



Hands on the Loud Hailer

Social movements are increasingly influencing the way directors think about the broader implications of the decisions they make and the customers, stakeholders and communities they serve. But does that mean having a loud hailer at the ready?

This third episode addresses the potential pitfalls and responsibilities for boards when dealing with broader social issues like racism, gender inequality, sexual harassment and modern slavery, including the proposed changes to the Company Directors Amendment Bill.

Sonia Yee:

This podcast was made with the help of ASB Bank. Supporting businesses to get one step ahead.

Dr Emily Beausoleil:

One activist said, sometimes even talking about race sounds like shouting to some people.

Kevin Kenrick:

I think culture has become more important than this greater visibility and awareness of the role it plays, but it's become more complicated.

Jo Cribb:

Poverty has a woman's face. She's often young. She's often Maori. That's exactly who we don't want to be homeless.

Lola Toppin-Casserly:

Individuals are scared of whistleblowing because of the retaliation.

Dr Christina Stringer:

Some of them have been raped on some of their South Korean vessels. They'd also been subject to physical abuse. They'd been beaten.

Kirsten Patterson:

Kia ora. I'm **Kirsten Patterson**, otherwise known as KP.

Sonia Yee:

And I'm **Sonia Yee**, the producer of this seven part podcast across the board. Made by the Institute of Directors and Association with the New Zealand Herald.

Kirsten Patterson:

This time, we take a look at the benefit of boards giving the CEO a platform to share their views, including why directors need to be on top of an array of social issues like racism and discrimination, sexual harassment, bullying and modern slavery.

Sonia Yee:

Please note that some of the content in this episode deals with descriptions of abuse and bullying and may not be suitable for all audiences. Discretion is advised.

Kirsten Patterson:

It's definitely no walk in the park to front a company, but role modeling from the top isn't always about speaking out publicly. When it comes to women in the workforce, especially those juggling family life and career, there are often unspoken expectations, and today, many women feel the mounting pressure to be all things to all people.

Rhiannon McKinnon:

When I got made up to be permanent CEO on 1st of December, I got lots of emails and congratulations, and it was a jolly nice day in terms of feeling wonderful and people telling you how wonderful you are.

Kirsten Patterson:

Rhiannon McKinnon is the CEO of Kiwi Wealth, who you may have heard in the first episode, and she understands what it means to balance a high profile role with family life. She says being realistic about her own situation has helped to set a positive tone for the organization.

Rhiannon McKinnon:

But the favorite ones I had were from some of the working moms who really said how much they enjoyed having me in that role and it showed what could be done and the kind of personification and the normalizing of that sort of juggle from the top I think is really helpful for people the whole way through the organization. And actually, one of the people who emailed me has recently been asked to step up into an acting role that her boss is vacating. I messaged her and said, wonderful news and good luck. And she said, actually, well, it was you sort of taking your role that kind of gave me some of the confidence to step up.

So I think if people can see me juggle it, I try and be very transparent about what that's like, and I don't try and come across as superwoman. I just try come across as someone who's juggling stuff and doing one's best. It allows everybody else the ability to do the same. And that really is very important to me in terms of setting tone and culture and showing women throughout the workforce that it's possible to be done if you, one, want to, and two, if the culture of the business allows it and supports it.

Kirsten Patterson:

So what does it take to lead an organization when you find yourself at the top of the ladder and what are the pitfalls of being heavy handed?

Rhiannon McKinnon:

Micromanaging people I don't think ever leads to the best results, and I don't see the point of having people who are on your team if you don't trust them to do their work well. And I was saying at the leaders' day the other day, I don't also expect everyone to get everything a hundred percent correct at all. So I'm here to create the conditions for you to prosper and

thrive, to congratulate you when you get things right and to help you when you don't.

Sonia Yee:

But the opportunity to thrive isn't always created equally.

Lani Evans:

Oh, I'm passionate about governance. I think it's a really important way for us to contribute to the way that commercial decisions, community decisions and public decisions are made.

