



18 May 2022

Aulia

[Fyi-request-19119-019a86db@requests.fyi.org.nz](mailto:Fyi-request-19119-019a86db@requests.fyi.org.nz)

File No(s): DOIA 2122-1976

Dear Aulia,

I refer to your request under the Official Information Act 1982 (the OIA) received on 12 April 2022 requesting the following information from the Ministry of Business, Innovation & Employment:

*How many modern slavery and migrant exploitation cases finally go to court? How many of them remain unresolved or under ongoing investigation? I would like to have the past 5 (five) years' data.*

Information relating to your request is held by both the Labour Inspectorate and Immigration New Zealand (INZ), their responses are presented separately.

#### **Response from Immigration New Zealand**

Please note that there under current immigration legislation, there is no offence called 'modern slavery'. INZ views modern slavery as an umbrella term that captures a range of different offences including:

- forced labour
- debt bondage
- forced marriage
- slavery and slavery like practices
- people trafficking.

The data presented below includes cases/allegations/complaints which fall under any of these categories. Additionally, please note that the current system used by INZ has only captured this information since 2020.

#### *1. Number of modern slavery and exploitation cases that go to court:*

From 1 January 2020 to 20 April 2022, a total of 486 exploitation and slavery cases/allegations/complaints were investigated by INZ.

Of these 486 cases/allegations/complaints, five exploitation cases/allegations/complaints have involved a court hearing, and none of the slavery cases/allegations/complaints involved a court hearing.



2. *Number of cases that remain unresolved or are undergoing investigation:*

Table 1 shows cases/allegations/complaints investigated which related to exploitation or slavery between 1 January and 20 April 2022.

Of the total 486 cases/allegations/complaints, 95 exploitation cases/allegations/complaints are still open, and no slavery cases/allegations/complaints remain open.

**Table 1**

<b>Complaints Investigated Related to Exploitation or Slavery Between 1 January 2020 and 20 April 2022</b>			
<b>Case Group</b>	<b>Closed</b>	<b>Outcome Pending</b>	<b>Totals</b>
Exploitation	388	95	483
Slavery	3	0	3
<b>Total</b>	<b>391</b>	<b>95</b>	<b>486</b>

**Response from the Labour Inspectorate**

The Labour Inspectorate categorises complaints or allegations under the following categories:

- Migrant Exploitation
- Exploitation-Migrant Worker (defined as when a case involves the type of breach, degree of harm and intention to meet the Inspectorate definition for exploitation and the victim is a migrant worker being an employee who has migrated to New Zealand in the past 5 years or less)

Like INZ, the Labour Inspectorate do not categorise complaints or allegations under the category of 'modern slavery'.

1. *Number of modern slavery and migrant exploitation cases which go to court (for the last five years)*

From April 2017 to March 2022, 82 migrant exploitation cases investigated by the Labour Inspectorate resulted in one or more court cases. As some cases went through more than one court appearance, Table 2 has a total sum of 92 court appearances:

**Table 2**

<b>Enforcement Type</b>	<b>Count of unique cases</b>
Application to the Authority	76
Application to the Employment Court	15
Application to Higher Courts	1
<b>Total</b>	<b>92</b>

Court cases are not the only enforcement action available to the Labour Inspectorate. Table 3 provides a more complete overview of enforcement actions undertaken during the above period:

**Table 3**

<b>Enforcement Type</b>	<b>Count of unique cases</b>
Application to Higher Courts	1
Application to the Authority	76
Application to the Employment Court	15
Enforceable Undertaking	69
Improvement Notice	189
Infringement Notice	66
Self-resolution	16
<b>Total Cases</b>	<b>432</b>

2. *Number of cases that remain unresolved or under ongoing investigation (for the last five years)*

A number of complaints do not go through the investigation path due to insufficient information, or complaints from individuals not supplying contact details. Some complaints are also not of sufficient severity to warrant an investigation, and Guided Self Resolution or Early Resolution pathways may be attempted instead.

Of investigations that were completed, 301 have not yet led to enforcement actions (they might yet be undertaken). There are 152 migrant exploitation cases/allegations/complaints still in the investigation phase, which may lead to enforcement action at a later date.

You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
P O Box 10-152  
WELLINGTON

If you wish to discuss any aspect of your request or this response, please contact [INZOIAs@mbie.govt.nz](mailto:INZOIAs@mbie.govt.nz).

Yours sincerely,



Geoff Scott  
General Manager (Acting) Verification and Compliance  
Immigration New Zealand  
Ministry of Business, Innovation and Employment