

VISA PAK ISSUE 281 — 14 OCTOBER 2016

CHEFS – LONG TERM SKILL SHORTAGE LIST AND ASSESSING SUBSTANTIAL MATCH UNDER ANZSCO

Long Term Skill Shortage List

There has been a lot of discussion recently about the inclusion of Chef (ANZSCO 351311) on the Long Term Skill Shortage List (LTSSL). This Visa Pak provides information on why it is currently on the LTSSL, the occupation in general including the hierarchy of a kitchen, and substantial match under ANZSCO.

The position of chef is included on the LTSSL, which is found at Appendix 4 of the Operations Manual. The requirements for of the LTSSL are:

- One of the following qualifications (or an International Qualifications Assessment from the New Zealand Qualifications Authority stating an overseas qualification is equivalent):
 - New Zealand Certificate in Cookery (Level 4)
 - National Certificate in Hospitality (Cookery) (Level 4)
 - New Zealand Diploma in Cookery (Advanced) (Level 5) (Relevant strand is Cookery)

AND

- a minimum of five years' combined experience in establishments offering a la carte/banqueting or commercial catering INCLUDING a minimum of two years at Chef de Partie (Section Leader level or higher).

The LTSSL requirements highlight the level of an occupation where there is currently a skill shortage. This means that New Zealand has a shortage of

qualified

chefs with more than

five years'

experience –

including two years

which must have been at the level of Chef de Partie or higher – in an establishment offering a la carte/banqueting dining or commercial catering.

There is currently **no shortage** in New Zealand of the following examples:

- unqualified chefs
- recent graduates with no experience
- chefs with five years' experience in a takeaway restaurant.

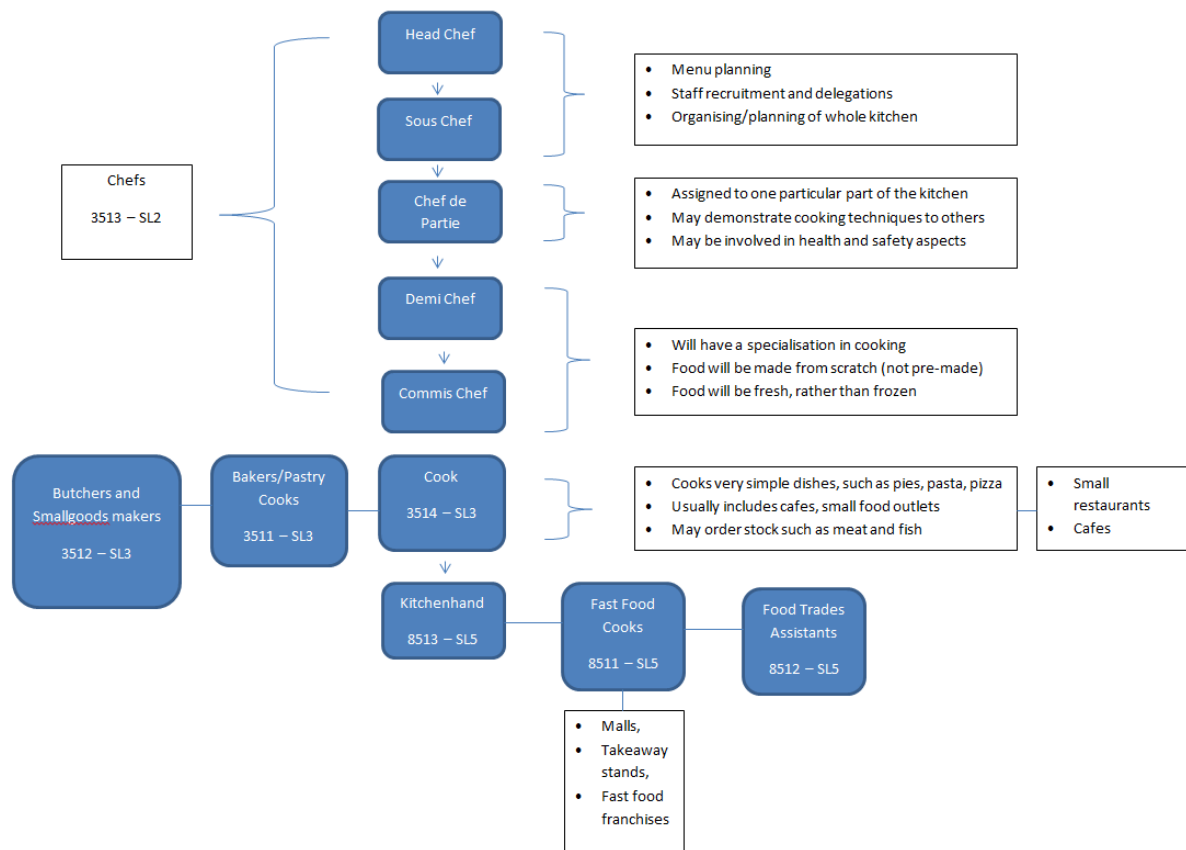
Normal labour market tests apply in these situations and any applicants that fall under these examples will not meet the requirements of the Work to Residence category. The shortage is for chefs with the experience required on the LTSSL; not for cooks, fast food cooks or kitchenhands, or those applicants who are chefs but they do not have the required experience and qualifications described above.

