

**MANAGED MIGRATION? THE HEALTH AND SAFETY AND
HUMAN RIGHTS IMPLICATIONS FOR STUDENT
MIGRANT LABOURERS IN THE HORTICULTURE SECTOR**

Danaë Anderson, Suzanne Jamieson & Krish Naidu
AUT University & Sydney University
Auckland, New Zealand & Sydney Australia

Email danae.anderson@aut.ac.nz

July 2012

©Danaë Anderson

No written or electronic reproduction without permission

MANAGED MIGRATION? THE HEALTH AND SAFETY AND HUMAN RIGHTS IMPLICATIONS FOR STUDENT MIGRANT LABOURERS IN THE HORTICULTURE SECTOR

Danaë Anderson, Krish Naidu & Suzanne Jamieson
AUT University & Sydney University

Abstract

Changes in employment environments within New Zealand have resulted in certain groups of workers congregating at the periphery of the labour market. Precarious work is typically located in tedious or hazardous positions with little regulation, supervision, and poor remuneration. While research on contingent labour has increased, an ignored area of research concerns international students arriving on educational visas but instead pursue employment which often entails working excessive hours. However, there are a number of issues with this form of working arrangement. Many of these migrant workers obtain indentured work through connections or labour contractors; some have language difficulties; and, a significant proportion of these migrants work in sectors with relatively high accident rates. It may be assumed therefore, that they are likely to be more vulnerable to work accidents (Benach, Muntaner, Delclos, Menéndez, and Ronquillo, 2011).

Research to date primarily concentrates either on the working experiences of migrants, or the educational experiences of international students rather than examining the working experiences of international students. Moreover, while worker vulnerability leads to access and information-gathering difficulties, this area of research has far reaching implications in an export-dependent economy like New Zealand's.

This paper examines horticultural employment involving international students and presents evidence to show that many of these workers experience exploitative and illegal working conditions. It is also argued that given that the international education market is a significant contributor to New Zealand's economy, this area of research has wide policy implications. With high youth unemployment domestically (particularly in rural areas), it is timely to ask whether this 'diversity' is benefiting either the workers or the economy. Finally, we ask the question: what might the policy recommendations resemble to mitigate this area of concern?

Introduction

The education and horticulture sectors are New Zealand's two major export industries and together have an export value of over \$5.7 billion (Horticulture NZ and New Zealand Institute of Plant and Food Research, 2010; Ministry of Agriculture and Fisheries, 2011a; Education NZ, 2008b). Moreover, these industries have a combined export value that outranks all other sectors but dairy and meat exports, New Zealand's largest export categories (valued at \$13 billion and \$7 billion for the year ending June 2011 respectively) (Ministry of Agriculture and Fisheries, 2011b). The importance of the education and horticulture sectors for the New Zealand economy is magnified by the fact that these sectors intersect at the point of labour supply.

However, while economic data on these two sectors is available (see Butcher, 2009; Department of Labour, 2007b, 2003; Elder, 2009), little research has been done to analyse the combined impact of the industries on the conditions of labour. While some domestic literature acknowledges migration as a solution to skills shortages (Williams, 2009; Lovelock and Leopold, 2008; Wozniak, 2004), this paper argues that the two industries are, in fact, interdependent. The horticultural sector is reliant on student migrants as a source of available labour while the export education market is the medium through which such workers legitimately enter the country. At the most basic level such work is a model of supply and demand but also ambiguous. Why do student migrants 'choose' to engage in this type of work? And is the primary goal of these students' education or employment?

This research also sits within a number of intersecting concerns, including the vulnerability of migrants, labour market supply, export education industry, and movement of youth to pursue educational and work opportunities (Bauder, 2006; Deumert, Marginson, Nyland, Ramia, and Sawir, 2004; Merwood, 2007). Further, extant literature shows that the employment of migrant labour in the primary sector is increasingly widespread where non-standard, precarious employment and the use of unregulated, contingent labour is the norm (see Dyer, McDowell and Batnitzky, 2008; McLaren, Firkin, Spoonley, Dupuis, de Bruin and Inkson, 2004; OECD, 2009). With the primary production sector forming a significant part of the New Zealand economy and external trade, the sector's employment practices are paramount for continued increases in productivity of the New Zealand economy (Tipples and Whatman, 2009).

This paper examines the horticultural working experiences of student migrants in horticultural employment and presents evidence to show that these workers experience illegitimate and exploitative working conditions. Research initially explores the industry characteristics of export education and horticulture; and examining the characteristics of horticultural workers in the Bay of Plenty; the methodology for data collection will then be outlined. Finally, initial research findings will be presented, with the appropriate role of public policy to address this concerning trend discussed.

Industry characteristics

Export Education

The New Zealand export education sector has grown considerably in the past decade (Education NZ 2008a, b; Infometrics, NRB; and Skinnerstrategic, 2008) Employing an estimated 32,000 people, export education is one of New Zealand's top five industry exporters (Labour and Immigration Research Centre, 2011), contributing around NZ\$2.5 billion annually to the economy (International Graduate Insight Group Ltd, 2011). Export education foreign exchange earnings are also more significant as a proportion of GDP for New Zealand than any of the other main destination countries New Zealand competes with for foreign students (see Education NZ, 2008a). While international student enrolments have fluctuated over the last 10 years, the market has shown a slow but steady upward trend in enrolments since 2009. In 2010 there were 45,638 students in the post-secondary sector (Educationcounts, 2010), the top three source countries for international students being China, South Korea, and India (International Graduate Insight Group Ltd, 2011).

While some research quantifies the value of the education export market (Infometrics, NRB, and Skinnerstrategic, 2008; Education NZ, 2008a; OECD, 2010a, b), there has been limited

evaluation of the working experiences of students studying in New Zealand (see Ministry of Education, 2006; Deloitte, 2008). However, while international research to date has focused on migration outcomes (Ward, 2008; Bauder, 2006; Coppel, Dumont, and Visco, 2001; Deshingkar and Start, 2003; Khoo and Birrell, 2002) or educational results, there is limited analysis delving into student migrants who are students and are *also* working (Nyland, Forbes-Mewett, Marginson, Ramia, Sewer, and Smith, 2008; Anderson and Naidu, 2010). In 2007 the Ministry of Education and the Department of Labour (in Deloitte, 2008) acknowledged the lack of knowledge about this cohort by integrating new questions into the *National Survey of International Students*, focusing on international students' experiences of working in New Zealand. Thirty-five per cent of the students surveyed indicated that they were in part-time employment, mainly in hospitality or retail sectors. The main reasons students gave for opting to work part time were to meet living and tuition costs, with 47 per cent of students stating this was their main reason for working. Just over a quarter of students (26 per cent) sought work experience directly relating to their area of study and a further 21 per cent of students worked part-time primarily to gain general work experience.

Nonetheless, this is not to conclude that *all* student migrants are involved in precarious work, rather that many may have poor employment conditions due to a variety of factors such as language difficulties, qualifications, work experience, and discrimination (Deloitte, 2008). Typical of most western economies, migrants are over-represented in precarious and marginalised work, characterised by flexibility, insecurity, precarious employment, and long working hours with low pay (Benach and Muntaner, 2007). Further, migrants constitute a substantial part of the informal labour market and can be found working illegally in many sectors of the economy, but especially the primary and service sectors. As a primary industry, horticulture has been an avenue for migrant employment for some time (see Rogaly, 2008, Garson, 1999; Horticulture Week, 2008; Kandel, 2008; Shelley, 2007). Workers are predominately employed on a casual, part time, or seasonal basis (see Anderson and Naidu, 2010; Anderson, Lamare, and Hannif, 2011). Although little is known about student migrants working in horticulture in New Zealand, they are nonetheless emblematic of the internal and external diaspora of labour (Cerny, Menz, and Soederberg, 2005; Gill, 1995). So what is the value and significance of this industry that enables substantial migrant employment?

Horticulture

The horticultural industry plays a fundamentally important role in New Zealand's economy, particularly in the export sector and in employment. As a high-value, high-growth exporter, the industry is a strong contributor towards a positive trade balance (New Zealand Trade and Enterprise, 2010). Horticultural crops have increasingly significant earnings, nearly doubling in value over the last 10 years, accounting for more than 8 per cent of New Zealand's merchandise exports with increasing revenue (Horticulture NZ and New Zealand Institute Plant and Food Research, 2010, ONE News, 2010b; NZ Herald 2011). Fresh fruit remains New Zealand's largest horticultural export sector, with revenues of \$1.58 billion (up 18.2 per cent on 2008); mostly from kiwifruit (\$1.07 billion) and apples (\$396 million) (Horticulture NZ, New Zealand Institute Plant and Food Research, 2010). Kiwifruit and wine are the highest export earners, each with values in excess of \$1 billion. The peak times for fruit is seasonal, with picking ongoing from December to May, then June to September picking and pruning varieties (careersnz, 2011).

Agriculture, forestry, and fishing continue to be the second-largest industry in terms of the number of enterprises, but horticultural workers make up only 2.62 per cent of the official

workforce (Statistics NZ, 2011c). It is estimated that over 50,000 people are employed in the New Zealand horticulture industry throughout eight key growing regions covering 90,000 hectares (Business NZ, 2010). Horticulture also remains a significant casual employer: of the 40,000 seasonal jobs, 30,000 are located in the forestry and horticulture sectors (Lamm, Anderson Jamieson, Lamare, Laurenson, McDonnell, Rahui, Schweder and Shulruf, 2011). Export conditions are the main influence on employment trends in the sector where employment numbers fluctuate according to seasonal, economic, and climatic conditions. As horticulture is part time, seasonal in nature and largely unskilled, the difficulties of recruitment and retention domestically are pertinent.

Historically, agriculture and horticulture businesses in New Zealand have been based around family-owned and operated units using unpaid family labour (Department of Labour, 2003). Until the 1980s, the seasonal labour force had operated employing students and local families, but by 2000 the task had grown and the work had become less attractive to students in terms of pay and conditions (Tipples and Whatman, 2009). In 2004 industry representatives met government officials to develop a strategy for seasonal labour and skill shortages¹. However, expansion has entailed the need for a larger number of workers although there is a paucity of available labour due to perceived lack of job desirability (Rogaly, 2008; Garson, 1999; Guthman, 2004). Smaller working parties and five regional meetings developed the *Medium-Long-term Horticulture and Viticulture Seasonal Labour Strategy*, setting out strategy for developing sustainable seasonal labour in the two sectors² (Department of Labour, 2006, p.18).

