



Accredited Employer Work Visa Job Check Policy

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Topics

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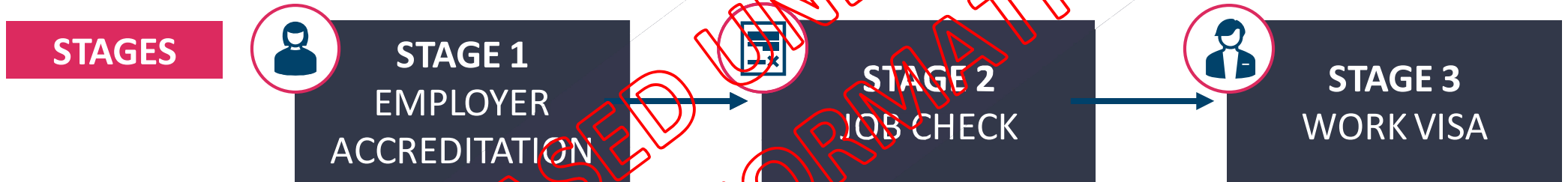
The reconsideration process

Determining the location of the job

Close

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The Accredited Employer Work Visa policy



Job Check process overview

The process, here, includes the requirements that a job must meet. This is the area the policy mainly focusses on.

1

Accredited employers apply and upload evidence about their job. It must...

- be advertised nationally for 2 weeks (unless exempt from advertising)
- have no New Zealand workers available
- pay at least the median wage and the market rate (unless exempt)
- have a minimum number of guaranteed hours per week
- Terms and conditions comply with New Zealand laws and standards

2

Job check approved and associated to the accredited employer

3

Job token issued. It is valid for 6 months

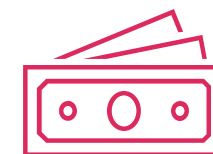
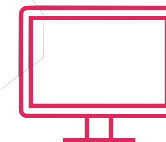
4

Accredited employer asks a migrant worker to apply for an Accredited Employer Work Visa

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Applying for a Job Check (WA3.5)

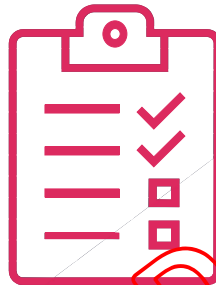
- Applications must be made using the INZ **online form**.
- Employers must include **evidence** demonstrating that they meet the Job Check instructions, including:
 - a detailed job description; and
 - a proposed employment agreement; and
 - if a labour market test is required, evidence of advertising the job.
- A **fee** must be paid.
- **Multiple jobs** may be included in a Job Check application if certain details are the same for all jobs.



Requirements for a Job Check (WA3.10)



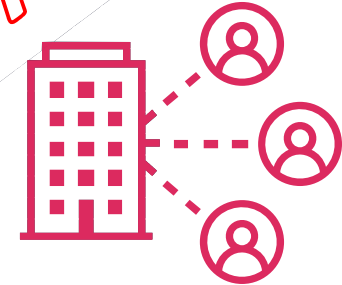
EMPLOYER
STILL MEETS
ACCREDITATION
REQUIREMENTS



THE JOB IS
ACCEPTABLE
EMPLOYMENT
WA3.15



THE JOB MEETS
THE LABOUR
MARKET TEST
WA3.20



FOR STANDARD
ACCREDITATION,
UP TO 5 JOBS
WA3.25

OFFICIAL INFORMATION ACT

Acceptable Employment (WA3.15)

The proposed employment:

- (b) must pay \$27.76 (**Median wage**) per hour or above, or the equivalent annual salary.
- (c) must meet the requirements for that occupation set out at WA3.15.1, for an occupation exempt from the median wage threshold.
- (d) must be full time (at least 30 guaranteed hours every work week) for duration of employment.
- (e) must have terms and conditions not less than those of the NZ market, inc pay rate
- (f) must pay wages or salary, except for 'reasonable' deductions.
- (g) must have a pay period/cycle not longer than one month.
- (i) must be for a single accredited employer only, unless...
- (k) must be compliant with all the relevant New Zealand employment laws.
- (q) must have an employment agreement that includes all mandatory clauses required by employment law.

Labour Market Test (WA3.20)

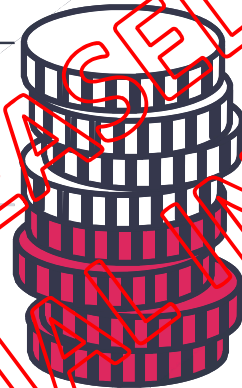
The job has to be advertised and the Labour Market Test (LMT) must be met for all jobs, except if the job:

pays 200% (or greater) of the Median Wage

or

is on the Green List

200%+



* 200% of median wage at July 2022 is \$55.52

Green List occupations

Roles that have a fast-track to residence pathway

- Construction
- Engineering
- Health and social services
- Primary industries and science
- ICT, electronics and telecommunications.

