

Migrant Exploitation: A case study on New Zealand's Recognised Seasonal Employer scheme.
By Scarlett Shotter Davies

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Supervisor: Dr Swati Nagar

Abstract

This dissertation examines migrant exploitation specifically in terms of whether the Recognised Seasonal Employer Scheme in New Zealand is exploiting workers. The aim of this research to investigate migrant exploitation in New Zealand, mainly focusing on migrant exploitation in the primary industries. By investigating migrant exploitation in New Zealand we will find out how much of a need there is for a Modern Slavery Act as well as a review of the Recognised Seasonal Employer Scheme.

The two main research questions of this study are: To what extent are Recognised Seasonal Employer Scheme workers in New Zealand exploited? and In what way can the current Recognised Seasonal Employer Scheme better protect the interests of migrant workers in New Zealand's horticulture industries?

A single case study method was chosen using New Zealand's Recognised Seasonal Employer Scheme as the case. Furthermore, this study used thematic analysis to analyse the qualitative data that was collected from a comprehensive literature review. The data used for this case study came from academic databases and reputable media sites such as the New Zealand Herald. Other data sources such as governmental reports, and other reputable media publications were also used.

The findings of this study conclude the poor living conditions many Recognised Seasonal Employer scheme workers face. For example many workers apart of the RSE scheme have reported having to share a room with up to six other people (Hamilton-Irvine, 2022). Another finding of this study is the visa conditions that contribute to the exploitative environment of the RSE scheme. Guided by the human rights framework and the Atkinson (1984) core- periphery model, the analysis of the dataset revealed that in New Zealand's RSE scheme, workers are severely exploited. The results of this study highlight the need for New Zealand to make changes to the Recognised Seasonal Employer scheme; for example, the scheme needs to be better policed.

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Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements) nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

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1 Chapter 1: Introduction

Migrant exploitation is an issue which affects millions of people not only in New Zealand but worldwide, particularly in the primary industries. According to Employment New Zealand migrant exploitation can be defined as “behaviour that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker. This includes breaches of minimum employment standards or breaches of health and safety and immigration laws” (n.d).

Migrant exploitation relates to modern slavery as severe worker exploitation can take the form of modern slavery. Poor frameworks and policies in place are causing migrants to be easily exploited by their employers in their place of work. This study aims to investigate migrant exploitation in New Zealand, mainly focusing on migrant exploitation in the primary industries. Migrant exploitation is an important topic to research due to how widespread the issue is and how many people are affected. Migrant exploitation is also an issue that has not actually been researched in depth until recent years. For this reason, many people do not even realise that migrant exploitation or modern slavery is even an issue at all. In this research, a single case study methodology was used, drawing on secondary data from a comprehensive literature review. The case study that was chosen is New Zealand’s Recognised Seasonal Employer (RSE) Scheme. The policy, which came into effect in 2007, permits the horticulture and wine sectors to hire seasonal foreign employees when there are not enough New Zealanders available (New Zealand Immigration, n.d.a). The RSE Scheme was chosen as the case study as in recent times there have been reports about the inhumane conditions that many workers live under while they participate in the scheme.

The literature review indicated a gap around the topic of migrant exploitation. While there has been research done on migrant exploitation, it is currently limited, especially regarding the factors that make migrant workers more susceptible to exploitation in New Zealand. Another research gap around the topic of migrant exploitation in New Zealand is how this issue can be addressed. While there has been some research about how the government can strengthen their policies to protect migrants, the context of this in the horticulture industry is yet to be fully explored.

Identifying these gaps helped develop the questions that would be used to guide the research. The two main research questions for this study are as follows:.

- To what extent are Recognised Seasonal Employer Scheme workers in New Zealand exploited?

- In what way can the current Recognised Seasonal Employer Scheme better protect the interests of migrant workers in New Zealand's horticulture industry?

Furthermore, three sub-questions were developed and are listed below:

- What are the factors that make migrant workers more susceptible to exploitation in New Zealand?
- What may be the impact of such schemes/policies on migrant workers and New Zealand's primary industries?
- What policy action can the New Zealand government take to better address the issue of migrant exploitation in the New Zealand horticulture industry?

While this research is not going to change the world, it will add to the current body of knowledge on migrant exploitation, specifically in New Zealand. Additionally, it will assist in addressing the present research gap in this field. The research will also bring to the forefront the huge problems within New Zealand's RSE Scheme. Furthermore, it will highlight the need for New Zealand to implement legislation to help combat modern slavery and migrant exploitation and, thus, protect these foreign workers. However, this study does have some limitations. One of which is that this research only focuses on one case study of migrant exploitation. A further limitation is that the study does not conduct primary research, that which would elicit information from New Zealand's RSE Scheme workers themselves. The study relies solely on information collected from other people such as journalists and researchers who reported on how the workers felt. Because of this, some information reported may involve a level of bias.

The structure of this study is as follows. The subsequent chapter is a literature review, which begins by looking at the current literature around three theoretical concepts: the human rights framework, the rights-based approach and Atkinson's (1984) core-periphery model. From there, the literature review considers the broader topic of modern slavery before looking into the current literature around more specific research topics: modern slavery in New Zealand; modern slavery in the primary industries; and migrant exploitation. Chapter 3 introduces the context of the research, which is New Zealand's RSE Scheme, as well as identifying the research gaps and why this research is important. Next, Chapter 4 presents the methodology the research paradigm that this research used—the critical realism view paradigm. The data analysis chapter (Chapter 5) goes into depth regarding the process that was used to find the sources for the dataset and the themes. The findings, reported in Chapter 6, expand on the themes and codes found in the dataset. This leads into the discussion in Chapter 7, which compares the themes found in the dataset to the human rights framework as well current policy and treaties of which New Zealand is a part.

Furthermore, this chapter will answer the research questions as well as address the implications of the research. Finally, Chapter 8 summarises the study's focus and findings, makes recommendations for further research and identifies the limitations.

2 Chapter 2: Literature Review

2.1 Human Rights Framework

The human rights framework's key message is that "All human beings are born free and equal in dignity and rights." (UNICEF, 2019). According to the UK's Equality and Human Rights Commission (2014), "the human rights framework is a description which refers to all legal and other human rights commitments". The Universal Declaration of Human Rights and the nine fundamental human rights treaties serve as the framework's instruments (UNICEF, 2019). These treaties are: The International Covenant on Civil and Political Rights; The International Covenant on Economic, Social and Cultural Rights; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; The Convention on the Rights of the Child; The International Convention on the Elimination of All Forms of Racial Discrimination; The Convention on the Elimination of All Forms of Discrimination against Women; The Convention on the Rights of Persons with Disabilities; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and The International Convention for the Protection of All Persons from Enforced Disappearance (UNICEF, 2019). The human rights framework helps us understand modern slavery, as it establishes the principle that all people have equal rights no matter what.

2.2 Rights-based Approach

As stated by Tomalin (2006), the rights-based approach aims to incorporate the principles of equality and equity, accountability, empowerment and participation. The emphasis of the rights-based approach, according to Gusman (2021), is on comprehending the norms, standards and principles of human rights and international humanitarian law as they apply to humanitarian intervention and development policies, services and procedures relating to violence against women. For Rezaeenezhad and Kordnaeij (2012). the rights-based approach incorporates concepts that must be used in development work, including universality, indivisibility, non-discrimination, participation and responsibility. The Australian Human Rights Commission (n.d.) underlines that human rights-based approaches aim to *transform* human rights from just legal concepts into practical realities such as successful policies and practices (emphasis added).. According to Misra (2007), economic justice and employees' rights in the workplace must be considered when applying a rights-based approach. The rights-based approach helps us to understand modern slavery and migrant exploitation as, using this approach, we can examine practices that fuel migrant exploitation and modern slavery.

2.3 Atkinson's (1984) Core-Periphery Model

The core-periphery model distinguishes between an inner core of workers with high levels of task flexibility, an outer core of peripheral workers where achieving numerical flexibility is paramount, and beyond the organisation to the use of self-employed, subcontract and agency temporary staff who are not company employees (Gamble & Huang, 2009). Most migrants are peripheral workers, those who are usually not highly skilled or paid well and are most likely to be exploited. In addition, workers at the periphery are generally less protected by legal frameworks, so they are more easily exploited (Portes Virginio et al., 2022). This model helps to understand how the exploitation of migrant workers is made possible.

2.4 Modern Slavery

The term “modern slavery” is not defined by law. To assist us, we might use the definition provided by the International Labour Organization (ILO) and the Walk Free Foundation. Both propose that modern slavery is “any position of exploitation that a person cannot refuse or leave due to threats, violence, coercion, fraud, and/or misuse of power”, and this covers “forced labour, debt bondage, forced marriage, slavery and slavery-like practices and human trafficking” (Tickler et al., 2018).

According to Reed et al. (2018), there are three main categories of modern slavery: domestic servitude, labour exploitation and sexual exploitation. However, these modern slavery groupings can be broken down into smaller types of modern slavery. For example, under domestic servitude a person could be exploited by a partner or by a stranger; here, victims may be made to perform housework and generally be kept inside. If a person is being exploited by their relatives, it could be through an arranged or forced marriage (Cooper et al, 2017). Under labour exploitation, a person could be exploited for multiple purposes in an isolated environment (e.g., remote rural areas); here, such victims are frequently quite vulnerable to being used in many ways for labour. Victims endure repeated assault, live in appalling conditions on offenders' property and receive very little compensation (Cooper et al., 2017).

Under sexual exploitation, in areas set up exclusively for sex work, victims are trafficked and exploited. This includes brothels or rooms within established commercial buildings (e.g., massage parlours) (Cooper et al., 2017). People experiencing modern slavery are always controlled in some type of way. The primary means of control employed by offenders during the exploitation of victims include the use of physical, financial or emotional abuse, including child grooming and exploitation of drug habits. Offenders frequently employ multiple forms of control (Cooper et al, 2017).

Slavery is not a new concept; it has been around for centuries. According to Burmester et al. (2019), although the practice of slavery is often seen as a historical anomaly, the prospect of enslaving helpless people remains ever-present in any country. For example, Walk Free reported that in New Zealand, in 2022, there were 3,000 victims of modern slavery (Consultation on modern slavery and worker exploitation, 2022). This shows that even in a modern developed country like New Zealand with strict labour rules, modern slavery can still thrive. Even though forms of modern slavery like forced labour, debt servitude and human trafficking have been illegal in most nations for decades, according to Crane et al. (2021), modern slavery continues. These researchers identify the fishing industry as an example of where modern slavery occurs. Big supermarket chains such as Walmart and Tesco stock fish that are the product of modern slavery practices. Big supermarket chains still purchasing fish that have modern slavery in their supply chain is fuelling modern slavery around the world.

When most people think of slavery, they think of events such as the trans-Atlantic slave trade and not the workers that are making parts for their iPhone. As Michailova and Stringer (2018b) pointed out, when we consider slavery historically in this way, we consider those who were coerced into it; however, most modern-day enslaved people enter under false pretences. A 2022 study by the ILO (2022) reported that 50 million people were trapped in modern slavery; of these, 28 million were subject to forced labour, while 22 million were coerced into forced marriages. According to Crane et al. (2021), modern slavery and the trans-Atlantic slave trade stem from the same reason—businesses trying to be as profitable as possible. The business model created by the trans-Atlantic slave trade is seen today: modern slavery can increase an enterprise's profit margin through its cost structure, income stream, or both, despite the fact that it involves inhumane living and working conditions for labour (Crane et al., 2021).

