

Global Process Manual

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Assess Job Check

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Global Process Manual

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Assess General Job Check

When to use

When the employer holds an employer accreditation and submits a job check application with accompanying documentation. The immigration officer is ready to assess the application.

Role

- Immigration officer

Prerequisites

- Employer holds employer accreditation with INZ
- Employer has completed an online job check application form

Context

Job check applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application for an empl Checks will be undertaken by the system to ascertain whether the employer meets standard criteria that allow them to submit a job check and whether the NZBN is valid for the job checks they are submitting as part of their application. Any job checks approved before 4 July 2022 will expire on 4 January 2023.

The steps in this SOP include:

- assessing whether an employer meets the requirements for a job check, as set out in the job check instructions
- escalating additional risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Please follow the appropriate step(s) based on the manual intervention required.

Steps

1. A Job Check application must be made by an accredited employer (as defined at WA2.60.1) with the correct type of accreditation, whose accreditation not suspended

- This activity will trigger when the system identifies that the Employer does not hold the correct accreditation. There are two types of Accreditation - Standard and High Volume. Standard accreditation allows an Employer to have up to 5 jobs associated to them. Employers cannot make a Job Check application unless they are accredited, and that accreditation is not suspended.

If...	Then...
The employer's accreditation has expired	<ul style="list-style-type: none"> • Contact the Employer and advise that they will need to reapply for accreditation • Go to PPI SOP
The employer's accreditation has been suspended	<ul style="list-style-type: none"> • Go to Postpone Job Check SOP
The employer's accreditation has been revoked	<ul style="list-style-type: none"> • Go to PPI SOP
They hold an accreditation which does not allow for them to apply for the job checks they have applied for.	<p>It may be that the employer is applying for more jobs than allowed under standard accreditation. If so, the employer will need to apply for an upgrade to High Volume accreditation if this is the case.</p> <ul style="list-style-type: none"> • Contact employer for more information • Go to PPI SOP • Where multiple jobs are included in the application and the employer decides to remove a job, if they process the balance of the jobs

	remove a job, if, then process the balance of the jobs
The employer's accreditation is still pending	<ul style="list-style-type: none"> Go to PPI SOP If they hold interim accreditation continue processing application
The employer's accreditation is under review	<ul style="list-style-type: none"> Go to PPI SOP Put Job Check on-hold until the employer is determined to meet the requirements, until the employer's accreditation is revoked.

2. Employer or key persons must not be on the Labour Inspectorate stand down list

- This activity will be triggered by ADEPT automatically checking the list of non-compliant employers for breaches of employment standards (the LI stand down list), alerts or warnings, and/or the employer's response on the application form.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the Postpone Job Check SOP.
- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> PPI job check (see PPI job check SOPs).

3. Employer or key persons must not be convicted, are subject to a stand-down, or have been imprisoned for certain offences under the Immigration Act 2009

- This activity will be triggered by ADEPT checking against Immigration Offences, alerts or warnings on the employer and key persons, and where the employer indicates on the application form.
- WA2.10.10 of the Job check instructions require that:
 - the employer and any of its key persons must not be subject to a stand-down period for an offence under sections 342(1)(a), 343(1)(d), 344(d), or 350(1)(a) of the Immigration Act 2009, where the penalty was a fine only. The fines and corresponding stand-down periods for immigration offences are set out in Appendix 12.
 - if the employer or any of its key persons have previously been subject to a stand-down period for an immigration offence or have previously been convicted for immigration offences listed in WA2.10.10(b) (i.e. the offences mentioned in the point above) and the penalty was a fine, the issue have been rectified and the employer must have taken sufficient steps to prevent it from happening again. These offences refer to those listed in point above
 - the employer and its key persons must not have received a prison sentence for an offence under sections 343(1)(d) or 344(d) of the Immigration Act 2009, regardless of when the offence occurred.
 - the employer and its key persons must not have been convicted at any time of an offence under sections 343(1)(a), 345, 348, 342(1)(b), 351 of the Immigration Act 2009.
- Employers who have committed these offences are either subject to a stand down period or permanently banned from gaining employer accreditation
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> PPI job check (see PPI job check SOPs).

4. Employer or key persons must not have been convicted under s98, 98C or 98D of the Crimes Act 1961

- This assessment will be triggered by the ADEPT system checking whether an employer or key persons has been convicted of an immigration offence, alerts or warnings, and where the employer indicates this on the application form.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP until an assessment has been carried out to establish whether the employer has been convicted under the Crimes Act 1961. Employers who have committed these offences

be permanently banned from gaining employer accreditation.

- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
The employer or key person is has not been convicted under s98, 98C or 98D of the Crimes Act 1961, and a decision is made to continue accreditation	<ul style="list-style-type: none"> • Continue processing job check
The employer or key person is has been convicted under s98, 98C or 98D of the Crimes Act 1961, and a decision is made to revoke accreditation	<ul style="list-style-type: none"> • PPI job check (see PPI job check SOPs).

5. Employer or key persons must not have an active investigation or case pending that may result in WA2.10 10(a) to (i) not being met

- This activity will be triggered by alerts and warnings, or where the employer indicates this on the application form.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> • Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> • PPI job check (see PPI job check SOPs).

6. Employer's key persons must not be prohibited from being a director or promotor of, or being concerned or taking part in the management of, an incorporated company or unincorporated body within New Zealand or overseas, by being disqualified by a court (who have this power under section of the Companies Act 1993)

- This activity will be triggered by ADEPT checking the banned directors list and where the employer indicates this on the application form.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> • Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> • PPI job check (see PPI job check SOPs).

7. The Employer must be a viable and genuinely operating business or organisation

- This activity is triggered by the ADEPT system checking the NZBN for organisation insolvency, alerts and warnings and Business Rules Engine (BRE).
- Where the employer (organisation) is insolvent an assessment of whether the employer is viable and ongoing under the Employer Accreditation Instructions will need to be undertaken.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Viable and Genuinely Operating Business/Organisation](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> • Continue processing job check

<p>A decision is made to revoke accreditation</p>	<ul style="list-style-type: none"> • PPI job check (see PPI job check SOPs).
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8. The job must match the chosen ANZSCO (Australian and New Zealand Standard Classification of Occupations) code

- This activity will be triggered by the ADEPT or when an immigration identifies this while processing the job check application.
- Check whether the Australian and New Zealand Standard Classification of Occupations (ANZSCO) code provided by the employer matches the detail the job provided in the proposed employment details, including the job check application, employment agreement, job advertisement and any other information provided by the employer about the job. This can include considering the:
 - minimum qualifications,
 - work experience,
 - skills or
 - other specifications identified by the employer
- Consider whether to refer to the qualifications described for the closest matching occupation in the ANZSCO, or the work experience that the ANZSCO indicates can substitute the required qualification.

If...	Then...
<p>The ANZSCO code does not match a role or the proposed employment</p>	<ul style="list-style-type: none"> • Check the roles and responsibilities against the ANZSCO to find the correct code or closest match for that role. • Go to PPI SOP if the change of ANZSCO code results in an instruction not being met, otherwise continue processing the application. • Where a change of ANZSCO occurs, consider whether the change requires considering whether the application needs to include assessment under the Assess Employment is Acceptable and Assess Employer has Advertised SOPs.
<p>The skill sets outlined in the application are in excess of those described by the new ANZSCO code</p>	<ul style="list-style-type: none"> • Go to Assess Acceptable Employment SOP, and Assess Employer has Advertised SOP.
<p>The salary is not commensurate with the new ANZSCO code determined by the immigration officer</p>	<ul style="list-style-type: none"> • Go to Assess Acceptable Employment SOP to assess market rate.

