



Guidance for Advocates

Supporting someone experiencing workplace exploitation

This guide is for community workers, social service providers, union delegates, settlement workers, and anyone supporting a migrant worker who may be experiencing exploitation.

It gives you practical guidance on how to help safely, confidently, and with cultural sensitivity.



**Migrant Exploitation.
Ends Here.**

verimi.org.nz

Who this guide is for

You may be a community worker, settlement support adviser, church or cultural community leader, union delegate, social worker, or simply a friend or family member. You don't need to be a lawyer to help – but you do need to know the limits of your role and when to refer on.

For Guidance Only

This guide is an information resource for community advocates. It is designed to help you provide practical and emotional support to migrant workers.

It is not a substitute for professional legal or immigration advice.

As an advocate, you must not give legal or immigration advice unless you are qualified and licensed to do so. Your role is to support the worker, help them understand the process, and connect them with qualified professionals like lawyers or licensed immigration advisers. Always refer the person to an expert for advice on their specific situation.

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1. Ensure the person is safe first

Before anything else, assess whether the person is in immediate danger, facing coercion, or unable to keep themselves safe. Safety always comes before paperwork, reporting, or any legal process.

What makes a situation unsafe?

A worker may be unsafe if any of the following are true:

Indicators of immediate or physical risk

- The person fears physical harm from their employer, agent, or someone connected to their workplace
- They are being watched, followed, or monitored
- They have been physically assaulted or threatened
- They cannot safely return to their accommodation

Indicators of coercion, control, or exploitation

- The employer has taken their passport, visa, phone, or important documents
- They are not free to leave work, accommodation, or move around the community
- They are threatened with deportation or visa cancellation
- Their pay is withheld, or they are charged excessive deductions
- They are isolated from others or prevented from speaking freely
- They rely entirely on the employer for food, housing, or transport
- They are instructed not to talk to authorities or supporters
- They show signs of fear, distress, or confusion about their rights

Any one of these can mean the person is not safe and needs immediate support.



What makes a situation safe enough for conversation?

A person may be safe enough to continue if:

- They are in a private, unmonitored space
- No employer, contractor, or controlling person is nearby or listening
- They can freely choose whether to continue speaking
- They have control of their own documents, phone, and movements
- They express no immediate fear of harm
- They are physically safe and have access to transport, housing, and communication

“Safe enough” does not mean completely safe – only that they can speak without increased risk.

Ask directly but gently

- “Are you safe at home and at work right now?”
- “Has anyone threatened you, your family, or your visa status?”
- “Are you free to come and go as you want?”
- “Does anyone else hold your passport or documents?”
- “Is there anything making you feel afraid today?”

Tone matters – go slowly, leave pauses, and let them answer in their own words.

If they are not safe, your priority is protection, not reporting.

Help them access emergency support

- Police (111)
- Emergency housing
- Family violence or migrant support services
- If documents have been withheld, note this for the lawyer – this may be a criminal offence
- Avoid putting pressure on them to report to any authority until they feel ready
- Help them plan immediate safety (e.g., where they can stay tonight).

2. Be culturally responsive

Cultural awareness is central to effective advocacy with migrant workers. The way you approach the conversation can determine whether someone trusts you enough to share what is really happening.

Understand what may be shaping their response

Fear and loyalty toward the employer

In many cultures, the employment relationship carries strong power dynamics. The employer may also be a community elder, a member of the same religious group, or someone who helped the worker migrate. This makes it very hard to speak out, even when the situation is clearly exploitative. Do not interpret reluctance as meaning the situation is not serious.

Shame and face-saving

Admitting to exploitation – especially paying a fee for the job, or being physically or verbally abused – can feel deeply shameful in cultures where family honour is important. Workers may minimise what has happened or deny it entirely in the first conversation. Give them time, and make clear you will not judge them.

Collective obligations and family pressure

Many migrant workers are supporting extended families, sometimes including people in their home country who depend entirely on their income. This creates intense pressure to stay in a bad job. Acknowledge this directly: losing income is a real and serious concern. Treat it as such.