According to Crane et al. (2021), even though modern slavery is illegal in most countries, companies still have it in their supply chains. A reason given for this is that slavery is so far down the supply chain that little notice is taken of it by customers and workers of the companies. In this regard, the location of modern slavery in the supply chains also has an impact. Crane et al. (2021) explained that if slavery is happening far away from the main headquarters of a company, then it can go relatively unnoticed as there is no external oversight from the companies. Even if there is external oversight from companies, firms that are responsible for modern slavery will just conceal the practices by, for example, placing even bigger restrictions on the modern slaves such as not being able to go outside (Crane et al., 2021).

Even though modern slavery is widespread throughout the world, research on the topic is still very limited, especially in the world of business (Caruana et al., 2020). A reason for the lack of

research into modern slavery in a business context is that the management field, Cooke (2003) claimed, has simply ignored the issue. Burmester et al. (2019) adds to the point made by Caruana et al (2021), by stating that many scholars/researchers mistakenly believe that slavery is a thing of the past. According to Cooke (2003), a lot of modern-day business labour techniques stem from practices used in slavery such as performance monitoring.

2.5 Modern Slavery in New Zealand

This may come as a surprise to some people, but modern slavery does exist. Dale (2018) stated that New Zealand is a destination for modern slavery and human trafficking, like many other industrialised, prosperous nations. This statement is supported by King et al. (2017), who highlighted that in 2004 the United States Department of State report on trafficking described New Zealand as a destination for victims trafficked into sexual exploitation. However, it was not until recently that a conviction on modern slavery happened in New Zealand. Fielding and Salmond (2021) reported that the first modern slavery conviction in the country occurred in 2020. In this instance, the victims had been persuaded to go from Samoa to New Zealand by the assurance of higher pay in the horticulture industry (Fielding & Salmond, 2021). This conviction of modern slavery occurred in the horticulture industry, thus supporting King et al.'s (2017) statement that slavery in New Zealand is mainly found in the fishing and horticulture industries. However, King et al. (2017) further elaborated that modern slavery in New Zealand can be found in other industries such as the health and aged care sector as well as circumstances that don't involve labour such as forced marriage or the sex industry.

According to the Walk Free organisation (2022), one in 150 persons is believed to be the victim of modern slavery throughout Australia, New Zealand, and the Pacific area. According to a recent World Vision study, New Zealanders spend more than NZD3 billion annually on products linked to modern slavery (World Vision, 2021). The fishing industry in New Zealand is often linked to modern slavery, as King et al. (2017) stated. According to Stringer et al. (2016), for many years migrant crew members on foreign charter fishing ships operating in New Zealand waters, particularly on some South Korean ships, had to put up with appalling conditions. While these fishing ships are in New Zealand waters, they are overseen by the vessel's home nation, for example, South Korea. Stringer et al. (2016) also stated that Indonesian crews were subjected to exploitation: these crews were not paid and were verbal, physically and sexually assaulted. Along with this abuse, Stringer et al. (2016) also reported that the conditions on the fishing vessels in New Zealand waters were near inhumane. For example, mattresses were not provided; instead, the crews were made to sleep on the floor in damp and crowded quarters. Furthermore, it was found that workers were forced to work every day of the year for up to 18 hours (Stringer et al, 2016). Even though New Zealand has a Fisheries Act (1996) which states that foreign crew must

be paid the minimum wage, Stringer et al. (2016) reported that this is rarely the case. They stated the reason for this is that most of the crew don't speak English, meaning they can't write a complaint in New Zealand. However, when this information came to light the New Zealand government attempted to do better and brought regulatory change to New Zealand's fishing industry (Stringer et al., 2016).

The New Zealand government is now moving to make changes in other industries that are affected by modern slavery. Szablewska et al., (2022) reported that the government promised to investigate legal solutions to combat modern slavery, and on 8 April 2022, it formally started consultation for a potential legislative response to Modern Slavery and Worker Exploitation, Forced Labour, People Trafficking, and Slavery. Companies in New Zealand back the initiative to enhance the country's response to modern slavery: more than 100 companies signed an open letter in support of regulatory action that emphasised the principles of freedom and kindness in 2020 (Szablewska et al., 2022). However, unlike many other developed nations, New Zealand still lacks a legislative framework aimed at addressing and combating modern slavery in the operations and supply chains of organisations engaged in New Zealand market activity as well as New Zealand companies engaged in international business (Szablewska et al., 2022). The consequence of this, according to Szablewska et al. (2022), is that New Zealand is lagging behind many developed countries such as the United States and the United Kingdom.

2.6 Modern Slavery in Primary Industries

Primary industries in New Zealand produce raw materials, such as meat and coal (Nana, n.d.). As stated by Crane (2013), "modern slavery is most prevalent in agriculture, mining and extraction, construction, and some forms of manufacturing such as brickmaking and carpet weaving" (p. 53). Two of these, agriculture and mining, are considered primary industries. Crane (2013) argued that industries such as agriculture have high rates of modern slavery because slavery thrives in industries with high labour intensity, particularly those with a limited supply of on-site workers, like agriculture. This is supported by Han et al., (2022), who noted that firms utilise forced labour to lower operational expenses in primary industries with low labour costs and little technology. Furthermore, Kunz et al. (2023) pointed out that, along with being labour intensive, primary industries mainly require low-skilled workers. Primary industries are also most at risk of modern slavery being in the supply chains due to the high level of migrant workers present in these industries.

The agriculture industry is a prime example of a primary industry in which modern slavery has been found. In the agriculture industry alone, over two million people are working in conditions that could be described as "modern slavery" (Kunz et al., 2023). A reason for this is that the

agricultural industry is hard to police. As explained by Kunz et al. (2023), the agriculture industry spreads over vast amounts of land, with many companies operating in rural environments. Due to this, it is challenging to keep an eye on working conditions without the farmers' desire to support efforts to improve them (Kunz et al., 2023). This may mean that the number of people working in conditions that could be described as modern slavery is higher in agriculture than in other industries. Being in rural areas, according to Whitaker and Hinterlong (2008), means that workers have no access to an outside community, leaving them with no avenues to ask for help or go to the police. Workers in agriculture are also isolated in other ways than just geographically. Whitaker and Hinterlong (2008) reported that often agriculture workers' documents would be taken off them by their employers as another way of isolating them and stopping them from leaving if they are being treated inhumanly.

According to research reports, farm labourers in developing nations are some of the most vulnerable workers: housing is typically subpar, workers' rights are frequently disregarded and workdays are long (Davies, 2019). Many economic sectors, including agriculture in some developing nations, still rely on child labour (Davies, 2019). However, modern slavery in the agriculture industry is also evident in more developed countries such as Italy (Scaturro, 2021). This research is supported by Trautrim et al. (2020), who stated that one of the industries most impacted by modern slavery, particularly in developed nations, is agriculture. As in many other countries, Italy's agriculture industry is comprised mostly of migrant workers. However, according to Scaturro (2021), this leaves the workers highly vulnerable to exploitation.

2.7 Migrant Exploitation

As defined by Employment New Zealand (2021), "Migrant exploitation is behavior that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker". Under this definition, breaking the law on immigration or violating minimal employment standards is included as migrant exploitation. Collins and Stringer (2019) provide a definition that underscores the purpose of migrant exploitation "Migrant exploitation is the unjust and often illegal utilisation of migrants for the extraction of profit in a range of circumstances including in labour, accommodation, provision of migration services, and education, amongst others" (p. 4).

Under the ILO's Migration for Employment Convention (n.d.), a definition for the migrant worker can be found in Article 11: "the term *migrant for employment* means a person who migrates from one country to another with a view to being employed otherwise than on his or her own account" (emphasis in the original). According to Hargreaves et al. (2019), there are more

than 140 million migrant workers worldwide, and many are exposed to danger and job exploitation, increasing their risk of illness and injury. The large number of migrant workers worldwide means that there is a lot of competition for work. According to Wang (2022), millions of migrant workers are looking for work; if one gets a job, they cannot afford to lose it so they must just accept the exploitation. This research is backed up by Datta et al. (2007), who stated that if a migrant worker won't accept a lower wage, then the employer will just get another migrant worker from a different country who will.

Migrant workers are also often in low-paying jobs, which according to Wang (2022) means they are more likely to be exploited. A BBC news article ("Low-skilled workers 'at risk of exploitation'", 2014) identified the reason for this: lax labour checks with regard to employer breaches of employment laws. Furthermore, these migrant workers have little knowledge of employment laws in a country that is not their home country (Collins & Stringer, 2019). Because of this, migrant workers are more likely to not know they are being exploited. In the global north, many employers and governments don't see what they are doing as exploitation of migrant workers. Instead, as emphasised by Datta et al. (2007), employers and governments justify their actions: if the migrants went back home to work, they would be earning a lot less. Migrant workers who are in a country undocumented are particularly vulnerable to exploitation as they can't ask for help or complain so their employer has the power. According to Datta et al. (2007), some undocumented migrant workers reported not getting paid for months at a time by their employer, the migrant workers can't do anything about it due to the fear of being deported. Stevenson's (2022) findings support this research: certain workers who were living in a country illegally or had a precarious immigration status avoided speaking up about their experiences. Furthermore, migrants are often exploited by people from their own country. According to Collins and Stringer (2019), migrant workers are more likely to trust people who are from the same country as they have a culture and language in common. However, being able to speak the same language and having the trust of the migrant workers enables the employers to maintain control over the migrant workers (Collins & Stringer, 2019).

Visas play a huge part in migrant exploitation. In New Zealand especially, student visas and employer-assisted visas, which include both necessary skills and post-study job visas, are the two visa classes where exploitation occurs most commonly (Collins & Stringer, 2019). For those with student visas, exploitation may start in their native country when immigration brokers offer them the idea of getting permanent residency in New Zealand, promising jobs that would result in achieving this status (Collins & Stringer). But, in practice, many people struggle to find employment; thus, people with employer-assisted visas are more susceptible to exploitation.

According to Collins and Stringer (2019), employers may occasionally take advantage of this weakness.

This review of the literature on migrant exploitation enabled gaps to be identified in current research around the subject. While research has been carried out on migrant exploitation, it is limited, especially regarding the factors that make migrant workers more susceptible to exploitation in New Zealand. This finding highlighted why this study is important, and thus led me to the following sub-research question: What are the factors that make migrant workers more susceptible to exploitation in New Zealand? This research question links together both the research gaps around migrant exploitation and the Recognised Seasonal Employer Scheme in New Zealand.

While there has been some research around how the New Zealand government can strengthen their policies to protect migrants, the context of this in the horticulture industry is yet to be fully explored. To help fill this gap, the following sub-research question was developed: What policy action can the New Zealand government take to better address the issue of migrant exploitation in the New Zealand horticulture industry?

2.8 Conclusion

In conclusion, this chapter presented the background literature for this research, describing current literature around the topic. Furthermore, the key theoretical concepts that this research will follow which are the human rights framework, rights-based approach, and Atkinson's (1984) Core-Periphery Model. The chapter also identified gaps in the current literature around the topic of modern slavery which helped establish the research questions for this research.

