

Tips for passing the Job Check

If your business employs migrant workers, or would like to do so, it is important to understand how the requirements for employers have changed.

The Accredited Employer Work Visa (AEWV) framework has replaced most work visa categories in New Zealand. Unlike previous frameworks, the AEWV category requires employers to drive the process and cover a lot of the cost.

The AEWV involves completing a 3-step process:

1. Accreditation – employers **must** be accredited to hire migrant workers on an AEWV
2. [Job Check](#)
3. AEWV

In practice, it is the Job Check that is causing issues and delays for employers. This is due to incomplete or incorrectly prepared applications. The Job Check involves the assessment of 3x key documents:

1. Job Check application form
2. Individual Employment Agreement (IEA) template, including job description
3. Advertising (if required)

We have put together some tips to help employers pass the Job Check stage.

Tips for the Job Check

1. Get your Individual Employment Agreement (IEA) reviewed

The IEA must be compliant with employment law. It should include:

- Job title

- Location
- Hours of work
- Job description
- Employer name
- Duration and type of employment eg. permanent or fixed term
- Details of pay and conditions, including paid leave entitlements
- A statement that time and a half will be paid for work on a public holiday
- An explanation of how employment relationship problems can be resolved

It must also meet (additional) immigration law requirements:

- Pay period of no more than 1 month
- Minimum guaranteed hours of work – at least 30 per week
- Maximum hours to be worked before overtime is payable, including overtime rates
- Maximum hours to be worked, including any overtime
- Recruitment, training and compulsory equipment costs cannot be passed on. This is to comply with an employer's [post accreditation obligations](#).
- If travel or changing locations is part of the role then it needs to be in the IEA and should not have the potential to disadvantage the employee.

2. Draft advertisements carefully

Advertising must be listed on a national platform like Seek or Trademe, and for at least 14 days. This is unless an employee meets [Green List](#)

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[requirements](#) or is being paid double the median wage (\$59.32 hourly). The advertisement needs to include all of the below:

- Location
- Job description with key tasks
- Minimum and maximum rate of pay
- Estimated actual earnings if they are not guaranteed e.g. commission rates
- Minimum guaranteed hours of work – must be at least 30 per week
- Minimum qualifications, work experience or other skills needed to do the job.

The advertisement should be taken down before a Job Check is submitted. It must also be less than 90 days old when the Job Check is submitted.

3. **Don't be too specific when setting minimum skills**

When drafting the application form and job advertisement, only list qualifications, experience and other skills necessary to do the job. If the requirements are too specific the authorities will question whether the advertising attempts were genuine.

It is also important to avoid going too narrow with the minimum requirements. If you find a migrant worker who is suitable but does not have the exact skills you have listed in your advertising and application form, the job check cannot be used.

4. **Check the Green List carefully**

It is not enough for an occupation to be included on the Green List. To avoid advertising the preferred candidate must also meet the listed qualification, experience or hourly rate requirements. For example, the Green List can only be used to avoid

advertising for a Software Engineer if the individual will be paid \$61.69+ hourly.

5. **Include your full salary banding for the role**

A broad salary banding should be included in the advertising and application form. This will cover the full range of potentially suitable candidates and avoid a situation where an employer cannot use a job check because the minimum and maximum rates fall outside what the preferred candidate has been offered.

The salary banding must be at New Zealand market rate.

6. **Be consistent**

The details in the IEA, advertising and application form should be consistent e.g. salary banding and minimum requirements to do the job.

Want to know more?

If you have any questions about Job Checks, please contact our specialist [Immigration Team](#).