

# New Zealand



## UK seafood industry exports from New Zealand 2018\*

| Fish Type                    | Value, £  | Weight, tonnes |
|------------------------------|-----------|----------------|
| Other Fish                   | 2,113,363 | 729            |
| Mussels                      | 3,014,438 | 436            |
| Eels                         | 414,786   | 105            |
| Horse/Jack Mackerel          | 63,396    | 62             |
| Clams, Cockles and Arkshells | 103,140   | 26             |
| Other Shellfish              | 153,268   | 5              |
| Squid                        | 9,264     | 3              |
| Skates/Rays                  | 7,400     | 3              |
| Oyster                       | 71,107    | 2              |
| Offal                        | 45,821    | 1              |
| Other                        | 19,849    | 1              |

\*Source: Her Majesty's Revenue and Customs (HMRC).

## Introduction

This report is part of a series of country risk profiles that are designed to provide an understanding of the social risks associated with source countries that play a key role in the UK's seafood industry. Each report covers risks related to the production and processing of wild catch and aquaculture seafood products.

This report covers issues such as forced and child labour, working conditions, and impacts of the industry on local communities; and the mitigation efforts and regulatory frameworks put in place to address these issues.

This country risk profile has been compiled by Verisk Maplecroft on behalf of Seafish. Information on issues has been collated from publicly available sources, varying from international rankings and ratings, research by academics and other organisations, through to media articles. It has been prepared for general information only. You should not rely solely on its contents; always verify information from your own suppliers in your own supply chain. References for all information sources are provided.

## Overview

New Zealand is considered a relatively small producer of seafood compared to other major exporting countries. Major seafood exports from New Zealand to the UK include mussels, grenadier, marine fish, eel, horse mackerel and clams. These species are from either farmed or wild capture fisheries.

## Social risks

**Forced labour and human trafficking have been reported in the New Zealand fishing industry.** Serious and high-profile cases over the last decade have involved the exploitation of foreign workers crewing ships flagged to other countries, notably South Korea. The most prominent issues were a result of New Zealand fishing companies chartering South Korean flagged ships to catch their quota. Workers on these ships were allegedly exploited by middlemen and vessel owners, who skimmed their wages and subjected them to unsafe working conditions and physical abuse.<sup>1</sup> Following this, measures were introduced by the government (see 'Regulations and mitigation section').

**Fish caught under conditions of forced labour and abuse may enter the New Zealand fish processing industry via foreign suppliers.** A 2018 investigation carried out by journalists from Stuff Circuit identified a lack of transparency in the frozen tuna supply chain feeding into New Zealand's supermarket, restaurant and pet food sectors. This could potentially allow fish caught by vessels crewed by slave labour in other countries to enter New Zealand.<sup>2</sup> The greatest risk of a lack of transparency is related to Taiwanese longline vessels and tuna trans-shipment, which is a common supply source for many companies and countries across the world.

**Commercial fishing is among the most dangerous industries for workers in New Zealand.** Examples of the potential risks facing workers in the fishing sector include: manual handling; lacerations and puncture wounds; slips, trips and falls; cutting and crushing injuries; confined space entry; carbon monoxide poisoning; fire explosion; gradual onset conditions; and fatigue.<sup>3</sup> A 2017 survey carried out by New Zealand's health and safety agency WorkSafe found that half of workers in the fishing industry had not received health and safety training in the past year.<sup>4</sup> The same survey revealed that 21% of workers said that there had been an incident of serious harm in the previous 12 months.

**At-sea and onshore fish processing workers are also exposed to potentially hazardous working conditions.** In one notable case, in August 2013, two inexperienced workers suffered frostbite after being exposed to chilled brine for a sustained period. The company involved was fined for failing to ensure that the workers were trained and supervised.<sup>5</sup>

**Fatigue is a key risk facing workers in the fishing industry.** A 2018 Maritime NZ survey of 83 commercial fisherman found that 42% admitted they had made mistakes while fatigued, and 34% reported having fallen asleep at the wheel.<sup>6</sup> In one high profile recent case, a 17-year-old worker was left at the wheel of a vessel having slept for less three-and-a-quarter hours after working a full day. The worker fell asleep while on watch, leading to the loss of the vessel after it capsized.<sup>7</sup>

