

IMPORTANT INFORMATION FOR FOREIGN FISHING CREWS WORKING IN NEW ZEALAND WATERS

Welcome to New Zealand. Your work visa allows you to work in New Zealand fishing waters, for the employer and in the position specified on your visa, until it expires. New Zealand has rules regarding your rights as an employee and what foreign workers can do. It is very important you are aware of these.

Your rights

Below are the basic legal rights of foreign crew employed on fishing vessels in New Zealand waters.

- You must be given a written employment agreement specific to your employment in New Zealand waters and you must be given a copy of it in your own language. This will tell you what your pay is, how it is calculated, and when and how it will be paid. It will also detail the other terms and conditions of your employment, including what to do if you have a disagreement with your employer.
- You have the right to seek independent advice about your employment agreement before you sign it.
- You must be paid according to the terms and conditions in your New Zealand employment agreement. These terms and conditions must meet, or be better than, minimum requirements set by Immigration New Zealand as a condition of granting your work visa.
- The minimum requirements are:
 - a. Your wages must be deposited by your employer into a New Zealand bank account in your name, unless you request otherwise. You can request to be paid in cash. In all cases payments must be made directly to you, while you are in New Zealand.
 - b. You must be paid at least the specified minimum wage rate for foreign fishing crews. You can check the current minimum rate at the Immigration New Zealand website immigration.govt.nz/wages.
 - c. You must be paid at least 42 hours per week on average over the course of your employment. This must be paid even if you cannot work this much (such as due to bad weather).
 - d. The only deductions that can be taken from your pay are for:
 - Food – deductions for food must be based on actual costs. They also cannot be more than an amount equal to 10% of the minimum wage, calculated on the hours you have worked.
 - Visa fees – to check visa fees visit immigration.govt.nz/fees or call +64 9 914 4100 during business hours.
 - The cost of your airfares to and from New Zealand, if this was paid by your employer.
Note: Deductions for food, visa fees and airfares are **not** allowed to take your pay below the New Zealand minimum wage, calculated on the hours you have worked.
Note: You can agree with your employer that you will pay back money for any personal expenses you request such as phone cards and cigarettes. This must be in writing.
 - e. **No other deductions can be taken from pay.** This includes accommodation, health insurance and protective equipment or protective clothing.
- Check your employment agreement to find out what your pay is and how it is calculated. Remember, nothing in your employment agreement allows you to be paid less than the minimum pay outlined above.
- **Working on a New Zealand-owned or New Zealand-flagged vessel** may entitle you to extra pay for working public holidays, and to annual holiday pay. You should get this after 12 months service or at the end of your employment. You may also be entitled to a payment if you cannot work because you are sick.

- You must be paid for all of the hours you work. Hours of work in the fishing industry can vary. Your employer must keep records of the hours you work, which you should sign. We also encourage you to keep your own record of the hours you work.
- You have the right to work in a safe environment. New Zealand does not tolerate violence against workers or unsafe working conditions. If you experience violence or unsafe working conditions you can complain to Employment New Zealand or the Police. The Police or Employment New Zealand will look into the complaint on your behalf.
- If you are injured or hurt, you should report it to your employer.
- Your employment agreement will include a procedure for resolving any disputes you have with your employer. This includes any dispute over how much you are paid, or your living and working conditions. If you have an employment problem try to resolve it using these procedures.
- **You always have the right to independent representation** (separate from any recruitment agent used to secure employment) in any matter that arises between you and your employer.
- If you want to know more about these issues, have any other questions, or want to make a complaint you can:
 - Contact your NZ employer.
 - Contact Employment New Zealand through their website employment.govt.nz or call **+64 9 969 2950** during business hours.

Employment New Zealand is the government department in charge of employment relations. Call them during business hours, ask for 'Connecting Now' and tell them which language you speak. Hold the line and they will get an interpreter within a couple of minutes.
 - Contact any other relevant union or other crew representative.

Your obligations

- You are only allowed to work for the employer and in the job stated in your work visa. If you work in any other job or for any other employer, you will breach the conditions of your visa and become liable for deportation.
- If your work visa expires, you will be in New Zealand unlawfully and you must stop working and leave New Zealand. You can appeal the obligation to leave New Zealand to the Immigration and Protection Tribunal within 42 days of your visa expiring. If you do not lodge an appeal, you can be taken into custody and deported. This means you could not come back to New Zealand in the future.
- If you have any questions about your immigration status, contact the New Zealand company whose ship you are working on, or contact Immigration New Zealand by calling **+64 9 914 4100**. If you do not speak English, we can provide information in your language. When you connect with an operator say the language you speak. Stay on the line and we will get an interpreter to join the call. Do not end the call while you are being connected.
- You can also verify the details of your current visa using the Visa Verification service on immigration.govt.nz/visa-verification.

Remember

- You cannot work on land or for another employer. **If you do so, we will take action to deport you from New Zealand and prohibit you from returning.** Do not believe anyone who tells you otherwise.
- If anyone approaches you to suggest you leave your ship to work onshore, report this to your ship's officers or your New Zealand agent.
- Ensure your seaman's book is always updated. You may require this information for future employment and work visas.

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