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# New Zealand Human Rights Commission – Business and Human Rights Work

**This document highlights New Zealand’s business and human rights forum and how the Commission has worked with business and human rights across four specific areas.**

## **BUSINESS AND HUMAN RIGHTS FORUM**

The New Zealand Human Rights Commission (NZHRC) hosted New Zealand’s inaugural Business and Human Rights Forum in August 2016. The aim of the event was to provide businesses with a strong rationale for embedding human rights into their practice. It was followed by a multi-stakeholder meeting for New Zealand businesses interested in advancing a human rights agenda including ANZ Bank, Warehouse Group, Sovereign, Watercare, Fonterra, Council of Trade Unions, MBIE, Institute of Directors, Vodafone, Kathmandu, Fisher and Paykel, CocaCola Amatil.

The Forum demonstrated there was considerable interest across the business sector to learn more about human rights. In addition to a lack of education about business and human rights, participants identified four salient business and human rights issues for New Zealand. These were:

1. Violence, abuse, bullying in the workplace and affecting the workplace
2. Decent work and equal employment opportunity for all New Zealand’s marginalised groups
3. Data and surveillance for big business
4. Ethical sourcing and transparent supply chain (procurement)

The NZHRC has four streams of work focussed on the identified priority issues.

## **ADDRESSING VIOLENCE IN THE WORKPLACE**

A Family Violence Steering Group was initiated by the NZHRC in 2017 and consisted of Ernst and Young, the Warehouse Group, Fonterra, Vodafone, Ricoh and Countdown. The steering group launched a toolkit and policy for businesses wanting to implement a family violence policy in July 2018.<sup>1</sup> New Zealand has one of the highest rates of family violence in OECD countries and it is estimated

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<sup>1</sup> New Zealand Human Rights Commission (2018), Employers offered family violence model policy.

<https://www.hrc.co.nz/news/employers-offered-family-violence-model-policy/>

that over 40% of victims are in paid employment.<sup>2</sup>

Taking steps to address family violence issues within the workplace setting is an example of business actively focussing on a pertinent and relevant human rights issue for the unique context of New Zealand.

The family violence policy template sets out how employers can offer employees who are victims of family violence additional paid leave, flexible working arrangements to ensure safety at work, refer employees to counselling services, train staff, keep the disclosure of violence as confidential as possible, and deal with perpetrators of family violence in the workplace. It goes hand in hand with the Domestic Violence – Victims Protection Act 2018 legislation that came into effect in April 2019 and prescribes additional duties for employers that have victims of violence in their workplace. To give effect to these duties, companies require a family violence policy and are looking to the template family violence policy for assistance.<sup>3</sup>

## DECENT WORK

The NZHRC continues to monitor workplace human rights through its interactive webtool, Tracking Equality at Work.<sup>4</sup> The tool provides information over the areas of employment, discrimination, leadership and pay and tracks

demographics such as ethnicity, age and disability. Recommendations have been made to government regarding focus and resource for particularly vulnerable groups based on the tool results.

NZHRC instigated a research project in partnership with the government around “in-work poverty” in 2018.<sup>5</sup> The research focusses on households that cannot escape hardship even though members of the household are in paid employment. The research found that the overall in-work poverty rate was 7 percent before housing costs. This rate varies greatly across several demographic dimensions – for example, it rises to 12.3 percent for single-parent households, and 19.9 percent for two or more family households where only one adult is working<sup>6</sup>.

NZHRC also has targeted programmes dedicated to promoting meaningful and substantive paid employment work for New Zealanders with disabilities.

## DATA AND SURVEILLANCE FOR BIG BUSINESS

The NZHRC launched a research publication on Privacy, Data and Technology: Human Rights Challenges in the Digital Age in 2018.<sup>7</sup> This set out some of the human rights concerns business should be aware of in relation to data and technology. This is an emerging issue for New Zealand data

<sup>2</sup> OECD – Social Policy Division – Directorate of Employment, Labour and Social Affairs (2014), SF3.4: Family violence.

