


# A Practical Guide to Becoming an Accredited Employer

We have created this free resource to help you navigate the process of becoming an Accredited Employer – to ensure you meet the correct criteria outlined by Immigration New Zealand.



**From 2021 Immigration New Zealand will introduce new rules under which an employer **MUST** be accredited to hire any migrant worker on the new Temporary Work Visa.**

These changes are intended to reduce the exploitation of temporary foreign workers; place emphasis on employing and training more New Zealanders; and ensure that temporary foreign workers are only recruited for genuine shortages in New Zealand.



# Introduction

There will be three levels of Employer Accreditation:

1. *Standard accreditation for employers who hire 1-5 migrant workers in a year*
2. *High-volume accreditation for employers who hire 6+ migrant workers in a year*
3. *Labour hire employer accreditation*

Most employers are likely to need standard accreditation, though of course there will be exceptions.

Both Standard and High-Volume Employer Accreditation will initially last for 12 months – and then upon renewal, 24 months. Employers with Labour Hire Accreditation will need to renew this annually.

The Requirements for Standard Accreditation	The Requirements for High-Volume + Labour Hire Accreditation
<p>To get Standard Accreditation you must:</p> <ul style="list-style-type: none"> <li>• Not be on a non-compliant stand-down list — a list of employers who have broken employment law.</li> <li>• Comply with any relevant industry or regulatory standards.</li> <li>• Have no history of non-compliance in your dealings with Immigration New Zealand.</li> <li>• Be in a financially sustainable position.</li> </ul>	<p>As well as meeting the requirements for Standard Accreditation</p> <p>High-Volume (and Labour Hire) employers will need to make and demonstrate commitments to:</p> <ul style="list-style-type: none"> <li>• Training and upskilling New Zealanders.</li> <li>• Increasing wages and conditions for workers.</li> </ul>



# How to Get Accredited

The first step will be for all prospective employers to get accredited. This means Immigration New Zealand need to approve you to employ migrant workers. And when this new rule comes into effect, it will become more difficult to meet the accreditation as the government ideally wants you to employ New Zealanders, particularly post-COVID.

In order to grant Accreditation, Immigration New Zealand must be satisfied that an employer:

- A. *Is in a sound financial position to determine if the employment is sustainable; and*
- B. *Has human resource policies and processes which are of a high standard; and*
- C. *Has good workplace practices, including a history of compliance with all immigration and employment New Zealand laws; and*
- D. *Has a demonstrable commitment to training New Zealand citizens or residence class visa holders (to ensure they are engaged in training and up-skilling New Zealanders and that they make up a significant part of their workforce) \*\**

You'll need to be able show INZ that you meet all of the criteria for accreditation.

## A. Sound Financial Position

To be approved, you will need to show proof that you can sustain employment and the additional staff you seek to employ. So, you should provide thorough business records to show the financial position of the business – including annual reports, financial statements, and business plans.

Ideally your business should have at least 2 years of trading history and business records to demonstrate financial sustainability. However, if it does not, it won't necessarily prevent the grant of accreditation status – it will just make your case more complex and require a well-thought-out strategy to demonstrate sustainability, which we can provide. Likewise, if your company has been running at a loss or is deliberately run at a loss, your case will be more complex, but it won't necessarily prevent Immigration New Zealand approving the Accreditation status application.

## B. High-Standard of Human Resources Policies & Processes

You need evidence that you actively comply with current employment standards and have in place good

workplace practices and policies to make the work environment safe and free from discrimination; create working relations that are fair and equitable; provide opportunities for upskilling and development; ensure pay equity and pay parity.

The following documentation may be submitted with your application to evidence this:

- *An organisation chart showing how many people you employ and the areas they work in*
- *Documents outlining your human resource policies and processes*
- *Health and Safety documents*

You will also need up-to-date employment contracts – so it is likely that many employers will need to review their contracts to ensure that they are current (see Section C).

With so much documentation involved, getting it correct and to the place where it is going to be approved by Immigration New Zealand is difficult, and that's where our expertise comes into play. We'll review and assess your documentation – identifying areas of weakness, and setting a strategy for improving it and addressing any areas of concern.

## C. Good Workplace Practices

Good Workplace Practices includes a history of compliance with all immigration and employment New Zealand laws, including:

- The Immigration Act 2009
- The Accident Compensation Act 2001
- The Minimum Wage Act 1983
- The Health and Safety at Work Act 2015
- Wages Protection Act 1983
- Parental Leave and Employment Protection Act 1987
- The Employment Relations Act 2000
- The Equal Pay Act 1972
- The Holidays Act 2003
- The Code of Practice on the management of alcohol and drug related issues in the workplace

Do not forget these more recent law changes that need to be incorporated into your Employment Contracts and workplace processes, too:

- Domestic Violence Victims' Protection Act 2018
- Parental Leave Scheme
- Keeping in Touch Days
- Privacy Act 2020
- The Employment Relations (Triangular Employment) Amendment Act 2019
- Equal Pay Amendment Bill

If you have been investigated for a breach or found to have breached any of these laws you will definitely need specialist advice on how to proceed with accreditation, as it will be a more complex case.

