



Accredited Employer Work Visa Employer Accreditation Policy

Facilitator guide



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Introduction

Purpose

The purpose of this course is to deliver Stage 1 Employer Accreditation of the Accredited Employer Work Visa (AEWV) stream. This will be achieved by introducing the pathway attributes, application criteria, and then learning through practical experience working on case studies to provide an end-to-end view of the process.

Learning outcomes

At the end of this course, learners will be able to:

- explain what the Accredited Employer Work Visa is and why it's important
- describe what's involved in stage 1 of an Employer Accreditation Work Visa application
- use immigration instructions to check stage 1 Employer Accreditation requirements have been met in an application
- explain what post-decision Risk Management Review is and why it's important.

Audience

This course has been developed for immigration officers that will be processing AEWV Stage 1 Employer Accreditations.

Duration

1 day

Prerequisites

Before undertaking this course, the learner must have completed all courses in the 'First Steps' and 'My Role' stages of the induction.

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Preparation

Guide layout

This guide uses the following layout:

Time	Topic	Resource	Your Notes
Suggested time for each section.	Instructions on how to deliver each section.	Resources needed for each section.	Background information for each section, including where content is specific to a particular role/audience. Also includes space for your notes.

Facilitator topics

The Facilitator Topics, listed in the right-hand column of each lesson plan, are designed to help the facilitator prepare for the delivery of this course. They provide generic information as well as links to relevant information, including instructions and external websites. As you deliver the course, keep the Facilitator Topic open in the background, so that you have the links at hand when you want to demonstrate or show information on the screen to learners.

Availability of Technical Advisor

Before delivering this course, contact the target training site to arrange for a Technical Advisor (TA) to be available for the full duration of the course to support facilitation and to oversee the processing of live applications.

Note: please ensure that during the practice days with the TA the learner works on applications using the full process, not the streamlined process.

General Instructions & Technical Advisor

From page 20 onwards references are made to SOPs. At the time of writing this guide, SOPs for employer accreditation are under review. Discuss with TA how to run these sections as there may be a general instruction in place which may override normal processing activities, or the SOPs may have changed since this guide was published.

Resources

- Facilitator computer and projector
- Participant computers
- Pens and whiteboard markers
- Case study files
- Employer Accreditation Policy PowerPoint
- Handout of application form
- AEWV Overview Graphic
- [Employer Accreditation Instructions \(Operational Manual\)](#)
- [Employer Accreditation Standard Operating Procedures \(Global Process Manual\)](#)

Room set-up

Refer to the Learning Delivery Team for suggested room set-up.

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Course outline

Time	Topic
5 minutes	Welcome Purpose: To welcome learners to the workshop.
1 hour	About Accredited Employer Work Visa Purpose: To learn what the Accredited Employer Work Visa is, why it's important and how to apply.
2 hours 27 mins	Requirements for all employers Purpose: To learn and gain practical experience using INZ tools to follow processes and procedures which support an immigration assessing application concerns.
1 hour	Requirements for triangular employment arrangements Purpose: Use INZ tools to follow processes and procedures when assessing application concerns for triangular employment arrangements.
15 minutes	Requirements for franchisee employers Purpose: Use INZ tools to follow processes and procedures when assessing application concerns for franchisee employers.
5 minutes	Overview of Accredited Employer Risk Management and Review Purpose: Introduction to Accredited Employer Risk Management and Review (AERMR)
1 hour	Live activity with TA

Welcome and introduction

Topic outcome

By the end of this topic, learners can describe what they will learn in this session.

