

# STOP THE TRAFFIK

PEOPLE SHOULDN'T BE BOUGHT & SOLD Aotearoa NZ



## Introducing Elyana Thenu

NEW STEERING GROUP MEMBER Elyana Thenu (Nonie) is from Christchurch but was born in Indonesia.

As the president of the Canterbury Indonesia Society (CIS), Nonie was instrumental in helping the Indonesian crew who walked off Korean-owned fishing



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vessel the Oyang 75 in 2011 after suffering abuse from their employers, treacherous working conditions at sea, and the threat of withheld pay back home.

Six fishermen abandoned the ship in Lyttelton and remained in Christchurch to fight for the pay that was due to them, and to give evidence about the company that employed them, the New Zealand Company Southern Storm Fishing Limited, after it was investigated for illegal fish dumping by the



Ministry of Primary Industries.

Nonie helped the crew to settle in Christchurch during their stay and put them in touch with effective legal counsel.

The men that fled the Oyang 75 eventually accepted a settlement agreement from their employers. But the status quo continues, Nonie says, with fishermen continuing to report that they are treated like slaves rather than employees, and on land as well as at sea.

(read Nonie's Story on page 2)

### About

The New Zealand arm of STOP THE TRAFFIK was launched at Parliament on 19th June 2012 and is made up of a number of community groups and dedicated individual members.

STOP THE TRAFFIK Aotearoa's main objectives are highlighting:

- *trafficking into labour exploitation and abuse in the supply chains of products manufactured overseas and sold in New Zealand; and*
- *trafficking and related labour and human rights abuses occurring in New Zealand territory.*

## Trafficking Conference in June

PLANNING for the 2014 Prevent People Trafficking Conference is underway.

The conference is booked to take place on the weekend of 5 - 6 June at the Royal New Zealand Police College in Porirua.

The keynote speaker is Detective Inspector Kevin Hyland

of the London Metropolitan Police Special Crime Directorate on Human Exploitation and Organised Crime.

This year's conference will focus on what is happening in New Zealand's backyard. But because of the global nature of today's

world—with our links to international trading, the complexities of supply chains that deliver so many of the goods we enjoy and consume, and our ongoing need for migrant labour—we'll also be looking at issues beyond our shores.

See page six for more info.

(see full flyer on page 6)



# Nonie's Story

as told to Stop the Traffik

MY FATHER came from Ambon in the Maluku islands and my mother from Manado, the capital of Sulawesi Island. I was born in Bandung, West Java. I emigrated to New Zealand 18 years ago and have a 21-year-old son.

In Indonesia I ran a restaurant and catering business. In my spare time I enjoyed travelling from village to village to meet and talk with people, to learn about their everyday lives and to exchange ideas.

The crew of the Oyang 75 were all recruited in Indonesia, mostly from villages in Central Java. They knew no English and they had no personal connections in New Zealand; no family or friends to ask how to set up a bank account, how to make an appointment to see a doctor, or to help them read agreements from their employers in English or other languages. Before they jumped ship, the fishermen faced great difficulty as they sought legal representation. They were mute without an interpreter and, ashore for only short periods, they were not easily available for consultations with legal counsel.

There are many fishermen suffering under similar working conditions. Their stories are all the same. They have to work whenever they are ordered to work, whether morning, noon or night. They are not allowed to take a break until fish processing is complete, they do not work in shifts, and they do not have days off. The predominantly Muslim crews are not given the time to pray.



*Elyana Thenu with the stranded fishermen from the Oyang 75*

The fishermen are verbally abused for the smallest mistakes. Their heads are struck with slaps or clenched fists. Sometimes they are punished by being made to stand under the hot sun or in the rain on the bridge for many hours without food or water.

They learn to deal with it all because they are under constant threat of being sent home without their wages, which are held by the labour agent, and with a new debt, the cost of the return ticket. Those who can no longer face cruel treatment and flee anyway often do so in hope of working illegally on shore in a desperate bid to make money to return home with.

## DWI'S STORY

It was not possible for Dwi\* to return to Indonesia. He did not have a salary to bring home and he would have fees to pay to the labour agents, including a penalty payment

for untimely return. He had already paid a huge fee to the agent to get him a job.

Before he jumped ship he made contact with someone who offered him work picking asparagus in the North Island. He had to pay money to the person who offered him that job, too. His wages were based on the numbers of heads of asparagus he picked, per bucket. He worked ten to twelve hours a day, only having the occasional Sunday off. He lived in a house with the other pickers, paid rent, and shared the cost of electricity and food. The work was exhausting. After a while he moved on to a town and a painting gang.