Roles that have a work to residence pathway

- Health and social services
- Trades
- Agriculture

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Roles exempt from the median wage threshold (WA3.15.1)

There are three sectors that are currently listed as having exemptions from paying the median wage or higher. They are:

- **Construction and infrastructure**
- **Care workforce**
- **Tourism and hospitality**



See: [Roles exempt from the AEWV median wage threshold | Immigration New Zealand](#)

Genuine attempts to recruit suitable New Zealanders (WA3.20.1)

Genuine attempts to recruit suitable New Zealanders must have been made, before a Job Check can be submitted.

Where

On a general **national job site**; or by other means likely to attract suitable New Zealand citizen or resident workers. E.g an industry-specific job site.

When

For at least **14 calendar days**, within **90 days** of the **Job Check application** being submitted.

What

The advertisement must have included:

- a job description
- the **key terms and conditions** of employment
- the **minimum qualifications, work experience, skills or other specifications** required.



Determining 'minimum requirements' (WA3.20.5)

Questions

- What tasks are listed in the definition for this job?
- What much experience may be a comparable substitute for the listed qualification?
- Does this job typically require a person to have a drivers' licence?



Employers holding standard accreditation (WA3.25)

A Job Check application for an employer holding standard accreditation will not be approved if it results in more than 5 jobs being associated to the employer.

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Calculating remuneration (WA3.30)

Remuneration includes:

- reasonable deductions for goods or services specified in the employment agreement
- any accommodation provided (See policy for details/ variations.)

Remuneration excludes:

- other employment-related deductions or allowances (e.g. For tools)
- Non-guaranteed, performance-based rates, commissions or bonuses.

Activity - Calculating remuneration, Scenario 1

Nest Aged Care Limited submit a job for 'Job Check', with the following details:

- A salary range starting at \$58,240, with a possible higher salary dependent on employee experience.
- Four weeks annual leave.
- A regular, required paid overtime clause.
- The cost of the first uniform is paid, but additional uniforms are optional and paid for by the employee.
- An accommodation allowance is provided for every week that the person is employed.
- The required days are provided for other leave, as per New Zealand employment law.



Go figure

Item	Calculation	Running total
Base salary	\$58,240	\$58,240
Annual Guaranteed on-call work	+ \$2,880 48 working weeks x \$60 (2 hours x \$30 p/h)	\$61,120
Annual Accommodation allowance paid	+ \$10,400 \$200 per week x 52 weeks	\$71,520
Weeks per year	/ 52	\$1375.38
Guaranteed hours per week.	/ 40	\$34.38 per hour

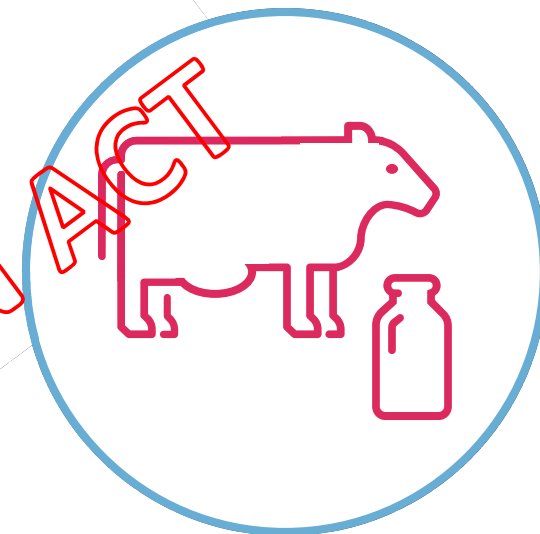
Overnight hours - Go figure

Item	Calculation	Running total
Fortnightly base roster (Day + Night shifts) 10 hours per shift	$(\$25 \times 50 \text{ hours}) = \1250 $+(\$30 \times 30 \text{ hours}) = \900 \$2,150	\$2,150
Guaranteed on-call work per fortnight	$+ \$120$ 4 hours on-call every fortnight @ \$30	\$2,270
Fortnightly Accommodation allowance	$+ \$400$ \$200 per week x 2 weeks	\$2,670
Weeks in fortnight	/2	\$1,335
Guaranteed hours per week.	/40	\$33.38 per hour

Variable hours - Go figure

A dairy farm assistant role has been submitted for Job Check by Wilding Dairies Limited.