Sonia Yee:

Lani Evans is head of foundation and sustainability at Vodafone. In 2018, she was about to apply for maternity leave.

Lani Evans:

So at the time I was on five different boards, some of which were nonprofit and some of which were commercial. And for the particular board that we're talking about, the thank you payroll board, I'd been involved in the organization for eight years in initially a CEO role and then moving on to the board when I stepped out of that. So I'd been a director for about five years.

Sonia Yee:

And what she discovered was that the right to take maternity leave doesn't exist for directors. And that's when the glowing visions of motherhood quickly turned to dismay.

Lani Evans:

So it was a deep sense of disappointment that there wasn't a clear pathway for me to navigate through my parental leave. The two options are to step down and resign or to maintain complete liability for all decisions that are made in your absence. These were boards that I was deeply passionate about and really wanted to contribute to, and places where I had and do have the skills to do that well.

Sonia Yee:

And Lani says a legislation needs to change in order for women to feel valued, and more importantly, to reflect the societal shift that's evident all

around us, because women are in the workforce and on boards, and they're here to stay.

Lani Evans:

I think it's a really rapidly changing environment. I think people are thinking about it. I just think the legislation is behind our actions, which is why we're seeing people using workarounds. It's why we're having these conversations about it, but we need that legislation to catch up to how we're actually behaving. Providing effective leave provisions for people in governance roles would have a positive effect on gender representation and gender equity, position protection, allowing people to maintain their career trajectories as governors, and it would invite participation from more diverse people and directors roles as well. This should be a change rather than putting each organization in a position where they have to do workarounds and where a person who might be in a vulnerable position is having to advocate for that.

Dr Duncan Webb:

That status, the status of someone being a parent or being pregnant is something which is a human rights question.

Kirsten Patterson:

Doctor Duncan Webb is the labor MP for Christchurch Central, and he's calling for change to director duties. He says there's a distinct feature blocking change.

Dr Duncan Webb:

I guess one of the things about directors is that they are appointed and removed at the will of the shareholders, and they're not employees. It isn't a situation that you'd traditionally see. Certainly there's a discussion to be had there around how we deal with parents who are directors on boards. And so yeah, I can see the difficult interface between directorships and the right not to be discriminated against because of your status in terms of being a parent or being pregnant.

Kirsten Patterson:

Women continue to not be afforded the same opportunities as men. In case in point, the gender pay gap. And if we dig deep enough, there are other

flow on effects for women. Female homelessness in New Zealand is one of them.

Jo Cribb:

My bent is to always look for the evidence, and we show that it absolutely is a contributor.

Sonia Yee:

Jo Cribb is a gender and diversity consultant. She's a former CEO of the Ministry for Women and also sits on the board for Wellington Homeless Women's Trust.

Jo Cribb:

What the last census showed us is that, of the people in New Zealand who are homeless, or who are homeless on census night, 50 percent of them were women. And we haven't quite registered that. We often think of homeless as men sleeping rough, because that's often the pattern of men's homelessness. Women choose to do something different if they become homeless. They don't feel safe on the streets or they have children, so they'll often be very transient and move from house to house, or they'll put themselves in relationships where they're not safe or not happy so that they have somewhere to stay.

So I just wanted to put that in context, that half of our homeless population is women. And when you start to look at the research about the resources that these women have, it's usually much less than men, even though there are state supports and all sorts of things that should hopefully help, they just don't get to where they're needed. And yes, unfortunately that poverty has a woman's face. She's often young, she's often Maori, and she's often got children. And in some ways, that's exactly who we don't want to be homeless and living in poverty.

As many of you would've known, I'm co-leading a program so that there isn't a gender pay gap that we are passing on to our daughters. We found that many organizations just didn't know or just assumed that they were good employers. There isn't necessarily malice involved in the gender pay gap. It's the sum total of a lot of small decisions, a lot of unconscious biases, a lot of social pressures that we may not understand. And it must have been confronting for some of these organizations. Some of them have got pay gaps up to 49 percent.