He was paid \$8 per hour he painted. The hours were very long and he could not take a break under the watch of the supervisor.

He says his life is better than it was on the fishing boat. Now he just wants to be able to work until he has paid off his debt to the families that loaned him the money to pay

# Nonie's Story (Continued.)



the agent the fee to get him the fishing boat job. fishing boat job. Then he can send some money to his wife and children.

He knows that what he is doing is against the law in New Zealand, but he feels he could not have avoided it.

I still speak to him on the phone. He says that all fishermen, especially on the Korean-owned vessels, experience physical and mental distress and are treated like slaves at sea, but they do not have anyone to speak to about it.

A number of practical measures could be taken to protect fishermen working in New Zealand waters As the

Fisheries (Foreign Charter Vessels and Other Matters) Act comes into effect In addition to installing cameras on ships, on-duty observers from the Ministry of Fisheries should not only examine the fish, or the catch, but circumstances on ships. They should talk to the crews, who might be afraid of speaking out.

There needs to be more clarity about who the fishermen's employer actually is, employment contracts, and the relationship between employers and their labour agents. Fishermen need to have the freedom to speak out to or about an employer.

I am very pleased to be part of the Stop the Traffik steering

group. I consider it a blessing to be able to contribute my time, my energy, and my thoughts to assisting foreign workers.

\*not his real name



Boat, West Java



## Legal Developments Mean Tougher Penalties

TWO RECENT pieces of legislation will make it much harder for those seeking to benefit from the exploitation of migrant workers, but they must be expedited.

Immigration Minister Michael Woodhouse introduced the Immigration Amendment Bill to Parliament in October. The bill could impose a jail sentence of up to seven years, and fines of up to \$100,000, on rogue employers.

Woodhouse said at the time that migrants faced problems including being paid below the minimum wage, being forced to work extra hours without pay, or having their passports withheld.

The Fisheries (Foreign Charter Vessels and Other Matters) Bill was introduced by Minister for Primary

Industries Minister Nathan Guy, also last October.

The aim of that Bill is to amend the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Act 2012 (the Act) in relation to the regulation of foreign charter vessels (FCVs) following allegations of the mistreatment and underpayment of foreign crews working on FCVs and the recommendations of a ministerial inquiry.

Advocate for migrant workers Dennis Maga said at the time that the Immigration Amendment Bill could not have come fast enough.

The spokesperson for the Union Network of Migrants said that the Bill needed to be passed as soon as possible because migrants working

on the Christchurch rebuild were being ill-treated.

"They sign an employment agreement in the Philippines for example, and once they arrive in New Zealand, it is being altered," Maga said.

Activists for migrant workers at sea were critical of the three-year compliance period allowed by the the Fisheries (Foreign Charter Vessels and Other Matters) Bill.

The Labour Party's Associate Immigration Spokesperson Darien Fenton said that there had been unnecessary delays. Nearly two years had passed since the Government concluded its Ministerial Inquiry, but that the legislation had not been passed.

"New Zealand's use of cheap labour on fishing boats was scathingly labelled '21st Century slavery' in a US State Department report released in mid-2012," Fenton said.



MP Nathan Guy

# A Working Holiday or a Passport to Exploitation?



Name Withheld

Stop the Traffik Aotearoa - New Zealand has stated that its goal this year is to focus on labour exploitation, so I thought I would share a story about a friend of mine.

I live in a relatively small community that receives hundreds of backpackers and travellers on Working Holiday Visas every year; they come to work in the hospitality and wine-making businesses. Most are South American, coming mainly from Chile and Argentina, but we also receive visiting workers from Europe and the United States, among other countries. So many of these traveling workers speak little to no English, and have chosen to come to New Zealand for a unique cultural and outdoor experience, and to learn the language.

«[They] speak little to no English »



## PEDRO'S STORY

Pedro\* approached me last week asking for guidance about how to best confront his employers and defend his rights to receive fair pay: this is his story.

Pedro hails from Argentina and has been in New Zealand for two-and-a-half years. He arrived on a Working Holiday Visa, but subsequently received further work permits that enabled him to stay.

Pedro has been working at a well-known vineyard as a labourer since 2012.



His issues began after he requested pay for annual leave. Generally, employees should receive four weeks annual leave per year.

Pedro's employers insisted that they have been paying him annual leave weekly since he began working there over a year ago and therefore did not owe him anything.

Uncomfortable with the situation, and feeling that he did not receive an adequate explanation, Pedro emailed his employers stating that he knows his rights, has copies of all his payslips, and will pursue the issue. Upon comparing receipts with work-colleagues (New Zealanders), it seemed that they had all been paid the same amount

of money, but his work-mates knew that they had not been paid their Annual Leave.