Distrust of government and authority

Workers from countries with corrupt or authoritarian governments may genuinely fear that contacting any government agency – including Employment New Zealand – will lead to arrest, deportation, or harm to their family. Take this seriously. Explain how the NZ system differs. Take their concerns seriously and never dismiss them.

Unfamiliarity with New Zealand systems

Do not assume that workers understand employment law, the role of Community Law Centres, or how visas work. Explain things step by step, in plain language, and check understanding. Ask: “Can you tell me back what you understand from that?” rather than “Do you understand?”

Religious and community ties

Particularly in hospitality, agriculture, and care sectors, workers may attend the same church, temple, or community group as their employer. They may face pressure from community members not to report. Acknowledge this and avoid framing the process as a conflict – instead, present it as the worker exercising their legal rights.

How to apply cultural responsiveness in practice

- Use a professional interpreter where possible – do not use the person's employer, a family member, or a community member who may have a conflict of interest
- Speak slowly and avoid legal jargon. Use plain, concrete language: “you are owed money for the hours you worked” rather than “you have a wages claim”
- Sit alongside them, not across a desk – body language matters
- Follow their lead on what they want to do and when – do not push them toward a path they are not ready for
- Allow silence. In many cultures, silence is not discomfort – it is thinking time
- Separate sessions may be needed if a partner, family member, or community leader is present and may be influencing what is said.

Trauma-informed approach

People who have experienced exploitation – especially those who have faced threats, physical harm, or document confiscation – may show signs of trauma: difficulty concentrating, inconsistent accounts, reluctance to talk, or emotional distress. This is a normal trauma response and does not reflect on their credibility.

- Use empowering language: “you are entitled to this” not “you are a victim”, and “you are owed this” rather than “you have been wronged”
- Acknowledge that what happened was not their fault, even if they signed documents or agreed to terms under pressure
- Do not ask them to repeat traumatic details unnecessarily – one good, detailed account for their lawyer is better than multiple retellings, which could be retraumatizing and affect consistency
- Let them set the pace – don't push for details or decisions they are not ready for.

3. Reassure them – they don't have to put up with it

Many workers do not know their rights. The first and most important thing you can do is tell them clearly:

Workplace exploitation is not acceptable. It is against the law. It is not your fault. You have rights. Help is free. You can leave your job safely.

Key messages to convey:

- All workers in New Zealand have the same employment rights – citizens, residents, and migrants on work visas, including those whose visa is tied to their employer
- Reporting exploitation does not automatically mean deportation – there are visa options that protect them
- Community Law Centres and VERI-Mi provide free, confidential support
- Their information will not be shared without their permission.



4. Address immigration fears

Fear of losing their visa is the most common reason migrant workers stay in exploitative situations. Address this directly.

Migrant Exploitation Protection Visa (MEPV)

If their visa is tied to their employer (e.g. an Accredited Employer Work Visa), they may be eligible for an MEPV. This is a free, 6-month open work visa that allows them to leave their current employer without risking deportation.

To apply for an MEPV – in order:

1. Report the exploitation to Employment Services (MBIE): call 0800 20 90 20 or report online. Interpreters are available and the form is accessible in multiple languages
 - **Note:** reporting requires providing the employer's name. Some workers may be reluctant due to fear of retaliation – discuss this honestly with them.
2. If Employment Services assesses the report as credible, they issue a Report of Exploitation letter
3. With this letter, the person can leave their job immediately without breaching their visa conditions
4. They must wait for the MEPV to be approved before starting a new job (usually 2–3 weeks)
5. During this time they remain on their current visa and are not in breach. Most migrant workers on temporary visas are not eligible for WINZ benefits, though in urgent hardship they may sometimes receive limited emergency assistance.

MEPV eligibility requirements:

- Their Accredited Employer Work Visa (AEWV) must still be valid
- They must still be employed by the exploiting employer at the time they apply for an MEPV.

Required documents:

- Completed visa application form
- Certified copy of the identification page of their passport
- Copy of the Report of Exploitation letter
- No application fees, no medical or police certificates required.

The application process typically takes 2–3 weeks, though it may take longer in some cases.

After the MEPV:

- The MEPV is valid for 6 months and cannot be extended
- Encourage them to start planning their next visa well before it expires
- Community Law or VERI-Mi can advise on options.

