

# INFORMATION FOR MIGRANT WORKERS

## A guide to work and work rights in New Zealand

This guide is for people intending to work during their time in New Zealand. It explains your minimum employment rights and what to do and where to go if you need further information or assistance, particularly in terms of employment and immigration matters.

Employment relations and workplace health and safety in New Zealand are the responsibility of the Department of Labour. The Department provides information and support to employers, employees, unions and workplaces, including helping to resolve employment problems.

Immigration is the responsibility of Immigration New Zealand, which is a service of the Department of Labour.

### WHAT TO DO BEFORE YOU LEAVE YOUR HOME COUNTRY

Before you make any decisions about working in New Zealand, carefully research the industry you will be working in. Some good ways of gaining information are to talk to others who have worked in New Zealand, and visit the websites of New Zealand-based organisations for your industry. Being fully informed will help you to know what to expect in New Zealand and will make your experience more enjoyable. Details of some helpful organisations are listed at the end of this guide.

### WHAT ARE YOUR MINIMUM EMPLOYMENT RIGHTS IN NEW ZEALAND?

New Zealand has employment law in place to protect all workers from being treated unfairly at work. As an employee in New Zealand you have the right to be free from any form of bullying, harassment or discrimination based on colour, race, ethnicity, age, disability, religion, political affiliation, employment status, sexual orientation and marital or family status. Every employee must have a written employment agreement. It can be either an individual agreement or a collective agreement. It is important that you understand and agree to your conditions of employment before you start work.

#### Wages

You have the right to be paid no less than the minimum wage, which is an hourly pay rate set by the Government,

### WHO TO CONTACT

**For all employment-related matters, including workplace health and safety:**

DEPARTMENT OF LABOUR CONTACT CENTRE

Calls within New Zealand: Freephone 0800 20 90 20

Website: [www.dol.govt.nz](http://www.dol.govt.nz)

**For all immigration-related matters:**

IMMIGRATION NEW ZEALAND CONTACT CENTRE

Calls from within New Zealand but outside Auckland:

Freephone 0508 55 88 55

Calls from Auckland: 09 914 4100

Calls from outside New Zealand: +64 9 914 4100

Website: [www.immigration.govt.nz](http://www.immigration.govt.nz)

or at a rate which is above the minimum wage as agreed by you and your employer. Unless it is for tax purposes, your employer needs to get your written consent to make deductions from your pay, or to pay your wages to you in a form other than cash.

#### Holidays

You may have the right to be paid for public holidays, annual holidays, sick, bereavement or parental leave.

#### Union membership

You have the right to join a union, an organisation run by employees that seeks to protect and improve wages and working conditions. Unions can help you with any problems or questions you have regarding your workplace and your employment rights.

### WHAT SHOULD YOU DO IF YOU BELIEVE YOUR MINIMUM EMPLOYMENT RIGHTS HAVE NOT BEEN MET?

There are many different government and non-government organisations in New Zealand who provide information and support to migrants and workers. These organisations do not charge for their services. If you feel that you are being treated unfairly in your workplace, you could contact any of the organisations listed overleaf. The Department of Labour can also assist with mediation between you and your employer.

## WHAT SHOULD YOU DO IF YOUR EMPLOYMENT IS TERMINATED WHILE YOU ARE IN NEW ZEALAND?

If your employment is terminated while you are in New Zealand you should approach your nearest Immigration New Zealand office (our Contact Centre will advise you where it is) as soon as possible to advise us of your situation and apply for a new temporary visa.

Before an employee starts work, the employer and the employee can agree in a written employment agreement to a trial period of up to 90 days. If the employment ends within this 90 days, an employee cannot bring an unjustified dismissal claim. The Department of Labour may be able to offer mediation in these situations. If you believe that your termination is unfair, contact the Department.

## EMPLOYMENT AND HEALTH AND SAFETY ISSUES

There are minimum employment rights and obligations relating to health and safety at work. In particular:

- Your employer must provide a safe working environment, proper training, supervision and equipment.

- You must take reasonable care to keep yourself safe, and avoid causing harm to others through the way you do your work.
- You have the right to refuse work likely to cause yourself serious harm. You also have the right to participate in improving health and safety in your workplace.

## STUDENTS

If you are studying in New Zealand you must comply with the conditions of your visa, including any work conditions noted. International students eligible for work rights are generally allowed to work up to 20 hours per week during the year and full time during the Christmas/summer holidays. The ability to work must be visible on your visa or in an approval letter from Immigration New Zealand. Please check your visa and your approval letter for the conditions that apply to you.

*There are organisations and services to help you while living and working in New Zealand.*

## INFORMATION ABOUT EVERYDAY LIVING

If you want to find out more about everyday living in New Zealand, such as:

- renting a flat or house
- support networks
- the New Zealand medical system
- understanding schools
- recreation and New Zealand culture

Go to [www.immigration.govt.nz/settlement](http://www.immigration.govt.nz/settlement) or [www.ssnz.govt.nz](http://www.ssnz.govt.nz)

## SETTLEMENT SUPPORT NEW ZEALAND (SSNZ)

[www.ssnz.govt.nz](http://www.ssnz.govt.nz)

*(This website has contact details for 18 SSNZ services across New Zealand.)*

SSNZ is a national support network that directs new migrants and their families to local services they need during their first years in New Zealand. SSNZ is your first point of contact for free information and services to help you settle well in New Zealand.

Calls from within New Zealand: Freephone 0800 77 69 48

## COMMUNITY LAW CENTRES

[www.communitylaw.org.nz](http://www.communitylaw.org.nz)

*(This website has contact details for all centres across New Zealand.)*

Community law centres provide a range of community legal services including legal advice, legal assistance and representation, legal information, legal education and law reform activities.

## NEW ZEALAND COUNCIL OF TRADE UNIONS (CTU)

[www.union.org.nz](http://www.union.org.nz)

The CTU has 40 affiliated unions, including the New Zealand Nurses Organisation for nurses and caregivers, and the Amalgamated Workers Union for agricultural workers and labourers. The unions represent over 350,000 union members.

The CTU can put you in contact with the appropriate union for your industry. The unions can help you with any difficulties you are having in your workplace by providing advice and representation.

Calls from within New Zealand: (04) 385 1335

## INLAND REVENUE DEPARTMENT

[www.ird.govt.nz](http://www.ird.govt.nz)

Inland Revenue can give you information to help you understand your tax obligations and entitlements in New Zealand.

Calls from within New Zealand: Freephone 0800 22 77 74

Calling from outside New Zealand: +64 4 978 0779

Calling hours: 8am to 8pm Monday to Friday; 9am to 1pm Saturday

**Your country's Embassy, Consulate or High Commission in New Zealand may be able to help and advise you on any difficulties you may be experiencing.**