The proposed employment agreement contains a provision allowing the employer to require the employee to work additional hours occasionally.



Item	Calculation	Running total
Base salary	\$57,000	\$57,000
Annual Guaranteed Overtime	+ \$5,640 23.5 fortnights x \$240 (Max. 8hrs x\$30p/h)	\$62,640
Weeks per year	/ 52	\$1,204.62
'Maximum' hours per week	/46	\$26.19 per hour

Determining the location of the job (WA3.35)

- The location is where the work is **entirely or principally carried out or based**, as per the proposed EA and information provided.
- If the work is proposed to be carried out or based in more than one location, an immigration officer may determine that the job is located in **multiple locations**.
- Regions are based on **regional council boundaries** and cities are based on **city council boundaries**.
- An immigration officer may **request further evidence** to determine where the job is located.

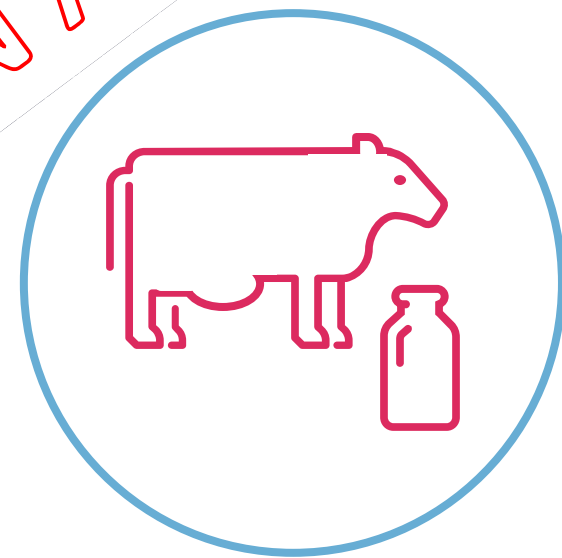
(Paraphrased)

Activity – Different locations

A dairy farm assistant role specifies that ‘up to five times per year, for one week per time, the assistant role may be required to move from one farm to another, to support the work of the family business.’

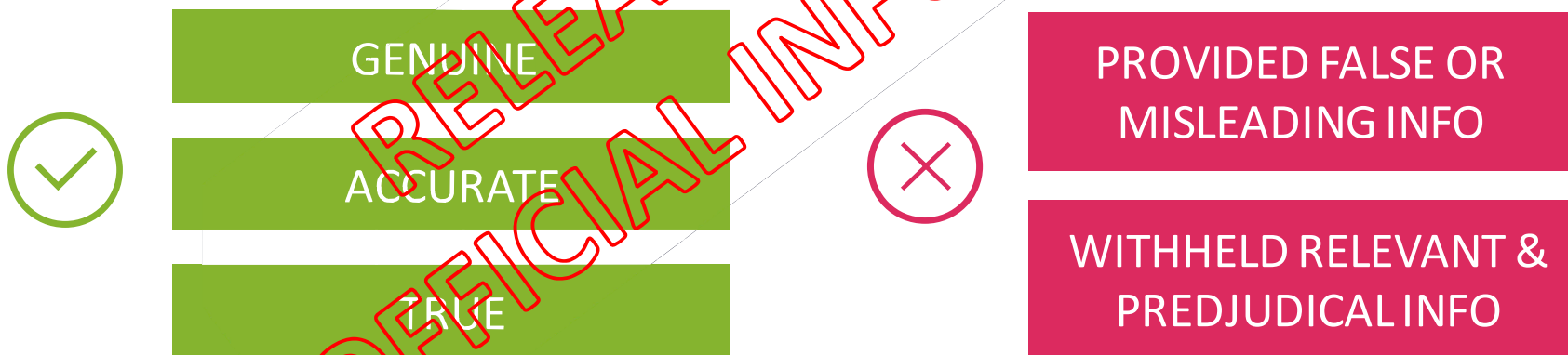
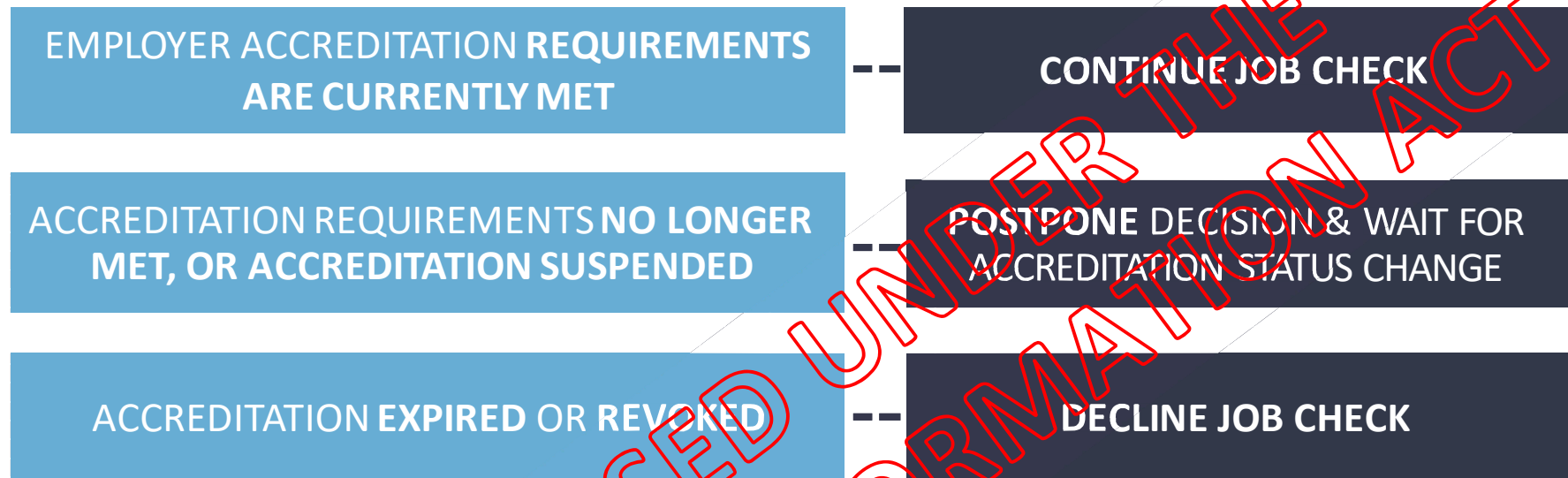
The Immigration officer investigates this clause and learns that the ‘other farm’ is in a different region from the primary work location.