9. The location of the job specified in the Job Check application must match the proposed employment agreement

- This activity will be triggered by the employer’s response on the application form, or by an immigration officer assessing the job check application
- Check that the location that the employer has advised in the application is in fact the location of the job – check regions against regional council boundaries and cities against city council boundaries to determine if the location specified in the application is correct.
- Check employment agreement and advertising (if required) have the same location.

If...	Then...
<p>The location in the employment agreement is the same as at least one job advertisement</p>	<ul style="list-style-type: none"> • Continue processing the application
<p>The location in the employment agreement does not match at least one job advertisement</p>	<ul style="list-style-type: none"> • Go to PPI SOP if they don’t meet instructions

10. No more than 5 jobs can be associated to the employer if the employer has Standard Accreditation

Note: High Volume Accreditation has no maximum number of jobs.

- This activity is triggered by ADEPT checking the job quota available to the employer.
- Jobs are associated to an employer when it is approved as part of a Job Check application. It remains associated until it either expires or is cancelled the instance of an Accredited Employer Work Visa being varied to allow visa holder to work for a different employer.

If...	Then...
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<p>More than 5 jobs are associated to the employer</p>	<ul style="list-style-type: none"> • Check whether there are changes to the jobs associated to the Employer that haven't yet been processed by INZ (e.g. variation of conditions of an employee's visa). • Contact the Employer to identify if there has been a change of work circumstances with any of the employees, that has not yet been submitted to INZ. This could include: <ul style="list-style-type: none"> • Previous offer of employment being withdrawn; or • an accredited employer work visa application that was made on the basis of an approved job is being withdrawn; or • An employee is leaving their job with the employer • Advise the employer that the change of employee's circumstances needs to be submitted to INZ before the job space can be made available to the employer • If there are more than 5 jobs go to PPI SOP , otherwise continue processing any other jobs in the application.
<p>The Applicant advises that a previous employee has had a change of circumstances</p>	<ul style="list-style-type: none"> • Check employee details in ADEPT for confirmation • Verify any details • Advise the employer that the change of employee's circumstances needs to be submitted to INZ before the job space can be made available to the employer • Update Notes (see the Employer Accreditation and Job Check User Guide) • Continue processing

11. All jobs included in the job check application must be for the same:

- occupation, and
- location, an
- minimum and maximum remuneration, and
- type of agreement, AND
- the same minimum qualifications and work experience, AND
- the same job description, AND
- the same employment agreement, AND
- if a labour market test is required the jobs are included in the same set of advertising.
- This activity is triggered by an employer's responses on the application form and where an immigration officer identifies that all the job details are n the same for all jobs.
- Check that all positions in the job check application have the same:
 - Occupation
 - Location – using regional and city boundary maps
 - Minimum guaranteed remuneration and maximum remuneration; and
 - Type of agreement (permanent or fixed term)
- Check that the minimum qualifications, work experience, skills or other specifications required for the job are all the same
- Check that they all have the same job description
- Check whether a labour market test is required (see WA3.20(a) of the Job Check instructions).
- Check that the proposed employment agreement is included with the application.

If..	Then...
<p>Labour market test is required as per WA3.20(a)</p>	<ul style="list-style-type: none"> • Check that the jobs are all included in the same set of advertising
<p>Position details (as described above) are different for multiple jobs included in the job check application</p>	<ul style="list-style-type: none"> • Go to PPI SOP
<p>Multiple applications are required</p>	<ul style="list-style-type: none"> • Continue processing application for the number of jobs that meet the criteria above • Consider whether a waiver may be required – Go to Waiver SOP

12. All jobs included in the Job Check application must be for the same proposed location

- This activity will be triggered by the employer’s responses on the application form or identified by an immigration officer processing the application.
- The location of the job is the place where the work is entirely or principally carried out or based, as per the proposed employment agreement and information provided in the Job Check application.
- Check whether all jobs included in the job check application have the same proposed location.

If...	Then...
All jobs are for the same location	<ul style="list-style-type: none"> • Continue processing the application
All jobs are not for the same location	<ul style="list-style-type: none"> • Go to PPI SOP for job(s) that are not in the same locations • Process application for the jobs that have the locations
The Job Check does not include multiple locations	<ul style="list-style-type: none"> • Continue processing application.

13. The proposed employment must be genuine

- This activity will be triggered by the employer’s responses on the application form, when an application requires manual processing as determined in step 18 in the [Assess employment is acceptable](#) SOP and where an immigration identifies that a job may not be genuine when processing the application.
- Check that the proposed employment is genuine.
- Check that the job is real, not false, not fraudulent. This could include consideration of:
 - whether the role is consistent with the type of business and/or industry in which the employer operates, or
 - whether the job or salary may be inflated
 - Whether the job requires unusual experience
 - Where training is not related to the position

See General work-related risks and advice for more details.

- Check that the salary is commensurate with the job description by searching for other jobs that are same or similar
- Check the contract to identify whether the job check application is for a family member of the employer who might be disadvantaged by that contract
- Where the pay rate is equal to, or up to \$1.00 above the median wage, or where the pay rate is considerably higher than market rate for this occupation consider:
 - the industry, employer, job/role and consider risk such as wage/role inflation, genuine job, etc.
- Where the occupation is one of the following roles:
 - Cafe or Restaurant Manager (141111)
 - Cook (351411)
 - Retail Manager (General) (142111)
 - Retail Supervisor (621511)
 - Hospitality, Retail and Service Managers nec (149999)

consider:

- the industry, employer, job/role and consider risks such as wage/role inflation, genuine job, etc.

- Check the Labour Market Test is met – See [SOP](#).

If...	Then...
the employment is genuine	<ul style="list-style-type: none"> • Document in ADEPT notes (see the Employer Accreditation and Job Check User Guide);

	<ul style="list-style-type: none"> Continue processing the application
the employment is <i>not</i> genuine	<ul style="list-style-type: none"> Go to PPI SOP

14. False or misleading information provided, or relevant information was withheld

- This activity will be triggered by alerts or warnings or where an Immigration Officer identifies this when processing an application.
- Information that is provided as part of an application for a Job Check must be genuine, accurate and true. An Immigration Officer may decline an application for a Job Check if they are satisfied that an employer:
 - Provided false or misleading information in support of the Job Check application, or
 - Withheld relevant information that was prejudicial to approval of the Job Check application.
- Providing false or misleading information or withholding information from INZ can also affect an employer’s accreditation status.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Employer Compliance](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> PPI job check (see PPI job check SOPs).

15. A viable and genuinely operating business or organisation is one where if the employer is a general partnership or sole trader, the partners or sole trader must not be bankrupt or subject to a No Asset Procedure

- This activity is triggered by the ADEPT system check with information from the insolvency register.
- Where the employer is a sole trader or partnership, the sole trader, partner in a general partnership or general partner in a limited partnership must be bankrupt or subject to a No Asset Procedure.
- Ensure employer accreditation status is reviewed and postpone processing the job check as per the [Postpone Job Check](#) SOP.
- Refer to [Assess Viable and Genuinely Operating Business/Organisation](#) SOP.

If...	Then...
A decision is made to continue accreditation	<ul style="list-style-type: none"> Continue processing job check
A decision is made to revoke accreditation	<ul style="list-style-type: none"> PPI job check (see PPI job check SOPs).

END

See Also

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Assess Employer has Advertised

When to use

When the employer holds employer accreditation, has completed a job check application and provided information as requested in the job check application form. The immigration officer is ready to assess the application.

