

TE WAIORA



Nelson Marlborough
Health

**Ministry of Business,
Innovation and
Employment's
consultation on a
Legislative response to
modern slavery and
worker exploitation**

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Submitter details

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Ministry of Business, Innovation and Employment's (MBIE) discussion document on a *Legislative response to modern slavery and worker exploitation*
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
3. This submission sets out particular matters of interest and concern to NMH.

Specific Questions

Question 1. What do you think the key policy objectives should be for considering legislation (see, for example, our proposed objectives on page 26)? Which of these objectives do you think are most important?

NMH supports the proposed primary objective to reduce modern slavery and worker exploitation in New Zealand and the secondary objectives relating to:

- 1) enhancing New Zealand's international reputation as a country that supports human rights
- 2) supporting consumers to make more informed choices in relation to modern slavery and worker exploitation risks associated with goods and services
- 3) drive culture and behaviour changes in entities which lead to more responsible and sustainable practices

NMH recommends that an additional objective is added that states that the victims of slavery and exploitation in New Zealand are provided with on-going social support to assist with their recovery. As identified in the consultation document, slavery and exploitation can have long-term social and mental effects and it is critical that these people have wrap-around support services which can assist with their social, physio-social, health needs so that they can regain trust and confidence within all aspects of their daily lives. In addition, it is important that these people are offered financial recompense for their loss of wages.

Question 2. Do you think that enough action is currently taken in New Zealand to address modern slavery and worker exploitation across operations and supply chains?

No, more action is needed in New Zealand. The consultation document has articulated a very clear case for further action to address slavery and worker exploitation. New Zealand is not immune to the effects of exploitation through global supply chains, therefore New Zealand should use every lever it has at its disposal to remove exploitation in order to improve the wellbeing of New Zealand workers and those affected overseas.

Question 3. Do you think that New Zealand's legislation should be amended to better address modern slavery and/or worker exploitation across operations and supply chains?

No, legislative changes are needed. As noted in the consultation document, most organisations are currently not putting in place effective measures to address modern slavery, in addition inaction by New Zealand may undermine this global effort, while new legislation could help to make it easier for New Zealand businesses to trade across the world. New Zealand has ratified a range of international binding agreements including the United Nation's (UN) *Guiding Principles on Business and Human Rights* along with the UN's *Universal Declaration on Human Rights*. New Zealand needs to have improved mechanisms to ensure that appropriate action is taken to address modern slavery and worker exploitation across operations and supply chains; and also to be more responsive to changes in best practice over time

Question 3A. If applicable, which type of broad approach to new supply chain legislation would you most support?

Due diligence-based. NMH would like New Zealand to adopt the due diligence approach that ensures that businesses must regularly assess risks, take action to mitigate risks or prevent serious violations, create an alert mechanism to identify risks, and have a monitoring scheme to follow up on the efficiency of implementation measures such as the France has taken with its Duty of Vigilance law. This approach would assist in meeting the proposed policy objectives.

Question 4. Do you agree that all entities should have to take reasonable and proportionate action if they become aware of modern slavery in their international operations and supply chains, and/or modern slavery or worker exploitation in their domestic operations and supply chains?

Yes, this would create a culture change that will enable fairness and methods to improve working conditions across all operations and supply chains.

Question 6. Do you agree that small and medium-sized entities should have a responsibility to undertake due diligence to prevent and mitigate modern slavery and worker exploitation in domestic operations and supply chains for New Zealand entities they have significant control or influence over?

Yes, this aligns with United Nations Sustainability Goals in relation to "Decent Work and Economic Growth", "No Poverty", "Reduced Inequalities", "Sustainable cities and communities" and "Responsible consumption and production".

Question 7. Do you agree that 'medium' and 'large'-sized entities should be required to annually report on the due diligence they are undertaking to address modern slavery in their international operations and supply chains, and modern slavery and worker exploitation in their domestic operations and supply chains?

Yes, this aligns with United Nations Sustainability Goals in relation to "Decent Work and Economic Growth", "No Poverty", "Reduced Inequalities", "Sustainable cities and communities" and "Responsible consumption and production".

Question 8. Do you agree that 'large'-sized entities should be required to meet due diligence obligations to prevent and mitigate modern slavery in their international operations and supply chains, and modern slavery and worker exploitation in their domestic operations and supply chains?

Yes, this aligns with United Nations Sustainability Goals in relation to "Decent Work and Economic Growth", "No Poverty", "Reduced Inequalities", "Sustainable cities and communities" and "Responsible consumption and production".

Question 22. Should entities be required to remedy any harm they have caused or contributed to, where there is a clear link between their actions and the harm? If so, how should this link be demonstrated and what types of remediation would be appropriate?

Yes, entities should be required to remedy any harm they have caused, as mentioned earlier in this submission, the effects of worker exploitation can have long term ramifications on victims so in order to support victims and discourage others from exploiting others, mechanisms for remediation need to be adopted. This would most likely be in the form of financial compensation, in addition, as long term support may be required, then financial penalties could be used which could then fund social support systems for victims.

Question 23. Is an independent oversight mechanism required, or could this oversight be provided by Government and civil society?

Yes (an independent oversight mechanism is required). As noted in the consultation document, the remit for different aspects of modern slavery is shared between many different agencies in New Zealand. Many victims of slavery or exploitation may lack trust in government agencies due to their experiences, they may also find it difficult to navigate governmental processes to find the support they need. Having an independent oversight mechanism would make it easier for people to access the support that they need to eliminate exploitation.

Question 23A. If independent oversight is required, what functions should the oversight mechanism perform?

The functions listed on page 71 of the UK Commissioner could be adopted for the NZ context.

Question 24. Do you think a central register for disclosure statements should be established? If so, please explain why. If not, please explain why not.

Yes. This gives consumers insights into supply chains about whether entities are meeting their responsibilities in regards to exploitation. These consumers can then make informed decisions about who they wish to purchase from, and this can discourage those who are directly involved in exploitation leading to behaviour change.

Conclusion

4. NMH thanks the Ministry of Business, Innovation and Employment for the opportunity to comment on the Discussion document "*Legislative response to modern slavery and worker exploitation*"

Yours sincerely



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