However, the 2004/05 season saw stories ‘of fruit rotting on trees, coupled with tales of illegal immigrants because growers were so desperate’ emerge (Tipples and Whatman, 2009, p. 11). Failing to attract or retain suitable local workers had hit growers while work perceived as difficult and poorly paid put off potential staff. As a result, a temporary labour migration scheme, the Recognised Seasonal Employer (RSE), was launched in response to a labour shortage in the horticultural and viticulture sectors. The RSE scheme gives priority access to Pacific workers, and allows for up to 5,000 workers to be employed at any one time ‘if there are no New Zealanders available to work’ (Lovelock and Leopold, 2008). Employers apply to the New Zealand Department of Labour to recruit workers from five Pacific states and are then assessed to ensure that the facilities provided for the migrant workers are of appropriate standard (Connell, 2010). A continued lack of ‘suitable workers’ (Franks, 2009) and the national workforce perceiving ‘low skill jobs as undesirable’ (Williams, 2009, p. 4) has minimised criticism that this work could be filled by locals (Cameron, 2011). In the 2009 season, due to rising domestic unemployment the scheme’s numbers were cut. This restriction caused some consternation among members, Fruit Growers Association Executive Officer Diane Vesty stating, “We thought that with RSE we had continuity. Now we’ll have to try new people, which creates a lot more work and angst for everybody” (cited in Carpinter, 2009).

¹ The Government was represented by the Department of Labour, the Ministry of Economic Development, the Ministry of Social Development (including Work and Income) and the Ministry of Agriculture and Forestry. Industry was represented by Horticulture New Zealand, the Hawkes Bay Fruitgrowers Association, Pipfruit New Zealand, New Zealand Kiwifruit Growers Inc, and New Zealand Wine. The New Zealand Council of Trade Unions also participated in the working group (Dalziel, 2007).

² The objectives to be pursued over six years were: (1) providing seasonal work opportunities for New Zealanders; (2) accessing global power; (3) informed management of seasonal labour; (4) developing skilled workers; and (5) improving workplace productivity and quality (Department of Labour, 2006).

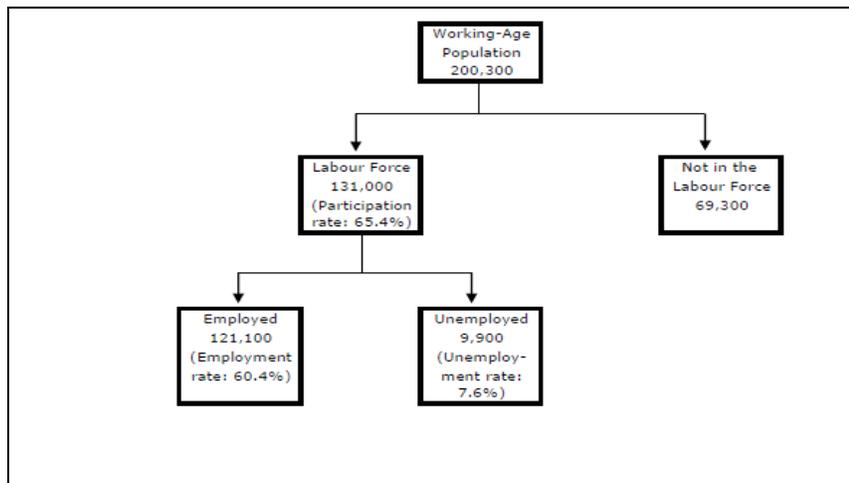
In addition to RSE ‘guest workers’, migrant workers are one of the key resources available to minimise skill shortages in the New Zealand labour market, of which horticulture is one industry (Labour and Immigration Research Centre, 2011). Poor remuneration and employment practices (real and perceived), make some less skilled jobs unattractive, and finding labour supply for seasonal production processes is difficult (Tipples and Whatman, 2010; McLaren et al., 2004). Most horticultural workers without experience or qualifications start on an hourly rate, usually the minimum wage. With experience they may earn up to \$15 an hour (\$31,200 a year, assuming a 40-hour week), or piece rates (paid for the quantity of fruit or vegetables they pick). Therefore, typical of casualised and contingent workers, lower incomes are earned than most other wage and salary earners, and workers face demanding working conditions (Kandel, 2008).

Horticultural Workers in the Bay of Plenty

One of the areas experiencing demand for horticultural labour coupled with relatively high unemployment is the Bay of Plenty region. The Bay of Plenty is the fourth largest horticultural growing area in New Zealand, and avocado, kiwifruit, and feijoas the primary horticultural crops (Horticulture NZ and New Zealand Institute Plant and Food Research, 2010). The region’s biggest employer is the primary sector (Agriculture, Forestry and Fishing), accounting for 14 per cent of local employment (Leung-Wai, Dixon, and Sanderson, 2011, p. 15). With a working-age population of 200,300 from an estimated total population of 270,400 (Department of Labour, 2011), the Bay of Plenty generates five per cent of New Zealand’s total GDP (\$10.17 billion) and six per cent of New Zealand’s employment (Leung-Wai et al., 2011, p. 11). Businesses in the Bay of Plenty Region, with an average of 3.1 full-time equivalents (FTEs) are smaller than nationally where the average business has 4.03 FTEs (Ministry of Economic Development, 2011). Average salaries and wages are lower for small and medium enterprises generally (Ministry of Economic Development, 2011, p. 21).

With an abundance of fertile land and high sunshine hours, employment in the Bay of Plenty area is projected to grow at 1.36 per cent per annum, 1.4 times the national rate (Leung-Wai et al., 2011, p. 42). This is in spite of an older than average population and lower than average employment (60.4 per cent against 63.8 per cent nationally) (Department of Labour, 2011, p. 4, see **Table 1**). Also as mentioned, the region has a high level of long-term unemployed, in which young and old men and Maori are over-represented. In particular, men account for 72.7 per cent of unemployed, Maori 63.3 per cent (against a national average of 34.5 per cent). Lower than average youth employment (22.8 per cent against a national average of 29.1 per cent) is accounted for by many young people leaving the area (particularly rural locations) to avail themselves of work or study opportunities. For this reason, skill gaps are significant and widening, and local businesses are concerned at persistent shortages of both skilled and unskilled labour. Moreover, the Bay of Plenty has a low wage/low skill economy compared with other regions in New Zealand (Mason, 2011; Tauranga City, 2006). Of concern is the potential for added social tensions as a result of the growing number of migrant workers employed in the horticultural sector and “taking the locals’ jobs” (Horticulture Week, 2008). So what of the student migrant’s role in filling these shortages?

Table 1: The labour market in Bay of Plenty for the year to June 2011



(Ministry of Social Development, in Department of Labour, 2011a).

Methodology

As stated, there has been little or no research located in New Zealand on the experiences of migrant workers, particularly student migrant workers, in the horticultural sector. This study, which is part of a wider research project on migrant labour attempts to address the deficit. The study was initiated in part by the prosecution and imprisonment of three Hawke's Bay men in 2010 for employing hundreds of illegal workers on orchards and vineyards across the country in one of New Zealand's biggest immigration scams (Leaman, 2011; ONE News, 2010a). While there are only a few documented incidences, the anecdotal evidence suggests that this is only the 'tip of the iceberg'. Thus the fundamental research question underpins this analysis is:

What are the working experiences of student migrant workers working in the horticultural sector in the Bay of Plenty region?

Numerous difficulties associated with researching migrant labour are apparent, as with any other vulnerable group (see Boccock, Hannif, Jamieson, Kjaer, Lamare, Lamm, et al., 2010; Jayaweera and Anderson, 2009). Complexities of capturing meaningful data sets are further complicated by limited statistical data collection (see Department of Labour, 2007b, 2006; International Labour Organization, 2002; Coppel, Dumont, and Visco, 2001), as well as inconsistencies between official and reported measurements. Further, it is often problematic locating research participants willing to speak about their experiences, due to fear of 'being found out' working illegally. Therefore, rather than using a single "best" research approach, there is an emerging consensus that a variety of research methods must be used to overcome methodological issues of studying migrant workers:

- Researchers may face difficulties determining the extent of the 'problem' because migrant workers are difficult to engage, employers may be hostile to intrusion, and the workforce is typically contingent, mobile, and frequently 'hidden'

- Problems of making an “invisible” group “visible” – both ethical and methodological concerns³ (Anderson, Boccock, Hannif, Jamieson, Lamare, Lamm, et al., 2010).

For these reasons it has been necessary to evaluate qualitative and quantitative sources, including both primary and secondary information. Surveying and interviewing was conducted from August 2010 to April 2011 across five work sites. The choice of the Bay of Plenty was based on pragmatic considerations; that is, the proximity to researchers’ location and a ready access to a sampling cohort. Original surveying sought to explore the working experience of migrants in the Bay of Plenty horticultural sector. However, of the original 32 surveys collected (from 70 distributed), 21 of the sample were student migrants (65.6 per cent). With a high proportion of student migrants it was decided to concentrate on this cohort for further research. Ninety-three surveys were collected from 140 distributed (a 66.4 per cent response rate). Most survey questions primarily followed a yes/no format while other questions were open ended, allowing respondents to voice their opinions in greater detail. A further 12 student migrants were interviewed using open-ended, semi-structured questioning to investigate emerging themes in detail⁴. In all cases, participation in the research was anonymous and voluntary.

Survey respondent demographics

The student population surveyed represents a particularly heterogeneous sample: almost all were Indian and male (see **Tables 2** and **3**), indicative of the increasing number of Indian students in New Zealand: numbering over 12,000 in 2010-11, a three-fold increase in since 2005-06 (New Zealand Visa Bureau, 2011; 2010). Participants were aged between 18 and 26 in which the average age was 22. The sample was consistent with definitions of youth and the dominant age group for tertiary education migration (Kritz, 2006; Docquier and Marfouk, 2006). Workers in this sample worked in packing, picking, spraying, pruning, planting and processing. The length of employment of the survey respondents averaged eight months, ranging from three weeks to two years.

Table 2: Country of Origin

<i>Country of origin</i>
India 89 (96 %)
China 3 (3 %)
Korea 1 (1 %)

³ For our research, we use Sergeant and Tucker’s (2009) definition, which defines migrants as:
“...workers who have migrated to another country to take up work but who currently do not have a permanent status in the receiving country.... The migrant category ...includes both workers who have obtained a legal right to enter and work, as well as those who have entered and are working without legal authorisation. It also includes temporary foreign workers (TFWs) whose right to work is time-limited from the outset, as well as foreign workers who have a more open-ended right to remain but have not yet obtained permanent status”

Within their model, there is an understanding of the association between migrant work and vulnerable work, and a clear relationship between migrants and both contingency and workplace hazard/risk.

