



6 May 2014

## **CODE FOR EMPLOYING OVERSEAS STAFF**

1. **Preamble.** The labour market in New Zealand necessitates engaging overseas staff on short term contracts, usually to provide agricultural machinery operations during the harvest season. Employing persons from overseas carries some responsibility for their general health and welfare while in the employ of a member.
2. Failure to provide overseas staff with an enjoyable and productive work experience can reflect badly upon the contractor, the Association, the industry and the country, and may lead to negative comment in social and other media.
3. **Code for employing overseas staff** is as follows:
  - (a) Members shall where ever possible, provide employment with or without training to New Zealand residents in the first instance.
  - (b) Members shall when engaging staff from overseas, provide in writing a true and accurate picture of the work environment, conditions and benefits offered.
  - (c) Members shall ensure an Employment Agreement is signed by both parties before the employee commences work and that the employee is given one of the two copies.
  - (d) Members shall not deduct or withhold any wages without the full and knowledgeable agreement of the employee. Where such deductions are made, the employee shall give written approval (this can be recorded on the Employment Agreement).
  - (e) Members shall ensure that the employee is paid as a minimum, the market rate for the work being performed taking into account, experience, locality and actual work to be performed. Where bad weather or other natural occurrence prevents normal work being performed, other alternative work is to be offered if possible.
  - (f) Members shall ensure that the employee's working hours are in accordance with normal industry standards and do not breach any relevant legislation or guidelines.
  - (g) Members shall when providing accommodation, ensure that the accommodation is of a suitable standard and meets the basic level of hygiene, comfort and accommodation that is expected in New Zealand.
  - (h) Members shall charge for accommodation, food, utilities and other necessities at a rate that is fair and in conformity with accepted New Zealand charges.
  - (i) Members shall ensure that should the employee require any form of health services, they are advised of the location of such services and provided the time to attend any appointment made.
  - (j) Members shall not hold employees passports or other items of value as security but may do so for safe keeping if requested by the employee. Such items are to be promptly returned to the employee when requested and are not to be withheld for any reason.
  - (k) Members shall have an up to date Health & Safety Policy in place which is applied in an ongoing manner and about which the employee is made fully aware.
  - (l) Members shall ensure that employees are provided with an induction process covering work requirements and matters relating to living in New Zealand.
  - (m) Members shall ensure that all documentation relating to approval to work in New Zealand such as visas, taxation (IR595 and IR330), and drivers licence are in order and are valid for the duration of the employment period.
  - (i) Members shall promptly advise Immigration New Zealand where any overseas employee breaches a work visa or immigration permit to which the member is a party.