation in real time.** Tools like VERI-Mi enable workers to log hours, wages, and workplace conditions using GPS, photos, and contemporaneous notes. These records can support legal claims and counter employers' fabricated records. Investment should ensure these tools are accessible to workers with limited digital literacy (who may also need additional guidance from advocates on documentation methods).

Evidence Gathering Tools:

The Role of Digital Evidence in Migrant Exploitation Cases

Proving exploitation is difficult. Workers are often vulnerable, isolated, and fearful of challenging their employer. Employers may fabricate timesheets and other records to conceal their actions. In civil claims and criminal prosecutions alike, establishing the true hours worked—and the extent of an employer's control—is often the central evidentiary challenge. Independently verifiable, machine-generated evidence like GPS data can help overcome these barriers and hold employers accountable.

Admissibility and reliability of GPS data

Under s 137 of the Evidence Act 2006, evidence produced by a device like a GPS unit is presumed to have worked correctly, in the absence of evidence to the contrary. This places the burden on the party challenging the data to demonstrate a specific fault, rather than on the party presenting it to prove flawless operation.

The Court of Appeal has affirmed that GPS data is "inherently reliable" In *Robertson v R*,[39] the Court found that minor anomalies do not undermine overall reliability. More recently, in *Fakaosilea v R*,[2] the Court upheld the admission of GPS coordinates, distinguishing errors in secondary interpretation software from the reliability of the raw data itself. These decisions confirm that GPS data is consistently treated as reliable and admissible evidence in New Zealand proceedings.

[39] [2[2016] NZCA 99.

Chain of custody and data integrity

The "chain of custody" is a foundational evidentiary principle requiring proof that evidence has not been altered from creation to presentation in court. For digital evidence, this means proving both authenticity and integrity. Authenticity requires showing that the system accurately recorded time and location—the s 137 presumption and case law on GPS reliability assist here. Integrity requires proving the data has not been altered, which is crucial for its admission. A system that makes data non-editable and creates a tamper-proof audit trail for every interaction provides the strongest possible chain of custody, pre-empting challenges that the data was manipulated after the fact.

Application in civil proceedings

In civil proceedings before the ERA or Employment Court, the standard of proof is the balance of probabilities. The ERA is not bound by strict rules of evidence and operates under principles of natural justice, making it highly likely to admit and give significant weight to reliable GPS data.

GPS data is particularly valuable for countering false records. In *Police v Cameron*[40], a judge questioned the reliability of employer-produced timesheets when they conflicted with other records. Immutable GPS data provides a clear, objective record that can directly rebut fraudulent timesheets and resolve such uncertainties in favour of the exploited worker.

Application in criminal prosecutions

While the criminal standard of "beyond reasonable doubt" is higher, immutable GPS data can provide crucial evidence to support charges under the Immigration Act 2009 (exploitation of temporary workers) and the Crimes Act 1961 (slavery and trafficking).

GPS data can provide undeniable proof of the hours a person was required to be at a worksite, or was confined to substandard accommodation, directly supporting elements of exploitation and trafficking offences. For slavery charges, where the essential ingredient is the exercise of "powers attaching to the right of ownership," GPS data showing an employer's complete control over a worker's movements—where they live, work, and travel—can be powerful evidence of this ultimate form of control.

VERI-Mi's design

VERI-Mi has been designed with these evidential requirements in mind. Its features include accurate timestamping, encrypted data sharing with legal representatives, tamper-proof storage, and forensic reporting with raw geolocational data. Corroborating evidence—such as manually entered times, photographs, documents, and notes—further strengthens the probative value of the GPS data.

[40] [2005] NZDC 3.

3. **Grant short-term open work visas to allow migrant workers sufficient time to pursue claims.** Victim-survivors often face the risk of visa expiry before they can bring a claim, forcing them to choose between maintaining lawful status and pursuing justice. A short-term open work visa would allow workers to remain in New Zealand while their claims progress, reducing the risk of retaliation and improving access to legal remedies. This reform aligns with international best practice and would ensure that workers are not penalised for seeking redress. (See also the Visa Policy recommendations below for further reforms to the MEPV and employer-tied visa settings.)

4. **Resource community law centres and frontline legal advocates with templates, training, and tools to prepare claims efficiently.** Community law centres and frontline advocates play a vital role in supporting migrant workers, but they are often under-resourced. Providing them with practical tools—such as claim templates, training in employment and immigration law, and information about digital platforms like VERI-Mi—can streamline the claims process and improve outcomes for workers. Funding should also support culturally appropriate legal education and outreach delivered by trusted third-party organisations.

5. **Provide culturally responsive and trauma-informed support for workers preparing claims.** This includes legal navigators who can guide workers through unfamiliar processes, intake services in workers' first languages, and support to help workers articulate their experiences without retraumatisation.

6. **Expand Labour Inspectorate capacity to take on additional migrant exploitation cases.** The Inspectorate has stronger enforcement powers than individual workers, including the ability to pursue penalties against directors, and its involvement reduces the burden on under-resourced community law centres.

7. **Provide access to forensic and technical support for exploitation cases, including examination of employer records, payroll systems, and document metadata.** Employers often fabricate timesheets and contracts; forensic analysis can expose falsified documents and verify workers' claims. This support should be state-funded or subsidised and available to workers and advocates pursuing claims.

8. **Reduce cost barriers** to pursuing claims by waiving or subsidising ERA filing fees for migrant workers in exploitation cases, and expanding eligibility for funded legal representation. The current cost of initiating proceedings is prohibitive for workers who have already lost income due to exploitation.

9. **Strengthen coordination between MBIE and non-commercial organisations supporting exploited workers,** including community law centres, unions, and migrant advocacy groups. Establish formal protocols for information-sharing, referrals, and joint action on systemic cases. The Labour Inspectorate should not automatically withdraw from cases simply because a worker has legal representation—state enforcement and private claims serve different purposes and should proceed in parallel where appropriate. This would ensure the power and resources of the state support, rather than displace, the work of community organisations to achieve justice outcomes for victims of exploitation.

Reform opportunity: Enabling short-term visa extensions for migrant workers pursuing compensation claims

The **Migrant Justice Institute** based in Australia, recommends that governments introduce short-term visa extensions and portable work rights for migrant workers who are pursuing claims for unpaid wages or exploitation.[41] These reforms would allow workers to remain in the country long enough to gather evidence, file claims, and participate in legal proceedings—without being dependent on their original employer. Key features of the proposed model include:

- Short-term visas with work rights, low or no fees, and durations sufficient to complete the justice process.
- Eligibility for undocumented workers who report exploitation, without requiring involvement in criminal prosecutions.
- Certification of claims by trusted civil society organisations, unions, or legal professionals—not just government agencies.
- Funding and support for community organisations that assist workers through the claims process.

In the New Zealand context, reform of the MEPV is discussed further below under system changes. However, it is important to note here the value of a visa that allows a person to remain in New Zealand and continue working while their claim progresses through the justice system. Such a visa would reduce the risk of retaliation, improve access to justice, and ensure that workers are not forced to choose between pursuing their rights and maintaining lawful status.

[40] Migrant Justice Institute, Avenues for exploited migrant workers to remain in their country of employment to pursue labour remedies, April 2023, https://static1.squarespace.com/static/593f6d9fe4fcb5c458624206/t/6448c8aba423de4068a117ff/1747106348734/Short+Term+Stay+Research+and+Policy+Brief.pdf.

4 Fair and Timely Adjudication

Problem

The ERA is often perceived as slow, formal, and adversarial—placing a disproportionate burden on vulnerable workers to prove their claims. Exploitative employers use delay tactics and fabricated records to avoid accountability.

Synthesis of interview insights and analysis

Interviewees consistently highlighted the challenges migrant workers face in navigating ERA processes, particularly where visa pressures and power imbalances are heightened. Employers use delay tactics, present fabricated records, and leverage the emotional toll of prolonged proceedings to pressure workers into settling for less than they are owed. The burden of proof often falls unfairly on the worker, despite limited access to documentation, legal support, and culturally safe processes.

Interviewees strongly advocated for reforming the ERA's approach to exploitation cases, calling for a shift toward a more inquisitorial model. Under this approach, the ERA would actively investigate claims and gather its own evidence—including forensic data—rather than relying solely on the worker to present a complete case. This would reduce the burden on vulnerable workers and make the process more accessible and fair, particularly for those facing language barriers, trauma, or limited legal literacy.

Interviewees also called for the ERA's practice note to be revised so that worker testimony is accepted as credible evidence when employers fail to produce wage and time records. This would rebalance the burden of proof in favour of vulnerable workers, consistent with the ERA's equity and good conscience jurisdiction.

Mandatory mediation with enforceable deadlines was another priority. Interviewees described employers using delay tactics to wear down claimants, and called for timetabling directions to ensure timely progression of cases.

To support these changes, interviewees recommended additional resourcing for the ERA, including specialist investigators and data forensic experts to verify claims and detect fraudulent employer practices. Some suggested piloting the inquisitorial model in high-risk sectors such as hospitality and horticulture before broader implementation.

These reforms were seen as essential to restoring trust in the justice system and ensuring that migrant workers are not forced to settle for less simply to escape prolonged uncertainty, stress, and financial hardship.

From insight to action

How might we ensure fair and timely adjudication of exploitation claims, streamline ERA processes, shift the burden of proof away from vulnerable workers, and prevent employers from using delay tactics or fabricated records?

Stage 4 Recommendations

1. **Revise the ERA's practice note to explicitly recognise the credibility of worker testimony in cases where employers fail to produce wage and time records.** This approach is consistent with the ERA's equity and good conscience jurisdiction and would help rebalance the burden of proof in favour of vulnerable workers.

2. **Provide ERA members with training in cultural competency and trauma-informed practice, specifically tailored to exploitation cases involving migrant workers.** Training should address the impact of cultural norms, trauma, and language barriers on participation and evidence presentation.

3. **Pilot an inquisitorial approach within ERA in high-risk sectors such as hospitality and horticulture.** This pilot would allow the ERA to actively investigate claims and gather its own evidence, including forensic data, rather than relying solely on the worker to present a complete case. Targeting high-risk sectors will enable focused testing and refinement of the model before broader implementation.

4. **Require mandatory timetabling directions from the ERA to ensure mediation occurs within a specified timeframe when employers refuse to engage or use delay tactics.** This measure would ensure timely progression of cases and prevent unnecessary delays (and delay tactics by employers), supporting fairer and more efficient resolution of disputes.

5. **Following evaluation of the pilot, reform the ERA and amend the Employment Relations Act 2000 to enable a more inquisitorial approach in exploitation cases, with explicit investigative powers.** Legislative amendments should authorise the ERA to proactively gather evidence and conduct investigations, reducing reliance on adversarial processes and improving access to justice.

6. **Provide additional resourcing to the ERA, including specialist investigators and data forensic experts.** Resourcing should support the ERA's capacity to verify claims, detect fraudulent employer practices, and implement an inquisitorial model effectively.

7. **Embed trauma-informed and culturally responsive support across all stages of the employment dispute resolution process.** This includes providing interpreters as standard in all ERA proceedings involving migrant workers, as well as legal navigators and culturally competent facilitators who understand the emotional and cultural dynamics involved. Mediation services should remain free but be delivered in a more timely manner, with trauma-informed practice embedded throughout. These supports help build trust, reduce retraumatisation, and ensure workers' claims are heard and understood in their full context.

Reform opportunity:
A more inquisitorial role for the ERA

The ERA is, by design, an investigative tribunal. According to its Practice Direction, its primary role is to "establish the facts and make a determination according to the substantial merits of the case, without regard to technicalities." This aligns with the Employment Relations Act 2000, particularly s 157, which mandates that the Authority operate in a "speedy, informal, and practical manner" to resolve employment relationship problems.

Despite this statutory and procedural framework, the ERA currently functions primarily as a quasi-judicial, adjudicative body. It resolves disputes based on the evidence and arguments presented by the parties, with minimal independent investigation. In practice, the burden falls on the employee—or, in some cases, the Labour Inspector—to frame the issues, present documentation, submit witness statements, and make legal arguments. Advocates interviewed for this report noted that the ERA rarely initiates its own inquiries or proactively gathers evidence, even when it has the statutory discretion to do so under s 160 of the Act.

This approach presents significant barriers for vulnerable workers, particularly migrant workers experiencing exploitation. Many lack the resources, legal knowledge, or confidence to pursue claims independently. The ERA's limited use of its investigative powers means that critical evidence—such as payroll records, digital communications, or employment agreements—may go unexamined unless the worker can obtain and present them. The Authority does not currently order forensic examinations of employer records or digital systems, and there is no routine mechanism for compelling such evidence beyond standard document requests. Moreover, the cost of gathering complex evidence—such as forensic audits or expert reports—is borne by the parties, further disadvantaging those with limited means.

A more inquisitorial model would allow the ERA to:

- **Initiate independent inquiries** into employment practices
- **Request or compel evidence** beyond what is provided by the parties
- **Proactively interview witnesses** and inspect records
- **Commission forensic examinations** of employment or payroll records and
- **Identify systemic issues** or patterns of non-compliance across cases.

Such a shift would not require a radical departure from the ERA's statutory powers, but it would necessitate a change in institutional approach, increased resourcing, and the development of procedural safeguards to ensure fairness, transparency, and neutrality. It would also raise important considerations around procedural fairness and the scope of the ERA's mandate, which would need to be addressed through clear legislative guidance and operational protocols.

The Australian Approach

A useful comparative example is the **Fair Work Commission (FWC)** in Australia, which operates with a more inquisitorial approach in certain contexts. While the FWC is also a tribunal that resolves employment disputes, it has broader powers to investigate and intervene—particularly in cases involving vulnerable workers or systemic non-compliance.[42] It works in close coordination with the **Fair Work Ombudsman (FWO)**, creating a multi-layered enforcement and support system that combines dispute resolution, proactive investigation, education, and enforcement.

Key features of the Australian model include:

- **Proactive Investigations**
  The FWO conducts investigations not only in response to complaints but also proactively, using intelligence, data analysis, and anonymous tip-offs.[43] In 2023–24, approximately 20% of its caseload stemmed from proactive investigations, particularly in high-risk sectors such as hospitality, agriculture, and cleaning.

- **Robust Enforcement Tools**
  The FWO has a wide range of enforcement powers, including compliance notices, infringement notices, enforceable undertakings, and litigation. It can also refer serious breaches, such as wage theft, for criminal prosecution.

[42] FWC, Power of the Commission, https://www.fwc.gov.au/powers-commission

[43] FWO, https://www.fairwork.gov.au/about-us/compliance-and-enforcement/proactive-investigations

- **Systemic Issue Identification**
  The FWC and FWO are equipped to identify and respond to patterns of non-compliance, enabling more strategic enforcement and policy responses.

- **Support for Vulnerable Workers**
  The FWO provides multilingual resources, partners with community organisations, and offers culturally appropriate support to reach migrant and precarious workers. It also operates an Employer Advisory Service to help small businesses understand and comply with workplace laws, reducing unintentional breaches.

- **Collaborative Dispute Resolution**
  The FWC offers conciliation and arbitration services and runs initiatives like the Collaborative Approaches Program, which helps parties resolve disputes without formal litigation.

By contrast, the ERA's capacity to identify and address systemic issues is limited. It relies on individual complaints and party-led evidence, and its enforcement mechanisms are mo re constrained—often requiring separate applications for compliance orders or District Court enforcement. The Labour Inspectorate, while tasked with enforcement, is more reactive and less resourced for proactive investigations or outreach.

Implications for New Zealand

Adopting elements of the Australian model—particularly the proactive, intelligence-led investigations and integrated support for vulnerable workers—could significantly enhance the ERA's effectiveness. A more inquisitorial ERA, supported by a well-resourced Labour Inspectorate and community partnerships, would be better positioned to detect and address exploitation, reduce reliance on individual complaints, and promote systemic compliance with employment law.

To improve access to justice for vulnerable workers and strengthen the enforcement of employment standards, the ERA should be empowered to adopt a more inquisitorial approach in appropriate cases. This would enable the ERA to proactively gather evidence, question witnesses, and investigate employment practices—particularly in cases involving migrant exploitation and systemic breaches.

Implementation

Currently, the ERA operates primarily as an adjudicative body, relying on parties to present evidence and frame disputes. This model disadvantages workers who may lack the resources, legal knowledge, or confidence to pursue claims independently. A more investigative approach would better support these workers, enhance the ERA's ability to identify patterns of non-compliance, and ensure that employment standards are upheld consistently and fairly.

To implement this shift effectively, the government should:

- **Amend the Employment Relations Act 2000** to explicitly authorise the ERA to undertake investigative functions in defined circumstances, including the ability to compel documents, inspect records, and commission forensic evidence;
- **Provide additional funding and staffing,** including the appointment of specialist investigators, legal advisors, and access to forensic expertise;
- **Develop clear procedural safeguards** to ensure fairness, transparency, and impartiality in inquisitorial proceedings;
- **Pilot the approach** in high-risk sectors or regions where worker exploitation is known to be prevalent—such as hospitality, construction, or horticulture.

This reform would ensure that legal protections are accessible to all workers, regardless of their background, immigration status, or ability to self-advocate.

5 Enforcement of Decisions

Problem

Even when workers win employment cases and are awarded compensation, many are unable to collect what they are owed. Employers frequently exploit legal and procedural loopholes to avoid payment, including:

- Liquidating companies to escape liability.
- Delaying payments through drawn-out legal processes.
- Phoenixing — dissolving one company and reappearing under a new entity to continue operations while avoiding debts.

These tactics leave workers uncompensated, despite legal victories, and undermine trust in the justice system.

Synthesis of interview insights and analysis

Interviewees described a system that fails to guarantee enforcement of compensation awards, especially when employers use corporate structures to shield themselves from liability. Key concerns included:

Structural weaknesses that allow employers to evade responsibility:

- High thresholds for piercing the corporate veil, making it difficult to hold directors personally accountable.
- Inability to join claims to individuals behind corporate entities.
- Lack of employer-funded compensation mechanisms to protect workers when enforcement fails.

Insufficient enforcement tools:

- Limited capacity for asset tracing and recovery.
- Weak oversight of phoenix company practices.
- Inadequate Companies Office monitoring of repeat offenders.

Barriers to legal recourse:

- The District Court debt recovery process is costly, complex, and inaccessible for many workers.
- Workers often lack the resources or legal support to pursue enforcement, especially migrant workers or those in precarious employment.

Fragmented accountability:

- Interviewees called for inter-agency coordination between MBIE, Immigration NZ, IRD, and the Companies Office to track and penalise exploitative employers.

From insight to action

How might we ensure that workers can reliably collect compensation after winning employment cases, even when employers attempt to evade payment?