A number of applicants are applying for visas as 'chefs' and believe that they meet the long terms skill shortage requirements, therefore no labour market test (LMT) is required. Often the position offered, or their previous experience, falls under ANZSCO codes such as 351411 (Cook) and 851111 (Fast Food Cook), therefore meaning the normal LMT applies. The issue then becomes whether the position offered is a substantial match to the ANZSCO code claimed by an applicant/employer.

Substantial match with ANZSCO

Visa Pak Issue 124 (9 August 2013) provided a report on the differences between Chefs, Cooks and Fast Food Cooks. Information in this report may aid immigration officers in determining whether an applicant meets the requirements of Chef, or whether they fall under Cook or Fast Food Cook.

Below is a guideline for different roles within this industry. This can be used to help determine the difference between positions which are a shortage, and which are not. Please ensure that if an applicant applies for a visa on the basis of being a chef, the immigration officer reviews the job description, the place of employment, and the applicant's previous work experience, including menus and job descriptions from applicant's previous employers.



All applications must be assessed on a case by case basis and immigration officers need to assess the applicant's overall responsibility and their actual tasks against the ANZSCO description.

Any applicants who are applying for a visa as a Chef, but the immigration officer has reason to believe they meet a different ANZSCO code, or their experience does not meet the long term skill shortage requirements, should be sent a PPI letter on the assessment of their skill level, and/or on not meeting genuine attempts to recruit New Zealand citizens/resident class visa holders (if recent evidence of advertising has not been provided).

Questions to ask when having difficulty determining which ANZSCO they fall under:

1. Do they plan the menu? (It needs to be more than just a few seasonal dishes). Simply having a small variation between summer and winter menus is often not sufficient.
2. Do they source their own ingredients (English language will often be a factor here).
3. Are they either: a) in charge of organising the kitchen and staff; or b) making food from scratch? Either may indicate they are a Chef. If they are not making food from scratch (i.e. cannot explain how to make particular sauces on the menu) then this suggests the food is pre-made and therefore may not meet ANZSCO requirements.
4. Where do they sit in terms of market rate? If they are in the lower end of the range, this may suggest that they do not have the experience required for meeting the LTSSL or be a substantial match with ANZSCO. There have been instances

of applicants claiming to be Chefs but are being offered minimum wage, or just above – which means that they are offered wages that are the same for cooks and kitchenhands.

5. Is the business a franchise? For example, companies which have standardised menus and often photos of the meals stuck above the counter. Often the way the food is cooked is standardised, although they may claim that they have added a few dishes that are distinct from other franchises. This may not be sufficient to constitute as menu planning. Franchises also tend to have their suppliers nation-wide already set. A key role for a chef is sourcing ingredients.
6. Who sets the prices? For franchises, these are often the same across all businesses.

Documents that can be requested if having difficulty:

- Organisational structure – This will give you an indication of how many chefs should be required in the kitchen; where an applicant sits within the kitchen structure
- Stock orders – This will show what kind of food and ingredients are ordered. For example fresh ingredients versus frozen ingredients; who undertakes the ordering
- Menus – will help determine if previous experience claimed meets the a la carte requirements for the LTSSL; whether the applicant meets the ANZSCO requirements for Chef or is more likely to be a Cook.