Sonia Yee:

And worryingly, there's also a cultural or ethnic pay gap according to Jo. And yes, this is shocking, but how can this be happening in today's environment, where people should be paid on the basis of their skills, not on the color of their skin?

Jo Cribb:

And if anyone is interested to look at the Mind the Gap website, there's about 50 organizations that have made public their gender pay gaps and about seven that have made their gender, Maori and ethnic pay gaps. What we should be celebrating is that they see them, and then we'll be asking the question, what is the pay gap for our Maori workers? What is the pay gap for our Pacific workers, for our ethnic workers and understand them. And then we'll be asking the questions, what do we do about this?

Sonia Yee:

But is acknowledging that the gender and ethnic pay gaps exist enough? Jo says boards need to pay attention.

Jo Cribb:

I think the worst thing is that often issues around pay and discrimination are invisible. Now, there isn't somebody sitting there and saying, I'm going to pay you 10 percent less than the man sitting next to you. The works are much more subtly than that. Really is about seeing those gaps and having some actions around them so that you can assure yourself that everyone has been treated fairly. I would think it would be more disheartening that board members didn't know the gaps. I would find that really uncomfortable as a board member not to know if something was happening, because not knowing doesn't absolve you of it happening.

Sonia Yee:

And of course, this has wider implications for the wellbeing of the community.

Jo Cribb:

It could make a huge difference for who's getting paid what and who can buy what in their supermarket trolley next week.

Sonia Yee:

Which comes back to the fact that governance shapes our everyday lives. But why has change taken so long? And perhaps a bigger question, if anyone does speak out, is anyone on the other side even listening? And if not, why?

Dr Emily Beausoleil:

I'm really interested in the perception of being put in a corner by those who are in advantaged positions and having to hear a little bit.

Kirsten Patterson:

Doctor Emily Beausoleil is a senior lecturer in political science at Victoria University. Her work looks at the capacity for voice and what it means to be heard in conditions of inequality.

Dr Emily Beausoleil:

Our communication is not simply epistemic. It's not about just understanding. In fact, more and more research shows that our very perceptions and understandings about others are highly affective, highly emotional. They're actually highly physiological. Our reactions to one another, our needs, our projections, our motivations to find some things and not others. And that really largely unconscious processing that happens within the body, that happens beyond the reach of our conscious thought, means that we have to work even harder.

Kirsten Patterson:

And even more so if you're speaking from a place where you are less advantaged. So the chances of being heard are much slimmer.

Dr Emily Beausoleil:

Women and men were pulled after various business meetings, and the men in mixed meetings, if women were speaking 15 percent of the time, the men in these meetings subjectively perceive that as speaking equally. And if women spoke for 30 percent, so women were seen as dominating, not even hitting the objective halfway mark. So there are real subjective perceptions at play. My research has gotten more interested in what gets in the way of being able to meet, being able to hear among advantaged groups, how does that position of advantage shape and limit our ability to listen? And how can we design for that in how we give voice as a result?

Kirsten Patterson:

But what does this reality look like for those who hold the power, and what does that mean for society when change needs to happen?

Dr Emily Beausoleil:

Based on your position of power, there are certain cognitive vices or epistemic vices that have been tracked. It's true if people are taller, they're given these certain cognitive advantages, or more good looking. You think of any advantage. But men are certainly socioeconomically advantaged, certainly white people. There are patterns of being given more time, being presumed to know more readily, being trusted more readily as an authority. There's patterns because of those cognitive advantages. There's also patterns in cognitive vice.

So when you're given these advantages over time, it spoils you over time, and you presume that you do know more than you really do. And that's called epistemic arrogance, where you presume that other ways of thinking and being in the world are somehow less knowledgeable or less valid just because the world is reinforcing through that feedback loop that you must be more knowledgeable. So we're less curious about other ways of living. That's called epistemic laziness. So the assumption that there isn't anything of value means you're not going to be open and receptive to taking in new information.