Interviewees identified five key priorities for reform:

(a) Automatic enforcement — Workers should not have to initiate separate legal action to collect compensation they have already been awarded.

(b) Personal accountability — Directors who deliberately evade liability or repeatedly offend should not be able to hide behind corporate structures.

(c) A safety net for workers — When employers default or disappear, workers should not be left empty-handed.

(d) Closing the phoenixing loophole — Directors should not be able to dissolve one company and start another to escape debts and penalties.

(e) Joined-up enforcement — Agencies must share data and coordinate action, rather than operating in silos that allow exploitative employers to slip through gaps.

VERI-Mi's Role in the Ecosystem
VERI-Mi supports enforcement by:

- Documenting credible evidence of exploitation and non-payment.
- Connecting workers with legal advocates to pursue claims.
- Identifying patterns of employer evasion to inform policy and enforcement.

However, systemic reform is essential. Without changes that ensure automatic enforcement and personal accountability, workers will continue to face barriers to justice — even after winning their cases.

Stage 5 Recommendations

1. **Create a dedicated enforcement unit or cross-agency taskforce within MBIE to monitor and enforce decisions related to migrant exploitation, including unpaid wages, compensation orders, and visa-related outcomes.**
   The unit should build on the existing Joint Operating Model and coordinate enforcement across MBIE, IRD, Immigration NZ, and the Companies Office through formal mechanisms such as memoranda of understanding and shared enforcement protocols. A specialised unit would ensure consistent follow-through, reduce duplication, and enable proactive monitoring of high-risk employers and systemic patterns of abuse.

2. **Introduce automatic follow-up mechanisms** for decisions involving financial remedies, ensuring that ERA and Employment Court determinations trigger built-in processes to track payment and escalate non-compliance. Currently, workers must initiate separate legal action to enforce compensation orders, which is costly and inaccessible. Automatic tracking and escalation would shift the burden from workers to the system.

3. **Make infringement notices a core enforcement tool,** with wide application and meaningful consequences for breaches of employment law. Infringement notices offer a fast, low-cost way to penalise non-compliance. Expanding their use would deter minor and repeat breaches without requiring full litigation.

4. **Apply proceeds of crime legislation t**o recover funds from exploitative employers, especially in cases involving systemic or large-scale abuse. Engage the Organised Crime Task Force in serious exploitation cases, and develop inter-agency protocols for identifying cases suitable for asset forfeiture. Publicise the use of these powers to deter employers who view penalties as a manageable cost of doing business. (See Reform Opportunity below.)

5. **Enable fast-track debt recovery** for migrant workers by creating a simplified, low-cost enforcement pathway within the ERA or Employment Court. This should include automatic compliance orders, garnishee orders, or wage deductions—similar to civil enforcement tools in the District Court—allowing workers to enforce unpaid awards without navigating complex insolvency procedures.

6. **Strengthen enforcement against offshore recruiters and agents** involved in exploitation. Section 351A of the Immigration Act 2009, enacted in November 2025, now makes it a criminal offence to seek or receive premium payments for employment, including where the conduct occurs offshore. This is a significant step. However, gaps remain: criminal prosecution requires state resources and may not result in compensation for workers, and civil recovery of premiums paid offshore remains unavailable. To give the new offence practical effect, enforcement agencies should be resourced to investigate offshore conduct, and civil claims pathways should be developed to enable workers to recover premiums regardless of where the payment was made. (See also Stage 3, Recommendation 1 on creating a civil claims pathway through the ERA for offshore premium recovery.)

7. **Increase penalties for breaches of minimum employment standards,** ensuring they are proportionate and consistently applied. Penalties must reflect the seriousness of harm caused and be sufficient to deter repeat offending. However, increased penalties alone are insufficient—the likelihood of detection matters more than the severity of sanction.

8. **Provide legal and financial support for enforcement actions,** including extending legal aid or community legal services to help migrant workers pursue claims and recover unpaid compensation. Without legal support, many workers are unable to enforce their rights.
9. **Amend the Employment Relations Act 2000** to allow the Employment Court to enforce unpaid compensation orders directly, without requiring workers to initiate separate bankruptcy or liquidation proceedings in the High Court. This would streamline enforcement, reduce costs, and avoid delays that currently discourage workers from pursuing what they are owed.
10. **Provide formal recognition and support for employment advocates** to represent workers in debt recovery proceedings, including in the Employment Court and District Court. While employment law allows representation by "any person," advocates face practical and procedural barriers. Removing these barriers would improve access to justice for migrant and low-wage workers.
11. **Create an employer-funded compensation pool** through a levy-based fund to pay out wage theft and exploitation claims when employers become insolvent or disappear. A compensation pool would ensure that workers are not left uncompensated due to employer insolvency or evasion, functioning as a safety net similar to ACC or overseas wage protection schemes. (See Reform Opportunity below.)
12. **Lower the threshold for director liability in s 142Y of the Employment Relations Act.** The current "knowingly involved" standard is difficult to meet and allows directors to avoid liability by claiming ignorance. Lowering the threshold—for example, to include directors who "ought reasonably to have known" of breaches, or who failed to take reasonable steps to prevent them, would strengthen accountability. This reform should be paired with phoenixing prevention measures. (See also Stage 6 on Ongoing Accountability.
13. **Review and strengthen statutory protections for employee wage claims in insolvency.** Ensure that bankruptcy or liquidation does not automatically halt wage recovery proceedings, particularly where directors are personally involved in breaches or where fraud or deliberate evasion is involved. Allow wage recovery to proceed in the Employment Court despite insolvency in such cases. Explore options including statutory charges or deemed trusts over employer assets for unpaid wages, and extending the preferential claim period beyond four months. (See Reform Opportunity below.)

California, USA

14. **Amend s 271 of the Companies Act 1993** to require courts to consider employee interests and the presence of worker exploitation when deciding whether to make pooling orders in related company liquidations. Clarify that employees and their representatives have standing to apply for pooling orders. (See Reform Opportunity below.)

Reform opportunities:
Ensuring workers can recover what they are owed

When exploitative employers liquidate companies, phoenix into new entities, or hide assets, workers are often left with unenforceable judgments. Current law provides some protections, but significant gaps remain—and the burden of enforcement falls on workers who have already been harmed.

Proceeds of crime powers

The Criminal Proceeds (Recovery) Act 2009 enables civil forfeiture of assets acquired from or used in significant criminal activity—without requiring a conviction. This is a powerful tool: forfeiture orders can be made on the balance of probabilities, and the regime targets both "tainted" property (used in or acquired from crime) and the profits of criminal activity.

The regime has been successfully used in at least one major exploitation case. In *R v Matamata*,[1] the offender was convicted of slavery and human trafficking after bringing Samoan nationals to New Zealand with false promises of work, then exploiting them for horticultural labour while controlling their movements and retaining their passports. An Instrument Forfeiture Order was made against his interest in two properties valued at $215,000, which had been used to house victims and facilitate the offending.

Despite this precedent, proceeds of crime powers appear underutilised in exploitation cases. Barriers may include a lack of awareness that these powers apply, exploitation not being routinely viewed through an organised crime lens, and limited coordination between enforcement agencies. Greater use—supported by inter-agency protocols and engagement of the Organised Crime Task Force—could remove the financial incentive for exploitation and send a clear message that profiting from migrant workers will not be tolerated.

Publicising the use of these powers—and that assets can be forfeited without a conviction—may also deter employers who currently view penalties as a manageable cost of doing business.

Insolvency protections

Employees have preferential creditor status in liquidation under the Companies Act 1993, but this protection is limited. It applies only to four months' wages, holiday pay, and redundancy compensation, and does not override all forms of security interest. Where company assets are insufficient or heavily encumbered, workers may recover little or nothing.

Unlike some overseas jurisdictions, New Zealand does not provide statutory charges or deemed trusts over employer assets for wage claims. A statutory charge would give employees a secured interest in specific assets; a deemed trust would hold certain funds (such as wages deducted but not paid) in trust for employees. Both mechanisms would strengthen employee claims against other creditors.

The European Union takes a different approach. Under Directive 2008/94/EC, member states must establish guarantee institutions that pay employees' outstanding wage claims when employers are insolvent. This ensures workers receive at least minimum protection regardless of the employer's asset position—shifting the risk from individual workers to a collective scheme funded by employers. While the specific mechanisms vary across member states, the principle is clear: the state has a responsibility to ensure workers are not left empty-handed due to employer insolvency.

New Zealand has no equivalent guarantee institution. Exploring the adoption of such a model—or strengthening existing protections through statutory charges or extended preferential periods—would provide a stronger safety net for workers and reduce reliance on individual enforcement.

Pooling orders

Section 271 of the Companies Act 1993 allows courts to pool the assets of related companies in liquidation where it is just and equitable to do so. This could be a valuable tool where exploitation has occurred across a corporate group, or where an asset-poor employer is related to entities that have benefited from the exploitation.

However, the provision has significant limitations. The criteria in s 272 focus on the relationship between related companies and their creditors—there is no reference to employees, employee claims, or exploitation. There is no evidence that s 271 has been used in exploitation cases, and employees may not have clear standing to apply for pooling orders.

Reform could address these gaps by:

- Requiring courts to consider employee interests when deciding whether pooling is just and equitable.
- Making exploitation of workers a relevant factor in the pooling analysis.
- Clarifying that employees and their representatives have standing to apply for pooling orders.

Such reforms would align the pooling provisions with broader policy objectives of protecting workers and ensuring corporate structures cannot be used to fragment liability and frustrate recovery.

A compensation guarantee scheme

An employer-funded levy scheme—similar to ACC or the EU's guarantee institutions—could provide a foundational safety net, providing financial safety to workers when employers default, disappear, or are insolvent.

The scheme would be administered by a public or quasi-public agency and would pay out unpaid wages, holiday pay, and compensation orders, then seek to recover from the employer or its directors where possible. Pooled employer contributions, proactive enforcement, guaranteed access to compensation, and accessible claims processes would significantly improve justice outcomes for victims of wage theft and migrant exploitation.

International examples include:

California, USA

The Garment Worker Protection Fund, established under state legislation in 2022, is financed through business registration fees paid by garment manufacturers. This employer-funded model provides a safety net for workers who have experienced wage theft, allowing them to receive compensation even when their employer fails to pay after a legal determination. The law prohibits piece-rate pay and requires garment workers to be paid hourly wages at or above the minimum wage. It holds all parties in the supply chain—including contractors, manufacturers, and brand guarantors—jointly and severally liable for unpaid wages and damages.

Workers can file claims with the California Labor Commissioner, and even if their direct employer fails to pay, other parties in the contracting chain can be held responsible. The Garment Worker Center has filed over 40 wage claim cases under the new law. By creating a backstop mechanism, the fund ensures that justice is not contingent on the solvency or cooperation of the employer.

Qatar

In Qatar, where over 90% of the population are migrant labourers, the Workers' Support and Insurance Fund was created in 2018 as part of broader labour reforms. The fund is financed by 60% of the fees collected for work permits and their renewal. Its purpose is to provide swift financial relief to workers who have been denied wages or subjected to abuse, particularly when employers are insolvent or refuse to comply with legal rulings.

Workers can receive payments based on decisions from Labour Disputes Settlement Committees, with the fund later seeking reimbursement from the employer. According to government statements, over 130,000 workers have benefitted from the fund since its inception, and QR2.3 billion (approximately USD 630 million) has been disbursed to more than 70,000 workers.

However, despite these figures, the fund has faced significant transparency and implementation challenges. Advocacy groups and international observers, including the International Labour Organisation and Human Rights Watch, have raised concerns about the lack of clarity around who receives payments, how much is paid, and whether the compensation reflects full entitlements. While the fund represents a step forward in state-backed remediation, its effectiveness is undermined by bureaucratic delays, limited enforcement, and the persistence of exploitative practices under Qatar's kafala system.

Application to New Zealand

In New Zealand, such a scheme would ensure that exploitation does not go unremedied simply because the employer has structured their affairs to avoid liability. It would also reduce the burden on community law centres and the justice system by providing a faster pathway to recovery.

Conclusion

Together, these reforms—greater use of proceeds of crime powers, stronger insolvency protections, reform of pooling orders, and an employer-funded compensation scheme—would close critical gaps in the enforcement framework. They would shift risk away from individual workers and bridge the gap between judgment and recovery. Without such reforms, exploitative employers will continue to evade accountability, and workers will continue to bear the cost.

6 Ongoing Accountability

Problem

Exploitative employers routinely avoid lasting consequences. Mediation is often used to escape deeper scrutiny—settlement amounts are typically low relative to profits gained from exploitation, and employers treat them as an acceptable cost of doing business before returning to the same practices. Once a case settles, there is no follow-up to check whether agreed remedies are delivered or whether the employer continues to comply with employment standards. Directors can reappear under new entities, and patterns of offending go undetected because there is no system for tracking individuals across companies. Without proactive monitoring, transparency, and accountability mechanisms that follow individuals—not just business entities—exploitation remains hidden and repeat offenders face no meaningful consequences.

Synthesis of interview insights and analysis

Interviewees expressed deep frustration that exploitative employers face no lasting consequences. A recurring concern was the use of mediation as a mechanism for evasion. Employers often settle exploitation-related claims—such as unpaid wages or breaches of minimum standards—to avoid deeper scrutiny, retain accreditation, and continue hiring migrant workers. Interviewees stressed that settlement should not shield employers from further investigation or sanctions, nor allow them to reoffend under new entities.

To address this, interviewees called for post-mediation oversight, particularly of responsible directors, not just business entities. Monitoring compliance after settlement—which could be conducted confidentially by regulators without breaching settlement terms—would close a critical accountability gap and ensure that agreed remedies are delivered.

Interviewees also highlighted the need to track individuals behind companies, especially in cases of phoenixing, where directors dissolve one company and reappear under another to avoid liability. This effectively erases their record of non-compliance, undermines enforcement, and enables repeat offending. By linking penalties to individuals, the system can ensure that accountability follows the person, not just the entity. Interviewees called for stronger Companies Office oversight and reform of corporate law to prevent exploitation from being recycled through new business structures.

Finally, interviewees supported infrastructure that surfaces hidden exploitation, including whistleblower protections, proactive workplace reviews, and systems for identifying patterns of abuse across employers and industries—aligning with VERI-Mi's vision for a more transparent and joined-up system.

From insight to action

How might we create accountability mechanisms that follow individuals across companies, monitor compliance after mediation, and surface patterns of repeat offending before further harm occurs?

Stage 6 Recommendations

1. **Strengthen MBIE's Stand-Down List to include employers who falsify employment records, such as fake job offers, forged contracts, or false wage documentation in migrant exploitation cases.** This would ensure serious document fraud is publicly acknowledged and penalised, not hidden behind settlement agreements. It would also prevent deceptive employers from continuing to access migrant labour, reinforcing the integrity of the AEWV scheme.

2. **Establish a rapid-response investigation capacity to proactively investigate exploitation in high-risk sectors like horticulture, construction, and hospitality.** This concerns identifying and intervening in ongoing exploitation before workers are forced to bring claims—distinct from enforcement of existing decisions (see Stage 5). A dedicated capacity would enable early intervention where workers face immediate risks and support targeted investigations in industries with known patterns of abuse.

3. **Introduce proactive post-arrival verification by Immigration NZ.** Contact migrant workers directly after they commence employment to verify actual hours worked, wages received, and whether the role matches the visa application. This provides an early warning system for exploitation and signals to employers that conditions will be checked.

4. **Implement routine auditing of accredited employers, particularly in high-risk sectors, rather than relying solely on complaints.** Audits should include direct engagement with migrant workers, review of payroll records, and comparison of actual conditions against visa applications.

5. **Publish regular enforcement and outcomes data.** Require MBIE to release quarterly reports on migrant exploitation cases, including enforcement actions, visa outcomes, and employer compliance. Transparency would allow stakeholders to monitor trends, identify gaps, and assess the effectiveness of interventions.

6. **Establish a feedback mechanism for migrant workers.** Develop a safe, multilingual channel for workers to report issues with justice processes—such as delays, lack of interpreters, or retaliation—with independent oversight. This would surface systemic issues not captured through formal complaints.

7. **Mandate post-mediation follow-up and monitoring, especially for employers who settle exploitation-related claims.** Regulators should track whether agreed remedies are delivered and whether employers continue to comply. Where mediation results in settlement, the Labour Inspectorate should retain oversight to monitor compliance and identify repeat offenders—regardless of whether a private claim was also being pursued. Oversight should apply to responsible directors, not just business entities.

8. **Prevent phoenixing through director-level penalties.** Link penalties to individual directors and restrict their ability to re-incorporate new companies after serious breaches, including exploitation-related offences. (See also Stage 5 recommendations on lowering the threshold for director liability under s 142Y.)

9. **Support the development of whistleblower networks and protections for workers who report exploitation.** Workers who come forward should be protected from retaliation and have access to support services. (See also Stage 2 Recommendation 3 on community-based monitoring and whistleblower networks.)

VERI-Mi's Role

VERI-Mi's long-term vision includes workplace reviews, whistleblower networks, employer early-intervention and restorative justice processes, and data-sharing tools to surface hidden exploitation and support joined-up enforcement.

An additional problem: Visa policy failing to disincentivise exploitation

In addition to the above justice chain gaps, interviewees identified visa policy as a key driver of migrant exploitation, describing how current settings create dependency, fear, and silence among workers. The system incentivises manipulation of employment relationships and enables a market—particularly offshore—where visas are traded as commodities. This undermines New Zealand's reputation as a country that upholds human rights and fairness.

Advocates recommend longer-term or independent visas, or extending Migrant Exploitation Protection Visas so workers can realistically find alternative jobs (Advocates #1, #6, #8).

"These migrants, they have no choice because their visas are attached to the employer... What the government should do is... grant the visa until the expiry of the original visa, not just three months." **– ADV #1**

"The main barrier is the fear that something might happen to their visa if they report it. So they don't report... my visa might be affected or my job prospects might be affected if I complain." **– ADV #6**

"I think the sponsor visa should just disappear. You should have maybe open visa just to work in the hospitality environment, to work in, you know, like different environment but not just attached to one single employer." **– ADV #6**

The MEPV is a welcome policy initiative, but interviewees stressed that it needs to be strengthened. The current six-month duration is too short for most workers to secure stable employment, housing, and legal support. For those who have left exploitative employers, losing a longer-term visa (often close to three years) and being downgraded to a short-term visa with no guarantee of continued residence disincentivises reporting and help-seeking.

The policy must provide greater protection for whistleblowers and exploited workers.

The current visa settings also enable a market in which jobs and visas are traded as commodities. Workers pay significant premiums—often $30,000 to $50,000—for the promise of residency, leaving them indebted and reluctant to report abuse. The labour market test, while intended to protect domestic employment, can inadvertently trap migrants in exploitative roles when employers falsify documentation to meet visa requirements. These structural features of the system must be addressed alongside individual enforcement.