Resources

Employer Accreditation Policy PowerPoint

Lesson plan

Time	Topic	Resource	Your notes
5 mins	<p>Welcome and introduction</p> <p>Show slide 2</p> <p>Tell learners:</p> <ul style="list-style-type: none">• The agenda for the workshop on slide 2• How the course is structured and the topics that will be covered• The time that you will be taking breaks (morning, lunch and afternoon tea breaks and what time the day finishes; ensure you cover this point at the beginning of each day)• Site specific health and safety emergency procedures <p>Course structure and learning outcomes</p> <p><i>Explain</i></p> <p>Use the Course Outline as a reference as you provide learners with an overview of how the course is structured and the topics that will be covered. Explain that once we start working on the case studies they will first work in pairs, and then individually once they have gained confidence.</p>	Slide 2	<p>Note: Suggest to learner's that as the course progresses, they save key links to external information to their favourites so that they have easy access to these throughout the course and once they are in the role.</p> <p>Facilitator to remind learners to do this as the course progresses.</p>

About Accredited Employer Work Visa

Topic outcomes

By the end of this topic, learners will be able to:

- explain what the Accredited Employer Work Visa is and why it's important
- describe what's involved in stage 1 of an Employer Accreditation Work Visa application
- use immigration instructions to confirm stage 1 Employer Accreditation requirements.

Resources

- Employer Accreditation Policy PowerPoint
- AEWV Overview Graphic.pdf
- Handout of application form.pdf
- [Employer Accreditation Instructions \(Operational Manual\)](#)

Lesson Plan

Time	Topic	Resource	Notes
10 mins	<p>The Accredited Employer Work Visa policy</p> <p><i>Explain</i></p> <p>Businesses are encouraged to train, upskill and hire New Zealand workers before they hire migrants. Employers who can't find suitable New Zealanders for a role, can apply to hire migrants on the Accredited Employer Work Visa (AEWV).</p> <p><i>Play this video to give learners an overview Accredited Employer Work Visa</i></p> <p>https://www.youtube.com/watch?v=1nz6navMjjQ</p> <p><i>Show slide 3 to recap and give learners the AEWV Overview Graphic to refer to throughout the session.</i></p> <p>There are three stages in the Accredited Employer Work Visa that must be completed and approved by INZ before the migrant can start their employment.</p>	<p>Slide 3</p> <p>AEWV Overview Graphic.pdf</p>	

