



New Zealand Nurses Organisation

Submission to the Transport and Industrial Relations Select Committee

on the

Immigration Bill

October 12 2007

Inquiries to: Marilyn Head
New Zealand Nurses Organisation
PO Box 2128, Wellington
Phone: 04 499 9533
DDI: 04 494 6372
Email: marilynh@nzno.org.nz

1. The New Zealand Nurses Organisation (NZNO) is a Te Tiriti o Waitangi based organisation which represents 39,000 nurses and health care workers. NZNO is the professional body of nurses and the leading nursing union in Aotearoa New Zealand. Our members include nurses, midwives, students, health care workers and other health professionals.
2. As an affiliate of the New Zealand Council of Trade Unions, the NZNO strongly supports the NZCTU's submission on the Immigration Bill and shares the concerns raised therein particularly with regards to:
 - recognition of the Treaty of Waitangi as the founding immigration document;
 - inclusion of the 'good employer' concept, requiring both government and employers to act in good faith with regard to the interests of migrant and New Zealand workers;
 - rejection of the widespread collection of biometric data, classified information and increased detention powers on the flawed premise, for which there is no evidence, that such measures increase the New Zealand's security. NZNO notes that there is evidence, however, that such measures significantly increase fear and stress, increase costs and time and, as highlighted by recent high profile cases, do not enjoy the confidence of the New Zealand public;
 - recognition of the risks involved with sponsorship by "non-natural persons";
 - support for the removal of the IR330 defence for employing a person without entitlement to work and considering the further implications of that move;
 - support for the recognition of Article 3 of the 1984 Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment,

- and Articles 6 and 7 of the International Covenant on Civil and Political rights in the Immigration Bill; and
- consideration for reference to the International Labour Organisation's (ILO) Migration for Employment Convention – 97 (which New Zealand has ratified);. The ILO Migrant Workers (Supplementary Provisions) Convention – 143, the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families; and the ILO Multilateral Framework on Labour Migration.
3. Immigration has significant impact on New Zealand's health system since it is an area where there are acute staffing shortages at all levels. There is a high risk with today's global economy and highly mobile workforce that the net effect of immigration will be the replacement of New Zealand's highly-trained health professionals with lower paid workers from developing countries. NZNO is aware that this is already happening in some areas of the health particularly in the aged care sector.
 4. Migrant workers, especially those from the Pacific Islands and the Philippines are over represented in the low paid health care positions; again this is particularly evident in the aged care sector.
 5. NZNO is aware that some migrants are qualified health professionals but, for various reasons, are employed at a lower level and for lower rates of pay. That constitutes a lowering of conditions for New Zealand health professionals, exploits migrant workers and does nothing to sustain or improve the quality of health care. Simple guidelines under the good employer concept for requiring employers who recruit overseas to also commit to training and retaining New Zealand workers and to take responsibility for the ethical recruitment of migrants would mitigate some of the current abuses caused by migration.
 6. NZNO believes that there are a number of health recruitment agencies charging exorbitant fees at both ends of the recruitment process, and private

providers who are enforcing contracted bonding and fee termination payments which have been imposed on deliberately ill-informed migrant workers. NZNO is defending a number of such legal cases that have been progressed by employers.

7. Although the Bill refers to New Zealand's immigration-related international obligations there is little recognition of the impact that migration from developing countries has on those countries. By taking a narrow view of predominantly short-term business based interests, the Immigration Bill fails to address the broader issues of immigration as it affects:
 - The rights of individual migrants;
 - the rights of New Zealand workers, particularly in maintaining parity with working conditions in comparable OECD countries; and
 - New Zealand's international obligations towards developing countries
8. In a globalised world, migration for employment may be almost ubiquitous, but NZNO believes that migration should not be allowed to act as a proxy for, or undermine, domestic training and skills development. Whilst immigration may alleviate temporary shortages, good wages and conditions and a commitment to training are proven strategies for workforce recruitment and retention.
9. The current situation where there are no mandatory staffing levels for nurses, for example, substantially contributes to the high turnover and loss of skilled registered nurses who choose not to accept positions where they cannot deliver the care their professionalism demands and where, under the Health Practitioners' Competency Assurance Act, they are required to take full responsibility for care, regardless of the situation. A comparison with Victoria, Australia where the introduction of mandatory patient to nurse ratios in 2001 saw over 3000 nurses attracted back into the profession, with a retention rate of 95 percent after a year, clearly demonstrates how maintaining high standards and good working conditions can alleviate staff

shortages, rather than exacerbate them, which is the effect in some cases of immigration.

10. NZNO notes that the World Health organisation estimates the emigration of 15,000 Filipino nurses annually to countries like New Zealand, while in the Philippines, several thousand nurse positions remain unfilled, a large contributing factor to the closure of at least 200 hospitals in recent years¹.
11. The NZNO vehemently opposes any limitation on the jurisdiction of the Human Rights Commission and specifically calls for the deletion of 2) and 3) of Clause 350 which prohibits complaint or intervention on the grounds of the human rights as set out in the *Human Rights Act 1993*.
12. NZNO does not accept that “immigration matters inherently involve different treatment on the basis of personal characteristics”. Human rights are not negotiable.
13. NZNO considers that targeting research, monitoring and strict reinforcement of current requirements regarding migrant workers and accredited employers to the relevant sectors and organisations would be a more useful, efficient and effective way of protecting New Zealanders than authorising the blanket collection of personal data and extending powers normally restricted to the Police to Immigration officers.

Summary

14. NZNO has identified a number of the areas of the Immigration Bill that are of concern, particularly its failure to recognise the impact of immigration from a broad perspective encompassing the rights of individual migrants, the effect of migration on New Zealand working conditions and New Zealand’s international obligation towards developing nations.
15. NZNO considers that more consideration needs to be given to the effect of short term solutions to skilled worker shortage and that strategies that

¹ IBON Foundation, Inc.

enhance training, recruitment and retention of New Zealand workers, sustain good working conditions in New Zealand and protect migrant workers from exploitation, thus preventing the creation of an underclass of workers will be more effective and equitable in the long term.

16. Accordingly the New Zealand Nurses Organisation recommends that you:

- **note** our support for the NZCTU's submission and the recommendations made therein;
- **note** our strong objection to measures limiting the jurisdiction of the Human Rights Commission
- **delete** 2) and 3) of Clause 350 which prohibits complaint or intervention on the grounds of the human rights as set out in the *Human Rights Act 1993*.
- **note** that NZNO does not accept that "immigration matters inherently involve different treatment on the basis of personal characteristics".
- **note** our strong reservations about the effectiveness, efficiency and cost of increased collection of biometric data and classified information;
- **note** our rejection of increasing immigration officers powers of detention;
- **note** our recommendation to incorporate ethical standards implicit in the good employer concept with regard to immigration and ensure it is properly enforced through rigorous monitoring and auditing.
- **note** that the lack of minimum staffing levels in the health sector are a contributing factor to the acute shortage and high turnover of staff in the health sector.

17. NZNO has consulted its members in the preparation of this submission in particular NZNO staff (Management, Professional Nursing Advisors, Policy Analysts, and Industrial Advisors) and NZNO members (Colleges and Sections, Board Members and other health care workers).

Marilyn Head
NZ Nurses Organisation
PO Box 2128, Wellington
Phone: 04 499 9533
DDI: 04 494 6372
Email: marilynhead@nzno.org.nz