Visa Recommendations

To address the systemic vulnerabilities created by current visa settings — including dependency, fear, and barriers to reporting — interviewees proposed the following reforms to strengthen protection, promote job mobility, and restore integrity to the immigration system.

1. **Extend the MEPV** to a minimum of 12 months, or for the balance of the original visa—whichever is longer—to provide stability and reduce the risk of re-exploitation.

2. **Provide open work visas** for whistleblowers and exploited workers, especially those who report abuse or leave exploitative employers, to ensure safety and the ability to remain in New Zealand while compensation claims are progressed. (See also Stage 3 Recommendation 3.)

3. **Eliminate disincentives to reporting,** such as the threat of visa cancellation or downgrade, and create clear, accessible pathways for workers to raise concerns without jeopardising their immigration status or future in New Zealand.

4. **Allow job mobility within industries** to reduce entrapment and enable workers to leave exploitative situations without risking their immigration status.

5. **Phase out sponsorship-based visa schemes** that tie workers to a single employer. Transition toward independent visa pathways that allow workers to change employers without jeopardising their immigration status.

6. **Reform the employer accreditation and job token scheme** to prevent its misuse for job selling and sham employment. Introduce stricter verification of genuine labour needs, including viability testing of job offers where wages or conditions appear inconsistent with market rates (for example, employers promising to pay significantly above market rates for entry-level roles in order to meet visa thresholds, when doing so would make the business uncompetitive). Monitor visa holders' actual employment conditions and impose meaningful consequences for employers who use the scheme to extract premiums or facilitate exploitation

An additional problem: Offshore prevention and enforcement

New Zealand's current efforts to prevent migrant exploitation are predominantly reactive and domestically focused, leaving a significant gap in oversight of offshore recruitment practices. Many risks begin before migrants arrive—particularly through fraudulent recruitment, visa scams, and misinformation in source countries. These practices create vulnerability, debt, and dependency before workers even reach New Zealand.

While INZ engages in some offshore outreach—such as issuing scam warnings and collaborating with international enforcement agencies—these efforts are limited in scope and not part of a coordinated strategy. There is no dedicated offshore enforcement or monitoring unit within INZ focused on preventing visa scams or regulating recruitment practices abroad. Offshore recruiters and intermediaries who charge unlawful premiums or misrepresent job offers often operate outside New Zealand's jurisdiction, making enforcement difficult. There is also no consistent pre-departure education programme targeting prospective migrants with information about their rights, employment standards, and how to avoid exploitation. Without access to accurate, multilingual information before arrival, many migrants are already vulnerable to abuse by the time they reach New Zealand.

Offshore Prevention and Enforcement Recommendations

1. **Strengthen oversight and accountability**

   - Establish a dedicated offshore enforcement and monitoring unit within INZ to investigate and respond to fraudulent recruitment practices in source countries.
   - Introduce supply-chain accountability, holding recruiters, agents, and employers jointly liable for exploitation, including unlawful premiums and misrepresentation of job offers
   - Enable civil claims in New Zealand courts against offshore recruiters or agents who charge unlawful premiums or engage in deceptive practices, regardless of where the transaction occurred. Section 351A of the Immigration Act 2009 now criminalises premium payments including offshore conduct, but there is no corresponding power to recover money paid offshore. Civil claims pathways would close this gap. (See also Stage 5, Recommendation 6; Stage 3, Recommendation 1.)

2. **Build international partnerships and standards**

   - Coordinate with international organisations such as the International Labour Organization and the International Organization for Migration to align with global standards like the ILO's Fair Recruitment Initiative and IOM's International Recruitment Integrity System.

- Develop bilateral agreements with key migrant-sending countries to regulate recruitment agencies, share intelligence on high-risk actors, and prevent exploitation.

3. **Improve education and transparency**

- Launch targeted pre-departure education campaigns, including multilingual materials that inform prospective migrants of their rights, risks of paying unlawful premiums, and how to verify legitimate job offers. (See also Stage 1, Recommendation 3.)

- Establish a reporting mechanism for offshore recruitment fraud, accessible to migrants before they arrive in New Zealand.

4. **Embed human rights and independent oversight**

- Embed human rights principles into all enforcement strategies and migrant worker protections. This includes ensuring that enforcement actions do not penalise victims, that workers have access to remedy regardless of immigration status, and that accountability mechanisms uphold dignity, fairness, and transparency.
- Establish a national migrant worker ombudsman, independent of MBIE and INZ, to provide independent oversight of the immigration and employment systems as they affect migrant workers. The ombudsman would receive complaints from workers both in New Zealand and offshore, investigate systemic issues, and advocate for improvements—ensuring workers have a trusted avenue for raising concerns without fear of immigration consequences.

By addressing exploitation at its source and extending enforcement reach beyond New Zealand's borders, these measures will help reduce visa scams, protect vulnerable migrants, and ensure employer-linked visa pathways are not misused by unscrupulous actors.

10

Call to Action

Ending Migrant Exploitation in Aotearoa

Migrant exploitation in Aotearoa is not an issue of isolated "bad employers" but a systemic problem enabled by visa settings, weak enforcement, and fragmented accountability.

The current system is slow, fragmented, and employer-biased—relying on migrants to risk their visas and navigate complex processes at their own expense while exploiters avoid accountability through loopholes, low penalties, and lack of oversight.

Call to Action

A new approach is needed—one where **all ears and eyes are out** to detect and respond, and where the state takes responsibility for enforcement rather than leaving exploited workers to carry the cost and risk.

Through policy and operational reform, New Zealand can shift from reactive, victim-driven complaints to a proactive, collective responsibility model that delivers real justice and accountability.

This report highlights the urgent need for coordinated, systemic action to end migrant exploitation in Aotearoa New Zealand.
The following calls to action are directed at government agencies, funders, community organisations, legal advocates, and migrant workers themselves.

For Government Agencies (MBIE, INZ, MSD, ERA)

- Fund and scale community-led legal and advocacy services that support migrant workers to assert their rights.
- Extend the Migrant Exploitation Protection Visa (MEPV) to at least 12 months, provide open work visas for whistleblowers, and allow job mobility within industries.
- Reform the ERA to adopt an inquisitorial model, proactively investigate exploitation claims, and accept worker testimony as credible evidence where employers fail to produce records.
- Amend the Employment Relations Act to allow the Employment Court to enforce compensation orders directly, and enable fast-track debt recovery through simplified pathways including compliance orders, garnishee orders, and wage deductions.
- Coordinate enforcement across MBIE, IRD, INZ, and the Companies Office to prevent phoenixing, trace assets, and ensure accountability follows individuals—not just companies.
- Use proceeds of crime powers to remove the financial incentive for exploitation, and establish an employer-funded compensation pool to ensure workers are paid when employers default.
- Strengthen insolvency protections for employee wage claims, including exploring statutory charges or deemed trusts over employer assets, and ensure wage recovery can proceed despite employer bankruptcy where fraud or evasion is involved.
- Lower the threshold for director liability under s 142Y, and reform the Companies Act to enable pooling orders that consider employee interests in related company liquidations.

- Mandate post-mediation monitoring of employers who settle exploitation claims, and expand the Stand-Down List to include those who falsify employment records.
- Introduce proactive post-arrival verification by INZ to check whether workers' actual conditions match their visa applications, and implement routine auditing of accredited employers in high-risk sectors.
- Reform the employer accreditation and job token scheme, including viability testing of job offers where wages or conditions appear inconsistent with market rates.
- Regulate offshore recruitment, establish an INZ offshore enforcement unit, and enable civil claims for recovery of premiums paid offshore.
- Establish a national migrant worker ombudsman to provide independent oversight and receive complaints across immigration and employment systems.

For Funders and Philanthropic Organisations

- Support VERI-Mi's expansion into high-risk sectors and regions through multi-year funding.
- Invest in digital justice tools that empower workers to document exploitation, gather evidence, and access support.
- Fund wraparound services (e.g. food, housing, trauma-informed legal support) for migrant workers in crisis.
- Enable community law centres and ethnic organisations to deliver culturally safe navigation, education, and legal support.

For Legal Advocates and Community Organisations

- Use VERI-Mi's tools and templates to support evidence gathering, wage claims, and grievance processes.
- Embed trauma-informed and culturally responsive practice into legal services, including interpreters and legal navigators.
- Collaborate with MBIE and INZ to develop MOUs for coordinated enforcement, referrals, and information-sharing.
- Advocate for policy reform that decouples visas from employers, strengthens director liability, and ensures workers can recover compensation when employers default.

For Migrant Workers and Allies

- **Know your rights —** you are entitled to fair pay, safe conditions, and respect at work.
- **Use the VERI-Mi app** to track your hours, wages, and workplace conditions.
- **Seek help early —** contact Community Law, Citizens Advice Bureau, or VERI-Mi for free support.
- **Speak up safely —** reporting exploitation can lead to a special visa and legal protection.
- **Support others —** share this report, raise awareness, and help build a culture of accountability.

A note on structural reform

This report focuses on operational and enforcement reforms that can be implemented within the current policy framework. However, it must be acknowledged that the fundamental architecture of New Zealand's immigration system is itself a driver of exploitation. Current settings create a class of "permanently temporary" migrants—tied to specific employers, chasing illusory residency pathways, and vulnerable to abuse at every stage. As long as visa settings create dependency and silence, and as long as the promise of residency is used to attract workers who are then discarded when they become inconvenient, exploitation will persist.

This report recommends decoupling work visas from specific employers and extending protections for those who report abuse. But operational reforms alone cannot fix a system whose architecture enables exploitation by design. Longer-term reform must consider whether a guestworker model can ever adequately protect workers, or whether a different approach— one that offers genuine pathways to residence rather than illusory promises, and is grounded in settlement, community connection, and manaakitanga—offers a more just foundation for immigration policy.

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ANNEXURE I

Worker and Advocate Perspectives – Supplementary Interview Quotes

ANNEXURE I

Premium payments– job selling and a parallel economy

"I am aware of a huge number of AEWV workers who have come to New Zealand and almost every single one of them paid a huge premium. I was told by an Indian worker last week, they paid $50,000. And there were five or six of them who came together. Think about it. That employer who has taken that illegal premium ... even if each worker pays $10,000 or $20,000 if he is caught by one case, how much he has to walk away. If you look at that as an investment worth, that risk is very low, it's worth it. The return is so high. We can't deal with that issue effectively." **– ADV#4.**

" ... In that situation, though they were the ones that paid, they might not have known that was wrong. They might have just thought, well, that's what you do. That's how you come here. You pay 30,000." **– ADV#6**

"This year [there are] huge numbers of AEWV workers coming to New Zealand. Almost every single one of them paid a huge premium. I just I was told by an Indian worker last week, he paid $50,000. And there are five or six of them that came. Think about it. That employer who has taken a fee from that illegal premium, even if each worker pays $10,000 or $20,000, if he is caught by one case, how much he has made ... If you look at that as an investment worth, that risk is very low, it's worth it. The return is so high and we can't deal with that issue effectively." **– ADV#4**

Wage theft and false records

"We trusted [the employer]. He knew my aunty back home. He said every foreigner has to pay a government fee to work in NZ and we trusted him. I came here and I did not receive a single penny for 8 months, but he kept saying he would pay when business picked up. I continued to trust him because all my hopes and all my savings were put into this job." **– VEX#5**

" I have often come across employers who feel disbelief really, that they could be required to pay the minimum wage. That what their employment agreement says is the rate of pay is, is actually something they are legally bound to pay."
– ADV#8

We [changed] our timesheets ... because, you know, we have to to keep the job."
– VEX#2

"Working in NZ was a big hope for me and my family. We had to pay $30,000 for the job but after some discussion [the employer] agreed to accept $25,000 .... I had to work for one month when I came with no pay. I worked 45 hours every week with no break.
I got a payslip only sometimes but it said I worked only 30 hours... I went back to India after six months to visit my father as he was very sick. [My employer] sent me a whats app message while I was away to say there was no job for me anymore and to stay in India." **– VEX#7.**

Abuse of trust, bullying, intimidation and cultural coercion

"... Indians are willing to pay because somehow they want to settle in New Zealand by hook or by crook, that is the reality ... they come in [with a] rosy picture like, you know, they can get PR [permanent residency], they can get settled here, their life will be different. So they will only think about that... but the reality is different. So I think Immigration NZ should come forward and talk to everyone like this is what is happening... you have certain rights only and you are not going to get permanent residency. ... Don't trust the consultancy, trust the immigration website or go to some resources ... but many people, they always trust the consultancy because they are not that much educated, they blindly believe the consultancy and all these cons are happening. They think that if they come to New Zealand, their life will be like heaven." **– VEX#1**

"I didn't want to screw my workplace... I was patiently waiting until I got residency." **– VEX #2**

"Number one is the fear and the kind of sense that it's not their system." **– ADV#8**

"Employers get smarter and smarter... It used to be they'd say 'pay me offshore and it can't be traced.' Now it's like, 'pay my third cousin in cash at the village'... they're getting clever in terms of disguising it." **– ADV #5**

Drivers and causes of exploitation

"The current [framework] is not working for migrant workers .... It is such a struggle to find new employment even if have obtained the migrant exploitation protection visa ... the length of time it takes to resolve a matter is very lengthy and ... could take two years to conclude... A lot of them tend to say I cannot afford to fight this. I cannot afford to put my resources and energy into something with no real guarantee and with massive wait times." **– ADV#7**

"You really have to spend a lot of time with them to ask a question to [get] the information you really need because when they give you a statement they describe what they experience. There is a lot of emotion involved and sometimes the narrative would drift away from the real issue ... it is a combination of counselling." **– ADV#4**

"Exploitation is a form of collusion... it happens overseas." **– ADV#6**

"So for those employers, the incentive is so high, the risk is so low." **– ADV#4**

Talking about the AEWV tied-employer policy: "Normally the ... pushback, at least from employers is... I don't want to pay, I don't want to go through all the effort of recruiting and the cost and time and energy and pay for your work visa, your airfare to come over here. And then have you jump down the road to the people next door." **– ADV#5**

"We shouldn't have a system by which parties are able to exploit one another in this way .... sell citizenship effectively ... If anyone's going to be selling citizenship, it should be the government, not private employers." **– ADV#5**

"They don't report... they only tell me their problems. Even serious ones. They fear their visa will be affected if they complain." **– ADV#6**

"They need a wraparound service... like what Shine does for family violence." **– ADV #7**

"It's all about relationships... that trumps anything else." **– ADV #3**

"Even if it is found that they've exploited and there is a settlement ... they're

still being accredited ... and even if they get an award ... there's no guarantee that we're going to be able to get that money from the employer... we can go for a compliance order or look at other district court options or liquidation proceedings, but that's another cost incurring for them as well and time. ... when they are struggling to make ends meet on a day-to-day basis and they can't even pay for groceries." **– ADV#7**

For migrant workers they have got the added stress ... they're not able to access any other financial support.... Whereas for a New Zealander, if they lose their job, they can see whether they can get support from MSD to tie them over for the next couple of months or a year while they fight for justice. But they don't have that flexibility or option available to them.... to be honest, if I am a migrant worker and say it's going to take 1.5 years to get a decision and during that time I can't work and won't have any income coming in. What are you going to do? I'm going to say, well, I'm going to have to put all my energy into finding work so I can actually survive with my family." **– ADV#7**

"For instance in China, you charge agents for recruiting workers ... charging workers for full employment opportunities is legal in China... but in New Zealand, it's illegal. So there are ... different legal systems." **– ADV#4**

"[The employer] thought we should be grateful because he had given us a roof over our head, food, and the chance to work in New Zealand... [the employer's uncle] rang me from [village]. He said we should try to sort out this matter instead of going for a case." **– VEX#5**

"That appals me that our system allows the immigration agent for the employee to be the same person, someone who's acting also for the employer. It seems to me there's a fundamental conflict of interest there." **– ADV#8**

"The employment relationship is a commodity which has a monetary value on it." **– ADV#3**

"But many people are like very scared to go and tell because the employers will threaten they will cancel the visa, you will have to go back to India.... What he used to tell us was 'if you go back to India and all these things happen, you wouldn't be able to go back to any other country. But that is right because if we didn't get residency her ... even if we apply for Canada or in the future the UK, because 5-eyes they share all the details." **– VEX#1**

"'You can bring your Children, come to New Zealand and study for free'. Yeah, they use this as selling point... Then, when the workers come here, they find they are exploited. They are very reluctant to come forward. Why? Because if you do that, that means your wife, your children may lose out ... may not be able to study in New Zealand and for them, that's a big loss. So they put up with it." **– ADV#4**

"Yeah, if I was a resident, I would never tolerate that. ... If it was a student visa, you can just change your employers. So I will change like immediately. And that was my thought all the time." **– VEX#3**

"I remember one of the Indian organisers I worked with who was back in India. He... went along to go to one of these sort of [trade shows] in India where they were... advertising 'go to New Zealand'... He said they were basically selling .... an unrealistic dream about what you could expect from an education pathway, how much money you could make etc." **– ADV#5**

"Back in India, see everyone has this kind of mindset. Like if you go to... English speaking countries, your status will be ... high... generally speaking, what I feel is in India, even if you study, it's really hard to find jobs and they don't pay you well. So for a better life, that's the main thing they think ... they want to be settled...