<p>10 mins</p>	<p>These are:</p> <ul style="list-style-type: none"> • Employer Accreditation - the employer must be granted an employer accreditation (WA2) • Job Check - the accredited employer must have a Job Check approved by INZ for any vacancy they need to fill with a non-New Zealand citizen or resident worker (WA3) • Work Visa - a non-New Zealand citizen or resident worker must be granted an Accredited Employer work visa (WA4). <p>Today we'll look at the first check, stage 1 Employer Accreditation. An employer needs to be approved for an accreditation before stage 2 and 3 can happen.</p> <p><i>Explain</i></p> <p>Let's use the Operational Manual a.k.a immigration instructions, to see what's involved when applying for Employer Accreditation. It's important to take your time and familiarise with the information in the Operational Manual, this is your go to place when assessing visa applications.</p> <p><i>Demonstrate how to open the Operational Manual</i></p> <ul style="list-style-type: none"> • Go to Te Taura > INZkit > Operational Manual • On the left-hand side click Temporary entry class visa • Click Work visas • Click on WA Accredited Employer Instructions <p>The objective of Accredited Employer instructions (WA1.1)</p> <p>Organise the class into pairs, allow 5 minutes to research the question as shown.</p> <p><i>Ask: What are the 4 objectives of the Accredited Employer instructions? WA1.1(a)-(d)</i></p> <ul style="list-style-type: none"> • Bring the group back together <p><i>Ask: Who can get me started on one of the objectives? Repeat for each objective.</i></p> <ul style="list-style-type: none"> • Reveal on the slides what the objectives are and discuss <p><i>Explain</i></p>	<p>Slide 4</p>	<p>WA1 Objective and Overview of Accredited Employer instructions</p>
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5 mins	<p>The Accredited Employer instructions contribute to the overall objective of the ‘Work instructions’ by:</p> <ul style="list-style-type: none"> • incentivising employers to employ more New Zealanders to respond to skill and labour shortages over time; and • ensuring that employers only recruit non-New Zealand citizen or residents for genuine shortages, while not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and • reducing risks around business models and practices that might enable migrant exploitation; and • ensuring that employers are compliant with specific employment, immigration, and business standards, as set out in the instructions. <p><i>Explain</i></p> <p>Each instruction has an alpha-numeric code on the end of a heading. We will use these codes to navigate the instructions during this session.</p> <p><i>Show the (WA1.1) code on slide 5, that relates to the objective of the instructions.</i></p> <p><i>Ask: Why is it important for employers to have an accreditation?</i></p> <p>Answer: Employer Accreditation gives INZ confidence the employer’s business is viable, it meets immigration and employment standards, and they will not exploit the migrants they hire.</p> <p>Applying for an Employer Accreditation</p> <p><i>Explain what’s involved when applying for an Employer Accreditation using slide 6.</i></p> <ul style="list-style-type: none"> • The application must use the Immigration online form. • The employer must have a New Zealand Business Number, unless they are a foreign diplomatic or consular mission. • Evidence must demonstrate the employer meets requirements. 	Slide 5	Slide 6
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<p>10 mins</p>	<p><i>Note – In many cases, the Immigration Online requires the employer(applicant) to declare that they will meet set requirements. They may not ever have to provide evidence of some aspects of the policy however, we may conduct site visits and desk check activities to ensure that they remain complaint at certain points of time after approval.</i></p> <ul style="list-style-type: none"> • Fees to apply or upgrade must be paid. <p>Ask: What is a foreign diplomatic or consular mission? Answer: It could be an Embassy, High Commission or Consulate. These aren't eligible for NZ Business numbers because they are based overseas.</p> <p>Review application form</p> <div style="background-color: #cccccc; padding: 10px; text-align: center; font-size: 2em; font-weight: bold;">s6(c)</div> <ul style="list-style-type: none"> • About the business and applicant – (Page 1 and 2) • Establish to type of accreditation and supporting evidence – (Page 2 and 3) • Business compliance – (Page 4 and 5) • Settlement support – (Page 5) • Supporting documents – (Page 6) • Declarations made by the applicant – (page 7 – 10) <p>You now have the basics of what an employer needs to do to apply for accreditation. Now we'll look at the different accreditation types that an employer can choose from when completing their online application form.</p>	<p>Handout of application form.pdf</p>	
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<p>10 mins</p>	<p>Accreditation types</p> <p>Accreditation type scenario</p> <p><i>Explain using this scenario and the diagram.</i></p> <ul style="list-style-type: none"> <p>Standard example - s9(2)(a) owns a residential renovation business and needs to employ more carpenters. She recruits and employs them herself, so her business needs to be accredited. s9(2)(a) does not need more than 5 carpenters on Accredited Employer Work Visas (AEWV), so she applies for Standard Accreditation.</p> <p>High Volume example - s9(2)(a) has just opened a restaurant s9(2)(a) and needs to hire 2 chefs, 2 cooks and 5 wait staff. s9(2)(a) is the direct employer and needs to apply for accreditation. Because s9(2)(a) needs to employ 6 or more workers on AEWV, he applies for Standard High-Volume Accreditation.</p> <p>Triangular example - s9(2)(a) runs a labour hire company (s9(2)(a)) which recruits staff from overseas to work on construction projects. The employees are employed by s9(2)(a) , however they work on projects under other businesses who direct their day-to-day work (controlling third parties). Since s9(2)(a) employees will do contract work for controlling third parties, she applies for High Volume Triangular Accreditation.</p> <p>Franchisee example - s9(2)(a) runs a s9(2)(a) which is a well-known franchise. As a franchisee, s9(2)(a) has purchased the right to use s9(2)(a) pre-existing business model and branding. The franchise agreement between s9(2)(a) means that s9(2)(a) controls certain activities within the business, such as where to source ingredients. Since s9(2)(a) business operates under a franchise agreement, she applies for High Volume Franchisee Accreditation.</p> <p>Triangular Franchisee example - s9(2)(a) own a number of dental practices which are under different legal entities, for example s9(2)(a) and s9(2)(a) s9(2)(a) uses s9(2)(a) branding and business model and meet the definition of a franchisee employer the same way s9(2)(a) does. s9(2)(a) employs staff and contracts them out to work for the other legal entities they own, such as s9(2)(a) . This makes s9(2)(a) a controlling third party because they will direct the employees</p> 	<p>Slide 7 - 8</p>	
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<p>10 mins</p>	<p>day-today work. Because s9(2)(a) contracts their employees out to work for controlling third parties who are also franchisees, s9(2)(a) applies for High Volume Triangular Franchisee Accreditation</p> <p>Accreditation type overview</p> <p><i>Summarise:</i></p> <p>The two main types of accreditation are: Standard and High Volume. High Volume has variations, as described below. Each variation has a set of different requirements.</p> <ul style="list-style-type: none"> • Standard - If employer wants to employ up to 5 people under the AEWV policy. Every employer needs to meet the generic instructions for all employers. • High volume - If employer wants to employ more than 5 people under the AEWV policy. A simple High-Volume accreditation involves one employer recruiting 6 or more people. The following high-volume accreditation types involve different arrangements for recruiting 6 or more people. <p><i>Explain</i></p> <p>Triangular and Franchisee employers can be confusing to begin with, but it's important to be familiar with them. You may be given an assessment activity to check if the client has selected the correct accreditation type.</p> <p><i>Read</i></p> <ul style="list-style-type: none"> • Ask the group to take 5 mins to read through INZ definitions WA2.60.15 and WA2.60.20 and see if they can come up with an example of an employer who fits these definitions. • Ask the group if anyone would like to share their examples. <p><i>Summarise High Volume Variations</i></p> <ul style="list-style-type: none"> • Triangular - When an employer, third party business and migrant worker are involved. The employer (e.g. A Labour hire agency) applies for accreditation. They recruit and employ migrants who they place in the third-party organisation. • Franchisee - When a franchisee business, such as a s9(2)(a) of the OIA franchisee business, applies for accreditation. There are different rules associated with franchisee businesses, so we have 	<p>Slide 9</p>	
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another category for them.

