

New Zealand: Unite union applauds ban on migrant workers at Burger King

John Braddock, Tom Peters
15 September 2018

In a statement that underscores the reactionary, nationalist politics of the trade unions, New Zealand's Unite union last month endorsed a decision by the Ministry of Business, Innovation and Employment (MBIE) to ban Antares Restaurant Group, which owns the Burger King fast food chain, from hiring migrant workers for a year.

Burger King has 83 restaurants and employs some 2,600 staff in New Zealand. The migrant worker ban applies to all stores, except one at Auckland Airport.

The MBIE put the company on its stand-down list for breaching the Minimum Wage Act. Under a 2017 amendment to immigration regulations by the previous National Party government, employers who breach labour laws can be barred from recruiting migrant workers. Penalised employers face a stand-down period from supporting a foreign worker's visa application.

Earlier this year, the Employment Relations Authority (ERA) ordered Burger King to pay Auckland worker Drew Desai \$3,500 in a case brought by the Unite union. Desai worked at the New Lynn Burger King from 2015 to late 2017, when she resigned. She was on a salary of \$37,500. Across three fortnights in mid-2017, she worked more than her contracted 90 hours per fortnight. Because Desai's salary was barely above the minimum wage, working additional hours brought her below the minimum hourly rate.

Most Burger King store managers are employed on just \$16.88 per hour, just 38 cents above the legal minimum, and salaried workers are often expected to work unpaid overtime. Burger King's NZ workers have struck several times this year demanding higher pay and improved conditions.

In a statement issued on August 29, Unite national secretary Gerard Hehir enthusiastically welcomed the government's ban on Burger King. He said:

"Employers who steal from their employees need to be sent a very clear message. Banning them from employing vulnerable migrant workers is a good start. If an employer is not able to guarantee the most basic minimum conditions allowed by law, they should not be able to hire vulnerable workers."

The union's position is an utter travesty. It is workers, not the company, who are being punished by this reactionary law. The ban on migrant workers will do nothing to improve the lot of fast food workers. Burger King will simply find other workers to exploit. Migrant workers face the prospect of loss of access to work visas in a decision that sets an alarming precedent.

Hehir hypocritically said the union was "concerned" that existing migrant workers would no longer be able to renew their visas. Speaking to Newstalk ZB, however, he downplayed the ban, saying "it won't have a huge impact." The union had six members who could be affected and "across the company there's probably about 60, but some of them wouldn't have wanted to renew their visas." In other words, dozens of workers whose visa comes up for renewal in the next 12 months could lose their jobs and be forced to leave the country.

Unite is thus endorsing and applauding this attack on migrant workers by the Labour Party-NZ First-Greens coalition government. The union is merely asking the government to review the regulations and allow migrant workers sacked due to such bans to be granted open visas to help them get new employment. Whatever the outcome of any review, the government is sharply reducing overall immigration and imposing restrictions on the right of foreign students to work, with the support of the trade unions.

Like governments in the US, Europe and Australia,

New Zealand's Labour-led government is scapegoating migrants, especially those from Asia, for the deepening social crisis caused by capitalism, including unaffordable housing, poverty wages and unemployment. Efforts are being made to divide workers based on race and nationality in response to the growing working-class movement against austerity, including recent nationwide strikes by teachers and nurses.

Labour and its coalition partner, the anti-immigrant NZ First, have also sought to whip up anti-Chinese chauvinism in order to more closely align with the US military build-up against Beijing. Following last September's election, Labour announced a ban on house purchases from overseas, promised to cut immigration by up to 40 percent and impose restrictions on Chinese investment.

This nationalist campaign is supported by the unions, which are seeking to divert attention from their own role in depressing the wages and living standards of the working class. Unite has established itself as the main mechanism for disciplining oppressed youth in the fast food, retail, hotel and entertainment sectors. It collaborates with rapacious employers, including Burger King, to enforce their exploitative conditions.

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Unite's national director Mike Treen, a former leader of the now-defunct Pabloite Socialist Action League, has previously admitted assisting the MBIE in vetting applications by employers seeking to bring in migrant workers. Unite lobbied the conservative National Party government to crack down on "hundreds of thousands" of temporary work visas, "low-skilled migrants" and foreign students "transitioning" into paid employment.

The Burger King case further exposes the reactionary role played by the pseudo-left Socialist Aotearoa (SA) group, which works closely with Unite. To distract attention from Unite's anti-immigrant agenda and support for restricted migration, SA and its leader Joe Carolan, a senior organiser for Unite, posture as defenders of immigrants.

Leading figures in Unite, including Carolan, Hehir and Treen, played a key role in helping to found the Maori-nationalist Mana Party and campaigned for it in the 2011 and 2014 elections, falsely depicting it as pro-poor and even anti-capitalist. Mana promoted a policy

of jobs for New Zealand residents before migrants and supported NZ First and Labour's anti-Chinese campaigns.

In 2017, Mana leader Hone Harawira campaigned for the restoration of the death penalty, specifically for Chinese drug smugglers. Harawira's racist policy did not prevent Unite's leader Treen from endorsing his campaign for the Te Tai Tokerau electorate, praising his "feisty style in standing up for Maori and the poor" (*Daily Blog*, September 20, 2017).

Demands to ban migrant workers, because they are supposedly responsible for undermining the wages of "New Zealand" workers or taking their jobs, date back to the founding of the Labour Party in 1916. Labour and the unions have for over a century agitated for harsher restrictions, including implementing a racist "white New Zealand policy" aimed against Asian and Polynesian peoples.

The anti-immigrant and pro-capitalist agenda of the unions—in a country where nearly a quarter of the population was born overseas—underscores the need for workers to break from them. The working class must establish new independent and democratically-controlled organisations, based on a socialist and internationalist program that defends workers' rights to live where they choose, regardless of their nationality and without threat of deportation.



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