3 Chapter 3: Context

3.1 RSE Scheme

Nearly all Organisation for Economic Co-operation and Development (OECD) nations have temporary worker migration policies, Collins and Stringer (2019) provide a definition that underscores the purpose of migrant exploitation (OECD, 2013). According to Luthria (2008), one of the few alternatives for low-skilled workers from developing nations to profit from the higher wages available overseas has historically been seasonal worker programmes, which, from the point of view of developed nations, have been considered a more politically acceptable alternative to permanent migration. Countries that have such schemes include the United Kingdom, Germany, the United States of America and Canada (Gibson & McKenzie, 2014). Canada's scheme is called the Seasonal Agricultural Worker Program (Gibson & McKenzie, 2014). Known as SAWP, the scheme applies only to migrants from 12 countries: Mexico and 11 countries in the Caribbean. Migrants can stay a maximum of eight months in Canada and must work 40 hours a week. Employers must provide migrants with suitable accommodation; however, employees must pay for it themselves (Government of Canada, 2016).

Like Canada, New Zealand has a temporary worker scheme in the agriculture industry. The Recognised Seasonal Employer (RSE) Scheme is a policy that permits the horticulture and wine sectors to hire seasonal foreign employees when there are not enough New Zealanders available (New Zealand Immigration, n.d.a). Employers may only hire workers under the RSE policy from the following eligible Pacific nations (unless they can demonstrate that they already have ties with workers from other countries): Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (New Zealand Immigration, n.d.a). As stated by Gibson and McKenzie (2014), workers from these nations tend to be more high yielding than workers from New Zealand, with employers seeing increased productivity levels the more that those same individuals return to work in New Zealand.

Since 2007, the year the scheme was established, the number of workers employed under the RSE scheme has dramatically increased. Initially, the number of workers was capped at 5,000; by 2022 the cap had more than tripled, with 16,000 places available to workers under the scheme. This number is expected to rise in future years because of the continuing growth of New Zealand's horticulture industry. Under the RSE Scheme, there is a limit on how long workers can stay in New Zealand: in an 11-month period, they can stay for up to seven months. However, there is an exception to this rule: workers from Tuvalu and Kiribati can stay for up to nine months. This exception is due to the cost of flying to and from these countries.

According to Gibson and McKenzie (2014), not every business can employ migrants under the RSE scheme; potential employers must first register and then get approved as a Recognised Seasonal Scheme employer. In order to be approved, an employer must show that they are operationally sound, can pay employees at least the minimum wage (\$22.10) for 30 hours per week, can provide housing and pastoral care, have a procedure in place for handling employee disputes, and have in the past complied with all applicable immigration and employment laws. In addition, employers must ensure that return tickets are purchased when hiring new employees and cover half of their return airfare (Gibson & McKenzie, 2014). Like Canada's SAWP scheme, employers must provide accommodation for migrant workers. New Zealand Immigration (n.d.b) stipulates that migrant workers must not be housed in a residential abode (albeit with various exceptions). It lists a variety of other options instead, such as purpose-built accommodation specifically for RSE workers, motels or a designated boarding house. However, workers do have to pay for this accommodation themselves (Gibson & McKenzie, 2014). Another important aspect of the RSE scheme is that it has been designed to reduce the chance of workers using it as a gateway into New Zealand and therefore overstaying. Gibson and McKenzie (2014) set out the two methods in place to deal with this potential problem. The first is that workers are only permitted to stay for a certain amount of time in any given year, but are free to return in consecutive years. The second method is that employees are able to swiftly recover the costs of travel, and do not need to overstay in order to repay any debt incurred, by having employers pay half the cost of flight and guarantee at least a minimum salary.

As stated by Gibson and McKenzie (2014), the RSE was created with two goals: to address the labour needs of New Zealand companies; and to promote economic growth in the Pacific Islands, chosen as the primary source region for employees. It was estimated in 2008 that the New Zealand's agricultural sector required about 50,000 people annually during peak seasons to pick and pack fruit, prune and get orchards and vines ready for the upcoming season. However, during this time there was a shortage of workers in New Zealand. According to Gibson and McKenzie (2014), the agriculture sector calculated that a lack of skilled workers and bad labour conditions cost NZ\$180–300 million in lost output and NZ\$140–230 million in lost value added each year during this period. More recently, Corlett (2019) found that places like Central Otago had heaps of fruit growing, but it was rotting due to not having anyone to pick it. To solve this problem, the RSE Scheme was created as both a medium and long-term solution (Gibson & McKenzie, 2014).

The migrant workers have also benefitted from the scheme. Bedford et al. (2020) found that the scheme has added economic security to thousands of households across the participating nations in the Pacific. The RSE workers are reportedly able to have improved their lives back home based

on the money they earn from participating in the scheme. It provides a reliable source of income for these families, with many workers citing the reliability as a reason to keep participating in the scheme in future years. Bedford et al. (2020) highlighted that because of the reliable source of income, standards of living across the migrant workers have been raised. For example, due to the regular source of income, families are able to afford more quality essential items such as medical care and healthy food. This has resulted in improvements in diet and health in these households.

According to Bedford et al. (2020), the rise in living standards as a direct result of the RSE Scheme can be seen in low-income rural villages where there are few opportunities to earn good wages. For example, families in these areas that participate in the RSE scheme can afford to make improvements to their houses such as better power, water and bathroom facilities. Importantly, Bedford et al. (2020) found that RSE workers also pick up new skills in New Zealand that they can bring home and use. This could involve an upskilling in current soft and hard skills the migrant workers have or learning completely new skills. For example, migrants can gain valuable skills—such as financial and carpentry skills—working on an orchard or vineyard which they can put into practice when they go back home. They can also obtain new and innovative agriculture ideas to help improve productivity of their plants back home. Migrant workers can go home and share these skills and ideas with family members and other people they live with. However, according to Bedford et al. (2020), these skills are more useful to people who back home live in rural areas, as workers who live in the city do not have the need for agriculture skills. Other more interpersonal skills which may be gained from the scheme include personal discipline and a work ethic (Bedford et al., 2020).

Along with social and economic benefits the RSE scheme brings to migrants, the scheme also brings financial benefits. As reported by Gibson and McKenzie (2014), both Tonga and Vanuatu have reported increases in their per-capita income. Tonga's per-capita income increased from between 34% and 38%, while Vanuatu's increased from between 35% and 43%. Furthermore, according to Gibson and McKenzie (2014), both countries have seen a huge increase in the amount of household savings. In Tonga, there has been an increase in savings of 122%, while in Vanuatu there has been increase in savings of 181%. However, the authors noted that these numbers are not higher due to the costs that migrants occur while living in New Zealand. In 2014, the average income that migrant workers received from their work as part of the RSE scheme was NZD12,000, yet migrants only manage to bring an average of five thousand New Zealand dollars home. The reason for the low amount, according to Gibson and McKenzie (2014), is due to the high cost of living expenses, such as rent, food and power, in New Zealand. The RSE scheme also brings an increase in jobs in the Pacific region (Fuata'i, 2023). Countries in this region struggle to create jobs, especially countries like Tonga and Vanuatu, both of which are

part of the RSE scheme (Fuata'i, 2023). Currently, the scheme alone creates an extra 16,000 jobs in the Pacific region alone (RNZ, 2022).

Even though the RSE Scheme does bring a lot of positives to both New Zealand and the Pacific, in recent years there has been talk about the negatives. Many news articles have recently questioned how RSE workers are treated when they are a part of the scheme. Macdonald (2022) compared the scheme to modern slavery due to how workers were being treated by their employers. For example, the author reported that men were having their passports taken from them by their employers when they first arrived. As a result, the workers are stuck and forced to work, even if they are sick, due to the leverage their employer has over them. According to Macdonald (2022), the amount that is deducted weekly from the migrant workers is also a huge issue: essential work equipment such as gloves and boots were being deducted from workers' pay, as well as money for dinner that was being provided to them by their employers. Furthermore, migrant workers have to pay for their accommodation, yet they are not allowed to choose their own; instead, they get provided accommodation by their employer. Macdonald (2022) pointed out that workers are often paying market rates for a bedroom; however there is often over seven people in bunkbeds in each room. In one instance, 18 workers were required to pay \$160 a week to share nine sets of bunk beds. This story of workers sharing a room is also backed up by the recent investigation into the RSE Scheme conducted by the Human Rights Commission.

This same investigation also identified several other examples of mistreatment by RSE scheme employers (New Zealand Human Rights Commission, 2022). For example, RSE workers said that they experienced geographical restrictions. These restrictions, imposed by employers, meant that some workers were not allowed to leave the region they were staying in, even if they were not working. Even more extreme, some employees did not even allow their workers to leave the accommodation they were staying in, and if they did, they would face certain consequences. According to the New Zealand Human Rights Commission (2022), cultural restrictions were also put in place by employers. For example, some workers reported that they were banned from drinking kava, and if caught consuming the drink they would be formally disciplined, even if it was during their own personal time. Kava is a part of many Pacific people's cultures and is an integral part of them; thus, many workers were distressed by this ban and felt it was offensive to their culture to ban them from drinking it while they were a part of the scheme (New Zealand Human Rights Commission, 2022).

Recent weather events in New Zealand have greatly affected many RSE Scheme workers. Hawkes Bay currently has the largest share of New Zealand's seasonal workers; Hawkes Bay is

also where the worst weather event, Cyclone Gabrielle, hit the hardest. According to Wade (2023), at the time of Cyclone Gabrielle in February 2023 there were 9,000 RSE workers in New Zealand, 3,800 of these workers were in Hawkes Bay. According to Rovi (2023), hundreds of these workers have been displaced, with many losing their provided accommodation and all their belongings, and many RSE Scheme employers have also taken a huge financial hit, this includes damage to property, income and fruit. Due to the strict visa conditions, the RSE workers cannot go and work for other employers, only the one they came with on the visa (Wade, 2023). If their employers run out of work, RSE workers currently have no choice but to go home, and this will leave the RSE workers in debt as they wouldn't have earned enough money to recover the costs they spent coming here (Bevin, 2023). Some RSE employers have gone as far as postponing or cancelling their RSE worker contracts. For example, Thornhill Horticultural Contracting have postponed their 150 RSE workers until the winter (Bevin, 2023).

The literature review helped to identify gaps in existing research which helped develop the research questions. While there is research on modern slavery in New Zealand, it is currently limited. Also, the context (the horticulture and viticulture industries) and the RSE Scheme examined in this study have yet to be comprehensively analysed, which is why this research is essential. Until recently, the RSE scheme in New Zealand had received little scholarly or media attention. Because of this, there is a lack of understanding about New Zealand's RSE Scheme and how it negatively affects migrant workers. Australia and the United Kingdom both already have modern slavery acts, which makes this research even more important in the New Zealand context.

For this reason, two specific research questions were developed to address these gaps. These questions are: In what way can the current Recognised Seasonal Employer Scheme better protect the interests of migrant workers in New Zealand's horticulture industries? and What may be the impact of such schemes/policies on migrant workers and in New Zealand's primary industries? A further question is: To what extent are Recognised Seasonal Employer Scheme workers in New Zealand exploited?. The research intends to develop a conceptual framework surrounding migrant worker policies and modern slavery in general, using the case of New Zealand to support the framework.

3.2 Conclusion

In conclusion, this chapter describes the case study that this research will be using which is New Zealand's Recognised Seasonal Employer also known as the RSE scheme. The Recognised Seasonal Employer (RSE) Scheme is a policy that permits the horticulture and wine sectors to hire seasonal foreign employees when there are not enough New Zealanders available (New Zealand Immigration, n.d.a). However, employers may only hire workers under the RSE policy from the following eligible Pacific nations (unless they can demonstrate that they already have ties with workers from other countries): Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (New Zealand Immigration, n.d.a).

