

November 2017

INZ 1227



Labour Hire Employer Accreditation Application

Under Essential Skills Work Instructions

Information for labour hire employers

The objective of accreditation is to allow accredited labour hire employers to supplement their own New Zealand workforce in their core area of business activity through the recruitment of workers who are not New Zealand citizens or residence class visa holders.

What is a labour hire employer?

A labour hire employer is an employer who employs and outsources workers for short or long-term positions to third parties with whom the employer has a contractual relationship to supply labour.

What is a labour hire 'accredited employer'?

An accredited labour hire employer is an employer who has had an application for accreditation to employ persons under the Essential Skills Work Instructions approved by Immigration New Zealand (INZ).

Applications for labour hire employer accreditation

Applications for labour hire employer accreditation must be made on this form and be accompanied by the application fee (see our Fees Guide (INZ 1028)). Completed applications should be sent to: Business Migration Branch, Immigration New Zealand, PO Box 27149, Wellington.

Accreditation criteria

For a labour hire employer to qualify for accreditation, INZ must be satisfied that the employer:

- is in a sound financial position
- has human resource policies and processes of a high standard
- has a demonstrable commitment to training and employing New Zealanders
- has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987, and the Holidays Act 2003, and
- will comply with all the labour hire employer requirements and obligations set out in WK5.5 of the INZ Operational Manual.



Accreditation assessment

When deciding whether to grant accreditation, INZ will consider all the information and evidence supplied in the employer's application for accreditation, and will take into account such factors as:

- the period for which the employer has been a going concern
- whether the employer has an intention to maintain accreditation throughout the period of currency of any visas granted to their employees under the Essential Skills Work Instructions, and
- the number of New Zealand and migrant workers employed by the company.

INZ is required by the Essential Skills Work Instructions to be satisfied that all the information and documents included in an application for employer accreditation are genuine and accurate, and may take any steps it considers necessary to verify such information or documents, including interviews. It may also, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises. (Where any information is identified by the employer as commercially sensitive, and is provided to INZ in confidence, INZ will seek the consent of the employer for the disclosure of that information.)

INZ will consult with relevant unions and other employee representatives when determining whether the employer has human resource policies and processes of a high standard, a commitment to training and employing New Zealanders, and good workplace practices.

Labour hire employers must consent to INZ seeking information from other groups within the Ministry of Business, Innovation and Employment, WorkSafe New Zealand, and the Accident Compensation Corporation concerning the employer's compliance with New Zealand's employment laws. Where such consent is not given, the application for accreditation will be declined.

Duration of accreditation

Approved labour hire employers are granted accreditation for 12 months. Accreditation may be renewed annually, on application by the employer, provided INZ is satisfied the employer still meets accreditation requirements. A lower fee is payable for accreditation renewal.

Labour hire employer requirements and obligations

Before accreditation is granted a labour hire company must agree to meet the following conditions and obligations for the duration of the accreditation. They must agree to:

- offer employment agreements that:
 - meet the employment requirements set out Essential Skills Work Instructions
 - exclude a trial period provision
 - specify a rate of pay not less than the market rate for New Zealand workers in the specified occupation, and
 - contain employment terms and conditions equivalent to those of workers employed by the company with whom the worker is placed and
- ensure that any third party to whom they hire out a migrant worker has good workplace practices and also meet the conditions of accreditation.

Offers of employment by labour hire accredited employers

Offers of employment made by accredited employers to non-New Zealand workers under the Essential Skills Work Instructions must be:

- for genuine employment in New Zealand in the capacity or position stated
- for employment in the accredited employer's core area of business activity
- for full-time employment (that is, amounting to, on average, at least 30 hours per week)
- compliant with the labour hire employer conditions and obligations listed above
- current at the time the holder's work visa application is assessed, and at the time he or she is granted a multiple entry work visa
- compliant with all relevant employment law in force in New Zealand*, and
- when submitted by the holder to INZ, accompanied by evidence of full or provisional registration (or of eligibility for such registration) if registration is required by law for that person to take up the offer.

Accreditation may be refused or rescinded

An employer's application for accreditation will be declined if an employer does not meet the criteria for accreditation, or if INZ considers that accrediting that employer would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

Accreditation may be rescinded or not renewed if INZ considers an employer's conduct has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies.