⁴ Asian students declined to be interviewed, therefore all interviewees are Indian.

Table 3: Gender

<i>Gender</i>
Female 16 (17%)
Male 77 (83 %)

While a majority of students still were staying in the wider Bay of Plenty region (57 per cent), a sizeable proportion (43 per cent) travelled from Auckland to work each day, a round trip of approximately six hours (see **Table 4**). Immigration status was relatively evenly spread between those on a current student visa and job search visa; 47 per cent and 42 per cent respectively, with 11 per cent of respondents not indicating their status.

Table 4: Study Location

<i>Cities/towns where students study n = 44</i>
1) Tauranga 21 (48%)
2) Auckland 19 (43%)
3) Katikati 2 (5%)
4) Te Puke 2 (4%)

An overwhelming number of survey respondents were studying for certificate/diploma entry-level qualifications, with an overwhelming number (89 per cent) studying for entry level qualifications rather than advanced or professional courses. Only 3 per cent were undertaking undergraduate degree qualifications while 6 per cent were enrolled at graduate diploma level (see **Table 5**). The low level of qualification being worked towards by most also indicates a lesser level of English-requirements and subject specialisation. While the focus of this paper does not concentrate on the interplay of work with education there may be impact on academic achievement as a result of long working hours (Curtis and Shani, 2002; McInnis and Hartley, 2002).

Table 5: Course and Area of Study

<i>Course of Study</i>	<i>Area of study</i>
Certificate/Diploma 85 (91%)	Business 49 (53%)
Bachelor 3 (3%)	IT 12 (13%)
Graduate Diploma 5 (6%)	Horticulture 7 (7%)
	Hospitality/Cookery 24 (26%)
	English 1 (1%)

A significant majority of students indicated they found their horticultural work through friends (41 per cent) or classmates (38 per cent). A small number found jobs through agents in their home countries (3 per cent) or New Zealand (13 per cent), family (1 per cent) or through positions advertised on the internet (4 per cent). Findings strongly indicate that ‘word-of-mouth’ recruitment is the norm for this group. While for most horticultural work was an opportunity it was not seen as an ideal source of employment. So what drives student migrants to work in horticulture?

KEY FINDINGS AND DISCUSSION

What drives students to work in the horticulture industry?

A key motivation for this study was to find out why students would choose to work picking and processing produce as this type of work is perceived as being dirty, tiring and “back-

breaking”. In addition, this type of work is not necessary viewed as a desirable career choice for most young New Zealand workers (Tipples and Whatman, 2010). The survey respondents listed three main reasons why they chose to work in the horticultural sector, namely:

- financial imperative
- flexibility working arrangements, such as the availability of extra hours
- no or low barriers to entry.

Financial Imperative

Many students surveyed noted that they had little or no financial support from their family and had little money to financially survive in New Zealand. Predictably the major driver for working long hours was financial in that a number of students had to repay loans for their education fees and/or travel costs; they often needed to pay remittances, and they needed to make money to support their education and living costs. In spite of the low occupational status and low pay of horticulture work, in general the work paid better than any other work in the service and hospitality sectors. The work in the horticultural sector was also more consistent compared to work in other sectors such as service or hospitality, which meant that the students were assured of regular, extended hours.

While some were ‘pushed’ into farm work after months of unemployment, others deliberately took jobs in the horticultural sector to gain the maximum source of income they were able to obtain and/or in the case of three of the students surveyed they were studying horticulture and need the working experience. The cost of living was also another major financial issue, especially amongst those living in Auckland, New Zealand’s largest and most expensive city, with high rents and utility costs being of particular concern. The survey data in **Table 6** illustrates the above points:

Table 6: Key Drivers of Horticultural Work

Drivers	Comments
Financial pressure to work	Like most of the students I also took a loan to come (sic). I was told by my agent that NZ very good country and lot of job opportunity and there are not many people, but I did not want this type of work... I wanted to work in city but at least it gives money, I know lot of people have no jobs” (T/22 year old male, studying IT)
	“Don’t get money from home, all my money I got from home finished in three week (sic), my agent said don’t worry as soon as you go there plenty of work and lot of money in NZ... If we don’t find a job soon as possible, we are losing money, because we only bring little bit of money and it ran out very fast, lots of people borrow money from other students here also who lived here longer and pay them back” (K/24 year old male, completed studying hospitality)
	“I have been able to save up for a car and the money through this helps to meet many goals. I can live, send money and pay debt as well, student hours is 20 (sic), but it’s not fair, as 20 hours is not enough given our financial needs, we are not stealing money, we are working very hard” (Z/25 year old male, studying cookery)
Opportunity for extended working hours	“Before I work here (sic), I used to work in an Indian spice shop; I was getting \$250 a week. This (work) is better even though it is not \$13 an hour because at least I get lot of work hours around 25-34 so more money around \$400 here in glasshouse” (C/21 year old female, studying hospitality)

	“My pay is only \$9 per hour, but good thing is that there is lot of work hours we can even work in the weekend... so money is better than working somewhere where people get \$14 but can only work little bit (sic) of hours” (V/20 year old male, studying horticulture)
The cost of living in Auckland	“Auckland is very expensive, I used to work 17 hours a week but it only covered basic expenses, not much money left for other things so can’t send money for loan payment, our farm (sic) under which loan is taken needs to be paid back every month. Tauranga is bit cheaper and we boys share together, but travelling to Auckland every week for a class is expensive and we have to contribute to petrol, we usually leave in the early morning at 6am for Auckland and come back in the evening and next day we have work, very tired” (P/18 year old male, studying cookery)

Flexibility in working arrangements

However, in spite of the ‘benefits’ cited as a motivation for horticultural work, a culture of long hours was prevalent, and also necessary for many students because their wages were not sufficient, as the comments in **Table 7** illustrate. Thus the choice of working long hours was often a ‘claytons’ choice’. All survey respondents reported working more than 20 hours⁵ as the norm; as did interviewees. Average hours worked per week were 29 hours (above the legal limit of 20), and the spread of hours between 16 and 55. The seasonal nature of most horticultural work, however, necessitates taking the extra available hours. Furthermore, just under half of these workers (46) had any formal written contract.

Table 7: Working ‘flexibility’ in the horticultural sector

Drivers to Work	Comments
Availability of hours	Although sometimes there is not enough work as seasons change, there are always something, either its pruning, packing or picking, fertilisation. It is important to pick as much work every week as anything can happen anytime. I also work in the weekends and try and do as many hours as possible when plenty of job (sic) available” (J/24 year old male, studying business)
	“Often hours go late when picking and grading... (We) stay for many long nights, till maybe 1100 sometimes then start early. Sometimes 5, but it’s ok. A lot of money if you work all days” (K/24 year old male, completed studying hospitality)
	“As many as I want... Sometimes I hope for day off (sic). But (it would be) stupid not to take and save for later” (P/18 year old male, studying cookery)

No or low barriers to entry

Minimal barriers to entry were an ‘attraction’ of horticultural work. While it was not considered the industry of choice for most workers – the exception being the seven workers studying horticulture surveyed and two interviewed many were able to enter without previous experience, and poor English was not generally considered a barrier. A substantial majority surveyed found work either through friends (41 per cent) or classmates (38 per cent). The rest found work through online recruitment (13 per cent), agents in their home country (7 per cent) or family (1 per cent). While the ease of entry in to the horticultural sector was commented upon, it was hoped that such work would lead to work opportunities in the future:

⁵ New Zealand immigration laws restrict international students’ work to 20 hours per week during the academic year, as their first priority is considered to be study. This is consistent with Australian law, but a greater number of hours than England (10 hours) (immigration. New Zealand 2012).

“This (horticulture) is not good place to work, but while I am looking for a job I will continue to work here, at least I make money while I try to find a proper job, something is better than nothing” **(D/19 year old female, studying IT)**

Further, while the availability of higher hours enabled students to meet financial commitments; the illegal pay rates of these workers was also cause for concern. Wages will be discussed in the following section.

Wages

The horticulture sector has been renowned for low pay and “under the table” working arrangements, (Horticulture Week, 2008). Consistent with Ross and Rasmussen’s (2009: 96) contention that “migrant workers are found working in horticulture under the table” for as little as \$6 an hour (less than half the statutory wage)”, *all* student migrants surveyed and interviewed were paid between \$8.00-11.00. The average wage was \$9.50, with females working in the pack house earning the highest rates⁶, although still below the minimum wage rate at the time of \$12.75 (New Zealand Government, 2010). Illegal rates are therefore far higher than the 2009 New Zealand Income Survey where only 4.2 per cent of 18-64 year olds reported being paid below the adult minimum wage. Others said that although pay was low it was higher than other poorly paid jobs they had done before, for example, in shops and restaurants. The quotes in **Table 8** highlight these experiences:

Table 8: Wages of student migrant workers in the horticultural sector

Wages	Comments
Illegal wage rates	“I could not find job (sic) in Auckland and my friend told me to come here. I have been working for \$9 for the last 3 months and the contractor told me he will increase it to \$10; but when I asked the contractor last time he said, “If you don’t want to work you can leave...”There are lots of students willing to work even for \$8” (R/19 year old male, studying horticulture)
	“In the last work (sic) I got \$6. No tax though. But hard work, washing dishes, very dirty and makes me tired. \$9.50 here and more hours, no time to spend money!” (F/19 year old female, studying IT).
Non-payment, inaccurate, and irregular payment of wages	“The contractor is very greedy, if anyone complains about pay or anything, their hours get reduced, the contractors have lot of power, they know they got lot of people wanting job. Some of my friends don’t even get paid all the time, and then people quit and jump from one farm to another” (S/ 23 year old male, studying business)
The labour-hire contractor’s role in	“The contractor get (sic) lot of money from the big kiwi boss, the kiwi boss just give the contractor money, and he then gives it us, he keeps lot of money

⁶ However, no respondents had sick leave entitlement or holiday pay accruing. Furthermore, while horticultural workers at all sites were a combination of migrants and local workers, all those surveyed were migrants. A useful question to have asked would have been whether student migrant pay rates differed from local workers.

wage-setting	in the pocket, he tries to give little payment, but he gets the job done from us” (T, 22 year old male, studying IT)
	“We are always told, that what you getting is better than what you will get at home he always compares our pay to them. He is right if I work in farm at home (sic) not this much money. But I was told by my agent that NZ have lot of city jobs; but never thought I will be doing the same thing, only difference is it is not that hot here. When we go back home everyone is tired, we buy a bottle of whiskey and drink almost every night... Being reliable is very important because contactor tells us he needs us next three week then we have to do it, otherwise he starts giving us less work and start hiring new people” (M/26 year old male, completed business course)

Among those interviewed, non-payment, inaccurate, and irregular payment of wages was also evident, one-quarter reporting contractors completing incorrect timesheets or payments missing. Extra hours were sometimes not accurately recorded, leading to conflict. Some employees left and found other workplaces while others had to remain and accept this unfair treatment if they had no other work opportunities. Always apparent was the power imbalance and fear of being ‘found out’. This vulnerability was used by the contractors to ensure workforce compliance and minimise wage complaints.