Jose Medina describes these three, and the last he describes is a resistance to learning, I think it is. Not only do you not see your own blind spots, you don't know what you don't know, you presume that you know more than you do, but you become resistant to learning. It's harder for you to learn. You're less motivated, you're less able to see that you have things to learn. And so those three vices actually affect our ability to learn and see and hear as a result. And that's by virtue of our social position. And I think that certainly would come up at the board context.

Sonia Yee:

And when it comes to those big social issues, like racism, where people feel completely disempowered and disenfranchised, sometimes the only way to break down those walls and make people stop and listen is to shout.

Kirsten Patterson:

If you've ever felt like you're sitting on the outside looking in, then you'll know what it means to feel marginalized. And those who reinforce the

status quo have been known to unashamedly share their views to keep their walls in place and maintain their position of power. Back to Emily.

Dr Emily Beausoleil:

We had the example here in Aotearoa, New Zealand, of Don Brash, who was very actively vocal about being deeply offended about having to hear a few phrases of the indigenous language on the radio, felt he was being pushed out his own country by having to listen even to a phrase or two of a language of this land. That's a great example of many examples that abound of people who are used to being able to have a lot of spread, a lot of time, a lot of space to be able to comfortably inhabit most of the world, having to give a little space, feeling marginalized.

So I think we have to design for that sometimes and think about those dynamics at play. They certainly explain a lot of the reactionisms that we see. One activist said, sometimes even talking about race sounds like shouting to some people. And so there's that reactionism. A sort of thin skin is also one of the dimensions of having advantage. You don't have a lot of experiences of being challenged, and so when you are called to listen or called into a challenging moment, you don't have a lot of resources and resilience. We're seeing these patterns of bad listening that run through because of social position and habits of inattention and habits of being listened to without having to listen.

Sonia Yee:

And that's where greater diversity on boards could be beneficial. Multiple voices bring a range of perspectives and insights, but it also requires boards to be willing to hear. Now, asserting status and reinforcing the status quo for those who do hold the power is something that we continue to see play out in the media.

Speaker X:

My food bags, Nadia Lim, caught in the midst of sexist comments from the remarks have been widely condemned by business leaders, the race relations commissioner and the Prime Minister.

Sonia Yee:

It's as simple for those who have the power to block out the things they don't want to hear, but in today's landscape, the public and the media are

quick to call people to account, and directors and CEOs face huge liability for that reason.

Lola Toppin-Casserly:

I saw a lot of things happening in organizations that I could see, if we didn't have the right leadership at the top, were going to perpetuate. And so that made me ask the question, what is that leadership at the top that we need to see?

Kirsten Patterson:

For boards to be ethical from the outside, they also need to be behaving ethically from the inside. That means having an ability to collaborate and make the best decisions for the benefit of that organization or company. Meet...

Lola Toppin-Casserly:

Lola Toppin-Casserly, and I'm at the Victoria University of Wellington, Te Herenga Waka, doing a PhD on ethical leadership in governance. If we knew what that looked like, then would that filter down through our organizations and create better workplaces, happier, thriving people?

Kirsten Patterson:

What happens in the boardroom trickles down through an organization, that kind of invisible thread that starts from the top. But dealing with group dynamics isn't always easy, and Lola knows that bad behavior exists in the boardroom. One of the challenges through her research was getting the directors to open up.

Lola Toppin-Casserly:

And that was the point at which I tried to seek diversity specifically. I started to look at, oh, okay, well what are the different spectrums across which you might want to see that diversity? Age, gender, ethnicity, sexuality, disability. All of the possible different factors that might influence your perspective or your experiences. As I introduced more diversity, I got richer perspectives.

Kirsten Patterson:

One interesting finding in her research is that unwanted or bullying behavior wasn't always coming from the place you might expect.

Lola Toppin-Casserly:

Perpetrators of this poor behavior in boards, which includes bullying, can equally be male and female. And so that's the concerning thing for me about, diversity is great, but it's still not shifting some of the difficult behaviors that we've got in boards that are impacting on good decision making.

Sonia Yee:

You are listening to across the board, brought to you by the Institute of Directors made with the help of ASB bank.

