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S26.06

## Submission to the Education and Workforce Committee on the Modern Slavery Bill

### Introduction

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 12 branches across the country.
2. NCWNZ's vision is a gender equal Aotearoa New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion, and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right. Thus, our submission applies a gender and diversity lens to the Modern Slavery Bill.
3. NCWNZ members are active participants in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>1</sup> reporting process, committed to the United Nations Sustainable Development Goals (SDG)<sup>2</sup> and the International Labour Organisation (ILO) Decent Work agenda<sup>3</sup>. We recognise and work towards a Tiriti o Waitangi based society of Aotearoa New Zealand.
4. This submission has been prepared by the NCWNZ Economic Independence Action Hub and the Submissions Coordination Committee. We draw on a prior NCWNZ submission on Modern Slavery and Worker Exploitation<sup>4</sup> and secondary research.

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<sup>1</sup> United Nations. 1979. Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

<sup>2</sup> United Nations. Department of Economic and Social Affairs. Sustainable Development. 2015. *Transforming our world: the 2030 Agenda for Sustainable Development*. <https://sdgs.un.org/goals>

<sup>3</sup> ILO. Decent Work and the 2020 agenda for sustainable development. <https://www.ilo.org/topics-and-sectors/decent-work-and-2030-agenda-sustainable-development>

<sup>4</sup> NCWNZ. 2022. Submission to MBIE on Modern Slavery and Worker Exploitation, 2022. [S22.20 Worker Protection Bill.pdf S22.11 modern slavery.pdf](#)

## Summary

5. NCWNZ applauds the bi-partisanship approach, with the Labour (Camilla Belich) and National (Greg Fleming) parties Member's Bill aimed at addressing modern slavery in supply chains. The stated purpose of the Bill *"is to implement a statutory framework to strengthen and coordinate actions to combat modern slavery."*
6. The Bill requires entities operating in Aotearoa New Zealand that have a total annual revenue of more than \$100 million – which relates to both private firms and Crown agencies - to report on how "they identify, address, mitigate and remediate incidents of modern slavery (including trafficking of persons) within their operations and supply chains."
7. NCWNZ notes that, according to the Annual Enterprise Survey 2024<sup>5</sup>, approximately 978 enterprises would currently meet the \$100 million threshold requiring entities operating within Aotearoa New Zealand to report should the Bill become law.
8. NCWNZ applauds the many positive elements proposed in the Bill, including:
  - a) The Bill creates criminal and civil penalties for those who fail to comply with the reporting requirements.
  - b) It also requires Ministerial oversight with an annual reporting regime and a designated Modern Slavery Register.
  - c) The designated Minister can direct the Chief Human Rights Commissioner to make modern slavery a priority area for the Human Rights Commission.
9. Aotearoa New Zealand has historically been slow at addressing modern slavery compared to comparable nations such as Australia and the UK. **This Bill is a good starting point.** Mandatory reporting, director liability, and a public register represent a genuine step forward for transparency coupled with enforceable penalties. According to the ILO most forced labour occurs in the private economy.
10. We acknowledge that the Select Committee process is crucial to ensure effectiveness of the Bill. Specifically, in making sure that: the regulator is effectively resourced to effect compliance; victim support obligations are broadly defined; and that the final framework explicitly names gender, migration status, and recruitment debt as risk factors requiring disclosure.

## Definitions of Modern Slavery

11. NCWNZ notes that there are closely related definitions of modern slavery, which is an umbrella term used to capture several forms of coercion. The ILO defines modern slavery as comprised of two components, forced labour and forced marriage. Forced labour is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself

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<sup>5</sup> Stats NZ. 2025. Annual enterprise survey: 2025 financial year (provisional). [Annual enterprise survey: 2024 financial year \(provisional\) | Stats NZ](#)

voluntarily" (p.2). Forced marriage is "a human rights violation and a harmful practice that leads to the infliction of physical, mental, or sexual harm or suffering. It has both short and long-term consequences and negatively impacts the capacity of individuals to realise their full rights" (p.59).<sup>6</sup>

12. The New Zealand Government's consultation document<sup>7</sup> uses a slightly different definition of modern slavery: "severe exploitation that a person cannot leave due to threats, violence or deception" including "forced labour, debt bondage, forced marriage, slavery, and human trafficking." Worker exploitation is defined as "non-minor breaches of employment standards in New Zealand." Modern slavery is positioned at the extreme end of a spectrum of conditions that are illegal under New Zealand employment and immigration law.

### Victims of Modern Slavery: Women and Girls

13. NCWNZ notes that women and girls are primary victims of modern slavery, both globally and locally, mainly through trafficking for sexual exploitation, domestic servitude, and labour-intensive supply chain industries such as garment manufacturing, horticulture, and hospitality. We also note that **The Bill's supply chain transparency focus directly implicates sectors where women's exploitation is most hidden and most common.**

14. Our members are aware that real and documented examples of modern slavery exist in Aotearoa<sup>8</sup>. One example is Filipino women, brought to New Zealand to work as caregivers in residential rest homes, working double shifts while navigating parenting responsibilities, with no employment rights, and debt bondage obligations to the recruitment companies that organised their training. This leaves them trapped with no realistic means of exit.

15. Other examples include Pacific and Southeast Asian women on seasonal work schemes in horticulture and packhouses frequently live in employer-controlled accommodation, compounding their dependency and limiting their ability to report exploitation.

16. NCWNZ members are also aware that domestic workers in private households, who are largely invisible to regulators and often on visitor or family visas, have no clear employment protections and risk deportation if they speak out. Other workers outside of the standard labour protections include garment and textile outworkers; predominantly migrant women, they are paid piece rates at home well below minimum wage and classified as contractors.