4 Chapter 4: Methodology

4.1 Critical Realism Paradigm

A paradigm, according to Morgan (2007), is a shared set of beliefs and practices that direct the research process, which includes the research questions and the methodologies that a researcher chooses. Bogdan and Biklin (1998) define paradigm as a loose set of logically connected assumptions, concepts or propositions that guide study and thought. In contrast, the definition of a paradigm offered by MacNaughton et al. (2001) comprises three components: a belief regarding the nature of knowledge; a methodology; and a set of validating standards. Furthermore, Haigh et al. (2019) define a paradigm as four categories of interconnected viewpoints that serve as the foundation for our notions of knowledge and knowing. These four categories are ontology, epistemology, methodology and axiology. Mackenzie and Knipe (2006) proposed that paradigms have an impact on how knowledge is researched and interpreted. According to Kankam (2019), paradigms serve as the mental window through which the researcher sees the world.

This research adopted a critical realism paradigm. Haigh et al. (2019) pointed out that, although relatively new, this paradigm is commonly used for research into human rights issues. It represents a synthesis of ideas that run counter to those expressed by traditional positivist and interpretivist viewpoints. The critical realism paradigm, according to Haigh et al. (2019), is characterised by the idea that reality exists independently of our beliefs about it. Observation may help us feel more certain about what exists, but existence itself is not reliant on observation. An example that Haigh et al (2019) used in their research to explain a critical realism paradigm is that even if they are unaware of it, everyone has the right to health. The example is relevant for this migrant exploitation research; everyone has human and labour rights, even if they don't realise this. Another important aspect of the critical realism paradigm is that knowledge is transferrable, meaning that our understanding of a thing can change (Haigh et al., 2019). For instance, we acknowledge that the theory we have created regarding human rights may eventually be expanded upon, changed or rejected (Haigh et al., 2019). The “gold standard” of realist research in terms of methodology is pluralism, which implies that nothing is ruled out and that techniques are employed in accordance with available means and demand (Gray, 2017).

Along with the critical realism paradigm, this research assumed a realist ontology. According to Gray (2017), “Ontology is the study of being, that is, the nature of existence and what constitutes reality” (p. 19). —ontology is the study of what is. There are two main types of ontology: realism and relativism. In realism, there is one true reality; it is unchanging and factual. However, in

relativism there are multiple realities; they are not permanent but may change within and between people and over time.

In this research, a realist ontology was deemed appropriate as it aligns with the aim and the research questions. As mentioned above, according to realism, there is just one true reality that is unchanging and factual (Gray, 2017). Critical realism, a subset of realism, maintains that our beliefs and expectations influence our perceptions of the world. One result is that it may be difficult to ascertain the whole truth (Levers, 2013), which is advantageous for this thesis topic and the associated research questions since our expectations and beliefs influence how we perceive migrant exploitation. An objectivist epistemology is appropriate for this study as research informed by objectivism is conducted to ascertain the truth, which is distinct from and unrelated to the researcher's values (Gray, 2017).

4.2 Qualitative Research

In critical realism, many different methodologies can be used. Nothing is excluded, and methods are employed in accordance with opportunity and necessity (Gray, 2017). This means that critical realism can be used in both quantitative and qualitative research (Vincent & O'Mahoney, 2018). According to Bryman (2008), "Qualitative research is a research strategy that usually emphasises words rather than quantification in the collection and analysis of data" (p. 366). Furthermore, Sandelowski (2004) defines qualitative research as an "umbrella word for a variety of attitudes towards and tactics for undertaking research that are intended to learn how people perceive, experience, interpret, and create the social world" (p. 893). Quantitative research is different that qualitative research. According to Watson (2015), a variety of techniques are included in quantitative research; the focus is on employing statistical or numerical data to systematically examine social issues. Quantitative research therefore entails measurement and implies that the phenomena being studied can be quantified (Watson, 2015). For example, a simple phenomenon that could be researched using quantitative methods is height. Researchers normally use quantitative rather than qualitative research if they are trying to measure something to test a hypothesis. Since qualitative research tackles the "how" and "why" research questions and allows for a better knowledge of experiences, phenomena, and context, it was selected for this study. To better comprehend human experience, qualitative research enables us to pose questions that are difficult to answer with numbers.

4.3 Applicability of Critical Realism Paradigm to this Research

The critical realism paradigm is applicable to this study as it is commonly used for research into human rights issues. This study on migrant exploitation in relation to the Recognised Seasonal Employer (RSE) Scheme employed the human rights framework as a theoretical framework to

guide the research. Furthermore, everyone is entitled to basic human rights such as the right to equality and freedom from discrimination; however, RSE Scheme employees might not be aware that they have these rights. The critical realism paradigm is relevant here, as in this paradigm one can be entitled to a right but not be aware of it. A realist position is the appropriate ontology for this study's aim and research questions. Realism argues that only one reality exists and is unchanging and factual (Gray, 2017). This research aims to investigate migrant exploitation in New Zealand, specifically focusing on New Zealand's RSE Scheme. There is only one truth to this, and it won't change depending on people and time. Through careful research, this study aimed to discover the facts regarding exploitation and the RSE Scheme and identify the measures that can protect participants in the scheme. We are trying to find the universal truth about the topic, and this is a realist perspective. This also relates to why objectivist epistemology is applicable to this research— as migrant exploitation is migrant exploitation no matter what it looks like or from whose perspective; it does not depend on how society interacts with the issue.

4.4 Case Study

For academic scholars interested in qualitative research, the case study technique is the most popular (Rashid et al., 2019). If a researcher is attempting to cover both a contemporary phenomenon and its context, case studies can be especially helpful (Yin, 1981). Case studies are frequently employed in organisational studies in the social science fields of anthropology, sociology and labour relations (Meyer, 2001). To conduct a case study, a thorough investigation of one or more organisations, or groups within organisations, is conducted with the goal of analysing the context and processes involved in the phenomena that is being researched (Meyer, 2001). There are hardly any rules governing case study research, in contrast to other qualitative or quantitative research methods like grounded theory or surveys. Because of this, it is really up to the researcher to make design decisions as to how they use case study as a research strategy (Meyer, 2001). Case studies are understood by researchers to be particularly practical for addressing the “why” and “how” questions about a social issue that is being researched. It is contended that some information types can be challenging or even impossible to handle using methods other than qualitative approaches like the case study (Meyer, 2001). Yin's (1993) definition of a case study as an empirical investigation that “investigates a contemporary phenomenon within its real-life context and addresses a situation in which the boundaries between phenomenon and context are not clearly evident” (p. 59) exemplifies the contextual nature of the case study.

When employing case studies for explanatory purposes, there are two primary types of designs that are possible (Yin, 1981). The first is a single case study design, i.e., conclusions are taken from a single case, and can be used to test theories. The second type is a multiple case study

design, i.e., conclusion are taken from multiple cases (Yin, 1981).. When the same phenomenon is assumed to exist in a range of contexts, multiple case study design is appropriate; nevertheless, each case study must be researched equally in-depth (Yin, 1981). This research chose to utilise the single qualitative case study methodology. The case study selected was New Zealand's Recognised Seasonal Employer Scheme in the New Zealand horticulture industry. Case studies are often chosen when researching remarkable events or common phenomena (Yin, 2011). Until recently, New Zealand's RSE Scheme had barely been researched or received any media attention. Because of this, there is a lack of understanding about the scheme and how it negatively affects migrant workers. While some RSE scheme research has been conducted, this study is different as it focuses on the scheme in the context of migrant exploitation. For the complete data collection process refer to chapter 5.

4.5 Thematic Analysis

Thematic analysis is a method widely used to analyse qualitative data; therefore, it is a suitable method for this study. According to Braun and Clarke (2006), thematic analysis, a technique for identifying, analysing and reporting data patterns (themes), has evolved from being a component of other techniques like grounded theory to becoming a standalone technique. Several benefits can be derived from thematic analysis. Themes (and their preponderance), for instance, can be found using a variety of methodologies in thematic analysis; thus, this approach is exceedingly adaptable. The ability to quickly and easily learn the process of thematic analysis is another benefit (Braun & Clarke, 2006). A good description of a data collection can be provided by a thematic analysis, which also effectively summarises the important elements of a vast amount of data. A thematic analysis will therefore discover themes present across the full data set. Any data set could contain a variety of patterns, and the goal of analysis is to find those that are pertinent to resolving a particular research question (Braun & Clarke, 2012). Compared to the grounded theory approach, which also makes use of coding and themes, the thematic analysis approach goes deeper (Creswell & Poth, 2018).

According to Braun and Clarke (2012), there are two types of thematic analysis: inductive and deductive. Inductive thematic analysis is a bottom-up method that is motivated by the data itself. This means that the codes and themes are derived from the data's actual content, which is why the mapping done by the researcher during analysis closely resembles the data's actual content (Braun & Clarke, 2012). In contrast, a deductive approach to data analysis is a top-down strategy in which the researcher introduces a number of concepts, theories or subjects to the data in order to code and understand it. This indicates that the codes and themes come more from the notions and assumptions the researcher brings to the data; in this case, what is mapped by the researcher

during analysis does not necessarily have a tight relationship to the semantic data content (Braun & Clarke, 2012). In saying this, most researchers use both inductive and deductive thematic analysis, with one of the types being more dominant.

This research mainly used an inductive approach to analysing the data. This data was mostly derived from the experiences of the RSE workers and coded accordingly. This was to ensure that their stories and experiences were not entirely overtaken by our analytical viewpoint. Approaching data in a “bottom-up” way means that, before drawing final conclusions, the researcher gathers data, then analyses the data and looks for themes. This means that in the thematic analysis, codes and themes are created based on what the data says, not based on ideas the researcher would have already had in mind (Nowell et al., 2017). The inductive approach is especially useful in trying to understand a phenomenon where there is no hypothesis before starting the research (Nowell et al., 2017). In this study, however, we also used deductive thematic analysis as the analysis draws on theoretical frameworks such as the human rights framework, the rights-based approach and Atkinson’s (1984) core-periphery model to bring to light problems that the data did not directly address.

Braun and Clarke (2012) described thematic analysis as comprising six phases. The first is familiarising yourself with the data. Common to all types of qualitative analysis, this phase is about being completely engrossed in the data by reading and rereading textual data. It also involves making notes on the data; however, these notes are just meant to be initial thoughts, not coding (Braun & Clarke, 2012). The second phase is generating initial codes, representing the beginning of the formal coding-based analysis of the data. Codes specify and provide a name to a characteristic of the data that may be pertinent to the research question. Codes can also give an interpretation of the data’s substance that goes beyond the meaning of what is written down (Braun & Clarke, 2012). The third phase is searching for themes. Here, the codes made in the previous phase turn into themes, which is when the analysis begins to take shape. The coded data is reviewed to find areas of overlap and resemblance between codes, from which themes and sub-themes are then generated. Beginning to examine the relationships between themes and considering how themes work together to construct an overall story about the data is another crucial component of this phase (Braun & Clarke, 2012).

