



28 July 2023

Delia Mason

fyi-request-23005-04be59eb@requests.fyi.org.nz

fyi-request-23006-db1275ee@requests.fyi.org.nz

Ref: DOIA 2223-2833

Tēnā koe Delia

Thank you for your emails of 4 June 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting information under the *Official Information Act 1982* (the Act).

Thank you also for taking the opportunity, since lodging your original request, to discuss and refine the scope of your request. The agreed scope is as follows:

"My request is for the following information, covering the period from 1 July 2020 to 4 June 2023:

- 1. all advice you have provided to Ministers about sex workers and the working conditions experienced by sex workers in New Zealand, and any advice on actions Ministers could take to improve those conditions*
**This should include any advice provided to Ministers about the response to the petition of Pandora Black (<https://petitions.parliament.nz/754469ba-9876-4424-8ff8-5b84ba93a9cd>); but does not include any advice provided to Ministers in developing a response to the UN on CEDAW)*
- 2. all information produced by MBIE, for an internal MBIE audience, about the working conditions of sex workers in New Zealand and whether there were any issues (e.g. emails, meeting records, discussions, memos, papers)*
- 3. copies of any advice, correspondence or meeting notes between MBIE and any other government agencies regarding concerns or issues about working conditions or regulatory standards for sex workers (e.g. Human Rights Commission, Ministry for Women, NZ Police, Ministry for Ethnic Communities)*
**Items 2 and 3 relate to substantive information about working conditions / standards for NZ sex workers. Information produced in developing advice to Ministers (e.g. correspondence between agencies) should only be included if it contains substantive information about working conditions / standards for NZ sex workers.*

In addition, I request a response to the following question: Outline any projects currently underway within MBIE about improving the working conditions of NZ workers (e.g. through law changes) which may be applicable to sex workers."

We have identified 16 items within the scope of your request. While no substantive advice within scope was provided to Ministers within the date range of your request, for completeness I have listed two documents that were provided to Ministers in the following table:

- MBIE’s draft submission on the petition of Pandora Black was provided to the Minister of Immigration’s office on 29 September 2022 (this was subsequently published on the Parliament website and therefore not released to you);
- Reference material to be used by the office of the Minister for Workplace Relations and Safety in responding to media queries on the ‘Fired Up Stilettos’ campaign (sent to the Minister’s office on 22 February and 20 April 2023).

The table below lists the items included in this response, in chronological order, and the reasons for withholding some information under the Act.

#	Date	Item	Summary of reasons for withholding material
1.1	3 August 2022	MOJ-MBIE email chain_Submission on Pandora Black-Repeal Section 19 of the Prostitution Reform Act 2003	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons
1.2		Information from the Ministry of Justice on the petition of Pandora Black	<ul style="list-style-type: none"> • Released in full
1.3		Information from the Ministry of Justice on the petition of Pandora Black_tracked chages	<ul style="list-style-type: none"> • s 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions
2.1	29 August – 5 September 2022	Internal MBIE correspondence on the Petition of Pandora Black	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons • s 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions
2.2		12 July 2018 Urgent Request on Trafficking - Due 3pm Thursday 12 July	<ul style="list-style-type: none"> • Out of scope
2.3		Migrant Sex Workers in New Zealand- report for MBIE	<ul style="list-style-type: none"> • s 18(d), publicly available: https://www.nzpc.org.nz/pdfs/Abel,-G-and-Roguski,-M,-(2018),-Migrant-sex-workers-in-NZ-report-for-MBIE.pdf
2.4		6 June 2019_3513 18-19- Update on Foreign Sex Workers in New Zealand	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons • s 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions
3	28 September 2022	Excerpt from Departmental Report on sex workers	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons
4	28 – 29 September 2022	Response to petition relating to section 19 of the Prostitution Reform Act 2003	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons

			<ul style="list-style-type: none"> • s 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions
5.1		Draft response to request for comment on petition of Pandora Black	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons
5.2	29 September 2022	MBIE submission on the petition of Pandora Black	<ul style="list-style-type: none"> • s 18(d), publicly available: https://www.parliament.nz/resource/en-NZ/53SCEW_EVI_111858_EW9488/9509dd94085ffebedf0d5cff30d0cd1362f89765
6.1		MBIE comms re Calendar Girls labour rights issue	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons
6.2	22 February 2023	Comms lines on Calendar Girls media story for Minister Wood (Feb 2023)	<ul style="list-style-type: none"> • To avoid duplication, this document is not provided as it is substantively identical to the updated version sent on 20 April 2023 (item 9.2). Item 9.2 contains a small amount of additional information on 'Fired Up Stilettos' and the New Zealand Prostitutes Collective.
7	28 March 2023	Labour Inspector meeting notes	<ul style="list-style-type: none"> • Release in full
8	11 April 2023	Labour Inspector-NZPC-Worksafe meeting minutes	<ul style="list-style-type: none"> • Release in full
9.1		Final_MO Calendar Girls employment dispute	<ul style="list-style-type: none"> • s 9(2)(a) to protect the privacy of natural persons
9.2	20 April 2023	Comms lines on Calendar Girls media story for Minister Wood (Apr 2023)	<ul style="list-style-type: none"> • Release in full

Finally, you asked MBIE to outline projects currently underway within MBIE about improving the working conditions of New Zealand workers, which may be applicable to sex workers.

The most relevant projects are 'Better Protections for Contractors' and ongoing work on Bullying and Harassment at Work.

Better Protections for Contractors

Some of the policy options identified in the November 2019 public discussion document 'Better Protections for Contractors' may have relevance for sex workers. This is on the basis that many sex workers are engaged as contractors rather than employees, and therefore do not receive the benefit of employment law protection (which applies to employees only).

The 'Better Protections for Contractors' project has considered a range of options for providing greater regulatory protections for contractors. You can read more about the 'Better Protections for Contractors' work to date, and its current status, at this link: <https://www.mbie.govt.nz/have-your-say/better-protections-for-contractors/>.

Bullying and Harassment at Work

Currently under the *Health and Safety at Work Act 2015*, businesses are required to manage all health and safety risks arising from their work, so far as is reasonably practicable. Businesses must ensure the health and safety of their workers, both contractors and employees, so far as is reasonably practicable.

To examine how bullying and harassment (including sexual harassment) at work is managed by the health and safety at work and employment relations regulatory systems, MBIE released an issues paper for public consultation in 2020. The Government is considering next steps for this work. You can access the issues paper and consultation submissions analysis document here:

<https://www.mbie.govt.nz/have-your-say/bullying-and-harassment-at-work/>.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of the decision to release information with redactions. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in blue ink that reads "Alison Marris". The signature is written in a cursive, flowing style.

Alison Marris
Manager, Employment Standards Policy
Labour, Science and Enterprise
Ministry of Business, Innovation and Employment