What will the immigration officer need to do?



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Processing and verification requirements (WA3.40)



Considering a Job Check application (WA3.45)

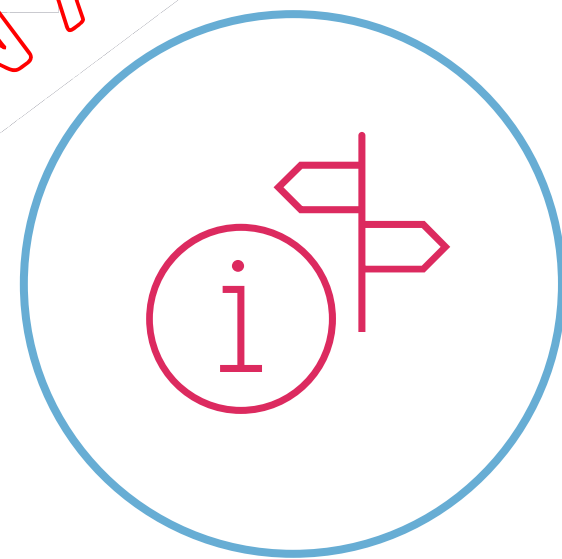
Employers will be given the opportunity to comment before a decision to decline an application based on any **potentially prejudicial information** (PPI).

Waivers may be granted, taking into account:

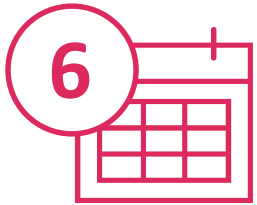
- all the circumstances of the application; &
- the objectives of the instructions; and
- the situation of the employer.

Waivers must be approved by an Immigration Manager or higher.

Paraphrased – See full instructions.



Currency and approval of a Job Check (WA3.50)



APPROVED FOR 6 MONTHS.
IT IS EITHER IS RENEWED,
EXPIRES, OR IS REVOKED.

Job Check applications approved before the AEWV opens on 4 July 2022 will be granted for a longer duration, so that employers are not disadvantaged by submitting applications early.