Note - A Franchisor 9(2)(a) cannot apply for accreditation for all its franchises. Each franchisee needs to apply separately.

- **Triangular Franchisee.** When the owner of multiple franchisee businesses applies to become an accredited employer so they can place the migrant employees into one of any of those third-party franchisee businesses. E.g. An owner of three 9(2)(a) restaurants applies to employ many migrant employees to work in one of their various restaurants.

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Triangular employment arrangements

Explain these further details:

- A triangular employment arrangement is where AEWV visa holders are **employed by an employer (e.g. a labour hire agency)** and placed with a 'controlling third party'. The employer could also be an employer who wants to place an employee on a secondment in a different business, or an employer who want to place their workers across their different legal entities.
- A 'third party' is a **separate legal entity** to the labour hire agency. The third party may have an arrangement or contract with the agency, allowing the agency 'employees' to perform work for the benefit of the third party.
- The **third party may assign work and direct the employees** placed with them, similar to the control they would have if they were the direct employer.
- Examples of the employer in triangular employment arrangements include:
 - Labour hire agencies
 - Labour-for-hire and contingent labour employers
 - Employers who send migrant employees on secondments
 - Parent companies who place their migrant employees with subsidiary companies that are separate legal entities.
- In the first example, the labour hire agency, as the employer, has all the rights and responsibilities of an employer.

Simplified overview of requirements

Reveal the requirement/fees/upgrades graphic and explain:

[How much does it cost to apply for an Employer Accreditation ?](#)

Each accreditation type has different requirements. You can see how these are additive in the slide. We will discuss each set of requirements in detail later in this session.