## Regulations and risk mitigation

**New Zealand's health and safety regulations for the seafood sector are appropriate for improving the safety of workers.** Regulations for the fishing sector are set out by the Maritime Rules, which consist of 300 rules that cover operations, personnel requirements, health and safety, maintenance, documentation and other key aspects of commercial maritime operations. Rule 52 sets out the health and safety requirements for workers on commercial fishing vessels in accordance with the ILO's Maritime Labour Convention, which New Zealand ratified in 2016.<sup>8</sup>

Rule 19 stipulates that commercial fishing vessels are required to obtain certificates that are valid for up to 10 years and the application process requires the operator to submit a detailed operations plan that includes an assessment of risks that the vessel is likely to encounter and appropriate mitigation efforts in place. The rules also require that vessel operators provide adequate safety equipment and training for staff.<sup>9</sup>

**The government is taking significant efforts to close loopholes that allow for the abuse of migrant labour in the fishing sector.** In 2016, a new law came into force mandating that all foreign fishing vessels must be reflagged to New Zealand in order to continue operating in New Zealand waters. The aim was to limit the risk of worker exploitation by making sure that all vessels operating in New Zealand's waters have to follow the same laws. However, New Zealand's seafood industry is still regarded as a sector in which migrant workers are vulnerable to abuses.<sup>10</sup>

In 2017, a new system of enforcement measures for migrant worker protections entered into force. The measures impose stricter penalties for companies that breach employment laws when recruiting migrant workers. The measures include stricter fines and mandatory stand down periods, during which the company will be barred from sponsoring foreign visas. For example, a single infringement will result in a stand down period of six months or 12 months for multiple infringements. Stand down periods are also attached to any monetary penalties issued by the employment authorities ranging from six months for fines NZD 1000 (GBP 497) or less and up to 24 months for higher penalties.<sup>11</sup> As of 11 September 2019, there is one seafood company on the stand down list with a period of 24 months.<sup>12</sup>

## International conventions and rankings

The following charts indicate which international labour conventions New Zealand has ratified. The ratification of these conventions is a good indicator of a source country's commitment to enforcing internationally accepted best practices in the seafood industry when combined with thorough national legislation and well-resourced enforcement mechanisms.

| International Labour Organization (ILO) Conventions                     | Ratification                     |
|---|----------------------------------|
| Freedom of Association and Protection of the Right to Organise (No. 87) | No                               |
| Right to Organise and Collective Bargaining (No. 98)                    | Yes                              |
| Forced Labour (No. 29)  | Yes                              |
| Abolition of Forced Labour (No. 105)                                    | Yes                              |
| Equal Remuneration (No. 100)  | Yes                              |
| Discrimination (Employment and Occupation) (No. 111)                    | Yes                              |
| Minimum Age (No. 138)   | No                               |
| Worst Forms of Child Labour (No. 182)                                   | Yes                              |
| Hours of Work (Industry) (No.1)   | Yes (not in force/<br>denounced) |
| Weekly Rest (Industry) (No.14)  | Yes                              |
| Protection of Wages (No. 95)  | No                               |
| Minimum Wage Fixing (No.131)  | No                               |
| Occupational Safety and Health (No. 155)                                | No                               |
| Occupational Health Services (No. 161)                                  | No                               |
| Labour Inspection (No. 81)  | Yes                              |
| Private Employment Agencies (No. 181)                                   | No                               |
| Maritime Labour Convention (No. 186)                                    | Yes                              |
| Working in Fishing Convention (No. 188)                                 | No                               |

| United Nations (UN) Conventions   | Ratification |
|---|--------------|
| Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | Yes          |
| Convention against Transnational Organized Crime  | Yes          |
| Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others   | No           |
| Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families   | No           |
| Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions Practices Similar to Slavery  | Yes          |
| Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery                                     | Yes          |
| Protocol against the Smuggling of Migrants by Land, Sea and Air   | Yes          |

| Other Conventions  | Ratification |
|--|--------------|
| FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing | Yes          |

## Rankings in global indices

### US Department of State Trafficking in Persons (TIP) Report

The TIP report is released annually by the US Department of State and offers a summary of the laws and enforcement efforts of various countries with respect to human trafficking. Specifically, it ranks countries based on a '3P paradigm' of prosecuting traffickers, protecting victims and preventing crime. Scoring on these elements is then collated to give each country a ranking. The rankings range from Tier 1 which indicates governments of countries that fully comply with the Trafficking Victims Prevention Act (TVPA) minimum standards for the elimination of trafficking to Tier 3 for the governments of countries that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Rating: Tier 1

According to the US Department of State's 2019 Trafficking in Person's report, New Zealand meets the minimum standards for the elimination of trafficking.<sup>13</sup>

### **Global Slavery Index**

The 2018 Global Slavery Index measures the extent of modern slavery country by country, and the steps governments are taking to respond to this issue, to objectively measure progress toward ending modern slavery.

