

CORPORATE NEWSLETTER

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Dear Reader,

This, our Employer newsletter provides information about immigration which we consider to be relevant to Corporates and Employers. We also produce a separate 'business' newsletter focusing on entrepreneurs and investors, and a 'migrant' newsletter offering advice to prospective and recent migrants to NZ.

This newsletter concentrates on the 'Labour Market' from both an employer and Immigration perspectives. This issue covers:

- What went wrong for the Engineers
- Free Recruiting Toll from MBIE
- Retail Managers - Resident Applications
- Changes in Employment Legislation
 - ~ Health & Safety at Work
 - ~ Paid Parental Leave
 - ~ Employment standards

Sincerely,
 Bill Milnes

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TESTIMONIALS

"I recently had the pleasure of working with Laurent Law who helped me immensely in obtaining my work permit and then with my residence.

My case was a difficult one as I had already been declined a work visa previously for the same position. But with Bill's knowledge and understanding of INZ, we were able to re-apply successfully.

I would personally like to thank you for all your hard work and effort, and will definitely recommend your services to anyone in the future. After going through this process now, I will definitely recommend that individuals should rather seek your services from the start and not attempt to go at it alone in the future.."

Charles

"My experience dealing with James of Laurent Law was delightful. Having to extend my work visa was a nerve-wrecking month for me but Laurent Law helped me throughout the entire process.

They have excellent knowledge with immigration cases and were very friendly. I could sleep easily at night knowing that the best immigration lawyers in New Zealand were dealing with my case. I am now a very happy recipient of a NZ work visa. Thank you Laurent Law."

Verdi

Why did the Engineers leave?

When we phoned, he said, "*We have supported engineers [through the immigration process] twice so far and have found that there is a lot of following up with immigration to keep the wheels rolling. Plus the fact that both times the Engineers have ended up returning home due to their wives wanting to go back home*".

Two issues of frustration for this employer - the hassle and time involved 'following up' on the progress of the application and the loss of important employees.

1. A lot of following up -

There really shouldn't be delays in processing by Immigration New Zealand (INZ) if full and relevant documentation was provided with the application. There are three critical documents - the Position Description, the job ad and the CV.

Position Description - must provide enough **relevant** information to INZ if they are to understand just what the job entails and how it compares with the tasks identified in ANZSCO. The closer the match, the easier it is for the visa to be granted, provided the position meets the **Labour Market Test**.

The Job ad - INZ requires that evidence be provided proving that the **labour market test** has been met - i.e. are there NZers available who could, with reasonable training, fill the position? Unless the position is on the Skills Shortages Lists, it will be necessary to advertise the position, and in most cases to list it with Work & Income (W&I).

Do not use a generic, catch-all type advert. It must be very closely linked in detail to the PD, and of course, not exclude the applicant because his CV does not fit.

His other comment:

the Engineers have ended up returning home due to their wife/partner wanting to go back home.

This is sadly all too common, but understandable when the migrant's situation is considered. If no attempt is made to assist the partner into employment, or at least for her [usually a her] to get involved in voluntary work, don't be surprised when homesickness and loneliness become a deal breaker.

If you want to retain this skilled person into whom you have invested considerable time and resource, your investment in that person can't stop with the employee.

You would not buy a vehicle and not put fuel in it. If you want to minimise the risk of a negative return on your investment in your new employee, it is important that efforts are made to facilitate as far as is reasonable, employment of some sort, or at least out-of-home interests, for the partner and schooling for any children.

Most, schools, churches and charities would be delighted to have someone come in on a voluntary basis and s/he would gain a new interest and colleagues which could lead to employment.

Because of the perceived risk that migrant workers could be taking jobs from NZers, work visa applications can be among the most difficult types of applications to prepare. We have available a 40 stage process we work through when preparing a successful work visa application. Please email bmilnes@laurentlaw.co.nz if you'd like a copy.

Free Recruitment Tool for Employers

If you're a small business unable to find the skills you need in New Zealand, Immigration New Zealand (INZ) has a free online tool that connects you with a world of job seekers who have expressed an interest in living and working here.

Employers and recruiters can use the [SkillFinder](#) tool to access a database of about 600,000 people. With about 20,000 new names joining the database every month, it's a huge asset for New Zealand businesses."

How it works:

People all around the world register their details with INZ, including their skills, qualifications and where they currently live.

Employers and recruiters can connect with these job seekers via an email sent by INZ that tells them about the suitable job vacancy. They complete a form outlining the position they want to fill, qualifications and experience needed, and regions they would like to recruit from.

Vacancies must be for [skilled positions](#) or meet Accredited Employer requirements. INZ reviews each job posting before emailing it on behalf of your company to all people in your final search. "You're likely to receive most of the inquiries from interested applicants within 12 to 24 hours of the email being sent.

[Get started with SkillFinder](#) - Immigration.govt.nz

Retail Manager Residence Application

At least partly because of the numbers of young ex-students being given 'Manager' jobs in fast food, and other 'low-skill' franchises, Immigration New Zealand have made it almost impossible for a residence application for a Retail Manager to be successful. However, if the application is adequately documented, there can be hope.

The only resource available to INZ to assist them identify the skill level of a residence applicant is the Australian and New Zealand Standard Classification of Occupations (ANZSCO). The ANZSCO code for Retail Managers is [142111](#) and it identifies tasks such as *determining* product mix, *formulating* policies, *undertaking* budgeting etc.

The position description should cover all the ANZSCO tasks and the applicant must provide evidence that s/he has the authority to, and is, establishing the rules and procedures as they apply to the store and is not just following company procedure.

Because of the INZ suspicion of Retail positions, applicants should not attempt to submit residence applications without assistance from a suitably experienced adviser. Even then it is likely the application will be declined and the decision will need to be appealed.

Appeals have been successful, where it can be shown that the applicant did carry out the tasks identified and that the INZ decision was unreasonable.

Changes in Employment Legislation

Health and Safety at Work

The new law says you need to do what's "reasonably practicable" to manage health and safety risks at work. This means you're expected to do what a reasonable person would do in your situation. It's about taking responsibility for what you can control. You may find that it's not as hard, expensive or time-consuming as you may think.

[Read More](#)

Paid Parental Leave

Extension from 16 to 18 weeks - 1 April 2016

There are also planned changes to the scheme to better reflect the diversity of modern work and family arrangements.

[Read More](#)

Enforcement of Employment Standards

Planned changes will strengthen the enforcement of minimum employment standards, e.g. minimum wage and holiday entitlements. These include a new infringement notice regime, clearer record-keeping requirements, and tougher sanctions for the most serious breaches, such as exploitation.

[Read More](#)

**WANT TO BE ADDED TO OUR MAILING LIST?
ASK AT RECEPTION**