« underpaid employees [are held] captive while they work off their incessantly growing debt »

Pedro's employers were paying him a lesser amount per hour, without his knowledge (and possibly breaching contract).

Pedro's message to me said: "Surely there is something we could do to combat this as well, but that is too much of a headache for me. Again thank you, but that's it [for me]."

Stop the Traffik - Aotearoa New Zealand's goal this year is to combat situations such as these. I have collected stories of considerably worse situations, where employers have directly not paid their workers, essentially held their underpaid employees captive while they work off their incessantly growing "debt," or paid below minimum wage and in cash. The employees were always from overseas, with minimal confidence and knowledge of English, allowing both Kiwi and foreign-born employers to take advantage of their vulnerability and need for work.

This year, SITANZ will work towards informing travellers, immigrants and employers of their rights and of New Zealand labour law, as well as informing the general public of these practices. Labour exploitation is a serious moral and legal offence, falling on the continuum of slavery and trafficking of persons. SITANZ must work with the issues and events that are relevant to our domestic situation.

\*namechanged

# Chris Frazer: The Longing to Belong

*a message from the coordinator  
of STT Aotearoa - NZ*

THE NEED to belong, to be valued and respected, is fundamental to the quality of being fully human. Indeed it is the very foundation for human existence and the formation of human identity. We are born into communities and each one of us has a desperate need to know that we are accepted for the unique person we are, and to be valued, loved and treasured for our very presence within our global home.

We all want a place where we can stand tall rooted in a sense of belonging and security where our basic material needs are met and we have sufficient emotional resources to replenish our soul. Yet the reality is for many in today's communities attaining those emotional and material top ups on a comforting regular basis remains distressingly out of reach.

In particular, the people society perceives to be the strangers among us are the most vulnerable as they struggle to find work and a place to call home.

Grouping people with similar geographical and cultural backgrounds under a collective descriptive heading – 'migrant workers' – can serve to mask the fact that these are women and men, young and not so young, who, driven by many differing factors, have left their homeland and often their families to seek paid employment and life opportunities which are not available in their native country.

Carrying their few possessions in a bag and holding in their hearts hopes and dreams of building a future for themselves and their families' men and women regularly pass through our arrival gates and step out into the unknown. For some the journey may be fairly smooth with employment meeting expectations; however for others the harsh reality is vastly

different as they face workplace discrimination, exploitation and harassment.

Often heavily indebted to immigration agents back in their homeland to cover the cost of their travel and purported employment costs for securing paid work and under threat of possible deportation if they do not comply with the employer's demands, the newly arrived worker is in a position of extreme vulnerability and reluctant to complain to authorities.

Migrant workers can and do add value to local economies, often taking up jobs that local people don't wish to do yet they may be suffering quietly in our midst through appalling working conditions, insufficient pay and unacceptably long hours of work. Our newly arrived neighbours need and deserve our support join with us in our call for zero tolerance of labour exploitation within New Zealand and beyond.



Like us on [facebook.com/STTANZ](https://www.facebook.com/STTANZ)  
Email [chris\\_fazer@nzf.salvationarmy.org](mailto:chris_fazer@nzf.salvationarmy.org)





### Planning for the 2014 Prevent People Trafficking Conference is underway.

You will soon be invited to register. But, for now, **please note the dates of 5 to 6 June** in your calendar. We look forward to your valuable participation at this important event.

This year's conference will focus on New Zealand and what is happening in our own backyard. But because of the global nature of today's world—with our links to international trading, the complexities of supply chains that deliver so many of the goods we enjoy and consume, and our ongoing need for migrant labour—we'll also be looking at issues beyond our shores.

Our **keynote speaker** reflects the planning group's intention to bring the 'global' into the 'local'. We are delighted to announce that **Detective Inspector Kevin Hyland of the London Metropolitan Police Special Crime Directorate on Human Exploitation and Organised Crime** has accepted our invitation to deliver the keynote speech and is looking forward to being with us.

**Exploitation: a fair go for everyone**, is our conference theme this year. Working together to prevent people trafficking and labour exploitation in New Zealand is our aim. We warmly invite you to join with us, as together we can—and will—make a difference.

#### Representing the planning group:

- Detective Senior Sergeant Liam Clinton, NZ Police
- Bill Naik, National Manager, Fraud & Compliance Operations, Immigration New Zealand
- Chris Frazer, Social Justice Advocate, The Salvation Army Social Policy & Parliamentary Unit

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