The fourth phase is reviewing potential themes. Developing themes are examined in connection to the coded data and the complete data set through a recursive process. Themes can be dropped if they are deemed not important, some themes may even be merged to create one theme if they are too similar to each other or if there isn’t enough information to justify a theme. This phase is important for unexperienced researchers and those handling really huge data sets because it is

impossible to hold all of your data in your brain while dealing with these types of datasets (Braun & Clarke, 2012). The fifth phase is defining and naming themes, which involves further refinement of the themes. This could mean changing a theme's name to something more appropriate. This phase also involves defining the theme by writing a short description of it (Braun & Clarke, 2012). Finally, the six phase is producing the report, which is when the researcher creates the report (Braun & Clarke, 2012).

For a more comprehensive understanding of the thematic analysis process used please refer to Chapter 5, specifically pages 32-34.

4.6 Conclusion

In conclusion, this chapter presented the methodology for this research, describing and providing the rationale for adopting a critical realism paradigm, along with a realist ontology and an objectivist epistemology. Although relatively new, a critical realism paradigm is commonly used for research into human rights issues (Haigh et al., 2019). An objectivist epistemology assumes a realist ontology and was thus deemed appropriate for the research as objectivist research is conducted to ascertain the truth, which is distinct from and unrelated to the researcher's values (Gray, 2017). This research adopted a single case study methodology. Case studies are often the method of choice when researching remarkable events or common phenomena (Yin, 2011). The case study that this research examined is New Zealand's Recognised Seasonal Employer Scheme. Furthermore, the analytical strategy selected was thematic analysis, judged to be a suitable method for analysing the qualitative data in this study.

5 Chapter 5: Data and Data Analysis

This research aims to investigate migrant exploitation in New Zealand, specifically focusing on New Zealand's Recognised Seasonal Employer (RSE) Scheme. Examining the extent to which migrants are exploited in this scheme is central to this study, along with the ways the scheme can be improved to protect the interests of migrant workers in New Zealand's horticulture industries. The secondary data collection method was used in this study. The data was retrieved through a comprehensive literature search of academic databases and reputable media sites such as the *New Zealand Herald*. Data sources such as governmental reports and other reputable media publications were also used. Academic databases included Google Scholar as well as AUT Library. These online databases were chosen due to the huge number of academic sources that are available on them. The *New Zealand Herald* was chosen as a database to search as it has news articles relating specifically to the RSE Scheme and experiences of the RSE Scheme workers. Both Google Scholar and AUT Library allowed the researcher access to numerous reputable journals such as the *Journal of Mixed Methods Research*, *Supply Chain Management: An International Journal*, *Journal of Management Studies* and *Journal of Risk Research* (see examples in Table 1).

Table 1: Examples of journals, books and reports that have been used in this research found on Google Scholar and AUT Library

Type of Source	Name of Source
Journal	Anderson, D., & Tipples, R. (2014). Are vulnerable workers really protected in New Zealand? <i>New Zealand Journal of Employment Relations</i> , 39(1): 52–67.
Journal	Collins, F. L. (2019). Legislated inequality: Provisional migration and the stratification of migrant lives. <i>Intersections of Inequality, Migration and Diversification</i> , 65–86. https://doi.org/10.1007/978-3-030-19099-6_4
Journal	Stevenson, M. (2022). Hidden in plain sight: The bystander effect and the mobilisation of modern slavery whistleblowing. <i>Supply Chain Management: An International Journal</i> , 27(1), 128-139.
Report	Reed, S., Roe, S., Grimshaw, J., & Oliver, R. (2018). The economic and social costs of modern slavery. Home Office, UK.
Journal	Cooke, B. (2003). The denial of slavery in management studies. <i>Journal of Management Studies</i> , 40, 1895–1918.
Report	Michailova, S., & Stringer, C. (2018a). Studying modern slavery: It is time for IB scholarship to contribute. <i>AIB Insights</i> , 18(2), 21-22.
Journal	Crane, A., LeBaron, G., Phung, K., Behbahani, L., & Allain, J. (2021). Confronting the business models of modern slavery. <i>Journal of Management Inquiry</i> , 31(3), 264–285. https://doi.org/10.1177/1056492621994904

Certain keywords were used to search for relevant articles in these databases. These keywords were selected on the basis of how well they related to the case study of this research as well as how well the keywords would get information to answer the research questions. The first group of key words that were chosen are “Recognised Seasonal Employer Scheme”. Furthermore, the abbreviation “RSE” was added to the keyword group. This extension was necessary as many authors use the abbreviation RSE in their writing, instead of the full name of the scheme. A further main keyword was added: “New Zealand”. This is because we are only interested in articles about the Recognized Seasonal Employer Scheme in New Zealand and not in other countries such as Australia and Canada. The Boolean operators “IN” and “OR” were added to help search for the appropriate articles with both sets of keywords. Because of this, the final command that was entered in the search engine of the databases was “Recognised Seasonal Employer Scheme OR (RSE) IN New Zealand”.

Table 2: Database results

Database	Number of Sources Found
Google scholar	21,300 papers
AUT Library	12,887 papers
<i>New Zealand Herald</i>	688 news articles

This initial search generated a large number of potential sources. As shown in Table 2, Google Scholar generated a total of 21,300 papers, AUT Library generated a total of 12,887 papers, and the *New Zealand Herald* generated 688 news articles. This is a total of 34,875 papers.

The large number of potential sources first identified was due to many of the same sources being available on both the Google Scholar and the AUT Library databases. In addition, a lot of the sources identified in this first search were unrelated to the research topic, aim and research questions. Because of this, further refining of the search criteria was needed. The papers and their titles and abstracts were looked at and eliminated if they did not match the new exclusion criteria listed below:

- Not written in English.
- Not published between the years of 2023–2013.
- Did not focused on the Recognised Seasonal Employer Scheme in a New Zealand context.
- Did not have the Recognised Seasonal Employer Scheme in New Zealand as the main subject of the paper.
- Focused on describing the Recognised Seasonal Employer Scheme as opposed to the policy around migrant schemes and experience of workers in the scheme.

By applying the above exclusion criteria, the search was narrowed to around 600 papers. Then, the list was further refined. This was done by going through the list and seeing which papers were related most to the study's aim and research questions. If the papers did not help answer one of the research questions, then they were not included in the sources that were used. Thus, papers were excluded if they did not provide the following: 1) information on the extent to which RSE scheme workers in New Zealand are exploited; and 2) information on the way the current RSE Scheme can better protect the interests of migrant workers in New Zealand's horticulture industry. Sources were kept if they helped provide relevant information related to the following: 1) the impact of such schemes/policies on migrant workers and New Zealand's primary industry;

2) policy actions of the New Zealand government to better address the issue of migrant exploitation in the New Zealand horticulture industry; and 3) the factors that make migrant workers more susceptible to exploitation in New Zealand. By applying these criteria, we were able to exclude a lot of sources which narrowed down the list.

Due to the size of this research topic and the amount of literature available, it was clear that only a small section of the available literature could be used. The dataset we used had to be manageable due to the time frame and resources available. Because of this, it was decided that a total of around 30 papers and news articles was a manageable dataset. These papers and news articles were those that remained following the elimination process. However, it should be noted that due to the size of the available literature, even after narrowing down the options, it was not a viable option to read every single paper. The aim of this research is not to analyse every single piece of research on migrant exploitation and the RSE Scheme. To help find the 30 articles, those keywords relevant to each research question were searched. For example, for 1) the impact of such schemes/policies on migrant workers and New Zealand's primary industries, the keywords "impact on migrant workers" were added to the already chosen keywords "Recognised Seasonal Employer Scheme OR (RSE) IN New Zealand".

Once the sources were read and chosen, the next step was the thematic analysis—familiarizing myself with the data, the first phase (see Section 4.5 for the six-phase guide provided by Braun & Clarke, 2012). Although I had read the dataset, I did not write any of the papers or news stories, so I had no prior knowledge of the data that had been gathered. This made this phase of the thematic analysis all the more crucial. I thoroughly read the dataset a couple of times. The second time I read the dataset, I highlighted lines that I thought related to the research questions. I used different colours, one for each research and sub-question. After this, I looked through the data that had been highlighted and made preliminary coding—the second phase of thematic analysis.

Table 3: List of Themes

Name of Themes	Codes that contribute to the themes
Poor living conditions	No heaters, freezing and damp accommodation, mouldy homes, cramped accommodation, cramped kitchen, shower limits, insufficient hot water
Employers are often trying to make as much money as possible	Cramped accommodation, wait hours to cook, eat in beds due to nowhere else to eat, insufficient hot water, pay deductions
Excessive deductions	Pay deductions, work equipment deductions, transport deductions, unjustified deductions, average hours, non-return of equipment deductions
Workers under-paid	Low wages, minimum wage, rising living expenses, rising accommodation and transport costs
Restrictions on movement	Curfew, geographical restrictions, movement restrictions on the weekends, partners not allowed to stay together, not able to go home even for emergencies, restricted from contacting fellow Pacific Islanders in New Zealand
Culture restrictions	Restrictions on kava, disciplined if caught consuming kava, no guests
Ability to change employer	Unable to change employer, rely on employer to keep visa, current employer has to agree to any change, bonded to their employers, can't leave and get another job
Visa conditions	Could not leave their jobs, tied to an employer, can only enter the country once, threats of being deported

Union restrictions	Threats to employees if they join a union, not able to come back for another season if they join a union
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I produced initial codes, such as “no heaters”, and assigned the same code to data pieces that expressed concepts that were similar if not identical. According to Braun and Clarke (2006), this is known as open coding. From here, I uploaded my dataset to the software I used, which was NVivo. NVivo is the best qualitative data analysis software for researchers; also, I had used this software before so had some experience in how to use it. I produced my official codes using NVivo. This step was made simple by NVivo since I just went to the code area, right clicked and selected new top-level code. I then took a look at my initial open codes and inserted the first initial code’s name as the name of the code I was making. This process is referred to as “selective coding” refers to this (Braun & Clarke, 2006). I then carried out the same steps with every first open code I had created. Furthermore, provided descriptions for each of the codes.

The descriptions I added were simple one-sentence explanations of the code. I then went over the dataset once again to make sure I had all the information I would need. As before, I developed some more codes and applied them to NVivo. I then made a codebook as a result of this. After that, I looked over all of my created codes to identify those that were connected to one another. In doing so, themes were generated from the data set. Searching for themes is the third phase of thematic analysis. I discovered the grouping of topics by writing the codes on pieces of paper and rearranging them till I created the groups of the various themes. Reviewing themes is the fourth phase, which comes after developing the original ideas. This is necessary since not every theme produced is pertinent or justifies having its own section (Braun & Clarke, 2006). Next was the fifth phase, which involves identifying and titling these topics. On NVivo, I made groupings of codes based on this collection of themes. I did this because I thought it would be helpful while drafting the report. These topics are the last ones to appear in the report. The creation of the final report comes next, the sixth phase of thematic analysis.

5.1 Conclusion

In conclusion, this chapter presented the data analysis for this chapter, describing how the data was collected through a comprehensive literature search amongst academic databases and reputable media sites. Furthermore, this chapter breaks down the exact process that was followed to find the sources to make up the dataset. Finally this chapter describes the codes and themes that was found in the dataset by using thematic analysis.

6 Chapter 6: Findings

This chapter presents the key findings from the dataset using thematic analysis. The thematic analysis identified many themes that infringe upon the human rights framework, key aspects of which relate to New Zealand's Recognised Seasonal Employer Scheme.