Education consultancies say 'if you go to New Zealand ... there are heaps of opportunities; You will get a visa like this and all these fake promises.'" **– VEX#1**

"I just believed what he said. I didn't even think it sounded too good to be true." **– VEX#4**

"People unfortunately sometimes get into the same trap of exploitation because the employer is like, well, I'll take you on, but you're going to have to pay me some cash back because I can't afford to pay you $29.66. I have heard about that many times." **– VEX#3**

"Employers who say, but, you know, they agreed they'd work these hours .... I had a run of cases in the .... suburban ethnic restaurant industry and ... those employers, particularly a few years ago ... they knew full well that the restaurant next door and the one beyond that were all paying well below [minimum wage] and they were paying similar ... So the idea that [employment laws] are real and binding and are a natural amount of money you have to pay is, is just kind of outside their reality." **– ADV#8**

"A lot of workplace exploitation happens within the same ethnicity and language grouping." **– ADV#8**

"Sadly it happens because they know they can do it and people are looking for ... language... [and for] something that's familiar." **– ADV#6**

"Migrant workers look for work within their own ethnicity because they feel safe and they trust." **– ADV#6**

"... everything is sort of casual, right between you and me and we just do it and we operate in that space of status ..." **– ADV#6**

"... the majority are migrants exploiting migrants... the employment regime is so different to what's in their home country." **– ADV#6**

"Nine times out of 10 over the last 10 years, if someone comes to me and they're saying, look, this is happening in my workplace, I'll say to them - you've got all these options - and they'll say, oh, yeah, well, thanks. But you know, I'm gonna stick with this ... because I'm waiting for my residency ... So, you know, 90% of the people are not going anywhere with that." **– ADV#3**

"I remember one of the Indian organisers I worked with who was back in India. He ... went along to go to one of these sort of [trade shows] in India where they were ... advertising 'go to New Zealand'.... He said they were basically selling .... an unrealistic dream about what you could expect from an education pathway, how much money you could make etc." **– ADV#5**

"back in India, see everyone has this kind of mindset. Like if you go to ... English speaking countries, your status will be ... high... generally speaking, what I feel is in India, even if you study, it's really hard to find jobs and they don't pay you well. So for a better life, that's the main thing they think ... they want to be settled... Education consultancies say 'if you go to New Zealand ... there are heaps of opportunities; You will get a visa like this and all these fake promises. I think that is also a fuel that will give hope to people coming from India. But the reality is different." **– VEX#1**

"One thing that the people who design these ... policies down in Wellington don't understand is ... business relationships ... between a potential migrant and an employer or an agent or an advisor ... they work in a different way. ... in China for example, they have this phrase guangzhi. It's about the relationships you have with someone. So, you know, if you're from a sort of a village in, in say India, and there's an immigration agent, that immigration has agent has status... and will

have a big expensive German car... So there's a relationship there... so your uncle has said this "just trust this successful person in the town", so you just trust him... The agent fills out the forms, the agent does everything... everything that person says has a lot more value than just reading something on the internet or getting some sort of piece of paper and an email from Immigration New Zealand .... And then you come to New Zealand and there's an employer who maybe is a sort of a friend of a family member ... So it's all about those relationships and... that sort of trumps anything else." **– ADV#3**

"The main barrier is the fear that something might happen to their visa if they report it. So they don't report, they come and tell me what their problems are and some of them are quite serious. I said, why didn't you call immigration? Why didn't you call employment [services]? You know, you got the 0800 numbers you can call. No, sir. No, sir. My visa might be affected or my job prospects might be affected if I complain. So they don't do it. I mean, the only option they have is to find another employer." **– ADV#6**

"Many of these workers borrow money, or their family really, really invest in them coming over here... there's a lot of, or can be a lot of shame in terms of failing. And so people are actually reluctanct to even tell their own family." **– ADV#5**

"At the moment, people are left so exposed, really vulnerable to breaches and as soon as an employer is like, well, you're only here because of me, if you leave, you complain or whatever, then you're going to get deported, then that just terrifies people. So they just put up with anything. A lot of that power needs to be removed." **– ADV#5**

Immigration and visa settings

"Employers have charged them some sort of premium which nowadays is around $35 to $40,000."
– ADV #1

"The single biggest driver of the exploitation... was people paying for a job to get a work visa, to get that pathway to residency."
– ADV #3

"We need to be very thoughtful about who we allow to be involved in the chain of immigration... At the moment it's very much a laissez-faire approach. The employers are really doing it directly and there is basically no verification."
– ADV #5

"This migrant exploitation protection visa... it's still only six months... The experience of I think many people have spoken to is that six months is not enough time to find an employer to sponsor you"
– VEX#3

Employment law and enforcement

"For a simple case of dismissal... it can take years. I filed a case in 2020, the hearing was last month. Three years for a vulnerable Indian migrant, and still no determination." **– ADV #1**

"Exploitation is often just treated as a cost of doing business — employers know they can settle for $10,000–$15,000 at mediation and avoid any further consequences." **– ADV #2**

"Employers know it's so easy to liquidate their companies and open a new one... Even after the determination, the penalties are so small that they just pay them and start a new company." **– ADV #1**

"Liquidation is such an easy process... far cheaper and more effective than defending a case... you would never address this issue without combat tools." **– ADV #4**

"Although according to the Act you can apply for criminal sentence and imprisonment, I see that never happened... Employment law is very toothless compared to immigration law." **– ADV #4**

Cultural and social dimensions

"They don't report... they only tell me their problems. Even serious ones. They fear their visa will be affected if they complain." **– ADV #6**

"Even if they know their rights, they may not feel they can use the system. In some countries, going to authorities can bring shame on yourself and your family." **– ADV #8**

"It's easier culturally... one of us, he'll probably look after me. But then they find, hey, I'm being exploited... but they won't go to the authorities." **– ADV #6**

"Migrants isolate themselves in their small bubble and don't branch out... They're fearful they can't approach anyone outside their community." **– ADV #7**

"People don't necessarily have an instinctive response that these systems and these laws are for them." **– ADV #8**

Lack of awareness of rights

"[employer] told me at the meeting that he had to pay the New Zealand government a lot of money to employ me, and so I would need to pay him [over $30,000] to have the job. He convinced me I could earn the money back quickly with my wages." **– VEX#5**

"While there is a reasonable amount of information on Employment New Zealand websites and the like... people may struggle to access that information if they don't speak English and don't know how the system works. But also, and I think in some ways even more fundamentally, people don't necessarily have an instinctive response that these systems and these laws are for them." **– ADV#8**

"When we need help, we just Google... which is easy for us but not easy for them... In China, there's no Google, people don't use Google. A lot of people, they don't have the habit of Google, right. So they don't know how to find out. The only way to find this kind of information sometimes is through maybe their own local website, for instance, local Chinese website or local community." **– ADV#4**

"They isolate themselves in their small bubble... information is interpreted through learned behaviour and passed on." **– ADV#7**

"... there's definitely some that are deliberately .... like this and want to exploit for financial gain. There is a whole lot that just don't know what they're doing - but how could they be supported to be doing the right thing?" **– ADV#6**

"I did a couple of talks down in [town]... and it's a rural sort of small town and there are a lot of migrant workers there... I went and I did an hour and a half presentation on employment rights. And the response I got from everyone, they said that they've been in New Zealand for over three years and this is the very first time that they've heard that they have rights and what those rights are... they didn't realise that as a migrant worker, they also had rights and minimum entitlements apply to them because they've been told by the employers and through their own community that because you are here as a migrant worker, you've got no rights at all. And that really shocked me and it was really sad to hear that. ... and despite not having a language barrier, they still didn't know... one of them said that in their previous employment, they weren't allowed any access to internet. So they couldn't even search anything up." **– ADV#7**

[The employees get the visa paperwork] at a time when they're filling in lots of forms and there's huge amounts going on in their life. And so whatever information they're given probably – well it's not the focus and they have little of any understanding of it." **– ADV#8**

"I run workshops for new students... they find this helpful because they're new and need to know these things. I think employers need something like this."
– ADV #6

The justice process

"The ERA is far too complex and far too slow... it tries to function as a court rather than an investigating authority." **– ADV#8**

"And that's to the employer's advantage and it's a barrier to justice. It delays justice but also the longer a case drags on the more time it gives the employer to shift money out of the company that's being sued. And so by the time you finally get a determination, it can easily be a shell that you're bringing the claim against. And meanwhile, the employer is trading under another entity and... individual directors move their money through various trusts and the tracing requires a further long process." **– ADV#8**

"It is frustrating for clients when they can't get help. The labour inspectorate won't take on the case and clients can't go to a private lawyer and community law is often at capacity... I've had an experience where [the labour inspector] delayed and it took six months for them to review the file. [Community law] raised a PG to preserve the client's position and then the labour inspector said 'oh great, you can keep helping them'. The labour inspector has more enforcement powers and it is more powerful if they take these cases on." **– ADV#7**

"We had the hearing but didn't finish... the next date was four months later."
– VEX#5

"Settlement is the easy way out... they paid the money and said I'm out of here." **– ADV#6**

"A mediator can report whether the party attended mediation but can't report whether they participated in good faith. Which means that a direction to mediation for your cynical employer canjust be another delay tactic and that is not innate to the concept of mediation... Employers drag things out with one delay on top of another, and employees become worn out." **– ADV#8**

"[In a recent exploitation case], the employing company has gone into liquidation and it is a minimum code issue. The director could be pursued for payment but the labour inspector is not seeing it as a priority to pursue the director. But for those workers, it's still their money." **– ADV#8**

"The people in the community who perhaps might try and assist someone [being exploited] – suddenly they find that they are needing to run fully fledged litigation that's going to keep running and running for a year's time. And the legislation says the Authority should be an investigating body so it should gather its own evidence. It shouldn't need to be only on the worker to provide the evidence." **– ADV#8**

"We had the hearing but didn't finish and so had to have new hearing dates, but all we could get when everyone was free was 4 months later ... just more chance for the employer to delay." **– VEX#5**

"Most of them don't want to take [a case] anyway because they don't want to fight it." **– ADV#6**

"It is so time consuming that by time you get a hearing date, maybe the worker has already come back to India, come back to China." **– ADV#4**

"... language barriers, cultural barriers, social pressures, even if they have a very strong case, very few migrant workers tend to exercise their rights. I think that part is the bigger barrier for them ... to voice their concerns. ... Once you overcome this barrier, then the next is going through the legal process or mediation process, whatever which is very lengthy. A lot of migrant workers find this to be too stressful." **– ADV#4**

"There have been some improvements but I do still hear stories of people really struggling to get a labour inspector to take an interest in their case. .... Where a labour inspector brings a claim they can claim against the director for up to three times the amount of money involved in the breach, whereas the worker can only claim for the actual amount. And they can claim for penalties whereas the worker can only claim for a penalty against the company." **– ADV#8**

"[Discussing fake documents an employer has created] there are things you can look at like the metadata and try to see ... if it was actually only created recently ... But really you need a forensic expert or professional technical support" **– ADV#7**

"I can understand why [the labour inspectorate] are prosecuting key cases but more needs to be done for the wider group of people who have been exploited, but not necessarily the hand picked model cases. The Authority really needs in my view to come back to what the statute says. It should be an investigating body that delivers swift and informal justice. And if the employer hasn't kept wage and time records, the Authority should accept what the employee says has happened [rather than say] you haven't given evidence of all these hours you're working. I think the legislation is intended to create a reverse onus of proof that if the worker makes credible claims of how many hours they've worked and there's no evidence to the contrary, that should be accepted. It shouldn't be that the Authority says, well, I don't see clear evidence of how many hours you're working, and then just awarding remedies as if the person worked the contractual 40 hours and not the 70 hours a week they say they did." **– ADV#8**

"The Employment Relations Authority I think is far too complex and far too slow

and far too insistent on trying to function as a court rather than an investigating authority." **– ADV#8**

"We got $97,000. The employer hasn't paid a single cent... Clients can't afford $9,000 just to start proceedings, with no guarantee at all. They end up losing more." **– ADV #4**

"Migrant workers... don't have adequate information or have been told of what their rights and obligations are or where to actually seek help if anything goes wrong." **– ADV #7**

"Even if they know their rights, they may not feel they can use the system. In some countries, going to authorities can bring shame on yourself and your family." **– ADV #8**

"The way refugees come into the country through Red Cross is really good... All these agencies spend an hour telling them their rights and how to get help. That should be open to migrant workers too." **– ADV #7**

"The employers have to pay so we can actually enforce it. And you say, look, if you're going to have the privilege of immigration granting you these things, then you're going to have to pay to protect the scheme. ... The scheme's got to be self supporting... We need to pay for community law or Unimeg or a combination of all these different groups to fund the work." **– ADV#5**

"These employers, they know that it takes like one year, at least one year plus [to go through the justice process]. And they also know it's so easy to liquidate their companies and open a new company or remove their companies from the companies office or even after the determination ... Or the amount of penalties are so small that they think that just by paying them, it's ok. And then they start a new company and who will know?" **– ADV#1**

"At the moment .. people are left so exposed, really vulnerable to breaches and as soon as an employer is like, well, you're only here because of me, if you leave, you complain or whatever, then you're going to get deported, then that just terrifies people. So they just put up with anything. There is a lot of that power needs to be removed." **– ADV#5**

"But I certainly think that we need to be very thoughtful about who we allow to be involved in the chain of immigration. The country needs to start looking at exploitation, worker exploitation from a supply chain with proposed modern slavery legislation ... and looking at who's actually involved in the recruitment." **– ADV#5**

"I think very big picture there needs to be some serious changes to the actual settings .... You need to actually have settings that don't allow for human rights abuses on a large scale. That's the priority. Number one. The second thing ... they should do is just fund support." **– ADV#5**

"If someone has been paid less than the minimum code ... it shouldn't need to be a priority case for prosecution to be able to get some kind of assistance." **– ADV#8**

"From a human rights perspective, you've set up a situation in which there are human rights abuses occurring and ... the system cannot prevent those and that's where the state has an obligation to protect and prevent human rights abuses." **– ADV#5**

"I think there is a duty of care from our government for people who are exploited. ... The first thing first, they should be provided at least shelter, food .... those kind of resources should be provided to them." **– ADV#1**

"Employers should pay for enforcement ... pay like a union fee or pay a levy to community law." **– ADV#5**

"I really think if you work with IRD that would be really effective." **– ADV#4**

"When those kind of things get released ... there should be an investigation into the whole chain .... Where is the flow of money?" **– ADV#1**

"I know even with RSE or the equivalent thereof in Australia, the Australian government have more involvement in the recruitment." **– ADV#5**

"You take out the inherent dishonesty in the system and in the policy, you're going to deal with 90% of it straight away, then you're left with your other tools to deal with the remainder because the remainder is always going to exist ... but it's going to be in much smaller numbers if you're actually able to solve the root cause of the problem, which is that paying large sums offshore ... the whole immigration system is built on this dishonesty and you're not recognising the fact that people are coming here for a pathway to residency... and you live in this fantasy world that students are coming to get a qualification to take back home and workers are coming here to fill temporary labour shortages." **- ADV#3**

"It is too hard now to enforce ... Too costly ... they should remove bankruptcy and insolvency proceedings for these cases to the Employment jurisdiction... that means me as an advocate, I can continue to act for my client." **– ADV#4**

"So they cannot just use limited liability and to get away with the migrant exploitation." **– ADV#4**

"When you provide this kind of help to people [food, temporary accommodation] then that is a way that exploitation can actually stop because then it will encourage people to report... At least we have a safety net." **– ADV#1**

"You can require the employment relationship to be ethical ... you could set it up so the government or some subsidiary actually just employs people ... like some sort of labour hire company ... that employs people ... so if you need a builder or something, you can just subcontract them from this pool and that pool is owned by the government ... that would insulate people from [abuse]." **– ADV#5**

"The disincentives are [that] reporting bad behaviour is going to take you out of that pathway to residency. So you've got to eliminate that problem. And the incentives have got to be like what happened in the RV 21 policy, you basically free people from the bondage to the employer... The government has just been rearranging the deck chairs by increasing the penalties because equally while the migrants themselves don't understand their rights, the employers who are often migrants themselves, they have no understanding of what the penalties are either. So you keep on increasing the penalties ... that is equally as futile because these people have no concept what these penalties are so you're just wasting your time putting all your effort into this." **– ADV#3**

"The state ... is the primary duty bearer from a human rights perspective. And we've had this system for ... at least 10 years where the state knows that human rights abuses are being perpetrated but is unprepared to change the structures in any meaningful way." **– ADV#5**

"And they could pay $10 a week or something, effectively pay a levy. Either so workers can join a union or some sort of migrant workers group that would be required to take cases for those people .... because there's no real way in such vulnerable positions that people can meaningfully otherwise organise collectively in any scale. ... When they have tried, employers have stopped them and haven't respected their rights for association." **– ADV#5**

The idea that a small number of people being prosecuted getting heavy, heavy penalties is not, I don't believe that's an effective deterrent and people are much more deterred by the likelihood of being caught and prosecuted." **– ADV#8**

"There should be strict laws, higher penalties on the employer and that is how you make the change." **– ADV#1**

"Any decision from a worker to join a trade union should be voluntary, but there should be a real genuine opportunity to join and that should be funded. And if they don't want to they still should have access to meaningful employment advice. And I think that should be just a requirement of the scheme. I think that should be funded through a levy." **– ADV#5**

"They should have restrictions on their ability to employ more migrants ... the Companies Office should be involved. ... and limit their ability to incorporate a new phoenix company." **- ADV#4**

"We need to take more responsibility for how people end up because the policy settings we have here at the moment - it's very much a laissez faire approach." **– ADV#5**

"The penalties need to be higher for breaches of minimum employment standards." **– ADV#1**

"Until we [show] that this law is really powerful, the same things will keep on happening." **– ADV#1**

"There should be mandatory mediation ... if an employer doesn't agree to attend mediation promptly [there should be] an order that mediation happen by a certain date." **– ADV#8**

"The government must lower the s 142Y threshold and make it more easy to apply to that section ... And any determination or judgments - the government must make sure they can be effectively enforced." **– ADV#4**

"There should be more proactive checking ... the labour inspectorate... if they turned up to one of those restaurants on [ ] Road, I can guarantee those guys are underpaid .... You allow it to perpetuate because they don't investigate proactively or it is rare when they do that." **– ADV#6**

"[Regulatory agencies should use] the proceeds of crime legislation more." **– ADV#2**

"The $1,000 infringement fees if you don't produce documents ... that's just so pathetic." **– ADV#1**

"Liquidation is cheaper than defending a case... they just start a new company." **– ADV #4.**

"The employer lives in a $2.5 million house... ignored the court, filed for bankruptcy." **– ADV #1**

"We got $97,000. The employer hasn't paid a single cent." **– ADV#4**

"Even if you win, you still have to enforce it... it's too expensive, too time-consuming, no guarantee." **– ADV #4**

Even when directors are personally liable under s 142Y ERA, the threshold is high and enforcement is rare. "They just pay the penalty and start a new company." **– ADV#1**

"You exploit 10 people, one complains, you pay half of what they're owed... why wouldn't you keep offending?." **– ADV #5**

"[it should be that] something is likely to happen if the information comes to light [that this is an exploitation situation] and there is a sanction and even if it is only $10,000 .... and then there's an order going through the Authority you have to repay and you're now on the list and you're going to follow up on the next one and the next one. Maybe that will bring change." **– ADV#8**

"And the court will say, show me the proof. You know, I said I work 50 hours. How do you prove it? ... we need something like that to help people [with evidence]" **– ADV#6**

"Migrant exploitation should be an area that they [the labour inspectorate] prioritise." **– ADV#7**

"[The ERA should carry out] more investigation, demanding things like bank account details from the employer and, and making use of that ability to impose penalties if the employer doesn't provide the information provided." **– ADV#8**

"I think the sponsor visa should just disappear. You should have maybe open visa just to work in the hospitality environment ... but not just attached to one single employer." **– VEX#3**

"It would be great if ... CLCA [Community Law Centres o Aotearoa] could develop on behalf of law centres an MOU ... with the labour inspectorate ... it's the vulnerable people that come to us and being able to just coordinate a bit better." **– ADV#7**