Fees

Explain

Different fees are associated with each accreditation type. The fee structure is designed to reflect the amount of work required to process each type of accreditation.

Explain how higher levels of processing and risk management activities result in higher accreditation fees.

Upgrades

Employers with a Standard Accreditation can apply to upgrade to High Volume. The duration of their accreditation won't change, just the type they hold. Upgrade fees apply.

Note - *If an accreditation application is approved for Franchisee or Triangular employment arrangements, they will be automatically granted High Volume Accreditation, because they will usually want to employ over 5 people.*

Note - *If they want to change or downgrade their accreditation type, for example from standard or high-volume accreditation to controlling third party accreditation, they must re-apply. The full fee will apply. This is because the changing the application type will require a full assessment by an Immigration Officer.*

Complex recruitment structures

Explain

It is possible that various relationships may be formed, between industry groups that need labour, the businesses in those industry groups and labour hire agencies. However, INZ only offer the

	<p>accreditation types we've covered. Many complex arrangements for sourcing labour will come under the rules for the Triangular accreditation type.</p> <p>Accreditation terms and renewing accreditation</p> <p><i>Explain</i></p> <ul style="list-style-type: none"> • For any accreditation type, an employer can apply for accreditation in advance of their need for staff. e.g. seasonal work such as ski field operators. • Standard and High-Volume initial accreditations are valid for 12 months. When these accreditations are renewed, they are granted an accreditation period of 24 months. • All other types are valid for 12 months, with 12-month renewal periods. <ul style="list-style-type: none"> • The way an accreditation application is processed is mostly the same for first year applications and renewals. <p><i>Explain</i></p> <p>At this early stage, it's all about building a picture of the employer, that they are choosing the right accreditation type for their recruitment needs.</p>	Slide 10	
5 mins	What happens in the background	Slide 11	

s6 (c)

Requirements for all employers

By the end of this topic, learners can provide an overview of the policy requirements for all Accredited Employer clients.

Resources

- Employer Accreditation Policy PowerPoint
- Case Studies 1 - 3
- [Employer Accreditation Instructions \(Operational Manual\)](#)
- [Employer Accreditation Standard Operating Procedures \(Global Process Manual\)](#) - All Employers:
 - Assess viable and genuinely operating business/organisation
 - Assess Settlement activities
 - Assess Employer compliance

Lesson Plan

Time	Topic	Resource	Notes
10 mins	<p>INZ tools for assessing applications</p> <p>Briefly explain the INZ tools used when assessing applications.</p> <p>Ask learners to navigate to each tool and encourage them to save both tools as favourites in their web browser.</p> <p>Tools</p> <ul style="list-style-type: none">• Operational Manual – we've already been looking at the Operational Manual, which are the immigration instructions we use based on the Immigration Act.• Global Process Manual – contains step-by-step standard operating procedures (SOPs) for processing visa applications.	Slide 12	

	<p>Instructions for accessing tools</p> <p>On Te Taura (The Link) go to About us, select Our groups, then Immigration New Zealand, then Resources, finally click INZkit to access the following:</p> <ol style="list-style-type: none"> 1. Click Processing applications, click on View under 'Global Process Manual', click Accredited Employer. 2. Click Employer Accreditation 3. Click Assess Employer Accreditation 4. Click Assess risk and general requirements for Employer accreditation, scroll down and focus on the structure of the page i.e. When to use, Role, Prerequisites and Context 5. Click Operations Manual, click Temporary entry class visas, then Work visas, then WA Accredited Employer Instructions, then WA2 Employer accreditation instructions, then WA2.10 Requirements for all employers. 		
10 mins	<p><i>Explain</i></p> <p>We briefly talked about how every Accredited Employer application must meet a standard set of requirements, and some types must meet additional requirements. In this topic we will cover the detail of the Standard requirements.</p> <p>Requirements for all employers</p> <p><i>Summarise using the slide graphics</i></p> <p>For an application for employer accreditation to be approved, the employer must:</p> <ul style="list-style-type: none"> • be a genuinely operating business or organisation, and • complete settlement support activities, and • be compliant with the specific immigration, employment, and business standards. • If the employer is a sole trader, a partnership or a trust, New Zealand must be the primary place of established residence for the sole trader, or at least one partner or trustee. <p>Activity</p> <p><i>Explain</i></p>	Slide 13	

