



MINISTRY OF SOCIAL DEVELOPMENT

Te Manatū Whakahiato Ora

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- 4 JUL 2014

G Wong

fyi-request-1620-ea06fdb1@requests.fyi.org.nz

Dear G Wong

Thank you for your email of 29 May 2014 regarding a request for information about the criteria used by Work and Income when considering whether or not to list a vacancy on its Job Seeker database.

As you will know from the email sent to you on 29 May 2014 from the Official and Parliamentary Information Team, your initial request for information to the Ministry of Business, Innovation, and Employment, which you say was transferred to the Ministry of Social Development, was not received by this Ministry.

Regarding the criteria used by Work and Income when listing a vacancy, I am happy to provide you with that information, which is also available from any Work and Income office.

In order for Work and Income to accept an employment opportunity, the advertised opportunity must be a legal activity, and be listed in accordance with the following legislation:

[Employment Relations Act 2000](#)

[Health and Safety in Employment Act 1992](#)

[Health and Safety in Employment Regulations 2005](#)

[Holidays Act 2003](#)

[Human Rights Act 1993](#)

[Minimum Wage Act 1983](#)

[Parental Leave and Employment Protection Act 1987](#)

[Wages Protection Act 1993](#)

As a minimum standard, every vacancy that Work and Income lists requires that the hiring employer must provide an Employment Agreement (individual or collective) and the employer must comply with other minimum employment rights, such as offering the 90 day employment trial.

There are some vacancies that will not be listed by Work and Income. These include any paid employment opportunity that:

- does not comply with the minimum legislation outlined above – for example, no employment agreement provided, offering non-legal rates of pay;
- is unlikely to provide benefits for job seeking clients – for example, commission-only sales jobs that do not include a retainer that equates to the minimum wage requirement;

- may bring the Ministry into disrepute – for example, listing vacancies with a company or organisation that has been prosecuted for reasons such as malpractice, illegal activities, employment, health and safety non-compliance;
- may be inappropriate for the local community - including, but not limited to, massage parlours, strip clubs, sex shops, premises for sex workers to operate in, high-interest money lending such as private loan companies or multi-level marketing enterprises - for example, pyramid selling enterprises;
- are for a company or organisation that is in the process of being declared insolvent or is already declared insolvent;
- are for offshore employment (although a New Zealand company that employs for positions based in New Zealand but sends employees offshore for time limited projects is acceptable).

Work and Income staff approached by employers who want to list a vacancy use these guidelines to determine whether a vacancy should or should not be listed with Work and Income. If there is any doubt about listing a vacancy, Work Brokers will refer the details to their Regional Office for guidance, or to the National Office if there is some interpretation of vacancy listing policy required.

I hope I have clarified matters for you.

Thank you for writing.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Rob Brown', followed by a long horizontal line extending to the right.

Rob Brown
General Manager
Office of Corporate and Governance