"[Discussing the infringement notice scheme] I would hope that becomes actively used because I think 1,000 people getting an infringement notice, versus five people going through court and being prosecuted .... I think 1000 people, while it wouldn't create headlines in the same way it would be a more effective deterrent." **– ADV#8**

"That's a huge barrier and it's a huge burden on the people we were talking about .... And the people in the community who perhaps might try and assist someone that suddenly they find that they are needing to run fully fledged litigation that's going to keep running and running for one or two years' time. And the legislation says the authority should be investigating body so it should gather its own evidence. It shouldn't need to be on the worker to provide the evidence." **– ADV#8**

"We're moving towards a Dubai model... how is that supposed to solve exploitation?" **– ADV #3**

"If I cross my employer, will I lose my place in New Zealand?" **– ADV #8**

"They told me: if you don't find an employer in 15 working days, you have to leave New Zealand." **– VEX #1**

The importance of providing better education, resources, and support services for migrant workers

"The government should .... give them the visa until the expiry of the visa on that particular employer. For example, if I got a visa from an employer, which is for three years and I have raised my concerns and grievances after three months, then at least grant me the visa for the next 2.5 years." **– ADV#1**

"[The government needs to] understand how these relationships develop." **– ADV#3**

"I think [the support from] Citizens Advice Bureau is very high and because sometimes that could be the first point of contact. The only issue with CAB is the language support ... they should maybe advertise in Chinese and other different languages." **– ADV#4**

"If I suddenly became the the appropriate minister and I was given as much money as possible... I would put resources into education for people from those communities. You hire basically educators from the communities going to the workplaces. So you've got a list of all these employers who had had brought in migrants. You see, OK, that's an Indian employer or even a Punjabi employer employing a Punjabi. You have a Punjabi origin educator from the Employment Service. They go into the workplace, they talk to the employer and they talk to the employee, they say to the employer. Look, you know, we're here to help you. We're not here to punish. I'm going to teach you how to do wage and time records. I'm going to teach you about how to do your holiday pay correctly. I'm going to teach you about what the employment agreements are.. You talk to them in their own language, you talk to the employee and you say, this is how we operate here in New Zealand. This is how the system works. You know, here is the sort of contact details here. You can contact someone like myself who speaks Punjabi. There's no 0800 number. If you've got any questions, call me. You don't treat the employer as a natural enemy. The vast majority of small businesses don't understand how to keep wage and time records properly. ... That would be the ideal rather than putting all the resources to try and punish .... These videos that they've got .... I don't know how many employers actually watch them." **– ADV#3**

"You've got to have that grassroots community involvement. You have got to hire people from the community with those language skills who can talk face to face ... it's all about relationships and the relationships are built when you talk to someone face to face, that's the Asian way of doing things - face to face interactions. You've got to send those educators out to the workplace and you've got to help the employers understand because it's almost impossible for small employers from migrant backgrounds to actually comprehend how the Employment Relations Act works, how holiday pay works, how all of these things work." **– ADV#3**

"The second thing ... they should do is just fund support." **– ADV#5**

"They're coming for a pathway to residency. As soon as you build a policy on that understanding and then you work up from there, then you're going to deal with most of the problems." **– ADV#3**

"My consistent theme here is that you've got to deal with the root causes first. Otherwise, it's just rearranging the deck chairs."
- ADV#3

"Employ staff from those ethnic backgrounds because you've got to build those personal relationships ... You can eliminate a lot of the problems by having well well-designed policy. You can free up the resources to put in those areas in which there will always be the residual exploitation. You invest in the right kind of people to get out there and educate them. So I think ultimately it's a resources problem. But, you know, you've got to stop living in this fantasy fantasy world that people are coming here for temporary migration because otherwise you end up just being another Dubai and that's basically what they've created now ... The government is talking about all of their policy goals, but what their policy goals are basically are is that we want to be like Dubai .... We're moving towards that model. So how is that supposed to solve our exploitation problem?" **– ADV#3**

"First of all, remove the disincentives, then create the incentives, then work on how you can give better access to finding out about your employment rights. And I think you have to do that through ... other players - agencies and third parties because then you avoid ... bureaucratic speak and all the sort of euphemisms that government departments work with, ... you've got to give it to people who are able to speak directly straight up and honestly to people. So you got to create that sort of community work really .... That is hard though because corruption is so rife everywhere so even putting people in communities over there [is not guaranteed]." **– ADV#3**

"[The government] should fund whoever community law or unions ... to actually do cases because there's no point having rights without an ability to enforce them, and what we know is through all these vulnerabilities, it's difficult for migrant workers to enforce them but even if they actually want to, they can't afford to... And so in that sense, setting up a system that allows forms of enforcement." **– ADV#5**

"Most of them will be getting it [information]] from their agents or their employers or, or other sort of trusted people. So, I mean, I think first of all, you know, if you're going to tackle this problem, and you're looking at, you know, just giving them avenues to report or exploitation, you're basically tackling it by going only halfway back towards the roots. So if you actually go right back to the root causes, deal with that and then work your way up, you're going to find that there's actually very little of a problem left by the time you start talking about accessing the actual rights. So you've got to eliminate the disincentives to reporting bad behavior and create incentives for doing so." **– ADV#3**

"Immigration New Zealand should ... publish something to all the countries ... [to warn] people [about immigration] consultancies ... and visa scams and [the truth about getting] .... residency, PR, citizenship ... they should communicate.... Everybody should understand the rules, regulations and what exactly Immigration requests from a person to come here and to give them a better understanding of how the system is and how it is exactly done ... if they had the awareness ... they wouldn't be cheated." **- VEX#1**

"There should be a programme like that offered to refugees who come into the country ... like the Red Cross programme... hearing about their employment rights ... that should be open to migrant workers as well." **– ADV#7**

"People need more education on where to go if they need help... and this is where the community, ethnic communities need to do something. ... run employment workshops... train your Indian employers on certain things, you know, guide them on the law and how to write a proper employment agreement, what are their obligations? So maybe it's a community that should provide some services to upskill [people] in." **– ADV#6**

"People under pressure tend to talk to someone they trust. How do you [enable the worker] to reach the trusted person ... who might be a bit more familiar with the New Zealand system." **– ADV#8**

"Sponsorship is like you're a slave... they control your job and your house." **– VEX #3**

"The whole immigration system is built on dishonesty... it's based on not recognising that people are coming here for residency." **– ADV #3**

The employer said: 'I didn't need a manager... I did this so he could get residency.'" **– ADV#3**

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ANNEXURE II

Quotes from online surveys completed by people in ethnic and migrant communities

ANNEXURE II

- *I would try to find a job that would fulfill my visa requirements, employment rights are important but you have to compromise sometime to keep your job. This happens.*
- *It is hard to find a job as an immigrant. There are a lot of obstacles, even if I have the skills, and knowledge. Therefore, I'm happy to find any job.*
- *Being a person who needs a job to stay in New Zealand and when things are not right at work, having the courage to say something against the employer who gave me an opportunity is hard and not sure how safe my employment will be after that (and hence my visa).*
- *I think if I were to complain to/about my employer, I think the fact that I am an immigrant would then be used against me.*
- *The visa conditions are too high for immigrants when they have to apply for job and apply for visa under that, that narrows our opportunities as compared to other New Zealanders. That leads to compromise in work rights and leads to exploitation.*
- *It is known that any legal action will be recorded in the system and would affect my future visa application, therefore, even if I experienced exploitation at work place, I didn't report it.*
- *Being an immigrant, my biggest concern would be to provide for myself, and if I had a family, to provide for my family as well. I think I would ignore any conflict and focus on gaining an income.*
- *If I am treated badly, I wouldn't know how to complain and who to complain. Especially not wanting the employer to know that I did that and face any possible consequences.*
- *If you recently completed some study then nobody pays you such a big amount of payrates in the start of your job, especially when u have no experience in that field, so why does immigration expect us to get that high payrates to get a work visa?*
- *Employment law in New Zealand is quite difficult to navigate.*
- *I think it's quite common for employers to take advantage of migrant workers. That was my previous situation.*
- *I was scared to come up because I was terrified if my employer cancels my visa I will have to leave New Zealand.*
- *I chose this option because being an immigrant, my biggest concern would be to provide for myself, and if I had a family, to provide for my family as well. I think I would ignore any conflict and focus on gaining an income.*
- *I think if I were to complain to/about my employer, I think the fact that I am an immigrant would then be used against me.*
- *I think if I complain I'd lose my immigration status.*
- *How to ensure there is a safe employer at the movement? It's unknown how I am going to be treated till I am in it. A risk that I need to take to support myself in New Zealand and to extend my visa.*
- *If I am treated badly I wouldn't know how to complain and who to complain. Specially not wanting the employer know that I did that and face any possible consequences.*
- *I think if I complain I'd lose my immigration status.*
- *I'd feel I can make my situation worst by asking about my rights. I'd feel I'm been ungrateful.*
- *It is known that any legal action will be recorded in the system and would affect my future visa application, therefore, even if I experienced exploitation at work place, I didn't report it.*

- *Most immigrant workers are not fully aware of their rights , their only fear is to lose their job and lose their legal status in NZ so they choose to take what is in front of them with no much argue.*
- *From my experience, I feel that the exploitative employers will try to bend the rules and try to fit into the immigration criteria and cheat ... Immigration [NZ].*
- *Employers threaten workers who think of taking action.*
- *If I am treated badly I wouldn't know how to complain and who to complain. Specially not wanting the employer know that I did that and face any possible consequences.*
- *Not many employers explain these rights to migrants workers.*
- *When I arrived to Nz I didn't know anything about the working laws and my employer did never mentioned it. I worked without break for my first 8 months here.*
- *Because essential skills work visa has conditions that bound the worker to work at a specific location, and making change in the conditions take a lot of time and money. So as a worker it's tough and stressful.*
- *The experience from other staff is always the best source of information if only we could get access to that before taking a job!*
- *I chose these options because the fit my problems I identified previous. I think before anyone goes into a job, they should research and become confident in what their employment rights are. They should also get to know or seek people you may know who are in the same industry or business as you are or looking to work in, and see how they are likely to treat the workers, and/or immigrants. I could also maybe come into the place I'm looking at, and have a conversation with a employee and see how they feel about the employer/workplace in regards to how they treat their staff, even though it may be a biased opinion.*
- *I see this as my first job, and hope to achieve something more for the future for myself, my family and my community. I shouldn't have to feel afraid for standing up for my rights.*
- *If employers will treat me well and is open with me, there shouldn't be any issues. If they also know that there are consequences for treating workers badly, they wouldn't do that.*
- *Again based on what I know and the best approach I could think of, this would create a better lifestyle and stay on the job I am passionate about.*
- *Hospo could be a great place to work. Is fun; is social; you can learn a lot. But I feel hospo workers aren't seeing as valuable*
- *If working conditions are following the law, migrants can be stress-free and hence will be able to work using their full potential.*

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ANNEXURE III

Are you being treated unfairly at work?

Your rights and what you can do: A guide for workers

If your boss is treating you unfairly or breaking the law, you don't have to stay silent. You have rights. You can leave your job safely, apply for a special visa, and get help to claim unpaid wages or other entitlements. This guide explains how.

What is Workplace Exploitation?

Workplace exploitation means being treated unfairly, illegally, or abusively at work. It's against the law in New Zealand.
You might be exploited if:

- You're paid less than the minimum wage.
- You're not paid for all the hours you work.
- You're forced to give back part of your wages.
- You don't get breaks, leave, or holidays.
- Your employer threatens to cancel your visa or deport you.
- You're asked to pay money for your job or visa.
- Your employer keeps your passport or documents.
- You're bullied, harassed, or made to work in unsafe conditions.

"For the first two months of work where I didn't get any pay at all, I was unable to not only meet my own basic needs but I could not provide anything for my family in India. My parents, wife and children depended on me and I could not support them at all. It was a very upsetting and humiliating time." **- VEX#6**

Your Rights at Work

All workers in New Zealand — including migrant workers — have legal rights. Your employer must:

1. **Not charge you any money for your job or visa.** This is illegal.

2. **Give you a written employment agreement.** It must include:
   - Your job title and duties,
   - Your hours of work,
   - Your pay rate, and
   - Your leave and other conditions.

3. **Pay you at least $23.50 per hour** (as of April 2025). If your contract says a higher rate, you must be paid that higher amount. Minimum wage rates change every year — check www.employment.govt.nz for updates.
4. **Give you rest and meal breaks.** These depend on how long you work each day.
5. **Keep accurate records of your hours, pay, and leave.**
6. **Not deduct money from your wages, unless you agree in writing.**
7. **Treat you fairly and respectfully.** You do not need to accept bullying, threats, or discrimination from your employer.

Your Leave Entitlements

You are entitled to paid leave under New Zealand law. The following are minimum entitlements and further entitlements can be included in an employment agreement:

- **Annual Leave:** At least 4 weeks paid leave after 12 months of work. You can request leave in advance, but acceptance is at the discretion of the employer.
- **Public Holidays:** 12 paid days each year if you normally work on those days. If you work on a public holiday, you must be paid time-and-a-half and get another paid day off. In New Zealand, public holidays can be "Mondayised". In other words, if the normal date of a public holiday would fall on a week-end, the public holiday is shifted to the Monday following the week-end.
- **Sick Leave:** 10 days per year after 6 months of work. You can carry over unused days (up to 20 days).
- **Bereavement Leave:**
  3 days for close family members, 1 day for others, after 6 months of work.
- **Family Violence Leave:** 10 days paid leave per year if you are affected by family violence.

Common types of exploitation and signs you are being treated unfairly

You may be exploited if:

- Your shift or hours aren't recorded or paid correctly.
- You're paid in cash with no payslips.
- You work more than 40 hours each week but aren't paid extra, or your actual hours differ from what you're paid for.
- You're told to say you worked fewer hours than you did.
- You don't get annual leave.
- You are required to work on public holidays, but are not given additional pay for this or another day off in its place.
- Your employer tells you not to complain or threatens deportation or visa cancellation if you speak up.
- You must pay your employer to get or keep the job.
- You're not allowed breaks or time off.
- Your employer holds your passport or prevents you from leaving freely.
- You are paid less than what was promised.
- Your employer verbally, emotionally, and/or physically abuses you.
- Your employer prevents you from opening a bank account or applying for an IRD number.
- You are unsure about how to get help.

If any of these apply to you, you might be experiencing exploitation. Help is available. Exploitation is not your fault and you do not have to put up with it.

"When I complained to [the employer] about my working conditions, he got angry. He accused us all of being ungrateful. He told me that I am earning more money than I am in India and I should be thankful." **- VEX#6**

Step 1: Gather Evidence

1. **Keep a record of your work hours.** Write down when you start and finish each day.

2. **Use apps like VERI-Mi** to check that your recorded hours match what you were paid.

3. **Save messages** (WhatsApp, WeChat, texts) that talk about your shifts or pay, or anything your employer says about your job.

4. **Take photos of:**
   - Rosters or timesheets,
   - Payslips, and
   - Anything that shows when and where you worked — for example, a photo of the work computer, a till receipt, or inside your workplace. Digital photos automatically include the date and time, which can help prove you were there.

5. **Use the free VERI-Mi app** to track your hours, wages, and location. It helps you build a strong record of your work.

6. **Write down what happened** in your own words and language. Include dates, times, and what was said or done.

7. **If you were asked to pay for your job** (even before arriving in New Zealand) or to **give money back to your employer from your wages**, keep any proof — such as receipts, bank transfers, or messages asking for money.

8. **Consider requesting cell-tower data** from your phone provider, if needed. This data can help confirm your location at specific times and support your case.

"When I realised later that his promises were completely fake, I questioned him about the whole scam. He threatened me and said he would harm me and my family if I reported this to the authorities." **- VEX#6**

Step 2. Get help

1. **Community Law Centres** offer free legal help to people experiencing workplace exploitation. They can:
   - Help you report exploitation to Employment New Zealand (part of the Ministry of Business, Innovation and Employment (MBIE)).
   - Support you to file a personal grievance (a formal complaint against your employer).
   - Assist you if you haven't been paid your full wages or holiday pay.
   - Connect you with interpreters.
   - Explain your legal rights in plain language.
   - Help you prepare documents or contact Employment NZ on your behalf.

2. **VERI-Mi Charitable Trust** is a non-profit organisation dedicated to ending migrant exploitation and improving access to justice. Their services are:
   - Free and confidential,
   - Delivered in partnership with all 24 Community Law Centres across Aotearoa, and
   - Specialised in employment and immigration law, with a strong focus on supporting migrant workers.

VERI-Mi's website (verimi.org.nz) and mobile app offer information, tools, and resources to support all workers in Aotearoa — including migrant workers — to understand and enforce their rights.

VERI-Mi also provides templates, tools, and training to help Community Law Centres and community-led organisations bring legal claims on behalf of exploited workers.

Whether you're a worker needing help or an advocate supporting someone else, you can contact VERI-Mi or your local Community Law Centre for expert advice and support.

3. **Other Support**
   - **Unions:** If you're a union member, your union can help you file a complaint, negotiate with your employer, or request mediation.
   - **UNEMIG:** Migrant workers who are not union members can join Union Network of Migrants (UNEMIG).
   - **Citizens Advice Bureau (CAB):** CAB offers free information and support. They can help you fill out forms and connect you with legal experts and other services, such as local food banks.
   - **MWA:** Reach out to the Migrant Workers Association for support and guidance.

4. **After you report exploitation**
   Once you report exploitation:
   - **Employment New Zealand may contact you for more information.**
   - **If they confirm your case is credible, they can help you:**
     - Apply for a Migrant Exploitation Protection Visa (MEPV),
     - Access legal and community support, and
     - Trigger investigations or enforcement action against your employer.

- **Use VERI-Mi's tools and templates to:**
  - Collect evidence of what is happening at work,
  - Report the exploitation and apply for a Migrant Exploitation Protection Visa, and
  - Raise a personal grievance and/or unpaid wages and leave claim. You can file a personal grievance within 90 days, or claim unpaid wages and leave up to 6 years later.

Step 3. Understand your visa options

If you're being exploited at work, you have options to protect your immigration status and seek justice.

- You may be eligible for a **Migrant Exploitation Protection Visa (MEPV).** This is a special 6-month open work visa that allows you to leave your current job and find new work without risking deportation.

- To apply for an MEPV, you must first report the exploitation to Employment New Zealand (0800 20 90 20). If they find your report credible, they will issue a Report of Exploitation letter.