Kirsten Patterson:

New Zealanders aren't known for an ability to be open and direct. So is this feeding into the kind of behavior that inadvertently manifests as bullying on boards simply because Kiwis aren't used to navigating that space?

Lola Toppin-Casserly:

The way people communicate In New Zealand, there is a lot of passive aggressive behaviors, and we don't deal with things directly. These behaviors do extend outside of boards, you're right. I think that it is about human behavior. And that's partly why I'm interested in my research coming up with a scale that can be not only used for boards, but for people to think about, what does ethical leadership look like more broadly when you've got humans interacting in groups? Whether that group is strictly defined as a board or whether that group is defined as a residents association, or whether that group is actually just defined as a team of people.

Kirsten Patterson:

In today's boardroom landscape, CEOs are given a directive by their boards to speak up and share their views, but at what cost? Well, as we've seen in the media, sometimes speaking out in the public domain can backfire. An example is the CEO of DGL creating a media backlash in May, 2022, over his comments about my food bag's Nadia Lim. His comments were published in an NBR article, and we've had some of them read by an actor.

Speaker 11:

When you've got Nadia Lim, when you've got a little bit of Eurasian fluff in the middle of your prospectus with a blouse unbuttoned, showing some cleavage, and that's what it takes to sell your script, the uglier the board, the more successful the share.

Kirsten Patterson:

So what does Lola have to say to that as an example and its impact on ethical behavior?

Lola Toppin-Casserly:

Speaking up is fantastic, but that needs to be done in ethical ways. That CEO really needs to think about, are his comments, are his behaviors open to other perspectives? Are they inclusive? Respectful? You look at his comments, they were demeaning, they were belittling, and they were undermining. That's actually all on the unethical leadership side of the scale. And so this is exactly what my scale is developing, is what does it look like to perform these behaviors, to carry yourself, to lead in ways that are ethical rather than you falling on the unethical side of the spectrum?

Kirsten Patterson:

Social bullying can include...

Speaker X:

Lying and spreading rumors, negative facial or physical gestures, menacing or contemptuous looks, playing nasty jokes to embarrass and humiliate, mimicking unkindly, encouraging others to socially exclude someone, damaging someone's social reputation, all impact.

Lola Toppin-Casserly:

The overt behaviors that we've seen with the DGL CEO, actually, that kind of overt, demeaning, belittling is quite rare.

Kirsten Patterson:

A majority of the time, it's insidious, much more akin to gaslighting, something we often associate with abusive relationships. But it can happen in any situation, including on boards.

Lola Toppin-Casserly:

It's not nasty name calling. It's the much more subtle constant digs, constant undermining, constant ignoring of your perspective, ostracizing.

Kirsten Patterson:

One of the interviews that affected Lola the most was where the person described the bullying and meaning behavior as...

Lola Toppin-Casserly:

Death by a thousand cuts. I could see this was a highly professional, highly experienced, talented, strong individual. Yet these behaviors were being perpetuated towards her. And I just thought, what more work have we got to do when women are on the receiving end of these kinds of behaviors? Death by a thousand cuts. Yeah, that was sad.

Speaker X:

That the independent legal advice I received, about...

Kirsten Patterson:

This subtle form of bullying behavior is much more covert and can make it much more difficult for individuals to speak out.

Lola Toppin-Casserly:

Individuals are scared of whistleblowing because of the retaliation that comes with that. Even when you do recognize that pattern, that this actually is undermining behavior, this is passive aggressive, the hostility, this is belittling of my perspective. Even when you recognize that pattern, there's nowhere to go to. So for other organizations or for employees, you've got the ERA to go to. You've got roots. For board members, there's nothing. What are some systems and structures we need to put in place for people to go to when they start to see these patterns? And then the third issue is that when you raise this with others, even when you get explicit about the fact that these behaviors are occurring, people do nothing.

Kirsten Patterson:

Lola says education around bullying is effective in schools, so why not take that to the boardroom?