Applications for reconsideration

There is no statutory right of appeal against a decision by INZ to decline an application for accreditation, however INZ will reconsider a decline decision if the employer provides new information and does so promptly. Any application for reconsideration must be made in writing and must be accompanied by the reconsideration fee. INZ's decision on a reconsideration is final.

Importance of maintaining accredited employer status

Employers are asked to note that, if their accreditation application is approved, it is important to keep their accredited employer status current by obtaining annual renewals. Employers who fail to renew their accreditation, or whose conduct results in their accreditation being rescinded or not being renewed, may jeopardise the ability of any employees holding work visas to retain their work visas and may result in them becoming liable for deportation.

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, Immigration New Zealand will return your application.

For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

Work entitlement

It is an offence under the Immigration Act 2009 to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work through Immigration New Zealand's online VisaView system. For more information or to register please visit www.immigration.govt.nz/visaview. Disclosure of information through VisaView is authorised by legislation.



* Compliance with relevant New Zealand employment law includes but is not limited to:

- a written employment agreement that contains the necessary statutory specified terms and conditions
- meeting holiday and special leave requirements and other minimum statutory criteria
- meeting occupational safety and health obligations

When filling in this form, please write clearly using CAPITAL LETTERS.

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Labour Hire Employer Accreditation Application

Under Essential Skills Work Instructions

Section A Employer details

This form must be completed and signed by a person who has authority to make representations and enter into agreements on the employer's behalf. Please answer all questions. If any question does not apply please answer "N/A" for "not applicable".

A1 Employer's name

A2 Employer's legal status

(eg limited liability company, sole trader, partnership)

New Zealand Business Number

For help search: www.nzbn.govt.nz

A3 Name of person completing this application for accreditation

Family/last name

Given/first name(s)

A4 Position or title

A5 Employer's contact details.

Name of contact person if different from that given at **A3**

Company name (if applicable) and physical and postal addresses

Telephone (daytime) Telephone (evening)

Fax Email

Website

A6 Employer's Canterbury branch contact details (if not provided under A5)

Name of contact person

Company name (if applicable) and physical and postal addresses

Telephone (daytime) _____ Telephone (evening) _____

Fax _____ Email _____

Website _____

A7 Name and address for communication about this application

Same as address at **A5** or Other *Give details below*

Name of contact person

Organisation name (if applicable) and address

New Zealand Business Number (for New Zealand businesses only) _____

For help search: www.nzbn.govt.nz

Telephone (daytime) _____ Telephone (evening) _____

Fax _____ Email _____

A8 Do you authorise the person stated at **A7** to act on your behalf? Yes No

A9 Do you authorise all other licensed immigration advisers or persons exempt from licensing who work for the organisation named at **A7** to act on your behalf (if applicable)?

Yes *Note: the person identified at **A7** will receive all communication from Immigration New Zealand.*

No *Only the person indicated at **A7** may act on my behalf.*

A10 Have you received immigration advice on this application?

Yes *Please make sure that your immigration adviser completes Section I: Immigration adviser's details.*

No

i You can find a definition of immigration advice at www.immigration.govt.nz/advice

A11 If your application for accreditation is approved, do you wish your contact details to be published on the list of accredited employers on the INZ website at no cost to you?

Yes No

Section B Employer's need for accreditation

B1 How many non-New Zealand workers you are likely to recruit in the first year (if known)? _____

Of these, how many will be located into the Canterbury region (Christchurch, Selwyn, and Waimakariri District Councils areas.)? _____

B2 If your application for accreditation is approved, do you intend to maintain your employer accreditation for the period of currency of any work visas granted to any of your employees under the Essential Skills Work Instructions?

Yes No

B3 What type of employment positions are you intending to fill as an accredited employer?

Section C Employer's business details

C1 How many years has the business been operating?

C2 When was the business established?

C3 Number of current employees (including management)

C4 Number of current employees (including management) located outside the Canterbury region

C5 Number of employees who are New Zealand citizens or residence class visa holders

C6 Industry sector

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Accounting/Finance | <input type="checkbox"/> Education & Training | <input type="checkbox"/> Human Resources | <input type="checkbox"/> Sales & Marketing |
| <input type="checkbox"/> Administration & Customer Service | <input type="checkbox"/> Engineering & Science | <input type="checkbox"/> Information Technology | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Advertising, Media, PR | <input type="checkbox"/> Film/Video | <input type="checkbox"/> Legal | <input type="checkbox"/> Telecommunications |
| <input type="checkbox"/> Agriculture, Forestry & Fishing | <input type="checkbox"/> Government (central) | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Tourism & Accommodation |
| <input type="checkbox"/> Arts/Cultural/Entertainers | <input type="checkbox"/> Government (local) | <input type="checkbox"/> Restaurant/Catering | <input type="checkbox"/> Water, Gas, Electricity |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Healthcare | <input type="checkbox"/> Retail | |

Other (please specify)

C7 Please give brief details of your business (if further details are given in a separate document please state this).