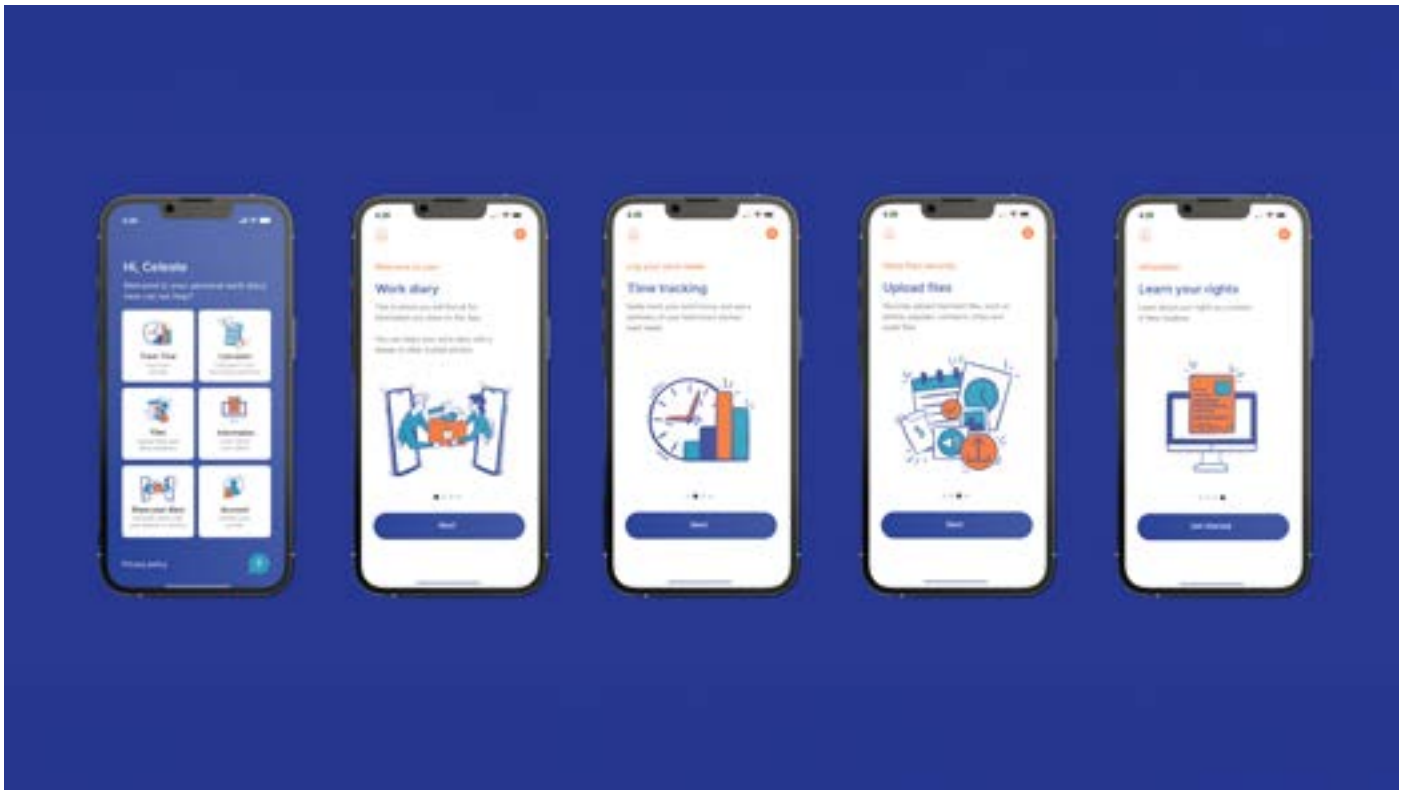
- Once you receive this letter, you can legally leave your job, without risking deportation, even if your visa is tied to that employer. However, you must wait until your MEPV is approved before starting a new job.

- Immigration New Zealand usually takes 2-3 weeks to process an application for an MEPV once it has been received. To make an application, you'll need to:
  - Complete the visa application form,
  - Provide a certified copy of your passport ID page, and
  - Submit the Report of Exploitation letter.

- The MEPV is valid for 6 months. If you want to stay in New Zealand after that, you must apply for another valid visa before it expires.
- If you find another accredited employer, you may be able to switch your visa to them instead of applying for an MEPV. This is called a Variation of Conditions. It allows you to change employers while staying on your current visa type. You'll need to apply through Immigration New Zealand and meet the requirements of the new job.

Step 4: After You Report Exploitation:

- Employment New Zealand or MBIE may contact you for more details about your situation.
- They may decide to investigate your employer. A Labour Inspector may bring a civil claim, or Immigration New Zealand may pursue a criminal investigation — especially if other employees have also made complaints.
- Separately, you can bring your own claim for unpaid wages and compensation against your employer. Community Law, VERI-Mi, or other migrant support services can help you with this. However, if your case settles at mediation or you file in the ERA, it is likely MBIE or INZ will not pursue their investigation.



How the VERI-Mi App Works: A Guide for Workers

The VERI-Mi app helps you track your hours, wages, and work conditions. It's designed to help you spot exploitation and take action.

Key Features

- **Daily Work Diary**
  Log your start and finish times, breaks, and total hours worked.
- **Wage Tracking**
  Record your pay for each shift to check if you're being paid correctly.
- **GPS Location Tracking**
  The app uses GPS to confirm where you were working — helpful if your employer disputes your hours.
- **Photographic Evidence**
  Take photos of rosters, payslips, contracts, or anything else related to your job.
- **Secure and Private**
  Your data is stored safely and can be exported to support your case.
- **Connect to Legal Support**
  The app links you to trusted legal and advocacy services.

How to use the App

1. **Set Up the App**
   - Download VERI-Mi from the App Store or Google Play.
   - Create your account and enter your workplace address.

2. **Log Your Hours**
   - **Clock in and out:** Tap the button when you start and finish work. This creates a personal record of your hours.
   - **Missed a clock-out?** If you forget to tap out, the app can still generate a time record—as long as it was open briefly at the start and end of your shift. This allows the app to capture a verified GPS log of your work hours.
   - **Automatic location logging:** When used correctly, the app captures your location and work hours in the background, creating a report you can share with a trusted advisor or lawyer.

3. **Track Your Wages**
   - **Record your pay:** Enter your hourly rate and the hours you worked.
   - **Check for underpayment:** The app compares your hours and pay to help you spot missing wages or unpaid overtime.

4. **Export and Share Your Data**
   - You can export your records and securely share them with a lawyer or advocate to support your claim.

Tools and Templates to Help with Your Claim

The VERI-Mi website and app include offer practical tools, templates, and step-by-step guidance to help you prepare a claim for unpaid wages, leave entitlements, or other compensation. These resources are designed to support you — or someone you're helping — to take action and access justice.

Tips for Accurate GPS Tracking

To capture a verified GPS record of your time at work, the VERI-Mi app needs to be open in the foreground (visible on your phone screen) for a short time at the start and end of each shift.

At the Start of Your Shift

1. Open the VERI-Mi app so it's showing on your screen (foreground).
2. Wait for the notification confirming you've entered your work location.
3. Once you see the notification, you can close the app — it will continue tracking in the background.

At the End of Your Shift

1. Reopen the VERI-Mi app so it's in the foreground again.
2. Wait for the notification confirming you've left your work location. This will stop the GPS tracking.

Check Your Phone Settings

To make sure GPS tracking works properly:

1. Go to your phone's settings.
2. Find the VERI-Mi app.
3. Set location access to **"Always".**

(Optional) set up Notifications

1. Open VERI-Mi app.
2. Go to Account, Notifications.
3. Set an alert for the start and finish of each shift.

After a few days ...

Check your GPS tracking is working

1. Open VERI-Mi app.
2. Go to Account, My Diary, Geo-Location Report.
3. Open a report.
4. Look at the last column (Validation) a 'pass' shows a valid GPS record.

Why Use VERI-Mi?

- It helps you prove your hours and pay if your employer tries to cheat you.
- Supports your case if you choose to report exploitation.
- Keeps your evidence private and secure while empowering you to seek justice.
- Provides access to trusted legal and community support networks.

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ANNEXURE IV

Guidance for advocates supporting someone experiencing workplace exploitation

ANNEXURE IV

Ensure the person is safe

Start by checking if the person is in immediate danger, facing threats, or being coerced. If they feel unsafe, help them access appropriate support services, such as emergency housing, police, or family violence services.

Reassure them — they don't have to put up with it

Let them know that workplace exploitation is not acceptable. New Zealand law protects all workers, including migrants. They have rights and options — they do not have to stay in an unsafe or unfair job.

Be culturally responsive

Understand that cultural factors may affect how someone experiences and responds to exploitation. Migrant workers may:

- Feel loyalty or fear toward their employer,
- Be unfamiliar with New Zealand systems, and/or
- Distrust government authorities due to experiences in their home country.

Approach the conversation with empathy, patience, and cultural sensitivity to build trust.

Address fears about immigration status

Many migrant workers fear that reporting exploitation could lead to visa cancellation or deportation — especially if their visa is tied to their employer. Reassure them that:

- They may be eligible for a Migrant Exploitation Protection Visa (MEPV),
- The MEPV allows them to leave their job and work for any employer in New Zealand, and
- They do not have to stay in an exploitative job to keep their visa.

The major downside of the MEPV is that it is only available for 6 months (discussed further below).

Explain their options

MEPV

If the person is experiencing exploitation at work, they may be eligible for an MEPV. To apply:

- Report the exploitation to Employment Services (part of MBIE): You can call them on 0800 20 90 20 or submit a report online. Interpreters are available and the webform is accessible in multiple languages. Note: Reporting requires providing the employer's name. Some individuals may be reluctant to do this due to fear of retaliation or other concerns.
- If Employment Services assesses the report as credible, the person will receive a Report of Exploitation letter.
- This letter allows the person to leave their job immediately without breaching visa conditions.

- They must wait for the MEPV to be approved before starting a new job.

Applying for the MEPV

- The application process typically takes 2–3 weeks, though it may take longer in some cases.
- There are no application fees.
- A person can only apply for the MEPV if:
  - their Accredited Employer Work Visa (AEWV) is still valid, and
  - they are still employed by the employer who is exploiting them.

Required documents:

- Completed visa application form,
- Certified copy of the identification page of their passport, and
- Copy of the Report of Exploitation letter.

In New Zealand, only specified people can legally give immigration advice. These are:

- Licensed immigration advisers,
- Lawyers with a current practising certificate, and
- Volunteers at a Citizens Advice Bureau (CAB).

If someone seeks immigration advice from you and you are not in one of the above categories, refer the person to someone who is.

Simply helping someone complete a form without advising them on their immigration status or options does not constitute giving immigration advice.

MEPV duration and next steps

- The MEPV is valid for 6 months.
- If the person wishes to remain in New Zealand beyond that period, they must apply for another visa before the MEPV expires. Encourage them to start this process early.

If they choose not to report

If the person does not wish to report the exploitation, support them to explore alternative visa options, such as:

- Applying for a new AEWV with a different accredited employer,
- Varying the conditions of their current AEWV (if eligible), or
- Applying for a visitor or student visa.

Remind them that they must always hold a valid visa while in New Zealand.

See above for guidance on who is legally permitted to provide immigration advice.

ANNEXURE IV

Discuss their goals

Ask what they want to achieve. This could include:

- Leaving an unsafe or unfair job,
- Recovering unpaid wages or entitlements,
- Seeking justice or accountability, and/or
- Helping them understand the legal processes involved, such as mediation, personal grievances, or claims through the Employment Relations Authority (ERA).

Use the VERI-Mi process chart

Walk them through the VERI-Mi Path to Justice process chart available on the VERI-Mi website, which explains the steps from recognising exploitation to collecting evidence, reporting, and seeking legal remedies.

Encourage them to use the VERI-Mi app to record hours, wages, and other key information.

Raising an employment claim

Initial Steps and MBIE Triage

Raising an employment claim typically begins by writing to the employer, outlining the issues—such as wage or leave arrears, or a personal grievance (e.g. unjustified dismissal or disadvantage). This letter should clearly state what the employee is seeking and may be supported by evidence, such as payslips, rosters, or employment agreements.

If the employee has reported the matter to Employment Services (MBIE), MBIE conducts an initial triage to assess the seriousness of the case. Depending on the outcome:

- The Criminal Investigations Team may be involved for serious or systemic exploitation.
- Labour Inspectors may be assigned to investigate breaches of employment standards.
- Early Dispute Resolution (EDR) may be offered for less severe matters.

If criminal charges are laid, any related civil claim may be paused until the criminal proceedings conclude.

Under section 47 of the Evidence Act 2006, a criminal conviction is conclusive proof in civil proceedings that the offence occurred, where relevant.

Mediation

Mediation is often the first step in resolving employment disputes. It can be requested online via the MBIE Mediation Services website. The service is free and interpreters are available at no cost. Mediation may be in-person or online.

Timeframe: It may take 7 - 8 weeks or longer to secure a mediation slot. The Mediation Service usually asks parties to

advise of dates when they are free to attend mediation.

Effectiveness: Mediation can lead to a relatively fast and confidential resolution. Many exploitation-related cases settle at this stage.

Limitations: Full recovery of wage and leave arrears is uncommon, but mediation avoids litigation risks and offers closure.

If the employer refuses to attend mediation, the employee can file a Statement of Problem with the Employment Relations Authority (ERA). The ERA will usually direct the parties to mediation before proceeding to a formal investigation.

If a settlement is reached, but the employer fails to pay, the employee can apply to the ERA for a compliance order to enforce the agreement.

Employment Relations Authority (ERA) Investigations

If mediation does not resolve the matter, the case may proceed to a full ERA investigation. The ERA process is designed to be less formal and more accessible than traditional courts.

The key steps are as follows.

Mediation First: Most cases are referred to mediation before formal proceedings.

Case Management Conference: A planning session to clarify issues and set timelines including for evidence exchange.

Investigation Meeting: An informal hearing where both parties present evidence. Led by an ERA Member.

Determination: A legally binding decision, which may include remedies such as compensation, lost wages, or reinstatement.

Under section 141 of the Employment Relations Act 2000, ERA determinations can be filed in the District Court, making them enforceable like court judgments. Alternatively, the employee may apply to the ERA for a compliance order, though this may involve further delays and costs.

Joining a Director or Officer to a Claim

In some cases, an employee may seek to recover unpaid wages directly from a director or officer of the employer. This is only possible under section 142Y of the Employment Relations Act 2000 and only for breaches of minimum employment standards (e.g. unpaid wages or holiday pay—not personal grievances).

Requirements:

- There must be a default in payment of wages or entitlements,
- The default must result from a breach of employment standards,
- The director or officer must be involved in the breach, as defined in section 142W,
- The employee must obtain leave of the ERA or court, and
- The employer must be unable to pay.

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ANNEXURE V

VERI-Mi: From Innovation Sprint to Digital Platform

VERI-Mi's evolution began in 2022 with its selection for the Creative HQ GovTech Accelerator, a 13-week innovation programme designed to tackle complex social challenges through design thinking, agile methodologies, and cross-sector collaboration.

The author brought forward the issue of migrant exploitation in Aotearoa New Zealand's hospitality sector, using her frontline legal experience to co-design practical, community-informed solutions with those most affected.

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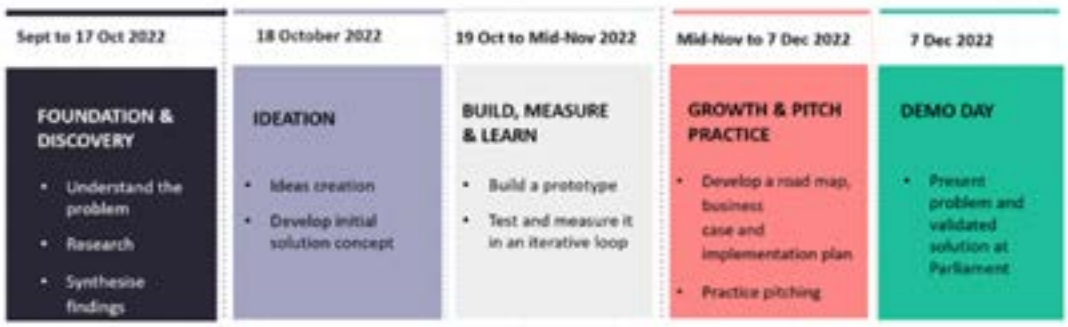
Following the Accelerator, VERI-Mi entered its second stage of development—refining the solution through further research, stakeholder engagement, and bringing together a team of experts for the design and build phase. With support from Parry Field Lawyers, VERI-Mi became a registered charitable trust in 2023, dedicated to advocating for exploited migrants and improving access to justice through digital tools and community partnerships.

Stage 1 – GovTech Accelerator

The GovTech Accelerator is a 13-week innovation programme run annually by Creative HQ in Wellington, New Zealand. It provides a structured, design-led environment where complex social challenges are tackled using design thinking methodology.

In 2022, the author of this report took the problem of migrant exploitation in Aotearoa New Zealand's hospitality sector through the GovTech programme. Drawing on her experience as a frontline legal advocate, the accelerator was a transformative space to look at the issue and co-create solutions with those most affected.

The key stages of the programme were:



Migrant exploitation in hospitality: **Problem statement**

Vulnerable migrant workers in hospitality are exploited by unscrupulous employers. Most cases of exploitation are hidden from regulators and support services because:

- migrant workers are not confident about their rights or are too afraid of repercussions to speak up or lodge a complaint, and
- employers create fake documents that demonstrate compliance with employment laws.

How workers, restaurants doing the right thing, consumers, regulators and support agencies are affected by the problem

This problem impacts the emotional, psychological, physical and financial well-being of migrant workers and denies their fundamental human rights. It also creates an uneven playing field for businesses who comply with labour standards.

Restaurants that are doing the right thing are struggling to recruit staff and worry that the actions of a minority are damaging the reputation of the entire industry. Consumers are uneasy that they may be unknowingly supporting exploitation but they feel there is little they can do. The government wants to stamp out exploitation but due to resourcing constraints and lack of sufficient evidence, it is unable to hold every exploiting employer accountable.

There are many support services that are available and willing to help exploitation victims but they can't always connect with everyone who needs help and they may also struggle to coordinate their services in a way that best meets the needs of vulnerable migrants.

What do people who experience this problem value?

Migrant workers	• Being treated fairly and equally with NZ workers • Employers complying with their employment law obligations • Having a trusted (non-government) advisor to go to for help as it is difficult to enforce your rights on your own • Greater awareness of rights • Having evidence of exploitation to support a legal case • A regulatory environment that supports, and is empathetic to, their needs (no impacts on visa status) • Monitoring environment understands real as opposed to reported behaviour • Confidentiality and safety • An easier process for enforcing rights • Accessible services (language barriers removed)
Restaurants	• Attracting and retaining staff • Informing prospective staff that they will be treated well
Consumers	• More awareness of non-compliant businesses
Regulators	• Being able to hold more exploiting employers accountable • More info about exploitation being passed on to regulators • Providing good access to info earlier on (fence vs ambulance) • An easier process for enforcing rights
Support networks	• Providing coordinated and responsive services in a way that best meets the needs of exploitation victims • Meaningful action/response from government

Key insights from the discovery phase of the Accelerator

Migrant workers

- are too worried about their immigration status or safety to complain or seek help
- do not know what their employment rights are and do not understand NZ systems
- do not know whether a prospective employer will comply with employment laws
- do not know where to go for help.