Lola Toppin-Casserly:

I'm really interested in what schools are really good at tackling bystander behavior. And we've seen the Kiva Bullying in Schools program be rolled out. I really think that we need some adults versions of that for workplaces, for boardrooms, for people to understand that actually, this complicity is creating all kinds of societal effects. I would love to see a bullying complaints hotline that applies across all sectors, anybody can go to with any concerns about bullying, where it's independently investigated, where there are protections, where there are clear guidelines on, this behavior is not okay. Directors are responsible for creating safe environments, including psychologically safe. If they're not complying with that legislation, then yeah, I think there need to be some consequences.

Kevin Kenrick:

I think culture has become more important, and there's greater visibility and awareness of the role it plays, but it's become more complicated because there's more dimensions to it.

Sonia Yee:

Kevin Kenrick is the former CEO TB and Z. He was at the helm for almost a decade until he stepped down in March, 2022.

Kevin Kenrick:

I spoke to a school group many years ago, and one of the questions was...

Speaker 11:

What does a CEO do?

Kevin Kenrick:

And it was interesting thinking on that afterwards, and I thought, well, basically, as a CEO, you front the things that nobody else wants to front, but the organization needs to.

Sonia Yee:

During his tenure, he saw a lot of transformational change, encountered highs and lows, and that included dealing with historical sexual harassment. And that was a situation where he had to front for the company.

Kevin Kenrick:

Fronting for things that occurred in a period of time that I wasn't involved in the organization was hard to get my head around. But then I had to understand, well, the issue that those people had was with the organization, and I was the representative of the organization and therefore needed to be accessible to them. It's one of those things that you need to create as many opportunities and avenues for people to communicate as possible, particularly when you are dealing with sensitive matters of like harassment. You're asking a lot of someone who has already been put in a very challenging position.

And so can they trust their immediate manager? Can they trust the organization? Do they feel that the organization has treated these things appropriately in the past? And so much as I'd love to say, well, you just need to make yourself accessible and available, there's a power imbalance in that as well for people. And I think just before I finished at TB and Z, we were taking steps to ensure that there was an external parties that people could go to beyond what we considered to be the safe touchpoints within the organization.

Sonia Yee:

And Kevin's aware that companies need to be doing and saying the right thing.

Kevin Kenrick:

What tends to happen with media organizations, and particularly with the ownership of TB and Z, is there's greater profile. With that comes a level of responsibility and obligation. The government owns it on behalf of the people of Aotearoa, and so I think that we need to be accountable to the people of the nation and we had to front up.

Sonia Yee:

But for those companies who aren't in the public eye, that transparency is still a must. Creating a safe environment in the workplace is imperative, and boards illegally required under the Health and Safety at Work Act, 2015, which came into force in 2016, to ensure reasonable steps are taken to meet their health and safety duties. Now, for an organization's workers, this includes work-related harm to people's mental health, other workers whose activities they influence or direct, and visitors and people in the vicinity of the workplace. But sometimes those conditions might be hidden, especially in the instance of modern slavery.

Dr Christina Stringer:

Modern slavery is a widely used and rhetorically persuasive umbrella term for the more serious forms of exploitation, including forced labor, human trafficking, debt bondage and slavery as it's historically understood. I'm associate professor Christina Stringer from the University of Auckland Business School and director for the Center of Research on Modern Slavery in the business school. So modern slavery is a situation where a person has been exploited. They cannot freely leave their employment situation. This could be because of threats of violence, of deception and coercion, abuse of power.

Sonia Yee:

Christina's been researching migrant work exploitation for more than a decade. She was involved in a major project launched by the Ministry of Fisheries; now, the ministry for Primary Industries

Dr Christina Stringer:

And the Ministry of Fisheries was keen to understand the extent to which fish caught in New Zealand waters was sent offshore for processing, for example, to China, and then exported to our key export markets in North America and Europe. And it was while I was undertaking this research for the Ministry of Fisheries, my then research assistant and later colleague, Glenn Simmons, and I identified a business model based on slavery in the foreign charter vessel sector of the New Zealand deep sea fishing industry. These are foreign flag vessels that were operating in New Zealand waters on behalf of New Zealand companies and quota holders. And in August, 2010, the Oyang.70 vessels sunk off the coast of Dunedin with the loss of six lives, and its survivors described appalling living and working conditions. And then in May, 2011, the Indonesian crew walked off the Shinji vessel, followed a month later by the Indonesian crew off the Oyang. 75 vessel, a South Korean vessel. And so this was really the beginning of a research into exploitation in New Zealand.

