

Visa extensions announced

[Changes to onshore visas](#) will provide employers and visa holders with more certainty, Immigration Minister Kris Faafoi has announced.

Around 10,000 Working Holiday visas and Supplementary Seasonal Employment (SSE) work visas due to expire between 21 June 2021 and 31 December 2021 will be extended for another six months to help manage ongoing labour shortages while New Zealand's COVID-19 border restrictions remain in place.

SSE visa holders will also be given open work rights, allowing them to work in any sector. "This will provide employers with an assurance that they can continue to access the current onshore workforce to help fill roles.

"It will also put the minds of visa holders at ease knowing they can stay and work in New Zealand for the foreseeable future," Immigration Minister Kris Faafoi said. "We will continue to monitor the border and labour market situations and will extend these visas again if necessary."

Essential Skills work visas will not be extended again, but the duration of Essential Skills visas for jobs paid below the median wage will increase from six to 12 months taking them back to pre-COVID settings. The implementation of the stand-down period for these jobs will also be further postponed until July 2022.

Alongside these changes to Essential Skills work visas, from 19 July, visa applications will be assessed against the updated median hourly wage rate of \$27. This pay rate will determine whether jobs are treated as higher or lower paid. The wage rate was set following public consultation.

Employers paying under the median wage can still access migrant workers but will need to check with the Ministry of Social Development to see whether a registered job seeker is available. Immigration New Zealand will contact all visa holders eligible for the Working Holiday or SSE visa extension by 25 June 2021.

Notes:

- Working Holiday visas expiring between 21 June and 31 December 2021 will automatically be extended for six months.
- SSE work visas expiring between 21 June and 31 December 2021 will automatically be extended for six months with open work rights allowing them to work in any sector.
- Anyone onshore who has previously held a temporary work visa will still be able to apply for a SSE work visa. New visas granted under this category will be restricted to work in the horticulture and viticulture sectors.
- The median wage increase will apply to Essential Skills work visa applications, as well as Skilled Migrant Category residence applications and the Other Critical Worker border exception category.

- The implementation of the stand-down period is being further postponed until July 2022. The stand-down period requires people on lower-paid Essential Skills work visas to leave New Zealand after a certain amount of time before they can apply for another lower-paid work visa.

More serious fines for migrant exploitation

The Employment Relations Authority have issued a determination ordering SS & PK Jador Limited, trading as Clevedon Road Liquor in Papakura, to pay \$50,000 for breaching minimum employment standards.

The liquor store's director, Satnam Singh Jador, is also personally liable for \$20,000 of penalties as a person involved in these breaches.

After proceedings were initiated in the Employment Relations Authority (ERA), the company repaid \$97,361.66 to four employees after accepting minimum wage, premium and holiday arrears were owed. The employer had kept two sets of records - one to show the real/actual hours worked and another set to show hours worked as per the employment agreement.

The company made these repayments after mediation was undertaken by the Labour Inspectorate, which meant the employees didn't have to wait for the ERA decision to receive their arrears.

The \$50,000 and \$20,000 penalties resulted from the company's failure to provide the minimum wage for all hours worked, charging and receiving premiums, holiday and leave breaches and record keeping breaches.

The ERA agreed with the Labour Inspectorate that these breaches were intentional. They also noted this case had the hallmarks of exploitation, due to the vulnerable position of the workers affected with regards to their immigration status.

"These offences are a case of blatant disregard for minimum employment standards," says Loua Ward, Regional Manager, Labour Inspectorate. "The majority of employers do the right thing and treat their workers well. However, we continue to see workers in the liquor industry who are not receiving a fair day's pay for a fair day's work. Cases of worker exploitation in New Zealand will not be tolerated."

New measures have come into force as of 1 July 2021 to help combat migrant worker exploitation – see following story. These include a new visa to support migrants to leave exploitative situations quickly and remain lawfully in New Zealand, as well as a dedicated 0800 number and web form to make it easier to report migrant exploitation.

[Source](#)

New migrant exploitation measures

[New measures](#) have come into force on 1 July 2021. The changes are part of a wider Government initiative to combat all forms of exploitation, supported by \$50 million in funding over 4 years.

The new measures include:

- a new visa to support migrants to leave exploitative situations quickly and remain lawfully in New Zealand. This visa will be valid for up to 6 months.
- a new dedicated 0800 number and web form to make it easier to report migrant worker exploitation.

The primary focus of these new initiatives is to make it easier for migrant workers to report exploitation and ensure migrants are able to leave exploitative situations as quickly as possible. The changes will be supported by a substantial increase in funding for compliance and enforcement through Employment New Zealand and Immigration New Zealand. This will help ensure they're better resourced to respond to reports of exploitation and take action.

This article is brought to you by AdviceWise People, who provide WGANZ's free employment helpline 0800 692 384. If you have any questions or would like to discuss the bulletin above, please call Philip or Anthony.