There are two rankings:

1. Rankings of countries by prevalence of the population in modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of slavery.
2. Rank of countries in terms of Government response to the issue. This is an indication of how are governments tackling modern slavery.

**For prevalence New Zealand ranking: 164/167 (where a ranking of 1 indicates highest risk).**

Overall, New Zealand is one of the lowest risk countries scored on the index. According to the special report on the fishing sector, it is also considered a low risk for all categories.<sup>14</sup>

In terms of Government response New Zealand ranks BB. This indicates the government has introduced a response to modern slavery that includes short-term victim support services, a criminal justice framework that criminalises some forms of modern slavery, a body to coordinate the response, and protection for those vulnerable to modern slavery. There may be evidence that some government policies and practices may criminalise and/or cause victims to be deported and/or facilitate slavery.

### **EU Illegal, Unreported and Unregulated Fishing Carding Process/Watch List**

Under the IUU Regulation, non-EU countries identified as having inadequate measures in place to prevent and deter this activity may be issued with a formal warning (yellow card) to improve. If they fail to do so, they face having their fish banned from the EU market (red card) among other measures.

**New Zealand is not listed on the EU IUU watch list.**

**Endnotes**

- 1 SCMP, June 2015, Slavery at sea: human trafficking in the fishing industry exposed. Available at: <https://www.scmp.com/magazines/post-magazine/article/1819562/slavery-sea-human-trafficking-fishing-industry-exposed>
- 2 Bingham, E., Penfold, P., May 2018, Forced labour fishing tainting tuna supply. Available at: <https://www.stuff.co.nz/business/industries/104040633/forced-labour-fishing-tainting-tuna-supply>
- 3 Worksafe NZ, Undated, Examples of risks by sector. Available at: <https://worksafe.govt.nz/dmsdocument/3741-examples-of-risks-by-sector>
- 4 Maritime NZ, 2018, Health and Safety Attitudes and Behaviour Survey – Commercial Fishing 2017. Available at: <https://www.maritimenz.govt.nz/commercial/safety/health-and-safety/documents/MNZ-commercial-fishing-report-2017-summary.pdf>
- 5 Maritime NZ, August 2013, Fish processing workers suffer frostbite. Available at: <https://www.maritimenz.govt.nz/magazines/lookout/issue-29/issue-29-4.asp>
- 6 Maritime NZ, 2018, Face the Facts on Fatigue. Available at: <https://www.maritimenz.govt.nz/public/news/media-releases-2018/20180808a.asp> NOTE vi and vii are the same link
- 7 Maritime NZ, August 2018, Fatigue led to capsize of fishing ship and \$27,200 fine. Available at: <https://www.maritimenz.govt.nz/public/news/media-releases-2018/20180808a.asp>
- 8 Maritime New Zealand, 9 March 2017, Maritime Rules Part 52: Maritime Labour Convention. Available at: <https://www.maritimenz.govt.nz/rules/part-52/Part52-maritime-rule.pdf>
- 9 Maritime New Zealand, 1 January 2015, Maritime Rules Part 19: Maritime Transport Operator – Certification and Responsibilities. Available at: <https://www.maritimenz.govt.nz/rules/part-19/Part19-maritime-rule.pdf>
- 10 NZ Herald, June 2018, Govt vows to crack down on exploitation of migrant workers. Available at: [https://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=12064707](https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=12064707)
- 11 NZ Ministry of Business, Innovation and Employment, 27 March 2019, Employers who have breached minimum employment standards. Available at: <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/employers-who-have-breached-minimum-employment-standards/>
- 12 NZ Ministry of Business, Innovation and Employment, 11 September 2019, Published Stand Down List. Available at: <https://www.employment.govt.nz/assets/Uploads/c7f50a09da/stand-down-report-11sep2019.pdf>
- 13 United States Department of State, June 2019, 2019 Trafficking in Persons Report: New Zealand. Available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/new-zealand/>
- 14 The Global Slavery Index, 2018, Findings – Importing Risk – Fishing. Available at: <https://www.globalslaveryindex.org/2018/findings/importing-risk/fishing/>

For further information see the Seafish ethics in Seafood web page.  
Available at: <https://www.seafish.org/article/ethics-in-seafood>