The findings of this and other studies (see for example, Underhill and Quinlan, 2011; Anderson and Naidu, 2009; International Confederation of Free Trade Unions, 2001) have also exposed the critical role played by the labour-hire contractor in setting wages and conditions of horticultural workers. In particular, the comments above indicate subcontracting as another form of vulnerability for student migrant workers. The primary role of the contractor in wage setting was mentioned by some interviewees where the contractor was paid to get a job done by the orchard manager or owner. If the contractor was able to get workers prepared to work for less, they were able to maximise their own profit. However, illegal and undocumented wage payments remain difficult in terms of monitoring and enforcement as workers are unlikely to report themselves and the work is seasonal generally. Nevertheless, monitoring by Inland Revenue Department of ‘cash generating’ parts of the economy (Radio NZ, 2011) has signalled a priority ‘to detect and take action against those who continue to operate in the hidden economy’ (Inland Revenue Department, 2011); working in conjunction to monitor the horticultural industry with other government departments, including the Department of Labour and the Ministry of Social Development.

As a result, over the last five years PAYE payments from the horticultural industry have almost doubled, from \$88 million to \$150 million while the size of the industry has remained relatively unchanged (Inland Revenue Department, 2011). However, illegal activity obviously remains in the industry. Research by the International Tax Justice Network (in Francis and Field, 2011), estimates a "shadow economy" worth more than \$20 billion makes up 12.4 per cent of gross domestic product in New Zealand. The “exploitability of migrant labour, particularly when it is legally unprotected, renders it an attractive instrument for maintaining competitiveness... at the expense of formal protection of workplace safety, health, minimum wage and other standards” (Taran, 2007, p. 2). With the horticultural industry signposted as an industry reliant on a migrant workforce and where illegal practice is known to occur there are implications for lessened tax revenue and Accident Compensation Corporation (ACC) in New Zealand. Growing evidence also indicates that workers employed in undocumented work arrangements have higher rates of injury and illness and

report higher levels of work-related stress compared with workers employed in more formal working arrangements within the primary labour market (Virtanen, Kivimaki, Joensuu, Virtanen, Elovainio and Vahtera, 2005; Quinlan, Bohle, and Lamm, 2010). For many student migrants, their vulnerability may be increased when employed in jobs characterised by low wages, insecurity, and unclear employment relations legislation (Haque, 2002; Mackenzie and Forde, 2009). The implications for health and safety will be discussed next.

Health and Safety

Horticulture can be an extremely hazardous industry. With high exposure to the elements, chemicals and dangerous equipment are also common in farm labour. Farm-workers face occupational hazards not generally found in other industrial settings, such as pesticide exposure and risk of heat exhaustion and heat stroke (Kandel, 2008). Emerging evidence also indicates many migrant workers are regularly exposed to hazardous work conditions and have higher rates of injury and illness compared to non-migrant workers in standard employment (McKay, Craw and Chopra, 2006; Bohle, Quinlan, Kennedy, and Williamson, 2004). A significant proportion of migrants work in sectors with relatively high accident rates (especially, agriculture and construction), many obtain work from labour suppliers, and some have language difficulties. It may be assumed, therefore, that they are likely to be more vulnerable to work accidents (Benach et al., 2011; Benach and Muntaner, 2007; Loh and Richardson, 2004; Pledger, Cumming, McDonald, and Poland, 2009). For many student migrants, their vulnerability may be increased when employed in jobs characterised by low wages, insecurity, and unclear employment relations legislation (Haque, 2002; Mackenzie and Forde, 2009).

Unfortunately, despite their major national economic roles in most countries, agricultural workers are poorly protected against occupational accidents and health hazards (ASIA-OSH, 2012). The primary sector has the highest recorded level of occupational injuries and fatalities in New Zealand, with agriculture and fishery workers the occupation group with the highest incidence rate, at 241 work-related injury claims per 1,000 full-time equivalent employees (FTEs) (Statistics, 2011b). Nevertheless, it is difficult to gauge the extent of occupational illness and injury amongst migrant workers as government databases are frequently incompatible and fail to capture the OHS issues of this group (see Statistics NZ, 2011a, b, c; Department of Labour, 2011, 2007a; ILO, 1991).

While the focus of the survey was general working conditions, concerns regarding hazardous working environments, stress and fatigue and working in the heat for long hours were mentioned by many respondents. Seventy-six respondents (82 per cent) said they felt unsafe in their place of work. Of 12 students interviewed, only three had received any formal training about actual work tasks, no one received training around health and safety procedures, nor were any formal health and safety brochures or guidelines made available. Seven out of 12 students also mentioned that they did not know the basic rights they had as employees in relation to their safety as the quotes in **Table 9** illustrate:

Table 9. The Health and Safety of Student Migrant Workers in the Horticulture Sector

Health and Safety Issues	Comments
Health & Safety Training	“We get no training, we are expected to just start working with the job, we do get told a little bit how to do things, but most of it is we learn from the friends, we always get blisters, cuts in hand (sic) but if we complain then we can lose

	job and contractor will think we are lazy always complaining, it's very tough work in the sun" (K/24 year old male, completed studying hospitality)
Occupational diseases	"I have been having very bad back pain and going to the doctor costs lot of money. Doctor said stay home, but if I stay him won't get pay and anyone might come and take my job, when back pain finished then I got some disease in my skin, it got swollen and doctor told me I need a skin test, but very expensive and contractor don't care they just want the job done" (F/19 year old female, studying IT).
Poor working conditions	"We go home we are very tired, lot of us have bruises and body ache, we rest and very hard to study and also need to travel every week to Auckland few times for class then come back home" (S/ 23 year old male, studying business).

When those interviewed were asked whether they had reported work injuries, the answer was an unequivocal no, due to fear that they or their places of work would be identified. Commonly, national safety and health legislation and enforcement agencies do not extend protection to the informal and rural sectors (ASIA-OSH, 2012). Given the health and safety concerns, whose responsibility is to monitor the health and safety of these students? Should the onus fall on the contractor or the employer employing the contractor? And given the widespread complaints from these workers about their working conditions, are there any positives in horticultural work for student migrants?

What value does horticultural work experience provide student migrants?

While those workers surveyed chose to work in the horticulture sector for a variety of reasons, this study raises an important question: is working in horticulture adding value to the students' future work opportunities and prospects? Given that working conditions were universally poor and illegal, do these roles weaken the possibility of these student migrants gaining permanent residency? Ninety-four per cent of survey respondents indicated they wished to stay in New Zealand, but 'work to residency' conditions have become more restrictive in recent years, and students must find work in their field of study (Immigration New Zealand, 2012). The two students interviewed who were studying horticulture were more satisfied with their work citing practical experience helping with job opportunities within the industry as the quotes in **Table 10** show.

Most students interviewed, however, particularly those studying non-horticultural courses, described the experience of working in horticulture as of little use and viewed these jobs as a 'trap' with minimal opportunity. For example, Student M was very disappointed that he was not getting an opportunity to use his skills and knowledge, including those he had picked up in the horticultural sector, upon completing his course. Moreover, undertaking manual work in the horticultural sector was viewed by many of the respondents as demeaning.

Table 10. The Value of Horticultural Work

The Value of Horticultural Work	Comments
Work Experience	"Yes, I get to learn things that are helpful. Sometimes makes job faster... Not picking, other parts like planting and spray (sic)" (R/19 year old male, horticultural student)

	<p>“Finding good jobs in this industry is not easy if I want to make a career and get visa extension, lot of jobs but not all jobs qualify us, (sic) hard to find a top level job, picking fruits is not recognised by immigration and the contractor won’t support us anyway, I don’t know what to do” (V/20 year old male, horticultural student).</p>
<p>Lack of other opportunities</p>	<p>“After one year my friend said there is a vacancy in New World (supermarket) for cashier, I was told. I don’t have any experience by the manager and that my farm experience does not matter (sic), also said my communication not very good, so we have money here in farms but very hard to change jobs” (J, 24 year old male, studying business)</p>
	<p>“I am not proud of working in the farm, but needed the money to at least get my \$13,000 back which I paid... otherwise coming here is a loss. I have never worked in the farm before this environment, if my parents find out they will tell me to come back... I was an engineer back home and searched for work a lot in Auckland but no luck. If I don’t get my type of job until my visa finishes (sic) I will go back, lot(s) of these guys never had a career back home and are still overall happy here as they are from farming community, it is not a big deal for them to do this job but my family background is business and professional” (D/25 year old male, completed studying IT)</p>
	<p>“When I ring back home I don’t tell my parents what I am doing because they will worry about me, my parents was (sic) told not to worry that good jobs in NZ, I expected to have good job and make lot of money. I can’t go back I have to pay debt and also this is a very nice place to live and want to stay here... I am going to get my liquor licence and then try finding a manager’s position, I have lots of back pain, unlike some of the boys I have never done farm job back home” (S/23 year old male, studying business)</p>
	<p>“This work is no good. I feel like this gives me no opportunity (sic). I try to get ahead but the work is hard and this is the only thing I can get. I tried for other work but no one hires me. I need New Zealand experience but how to get it when no one will hire me? I hoped for better (work)” (T/22 year old male, studying IT)</p>

It was concerning that the experiences of student workers in the horticultural sector were universally negative and not a single respondent surveyed or interviewed mentioned any enjoyment of their work in the industry other than friendships/ emotional and cultural support or meeting financial goals. This research also argues that a much greater proportion of the international student community participates in the labour market than earlier research has indicated (Department of Labour 2010, 2007a, 2006), and that in many cases these students are compelled to accept very poor conditions of employment. It is therefore timely to ask whether marginalised and hazardous work for student migrants is the norm, and just how reliant the horticultural industry is on this type of worker. With the migrant workforce known to be over-represented in horticultural work, what is the employers’ rationale for using student migrant labour? And given the areas of concern highlighted in this paper, domestic and international regulatory oversight needs to be questioned. Finally, is there any role for the unions?