Role

- Immigration Officer

Prerequisites

- Employer holds employer accreditation with INZ
- Employer has completed a job check application form
- Assess employment is genuine
- General job check

Context

Job check applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application for an employer. Most job checks will require some manual processing activities. Any job checks approved before 4 July 2022 will expire on 4 January 2023.

The steps in this SOP include:

- assessing whether an employer meets the requirements for a job check, as set out in the job check instructions
- escalating additional risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Steps

1. If the occupation is on the Green List, the minimum requirements for the job must include the requirements on the list for that occupation
 - This activity can be triggered by ADEPT, or employer responses on the application form.
 - If an occupation in the job check is listed on the green list, the occupation is exempt from having to carry out a Labour Market Test. It must, however, pay at least the median wage (WA3.15.1) and meet the qualification, registration and wage requirements set out in the Green List Requirements from Appendix 13 in the INZ Operational Manual.
 - Check whether the occupation meets the qualification, registration and wage requirements set out in the Green List Requirements from Appendix 13 in the INZ Operational Manual.
 - Consider whether you need to seek additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).

If..	Then...
The employment specifications of the role do match the green list	<ul style="list-style-type: none"> • Continue processing application.
The employment specifications of the role do <i>not</i> match the green list	<ul style="list-style-type: none"> • Go to PPI SOP .

2. The job must have been advertised on a general national job listing

- This assessment will be triggered by responses from the employer on the job check application form.

• Job must have been advertised:

- Job must have been advertised:
 - on a general national job listing website where suitable New Zealand citizens or residents are likely to apply, or
 - by other means (such as on an industry specific job website) that would be likely to attract suitable New Zealand citizens or residents.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).

If...	Then...
Advertising for the role was included on job listing websites likely to attract New Zealand citizens and residents: <ul style="list-style-type: none"> • on a general national job listing website; and or • another suitable website (e.g. industry job website) 	<ul style="list-style-type: none"> • Note in ADEPT that the advertising is sufficient. Continue processing the application.
Advertising for the role was not included on job listing websites likely to attract New Zealand citizens and residents: <ul style="list-style-type: none"> • on a general national job listing website; and or • another suitable website (e.g. industry job website) 	Go to PPI SOP .

Suitable general national job listing websites include (this is not an exhaustive list):

- Seek
- Trademe
- Indeed
- LinkedIn Jobs
- Yudu
- My Job Space

Also consider whether there are other specific industry vacancy websites where the employer should have advertised.

3. The job advertisement must include a job description, AND the key terms and conditions which are consistent with the proposed employment agreement AND the minimum qualifications, work experience, skills or other specifications required

- This assessment will be triggered by responses from the employer on the job check application form.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether advertising meets the requirements set out in WA3.20. 1(d), the advertising must include:
 - a job description detailing the key tasks and responsibilities, and
 - the key terms and conditions of the employment, which are consistent with the proposed employment agreement and other information included with the Job Check application, including:
 - the minimum and maximum rate of pay or salary, and
 - where a significant portion of the actual earnings are not guaranteed, the estimated actual earnings (for example what the piece rates or commission rates are, or what the average bonuses are), and
 - the minimum guaranteed hours of work, and
 - the location of the job, and
 - the minimum qualifications, work experience, skills or other specifications required for the job. These must:
 - only include those necessary to perform the work on offer (WA3.20.5); and
 - be the same as those listed on the application form.

If...	Then...
Advertising included: <ul style="list-style-type: none"> • a job description detailing tasks and 	Note in ADEPT that employer will not place AEWV holders with other organisations

<ul style="list-style-type: none"> • a job description detailing tasks and responsibilities, and • key terms and conditions of employment, including minimum/maximum rates of pay, estimated or actual earnings, minimum guaranteed hours, location of job and minimum qualifications, work experience, skills or other specifications of the job 	<p>Continue processing the application</p>
<p>Advertising did <i>not</i> include:</p> <ul style="list-style-type: none"> • a job description detailing tasks and responsibilities, and • key terms and conditions of employment, including minimum/maximum rates of pay, estimated or actual earnings, minimum guaranteed hours, location of job and minimum qualifications, work experience, skills or other specifications of the job 	<p>Go to PPI SOP .</p>

4. The minimum qualifications, work experience, skills or other specifications required for the job must only include those necessary to perform the work, and must be the same as those stated in the application form

- This assessment will be triggered by responses from the employer on the job check application form.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether minimum qualifications, work experience, skills or other specifications required for the job do not only include those necessary to perform the work, or are not the same as those stated in the application form, as per WA3.20.1(e)(i):
 - the minimum qualifications, work experience, skills or other specifications required for the job.
 - The minimum qualifications, work experience, skills or other specifications required for the job must:
 - only include those necessary to perform the work on offer (WA3.20.5); and
 - be the same as those stated in the application form.
- Determine whether minimum qualifications, work experience, skills or other specifications required for the job only include those necessary to perform the work on offer. This can include:
 - referring to the qualifications described for the closest matching occupation in the Australian and New Zealand Standard Classification of Occupations (ANZSCO), or the work experience that the ANZSCO indicates may substitute the required qualification.
 - For qualifications, work experience, skills or other specification that are not described in the ANZSCO for the matching occupation, assess whether the requirement is reasonably necessary to perform the work on offer, taking into account the factors such as:
 - the roles and responsibilities of the job; and
 - whether the specification is likely to result in suitable and available New Zealand citizens or residents not applying for the job. *e.g. requiring foreign language skills for a café or restaurant worker job is unlikely to be acceptable, but requiring foreign language skills for a job as a tour guide catering for non-English speakers may be acceptable, as the skills are necessary to perform the work on offer*
 - Where other skills or specifications are needed to perform the job that are not described for the matching occupation in the ANZSCO, the remuneration offered must reflect those requirements by being above what would otherwise be the market rate for that job.

Note: Requiring a driver licence or vehicle cannot be a minimum requirement for the job unless operating a vehicle is necessary to perform the work on offer. Being able to commute to the workplace is not part of performing the work on offer, so requiring a driver licence or vehicle for this purpose is not acceptable.

If...	Then...
<p>the minimum qualifications, work experience, skills or other specifications required for the job:</p> <ul style="list-style-type: none"> • only include those necessary to perform the work, and • are the same as those stated in the application form 	<ul style="list-style-type: none"> • Note this in ADEPT; and • Continue processing the application
<p>the minimum qualifications, work experience, skills or other specifications required for the job:</p> <ul style="list-style-type: none"> • <i>do not</i> only include those necessary to perform 	<p>Go to PPI SOP .</p>

the work, or	
<ul style="list-style-type: none"> are <i>not</i> the same as those stated in the application form 	

5. The job advertisement must have been listed for at least 14 calendar days

- This assessment will be triggered by responses from the employer on the job check application form.
- Review the information provided with the application form, including the job advertising details.
- Check if the evidence of advertising provided by the employer meets the requirements set out in WA3.20(c)(i). It must include the content of the advertisement, dates advertised, the duration and platform of the advertising.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether the job vacancy was listed for at least 14 calendar days.

If...	Then...
The job advertisement was listed for at least 14 calendar days	<ul style="list-style-type: none"> Note this in ADEPT; and Continue processing the application.
The job advertisement was <i>not</i> listed for at least 14 calendar days	Go to PPI SOP .