If they choose not to report

Respect their decision without judgment and help them explore alternative visa options:

- Apply for a new AEWV with a different accredited employer
- Vary the conditions of their current AEWV (if eligible)
- Apply for a visitor or student visa.

Remind them that they must always hold a valid visa while in New Zealand.

Immigration advice – know your limits

In New Zealand, only the following people can legally give immigration advice:

- Licensed immigration advisers
- Lawyers with a current practising certificate
- Volunteers at a Citizens Advice Bureau (CAB).

There are a few other limited exemptions such as diplomats or family members giving informal advice without charge. If someone asks you for immigration advice and you are not in one of these categories, refer them to someone who is.

Note: helping someone complete a form without advising on their status or options does not constitute giving immigration advice.



5. Discuss their goals

Before jumping to solutions, ask what they want to achieve. Different goals lead to very different paths – someone who wants to leave immediately needs different support from someone who wants to recover unpaid wages while staying employed. A person's goals will shape the best path forward.

Common goals – ask which apply

- Leave an unsafe or unfair job as soon as possible
- Recover unpaid wages, holiday pay, or other entitlements
- Stay in New Zealand and continue working
- Hold the employer accountable / prevent it happening to others
- Keep things private and avoid public proceedings
- Simply understand their rights, without taking action yet.

Use VERI-Mi tools

- Walk them through the Path to Justice process chart on the VERI-Mi website: verimi.org.nz/your-path-to-justice
- Encourage them to download and use the VERI-Mi app to record hours, wages, and location going forward
- VERI-Mi also has templates and tools to help prepare an employment claim.

6. Know your limits as an advocate

Being a good advocate means knowing when to step back and refer on. Overstepping can harm the worker's case or put you at legal risk.

Do not:

- Give legal or immigration advice unless you are qualified to do so
- Pressure or rush the person into reporting before they are ready
- Contact the employer on the person's behalf without legal guidance
- Share their information with anyone – including family members or community leaders – without their explicit consent
- Make promises about outcomes (visa approvals, wage recovery, court results)
- Use the person's documents or evidence for purposes other than their case
- Act as an interpreter if you have any connection to the employer or their community
- Do not contact other workers at the same employer without legal guidance. You could breach confidentiality or create a conflict situation.

Confidentiality

Everything a worker shares with you must be treated as strictly confidential. Do not share their name, situation, or any details of their case with anyone – including family members, community leaders, other workers, or other support organisations – without their explicit, informed consent. Before sharing anything, including when making a referral, ask the person directly and make sure they understand what will be shared, with whom, and why. Consent to share for one purpose – such as a referral – is not blanket consent to share generally.

There are two limited exceptions: if the person is at immediate risk of serious harm to themselves or others, you may need to contact emergency services; and if you are required to disclose by law. Outside of these situations, confidentiality must be strictly maintained.

This matters especially in migrant communities, where people often know each other and word travels fast. A breach of confidence – even a well-intentioned one – can expose a worker to retaliation from their employer, damage within their community, or worse. It can destroy the trust that made it possible for them to speak to you at all.

Keep any notes or records securely, do not discuss the person's situation in shared spaces, and always get their agreement before making a referral.