Discussion

International labour migration has been described as ‘a new geography of centrality and marginality’ (Sassen, 1998, p. xxv), reflecting widening gaps not only in terms of structures and dynamics of economic activities across the world but also in terms of employment equity

issues faced by migrants relative to the native population in host economies. While some interest in this area has been indicated by economic and policy research the lack of access or visibility of migrant workers creates problems for both government agents and researchers alike. Previous New Zealand contact with working student migrants shows dangerous and/or illegal working conditions are widespread (Anderson and Naidu, 2009). This trend is mirrored in other countries such as Australia where more detailed studies have been carried out (see Nyland et al., 2008; Deumert et al., 2004). The surveying and interviews with students leads to an important question: what is the employers' rationale for using student migrant labour? And are these students a necessity for the horticultural industry?

The rationale for using student migrant labour and its consequences

In the horticultural industry owing to seasonal peaks in labour demand, the 'mismatch between production time and labour time in labour-intensive crop production make it economically unviable for a constant number of workers to be hired around the year' (Rogaly, 2008, p. 502). Intensification of horticultural production, industry competitiveness, combined with employer-driven 'choice and flexibility' has changed the industry, where '... without the ready access to a willing pool of foreign labour... horticulture and many other industries would fall apart' (Abbot, 2009: 49). Declining margins available for growers have meant that farm owners and managers employ migrant labour for labour flexibility and cost minimisation, where reductions in wage rates '...have been important innovations to increase labour control for horticultural businesses...' (Rogaly, 2008, p. 506).

Moreover, the inability of vulnerable workers to enforce their contract or statutory rights creates a situation of commodification of workers, as well as creating workers for positions no one else is prepared to accept. Guthman (2004) premises that this vulnerability is used to ensure compliance in the labour force these are core jobs on which the industry is reliant, but for peripheral wages (Anderson and Naidu, 2009; Walsh and Deery, 1997). This peripheral work creates a workforce without comprehensive rights even though the jobs are economically essential. While schemes such as the RSE guest worker scheme have had some success in ameliorating worker shortages (Cameron, 2011) this research shows that the horticulture industry is reliant on the student worker cohort. Furthermore, the ability for employers across five worksites to pay illegal wage rates to all student migrant workers should be of concern to regulatory and enforcement agencies alike.

It has long been acknowledged that employer practices need to improve and the Department of Labour has long been involved with Federated Farmers of New Zealand Inc in providing 'good employer' seminars, focusing on establishing and maintaining productive employment relationships, and updating farmers on current law (Department of Labour, 2003). However, the challenge of 'effectively addressing the complex and plural reasons driving employer non-compliance' (Hardy, 2011, p. 117) has yet to be successfully ameliorated:

... things looked very different in practice depending upon whether you were a low paid and poorly treated worker, the legitimate orchardist who was at a cost disadvantage compared to the shady operator, or the regulator worried about illegal and overstaying temporary workers, occupational health and safety issues, tax

compliance and poor social assistance and housing issues (Tipples and Whatman, 2009, p. 12).

The level of compliance reflects the tensions between needs of flexible labour market and desire to closely monitor/control migrants for immigration control purposes (Rogers, 2007; Bernstein, Lippel, Tucker, and Vosko, 2006). Its prevalence and causes are varied and theories suggest that compliance depends largely on the likelihood of detection, as well as the certainty and severity of sanctions imposed for infringements (Ruhs and Anderson, 2006; Kirchler, 1999; Fenn and Veljanovski, 1988). Ruhs and Anderson (2006) employ the concept of semi-compliance, defined as ‘migrants with valid leave to remain, but who are working in breach of some of the conditions attached to their immigration status’ (p.2). They argue the effects of semi-compliance depend on the extent to which employers (and migrants) are aware of the conditions attached to migrant’s immigration status. Semi-compliance and non-compliance can both be understood as involving varying levels of “collusion” between employers and workers. While it is an employer-driven system, assisted by government inaction student ‘willingness’ to work under such conditions is also an obvious factor. Lack of interest from employers and word-of-mouth employment also promotes such marginalised working conditions. The role of regulation to mitigate these concerns will be discussed in the following section.

A role for regulation?

Domestic regulation

While the state regulates labour supply through its migration policy (Rogaly, 2008) as well as a protective dimension to regulation existing, mixed viewpoints remain on its effectiveness in this employment sector (Anderson and Naidu, 2009; Bocock et al., 2010). The question remains how much current employment frameworks encourage or discourage the proliferation of temporary labour hire. In New Zealand immigration and employment law:

1. Onus is on the employer to act lawfully
2. An under-resourced inspectorate limits enforcement capability
3. There is inconsistent coverage of protective legislation among workers.

Nevertheless, there is “tacit tolerance” of the presence of migrant workers of irregular status by many governments during economic booms and sustaining large informal economic sectors while officially governments aiming to be seen as “combating” or “fighting” irregular migration (Wickramasekara, 2008 in Williams, 2009, p. 18; Ministry of Justice, 2009; Department of Labour, 2006). The irony of this bifurcated labour market is that unemployed and foreign workers exist side by side, often leading to conflict between local communities and migrant workers. When large migrant populations are irregular governance is difficult, regulating the problem of unfair competition challenging, and advantages go to enterprises using workers of irregular status at cheap wages. Concerns have been elucidated from organisations such as Horticulture NZ that some operators are using illegal workers, undermining the profitability of legitimate businesses as well as their capacity to maintain fair and equitable employment practices.

While enforcement law mechanisms in New Zealand are ‘considered generally robust’ (Williams, 2009, p. 17) the precarious and unregulated nature of this peripheral labour market generates anxieties about the monitoring and enforcement weaknesses of government agencies (see ILO, 2002, 1991; McLaren et al., 2004). The power of current legislation and the limited monitoring capacity of the Immigration NZ and Department of Labour Inspectorates, numbering approximately 40 compliance officers and 150 labour inspectors respectively (Department of Labour, 2012) refutes the assumption that ‘laws are self-enforcing and have full compliance’ (Fenn and Veljanovski, 1988, p. 1055). De Genova (2002) describes ‘deportability’ enforced by the state as the more mundane reality for many of those working illegally rather than support mechanisms. Fear of detection also keeps irregular migrant workers away from available services, and a number of interview respondents in this research mentioned being afraid to report poor treatment given that they were working illegally.

The horticultural sector’s problematic nature is similarly reflected in 2003 Department of Labour statistics. The agricultural industry⁷ is a frequent user group of the Department of Labour Mediation Services and Labour Inspectorate in spite of employing only around 5.75 per cent of the formal workforce (Statistics NZ, 2011c). Around 18 per cent of the Labour Inspectorate’s activity is in the agricultural grouping (the highest proportion, equal with accommodation, cafes, and restaurants). This industry grouping also comprises approximately 10 per cent of the work of the Department of Labour mediation services, its highest user⁸. Given such over-representation in the official statistics it is obvious that this employment sector has a number of unique issues that workers and regulatory agencies must contend with. These include greater worker vulnerability than in a contracted employer-employee relationship, anti-competitive industry practice, and the social consequences of contracting.

The ability to access or protect those engaged in illegal work is further limited by low union membership, especially amongst lower-paid workers. With union membership representing 17.4% of the total measured employed force (March 2010 Household Labour Force Survey in Department of Labour, 2011b) it is safe to assume that informal workers are not a union priority. Tension also remains as union preference and protection is for documented and subscribed members. The horticultural sector is an industry that has seen increased precariousness of work in general (Ellem and Franks, 2008), and union reach is weak as “the small scale of business presents challenges for union organising in urban situations, employment relations are often more collective in nature, in contrast to rural ones, where there is less collective activity among the workforce” (Tipples and Whatman, 2010, p.41). Although survey and interview respondents were not questioned about union membership, previous research has indicated the sectors migrants typically congregate in have little or no trade union presence (Pollert and Charlwood, 2008; Anderson and Naidu, 2010).

It is evident the myriad issues inherent in this issues is unable to be addressed adequately by any one actor and greater coordination and cooperation is needed. Labour migration requires government regulation to ensure benefits for a variety of stakeholders and to avoid abuse of individuals as well as ensure social cohesion (ITUC, 2005). There is a need for strengthening migration governance, as currently immigration status appears to be a conditionality of worker protection. However, little policy planning acknowledges illegal workers as the basis of parts

⁷ The Department of Labour groups the agriculture, hunting, forestry and fishing industries together and there is no further breakdown through Accident Compensation Corporation statistics.

⁸ More recent statistics were not available at the time of publication.

of the horticultural sector, and the current regulatory framework is incapable of taking account of the realities of precarious employment (Bernstein et al., 2006). While successive governments have stated that progress has been made, the measurements are non specific: 'raising awareness', 'progress', and 'monitoring' are difficult to quantify and evaluate⁹.

Concerns regarding student migrant exploitation were signalled in New Zealand nearly three years ago (Anderson and Naidu, 2009) but minimal progress has occurred. The issues surrounding student migrant workers has received little interest or publicity, while these workers are not visible to the general public due to their illegal work status, rural locations and language barriers. It is assumed the public would be shocked if these were New Zealand workers, whereas the general perception is they are transient and 'stealing jobs from locals'. These generalisations are incorrect as many were long-term employees, performing menial work unable to be filled by local personnel. Given the limitations of domestic regulation and enforcement, it is appropriate to ask whether there is a role for international regulation to protect these vulnerable workers.

International regulation

While domestic governments have the ultimate responsibility to ensure that the rights of its citizens are protected (ILO, 2008), multilateral institutions have long recognised the unique conditions migrants labour under and numerous conventions reflecting the assumed vulnerability of their employment status. The United Nations Human Rights Committee (2004) has emphasised that the application of general principles is to guarantee rights at work and extend social protection to cover all workers, regardless of place of residence, where "the enjoyment of Covenant rights is not limited to citizens of state parties but must also be available to all individuals, regardless of nationality or statelessness... who may find themselves in the territory or subject to the jurisdiction of the State Party". Further, the ILO as the United Nations' specialised agency focuses on improving labour standards.