6.1 Poor Living Conditions

One of the main findings that most papers refer to regarding the RSE Scheme is the poor living conditions that the workers are forced to live in. This is one of the main themes that was identified through thematic analysis. Poor living conditions obviously differ depending on what country you are in. For example, poor living conditions in New Zealand would be different to those in Kiribati. This theme focused on living conditions that an average New Zealander would consider to be substandard. According to the Encyclopedia of World Problems and Human Potential (n.d), poor living conditions can mean anything from a damp house, excessive proximity of workers, inadequate toilet facilities, draughts and unhygienic living conditions. Multiple papers from the dataset described workers experiencing freezing and damp accommodation. For example, according to Hamilton-Irvine (2022), research has identified inadequate housing as a serious problem, with instances of chilly, wet and even "mouldy" homes. This research that Hamilton-Irvine (2022) and many other papers in our dataset referred to is a report done by the Equal Employment Opportunities (EEO) Commissioner about the RSE Scheme.

This report as well as the article by Fonua (2022) highlighted that many workers reported not having heaters in their rooms, and if they did buy one themselves it would get confiscated as their employers did not want a higher power bill. Furthermore, living quarters for RSE workers were cramped. According to Hamilton-Irvine (2022), workers were cramped into rooms so their employers could get more money. For example, Hamilton-Irvine (2022) reported one situation with up to seven RSE workers sharing a bedroom, as well as 18 workers sharing a five-bedroom house. While this is allowed under the RSE Scheme, according to Chittock (2022), people need to "Stop buying into [the idea] that Pacific Islanders all want to sleep in the same room, because that's what they do back home. No, it's not. No, it's not at all, and I challenge any employer to take me to a Pacific Island where a whole lot of people, who aren't family, sleep in the same room".

The code of cramped housing can be linked to another theme that was found by analysing the dataset. Recognised Seasonal Employer Scheme employers are often trying to make as much money as possible from their workers. For example, according to Pang (2023), in Hawkes Bay,

four bedrooms can earn RSE Scheme employers \$3,500 a week. The employers achieve this by fitting as many workers into a house as possible. For example, the four-bedroom house not only had 16 people spread across the four bedrooms in bunk beds but also 12 people sleeping in the lounge (Pang, 2023). These cramped quarters mean many workers have to eat in their beds and wait hours to cook due to 28 people having to share one small kitchen (Pang, 2023). Furthermore, due to the cramped living conditions, time limits are placed on showers. According to Fonua (2022), one example of this is workers in Otago only being allowed three-minute showers. This is also supported by *The RSE Scheme in Aotearoa New Zealand: A Human Rights Review* (New Zealand Human Rights Commission, 2022), which stated that RSE Scheme employers were subjected to five-minute shower limits. The code of shower limits can be linked to the code of limited hot water. As stated by Bedford et al (2020), many workers experienced poor or insufficient hot water flow compared to the number of shower users. While the code of time limits on showers is not linked to the theme of RSE Scheme, employers are often trying to make as much money as possible from their workers, it can be linked to cramped living quarters. However, a code that is included in this theme is pay deductions.

Hamilton-Irvine (2022) reported that workers often experienced excessive deductions from their payslips. These deductions would be for expected expenses such as rent, power and water. However, workers also experienced deductions for expenses such as work equipment or transport to and from work even if they didn't work that day. According to Bedford et al (2020), workers "found it difficult to understand how it cost the employer over \$400 a week to transport 10 of them in a minibus relatively short distances to and from work. They did not understand the way the costs were estimated and why they could vary from \$10 a week to \$40 a week" (p. 55). It was frequently unclear on employees' payslips why deductions were being made, and many employees who questioned their employers were unable to learn the justifications for the deductions. This led workers to report that they often felt exploited by their employers. Even if an employee is sick and cannot work so are not earning an income, they are still charged for their normal deductions such as rent, transport and food.

These deductions also resulted in many of the employees' wages dropping below minimum wage, which is illegal. For example, Feek (2022) reported that "where a minimum-wage employee had a deduction from their final pay for not returning a uniform or a deduction was made for failing to work out their notice. Each could result in employees' earnings being reduced to below the minimum wage". Only board, lodging or time missed by an employee are permitted deductions from earnings under the Minimum Wage Act 1983, which might lower their value below the appropriate minimum level (Hamilton-Irvine, 2022). The data also reported that instead of paying workers for the hours they worked, employers paid them average hours. For example, if a worker

worked 50 hours a week, employers would pay them for 30 hours to cover for when the weather prevents them from working or some days are not as productive. Thirty hours was used as this is the minimum requirement that RSE Scheme workers are required to work per week.

6.2 Employer Practices

A common theme throughout the dataset was that the pay for RSE Scheme was too low. Low wages are common amongst jobs that migrant workers often do and is a key type of exploitation, especially if the workers are being underpaid (Collins & Stringer, 2019). As stated by Collins and Stringer (2019), being underpaid could mean “the non-payment of PAYE taxes, denial of leave and the non-payment of holiday pay” (p 5). Furthermore, the wages paid to employees under the RSE Scheme do not keep up with rising living expenses and other participation costs (Bedford et al., 2020). Recognised Seasonal Employer Scheme employers are only required to pay their staff minimum wage which as of April 2023 is \$22.70. As stated by Fonua (2022), “They pay everything from accommodation to health insurance, and the costs just keep rising every year. I mean they're supposed to be making a living here and sending money back home. I mean, it's hard enough for them to survive here alone and they're getting paid minimum wage”.

Many workers think that due to the cost of living in New Zealand increasing so should the wage for RSE Scheme workers. Over the past 12 years, the cost of living in New Zealand has increased dramatically, while the wage rates have not. For instance, from 2008 to 2019, the wage for RSE Scheme workers only increased by \$5.70 per hour (Bedford et al., 2020). While the pay has hardly increased, the deductions taken out of RSE Scheme workers' wages have, due to rising accommodation and transport costs associated with the cost of living (Bedford et al., 2020).

A further theme that was found in the dataset is a restriction on RSE Scheme workers' movement. For example, it was found that workers often reported having a nightly curfew of 9.30 pm (Bedford et al., 2020). This was further supported in the dataset by Fonua (2022), who stated that workers reported having curfews, if they were not back by 10 pm, then penalties were imposed. Additionally, Bedford et al. (2020) stated that in the case of one employer, they would not let males be in female workers' bedrooms after 10 pm. Recognised Seasonal Employer Scheme employers defended their actions by stating that these limitations were in place to allow companies to make sure that employees would not elude or quit their jobs (New Zealand Human Rights Commission, 2022).

Furthermore, Fonua (2022) stated that “Some employers are very supportive of their employees, but then there are also employers who believe that isolating their workers is the best way so they can keep them away from outside influence, which we don't understand”. The data also found

that geographical restrictions were imposed on RSE Scheme workers. For instance, it was discovered that employees were prohibited from leaving their specified area without their employer's consent (New Zealand Human Rights Commission, 2022). Industry experts acknowledged that these limitations were in place to allow companies to make sure that employees would not elude or quit their jobs (New Zealand Human Rights Commission, 2022). Movement restrictions were also put in place on what workers could do at weekends or when they were not working. For example, many employers do not allow partners to stay together, even outside of work hours (Fry and Wilson, 2022). One instance of this is a 2020 incident in which a husband and wife's employer disciplined them for deciding to spend one night together (New Zealand Human Rights Commission, 2022). Another example of workers not being allowed to go and spend time with their partners appears in data collected by Wall (2020), who explained that a couple "had been sacked for staying together at a motel away from their designated accommodation - they'd been in gender-segregated lodgings since they arrived the previous October and wanted a night together at Queen's Birthday weekend". The employer of this couple then further threatened not to continue to pay them their \$70 allowance or put them on the flight home (Wall, 2020). On top of this, this couple was fired illegally as their employer did not follow the correct protocol for letting staff go (Wall, 2020). The visas that the RSE Scheme workers are on also restrict the movement of the workers. For example, the visas do not allow workers to go home and come back if they have a family emergency such as a death (Bedford et al., 2020).

Furthermore, research found in the dataset demonstrates that workers were restricted from seeing their New Zealand-based relatives (Bedford et al., 2020). However, some workers stated that their relatives and friends were able to visit them only at their accommodation and during the day (Bedford et al., 2020). While others were permitted to spend public holidays with family in New Zealand (Bedford et al., 2020). It would seem that this type of restriction just depends on who you work for. Additionally, according to Bedford et al. (2020), employers also limited RSE Scheme workers' contact with local Pacific residents and churches. In certain situations, this is done to make sure employees keep their money to bring home rather than giving to Pacific churches in New Zealand.

Another theme found across the dataset is culture restrictions. For example, employers put restrictions on kava, which is a drink associated with cultures in the Pacific and perfectly legal in New Zealand (Macdonald, 2022). Kava has a special place in Pacific culture and is essential to the social and cultural life of many Pacific people. Employees wanted to drink kava outside of work hours; however, they were prohibited by their employers. If they were caught consuming kava, they were disciplined. This example is a clear restriction on culture practices. Furthermore, due to the restrictions on movement, workers often were not able to attend cultural gatherings.

As stated by Fonua (2022), workers were very upset about these rules; for example, one worker stated that “The rules are too restrictive. One is that we are not allowed visitors. As an Islander, the rules are offensive to our culture”. Industry leaders claimed that in order to guarantee that workers under the RSE Scheme would act properly, prohibitions were required (New Zealand Human Rights Commission, 2022).

6.3 Ability to Change Employer

A common theme found throughout the dataset is the low ability for RSE Scheme migrant workers to change employer. These workers are unable to change the employer they enter the country with. However, due to Cyclone Gabrielle in February 2023, workers under the scheme were able to change employer, but only for one month and if the employer was in the same region. Furthermore, the workers current employer has to agree to this change. As stated in one dataset article, the inability to change employer “is problematic ... as it creates fear among workers that actions against their employers will lead to the cancellation of their visa by the employers”. (Hamilton-Irvine, 2022). This inability of RSE Scheme workers to change employers also results in the workers having less bargaining power against their employers (Fonua, 2022). As found in the dataset, this is because RSE Scheme workers are bonded to their employers so “if they have a disagreement or feel they’re not getting a fair choice, or even abused. They can’t leave their accommodation and get another job” (Fonua, 2022).

6.4 Visa Conditions

These restrictions on the ability to change employer are also common among other migrant worker visas. For example, one of the visas New Zealand has for migrants is the employer-assisted visa (Collins & Stringer, 2019). This visa ties an employee to their employer who helped them get the visa for the entire length of stay, which is three years. In data gathered by Collins and Stringer (2019),

participants reported that they were not aware they would be exploited when they accepted the job. Indeed, some employers initially presented themselves as ‘friendly’ during recruitment and once the job started or a new visa was obtained employers changed both employment conditions and their treatment of the employee (p. 6).

However, because of their visa conditions, the workers could not leave their jobs, even if they were being exploited. For example, their employers often used the threat of their visa being cancelled to maintain control and prevent the migrant workers from seeking help (Collins & Stringer, 2019). Recognised Seasonal Employer Scheme workers also feel scared about asking for help. Workers often feel worried that their comments will be traced back to them and they

will get in trouble with their employer (Collins & Stringer, 2019). It is crucial that comments cannot be linked to specific persons so that exploited employees can voice their concerns (Collins & Stringer, 2019). This is largely due to the conditions of the visa that the workers are in the country on. The dataset also revealed that workers frequently face threats of being deported back to the Pacific Islands, owing to the visa restriction that prevents them from changing employers if they don't work harder or quicker (Bedford et al., 2020).