6. The end date of the advertising must be within 90 days prior to the job check application being submitted

- This assessment will be triggered by responses from the employer on the job check application form.
- Review the information provided with the application form, including the job advertising details.
- Check if the evidence of advertising provided by the employer meets the requirements set out in WA3.20(c)(i). It must include the content of the advertisement, dates advertised, the duration and platform of the advertising.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether the end date of the advertising is more than 90 days prior to the job check application being submitted.

If...	Then...
The end date of the advertising is <i>within</i> 90 days prior to the job check application being submitted	<ul style="list-style-type: none"> Note this in ADEPT; and Continue processing the application.
The end date of the advertising is <i>more than</i> 90 days prior to the job check application being submitted	Go to PPI SOP .

7. If a job was advertised across multiple platforms, at least one job advertisement must meet the requirements of WA3.20.1

- This assessment will be triggered by responses from the employer on the job check application form.
- One of the job advertisements must meet the requirements of WA3.20.1(d), and include:
 - a job description detailing the key tasks and responsibilities; and
 - the key terms and conditions of the employment, which are consistent with the proposed employment agreement and other information included with the Job Check application, including:
 - the minimum and maximum rate of pay or salary; and
 - where a significant portion of the actual earnings are not guaranteed, the estimated actual earnings (for example what the piece rates or commission rates are, or what the average bonuses are); and
 - the minimum guaranteed hours of work; and
 - the location of the job; and
 - the minimum qualifications, work experience, skills or other specifications required for the job
- Review the information provided with the application form, including the job advertising details.
- Check whether the advertising is consistent across all job advertisements and platforms where the job is advertised and that all the necessary

components or advertising are included (as set out in WA3.20.1(d)).

- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether the job advertisement was consistent across all platforms.

If...	Then...
The job was advertised across multiple platforms, and at least one job advertisement met all of the requirements of WA3.20.1(d)	<ul style="list-style-type: none"> • Note this in ADEPT; and • Continue processing the application.
The job was advertised across multiple platforms, and none of these job advertisements met all of the requirements of WA3.20.1(d)	Go to PPI SOP .

8. The job advertisement must include the location which is consistent with the proposed employment agreement and information included with the Job Check application

- This assessment will be triggered by responses from the employer on the job check application form that the job will be carried out in more than one location.
- Job advertisement key terms and conditions must be consistent with the proposed employment agreement and information provided in the job check application. All advertisements must meet the requirements of WA3.20.1(d)(ii), and include:
 - a job description detailing the key tasks and responsibilities; and
 - the key terms and conditions of the employment, which are consistent with the proposed employment agreement and other information included with the Job Check application, including:
 - the minimum and maximum rate of pay or salary; and
 - there a significant portion of the actual earnings are not guaranteed, the estimated actual earnings (for example what the piece rates or commission rates are, or what the average bonuses are); and
 - the minimum guaranteed hours of work; and
 - the location of the job.
- Review the information provided with the application form, including the job advertising details.
- Check whether the key terms and conditions (as set out in WA3.20.1(d) (ii)) are consistent with the proposed employment agreement and information included in the job check application form, including job location.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether the job advertisement included all of the locations required for the job.

If...	Then...
The job advertisement includes the location, which is consistent with the proposed employment agreement and information included with the Job Check application	<ul style="list-style-type: none"> • Note this in ADEPT; and • Continue processing the application.
The job advertisement includes the location, but is not consistent with the proposed employment agreement and information included with the Job Check application	Go to PPI SOP .

9. The job advertisement location is not consistent with the proposed employment agreement and information included with the Job Check application

- This assessment will be triggered by responses from the employer on the job check application form.
- The location for the job provided in the job advertisement must be consistent with the proposed employment agreement and information provided in the job check application. This includes where the job:
 - can be carried out remotely, the job advertisement needs to reflect this.
- Review the job advertisement(s), the proposed employment agreement and the information provided in the application form

- review the job advertisement(s), the proposed employment agreement and the information provided in the application form.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).
- Consider whether the location for the job provided in the job advertisement includes whether the job can be performed remotely.

If...	Then...
The job advertisement location is consistent with the proposed employment agreement and information included with the Job Check application. The advertising reflects when the job: <ul style="list-style-type: none"> • can be performed remotely. 	<ul style="list-style-type: none"> • Note this in ADEPT; and • Continue processing the application.
The job advertisement location is not consistent with the proposed employment agreement and information included with the Job Check application. The advertising does not reflect when the job: <ul style="list-style-type: none"> • can be performed remotely. 	Go to PPI SOP .

10. The employer must not have found suitable and available New Zealand workers for the job

- This assessment will be triggered by responses from the employer on the job check application form.
- Immigration instruction WA3.20(b)(ii) states that, the labour market test is met if the employer did not find suitable and available New Zealand workers for the job.
- Consider requesting additional information from the employer (see RFI section in the [Employer Accreditation and Job Check User Guide](#)). This could include the volume of New Zealand citizens and residents who applied for the job, reasons why they weren't suitable or available, and reasons why they were not offered/did not take the job.
- Review the information provided with the application form, and any additional information requested by the immigration officer.
- Consider whether the employer did find suitable and available New Zealand workers for the job.

If...	Then...
the employer did not find suitable and available New Zealand workers for the job	<ul style="list-style-type: none"> • Note this in ADEPT; and • Continue processing the application.
the employer did find suitable and available New Zealand workers for the job	Go to PPI SOP .

End

See also

- [Assess Job Check](#)
- [Assess Risk](#)
- [Assess Employment is Acceptable](#)
- [Assess General Job Check](#)

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Assess Risk

When to use

When the employer holds employer accreditation, has completed a job check application and provided information as requested in the job check application form. The immigration officer is ready to assess the application.

Role

- Immigration Officer

Prerequisites

- Employer holds employer accreditation with INZ
- Employer has completed job check application form

Context

Job check applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application for an employer. Some parts of the application will be automatically assessed, with activities raised by ADEPT for immigration officers to manually assess. Any job checks approved before 4 July 2022 will expire on 4 January 2023.

The steps in this SOP include:

- Assessing whether an employer meets the requirements for a job check, as set out in the Employer Accreditation Instructions
- Escalation of any additional risks and seek advice where necessary
- Guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Steps

1. Assess risk manual activities

- The system creates a risk assessment activity when the BRE determines that the application presents a medium or high immigration risk based on the application data. For system triggered immigration risks, use the risk advice link displayed in the risk section of the activity in ADEPT to view more information about the immigration risk and advice on how to

mitigate the risk (see the [Employer Accreditation and Job Check User Guide](#)).

- In addition to the system triggered immigration risks, you can also create new immigration risks if you have identified a risk that has not been captured. This can be done within an existing risk assessment activity or if no risk activity exists, by creating a new one.
- Where immigration risk is identified, the Immigration Officer must consider whether the risk can be appropriately mitigated in the Accreditation gateway or whether it is more appropriate to address it in a later gateway.
- Refer to the Employment-Related Resources section in the [verification toolkit](#) to assist when assessing employer risk.
- Where an alert or warning needs to be raised against an employer this needs to be actioned both in AMS and ADEPT. This includes alerts and warnings for:
 - employment stand downs (as per the Labour Inspectorate stand down list)
 - immigration stand downs and convictions
 - prosecutions, cases pending and investigations underway that if proven could result in conviction for employment, immigration and companies (banned directors) offences that would result in non-compliance with the Employer Accreditation instructions
 - non-genuine job offer
 - acceptable employment
 - alerts relating to the Labour Market Test
 - whether the job proposed could be filled by a suitable New Zealand citizen or resident
 - whether the employer has a valid accreditation and continues to meet the requirements in the employer accreditation instructions WA2
 - migrant exploitation
 - non-compliance with immigration law
 - role inflation
 - salary inflation
 - non-genuine advertising.
- Consider alerts and warnings that have been raised in other applications or post-decision risk management activities, that require action in the job check. These might include:

- Compliance of the employer with the employment accreditation
- Employment conditions and safety of an AEWV holder placed in a triangular employment
- Whether the employer has an issue that has been referred to the National Prioritisation Programme (NPP)
- Employer warnings
- Information and character warnings on visa holders employed by that employer
- migrant exploitation
- non-compliance with immigration law
- role inflation
- salary inflation
- non-genuine advertising
- non-genuine job offer.

