

Checklist for Accredited Employer Work Visa (AEWV)

Employer Accreditation application - Employers wanting to place AEWV holders with controlling third parties

Employers wanting to place AEWV holders with controlling third parties must meet the following additional requirements

A controlling third party:

- is a separate legal entity to the direct employer named on the migrant’s employment agreement
- exercises control over the migrant employee similar to an employer
- has a contract with an accredited employer that allows a migrant employee to perform work for the benefit of the third party

Examples of businesses that place migrant employees with controlling third parties:

- Labour hire company
- Parent or umbrella company that place migrant employees with a subsidiary company that is a separate legal entity
- Those that send migrant employees on secondment to a controlling third party

Evidence upfront will largely be by way of declaration, with the exception of the monitoring information detailed below. It is crucial to maintain good records of evidence of meeting the below requirements, as Immigration may request evidence after accreditation or for subsequent accreditations.

Requirement	Evidence required and further comments
Only place AEWV holders with compliant businesses	<p>Declaration</p> <p>Keep records of evidence such as:</p> <ul style="list-style-type: none"> • Information about the organisation/s AEWV holders are placed with, including entity name, NZBN • Declarations provided to employer by third party organisation • Information from the Labour Inspectorate <p>Can be placed with company that:</p> <ul style="list-style-type: none"> • Has an NZBN • Is not included on a standard-down list of non-compliant employers for breach of employment standards (employers should check the list published on the INZ website) • Has declared that they do not have Immigration Act or Crimes Act convictions, or any cases pending, that would prevent them from being granted accreditation in their own right • Has agreed with the employer that INZ may conduct site visits • Has agreed with employer to provide records detailing placement of AEWV holder (including but not limited to start and finish times, hours, location, H&S conditions identified)

<p>Employer must have employed staff (excluding “key people”) in NZ for 12 months prior to the application being made</p>	<p>Declaration</p> <p>Keep records of evidence such as:</p> <ul style="list-style-type: none"> • Employment records • Audited accounts • Evidence of owners of the employer organisation and affiliated organisation <p>An employer may use another legal entity’s history of employing staff in New Zealand if at least 66% of the ownership of the employer and the other entity is the same, are in the same sector and provide the same goods and/or services.</p>
<p>Monitor employment conditions and safety of AEWV holder</p>	<p>Declaration and provide evidence of a monitoring plan</p> <p>The employer must declare that they:</p> <ul style="list-style-type: none"> • Have a plan in place to monitor the employment conditions of the AEWV holder • Will carry out checks (combination of contact and site visits) of the third party organisation before placement of the AEWV and throughout the period of placement, including: <ul style="list-style-type: none"> • ensure third party has effective processes in place to prevent and address workplace bullying • assess and prevent risk - including a risk register • carry out health and safety inductions for AEWV holders • understand and adhere to the conditions of the AEWV holder’s visa <p>Employers must have contact with AEWV holders:</p> <ul style="list-style-type: none"> • Once per fortnight for first two months of placement and then at least once per month; or • More frequent where appropriate, for examples, where placement for less than a month, or where there is a dispute or a complaint in progress <p>Must carry out site visits:</p> <ul style="list-style-type: none"> • Once every six months; or • Less frequently or not at all where there is evidence that the risk of third party breaching requirements is low <p>Keep records of evidence such as:</p> <ul style="list-style-type: none"> • Documented plan to monitor health and safety issues • Copies of process documents and health and safety induction material provided by the third party (e.g. contractual undertakings, workplace policies, guidelines, records of communications with visa holders) • Copies of complaints processes and guidance for AEWV holders to report issues directly to the employer • Declarations and/or terms of business between employer and third party • Records of communications with visa holder while placed with third party, including site visits • Placement details of AEWV holders (including but not limited to: starting and finish dates, regions, sites, hours paid and worked) <ul style="list-style-type: none"> • Wage and time records • Independent third party audit findings • Information obtained from site visits of the third party

<p>Respond appropriately to issues raised and identified that affect the AEWV holder</p>	<p>Declaration</p> <p>Employers must have in place a disputes and resolution process:</p> <ul style="list-style-type: none"> • An informal process for issues that can be resolved early, are one-off or unlikely to recur; and • A formal process for serious issues (e.g. working outside visa conditions or recurring or numerous breaches) <p>Resolution process must include:</p> <ul style="list-style-type: none"> • Investigating issues identified and recording findings • Working with visa holders and the CTP to resolve issues • Implementing actions and reviewing policy to avoid recurring • Where issues cannot be resolved internally, seek help from external party • Report significant breaches to relevant authority <p>Keep records of evidence such as:</p> <ul style="list-style-type: none"> • Records of issues raised, how the issue was investigated and resolved, the outcome of the issue resolution and corrective actions taken to prevent the issue reoccurring • Documented complaints and disputes resolution processes • Records of site specific safety inductions of AEWV holders • Terms of business / contracts between employer and third party • Communication records between employer and AEWV holder and third party (e.g. emails, file notes) • Safety audit compliance updates, including any findings • Site visit and inspection findings
<p>A minimum of 15% of the employer's employees who are placed with CTP must be NZ citizens or residents guaranteed at least 30 hours per week, unless the employer is placing no more than one employee</p>	<p>Declaration</p>