Significant energy by both institutions has been devoted to models of legislative best practise for vulnerable workers. The ILO Declaration on Fundamental Rights and Principles at Work establishes that all member states are obligated to respect and promote basic rights and principles at work even when they have not ratified certain ILO Conventions¹⁰ (International Labour Office, 2009; ILO, 2010). The ILO Decent Work Agenda (ratified in 1999 by member states) centres around four strategic objectives – opportunities for employment and income, respect for rights at work, social protection and stronger social dialogue (ILO, 2010; International Labour Office, 2009). These objectives form "the backbone of the ILO's approach to the informal economy whether the activity is carried out in a formal or an informal context" (Trebilcock, 2005, p. 3). In 2004, the International Labour Conference of the ILO adopted a Multilateral Framework on Labour Migration which is part of a plan of action for migrant workers agreed by ILO constituents. The framework aims at better managing labour migration so that it contributes positively to the growth and development of both home and host societies, as well as to the wellbeing of the migrants themselves (ILO, 2006).

⁹ However, the 2008 election of the conservative National Party to government appears to have slowed progress towards fulfilment of the principles of the Decent Work Agenda. Union access to worksites has been restricted, while further changes to collective bargaining conclusion are signalled where the duty of 'good faith' does not require employers and employees to conclude a collective agreement (3news, 2012; Department of Labour, 2010).

¹⁰ The principles are already incorporated into the eight core ILO Conventions that express in more detail the scope and content of these fundamental principles and rights (Alston, 2005).

In spite of these policy developments New Zealand has not ratified a number of significant UN and ILO Conventions. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) remains unsigned, with the government claiming there are ‘various laws to adequately protect all workers in New Zealand, including migrant workers, on an equal basis’ (Ministry of Justice, 2009). ILO 143 Migrant Workers Convention (1975) also remains unratified. This convention focuses on abusive conditions, equality of opportunity, and treatment of migrant workers. New Zealand appears to have little commitment currently to meeting compliance standards, ‘considering that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition’ (United Nations, 1990).

Some observers maintain that international labour standards are irrelevant to those in the informal economy or ‘push’ more people into precarious situations (ILO, 2001). Nevertheless, ILO standards underscore the linkage between domestic employment frameworks and a set of international protective mechanisms, where “all work, and especially that performed on a basis of subordination and dependency, must be based on recognised relationships where rights can be enforced” (Taran, 2007, p. 3). While legislative deficits relating to domestic labour markets obviously exist, questions need to be asked about the global mechanisms encouraging precarious employment and how to reduce this ‘attraction’. There also needs to be discussion about the longer term roles for these workers given almost all of those surveyed intended to remain in New Zealand post-study.

Conclusion

Recent decades have seen substantial increases in the movement of migrant workers, raising concerns about the conditions they work and live under. Typical of most western economies, migrants can be found working in precarious and marginalised work, constitute a substantial part of the informal labour market, in the primary and service sector. While this paper focuses on student migrant workers in the horticultural sector, findings indicate they share many of the working conditions typical of vulnerable workers. Moreover, by the very nature of their immigration status, student migrant workers are contingent labour and more likely to tolerate ‘flexibility’ and unpredictability in their employment conditions.

While a small sample and exploratory only, this investigation attempts to redress the paucity of information about the impact of student migration on the New Zealand workforce. The findings of this research indicate some important concerns for labour market policy and planning in New Zealand. These include:

- Official failure to recognise of an emerging group of vulnerable workers and sizeable part of the horticultural workforce
- Work is taken from workers in the local economies, due to migrant ‘willingness’ to work in substandard conditions and for lower wages
- Undercutting of statutory minima leading to wage depression for local workers
- Worker sourcing through contractors
- Irregular and unprotected working conditions
- Conflict between local workers and temporary student migrant workers
- But this work offers opportunities unavailable elsewhere for student migrants.

These concerning findings raise questions whether the lack of monitoring and enforcement in this sector signals the “back door” to ending worker protection, especially when marginalised and dangerous working conditions are so prevalent in the horticultural sector. Nonetheless, is it immoral to stop this type of employment given that promised ‘life’ opportunities fail to eventuate for many? Is the use of student migrant labour a necessary strategy in the Bay of Plenty region? Finally, we ask the question: what might the longer term outcomes look like for these migrant employees?

REFERENCE LIST

- Abbott, J. (2009, November 13). Horticultural careers get boost. *Horticulture Week*, 49.
- Alston, P. (2005). Facing up the Complexities of the International Labour Organization’s Core Labour Standards Agenda. *The European Journal of International Law*, 16(3), 467-480.
- Anderson, D., Boccock, M., Hannif, Z., Jamieson, S., Lamare, R., Lamm, F., Laurenson, T., Martin, C., McDonnell, N., Robertson, C., Schweder, P., & Shulruf, B. (2010). *Methodological Issues Related to Researching OHS of Migrant Workers: A Cross-National Comparison*. Paper presented at ESRC Seminar Series: The impact of migrant workers on the functioning of labour markets and industrial relations, on 4 November. Dorset: Bournemouth University.
- Anderson, D., Lamare, R., and Hannif, Z. (2011). The Working Experiences of Student Migrants in Australia and New Zealand. In R. Price, P. McDonald, J. Bailey & B. Pini (Eds.), *Young People and Work* (pp. 51-66). England, USA: Ashgate.
- Anderson, D., and Lamm, F. (2012, February). *New Zealand Submission to the United Nations Universal Periodic Review*. Auckland: New Zealand Work and Labour Market Institute, The Centre for Occupational Health and Safety Research, Auckland University of Technology
- Anderson, D. & Naidu, K. (2009). *The Land of Milk and Honey? The Contemporary Working Lives of Contingent Youth Labour in New Zealand*. Paper presented at the 90 Years of the International Labour Organisation Conference on 19 November. Auckland: New Zealand Work and Labour Market Institute, Auckland University of Technology.
- Asian-Pacific Regional Network on Occupational Safety and Health Information (ASIA-OSH) (2012) *Protecting and saving lives at work: The emerging challenge in Asia*. Retrieved April 11, 2012, from <http://www.International Labour Organization.org/public/english/region/asro/bangkok/asiaosh/International Labour Organization repor/pslw.htm>
- Atkinson, J. (1984). Manpower Strategies for Flexible Organisations. *Personnel Management*, 28-31.
- Bauder, H. (2006). *Labor Movement: How Migration Regulates Labor Markets*. Oxford: Oxford University Press.
- Benach, J., & Muntaner, C. (2007). Precarious Employment and Health: Developing a Research Agenda. *Journal of Epidemiology and Community Health*, 62, 276-277.
- Benach, J., Muntaner C., Delclos C., Menéndez M., & Ronquillo C. (2011). Migration and "Low-Skilled" Workers in Destination Countries. *PLoS Med*, 8(6), 1001- 1043.
- Bernstein, S., Lippel, K., Tucker, E., & Vosko, L.F. (2006). Precarious Employment and the Law’s Flaws: Identifying Regulatory Failure and Securing Effective Protection for Workers. In L.F. Vosko (ed). *Precarious employment: understanding labour market insecurity in Canada*, (pp. 203-220). Canada McGill-Queen's University Press
- Boccock, M., Hannif, Z., Jamieson, S., Kjaer, T., Lamare, R., Lamm, F., Markey, R., Martin, C., McDonnell, N., Rasmussen, E., Schweder, P., Shulruf, B., & Wagstaffe, M. (2010). *Methodological Issues Related to Researching OHS of Migrant Workers: a Cross-National Comparison*. Paper Presented at Work, Employment and Society Conference on 7-9 September. Brighton: British Sociological Association.
- Bohle, P., Quinlan, M., Kennedy, D., & Williamson, A. (2004). Working Hours, Work-Life Conflict and Health in Precarious and ‘Permanent’ Employment. *Rev. Saude Publica*. 38(Supl).
- Butcher, A. (2009). Friends, Foreign and Domestic: (re)converging New Zealand’s Export Education and Foreign Policy. *Policy Quarterly*. 5(4): 64-70.
- Cameron, E. (2011). *Social Development Outcomes of Participation in the Recognised Seasonal Employer (RSE) scheme for Ni-Vanatau Seasonal Migrant Workers*. MPhil Thesis. Massey University.

- careersnz (2012). *Horticulture Summary*. Retrieved January 14, 2012, from <http://www.careers.govt.nz/default.aspx?id0=104&id1=9E437CB2-6EC8-4457-8C32-231697EA5CDF>
- Carpinter, B. (2009). *Growers hoping for jobless Kiwis as overseas quotas cut*. Retrieved January 18, 2012, from <http://www.stuff.co.nz/business/industries/2984272/Growers-hoping-for-jobless-Kiwis-as-overseas-quotas-cut>
- Connell, J. (2010). From Blackbirds to Guestworkers in the South Pacific. Plus ça change ...? *The Economic and Labour Relations Review*, 20(2), 111-121.
- Coppel, J., Dumont, J.C., & Visco, I. (2001). *Trends in Immigration and Economic Consequences*. OECD Economics Department Working Paper (284). Paris: OECD.
- Curtis, S., & Shani, N. (2002). The effect of taking paid employment during term time on students' academic studies. *Journal of Further and Higher Education*, 26(2), 129-138.
- Dalziel, P. (2007). *Integrating Employment, Skills and Economic Development: New Zealand. Report to the Organisation for Economic Cooperation and Development*. Christchurch: Lincoln University.
- De Genova, N.P. (2002). Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology*, 31, 419-47.
- Deloitte. (2008). *The Experiences of International Students in New Zealand: Report on the Results of the National Survey 2007*. Wellington: Ministry of Education & Department of Labour.
- Department of Labour (2012, February 14). *Discussion with Department of Labour Media Representative*. Auckland: Department of Labour.
- Department of Labour (2011a, June). *Quarterly Regional Labour Market Update*. Wellington: Department of Labour.
- Department of Labour (2011b). Union Membership Return Report (2010). Retrieved February 12, 2012, from <http://www.dol.govt.nz/er/starting/unions/union-membership-2010.pdf>
- Department of Labour (2010). *Changes to the Holidays Act and the Employment Relations Act*. Retrieved January 14, 2012, from <http://www.dol.govt.nz/er/actchanges/index.asp>
- Department of Labour (2009, May 15). Policy Options on Union Access to Workplaces. Retrieved January 14, 2012, from <http://www.dol.govt.nz/initiatives/workplace/ers/unionaccess.asp>
- Department of Labour. (2007a). *International Students: Studying and staying on in New Zealand*. Retrieved January 14, 2012, from <http://www.dol.govt.nz/publications/research/international-students/>
- Department of Labour (2007b). *Migrant and Refugee Youth in New Zealand: Statistical Profile, 1996-2007*. Retrieved January 18, 2012, from <http://www.dol.govt.nz/publications/research/migrant-refugee-youth-nz/mrynz-1.asp>
- Department of Labour (2006, June). *Good Work: Annual Report for the Year Ended 30 June 2006*. Wellington: Department of Labour.
- Department of Labour (2003). *Industry Profile - Agriculture and Horticulture*. Wellington: Department of Labour.
- Deshingkar, P., & Start, D. (2003). *Seasonal Migration for Livelihoods in India: Coping, Accumulation and Exclusion*, ODI Working Paper No. 220. London: Overseas Development Institute.
- Deumert, A., Marginson, S., Nyland, C., Ramia, G., & Sawir, E. (2004). *The Social and Economic Security of International Students in Australia: A study of 200 student cases*. Paper presented at the AARE Conference on 28 November-2 December. University of Melbourne: Australia.
- Docquier, F., & Marfouk, A. (2006). International Migration by Education Attainment, 1990-2000. In C. Ozden and M. Schiff (eds). *International Migration, Brain Drain and Remittances*. (pp.151-199). New York: McMillan & Palgrave.
- Dyer, S., McDowell, L., & Batnitzky, A. (2008). Emotional Labour/Body Work: The Caring Labours of Migrants in the UK's National Health Service. *Geoforum*, 39, 2030-2038.
- Education New Zealand (2008a). *Statistics*. Retrieved February 12, 2012, from <http://www.educationnz.org.nz/policy-research-stats/statistics>
- Education New Zealand. (2008b, November 24). *New Zealand Sees Solid Growth in International Students*. [Press Media Release]. Wellington: Education New Zealand
- Educationcounts (2010). *Provider Based Enrolments*. Retrieved February 12, 2012, from http://www.educationcounts.govt.nz/statistics/tertiary_education/participation
- Elder, S. (2009). *International Labour Organization School-to-Work Transition Survey: A Methodological Guide. Module 4: Key Indicators of Youth Labour Markets: Concepts, Definitions and Tabulations*. Geneva: International Labour Organization. Retrieved February 12, 2012, from