Type of business

Products or services

Targeted customers

Marketing and promotion activities

Suppliers

Distributors

C8 Does your business have any business partnerships with other overseas businesses?

Yes *Provide details of overseas businesses, including their location, activities, and nature of your business relationship*

No

Section D Business record

D1 Is your business registered with the Companies Office? Yes No

D2 Have you, or any of the directors or managers of your business, ever been declared bankrupt?

Yes *Provide details including names, dates and when discharged.*

No

D3 Have you or any of the directors or managers of your business ever been investigated by the Serious Fraud Office or the New Zealand Police for any offences arising in the course of, or resulting from, business dealings?

Yes *Provide details including name, date and outcome and any penalty imposed and/or remedial action required.*

No

D4 What evidence can you provide of your business record and financial position? (Where possible, information supplied should cover at least two financial years. The more evidence you can enclose, the sooner INZ will be able to complete its assessment of your application.)

Available	Business record information available	Evidence enclosed with application?
	Please tick to show whether information is available and whether evidence enclosed with your application. Where any information listed is contained in another document, please state this (eg "See annual reports attached").	
<input type="checkbox"/>	Startup company/new business – no evidence of established business record	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Our business reputation and history in the marketplace as a successful established business	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Annual reports	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Business plans	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Sets of accounts certified by an accountant	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	GST returns showing turnover, revenue and expenses	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Profit and loss statements	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Cash flow statements	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Statements of financial position	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Companies Office registration details, showing directors, shareholders etc	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Other evidence (please specify below)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section E Human resources

E1 Have you attached an organisation chart showing the structure of your business, the number of people employed, and the areas in which they are employed?

Yes No

E2 Does your business have written human resource policies and/or procedures?

Yes *Attach evidence*

No

E3 Who normally has overall responsibility for human resource or personnel matters in your business?

Name of person responsible | _____

Position or title | _____

E4 Who is normally responsible for staff recruitment in your business? (Eg yourself, human resource manager, local managers, recruitment agency.)

| _____

E5 What checks will be carried out to verify information provided by foreign workers being considered for employment in your business? (If staff recruitment is contracted to a recruitment agency, please state this and attach a written statement from the recruitment agency describing what checks that agency will carry out on your behalf.)

References/referees | _____

Qualifications or training certificates | _____

Section F Workplace practices

F1 Has your business ever been found to be in breach of employment or labour law by the Ministry of Business, Innovation and Employment or WorkSafe New Zealand, or by any New Zealand tribunal, authority or court? (This includes any breaches of the Minimum Wage Act, the Health and Safety at Work Act, the Employment Relations Act, Wages Protection Act, Parental Leave and Employment Protection Act, the Accident Prevention, Rehabilitation and Compensation Act, and the Holidays Act.)

Yes *Give details including type of breach, date of notification by the Ministry of Business, Innovation and Employment or WorkSafe New Zealand (or date of tribunal, authority or court decision) and penalty imposed or remedial action required. (If full details are set out in an attached document please state this.)*

No

| _____

F2 Has your business ever been found to be in breach of the provisions of the Immigration Act 2009 or the Immigration Act 1987?

Yes Give details including: type of breach, date of notification by INZ (or date of court decision if convicted), penalty imposed or remedial action required. (If details are set out in an attached document please state this.)

No

F3 What organisations are you associated with as an employer?

Name of organisation/association	Organisation's contact details (if known)		
	Phone	Fax	Email

F4 Does your business have union representation in the workplace?

Yes Provide details

No

Name of union	Union's contact details (if known)		
	Phone	Fax	Email

As advised in the 'Accreditation assessment' section on page 2, Immigration New Zealand will consult with relevant unions as part of the application process. It may be helpful if you inform the unions listed above that you are applying for accreditation under the Essential Skills Work Instructions.