END

See Also

[Assess Job Check](#)

[Assess Employment is Acceptable](#)

[Assess General Job Check](#)

[Assess Employer has Advertised](#)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Global Process Manual

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Assess Employment is Acceptable

When to use

When the employer holds employer accreditation, has completed a job check application and provided information as requested in the job check form. The immigration officer is ready to assess the application.

Role

- Immigration Officer

Prerequisites

- Employer holds employer accreditation with INZ
- Employer has completed a job check application form

Context

Job check applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application for an employment agreement. Some activities will be automated and some will require manual assessment. Any job checks approved before 4 July 2022 will expire on 4 January 2023.

The steps in this SOP include:

- assessing whether an employer meets the requirements for a job check, as set out in the job check instructions
- escalating additional risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine.

Steps

1. The proposed employment agreement must include the name of the direct employer

- This activity could be triggered by ADEPT, or identified by a processing officer.
- Check whether the employer on the draft employment agreement is the same as the employer that holds accreditation and is applying for the job check. The employer is defined in W.2.60.5 of the employer accreditation instructions, and must be:
 - A legal entity or legal persons that comprise the employer organisation.

Note for employers who are sole traders, partnerships or trusts the employer on the employment agreement must be the sole trader, partners or trust. Although Employer Accreditation will be held by the partnership or trust.

- Consider checking with the employer why the employer on the employment agreement is different to the employer that holds accreditation and is applying for the job check (see RFI section in the [Employer Accreditation and Job Check User Guide](#)).

If...	Then...
The proposed employment agreement includes the name of the direct employer	<ul style="list-style-type: none"> • Continue processing application.
The proposed employment agreement does not include the name of the direct employer	<ul style="list-style-type: none"> • Note that the employer is not the same as that which holds accreditation applying for the job check. • Go to PPI SOP

2. The proposed employment must not involve the employee being placed in a triangular employment agreement with another organisation unless the employer holds High Volume Accreditation – Triangular Employment

- This activity could be triggered by the employer indicating that they want to place AEWV holders with other organisations on the job check application. The ADEPT system automatically checks whether an employer holds High Volume Accreditation – Triangular Employment. An immigration officer reviews this while reviewing the proposed employment agreement.

- Consider checking with the employer (RFI) whether they want to place an Accredited Employer Work Visa (AEWV) holder with other organisations a they can only place AEWV holders with other organisations if they hold High Volume Accreditation – Triangular Employment (see RFI section in the Accreditation and Job Check User Guide).
- Determine whether the employer intends to place an AEWV holder in triangular employment arrangements without holding High Volume Accredited Employment.

If...	Then...
Employer will not place the employee with a controlling third party	Note in ADEPT that employer will not place AEWV holders with other organisations Continue processing the application.
Employer does not hold triangular accreditation and will place the employee with a controlling third party	Go to PPI SOP .

3. The proposed employment must be for a single employer unless the employers are all New Zealand District Health Boards that hold High Volume Accreditation

This step is only required until Health New Zealand is established (at which point Health New Zealand will be the single employer for this role in the pub setting)

- This activity could be triggered by responses from the employer on the job check application form, or by a processing officer.
- Determine whether the employment meets the following requirements in WA3.15(n) That is:
 - employment is with multiple employers, and
 - the multiple employers are District Health Boards (DHBs) who hold High Volume Accreditation, and
 - the employment is for a Resident Medical Health Officer (ANZSCO 253112) job, and
 - the employment is covered by one proposed employment agreement.
- Consider whether you need any additional information from the employer(s) to determine the points above (see RFI section in the [Employer Accredited Check User Guide](#)).

If...	Then...
either: <ul style="list-style-type: none"> • The proposed employment is for a single accredited employer OR • The proposed employment is for multiple employers who are District Health Boards that hold High Volume Accreditation, and • the employment is for a Resident Medical Health Officer (ANZSCO 253112) job, and the employment is covered by one proposed employment agreement 	<ul style="list-style-type: none"> • Note this in ADEPT, and • Continue processing.
<ul style="list-style-type: none"> • The proposed employment is not for a single accredited employer and • not for multiple employers who are District Health Boards that hold High Volume Accreditation, or • the employment is not for a Resident Medical Health Officer (ANZSCO 253112) job, or • the employment is not covered by one proposed employment agreement 	<ul style="list-style-type: none"> • Note this in ADEPT, and • Go to PPI SOP . <hr/> <p><i>Note: Registered Medical Officer roles do not need to be advertised because they are included on the green list.</i></p>

4. The proposed employment must be compliant with all relevant NZ employment law in force

- This assessment can be triggered when the employer indicates this on the job check application, or by a processing officer.
- Review the employment agreement and other employment information provided with the job check application.
- Check whether the employment agreement includes:
 - All mandatory causes required by employment law, such as:
 - The name of the employer, and
 - The job title, and

- A detailed job description, and
 - The hours of work, and
 - The duration and type of agreement (permanent or fixed term), and
 - Details of pay and conditions of employment, and
 - The place of work
 - Other requirements for employment agreements set out by employment legislation
- Check whether the employment agreement only includes clauses that comply with employment law.
 - Check that the details provided with the application form and any other information submitted with the job check indicates that the employer is in compliance with employment legislation.
 - Consider whether additional information is required from the employer to make a decision about this (see RFI section in the Employer Accreditation User Guide).
 - Consider when verification or advice is required from Risk and Verification. This could include whether information needs to be verified with the Labour Inspectorate or for potential evident or employer non-compliance, migrant exploitation, holiday pay, etc. To do this raise a risk assessment activity for information.

If...	Then...
<ul style="list-style-type: none"> • the proposed employment is compliant with all relevant NZ employment laws in force 	<ul style="list-style-type: none"> • Note this in ADEPT (see Employer Accreditation and Job Check User Guide) and • Continue processing the application.
<ul style="list-style-type: none"> • the proposed employment is not compliant with all relevant NZ employment laws in force 	Go to PPLSOP .

See links for more information:

- Compliant Employment agreements
- Employment New Zealand guidance on the legal requirements for an employment agreement: <https://www.employment.govt.nz/starting-employment/employment-agreements/things-an-agreement-must-contain/>

5. The proposed employment must be full time (at least 30 hours guaranteed per week, for every week worked) for the duration of the employment period

- This assessment will be triggered when the employer indicates this on the job check application, or by a processing officer.
- Review the proposed employment agreement and information provided with the job check application.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).

If...	Then...
<ul style="list-style-type: none"> • the proposed employment agreement is for full time work (at least 30 hours guaranteed per week, for every week worked) for the duration of the employment period 	<ul style="list-style-type: none"> • Note this in ADEPT (see Employer Accreditation and Job Check User Guide); and • Continue processing the application.
<ul style="list-style-type: none"> • the proposed employment agreement is not for full time work (at least 30 hours guaranteed per week, for every week worked) for the duration of the employment period 	Go to PPI SOP .