- http://www.International Labour Organization .org/wcmsp5/groups/public/--ed_emp/documents/instructionalmaterial/wcms_140860.pdf
- Ellem, B., and Franks, P. (2012). Trade Union Structure and Politics in Australia and New Zealand. *Labour History*, November 2008. Retrieved January 14, 2012, from <http://www.historycooperative.org/journals/lab/95/ellem.html>
- Fenn, P., & Veljanovski, C.G. (1988). A Positive Economic Theory of Regulatory Enforcement. *The Economic Journal*, 98(393), 1055-1070.
- Francis, C., & Field, M. (2011, December 1). *Cash jobs, crime drive black economy*. Retrieved February 12, 2012, from <http://www.stuff.co.nz/business/money/6065508/Cash-jobs-crime-drive-black-economy>
- Franks, D. (2009, June 14). *New Zealand government's RSE scheme: "Brutal racist oppression"*. Retrieved March 19, 2012, from <http://workersparty.org.nz/2009/06/14/new-zealand-government%E2%80%99s-rse-scheme-%E2%80%9Cbrutal-racist-oppression%E2%80%9D/>
- Garson, J.P. (1999). *Where do illegal migrants work?* Paris, OECD Observer, 219.
- Gill, S. (1995). Globalisation, Market Civilisation and Disciplinary Neo-liberalism. *Journal of International Studies*, 24(3), 399-423.
- Guthman J. (2004). *Agrarian Dreams: The Paradox of Organic Farming in California*. Berkeley, CA: University of California Press.
- Hardy, T. (2011). Enrolling Non-State Actors to Improve Compliance with Minimum Employment Standards. *The Economic and Labour Relations Review*, 22(3), 117-140.
- Haque, R. (2002). *Migrants in the UK: a Descriptive Analysis of their Characteristics and Labour Market Force Survey*. London: Refugee Council.
- Horticulture NZ, New Zealand Institute of Plant and Food Research (2010). *Fresh Facts: New Zealand Horticulture 2010*. Auckland: Martech Consulting Group.
- Horticulture Week (2008). Horticultural workers earn less and work longer, says survey. Anonymous, *Horticulture Week*, 4.
- Human Rights Commission (2004). *General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*. Wellington: Human Rights Commission.
- Immigration New Zealand. (2012a). *Study to Work*. Retrieved January 16, 2012, from <http://www.immigration.govt.nz/NR/rdonlyres/6D329D1A-7331-43DB-8DCF-7E2CA68BC8B1/0/DOL11011INZINTERNATIONALSTUDENTv2.pdf>
- Immigration New Zealand (2012b). *Can students work while they're studying?* Retrieved January 14, 2012, from <http://www.immigration.govt.nz/community/stream/educate/educationproviders/visas/studentvisa/workwhilestudying.htm>
- Infometrics, NRB, & Skinnerstrategic. (2008). *The Economic Impact of Export Education*. Retrieved January 16, 2012, from <http://www.educationcounts.govt.nz/publications/international/35324/35364>
- International Confederation of Free Trade Unions (ICFTU). (2005, 12 September). *The Decent Work Agenda and Achieving the Millennium Development Goals: A Background Paper*. Trade Union Seminar, New York.
- International Confederation of Free Trade Unions (ICFTU). (2001, 15-16 March). *Informal or unprotected work: Conclusions and Recommendations for the Task Force*. Informal Sector Meeting, Brussels.
- International Graduate Insight Group Ltd (2011). *Comparative Analysis of New Zealand and Main Competitor Countries*. Wellington: Education New Zealand. Retrieved January 18, 2012, from <http://educationnz.org.nz/resources/userfiles/file/research/NZper cent20Comparativeper cent20Analysisper cent20FINALper cent20REPORT-formatted.pdf>
- International Labour Organization. (2010). *Decent Work Agenda*. Retrieved from <http://www.International Labour Organization .org/global/about-the-International Labour Organization /decent-work-agenda/lang--en/index.htm>
- International Labour Office. (2009). *Guide to the New Millennium Development Goals including the Full Set of Decent Work Indicators*. Geneva: International Labour Office Employment Sector. Retrieved from http://www.International Labour Organization .org/wcmsp5/groups/public/--ed_emp/documents/publication/wcms_110511.pdf
- International Labour Organization (2006). *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*. Geneva: International Labour Organization.

- International Labour Organization (2002). *Report VI. Decent Work and the Informal Economy*. International Labour Conference 90th Session. Geneva. Retrieved from <http://www.InternationalLabourOrganisation.org/public/english/standards/relm/ilc/ilc90/pdf/rep-vi.pdf>
- International Labour Organization (1991). *The Dilemma of the Informal Sector*. Report from the Director-General. International Labour Conference. 78th Session. Geneva.
- International Labour Organization (1975). *International Labour Organization Convention No.143. Migrant Workers (Supplementary Provisions), 1975*. Retrieved from http://www.InternationalLabourOrganization.org.tt/projects/cariblex/conventions_7.shtml
- Inland Revenue (2011). *Key successes from our 2010-11 compliance focus*. Retrieved 12 January, 2012, from <http://www.InlandRevenueDepartment.govt.nz/taxagents/compliance/focus/key-successes/>
- Jayaweera, H., & Anderson, B. (2009). *Migrant Workers and Vulnerable Employment: a Review of Existing Data*. Report for TUC Commission on Vulnerable Employment. UK: Centre on Migration Policy and Society. Retrieved January 16, 2012, from <http://www.vulnerableworkers.org.uk/wp-content/uploads/2008/08/analysis-of-migrant-worker-data-final.pdf>
- Kandel, W. (2008). Hired Farmworkers a Major Input for Some U.S. Farm Sectors. *Amber Waves*, 6(2), 10-15.
- Khoo, E.K., & Birrell, B. (2002). The Progress of Young People of Migrant Origin in Australia. *People and Place*, 10(2), 30-44.
- Kirchler, E. (1999). Reactance to taxation: Employers' attitudes towards taxes. *Journal of Socio-Economics*, 28(2), 131-138.
- Kritz, M.M. (2006). *Migration and Globalization of Tertiary Education: International Student Mobility*. Paper presented at the United Nations International Symposium on International Migration and Development on 28-30 June. Turin, Italy: United Nations Secretariat. Retrieved January 14, 2012, from http://www.un.org/esa/population/migration/turin/Symposium_Turin_files/P02_KRITZ_Rev3_Augst21.pdf
- Labour and Immigration Research Centre (2011). *Migration Trends and Outlook 2010- 2011: OECD Continuous Reporting System on Migration*. Wellington: Department of Labour. Retrieved February 12, 2012, from <http://www.dol.govt.nz/publications/research/migration-trends-1011/04.asp>
- Lamm, F., Anderson, D., Jamieson, S., Lamare, R., Laurenson, T.M., McDonnell, N., Rahui, T.L., Schweder, P., & Shulruf, B. (2011). *The Invisible Migrant Worker: an investigation into the OHS of migrant Samoan workers*. Paper presented at the International Symposium on Regulating OHS for Precarious Workers on 17 June. Melbourne: Deakin University.
- Leaman, A. (2011, 5th March). *Farm work scammer 'drawn in'*. Retrieved February 1, 2012, from <http://www.stuff.co.nz/national/crime/4734740/Farm-work-scammer-drawn-in>
- Leung-Wai, J., Dixon, H., & Sanderson, K. (2011). *Update of the Bay of Plenty Connections Regional Economic Development Strategy: Economic and Industry Profile of the Bay of Plenty Region: Draft*. Wellington: BERL.
- Loh, K., & Richardson, S. (2004). Foreign-born Workers: Trends in Fatal Occupational Injuries. *Monthly Labor Review*, 127(6), 42-53.
- Lovelock, K., & Leopold, T. (2008). Labour Force Shortages in Rural New Zealand: Temporary Migration and the Recognised Seasonal Employer (RSE) Work Policy. *New Zealand Population Review*, 33/34, 213-234.
- McInnis, C., & Hartley, R. (2002) *Managing Study and Work, The Impact of Full- Time Study and Paid Work on the Undergraduate Experience in Australian Universities*. Canberra: Evaluations and Investigations Programme, Department of Science, Education and Training.
- McKay, S., Craw, M., & Chopra, D. (2006). *Migrant Workers in England and Wales: An Assessment of Migrant Worker Health and Safety Risks*. London: Health and Safety Executive.
- McLaren, E., Firkin, P., Spoonley, P., Dupuis, A., de Bruin, A., & Inkson, K. (2004). *At the Margins: Contingency, Precariousness and Non-Standard Work*. Research Report 2004/1, Albany/Palmerston North: Labour Market Dynamics Research Programme. Massey University. Retrieved January 18, 2012, from <http://lmd.massey.ac.nz/publications/Atper cent20theper cent20Margins.pdf>
- Mackenzie, R., & Forde, C. (2009). The Rhetoric of the "Good Worker" versus the Realities of Employers' Use of the Experiences of Migrant Workers. *Work, Employment and Society*, 23(1), 142-159.
- Manthei, R.J., & Gilmore, A. (2005). The Effect of Paid Employment on University Students' Lives. *Education and Training*, 47(2/3), 202-215.
- Mason, M. (2011). *Tertiary partnership will benefit wider community*. Tauranga Chamber of Commerce. Retrieved January 18, 2012, from <http://www.bayofplentytimes.co.nz/news/tertiary-partnership-will-benefit-wider-community/1060790/>

