Ministerial Inquiry into Use and Operation of Foreign Charter Vessels

Written Submission (and request to make an oral submission in Auckland) by:

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Introduction

This submission relates primarily to the labour standards on foreign charter vessels (FCVs) in New Zealand's fisheries waters within the Exclusive Economic Zone. Labour standards on FCVs are one of the key concerns of the Inquiry (as seen in point 3 of the principal objectives and point e of the purpose of the Inquiry).

Background

As the pastor of Albany Baptist Church on Auckland's North Shore, I came into contact with the foreign crew of the Shin Ji in July 2011, approximately eight weeks after they had walked off their ship in protest over working conditions.

Yuni Setiawan, an Indonesian woman from my congregation, alerted me to their situation and the assistance she was providing them. Along with a small group of generous Aucklanders, Mrs Setiawan fed the men for over a month. This was a huge task. As well as wanting to help the men with their daily needs, Mrs Setiawan hoped the crew would get justice.

Assisting the Shin Ji crew

Meeting the Shin Ji crew two days later, I discovered more about their situation. The seven men spoke very little English, so with Mrs Setiawan acting as a translator, I was able to hear their stories from their time on the Shin Ji first-hand; the hours they worked and the injuries and verbal abuse they sustained.

That first night with the Shin Ji crew was shocking. I could not believe that a country like New Zealand – known as egalitarian, supportive of the working person, and placing a high value on human life and dignity – could allow workers covered by its Labour laws to be treated the way these men were. Finding out months later that these men were entitled to the same legal protection that I was came as a bigger shock.

The crew told of shifts longer than 24 hours. They would beg for a break, but be denied. They showed me the scars on their arms which came from tiredness-induced accidents while operation extremely dangerous machines. I heard about how they had to take Indonesian medicines designed to keep them awake so that they could complete the long shifts they were forced to work.

They told me about the money they were owed, and about the injustice of the manning agent system, where vast sums of their wages were held back from their families on "good behaviour bonds". I learned that days off were non-existent, and even when the ship was in port the workers were sometimes not permitted off the ship.

In the days and weeks that followed our church became involved in helping to care and support these men. The crew were housebound (fearing both retribution from their employers and deportation), so we organised excursions to give them a break from the mundanity of sitting around their accommodation. A number of people from the church went to visit the men, and a handful also hosted the crew at their homes for a day out and a meal.

We asked our church to contribute to these men and towards their living expenses, and despite Albany Baptist being small in number and not overly wealthy, people gave generously. When I presented the money to the crew on behalf of the church, I could see the tears in their eyes, and there were tears in mine too. They were incredibly grateful. They were so thankful for our gift to them that they arrived early to church the following few Sundays to help set up.

Reflections

With the Shin Ji crew having returned home (without the full amount they are owed), we can reflect on how New Zealand can improve the FCV situation. We need to do this well, because as these submissions are happening, most of the Shin Ji crew are still without work. They have sick relatives who need care, they have families who need feeding, and they have rent to pay.

Working on a FCV in New Zealand was their chance to escape from poverty and earn a reasonable wage for a while. Working on a FCV in New Zealand should have afforded them the level of protection and remuneration New Zealand labour law requires. But it did not.

We would not accept New Zealand citizens being treated in the way these foreign crews have been. Our labour standards apply equally to crew on FCVs and New Zealand citizens. But it seems those standards are not being applied equally at all.

I learned during my time with the crew that due to the onboard working conditions, the Shin Ji was not a place where I would want to work, and in fact, not a place where *anyone* should have to work. The Shin Ji crew were not paid New Zealand's minimum wage, something they were legally entitled to. They were not given proper rest periods, something accepted in every free-world country. They were treated as possessions and not people. They were enslaved.

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Conclusion

These men have been failed by the New Zealand system. Justice needs to be done. Justice is not just for those who have a voice, but for all of humanity. New Zealand needs to stand up as a country and declare that we will not accept people being treated in this way in our waters.

This Inquiry needs to make a strong recommendation to the Minister of Labour and the Minster of Fisheries and Aquaculture that much more needs to be done to protect the rights of foreign crews in our waters in regard to labour laws. The law needs to ensure that foreign crews are afforded the same protection under the labour laws as New Zealand citizens are, because that is what our law demands, and that is what anyone with a concern for human dignity and value would assert too.

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