17. Our members are also aware that exploitation of migrant women on partner-sponsored visas leaves them dependent on their partner for continued sponsorship. In

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<sup>6</sup> International Labour Organization (ILO), Walk Free & International Organization for Migration (IOM). (2022). Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. Geneva: ILO [ILO-GEMS-2022.pdf](#)

<sup>7</sup> Ministry of Business, Innovation and Employment (MBIE). (2022). A legislative response to modern slavery and worker exploitation. [Discussion document: A legislative response to modern slavery and worker exploitation](#)

<sup>8</sup> Walk Free. Global Slavery Index: Modern Slavery in New Zealand. <https://www.walkfree.org/global-slavery-index/country-studies/new-zealand/>

addition to being at risk of forced marriage, this group could also face forced labour exploitation in farm or domestic work to 'repay their debt' for having their travel to Aotearoa New Zealand arranged<sup>9</sup>.

18. What these situations share is debt bondage: repayment obligations to recruiters or employers function as mechanisms of control for a debt that can never be repaid. For this reason, NCWNZ recommends that **the Bill should clearly stipulate recruitment debt as a risk factor requiring disclosure**. NCWNZ asks if this could in fact be taken further, with governance about the % an agent can charge and outlawing recruitment debt in its entirety.

## Forced Marriage or Civil Union

19. The Bill explicitly names coerced or forced marriage or civil union (referencing section 207A of the Crimes Act) both within and/or outside Aotearoa New Zealand. According to Walk Free, there is no official collection of data on the prevalence of forced marriage in New Zealand<sup>10</sup>. While its prevalence is unknown, NGOs such as Shakti and others show it is a very real issue, but their data understates the true scale. Ongoing empirical research by Dr Divya Rathore, (University of Auckland, Law School) investigates forced marriage and how the legal response framework in New Zealand can be strengthened to address this issue and better support vulnerable communities<sup>11</sup>.
20. Presently, forced marriage is a human rights issue. Legally, it can be framed as gender-based, family violence and/or an immigration issue and/or the Marriage Act. NCWNZ members note that **there is no standalone forced-marriage offence. Limited official data and reliance on NGO reports is problematic** in terms of understanding its prevalence, the extent it is recognised (within or outside Aotearoa New Zealand) which in turn, calls into question the accuracy of reporting and compliance. **We recommend more comprehensive official data; clearer legal tools, and better training for reporting entities; the involvement of police, courts, schools, and social services are crucial.**

## Other Concerns Warranting Attention

21. NCWNZ members are concerned that the reporting threshold is set at \$100M of consolidated annual revenue, capturing approximately 978 entities. **This leaves most smaller to mid-size employers, where vulnerable migrant women are most concentrated, outside the regime entirely**. This is a flaw in the reporting threshold being proposed.

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<sup>9</sup> Walk Free. NZ. Global Slavery Index: Modern Slavery in New Zealand. <https://www.walkfree.org/global-slavery-index/country-studies/new-zealand/>

<sup>10</sup> Ibid

<sup>11</sup> Borin Foundation. NZ. 2023. 'Forced marriages' in Aotearoa New Zealand: An Empirical Study. <https://www.borinfoundation.nz/forced-marriages-in-aotearoa-new-zealand-an-empirical-study/>

**22.** We note that the earlier proposed Anti-Slavery Commissioner role was not carried forward to this Bill, with sponsors indicating future consideration may be given to establishing this role through the Human Rights Commission. That deferral is worthy of reconsideration. **A dedicated Commissioner with a gender and intersectionality mandate would significantly strengthen victim-centred accountability.**

## Recommendations and Conclusions

**23.** NCWNZ proposes a range of priorities for strengthening the Bill at the Select Committee and/or within a specified timeframe. That:

- i. the Bill should explicitly name recruitment debt as a risk factor requiring disclosure.
- ii. the final framework allows for intersectional categories to be explicitly named as risk factors requiring disclosure i.e. the intersection of gender, migration status, exploitation, forced marriage and recruitment debt.
- iii. the regulator be sufficiently empowered and resourced to enforce compliance.
- iv. a commitment is made to lower the annual revenue threshold. It is essential median size enterprises be held to account (i.e., defined as having 20 to 99 employees). As evidenced with male seasonal workers, medium size businesses engaged in production and employment processes is where women and girls are most vulnerable to exploitation. Over time, as resources allow, similarly positioned small businesses, should also be required to comply with the reporting regime. This lower threshold would also capture more not-for-profit, NGOs, charities, social enterprises, and trusts. Too often legislative scope excludes the most at-risk workers in society.
- v. more comprehensive official disaggregated data is collected as pivotal to better understand the prevalence and different forms of modern slavery.
- vi. New Zealand law on forced marriage is limited and variable. Clearer legal tools are a necessity to better protect those at risk and support survivors. Forced marriage should be named as an offence.
- vii. there is ongoing training for all organisations involved in supporting the abolition of modern slavery: reporting entities, police, courts, schools, and social services.
- viii. an Anti-Slavery Commissioner be established to raise the profile of the issue, and to engage with businesses on compliance.
- ix. support and remedies must be clearly defined and resourced. Funding must specifically target assisting victims of modern slavery - including specialised support services - alongside strengthening the funding and resources for civil society organisations to provide support services. For example, NCWNZ urges the establishment of a hotline to receive all reports of modern slavery, not only migrant exploitation.

- x. improvements to the Bill are maintained and implemented through continued consultation with, for example, researchers and community-based organisations.

24. NCWNZ is grateful for the opportunity to contribute to this Select Committee consultation process.



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