Inherent power imbalance in the relationship

- Work visas are connected to specific employers and this leaves people vulnerable to exploitation because if they leave their job, they are in breach of their visa and liable for deportation
- People are hesitant to complain to MBIE because they also have the power to decline visa applications and issue deportation notices. People are also worried that if they complain to MBIE, MBIE may look into whether they are complicit in their own exploitation
- Employer can easily fabricate documents to make it look like they comply with their obligations and their employees' rights
- Victims feel that if it is their word against their employer's, the employer will always win.

Stakeholder group

The author met four times on-line with a Stakeholder Group over the course of the Accelerator. The members of the Group are listed below.

Some of the insights presented to the Stakeholder Group from the 220+ online survey responses.

Survey Insights
Consumers

192 responses
(as of October)

89%

would be unlikely or very unlikely to continue to support their favorite café or restaurant if they know they exploited migrant workers

33%

of people who dine out think about welfare and work conditions of staff often or every time, and an additional **38%** think about these issues "sometimes".

"I imagine I've unknowingly been a customer of restaurants that have exploited workers."

"[We need to] educate workers about their rights."

"It would be great to be able to support more businesses that treat their employees with love and respect?"

"There is a lack of information available, and I do not wan to adopt stereotypes."

"I currently don't have access to information that tells me which businesses comply with the law and treat their staff fairly... That leaves me feeling uncomfortable."

"If I know someone who has been mistreated, I would definitely not go there, but how does one suspect mistreatment."

"The most important thing is for conditions for workers to actually improve."

Survey Insights
Migrant workers

24 responses
(as of October)

62%	do not know if a prospective employer will comply with employment laws and they worry about starting a new job in hospo
45%	do not understand their rights or the NZ employment system
30%	do not feel safe asking about their rights or reporting any complaints and worry about immigration impacts if they complain

"I was scared to [speak] up because I was terrified if my employer cancels my visa I will have to leave New Zealand."

"It is hard to dins a job as an immigrant. There are a lot of obstacles, even if they have the skills, and knowledge. Therefore, I'm happy to find any job to provide myself."

"It is known that any legal action will be recorded in the system and would affect my future visa application. Therefore, even if I experienced exploitation...I didn't report it."

"I'd feel I can make my situation worse by asking about my rights. I'd feel I'm being ungrateful."

"How to ensure there is a safe employer at the moment? It is unknown how I am going to be treated till I am in it. A risk that I need to take to support myself in New Zealand."

"If I were to complain to/about my employer, I think the fact that I am an immigrant would then be used against me."

"The experience from other staff is always the best source of information if only we could get access to that before taking a job."

Survey Insights
Resturants

7 responses
(as of October)

33% say it can be really difficult to recruit staff including mirgrant workers

33% say they would like some way to promoe the fact they treat all staff well and legally

17% say customers don't know that their staff are treated well and **17%** say they would like to reassure job seekers of their practices

"This answer is not just for my business, it is about the hospitality industry and the migrant workers and the country as a whole.

Exploitation here doesn't stop here. It is heard around the world. When migrant workers experience exploitation, this gets passed on to their own countries and builds a bad reputation for NZ condoning migrant exportation."

"One bad seed can effect the entire industry."

"Customers can easily be influenced with what they read and hear int he news...Businesses who are complaint are getting hit [too]."

"Promoting my business as compliant can collaborate my claim that i do not exploit my staff. Maybe some sort of rating system."

"To be able to promote that I treat my staff well can disprove the generalisation [that hospo mistreats migrant workers]."

Some of the insights presented to the Stakeholder Group from the 220+ online survey responses

Topic	Question	Group
Session 1 – 11.10 – 11.25; report back		
Catching crooks	The work visa process is largely paper based. Bad employers fabricate paper. • How can we better hold employers to account and ensure auditing processes are robust and payroll records etc can't be cheated?	Kevin, Cam, Brent
Understanding employment rights	Migrant workers are saying they don't understand their rights. • What are the best ways to inform people of their employment rights (taking language and other access barriers into account). • Do you think AI / chatbots / automation could play a useful role?	Hamish and Karen
Trusted and coordinated response	• Are there opportunities to better co -ordinate support services to help vulnerable migrants? • How can job seekers be confident that employers will treat them well? • How can our support system be more responsive?	Anu, Marisa
Session 2 – 11.35 – 11.50; report back		
Access to justice	Migrant workers are saying it is hard to get access to justice. • How do you think access to justice can be improved for vulnerable migrants, especially those on work visas? • How can they reduce the risk of repercussion if they complain?	Karen, Kevin
Safe reporting	Migrants face various barriers to reporting exploitation (mainly visa impacts and safety fears). • How do you think this can be addressed?	Cam, Anu
Good employers in hospo	• How do 'good employers' let job seekers know that they will be treated well? • How do 'good employers' let consumers know that they care about worker welfare? • Are restaurants/cafe owners frustrated that some businesses in the sector underpay staff? • What do hospo workers really need / appreciate? What will attract them to work in a particular restaurant / café?	Marisa, Hamish, Brent

Ideation session
Insights

The insights from:

- Research
- 220+ responses to four online surveys
- stakeholder group discussions, and
- some 20 interviews

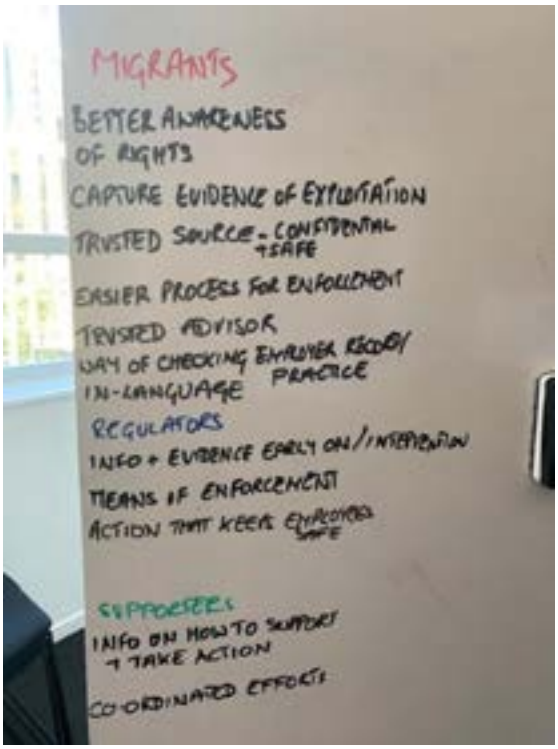
were synthesised into a Discovery Report which was discussed in a half day ideation workshop held at Creative HQ on 18 October 2022. Attendees included some members of the Stakeholder Group including from Community Law Centres o Aotearoa, an employment law expert, a Creative HQ Board member and Creative HQ coach. The aim was to come up with a feasible, desirable and viable solution that addresses migrant workers' needs, gives them better access to justice and over time reduces workplace exploitation.

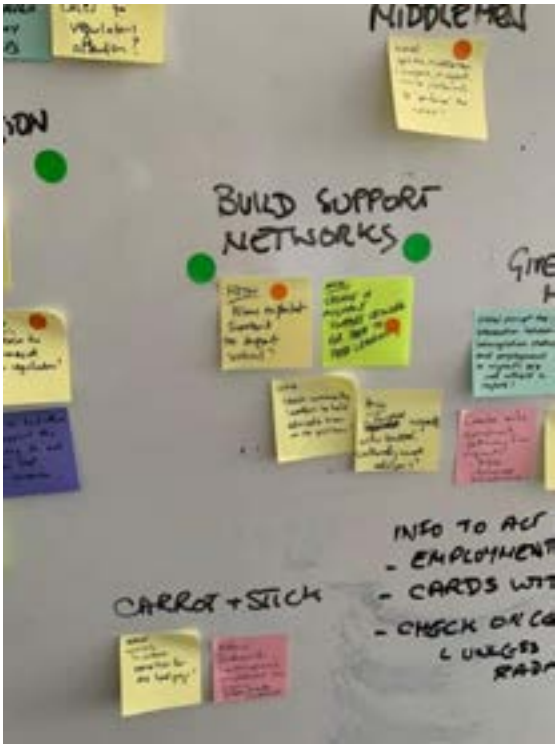
Captures from the Ideation Session

What do people who experience the problem want?

We decided that although different people experienced the problem in different ways, we wanted to focus our efforts on migrant workers. What could we come up with that would make a real difference for them?

We did a "How Might We" exercise ('how might we take some form of action so that someone might achieve something'). We dot-voted and decided to focus on processes / tools for evidence and safety, available levers, ways of 'unhiding' the problem and building support networks.

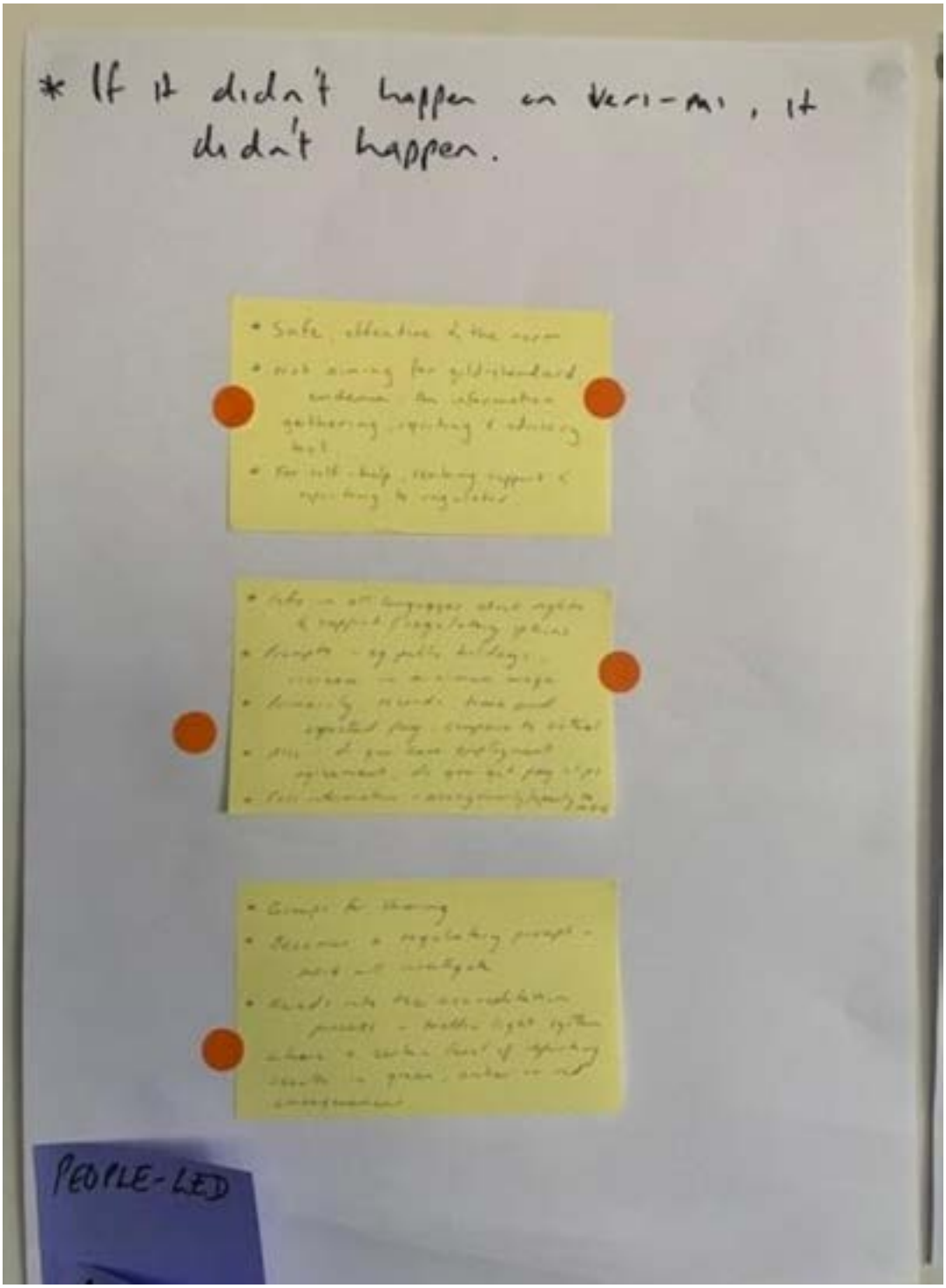


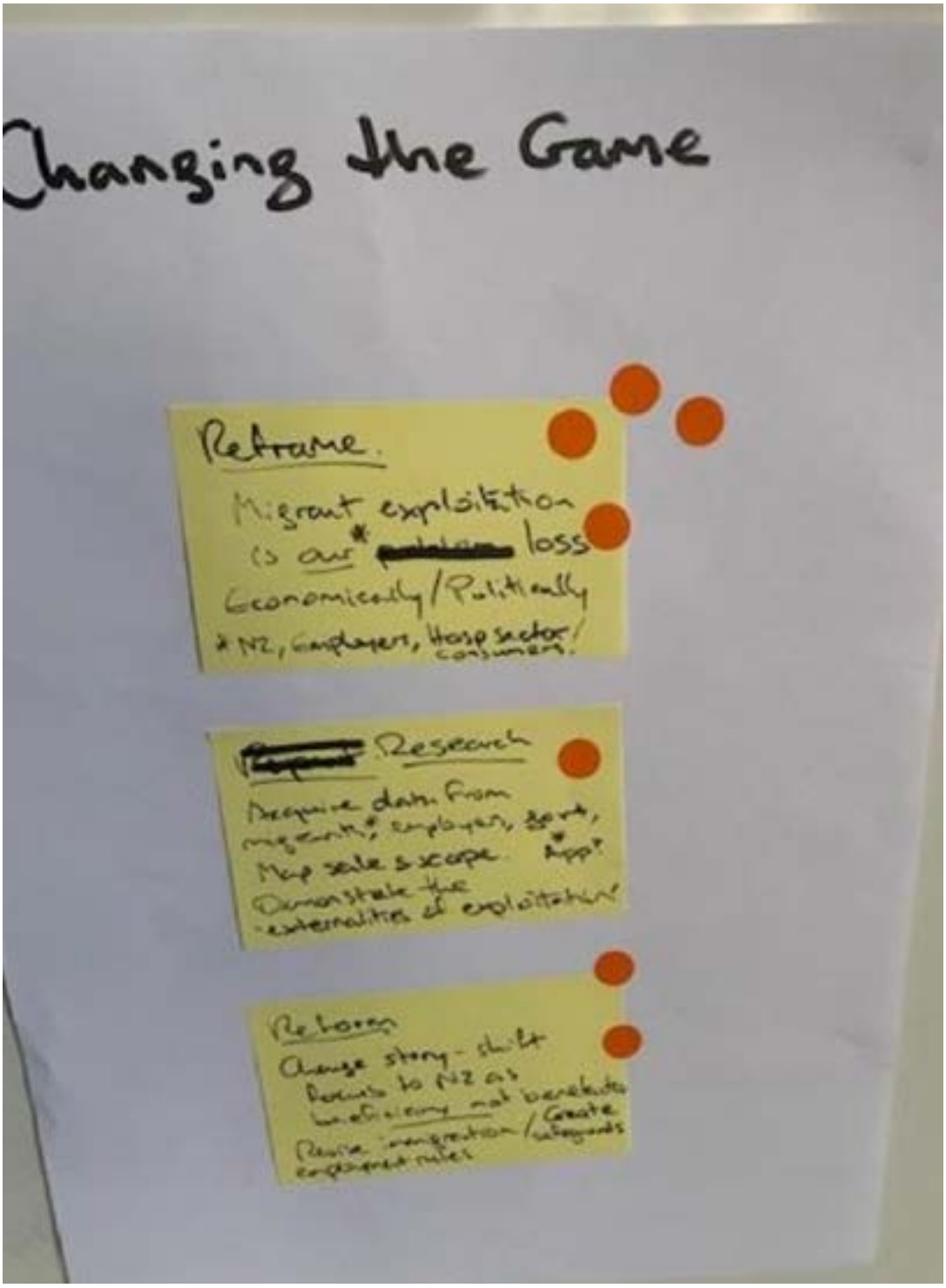


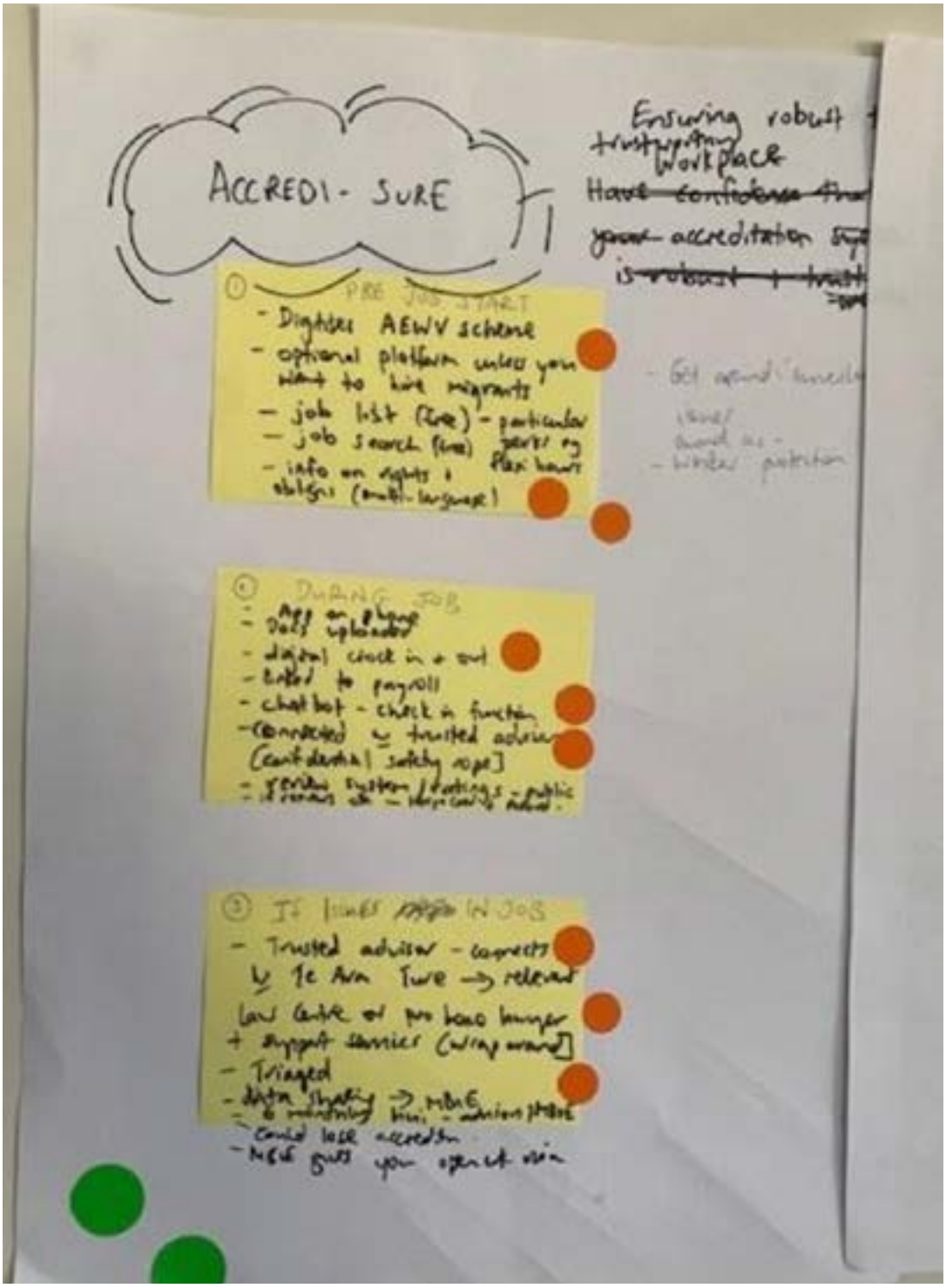
We then captured all the things that we currently 'have' that we can build off:

We then each presented a Lightning Demo showing other ways in which similar sorts of issues are tackled (eg 'If it ain't on Strava it hasn't happened' as an idea of how someone's location can be traced). We talked about a whole range of things from whistleblower apps, to protests, neuro-activity, employee review apps etc. From interviews and from the author's experience working with victims of exploitation, she was confident that most migrant workers had a smart phone (even if it was entry-level), so this opened up the possibility of a tech solution.

