

Post Accreditation Checks for the Accredited Employer Work Visa



INZ check a proportion of accredited employers each year. These checks are to make sure you are continuing to meet your obligations.

INZ may ask you to provide information as part of our checks. If you do not give INZ the information we ask for, your accreditation may be revoked.

How the checks are carried out

INZ may complete checks to confirm you are meeting your obligations as an Accredited Employer Work Visa (AEWV) employer.

INZ check a proportion of accredited employers each year. A check can occur at any time while you are accredited. When choosing who to check, INZ makes sure that they select employers from a range of sizes and types.

INZ checks can be either desk-based or through site visits.

Information INZ may request

INZ try to do our checks using public information and information already held by MBIE. If INZ need more information, they may contact you, or in some cases, they may do a site visit.

You should make sure that, wherever possible, you have systems collecting this information. You do not need to record information separately if you already collect it through HR, accounting, or other processes. The following are examples of the information INZ may look or ask for as part of a post-accreditation check.

You have a viable, genuine business

- a. Evidence may include, but is not limited to:
 - i. GST or PAYE records that show the IRD number for your business
 - ii. financial statements that show your business is financially viable.

NOTE

To show you are financially viable your financial statements need to show that your business has either:

- not made a loss over the last 2 years, or
- had a positive cash flow each month for the last 6 months, or
- enough capital or external investment to remain viable, or
- a credible 2-year plan to make sure it stays viable, for example, revenue forecast or cash flow projection.

If you have standard accreditation, you can hire up to 5 migrants in total. Other types of accreditation have no limit.

You can apply to change your accreditation type. For example, you may want to change from standard accreditation to controlling third party accreditation (also known as triangular employer accreditation), or vice versa. To change your accreditation type, you must re-apply for accreditation and pay the full accreditation fee.

You need to hold controlling third party accreditation before you can place migrants with controlling third parties.

You are mindful of key people

You may need to provide evidence that key people in your organisation continue to meet immigration requirements.

Evidence may include, but is not limited to:

- i. documentation to show you regularly check to make sure these key people have not been temporarily stopped from recruiting migrant workers (that is, they are not on the stand-down list of non-compliant employers maintained by the Labour Inspectorate).
- ii. declarations from these key people that they have not breached any employment or immigration laws or have any pending cases against them.
- iii. details of those key people and their consent to share relevant information with INZ.

Remember, you have to contact INZ within 10 working days if there are changes to the key people in your organisation.

You are being a responsible employer

You need to show that you are complying with the relevant employment and immigration legislation. Evidence of this may include, but is not limited to:

- b. Visa conditions
 - i. documentation of the checks on the visa status of your AEWV workers and the expiry dates on their visas (you can check VisaView)
 - ii. records that show you remind AEWV workers about their visa expiry date

- iii. if there is a minimum and maximum number of hours on their visas, documentation of how you make sure they are not allowed to breach those limits.

Other employment responsibilities

Evidence may include, but is not limited to:

- iv. certificates showing that anyone in your organisation who makes decisions about hiring migrant workers has completed the online learning modules about employer responsibilities
- v. records of any complaints and proof you have followed the correct resolution procedures
- vi. keeping a risk and accident register
- vii. proof that you offer your employees health and safety training
- viii. records of the hours worked, payment of wages and PAYE, and holidays and leave taken by your AEWV employees
- ix. showing employment agreements for every AEWV employee.

You are helping your migrant workers settle here

You need to meet INZ requirements around helping AEWV employees settle in New Zealand within their first month of employment. Evidence could include:

- a) induction plans that show you have built in time for your AEWV employees to complete the online learning modules about their employment rights
- b) certificates showing they have completed the online learning modules
- c) correspondence confirming you gave them paid time to complete the modules
- d) copies of the settlement support information you have provided to your AEWV employees.

If you are placing AEWV holders with a controlling third party

You need to have controlling third party accreditation when placing migrants with third parties while being the direct employer named in the employment agreement. You need to make sure that the third party you are working with:

- a) is not exploiting your migrant workers
- b) meets INZ requirements.
- c) You need to monitor the work conditions and safety of the AEWV holders during their placement with a controlling third party.

Evidence may include, but is not limited to [Processes, agreements, placements and terms of business]:

- a) copies of the third party's process documents and health and safety induction material
- b) documentation from the controlling third party of complaint, dispute and incident resolution
- c) declarations and / or terms of business between the employer and the third party
- d) records of the communications with AEWV holders while they are placed with the third party
- e) records of placement details of AEWV holders, including start and finish dates, regions and sites where the AEWV holders are working
- f) records of issues raised, how the issue was investigated and resolved, the outcome of resolving the issue and what you have done to make sure it does not happen again
- g) proof that, of the staff you place, there is the correct minimum percentage of New Zealanders.

Site visits, inspections and audits - Evidence may include, but is not limited to:

- a) records of your agreements with controlling third parties that we can carry out site visits
- b) records of ongoing site visits, and findings from any inspections
- c) any independent third-party audit findings.

[PLEASE NOTE. Restaurant Association members are strongly advised to seek guidance from the helpline team on 0800 737 827 if you have any questions. The Restaurant Association has taken all reasonable care to ensure that the information materials contained on our website are true and correct at the time of publication including this resource. The information provided is general information only and is not intended to constitute legal advice. Therefore, the Restaurant Association accepts no responsibility for any loss, errors or omissions which may arise pertaining to such reliance.]

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