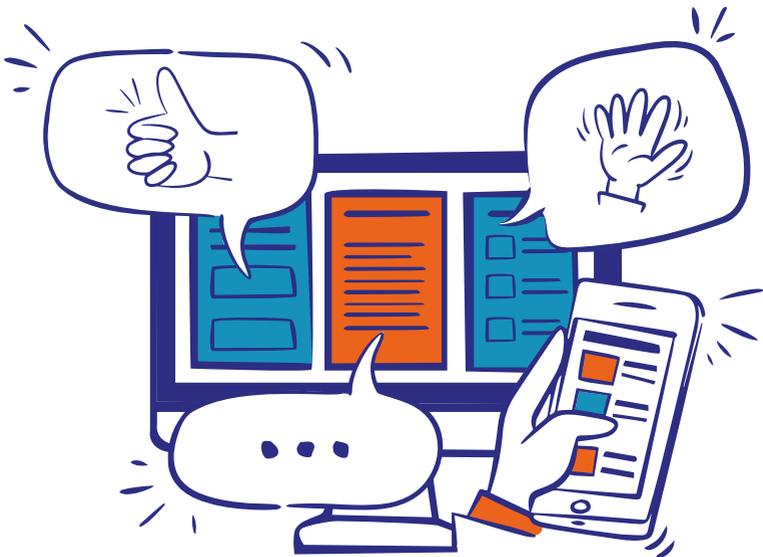
Interpreters

Working through an interpreter is not just a practical necessity – it affects the quality of everything that follows. A worker who cannot fully express themselves, or who does not fully understand what is being said, cannot give informed consent, cannot accurately describe what happened, and may agree to things they do not intend to.

As a general rule, do not use the worker's friends or family members as interpreters. They may have their own relationship with the employer or the community, they may filter or soften what is said, and their presence may prevent the worker from speaking freely. The same applies to community members, even well-meaning ones.

If you or your organisation does not have access to an independent professional interpreter, the worker should be able to access free telephone interpreters through their local CAB or Community Law Centre.

When working with an interpreter – whether in person or by phone – brief them beforehand on the sensitivity of the conversation and the importance of accurate, complete interpretation. Ask them to interpret everything that is said, not to summarise or advise.



Referral pathways

VERI-Mi	Free, confidential. Initial guidance, connection to lawyers, tools and templates. Contact: info@verimi.org.nz or visit verimi.org.nz
Community Law Centre	Free legal advice. 24 centres across New Zealand. Can represent in ERA proceedings: communitylaw.org.nz
Citizens Advice Bureau	Free information, help with forms, able to give immigration advice: cab.org.nz
Migrant Workers Association	Guidance and peer support for migrant workers: help@migrantworkers.org.nz
UNEMIG	Union Network of Migrants. Migrant led, non-profit and non-sectarian. Aims to protect the rights and welfare of migrant workers in New Zealand: unemig@workersfirst.nz
Employment NZ	Report exploitation to government, access MEPV. Call 0800 20 90 20 or visit gethelp.employment.govt.nz
Police	If there is immediate danger, criminal threats, or document confiscation. Emergency: 111
Local mental health or counselling services	



7. Raising an employment claim

This section is for advocates working alongside a lawyer or Community Law Centre. It outlines the legal process so you can explain it clearly to the person you are supporting.

Initial steps

An employment claim typically begins with a letter to the employer outlining the issues – unpaid wages, leave arrears, or a personal grievance (e.g. unjustified dismissal). The letter states what the employee is seeking and is supported by evidence such as payslips, rosters, and the employment agreement.

Crucial Time Limits for Employment Claims

New Zealand employment law has strict deadlines for raising claims. Missing these deadlines can mean a worker loses their right to bring a case. This is one of the most important things you need to be aware of from your very first conversation.

There are two main time limits:

Type of claim	Deadline	Explanation	Legal basis
Personal grievance	90 Days	For issues like unjustified dismissal, disadvantage (e.g., bullying, rosters being cut unfairly), discrimination, or harassment, the worker must raise the problem with their employer within 90 days. The 90 days start from the date the action happened, or the date the worker became aware of it, whichever is later.	Section 114, Employment Relations Act 2000
Wage and holiday pay claims	6 Years	For claims to recover unpaid wages, holiday pay, or other entitlements owed under an employment agreement or the law, the worker has six years from the date the money was due.	Section 142, Employment Relations Act 2000

What if the 90-day deadline is missed?

If a worker misses the 90-day deadline for a personal grievance, they can only proceed in two situations:

1. The employer agrees to let them raise it late.
2. The Employment Relations Authority (ERA) gives them special permission (called “leave”) due to “exceptional circumstances”.

“Exceptional circumstances” can include situations where the worker was so traumatised they couldn’t act, or where they had asked a representative (like an advocate) to raise the grievance for them, and that representative unreasonably failed to do so in time. This is a high bar to meet, which is why acting quickly is so important.

What does “Raising a Grievance” actually mean?