Then we were in solution mode with a crazy 8s exercise to stimulate outside the box creative thinking). We then each came up with a solution concept sketch which we then dot voted on. People could vote for aspects of a solution sketch. Everyone's solution sketch had some element of digital tech involved. A few examples follow:



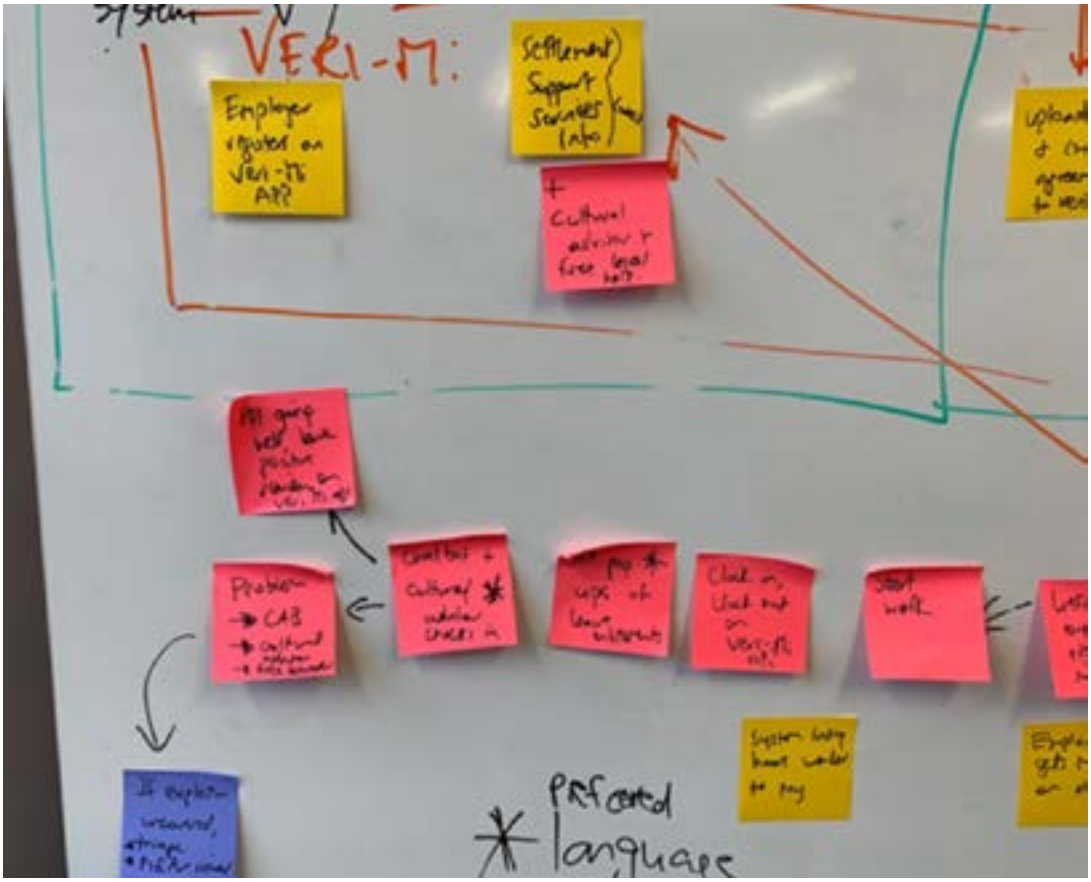

Changing the Game
Reframe.
Migrant exploitation
is our [redacted] loss
Economically/Politically
NZ, Employers, Hosp sector/
consumers.
[redacted] Research
Require data from
agents, employers, govt,
Map scale & scope
Demonstrate the
externalities of exploitation
Reform
Change story - shift
focus to NZ as
beneficiary not perpetuate
Reform immigration / Create
safeguards



After ideation, the author merged the solution concepts that had the most ‘votes’ and checked these back against the list of values (ie the things people told us they want from a solution).

The initial prototype for VERI-Mi was then developed: a digital platform and charitable trust dedicated to empowering migrant workers.

Ideation session
Prototype sketches

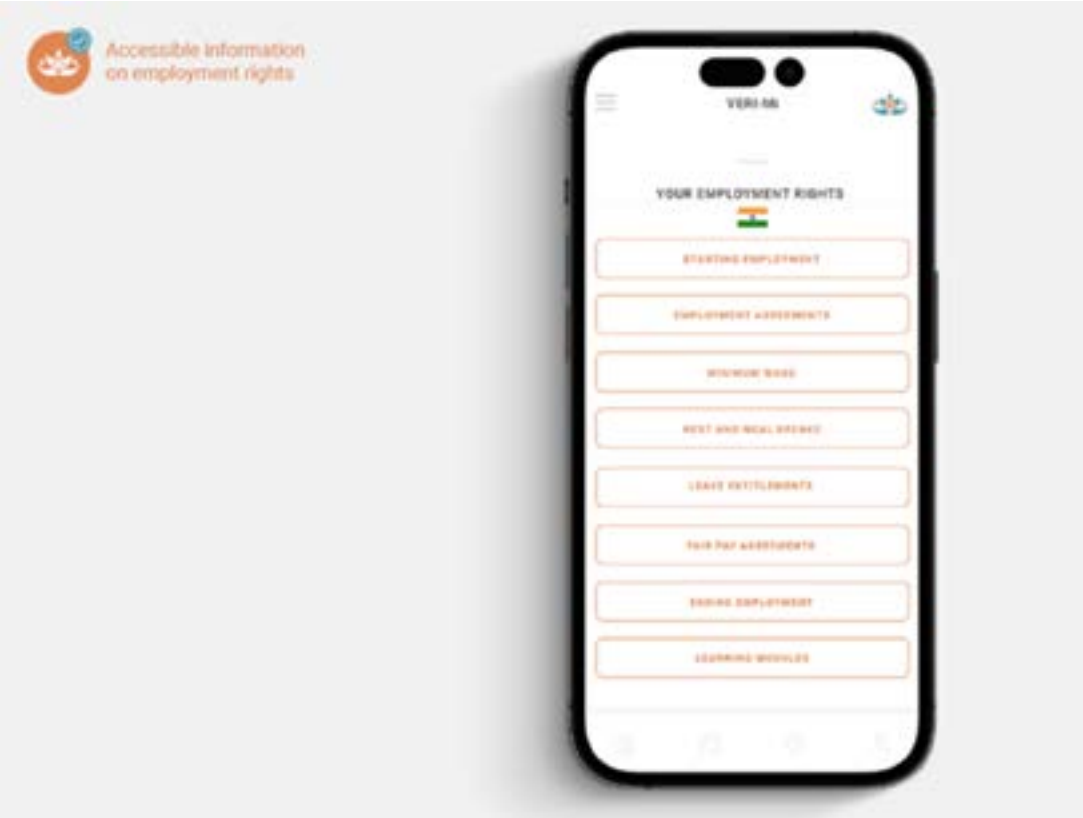


The initial prototype focused on digitising aspects of the current accreditation process for employers and also aimed to make information more accessible to employees. The prototype went through various iterations following testing with the Stakeholder Group, some employees on work visas, support agencies such as CAB, and some restaurant managers.

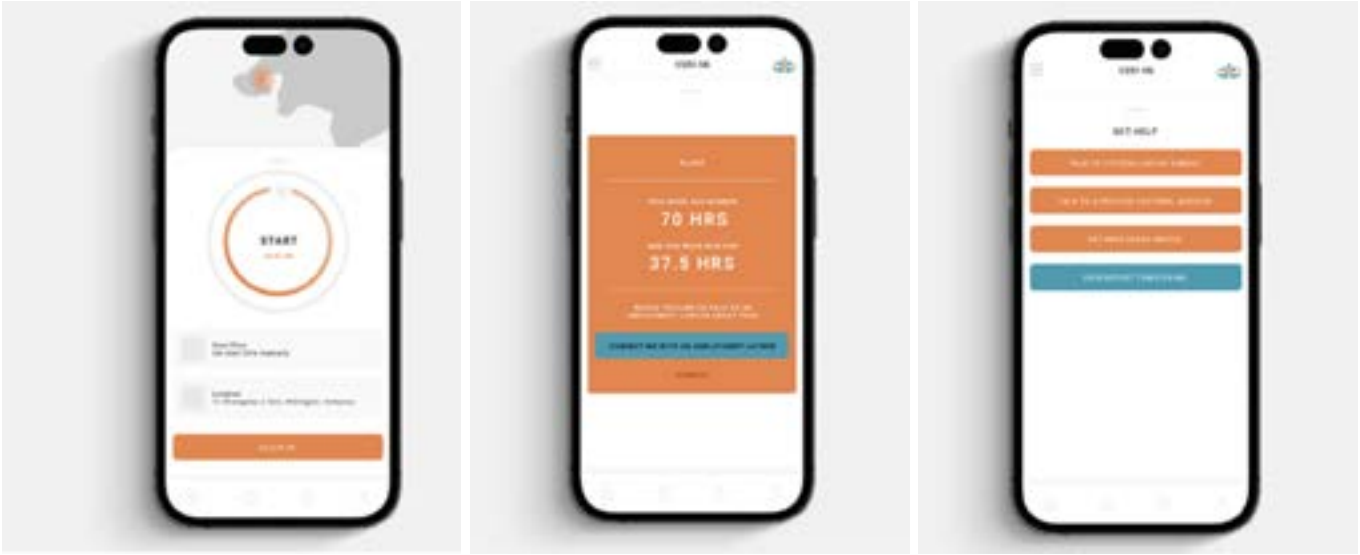
The final prototype was presented at a Demo Day at Parliament in December 2023.

Some of the slides from the Demo Day pitch

App with information in different languages on employment rights, and a chatbot available 24/7



The app gathers evidence of location and hours worked and matches that against pay and connects employees with support services



It was exciting and fun to pitch for the $50,000 Westpac innovation grant. A video of the pitch is here: https://creativehq.co.nz/our-work/veri-mi/

Unfortunately, VERI-Mi wasn't successful in securing funding, but did get some good media coverage: https://stuff.pressreader.com/article/281633899271698

Stage 2
Further research and refining the solution concept

During Demo Day, Steven Moe, a partner at Parry Field law firm asked if VERI-Mi would like a hand to become incorporated so we could apply for funding. Thanks to the support of Steven and his team, VERI-Mi Charitable Trust was formed and became a registered charity in mid-2023. VERI-Mi's charitable purpose is to advocate for exploited migrants and increase access to justice.

The trustees at that stage were Brent Burmester and Marisa Bidois, who were on the Stakeholder Group, Vinod Bal (founder of Adhikaar Aotearoa) and the author. Since then, Greg Lloyd has joined the Trust and Vinod has left for studies overseas. With kind thanks to Creative HQ, VERI-Mi had some air-time on Breakfast TV.

The author felt that the solution concept developed through the accelerator was heading in the right direction, but it was too complex. She decided to do some more research and talk specifically to advocates working in this area. The research and insights are captured in this report and informed the more streamlined version of the digital platform which is now live.

The interviews with victim-survivors focused on the drivers and causes of exploitation, the justice process and what people thought would help to ensure employers were held to account for their actions.

The interviews with advocates generally involved these questions:

- What is your role? How do you interact with people in ethnic and migrant communities?
- What particular challenges and barriers you have observed migrant workers experiencing in their workplaces in New Zealand?
- Do you think that migrants face any specific difficulties working in New Zealand because of their ethnicity, immigration status, or for any other reason?
- Do you think migrant workers are generally aware of their employment rights and do they know how to seek help for breaches of those rights?
- What support services do you think migrant workers need when they are experiencing difficulties in their workplace?
- Do you think migrant workers are able to access appropriate and helpful support services? If not, what challenges and barriers are in their way?
- Are you aware of migrant workers who have been exploited in their workplace, being able to access justice for how they were treated?
- Can you comment on how their experiences have been?
- What barriers and challenges have you observed when migrant workers have attempted to access justice?
- From your perspective, what works well for migrant workers seeking to access and obtain justice for workplace exploitation and what does not work well?
- From your perspective, are exploiting employers generally held to appropriate account for their actions? If not, why not?

- What have been the impacts you have observed on migrant workers and their families and communities when workers try to access and obtain justice for workplace exploitation?
- What can be done to improve access to justice and hold employers more accountable for their actions.

Based on the research, the author and the trustees of VERI-Mi decided that the digital platform should focus on empowering migrants and ethnic communities by providing multilingual information about employment rights and helping users identify when those rights have been breached. A key feature of the app will be a time-recording function, integrated with GPS location data, to track an employee's hours and location at work. This will help users determine whether they are being underpaid and generate credible evidence to support enforcement action if needed.

In addition, VERI-Mi will develop templates and advocacy tools for Community Law Centres across Aotearoa. These resources will support legal action on behalf of exploited migrants, such as raising personal grievance claims and recovering unpaid wages more efficiently and effectively.

Expected Benefits and Outcomes:

- Empowerment and rights protection: Migrants will be better informed about their employment rights and equipped to take action when those rights are violated.
- Improved access to justice: The app's time-tracking feature will provide robust evidence that can be used in legal proceedings, making it easier to hold exploitative employers accountable.
- Mobilisation of support services: The platform will connect users to appropriate support channels and legal resources.
- Systemic impact: Over time, the platform is expected to reduce migrant exploitation, promote fair business practices, and enhance compliance with labour and tax laws—benefiting society as a whole.

Funding and Support

Over the past two years, VERI-Mi has successfully secured funding from a range of generous supporters, enabling the development of both the website and mobile app. Sincere thanks go to **Foundation North**, the **Ethnic Communities Development Fund, Lotteries Communities,** and the **Wellington Community Trust Fund.** Your grants made it possible to complete the technical design and build of the platform throughout 2024 and early 2025.

This funding also supported the pilot of the app in Wellington, focusing on the hospitality sector, and allowed for monitoring and evaluation of the pilot's outcomes.

In addition, a grant from the **Michael and Suzanne Borrin Foundation** supported the author to conduct interviews, undertake further research, and prepare this report. It also enabled the drafting of content for the website and app, project and contractor management, development of templates and tools, and delivery of training sessions.

The author extends deep gratitude to all funders who have supported this kaupapa with such generosity and commitment to justice for migrant workers.

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ANNEXURE VI

Summary of VERI-Mi Pilot Report

May 2025
Wellington hospitality

Annexure VI
Purpose of the Pilot

The VERI-Mi pilot aimed to **test the functionality and effectiveness of the VERI-Mi App,** designed to help migrant and hourly-waged workers in Aotearoa New Zealand understand and assert their employment rights.

The pilot assessed both technical performance and the App's potential to support workers experiencing exploitation. The evaluation was carried out by Anne Dowden from REWA.

Participants

Seven hospitality workers in Wellington participated over two weeks. They included migrants, residents, and citizens, with varying levels of tech literacy. Participants used the App in their workplaces and provided feedback.

Key Findings

1. Operational Functionality

- Most core features (installation, login, clock in/out, GPS, calculator) worked well.
- Some functions (video upload, data sharing) were buggy or non-functional, especially on Android.
- User interface was described as clumsy in places, with suggestions for streamlining in future versions.
- Participants were able to use the App effectively, even those with low tech literacy (with support).

2. Impact on Exploitation

- **Trust:** All participants trusted VERI-Mi and were comfortable uploading data.
- **Usefulness:** The App was seen as valuable for tracking hours, calculating pay, and learning rights.
- **Knowledge & Confidence:** Most participants gained new knowledge and felt more confident to ask for their rights or seek help.
- **Disclosure:** Participants indicated they would disclose exploitation and share App data with advocates.
- **Inclusivity:** The App was seen as useful for a wide range of workers, including migrants, students, and locals.

3. User Feedback Highlights

- The App helped workers feel empowered and provided peace of mind.
- Women participants noted increased confidence to assert rights in male-dominated environments.
- Participants appreciated the educational content and GPS-based evidence features.

4. Initial Recommendations:

- Improve the user interface and resolve bugs prior to the App 1.0 launch.
- Develop clear **User Advice Tips** to guide evidence collection (e.g. screenshots, photos).
- Promote the app carefully to avoid creating tensions in workplaces.
- Consider broader **applicability and accessibility**, including for agricultural workers and those with limited digital literacy.

These recommendations have largely been implemented in **Version 2** of the VERI-Mi app, which is now ready for release on mobile app stores.

Next Stage of Development:

- Enable users to upload video evidence to support their claims.
- Allow users to register and track work hours across multiple work locations, including outdoor environments such as orchards.