Furthermore, according to data collected by Bedford et al (2020),

Visa restrictions have an unwarranted and expensive effect on firms and Recognised Seasonal Employer Scheme employees. Particularly, the visa makes it extremely difficult for workers to travel home for significant family events like a funeral. In order to return to New Zealand, the worker must apply for a new visa, which is a time-consuming procedure that will cost extra money (p. 22).

This is due to the RSE Scheme visa only allowing workers to enter New Zealand once on the visa (Bedford et al., 2020).

6.5 Union Restrictions

A further theme present in the data set is the restriction on workers joining unions. As stated by Fonua (2022), "There have been a lot of threats that we won't be allowed to return to New Zealand if we join a union. There's a real fear for the boys since 2018, there have been 20 to 40 boys who joined and they never returned".. This quote is from an RSE Scheme worker, making it clear that if they joined a union they would not be able to return next season to the RSE Scheme. This is also further supported by an RNZ (2022) news article, which stated that RSE Scheme workers were deterred from joining unions and warned they wouldn't be permitted to return for the next season'. Furthermore, because workers are not members of a union, they do not reap benefits such as legal support or higher wages.

6.6 Conclusion

In conclusion, this chapter presented the findings of the research. The chapter goes through each of the themes that were identified in chapter 5 and discusses the evidence related to each theme found in the dataset. One of the themes is poor living conditions. Many workers under the RSE scheme have reported poor living conditions. For example, many workers apart of the RSE scheme have reported having to share a room with up to six other people (Hamilton-Irvine, 2022). Currently however, this is allowed under the rules of the RSE scheme.

7 Chapter 7: Discussion

The previous chapter presented the key findings from the dataset using thematic analysis. The thematic analysis identified many themes that infringe upon the human rights framework, key aspects of which relate to New Zealand's Recognised Seasonal Employer Scheme. This chapter compares the themes found in the dataset to the human rights framework as well as current policy and treaties that New Zealand is part of. Furthermore, this chapter also uses the Atkinson (1984) core-periphery model to discuss why RSE Scheme workers' rights are being violated. By using the analytical method of thematic analysis to help understand the data collected and discussing the findings, the study's research questions can be answered—

7.1 - To what Extent are Recognised Seasonal Employer Scheme Workers in New Zealand Exploited?

According to the Cambridge Dictionary (2020), exploitation is defined as “to treat someone unfairly in order to make money or get an advantage”. Based on the findings, it can be concluded that RSE Scheme workers in New Zealand are heavily exploited. The themes discovered in the dataset through the thematic analysis support this conclusion. For instance, the theme of employers often trying to make as much money as possible indicates that the workers are heavily exploited. This is evidenced by how RSE Scheme workers are squeezed into houses, often with as many as nine workers sharing one room. This is all done so employers can earn as much as possible in rent per week. Furthermore, the theme of workers being underpaid further supports this conclusion—by underpaying workers, employers are treating them unfairly to make money, which is the definition of being exploited.

The first aspect of the human rights framework that best applies when considering to what extent RSE Scheme workers in New Zealand are exploited is the right to equality and freedom from discrimination. Regardless of their immigration status, everyone has the right to be treated equally and with respect. The right to equality and freedom from discrimination is written into the New Zealand Bill of Rights Act 1990 as well as New Zealand Human Rights Act 1993. These laws apply to everyone in New Zealand, no matter their migrant status. However, the themes identified in the findings chapter provide evidence that this is not the case in New Zealand's RSE Scheme. For instance, RSE Scheme workers as well as other migrant workers in New Zealand do not currently have the ability to change their employer due to visa conditions (Hamilton-Irvine, 2022). They are, in a way, bonded to their employer. This inability to change employer inevitably results in migrant workers not being equal to their employers. Furthermore, because the workers are not equal to their employers, they are at more risk of being exploited (New Zealand Human Rights Commission, 2022). A reason for this is that migrants do not have any

bargaining power against their employers. This indicates that because of New Zealand's current visa conditions, migrants are easily exploited as they are tied to their employer. The ILO (2022) emphasised that it is troublesome for employees to be tied to a particular company because it instils in them a fear that if they act against their employers, their employers may revoke their visa.

While the recent change to the RSE Scheme visa due to the effects of Cyclone Gabrielle meant that workers were able to change employers, this was only for a limited time and their current employer had to agree to the change region (New Zealand Immigration, 2023). This change still leaves the employer with the upper hand as they have to agree to the RSE Scheme workers move. According to the ILO (2022), the practice of tying workers to their employer by a visa infringes on the right to equality and freedom from discrimination as the power that this gives to employers creates the environment for exploitation. In order for migrant workers in New Zealand, including workers here under the RSE Scheme, to not have their right to equality and freedom from discrimination infringed upon, the government must make real changes to the relevant visas by removing employer-tied conditions.

The second aspect of the human rights framework that best applies when considering to what extent RSE scheme workers in New Zealand are exploited is the right to just and favourable conditions of work. Everyone has a right to payment that guarantees fair earnings, a good standard of life, and secure and safe working circumstances. New Zealand is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which protects everyone's right to fair and beneficial working conditions (New Zealand Human Rights Commission, 2022).

However, the themes identified such as excessive deductions and workers being underpaid indicate that this is not the case in New Zealand's RSE Scheme. For example, the findings from the dataset showed that many workers experienced excessive deductions from their pay checks. Once the deductions were taken from their pay, they were often left without enough money to cover their weekly costs. Under New Zealand's Wages Protection Act 1983, RSE Scheme workers must agree to these deductions made by the employer (New Zealand Human Rights Commission, 2022). Furthermore, under the Wages Protection Act 1983 an employer must not make unreasonable deductions from their employees' wages (New Zealand Human Rights Commission, 2022). However, there are many examples of unreasonable deductions in the RSE Scheme. An example of this that was revealed in the research findings is the excessive deductions for travel, some workers reported being charged \$40 a week for travel to and from work (Bedford et al., 2020). Workers were also confused as some weeks they were being charged \$40, while

other weeks they were being charged \$10 and received no explanation from their employers (Bedford et al., 2020).

All these deductions put workers hourly rate below the minimum wage. Only board, lodging or time missed by an employee are permitted deductions from earnings under the Minimum Wage Act that might lower their hourly wage below the appropriate minimum wage level. There are examples of RSE Scheme workers taking their employers to court over this issue. Solomon Island workers sued their RSE Scheme employer in 2022 over pay reductions for travel and wet weather gear as well as hours worked (Curtis, 2022). The case has the potential to establish a precedent for those earning minimum pay as well as for all employees working under the RSE Scheme. This case also includes wage deductions that were approved by immigration New Zealand (Soapi, Lau and Lau vs Pick Hawke's Bay Incorporated [2022]). To make sure the RSE Scheme isn't infringing on the employee's right to just and favourable conditions of work, there should be stricter rules around the deductions that employers have the right to make, even with the employee permission.

The third aspect of the human rights framework that best applies when considering to what extent RSE workers in New Zealand are exploited is the right to freedom of movement. Under this right, all workers must not be restricted from moving within the country, regardless of whether they are a migrant or not. The right to freedom of movement is written into the New Zealand Bill of Rights Act 1990. Moreover, seven international human rights treaties have been signed by New Zealand, including the International Covenant on Civil and Political Rights (ICCPR), which defends the right to freedom of movement (New Zealand Human Rights Commission, 2022). However, the themes identified in the findings chapter, such as restrictions on movement, underscore that this right is not observed in New Zealand's RSE Scheme. For example, RSE Scheme workers reported having both curfews and restrictions on where they can go outside of work hours (Fonua, 2022). In one case, workers had to back to their accommodation, and if they did not then penalties were imposed (Fonua, 2022). The examples in the findings chapter revealed that curfews applied to all workers on every day of the week, even at the weekend or on a day when the worker was not working.

While leaders in the RSE Scheme industries said these restrictions were there to prevent workers from absconding from work (New Zealand Human Rights Commission, 2022), there is no proof in any of the data set literature from the data set regarding the risk of such absconding events. Lots of RSE Scheme workers have family and partners back in their home country so are highly unlikely to abscond from work. Furthermore, workers were often not allowed to visit the friends and family that they did have in New Zealand in their own free time (Bedford et al., 2020).

Stopping employees from leaving their accommodation to go anywhere in their free time is a breach of their right to freedom of movement under Section 17 of the New Zealand Bill of Rights Act 1990. These restrictions prove that in New Zealand, migrant workers and everyone else in New Zealand are treated extremely differently. If this was happening to non-migrant workers in New Zealand, the reaction would be a lot different.

A lot of the rules around the freedom of movement of RSE Scheme workers are around control. Employers are worried that these workers are using the scheme as an opportunity to come to New Zealand and stay here permanently. A reason for this concern is that people in New Zealand have an impoverished view of the Pacific Island countries and think that people want to leave. However, this is not the case as workers look forward to returning home at the end of every season.

The fourth aspect of the human rights framework that best applies when considering to what extent RSE scheme workers in New Zealand are exploited is the right to privacy and family. Every person has the right to be protected against unjustified or unlawful intrusions into their privacy, families, homes or correspondence, as well as from unlawful attacks on their character and honour, according to Article 17 of the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights, 1966). The International Covenant on Civil and Political Rights was ratified by New Zealand on 28 December 1978 Rights (Ministry of Justice, 2020). However, the themes identified in the findings chapter, such as restrictions on movement, verify that this right is not upheld in the case of New Zealand's RSE Scheme. This theme, as stated in the findings chapter, identified that employers control workers' personal relationships.

For example, husbands and wives were often not allowed to stay in the same accommodation or visit each other outside of work hours. Based on the findings from the data, we can assume that this is standard practice in the industry. Couples were also not allowed to spend nights together in independent accommodation such as a motel, even on days they were not working such as public holidays or weekends. These rules are completely unjustified. There are no examples of rules like this in New Zealand for jobs that don't involve migrants. Recognised Seasonal Employer Scheme workers have a different set of rules to live by than everyone else in New Zealand. If other workers in the country had to abide by the same rules in their jobs as RSE or migrant workers, then one could assume that there would be a lot more attention brought to the issue, especially since these types of rules controlling someone's relationships outside of work goes against a human right that New Zealand has agreed to uphold.

The fifth aspect of the human rights framework that best applies when considering to what extent RSE Scheme workers in New Zealand are exploited is the right to an adequate standard of living. Under this right, everyone has the right to warm, dry, secure, safe, inexpensive and accessible housing. (New Zealand Human Rights Commission, 2022). On 28 December 1978, New Zealand ratified the International Covenant on Economic, Social and Cultural Rights (Ministry of Justice, 2020). In Article 11.1 of this multilateral treaty, the right to an adequate standard of living is assured. It entails access to sufficient shelter, clothes and food as well as ongoing improvements to living conditions. However, the themes identified in the findings chapter such as poor living conditions establish that this right is not upheld in New Zealand’s RSE Scheme. As stated in the findings chapter, RSE Scheme workers often reported having to live in damp accommodation (Hamilton-Irvine, 2022). When workers brought their own heaters to help keep the accommodation warm and dry, they were warned not to use them (Fonua, 2022).