## D. Demonstrate a Commitment to Training and Recruiting Locals\*\*

You will need to show you actively train New Zealand citizens or residence class visa holders when possible (and that these make up the majority of your workforce) – to help show you're not going to rely only on overseas workers.

That training will need to show upskilling in areas that provide readily transferrable skills, or new skills for lower-skilled staff or newly hired employees, creating pathways for promotion and pay rises. The training should not just be related to learning in order to perform the role. It should be ongoing, not just one-off or sporadic training, but part of an overall systemic approach to professional development.

You must also be able to demonstrate that you have a commitment to recruiting from the local labour market. This is generally done by evidence of historic advertising that has been placed for vacancies that arose in the 12 or 24 months prior to the application for accreditation status.

\*\* High Volume and Labour Hire Only

Certain things will make your case more complex, and necessitate expert advice, such as not advertising any vacancies recently.


Employers may need to be able to identify the ratio of New Zealanders and resident visa holders versus temporary work visa holders. This is a complex element of the accreditation status assessment that causes significant issues in applications where an employer has a high ratio of employees who hold work visas.

It is also important that if there has been engagement with Work and Income New Zealand to fill entry-level positions – and evidence of that engagement should be available. Active engagement with Work and Income is becoming increasingly important in an employer's interface with Immigration New Zealand.

## How long will it take to get Employer Accreditation?

After submission it will generally be 8 – 12 weeks until Immigration New Zealand allocate the application to an officer to assess. A decision from that point can be very quick but is entirely dependent on whether or not issues are identified that require further clarification and documentation in order to address any identified concerns.

During the process Immigration New Zealand will also contact external agencies including ACC and any relevant unions active within the employers' industry as well as Work Safe. Verification with these agencies can add to processing times. Current advice is to leave at least 3 months lead time, to be safe.



**Processing times are likely to become longer as the number of applications flood in from New Zealand employers trying ensure they can renew work visas for existing staff and not to disrupt future hiring plans.**



# Go through the Accreditation Application with NZIL to simplify the process

These new changes will be particularly difficult for smaller businesses that do not have the resources to employ HR staff to update contracts and gather all required documentation.

Gaining accreditation with us can simplify the many complexities in the process, and ensure your application is successful.

## What we will help you with:

As part of the Accreditation process a business owner must demonstrate to Immigration New Zealand that they are a good employer – and we will help you make a strong case to Immigration New

Zealand that you can and do meet all of their requirements, ensuring your business has a strong and secure pathway for the smooth recruitment of talent and much-needed workers from offshore.

## How we work with our clients:

We like to work in partnership with our clients as we move through all parts of the Accreditation process. Sometimes this involves us stepping in to assist an application that has run into problems; alternatively, it may involve us managing an application through ALL stages from start to finish.



The work we do on your application might include (as required):

- Updating your HR policies – we have an HR partner who can take care of this for you, to make sure all of your documentation is spot-on.
- Reviewing and assessing the existing documentation – identifying areas of weakness and setting a strategy for improving the documentation.
- Obtaining necessary documentation to address issues of concern that will be focused on by Immigration New Zealand.
- Assessing the final application, preparing it and submitting the application to Immigration New Zealand – our promise is that we will not let your application get to the submission stage without being confident that it will pass.
- Dealing with any issues raised by Immigration New Zealand after their assessment.
- Managing the application through to conclusion.

## Our advice? Get accredited sooner rather than later.

Yes, borders are currently closed, but they won't be shut forever, and it's likely the government will look to allow overseas workers in sooner rather than later to avoid impeding New Zealand's economic recovery. It takes time to get accredited, so if migrant workers are important to your business, now is the time to get ahead of

the curve – before it becomes urgent.

Although right now it's not mandatory to be accredited; but in 2021 it will be. These are new industry standards that EVERYONE has to meet. It might seem like an afterthought now, but if you get Accredited now, before new law comes into effect, you'll skip the chaos and the queues when everyone rushes to do it all at once.

### Next steps:

If you need support in applying for and gaining your new Employer Accreditation, contact New Zealand Immigration Law (NZIL). We can help set you up for success, take the workload off your plate, and ensure you're approved for hiring the migrant workers you need in 2021.




## **Aaron Martin, Principal Immigration Lawyer at New Zealand Immigration Law**

Based in Auckland, Aaron Martin is one of New Zealand's most highly regarded practitioners of immigration law, with over 20 years of experience in assisting individuals and business clients. He is also well-versed in general legal practice and has a thorough working knowledge of tax and commercial law, particularly helpful for investor applicants and entrepreneurs wishing to establish businesses in New Zealand.

 [questions@nzil.co.nz](mailto:questions@nzil.co.nz)

 +64 (0) 9 869 2952

 15 Fairlea RD, Te Atatu South  
Auckland