APPROVED JOB CHECKS SHOW THE:

OCCUPATION

MIN & MAX REMUNERATION

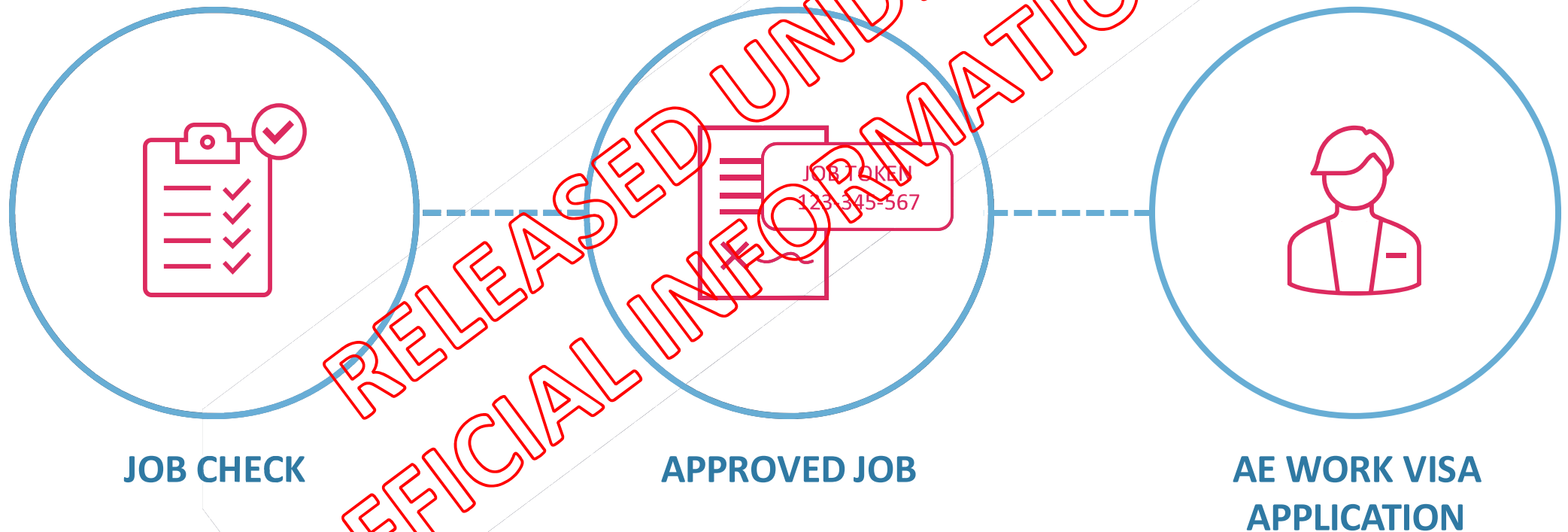
NO. OF JOBS APPROVED

START & EXPIRY DATE

JOB TOKEN NUMBER/S

Associating a job to an employer (WA3.50.1&5)

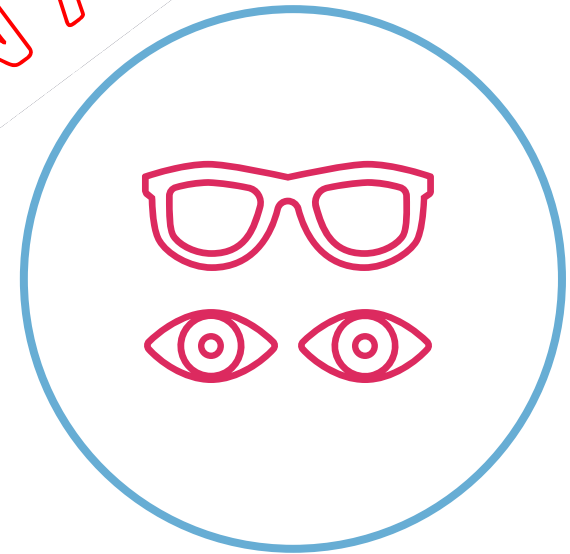
After a Job Check is approved, the job is automatically associated to the employer, and issued with a Job Check Token. A non-New Zealander can use the token number to apply for an Accredited Employer Work Visa.



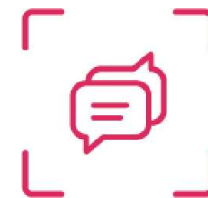
The Job Check reconsideration process (WA3.55)

- There is no statutory right of appeal against the decision to decline an application or approve fewer jobs than requested.
- A reconsideration should be requested within 14 calendar days of the date of decision. If approved, the reconsideration should be considered **under the instructions applying to the original application**, by a **different immigration officer**.
- The officer is **not obligated to consider new information, or a change in circumstances**, but they can. They should consider if the changes would be better considered as part of a new application.
- A fee for **requesting a reconsideration** must be paid.

Paraphrased



Close



Key take-outs?

Questions?

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