- Merwood, P. (2007). *International Students: Studying and staying on in New Zealand*. Wellington: Department of Labour. Retrieved January 18, 2012, from <http://www.dol.govt.nz/publication-view.asp?ID=235>
- Ministry of Agriculture and Fisheries (2011a). *Horticulture*. Retrieved January 18, 2012, from <http://www.maf.govt.nz/agriculture/horticulture>
- Ministry of Agriculture and Fisheries (2011b). *Situation and Outlook for New Zealand Agriculture and Forestry*. Retrieved January 14, 2012, from <http://media.nzherald.co.nz/webcontent/document/pdf/201125/2011-sonzaf-web-embargo.pdf>
- Ministry of Economic Development (2011). *SMEs in New Zealand: Structure and Dynamics: Integrating Employment, Skills and Economic Development*. Wellington: Ministry of Economic Development
- Ministry of Education (2006). *Export Education in New Zealand: A Strategic Approach to Developing the Sector*. Wellington: Ministry of Education. Retrieved January 14, 2012, from http://www.educationcounts.govt.nz/publications/international/export_education_in_new_zealand_a_strategic_approach_to_developing_the_sector_-_an_overview
- Ministry of Justice (2009). *Report of the Working Group on the Universal Periodic Review*. Wellington: Ministry of Justice.
- Ministry of Social Development (2011). *Regional Fact Sheet- Bay of Plenty Region, June 2011*. Wellington: Centre for Social Research and Evaluation, Ministry of Social Development.
- Neill, N., Mulholland, G., Ross, V., & Leckey, J. (2004). The Influence of Part-time Work on Student Placement. *Journal of Further and Higher Education*, 28(2), 123-137.
- New Zealand Trade and Enterprise (2010). Food and beverage. Retrieved February 12, 2012, from <http://www.nzte.govt.nz/access-international-networks/explore-opportunities-in-growth-industries/growth-industries/pages/food-and-beverage.aspx>
- New Zealand Visa Bureau (2011, February 28). *Indian students now second largest New Zealand Visa group, figures show*. [Press Media Release]. London: Visa Bureau.
- New Zealand Visa Bureau (2010, February 16). *32 per cent increase in Indians on a New Zealand Student Permit*. [Press release]. London: Visa Bureau.
- Nyland, C., Forbes-Mewett, H., Marginson, S., Ramia, G., Sewer, E., & Smith, S. (2008). *International Student-Workers in Australia: A New Vulnerable Workforce*. Melbourne: Centre for the Study of Higher Education, Monash University.
- NZ Herald (2011, June 14). *NZ primary sector exports to surge by 2015, says MAF*. Retrieved January 10, 2012 from http://www.nzherald.co.nz/economy/news/article.cfm?c_id=34andobjectid=10732127
- OECD (2010a). Very Recent Changes in Migration Movements and Policies (Country Notes): *International Migration Outlook*. Paris: SOPEMI. Retrieved January 22, 2012, from <http://www.oecd.org/dataoecd/6/18/45629398.pdf>
- OECD (2010b). *International Migration Outlook*. Paris: SOPEMI. Retrieved January 22, 2012 from <http://www.oecd.org/dataoecd/12/9/45612617.pdf>
- OECD (2009). *The Future of International Migration to OECD Countries*. Paris: OECD.
- ONE News (2010a, July 24). *Illegal workers may be moving around*. Retrieved January 17, 2012, from <http://tvnz.co.nz/national-news/illegal-workers-may-moving-around-3672345>
- ONE News (2010b, June 8). *Horticulture industry on the up*. Retrieved January 17, 2012, from <http://tvnz.co.nz/business-news/horticulture-industry-up-3581831>
- Pollert, A., & Charlwood, A. (2008) *Vulnerable Workers and Problems at Work: Centre for Employment Studies Research Working Paper 11*. Retrieved from <http://www.uwe.ac.uk/bbs/research/cesr/workingpapers.shtml>
- Quinlan, M., Bohle, P., & Lamm, F. (2010) *Managing Occupational Health and Safety: a Multidisciplinary Approach* (3rd ed). Sydney: Macmillan.
- Quinlan, M., & Mayhew, C. (2001). *Evidence versus Ideology: Lifting the Blindfold on OHS in Precarious Employment*. Working Paper. Sydney: University of New South Wales.
- Radio NZ (2011, July 27). *Inland Revenue Department targets cash economy*. Retrieved January 11, 2012, from http://www.radionz.co.nz/news/business/81024/Inland_Revenue_Department-targets-cash-economy
- Rodgers, G. (2007, July). *Labour Market Flexibility and Decent Work: United Nations DESA Working Paper No. 47*. Switzerland: United Nations.
- Rogaly, B. (2008). Intensification of Workplace Regimes in British Horticulture: The Role of Migrant Workers. *Population, Space and Place*, 14, 497-510.
- Ross, C. and Rasmussen, E. (2009). Chronicle: June–September 2009. *New Zealand Journal of Employment Relations*. 34(3): 92-101.

- Ruhs, M., & Anderson, B. (2006). *Semi-compliance in the migrant labour market*. Paper presented at the COMPAS Annual Conference on July 6. Oxford: Oxford University Centre on Migration, Policy and Society (COMPAS).
- Sargeant, M., & Tucker, T. (2009). Layers of Vulnerability in Occupational Health and Safety for Migrant Workers: Case Studies from Canada and the United Kingdom. *Policy and Practice in Occupational Health and Safety*, 7(2), 51-73.
- Sassen, S. (1998). *Globalization and Its Discontents*. New York: New Press.
- Shelley, T. (2007). *Exploited: Migrant Labour in the New Global Economy*. London: Zed.
- Soederberg, S., Menz, G., & Cerny, P. (2005). *Internalizing Globalization: The Rise of Neoliberalism and the Decline of National Varieties of Capitalism*. Basingstoke [UK]; New York: Palgrave MacMillan.
- Statistics NZ (2011a). *Agricultural Production Statistics: June 2011 (provisional)*. Wellington: Statistics NZ.
- Statistics NZ (2011b). *Injury Statistics – Work-related Claims: 2010*. Wellington: Statistics NZ.
- Statistics NZ (2011c). *New Zealand Business Demography Statistics: At February 2011*. Retrieved January 11, 2012, from http://www.stats.govt.nz/browse_for_stats/businesses/business_characteristics/BusinessDemographyStatistics_HOTPFeb11/Commentary.aspx
- Taran, P. (2007). *International Migration, Globalization and the Bill of Rights: Ensuring Protection under the Rule of Law*. A presentation for the 9th Annual Human Rights and Equality Conference, “Minority Rights and Protection: international standards and the Bill of Rights for Northern Ireland” on 12 January. Belfast: Northern Ireland Council for Ethnic Minorities.
- Tauranga City (2006). *Tauranga: Application as an International Safe City*. Retrieved January 14, 2012, from www.safecommunities.org.nz/sc/t/2008-04-18.../download
- 3news (2012). *Cabinet ticks off employment law changes*. Retrieved May 16, 2012, from <http://www.3news.co.nz/Cabinet-ticks-off-employment-law-changes/tabid/1607/articleID/254214/Default.aspx#ixzz1vRyBHsJF>
- Tipples, R., & Whatman, R. (2010). Employment standards in world food production – the place of GLOBALGAP supply contracts and indirect legislation. *New Zealand Journal of Employment Relations*, 35(3), 40-60.
- Tipples, R., & Whatman, R. (2009, July 8-10). *Employment standards in world food production – the place of GLOBALGAP supply contracts and indirect legislation*. Paper presented at Conference of the International Labour Organization, Regulating for decent work: innovative regulation as a response to globalization, Geneva: International Labour Organization.
- Trebilcock, A. (2005). *Decent work and the informal economy*. EGDI/UNI–WIDER Discussion Paper No. 2005/04. Helsinki: Expert Group on Development Issues, United Nations University, World Institute for Development Economics Research.
- Underhill, E. and Quinlan, M. (2011). How precarious employment affects health and safety at work: the case of temporary agency workers. *Relations Industrielles*, 66(3):397-421.
- United Nations (2004). *International Norms and Standards Relating to Disability Part V. Persons with Disabilities and Multiple Discrimination - Rights of Special Groups*. Retrieved 18 January, 2012, from <http://www.un.org/esa/socdev/enable/comp509.htm>
- United Nations (1990) *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Retrieved 18 January, 2012, from <http://www2.ohchr.org/english/law/cmw.html>
- Virtanen M., Kivimaki M., Joensuu M., Virtanen, P., Elovainio, M., & Vahtera, J. (2005). Temporary Employment and Health: a Review. *International Journal of Epidemiology*. 34(3): 610-622.
- Walsh, J., & Deery, S. (1997). *Understanding the Peripheral Workforce: An Examination of Employee Diversity in the Service Sector*. Working Paper No. 112. Melbourne: Department of Management and Industrial Relations, University of Melbourne.
- Ward, C. (2008). *The Experiences of Migrant Youth: A Generational Analysis*. Wellington: Department of Labour.
- Williams, J. (2009, July). *Low skill temporary migration in New Zealand: Labour market and human rights law as a framework for managing future migration, WORKING Paper 09/09*. Wellington: Institute of Policy Studies.
- Wilkinson, K. (2010, January 27). *Minimum Wage Increased to \$12.75* [Press release]. Wellington: New Zealand Government.
- Wozniak, R. (2004). Skills shortages. *Chartered Accountants Journal*, 83(8), 64-65.