The Indonesian fishers on several of these South Korean vessels had been subject to verbal and sexual abuse. Some of them had been raped on some of their South Korean vessels. They'd also been subject to physical abuse. They'd been beaten, subject to inhumane conditions. A shift crew had been beaten across their buttocks with shovels. I remember one interviewee who had nearly arrived on board the vessel and he'd been employed to work on the deck. And after his shift was finished, he was

required to go and work in the processing factory, and he didn't know what to do.

So he asked a fellow Indonesian what to do. And for that simple question, he had his mouth taped over with packing tape. That was very difficult for them, because of course, they were trapped at sea for months on end on a vessel. And it was the South Korean officers on board their vessels that were abusing the Indonesian crew. And so sometimes if they reported to the captain, they would actually be sent home or they would be taken to a cabin and beaten.

After the end of the research for the Minister of Fisheries, we had more questions than what we had answers for. So in 2011, the government announced a ministerial inquiry into the foreign charter vessel sector. And in 2016, a new law came into effect whereby any vessel fishing in New Zealand waters had to be reflagged as a New Zealand vessel. Now, following that research, I was approached by a coalition of NGOs, a human trafficking research coalition, who said, while you've identified worker exploitation in the fishing industry, we know there are problems in land-based industries. Will you undertake further research? And that research into worker exploitation in New Zealand quickly became research into migrant worker exploitation.

Speaker 12:

You do as I say. Just get in there and keep quiet. Just remember, I have your passport. You're not going anywhere.

Sonia Yee:

In 2016, an independent human rights organization called the Walk Free Foundation estimated that around three thousand people in New Zealand were working in conditions of modern slavery.

Dr Christina Stringer:

These are a vulnerable population. They often feel they're unable to come forward. This may be because they don't trust authorities, could be because of their visa status.

Sonia Yee:

Culture and language is also a very real barrier. Individuals might also fear being ostracized by their own communities if they speak out. And ultimately, this keeps them trapped in a situation where they continue to be

exploited by their employers. This harks back to doctor Emily Beausoleil's research around who has a right to speak up and whether or not anyone is even listening.

Dr Christina Stringer:

And that's often the case, is that victims will not speak out because of their vulnerability, because of the perceived power of their employer, or because of cultural connections. Unfortunately, modern slavery and exploitation is kind of widespread across industries, and it's the industries that rely very heavily on migrant workers. So it's widespread, but it's most commonly recognized, for example, in farming, in horticulture, hospitality, retail, construction. So industries where migrant workers are needed, and in particular those at risk of exploitation can be on employer sponsored visas or student visas. And there's also been cases of working holiday makers. There's a spectrum of abuses. Think it's overall their non-compliance with employment law.

But something else that we found in our research, the promise of assistance with visas. And so you have a migrant worker that begins work for an employer, and the employer promises assistance with a visa that would qualify them for residency or even just for a work visa. And exploitation will often begin after the migrant begins working. Can be several months later, or at the point where the employees require help from their employer for their visa. What we discovered happened is, there's a cash for residency or money go round scheme where employees are required to return money to their employer. So this is an exchange for employment that qualifies the migrant for residency. So on paper, the migrant would be earning their legal entitlement, but then be required to pay back cash to their employer.

Speaker 12:

Don't speak to anyone else about this. We will make sure your family will never hears from you again.

Sonia Yee:

And that's exactly why good governance matters. But, Christina says, for those who find themselves in situations like this, the most important thing to do is speak out.

Dr Christina Stringer:

For example, if we look at one of New Zealand's first successful human trafficking trials, the case came to the attention of authorities because one of the victims talked about her experience to others at church. And those people at church recognized that this was wrong and then reached out to authorities. The case was the Forza case in 2016.