6. Payment for the proposed employment must be by wages or salary, except for any goods or services specified in the proposed employment agreement determined by an immigration officer to be reasonable deductions from the wage or salary

- This assessment can be triggered by the employer’s responses on the job check application, or when a processing officer identifies this.
- WA3.15(f) requires that payment for proposed employment must be by salary or wages, except goods and services that are specified in the agreement determined by an immigration officer to be reasonable. Reasonable deductions from salary or wages need to be specified in the proposed employment and are set out in WA3.30(g). These include:
 - for goods and services
 - accommodation or an accommodation allowance.

- Deductions that are not considered reasonable include those set out in WA3.30(h) and WA2.10.10(l) and (m)
- Review the proposed employment agreement and information provided with the job check application.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- Consider whether:
 - the deductions are reasonable, taking into account market rates for accommodation for the location, whether the costs,
 - any fees charged are lawful, as per WA3.30(h), WA2.10.10(l) and (m), and legal deductions
- Consider when verification or advice is required from Risk and Verification. This could include whether information needs to be verified with the Lat Inspectorate. To do this raise a risk assessment activity for R&V to verify information.

If...	Then...
<ul style="list-style-type: none"> • Payment for the proposed employment is not by wages or salary and • deductions for goods and services are unreasonable 	Note this in ADEPT (see the Employer Accreditation and Job Check User Guide) <ul style="list-style-type: none"> • Go to PPI SOP
<ul style="list-style-type: none"> • Payment for the proposed employment is not by wages or salary and • deductions for goods and services are reasonable 	Note this in ADEPT (see the Employer Accreditation and Job Check User Guide) <ul style="list-style-type: none"> • Go to step 15
<ul style="list-style-type: none"> • Payment for the proposed employment is by wages or salary, and • any goods or services specified in the proposed employment agreement are determined by an immigration officer to be reasonable deductions from the wage or salary, in that remuneration does not exclude deductions set out in WA3.30(h) and costs and fees set out in WA2.10.10(l) and (m) 	Note this in ADEPT; and <ul style="list-style-type: none"> • Go to step 15
<ul style="list-style-type: none"> • Payment for the proposed employment is by wages or salary, and • goods or services specified in the proposed employment agreement and are determined by an immigration officer to be unreasonable deductions from the wage or salary, in that deductions to remuneration do not meet the requirements set out in WA3.30(h) 	Go to PPI SOP
<ul style="list-style-type: none"> • Payment for the proposed employment is by wages or salary, and • goods or services specified in the proposed employment agreement and are determined by an immigration officer to be unreasonable deductions from the wage or salary, in that deductions to remuneration do not meet the requirements set out in WA2.10.10(l) and (m) 	Ensure employer accreditation status is reviewed and postpone processing the job check as per the Postpone Job Check SOP . Then: <ul style="list-style-type: none"> • If a decision is made to continue accreditation go to step 15 of this SOP, or • If a decision is made to revoke accreditation go to the PPI Job Check SOP. Please also see: <ul style="list-style-type: none"> • Accommodation, goods and services in the agricultural industry • Legal deductions

7. If the proposed employment agreement includes changing locations the terms and conditions regarding changing locations must not disadvantage or migrant

- This assessment can be triggered when the employer indicates this on the job check application, or when a processing officer identifies this.
- Where travel or changing locations is part of the proposed employment, as part of the job (e.g. an employer requires a worker to complete a project location) the terms and conditions of that travel or changing locations must:
 - be set out in the employment agreement; and
 - not have the potential to disadvantage the employee.
- Review the employment agreement provided with the job check application.

- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- Consider whether the terms and conditions of travel or changing locations:
 - are included in the proposed employment agreement
 - will disadvantage the AEWV holder employee. This might include consideration of whether:
 - the notice period employees are given when being required to change location. This could include considering whether the notice period for the employee to provide notice on their existing accommodation, find accommodation at the new location, etc
 - whether the level of compensation provided (if any) is reasonable, including for travel and accommodation costs
 - what the process or outcome is when and employee is unable to change location or undertake travel, for example are there any other steps the employer could offer the employee, or is a reasonable period provided to the employee to find alternative work
 - the requirements meet employment legislation
- Consider whether the terms and conditions of travel or changing locations:
 - are included in the proposed employment agreement.

If...	Then...
Proposed employment agreement includes travel or changing locations, and the terms and conditions regarding changing locations <i>do not</i> disadvantage or exploit the migrant	<ul style="list-style-type: none"> • Note this in ADEPT (see the ADEPT User Guide); and • Continue processing the application
Proposed employment agreement includes travel or changing locations, and the terms and conditions regarding changing locations disadvantage or exploit the migrant	Go to PPI SOP .
Job check indicates change of location however, proposed employment agreement <i>does not</i> include travel or changing locations	Go to PPI SOP .

8. The terms and conditions for the proposed employment must not be less than those of the NZ market for that occupation, including rate of pay and

- This activity can be triggered by the employer indicating this on the job check application form, or when a processing officer identifies this.
- Review the employment agreement provided with the job check application, the job advertisement (if provided) and the employer’s responses on the application form.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the Employer Accreditation User Guide).
- Consider whether the proposed employment includes terms and conditions that offer less than those offered in the NZ market for that occupation,
 - rate of pay (as per WA3.30 of the job check instructions) and
 - notice periods (taking into consideration the length of service, how long it might take to replace the employee, the type of role and type of industry between 2 to 4 weeks)
 - proposed hours of work
- Consider terms and conditions that are offered in the NZ market for that occupation. This could include considering:
 - the industry,
 - occupation,
 - whether the work is permanent or temporary
 - the location of the job
 - pay rates for similar jobs and locations, this could include checking the following (or similar) websites:
 - trademe salary guide
 - careers NZ
 - Salary guide
 - New Zealand PayScale
 - *Seek guide to salaries*

- Consider whether verification or advice is required from Risk and Verification, particularly where there are concerns about whether the information true representation of the job and roles that will be carried out. To do this raise a risk assessment activity in ADEPT (see Employer Accreditation and Guide) for R&V to provide risk advice. Potential risks for advice include concerns about the Labour Market Test, job inflation, non-genuine job offer.

If...	Then...
The terms and conditions for the proposed employment <i>are not less than</i> those of the NZ market for that occupation, including rate of pay and notice periods	<ul style="list-style-type: none"> • Note this in the ADEPT assessment activity • Continue processing the application
The terms and conditions for the proposed employment <i>are less than</i> those of the NZ market for that occupation, including rate of pay and notice periods	<ul style="list-style-type: none"> • Go to PPI SOP .

9. Proposed employment must not be for:

- self-employment, or
- planting, maintaining or harvesting or packing crops in the viticulture or horticulture industries.
- This activity will be triggered by the employer indicating this on the job check application form, or by a processing officer.
- Review the information provided with the job check application, the job advertisement (if provided) and the employer’s responses on the job check form.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).

If...	Then...
The proposed employment is not for: <ul style="list-style-type: none"> • self-employment, or • planting, maintaining, harvesting or packing crops in the viticulture or horticulture industries 	<ul style="list-style-type: none"> • Note this in the ADEPT assessment activity • Continue processing the application.
The proposed employment is for self-employment	<ul style="list-style-type: none"> • Go to PPI SOP .
The proposed employment is for planting, maintaining, harvesting or packing crops in the viticulture or horticulture industries	<ul style="list-style-type: none"> • Go to PPI SOP . <p><i>Note:</i></p> <p><i>if employment is for:</i></p> <ul style="list-style-type: none"> • <i>self-employment the employer/applicant will need to apply for the appropriate visa type</i> • <i>planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries the employer will need to apply for Recognised Seasonal Employment under the or the Supplementary Seasonal Employment Instructions (WH1).</i>

10. Pay period must not be longer than one month

- This activity will be triggered by the employer indicating this on the job check application form, or by a processing officer.
- Review the information provided with the job check application, including the proposed employment agreement.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).