This accommodation is provided by the workers’ employees. While this accommodation must pass minimum standards, that is all they really are—minimum. For example, one standard is that “there should be a separate bed per person” (New Zealand Immigration, , 2017, p. 2) These minimum standards are also very loosely followed. For example, there should be adequate dining rooms with “tables and enough seating for all workers at one sitting” (New Zealand Immigration, 2017, p. 3). However, as the findings revealed, some workers didn’t have dining rooms and had to eat on their beds (Pang, 2023). Furthermore, RSE Scheme workers are often charged almost \$200 for their accommodation. This price is not for their own room but for a room that could be shared with up to seven people. If the employee is not happy with their accommodation, they cannot leave it as this accommodation is tied to their employment. Based on the themes in the findings chapter, it is clear that the RSE Scheme employee’s right to an adequate standard of living is being infringed upon, even though employers are legally required to uphold this right.

7.2 - In what way can the Current Recognised Seasonal Employer Scheme Better Protect the Interests of Migrant Workers in New Zealand’s Horticulture Industries?

New Zealand’s current RSE Scheme should be changed to better protect the interests of migrant workers in New Zealand’s horticulture industries. Based on the findings from the dataset, the New Zealand government needs to look at changing the visa option that is available to these workers. The theme of visa conditions showed that the current visa conditions are negatively affecting the interests of migrant workers in New Zealand’s horticulture industries. For example, not being able to change employer means that workers could be treated poorly, but they are not able to get out of this environment as they can’t legally change employers due to the conditions on their visa. Furthermore, this often leads to workers not asking for help; they do not want their employers to find out as there would potentially be negative consequence for the workers.

Another way the current RSE Scheme could better protect the interests of migrant workers in New Zealand's horticulture industries is to establish a better system to police the scheme and its employers. Across a lot of the themes discovered through the thematic analysis, a key factor is that the current RSE Scheme is not commonly policed. For example, employers may be breaking the rules when it comes to the workers' living conditions, but they easily get away with it because there is no one checking that they are following the standards set.

Many human rights under the human rights framework are also being violated by the RSE Scheme. The one that relates to how the current RSE Scheme can better protect the interests of migrant workers in New Zealand's horticulture industries is the right to freedom of association. Under this right, every worker has the right to join a union. As a founding member of the ILO, New Zealand is required to promote freedom of association, which includes the ability to join a union. The requirements for governments to guarantee that the right to join a trade union is acknowledged are outlined in ILO Convention 87 on Freedom of Association and Protection of the Right to Organise 1948 (ILO, n.d.). The New Zealand government has written the right to freedom of association into the country's law by the way of the New Zealand Bill of Rights Act 1990 Section 17, which safeguards freedom of association, including the ability to join unions. However, the theme identified in the findings chapter regarding union restrictions revealed that this is not the case in New Zealand's RSE Scheme.

As stated in the findings chapter, RSE Scheme workers are often not allowed by their employers to join the appropriate unions in New Zealand. If the workers did join unions, then there would be consequences. For example, workers would be blacklisted, and not rehired for the next year (Fonua, 2022). Not re-hiring the same employees doesn't affect the employers at all. This is because there are always more people wanting to do the job and come over to New Zealand than there are positions available. As a result, it is very easy for such employer threats to go unnoticed by regulators of the scheme. Furthermore, due to the isolation a lot of the workers face, a lot of RSE Scheme workers would not be able to or feel comfortable reporting these issues.

Based on the themes in the findings chapter, it is clear that the RSE Scheme employee's right to freedom of association is infringed upon. However, why is nothing being done about it? The number of news articles collected for the dataset confirms that this issue is being talked about in the media, yet nothing is being done, even though it is so clear that basic human rights are being infringed upon in this scheme. By creating a better system to make sure all employers across the scheme are following a certain standard and all workers are able to join the appropriate unions, the interests of migrants will be better protected.

The findings pertinent to the two main research questions, as discussed in Sections 7.1 and 7.2, are supported by those related to the three sub-questions, which are discussed next.

7.3 - What are the Factors that make Migrant Workers more Susceptible to Exploitation in New Zealand?

Migrants are more susceptible to exploitation in New Zealand than non-migrant workers. Based on the findings from the dataset, we can come to this conclusion. A key factor that makes migrant workers more susceptible is visa conditions. Current visa conditions mean that most migrants are on employer-reliant visas. Additionally, when immigrants accept a job, they frequently are unaware that they will be taken advantage of (Collins & Stringer, 2019). However, because of the visa conditions, they cannot leave. Employers can therefore take advantage of migrants by using their immigrant status to make them accept the exploitive work conditions (Collins & Stringer, 2019). Migrants cannot complain to their employers about the exploitive work conditions as often they are threatened with visa cancellation (Collins & Stringer, 2019).

Other factors make migrant workers more susceptible to exploitation in New Zealand. Examples include: Immigration New Zealand's current visa processing delays; sizable migrant debt due to costs associated with the move to New Zealand; and the absence of relatives and friends in the country (Collins & Stringer, 2019). Furthermore, migrant workers are often doing jobs that are at the periphery (Anderson & Tipples, 2014); those engaged in peripheral work don't have adequate rights so they are easier to exploit.

By using the Atkinson (1984) core-periphery model, we are able to see why the rights of RSE Scheme employees are violated. As found in the dataset these workers are extremely vulnerable due to being at the periphery of the labour market (Anderson and Tipples, 2014). Peripheral workers often don't have adequate rights, despite the fact that the employment is economically vital (Anderson & Tipples, 2014). Furthermore, the jobs located at the periphery often have very little regulation, which makes it easy for rights to be violated.

7.4 - What may be the Impact of such Schemes/Policies on Migrant Workers and New Zealand's Primary Industries?

The RSE Scheme in New Zealand has had positive effects on New Zealand's primary industries. The primary industries are a huge part of New Zealand's economy and have greatly benefitted from migrant workers filling staff shortages. However, findings from the dataset revealed that "seasonal migrant programmes provide no obvious productivity boost either to the firms which employ them or to the horticultural sector generally" (MacNamara, 2021). Furthermore, the

findings highlight that the RSE Scheme in New Zealand is only productive in the short term and not in the long term (MacNamara, 2021).

However, the RSE Scheme in New Zealand also gives workers the opportunity to upskill and then take these new skills back to their home countries. Furthermore, many of these workers wouldn't have the job opportunities back in their home countries or the chance to earn higher wages.

7.5 - What Policy Action can the New Zealand Government take to Better Address the Issue of Migrant Exploitation in the New Zealand Horticulture Industry?

As shown in the findings chapter, the current RSE Scheme in New Zealand is continuing to violate multiple different human rights. The New Zealand government needs to rethink the RSE Scheme and change it so the power is more balanced and not just all with the employers. Furthermore, New Zealand needs to finally legislate against modern slavery. New Zealand is lagging behind most of its counterparts such as Australia, Canada and the United Kingdom when it comes to legislation on this issue. By New Zealand having a modern slavery act, businesses would be forced to take steps to prevent modern slavery in their supply chains as well as support vulnerable people in their supply chains. Having a modern slavery act will also make it easier to prosecute people in New Zealand when it comes to crimes around modern slavery.

Implications

There are a few implications that arise from this study's findings. First, it is clear that policy makers and the New Zealand government need to find a better way to regulate the RSE Scheme. That employers can still be a part of this scheme while breaching multiple human rights that are part of New Zealand law shows just how much change is needed. The second implication is that the government needs to look at changing their visa process. When employees are tied to their employers through their visa, as in the RSE Scheme, they can be more easily exploited. Furthermore, employers are able to get away with exploiting their employees: employees can't change their employer, as a consequence of this could be losing their visa. This means that employees are highly unlikely to report any issues that they have with their employers, which in turn leads to the issue of the RSE Scheme going unpoliced.

A third implication is that if people in other countries find out how bad New Zealand's RSE Scheme is in terms of human rights issues, then they may cease doing business with the enterprises involved in rights violations. In order to calm concerns about worker exploitation, corporations and their supply chains are now subject to considerably stricter review of their labour practices thanks to the passage of laws such as the United Kingdom's Modern Slavery Act

in 2015 and Australia's Modern Slavery Act in 2018. Because of this, leading United Kingdom and European Union retailers are now putting sustainability and social assurance programmes at the forefront of their business practices. In the future, New Zealand producers will have to be more transparent when it comes to their supply chains and if their workers are exploited. Because of this, New Zealand needs to create and pass its own modern slavery legislation, similar to the previously mentioned country examples, to avoid being boycotted by other countries because of human rights violations, a lot of which come from the RSE Scheme.

8 Chapter 8: Conclusion

This qualitative study focused on migrant exploitation, specifically in New Zealand's Recognised Seasonal Employer (RSE) Scheme. The study improves current understanding of migrant exploitation in New Zealand by using the case study of New Zealand's RSE Scheme, which is a temporary worker scheme in the primary sector. It concludes that New Zealand's RSE Scheme is currently breaching multiple different human rights, including the following: the right to equality and freedom from discrimination; the right to culture; and the right to freedom of movement. New Zealand's current visa system adds to these violations as it allows employers to have a high level of power and control over their employees. The findings of this research clearly showed that New Zealand needs to make prompt and large changes to its RSE Scheme.

This research was guided by two main research questions: To what extent are Recognised Seasonal Employer Scheme workers in New Zealand exploited? and In what way can the current Recognised Seasonal Employer Scheme better protect the interests of migrant workers in New Zealand's horticulture industries? Furthermore, three sub research questions were developed: What are the factors that make migrant workers more susceptible to exploitation in New Zealand? What may be the impact of such schemes/policies on migrant workers and New Zealand's primary industries? and What policy action can the New Zealand government take to better address the issue of migrant exploitation in the New Zealand horticulture industry? Guided by the human rights framework and the Atkinson (1984) core-periphery model, the analysis of the dataset revealed that in New Zealand's RSE scheme, workers are severely exploited. Furthermore, due to the workers being at the labour market periphery, they do not have adequate rights, nor is the RSE Scheme properly regulated.

8.1 Recommendations for Future Research

The findings of this research clearly demonstrated that New Zealand needs to make prompt and large changes to its RSE Scheme. In order to figure out what changes should be made, future research could focus on the following two areas. First, a multiple case study research method could be used to compare countries that have similar schemes to New Zealand's current RSE Scheme. By doing this, researchers would be able to see what the other scheme is doing differently and if New Zealand can make any changes to its scheme based on any observed successes. For example, Canada or Australia both have comparable schemes that would be useful to examine. These countries' schemes are relatively similar in their key objective, which is to fill a gap in employment in the primary industries. The second suggested area for future research would involve an in-depth look into how New Zealand's current visa process and categories could be improved. While this research did touch on this a little bit, it only scratched the surface.

Further research in this area would help figure out what changes should be made in order to help combat exploitation.

8.2 Limitations

This research has three limitations. The first is that this research only focused on one case study of migrant exploitation—New Zealand’s RSE Scheme. As this is a qualitative study project that aimed to investigate migrant exploitation in New Zealand, specifically focusing on this scheme, the conclusions cannot be extrapolated to other such seasonal employer schemes around the world or other examples of migrant exploitation. To get a greater understanding of migrant exploitation in New Zealand as a whole, a multi-case study approach should be used in further research. The second limitation is that this study did not conduct primary research involving data collected from New Zealand’s RSE Scheme workers themselves. The study relied solely on information collected from secondary sources which reported on how the workers felt. Because of this, some information reported may involve a level of bias. The final limitation is that this research took the form of a literature review. Thus, the research was informed by existing work in the area of migrant exploitation. Primary research may have led to contributing to the literature.

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