Sonia Yee:

Those individuals were forced to work illegally long hours. They were also housed in conditions where they were sleeping on the floors of overcrowded basements and being paid next to nothing.

Dr Christina Stringer:

It is shocking, and perhaps one of the most recent well known cases actually was 2020. And that was the Joseph Matamata case.

Sonia Yee:

On March the 16th, 2020, the man was convicted of enslaving 13 Samoan nationals and found guilty on 10 counts of human trafficking over more than two decades, between 1994 and 2019.

Dr Christina Stringer:

And what Matamata had done was he brought young Samoan workers to New Zealand and exploited them, tapping into their vulnerabilities. They would not be allowed to leave his property. They were not able to engage with others. They were subject to physical abuse.

Sonia Yee:

The youngest victim was just 12 years old, but there is hope. So what's being done about it?

Dr Christina Stringer:

MB has established an 0800 dedicated phone line for people wanting to report exploitation. This could be whether they are victims themselves or are support people. Victims or those who think somebody has been exploited can also call crime stoppers, and they can do that anonymously. And the government has recently introduced a new visa, a migrant exploitation protection visa, that victims of exploitation can apply for. And so that gives them an opportunity to leave an exploitative condition and be granted a six month visa. But there's also a range of other support

organizations that can assist victims. Unions, community law, citizens advise bureau, and a range of others.

Sonia Yee:

One of the problems with modern slavery is that it can be difficult to detect. So what can boards do to address it, especially if information's being withheld by management? Because chances are, by the time it hits the media, it's already too late.

Dr Christina Stringer:

I think boards need to ensure that the company takes a proactive role in addressing modern slavery. There needs to be this ethical imperative, as opposed to just a box ticking exercise or a risk-based approach. So boards should enact policies that bring about change. They should be asking probing questions. For example, under the Australian Modern Slavery Act, companies are required to submit an annual modern slavery statement, and that statement must be approved by the board and signed by a director. So this places considerable responsibility on the board.

Sonia Yee:

But for those boards who find themselves in a situation where they discover modern slavery is happening through their supply chain, Christina says acknowledging it is the first step towards positive change.

Dr Christina Stringer:

It's a complex issue. I think it can be very difficult for boards to unpack what is happening within the companies, particularly if the senior management is involved in hiding modern slavery. But look, I think a company that steps up and said, actually, we've identified issues within a supply chain, that's taking a proactive approach, versus a situation where media or others uncover this situation.

Sonia Yee:

And you know that saying that one person can make a difference? Well, in this case, it's also true. In advocating for change, Christina says that one voice, just one person on a board who wants to do the right thing can make a difference.

Dr Christina Stringer:

Several years ago, there was a visiting modern slavery expert here in New Zealand. He'd come out from the UK and I'd asked what was a key factor in the UK companies proactively seeking to address modern slavery? And his response was, it's typically a board member that is committed to addressing modern slavery and proactively undertaking efforts to address modern slavery.

Sonia Yee:

That was Dr. Christina Stringer.

Kirsten Patterson:

You also heard Kevin Kenrick, Lola Toppin-Casserly, doctor Emily Beausoleil, Lani Evans, doctor Duncan Webb and Jo Cribb. Damien Galvin voiced the role of the CEO of DGL, and Noel Prentice played the employer. The sound engineer for the series is Mark Chesterman. I'm **Kirsten Patterson**.

Sonia Yee:

And I'm producer **Sonia Yee**. You've been listening to Across the Board. If you'd like to listen to more from this series, you can download or subscribe via iHeartRadio or wherever you get your podcasts.

Kirsten Patterson:

And if you'd like to find out more about governance or what it means to sit on a board, head to iod.org.nz. Next time, we take a look at mental health. Directors share the reality of anxiety, isolation and depression at the top, and what it feels like when the walls come tumbling down.

Sonia Yee:

Ka kite.

Kirsten Patterson:

Bye for now.