Raising a personal grievance is the first formal step, and it starts the 90-day clock. It does not need to be a complicated legal letter. The law is designed to be informal at this stage. This means their civil claim for wages may take longer to resolve if criminal charges are also being pursued.

Under s.114(2) of the Employment Relations Act 2000, a grievance is considered “raised” as soon as the worker or their advocate has taken reasonable steps to make the employer aware of two things:

1. **The Problem:** What the grievance is about (e.g., “I was dismissed without a fair reason,” or “My hours were cut as punishment for being sick”).
2. **The Request:** That the worker wants the employer to address the problem.

A wage arrears and grievance template is available on VERI-Mi’s website:

verimi.org.nz > How we can help > More information > Personal grievances

Key Points:

- **It can be verbal or in writing.** A conversation or an email is enough, but writing it down creates a clear record.
- **No magic words are needed.** You don’t have to use the phrase “personal grievance”.
- **Give enough detail.** The employer must be given enough information to understand the substance of the complaint so they can respond to it. Simply saying “I have a grievance” is not enough.



MBIE triage

If the matter has been reported to Employment Services (MBIE), MBIE conducts an initial triage:

- Serious or systemic cases – referred to the Criminal Investigations Team
- Employment standards breaches – assigned to Labour Inspectors
- Less severe matters – Early Dispute Resolution (EDR) may be offered.

Important: If criminal charges are laid, the related civil claim may be paused until criminal proceedings conclude. This means their civil claim for wages may take longer to resolve if criminal charges are also being pursued. Under s.47 of the Evidence Act 2006, a criminal conviction is conclusive proof in civil proceedings that the offence occurred, where relevant.

Mediation

Mediation is usually the first formal step. It is free, interpreters are provided at no cost, and can be held in person or online. Request via the MBIE Mediation Services website.

Timeframe	7–8 weeks or longer to secure a slot
Effectiveness	Many exploitation cases settle at this stage – fast and confidential
Binding Settlement	Reaching a settlement means signing a binding, enforceable settlement agreement which is lodged and filed with Mediation Services (part of MBIE)
Limitation	Full recovery of wage and leave arrears is uncommon, but avoids litigation risk
If employer refuses	Employee can file a Statement of Problem with the ERA; ERA usually directs parties to mediation before proceeding
If settlement not paid	Apply to ERA for a compliance order to enforce the agreement

Employment Relations Authority (ERA)

If mediation does not resolve the matter, the case may proceed to a full ERA investigation.

Case Management Conference	Planning session to clarify issues and set timelines for evidence exchange
Investigation Meeting	Informal hearing where both parties present evidence, led by an ERA Member
Determination	Legally binding decision – may include compensation, lost wages, or reinstatement
Enforcement	ERA determinations can be filed in the District Court (s.141 Employment Relations Act 2000) making them enforceable as court judgments

Joining a director or officer to a claim

In some cases, if the employer company cannot pay, it may be possible to recover unpaid wages from the person who runs the business directly. This is complex and requires a lawyer or employment advocate (see ss.142Y and 142W of the Employment Relations Act 2000).

All of the following must apply:

- There is a default in payment of wages or entitlements
- The default results from a breach of employment standards
- The director or officer was involved in the breach (as defined in s.142W)
- The employee has obtained leave of the ERA or court
- The employer is unable to pay.

Key Contacts

Refer the person to the right support –
they don't have to do this alone.

VERI-Mi

→ verimi.org.nz → info@verimi.org.nz

Community Law Centre

Free legal help. 24 centres across New Zealand.

→ communitylaw.org.nz

Employment New Zealand

→ 0800 20 90 20 → gethelp.employment.govt.nz

Citizens Advice Bureau

Free information. Can give immigration advice.

→ cab.org.nz

Union Network of Migrants (UNEMIG)

→ 027 573 4288

Migrante Aotearoa New Zealand

→ migranteaotearoanz@gmail.com

Migrant Workers Association

→ help@migrantworkers.org.nz

Migrant Exploitation Relief Foundation

→ info@merf.co.nz

Work and Income

→ 0800 559 009 (interpreters available)

You are making a difference. Your support can be
the reason someone finally gets the help they need.

verimi.org.nz