Section G Training details

G1 What training does your business provide to New Zealand employees? Support your statement with evidence – for example, of any in-house training and development programmes, or involvement with any New Zealand Industry Training Organisation (ITO), or funding of employees' attendance at training courses by external training providers, and/or any other evidence that you consider demonstrates your commitment to employing and training New Zealanders. (If details are set out in an attached document please state this.)

G2 Under the Essential Skills Work Instructions, INZ must seek information from the Ministry of Business, Innovation and Employment Labour Inspectorate, WorkSafe New Zealand, and the Accident Compensation Corporation, concerning your compliance with New Zealand’s immigration and employment laws.

Note: if you do not give your consent to INZ seeking this information from these agencies, your application for accreditation will be declined.

Do you consent to INZ seeking information concerning your compliance with New Zealand’s immigration and employment laws from the agencies listed above?

Yes No

Section H Labour hire accreditation conditions

To be granted labour hire employer accreditation, you must agree to meet the following conditions and obligations for the duration of the accreditation.

You must tick each box to show your agreement with the conditions and obligations listed below

I agree to offer employment agreements that:

- meet the employment requirements set out in WK3.5 of the INZ Operational Manual
- exclude a trial period provision
- specify a rate of pay not less than the market rate for New Zealand workers in the specified occupation
- contain employment terms and conditions equivalent to those of workers employed by the company with whom the worker is placed

I agree to ensure that any third party to whom they hire out a migrant worker has good workplace practices and also meet the conditions of accreditation.

Section I Declaration by employer

This section must be read and signed by a person who has authority to make representations and enter into agreements on the employer’s behalf.

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

I understand that if I make any false statements, or provide any false or misleading information, or have changed or altered this form in any way, this application for accreditation may be declined, and that I may also be committing an offence under sections 342 and 348 of the Immigration Act 2009 and may be liable to prosecution.

I understand that I am required to inform Immigration New Zealand about any relevant changes to the circumstances of my business that occur after I lodge this application.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as a labour hire accredited employer under the Essential Skills Work Instructions.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, Immigration New Zealand will return my application.

If I am found to breach New Zealand immigration or employment law this will adversely affect my ability to maintain and/or renew my labour hire employer accreditation in the future.

I understand that if I fail to comply with the conditions listed in this form at Section H: Labour hire employer accreditation conditions, and those set out under WK5.5 of the INZ Operational Manual, this may result in the accreditation being rescinded and adversely affect any future accreditation application.

I authorise Immigration New Zealand to make any enquiries it deems necessary in respect of the documents or information provided in respect of this application, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for approval as an accredited employer under the Essential Skills Work Instructions.

Note: where any information is identified by the employer as commercially sensitive and is provided in confidence to Immigration New Zealand, and Immigration New Zealand considers that disclosure of that information is necessary for the processing of this application, it will seek the consent of the employer for the disclosure of that information.

I accept that any advice given to me by Immigration New Zealand before lodging this application was intended to assist me, and that acting on that advice does not mean that this application to be an accredited employer under the Essential Skills Work Instructions will be approved.

Signature of employer _____

Date

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Job title or position _____

Section J Immigration adviser's details

This section must be completed by the employer's immigration adviser. If the employer has authorised all advisers within an organisation to act on its behalf at [A9](#), only the person named at [A7](#) must complete this section. If the employer does not have an immigration adviser, this section does not have to be completed.

J1 Tick the one option that applies to you.

- I am a licensed immigration adviser under the New Zealand Immigration Advisers Licensing Act 2007. Go to [I2](#)
- I am exempt from licensing under the New Zealand Immigration Advisers Licensing Act 2007. Go to [I3](#)

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence, unless you are exempt.

J2 Licensed advisers. Provide your licence details.

Licence type

- full provisional limited. List conditions specified in the register.

Licence number

2	0																		
---	---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

 Go to Section J: Declaration by person assisting the applicant.

J3 Exempt from licensing. Tick one box below to show why you are exempt from licensing.

- I provided immigration advice in an informal or family context only, and I did not provide the advice systematically or for a fee.
- I am a New Zealand member of Parliament or member of their staff and I provided immigration advice as part of my employment agreement.
- I am a foreign diplomat or consular staff.
- I am an employee of the New Zealand public service and I provided immigration advice within the scope of my employment agreement.
- I am a lawyer and I hold a current practising certificate as a barrister or as a barrister and solicitor of the High Court of New Zealand.
- I am employed by, or I am working as a volunteer for, a New Zealand community law centre where at least one lawyer is on the employing body of the community law centre or is employed by or working as a volunteer for the community law centre in a supervisory capacity.
- I am employed by, or I am working as a volunteer for, a New Zealand citizens advice bureau.