If...	Then...
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The employment <i>does not</i> propose a pay rate of longer than one month	Note this in the ADEPT assessment activity Continue processing application.
The employment proposes a pay rate of longer than one month	Go to PPI SOP .

11. The remuneration for the proposed employment must be at or above the median wage, unless the proposed employment is for an occupation that is the median wage threshold (Appendix 14 of the INZ Operational Manual)

- This activity will be identified by ADEPT and will be identified where the employer indicates this on the application form.
- WA3.15(b) requires that the remuneration for proposed employment must be at or above the median wage, unless the job is exempt from the median threshold in Appendix 14 of INZ Operational Manual.
- Check information provided with the job check application form
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- Consider whether advice is required from Risk and Verification where it is unclear about next steps to mitigate risks identified.

If...	Then...
Pay is either: <ul style="list-style-type: none"> • above median wage, or • the occupation is exempt from the median wage threshold 	Note this in the ADEPT assessment activity Outcomes include: <ul style="list-style-type: none"> • continue processing the application (where pay is above median wage) • go to step 14 (where the occupation is exempt from the median wage threshold)
Pay is below median wage and the occupation is not exempt from the median wage threshold	Go to PPI SOP .

12. Where the proposed employment is for an occupation that is exempt from the median wage threshold (Appendix 14 of the INZ Operational Manual), remuneration for the proposed employment must meet the requirements for that occupation set out in WA3.15.1

- This activity may be identified by ADEPT and will be identified where the employer indicates this on the application form.
 - WA3.15.1 of the job check instructions requires specific remuneration levels for occupations with a wage exemption
- WA3.15(b) of the job check instructions requires that remuneration for all other occupations must be at or above the median wage.
- Check whether the job check is for an occupation that is included in Appendix 14 of the INZ Operational Manual and is part of the care workforce set to median wage list, check whether the proposed remuneration meets the wage threshold for that occupation (and industry if relevant)
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- Consider whether advice is required from Risk and Verification where it is unclear about next steps to mitigate risks identified.

If...	Then...
<ul style="list-style-type: none"> • Rate of pay is below median wage, and • Occupation is exempt from the median wage threshold, and • Rate of pay meets the remuneration threshold for this occupation 	Note this in the ADEPT assessment activity Continue processing the application
<ul style="list-style-type: none"> • Rate of pay is below median wage, and • Occupation is exempt from the median wage threshold, and • Rate of pay <i>does not meet</i> the remuneration threshold for this occupation 	Note this in the ADEPT assessment activity Go to PPI SOP .
<ul style="list-style-type: none"> • Rate of pay is below median wage, and • The occupation is not exempt from the median wage threshold 	Note this in the ADEPT assessment activity Go to PPI SOP .

13. The proposed remuneration must be calculated in line with WA3.30

- This activity will be triggered by ADEPT, where the ADEPT calculates the pay rate to be different to that provided by the employer on the application processing officer identifies this.
- WA3.30 of the job check instructions states that, the proposed remuneration must meet the minimum pay threshold(s) required under Job Check in (including WA3.15(b), and WA3.20(a)), and sets out the method of calculating remuneration.
- Check information (including the proposed employment agreement and pay rate) provided by the employer as part of the job check application for
- Consider whether the proposed employment agreement:
 - Includes details about paid leave entitlements, and
 - Includes the maximum number of hours that they employee may be asked to work before being paid additional overtime rates, and details of th of pay, and
 - Includes the maximum number of hours that the employee may be asked to work, including any hours paid at overtime rates, and
 - Include the pay period
- Consider whether the deductions are reasonable, taking into account market rates for accommodation for the location, be no more than, whether t are unlawful.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the Employer Accreditation User Guide). This information could include:
 - Where the rate of pay specifies payment other than by hour (including by salary), consider requesting evidence about the range of hours worke maximum number of hours.
- Calculate the remuneration for the role, referring to Job Check Instructions WA3.30.
- Consider whether advice is required from Risk and Verification where it is unclear about next steps to mitigate risks identified.

If...	Then...
Hourly rate matches the amount calculated by ADEPT	Request the employer sends confirmation of the actual proposed hourly rate. Note this in the ADEPT assessment activity Continue processing application.
Hourly rate <i>does not match</i> the amount calculated by ADEPT	Check whether the pay rate meets the job check requirements (set out in WA3 of the job check instructions) that are relevant for that proposed role Outcomes include: <ul style="list-style-type: none"> • Pay rate meets the job check requirements that apply for the proposed role: <ul style="list-style-type: none"> • note in ADEPT and • continue processing the application • Pay rate does not meet the job check instructions that apply for the proposed role: <ul style="list-style-type: none"> • note in ADEPT and • go to PPI SOP .

14. For employment to be assessed as meeting a minimum pay threshold, the average guaranteed remuneration for each hour of work within a pay period must be at or above that threshold

- This activity will be triggered where the employer indicates this on the application form.
- Check information (including the proposed employment agreement and pay rate) provided by the employer as part of the job check application for
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the Employer Accreditation User Guide).
- Consider whether advice or verification is required from Risk and Verification.

Note: this step is subject to step 19 below.

If...	Then...
the average guaranteed remuneration for	Note this in the ADEPT assessment activity

each hour of work within a pay period, including any paid leave, is at or above the minimum pay threshold	Continue processing application
Employer has not guaranteed that each hour of pay will be at least the minimum pay rate provided for each pay cycle (including leave provisions)	<p>Check whether the Step 19 is relevant (whether sleep over rates apply)</p> <p>Re-assess the guaranteed hourly rate for each pay cycle (including leave), taking into account sleep over rates</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> step 19 is met (i.e. sleepover rates can be excluded from the calculation), and the employer has still not guaranteed that each hour of pay, excluding sleepover rates, will be at least the minimum pay rate provided for each pay cycle (including leave provisions) Go to PPI SOP .
The average guaranteed remuneration for each hour of work within a pay period, including any paid leave, is below the minimum pay threshold	<p>Check whether the Step 19 is relevant (whether sleep over rates apply)</p> <p>Re-assess the guaranteed hourly rate for each pay cycle (including leave), taking into account sleep over rates</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> step 19 is met (i.e. sleepover rates can be excluded from the calculation), and pay, excluding sleepover rates, is still below the minimum pay threshold Go to PPI SOP .

15. Where variable hours are declared, an IO may request evidence from the employer to calculate remuneration based on the maximum hours worked

- This activity will be triggered where the employer indicates these factors on the job check application, or when a processing officer identifies this.
- Review the information provided with the job check application, including the proposed employment agreement. Check:
 - whether the hours are variable (often included in the employment agreement as requiring the potential employee to have to work additional hours to time)
 - the range of hours that will be worked, including the maximum number of hours to be worked.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User guide](#)). This information could include:
 - Where the rate of pay specifies payment other than by hour (including by salary), consider requesting evidence about the range of hours worked maximum number of hours.