[https://www.oecd.org/els/soc/SF3\\_4\\_Family\\_violence\\_Jan2013.pdf](https://www.oecd.org/els/soc/SF3_4_Family_violence_Jan2013.pdf)

<sup>3</sup> Voxy (2018), Progressive thinking and the future of work – Dr. Jackie Blue. <http://www.voxy.co.nz/business/5/323542>

<sup>4</sup> NZHRC (n.d.), Tracking Equality at Work. <http://tracking-equality.hrc.co.nz/#/>

<sup>5</sup> Thomas Manch (2018), New Zealand's 'working poor' and the push to understand how many are struggling, Stuff.

<https://www.stuff.co.nz/national/103761074/new-zealands-working-poor-and-the-push-to-understand-how-many-are-struggling>

<sup>6</sup> AUT's New Zealand Work Research Institute (2019), In-work poverty in New Zealand. [https://www.hrc.co.nz/files/8215/7462/2882/In-Work\\_Poverty\\_Report\\_2019.pdf](https://www.hrc.co.nz/files/8215/7462/2882/In-Work_Poverty_Report_2019.pdf)

<sup>7</sup> NZHRC (2018), Privacy, Data and Technology: Human Rights Challenges in the Digital Age.

[https://www.hrc.co.nz/files/5715/2575/3415/Privacy\\_Data\\_Technology\\_-\\_Human\\_Rights\\_Challenges\\_in\\_the\\_Digital\\_Age\\_FINAL.pdf](https://www.hrc.co.nz/files/5715/2575/3415/Privacy_Data_Technology_-_Human_Rights_Challenges_in_the_Digital_Age_FINAL.pdf)

companies and a likely area of focus going forward.

## PROCUREMENT

The NZHRC continues to work with the New Zealand government regarding policies and practices about procurement of goods and services. In November 2018, the NZHRC spoke to senior government procurement officials about leveraging public procurement to protect human rights.<sup>8</sup>

The New Zealand Government is currently consulting on its public procurement rules.<sup>9</sup> Of interest is outcome 3 which has a major human rights component to **Improve conditions for workers and future-proof the ability of New Zealand business to trade.** Agencies will require suppliers in targeted industries to ensure their business, sub-contractors and domestic suppliers comply with employment standards.



Photo: NZHRC

This priority aims to protect workers from unfair and unsafe behaviour and incentivise well-performing firms while ensuring they are not undercut by firms who have reduced costs through adopting poor labour practices.<sup>10</sup> It is estimated the Australian Modern Slavery Act 2018 will affect 500 New Zealand companies earning over the threshold of AUD100 million and carrying on business in Australia.<sup>11</sup> The Act will have a significant impact on some of New Zealand's big businesses, requiring them to understand their supply chain in a way they have not before. Some New Zealand companies are proactively taking steps to map their supply chain in preparation for submitting their first modern slavery statement in 2019/2020.

### FOR MORE INFORMATION, CONTACT:

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<sup>8</sup> New Zealand Government Procurement (2018), Leveraging procurement to protect human rights.

<https://www.procurement.govt.nz/about-us/news/leveraging-procurement-to-protect-human-rights/>

<sup>9</sup> Ministry of Business Innovation and Employment (n.d.), Consultation on proposed Government Procurement Rules 4<sup>th</sup> Edition. <https://www.mbie.govt.nz/have-your-say/consultation-on-proposed-government-procurement-rules-4th-edition/>

<sup>10</sup> The update reflects the recent cabinet paper 'Enhancing the effectiveness of government procurement.' This paper proposes a

coordinated and targeted approach to leveraging additional outcomes from government contracts. From: Minister for Economic Development Committee (n.d),

<https://www.procurement.govt.nz/about-us/functional-leadership/>

<sup>11</sup> Nzherald.com (2018), Rebekah Armstrong: What the Australian Modern Slavery Act will mean for big Kiwi businesses.

[https://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&obje ctid=12175694](https://www.nzherald.co.nz/business/news/article.cfm?c_id=3&obje ctid=12175694)