

Labour FAQ's

ISSUE 2 SEPTEMBER 2024



Note:

The variation of conditions application can only be used if the workers had **NOT** been offered employments under the old rules.

Similarly, if you have received an increase from the recent allocations, you cannot add those numbers to your existing ATRs. Please file a new application.

Note: If your ATR was submitted or approved **before 2 September 2024, and your workers had already been provided with IEAs, you cannot withdraw these.**

For more information, see here: [RSE changes from 2 September 2024 | Immigration New Zealand](#)



Visa Applications before the 1 October 2024 increase

On 1 October 2024, most visa charges will increase. Customers whose applications are declined will need to pay the new charges if they reapply.

For more information about the new visa charges, go here: [Submitting applications before visa charges increase on 1 October 2024 | Immigration New Zealand](#)

To save time and money, Immigration NZ is reminding people to only apply when they have all the documents needed, reducing the chance that the application is declined. Immigration NZ does not refund fees for declined applications.

Employers need to provide evidence about their organisation when applying for accreditation. If they plan to apply for a Job Check, they should understand the advertising requirements for their role first. For more information, go here: [The accreditation and Job Check process](#)

Employers supporting a migrant to apply for a visa, such as an Accredited Employer Work Visa, should encourage them to gather all the evidence Immigration NZ needs before applying, to avoid delays. For more information, go here: [Visas that allow you to work](#)

Q. On the new RSE visa form (I142), the question at C2 asks “how many seasons a worker has previously worked?”:

C2 How many seasons have you previously worked for an RSE? Tick the box that applies to you:

- None, I have not previously worked for an RSE
- 1 season
- 2 or more seasons

In line with policy, should this read – no seasons / 1 or 2 seasons / 3 or more seasons?

A. The question is how many seasons they have previously worked. Immigration Officers (IOs) will check how many seasons worked previously. If the worker answers none or 1, then they are applying for their 1st or 2nd season and IOs would expect them to be earning at least the minimum wage. If they answer 2 or more, then they are applying for their 3rd season and they would expect at least the minimum wage +10%.

Note: that the onshore application (C1 – see below) is worded a little differently, because they will be in New Zealand already, working in a specific season.

C1 How many seasons have you worked for an RSE (including this season)? Select one tick box:

- This is my first or second season
- This is my third season or more

Q. Now the 30-hour minimum is not applicable each week, RSE workers may receive \$0 or negative pay once deductions are made. Has this been considered?

A. Yes, there are no minimum rules around this, but employers are urged not to end up in this scenario. We encourage you to consider pausing deductions, to ensure that workers have sufficient funds to buy food and pay their essential living expenses.

Employers must ensure that “negative pay” does not occur. Deductions from wages can only occur each week, if the worker has actually earned wages. Deductions are also only permitted in accordance with what has been approved by the RSE Unit.

Q. If a worker only does 25 hours in a week, can you still deduct rent, insurance and transport or is that classed below minimum wage?

A. The instructions do not set a minimum remuneration for a one-week period. The law currently allows deductions to be taken from minimum wage if there is written consent. However, RSE workers can withdraw their consent to any deductions at any time.

The Labour Inspectorate strongly encourages employers to consult with workers when pay becomes low and deductions would reduce earnings to a point where workers could not cover their living expenses.

Use of vehicles

Q. Is there a clear line between vehicle use for work and vehicle use for private?

A. Work related travel can't be passed on to workers but a nominal cost for the use of vehicles for personal use can.

Induction, and health and safety (H&S)

Q. Standardised Inductions – Is there some kind of induction handbook to follow?

A. The Puatuanofu workshop run by WorkSafe is highly recommended for H&S. Industry groups also have induction templates to follow (NZEE) but templates need to be personalised to the business and business system of the organisation. They also need to meet the requirements of the various legislation.

Q. What are good practices for H&S Committee with RSE?

A. Depending on the size of the workplace, having a team leader representative from each of the countries you recruit from participate in the committee is effective.

Having a worker representative nomination process is also effective. This should be translated and include details of the role that person will fulfil on behalf of their workmates.

