



RECOGNISED SEASONAL EMPLOYER (RSE) POLICY

Employment Fact Sheet

Important information for workers in New Zealand under the Recognised Seasonal Employer (RSE) policy

Welcome to New Zealand. Your RSE visa allows you to work for the Recognised Seasonal Employer that has offered you employment until it expires or is revoked. New Zealand has rules regarding your rights as an employee and what you can do. It is very important that you are aware of these.

Your rights when working in New Zealand

Below are your basic legal rights as a worker in New Zealand.

- You must have a written employment agreement that both you and your employer have agreed to. Your employer must provide you with a copy. Your employment agreement will tell you about your pay, deductions and other employment conditions.
- Your employment agreement will specify the terms and conditions of your entitlements which include such things as your working hours, holiday and sick leave allowances. Keep a copy for yourself.
- Your employer must provide a safe workplace for you with proper training, supervision and equipment.
- New Zealand has a minimum wage and you must be paid no less than that rate. The minimum wage rates are reviewed every year. Information on the current minimum wage is provided on the Ministry of Business, Innovation & Employment website www.dol.govt.nz/er/pay.

What you must do

- You can only work for the employer in the job that is stated on your RSE work visa.
- You are expected to fulfil all the requirements in the contract you signed with your employer.
- You must complete work tasks the way your employer has trained you.
- Make sure you arrive on time and are reliable in your work and try your hardest. If you do not meet your legal obligations at work you could lose your job.
- Work steadily and look after yourself while you work. If you don't understand something, don't be shy about asking your supervisor. There is no shame in this and your employer will expect to be asked questions particularly while you are new in the job.
- You must leave New Zealand when your work has finished, or before your RSE visa expires or if your permit is revoked. If you stay in New Zealand illegally, you may be subject to removal and be banned from returning to New Zealand for a five year period.

What your employer must do

Your employer will pay for half of your airfare costs from your country of origin to New Zealand. If you are a citizen normally resident in Tuvalu or Kiribati, your employer will pay half of your airfare costs between Fiji and New Zealand.

Your RSE employer will arrange accommodation for you while you are in New Zealand, but it is your responsibility to pay for the accommodation.

Migrant workers must be employed on the same terms and conditions as New Zealand workers. You will be paid the same as a New Zealander doing the same job with the same level of experience.

You will find that more experienced workers usually receive more than new workers. You should also receive a higher rate once you have gained experience and achieved higher skill levels.

Under Immigration New Zealand requirements your employer must:

- pay you no less for doing the same job than they would pay a New Zealand citizen or resident with the same level of experience
- ensure that you are provided with an induction programme
- ensure you have suitable accommodation
- cater for your pastoral care needs, like services and community groups that help you with health issues, shopping, sport and attending church
- ensure you have transport to and from your worksite, provide assistance with personal banking
- provide personal protective equipment where required
- provide onsite facilities (such as toilets and clean water)
- and provide language translation (as appropriate).

When things go wrong

- If you have a disagreement with your employer including how much you are paid or about your working conditions, try and resolve the issue with your employer straight away or by following the procedure that is in your employment agreement.
- If you have a problem please talk to your employer or team leader about it. The problem cannot be dealt with if people do not know about it. If you are not happy with the response, contact your Labour Inspector, or Compliance Officer.
- If a problem can't be resolved, parties can go to mediation, either through the Ministry of Business, Innovation & Employment's mediation services or through independent mediators. If this does not resolve the problem, employers or employees can go to the Employment Relations Authority for a determination.

- The RSE Labour Inspectors and Compliance Officers from the Ministry of Business, Innovation & Employment will be able to help you resolve any problems you will have with your Employer.
- If you are dismissed from your employment, you will not be eligible to remain in New Zealand. If you get into trouble with New Zealand law, your employment may come to an end, and you may be requested to leave New Zealand.

Annual holidays, public holidays and sick leave

Annual holidays

- Temporary workers who work in New Zealand for less than one year are entitled to eight per cent annual holiday pay of their total before-tax wages. Some employers include holiday pay in your weekly pay and others will pay it to you at the end of your employment. If it is included in your weekly pay, you should be able to identify it separately in your pay slip. Holiday pay is wages and as such is taxable.
- For example: if you are usually paid \$15.00 for every bin of apples you fill, and you fill 40 bins by the end of the week, you will be paid \$600 for the week. If your employer includes your annual holiday pay in your weekly pay, you will be paid \$648. The additional \$48.00 (which is eight percent of \$600) should be shown separately as annual holiday pay in your pay slip.

Public holidays

- You will also be paid for those public holidays that occur on a day that would normally have been worked by you had it not been a public holiday. New Zealand has 11 public holidays a year. These are: Christmas Day (25 December); Boxing Day (26 December); New Year's Day (1 January); 2 January; Waitangi Day (6 February); Good Friday (the date varies each year); Easter Monday (the date varies each year); ANZAC Day (25 April); Queen's Birthday (1st Monday in June); Labour Day (4th Monday in October); and Provincial Anniversary Day (the date depends on the province in which you work.)
- You are not required to work on New Zealand public holidays unless your employment agreement says that you are required to work. If you work on a public holiday, you will be paid at least time and a half for the time you actually work on a public holiday. It doesn't matter whether you are paid on a wage or piece rate basis. For example: if you are usually paid \$15.00 per hour, on a public holiday you should be paid at least \$22.50 per hour which is $\$15.00 \times 1.5$ or time and a half.
- If you work on a public holiday that falls on a day you would normally work, your employer must give you a day off at a later time. This is called an 'Alternative Day'. If you have not taken any alternative days at the end of your employment, your employer must pay these days out to you at the rate of pay for your last day of work.
- You and your employer may agree that you transfer your public holiday to another day as long as this is in writing and the day that to which you transfer your public holiday would have been a working day for you.

- If you do not work on a public holiday, but it is a day you would normally have worked, your employer must still pay you for the day as normal.

Sick leave and bereavement leave

- After six months employment you will be entitled to five days sick leave and three days bereavement leave. You can take sick leave if you are sick or injured and you can take bereavement leave if a close family member dies while you are working in New Zealand. You may be required to provide a medical certificate within three days of taking sick leave and the employer must pay for your expenses in getting this proof.
- Under RSE policy, you must hold, or be approved for, acceptable medical insurance for the length of your stay in New Zealand.

Trial periods

- You and your employer can agree to a trial period of up to 90 days. This agreement must be in your signed employment agreement before you start work. If you are dismissed before the trial period finishes you cannot take a personal grievance for unfair dismissal. You cannot be employed on a trial period more than once with the same employer.

Helpful information

- You should keep your own records of the days and hours that you worked. Check your records against the pay slip that you receive.
- You require an Inland Revenue number to work in New Zealand. Your employer may assist you in obtaining this, or you can contact the Inland Revenue on 0800 227 774 (free call in New Zealand).
- You or your employer cannot change the conditions of your employment agreement without mutual agreement between yourself and your employer.
- If you have any questions about your immigration status or the Recognised Seasonal Employer immigration policy, you can call Immigration New Zealand on 0508 55 88 55 or contact your local Labour Inspector, Compliance Officer or Relationship Manager.
- If you followed immigration and employment rules while you are in New Zealand you may be able to return to work for an RSE in the next season. There is no limit to the number of times you can come to New Zealand as a worker under the RSE policy if you are invited and prepared to do so.

Your contacts

If you have any questions or problems while working in New Zealand you can contact your local Labour Inspector, Compliance Officer or Relationship Manager. These officers will assist you and provide you with help or any information you require. You can contact any of these officers by calling 0800 20 90 20 (free call in New Zealand).