Go to Section J: Declaration by person assisting the applicant.

Section K Declaration by person helping the employer

This section must be completed and signed by the employer's immigration adviser, or by any person who has assisted the employer by providing immigration advice, explaining, translating, or filling in the form for the employer. If the employer does not have an immigration adviser, and no one helped the employer to fill in this form, this section does not have to be completed.

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence.

For more information, go to the Immigration Advisers Authority website www.iaa.govt.nz, or email info@iaa.govt.nz or write to them at PO Box 6222, Wellesley Street, Auckland 1141, New Zealand.

Name and address of person assisting employer. Same as name and address given at A6, or as below.

Family/last name

Given/first name(s)

Organisation name (if applicable) and address

New Zealand Business Number (for New Zealand businesses only)

For help search: www.nzbn.govt.nz

Telephone (daytime)

Telephone (evening)

Fax

Email

I understand that after the employer has signed this form it is an offence for me to change or add further information, change any documents attached to the form, or attach any further documents to the form. However, if changes are needed, the person making the changes must state on the form what information or documents have been changed or attached and give reasons for the changes or attachments.

I note that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to seven years.

I certify that the employer asked me to help them complete this form and any additional forms. I certify that the employer agreed that the information provided was correct before signing the declaration.

I have assisted the employer as an interpreter/translator.

I have assisted the employer with recording information on the form.

I have assisted the employer in another way. Please specify

I have provided immigration advice (as defined in the Immigration Advisers Licensing Act 2007) and my details in Section I: Immigration adviser's details are correct.

Signature of person assisting

Date

Application checklist

OFFICE USE ONLY	Information and documents you must supply	CHECK LIST
<input type="checkbox"/>	I have read the declaration, and signed and dated the application form.	<input type="checkbox"/>
<input type="checkbox"/>	I have enclosed the application fee or authorised a credit card payment.	<input type="checkbox"/>
<input type="checkbox"/>	I have checked that all supporting documents required by this form or indicated by me as being attached, are either attached or enclosed for submission with the application.	<input type="checkbox"/>

Send your completed application to:

Business Migration Branch
 Immigration New Zealand
 PO Box 27149
 Wellington 6140
 New Zealand

About the information you provide

Deciding whether you are eligible to become an accredited employer

Immigration New Zealand collects the information about you on this form to decide whether you are eligible to be an accredited employer under the Essential Skills Work Instructions. We may also use the information to contact you for research purposes or to advise you on immigration matters.

The address of Immigration New Zealand is PO Box 1473, Wellington 6140, New Zealand. **Do not send your application to this address.**

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

Immigration New Zealand may also share the information you have provided with other government agencies that are entitled to it by law, or with other agencies (as you have agreed in the declaration).

You have the right to access the information we hold about you and have any of it corrected if you think it is necessary.

For more information

If you have questions about completing this form:

- see our website **www.immigration.govt.nz**
- telephone our call centre on 0508 558 855 (within New Zealand)
- contact one of Immigration New Zealand's offices.

Immigration New Zealand has offices in Apia, Bangkok, Beijing, Dubai, Ho Chi Minh City, Hong Kong, Jakarta, London, Manila, Moscow, Mumbai, New Delhi, Nuku'alofa, Pretoria, Shanghai and Suva.

Our New Zealand offices are located in Auckland, Henderson, Manukau, Hamilton, Palmerston North, Wellington and Christchurch.

You can also contact your nearest New Zealand Embassy or New Zealand High Commission.

Section L

Paying your application fee

See our *Fees Guide (INZ 1028)* or our website www.immigration.govt.nz/fees for more information about current fees and payment methods.

Your application fee

Amount you are paying:

NZD

Application number
(office use only)

Preferred methods of payment

We recommend that you use one of the following methods of payment for better security and faster processing:

Bank cheque/bank draft

Credit card* (choose one)

Mastercard

Visa

Name of cardholder

Card number

Expiry date

Signature of cardholder

Date

Other methods of payment

Cash. *Our New Zealand branches do not accept cash.*

We do not accept money orders.