If...	Then...
Hours are either: <ul style="list-style-type: none"> variable and the pay rate is by hour, or evidence of the range of hours has been provided 	<p>Note this in the ADEPT assessment activity</p> <p>Continue processing application</p>
Hours are variable and the pay rate is not by hour, and evidence of the range of hours has not been provided	Go to PPI SOP .
Hours are variable and the pay rate is by hour	<p>Note this in the ADEPT assessment activity</p> <p>Continue processing application</p>
Hours are variable and the pay rate is not by hour, and the maximum hours have not been used to calculate the pay rate	<ul style="list-style-type: none"> Recalculate the pay using the maximum hours being worked Check whether the re-calculated pay rate meets the requirements in WA3. Outcomes include: <ul style="list-style-type: none"> Re-calculated pay-rate meets the requirements in WA3 Go to PPI SOP .

16. Remuneration must exclude other employment related allowances, deductions, piece rates and bonuses

- This activity will be triggered where the employer indicates on the job check application form that proposed pay rate includes other employment related allowances, deductions, piece rates and bonuses.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- To meet the requirements in WA3.30(h) of the job check instructions, remuneration needs to exclude:
 - employment-related deductions or allowances (for example tool, or uniform allowances); and
 - piece rates, commissions or bonuses which are dependent on performance and not guaranteed, even if these are considered reasonable.
- Check whether employment-related deductions or allowances, piece rates, commissions/bonuses dependent on performance included in the pay rate
 - not guaranteed and do not meet the relevant pay threshold (this won't meet requirements in job check instructions, or
 - guaranteed by employer as a top-up to meet the relevant pay threshold required to meet job check instructions, i.e. where the employee doesn't meet a particular pay threshold. For example: if worker will be paid minimum wage plus \$x for every carcass processed, and the employer will increase worker's pay rate to ensure they are paid the median wage for every hour worked if the worker doesn't process enough carcasses to meet that threshold.
- Consider whether advice or verification is required from Risk and Verification.

If...	Then...
Remuneration: <ul style="list-style-type: none"> • excludes employment-related deductions or allowances (for example tool, or uniform allowances); and • excludes piece rates, commissions or bonuses which are dependent on performance and not guaranteed, even if these are considered reasonable, or • includes piece rates, commissions or bonuses (that are reasonable) and dependent on performance, where the employer guarantees a top up within the pay period to meet the relevant pay threshold 	Note this in the ADEPT assessment activity Calculate the salary/wage as per step 13
Remuneration includes other employment related allowances, deductions, piece rates and bonuses and the exclusion of these may result in not meeting the minimum pay threshold(s) required in the job check instructions including WA3.15(h) and WA3.20(a)	Recalculate the pay excluding these employment related allowances, piece rates and bonuses <ul style="list-style-type: none"> • Check whether the re-calculated pay rate meets the requirements in WA3 (as per step 15) • Outcomes include: <ul style="list-style-type: none"> • Re-calculated pay-rate meets the requirements in WA3 (see step 13) • Go to PPI SOP .

17. Where the proposed employment requires the employee to work overnight, but allows them to sleep during this time, any hours spent sleeping may be excluded from the remuneration calculation (WA3.30(c)), provided that:

- a. For any hours the employee is sleeping, they are paid at or above the minimum wage, and
 - b. For any hours the employee is required to perform their duties, they are paid at least their normal rate, and
 - c. The employee is guaranteed a minimum of 30 hours per week at their normal rate requirement by any minimum pay threshold under WA3 of the job check instructions, and
 - d. The proposed employment is for a job in the Aged, Residential Care or Disability Care industry
- This activity will be triggered where the employer indicates on the job check application form that the proposed employment includes overnight work and the processing officer identifies this.
 - Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
 - Consider whether the proposed employment meets the requirements in WA3.30.5 of the job check instructions, including:
 - any hours the employee is sleeping are paid at or above the minimum wage, and
 - any hours the employee is required to perform their duties are paid at least their normal rate, and
 - the employee is guaranteed a minimum of 30 hours per week at their normal rate required by any minimum pay threshold under the job check instructions, and

- the proposed employment is for a job in the Aged, Residential Care or Disability Care industry

- Consider whether advice or verification is required from Risk and Verification.

If...	Then...
Proposed overnight and sleep hours and pay rates meet requirement to be excluded from remuneration calculation	Note this in the ADEPT assessment activity Continue processing application
Proposed overnight and sleep hours or pay rates <i>do not meet</i> requirement to be excluded from remuneration calculation and their inclusion would result in the employer not meeting the requirements in WA3.30	<ul style="list-style-type: none"> • Re-calculate the pay including rates for sleeping hours and performing duties and minimum pay threshold for a guaranteed 30 hours • Check whether the re-calculated pay rate meets the requirements in WA3. • Outcomes include: <ul style="list-style-type: none"> • Re-calculated pay-rate meets the requirements in WA3 • Go to PPI SOP .

18. Job does not require occupational registration

- This activity will be triggered by the employer indicating this on the job check application form, or by a processing officer.
- Review the information provided with the job check application, the job advertisement (if provided) and the employer's responses on the job check form.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).
- Consider whether the proposed employment meets the following requirements in the job check instructions:
 - WA3.15(b) The remuneration for the proposed employment must be at or above the median wage, unless the proposed employment is for an c is exempt from the median wage threshold (see steps 11 and 14 in this SOP)
 - WA3.15(c) Where the proposed employment is for an occupation that is exempt from the median wage threshold (Appendix 14), the remuneration proposed employment must meet the requirements for that occupation set out at WA3.15.1 (which sets out pay thresholds for particular industries 12 and 14 in this SOP)
 - WA3.15(d) the proposed employment agreement must include all mandatory clauses required by law, and include paid leave entitlements, only that comply with employment law, include the maximum hours the employee will be asked to work and include the pay period (see step 4 in this SOP)
 - WK3.15(d) The proposed employment must be full time (at least 30 guaranteed hours per week for every week worked) for the duration of the period (see step 5 in this SOP)
 - WK3.15(e) The terms and conditions specified for the proposed employment must not be less than those of the New Zealand market for that occupation including rate of pay (WA3.30) and notice periods (see steps 8 and 13 in this SOP)
 - WK3.15(f) The proposed employment must be genuine (see step 13 in the [General Job Check Assessment SOP](#)).

If...	Then...
The proposed job <i>does not</i> require occupational registration	<ul style="list-style-type: none"> • Carry out steps 4, 5, 8, 11, 12, 13 and 14 in this SOP
The proposed job <i>does</i> require occupational registration	<ul style="list-style-type: none"> • Continue processing the application.

19. Proposed employment must not be for foreign crew of fishing vessels

- This activity will be triggered by the employer indicating this on the job check application form, or by a processing officer.
- Review the information provided with the job check application, the job advertisement (if provided) and the employer's responses on the job check form.
- Consider whether additional information is required from the employer to make a decision about this (see RFI section in the [Employer Accreditation User Guide](#)).

If...	Then...

<p>The proposed employment is not for:</p> <ul style="list-style-type: none"> foreign crew of fishing vessels 	<ul style="list-style-type: none"> Note this in the ADEPT assessment activity Continue processing the application.
<p>The proposed employment is for foreign crew of fishing vessels</p>	<ul style="list-style-type: none"> Go to PPI SOP . <p>Note:</p> <ul style="list-style-type: none"> <i>if employment is for foreign crew of fishing vessels the employer will need to apply under the Foreign Crew of Fishing Vessels Instructions (WJ).</i>

End

See Also

- [Assess Job Check](#)
- [Assess Risk](#)
- [Assess General Job Check](#)
- [Assess Employer has Advertised](#)

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