	<p>I will call out a few requirements and see if you can locate them under the correct topic. Once we have had a go at guessing the correct topic, we will look at the details.</p> <ul style="list-style-type: none"> • The employer must not have provided false or misleading information to INZ (Topic - Compliance with specific standards) • In the employee’s first month, the employer must provide information about accommodation options. (Topic – Settlement Support) • The employer must be registered as an employer with IRD. (Topic - Viable and Genuine) <p><i>If available, provide small prizes/chocolates for a correct answer or willing guess.</i></p>		
10 mins	<p>Viable and genuine business (WA2.10.1) <i>Explain</i></p> <div data-bbox="264 683 1525 938" style="background-color: #cccccc; text-align: center; padding: 20px; font-size: 48px; font-weight: bold;">s6(c)</div> <p>Now let’s look at the <i>Viable and genuine business</i> requirements. The employer must:</p> <ul style="list-style-type: none"> • be registered as an employer with IRD; and • have no sole traders, or general partners* who are bankrupt or subject to a No Asset Procedure. <p><i>* A general partner is defined in section 19 of the Limited Partnerships Act 2008.</i></p> <p><i>Explain the basic difference between partners of a partnership and general partners of a limited partnership.</i></p> <p>A general partner in a limited partnership is liable for all the debts and liabilities of the partnership, where limited partners are only liable to the extent of their capital contribution.</p> <p>Note - <i>A limited partner in a limited partnership is not taken into account based on the definition in instructions, only the general partner is assessed</i></p>	Slide 14	

The employer must also have:

- **not made a loss** (before depreciation and tax) over the last 24 months; **or**
- **a positive cash flow** for each of the last 6 months; **or**
- **sufficient capital and/or external investment** (e.g. funding from founder, parent company or trust) to ensure the business remains viable and ongoing; **or**
- **a credible, minimum two-year plan** (e.g. work contracts) to ensure the employer's business remains 'viable and ongoing'. *

**'Viable and ongoing' includes being able to meet financial obligations e.g. pay for wages, salaries, all operating costs, and inventory (if relevant).*

s6(c)

Refer to Handout of application form and explain

s6(c)

Pathway

s6(c)

s6 (c)

Note to Facilitator – Reminder as per page 3, discuss with TA about using SOPs and how to handle any general instructions currently in place.

Evidence

Ask: What evidence might be used to prove Viable and Ongoing?

Answer: Evidence of meeting the requirements set out at (a) to (c) above may include, but is not limited to:

- financial statements such as an annual report and profit and loss statements;
- evidence of start-up capital and/or funding;
- a cash-flow statement and/or credible revenue forecast;
- contracts for work;
- GST returns;
- income tax returns;
- PAYE returns;

- bank statements;
- stock lists/orders;
- lease agreements for business premises or space.

Emphasise

This broad detail is in the policy, but there is also a set of SOPs in the Global Process Manual you can refer to, for specifics.

Open the link to the SOP - [Assess viable and genuinely operating business/organisation.](#) *

Provide these instructions:

s6 (c)

* Provided separately

<p>15 mins</p>	<p>That was a lot to taken! Let's see what that looks like for the <u>s9(2)(a)</u> example.</p> <p>Activity: Case Study 1 <u>s9(2)(a)</u></p> <p>Facilitator overview</p> <ul style="list-style-type: none"> • Case study notes – refer to notes in each slide. • Operational Manual – WA2.10.1(b)ii. • Global Process Manual – Assess viable and genuinely operating business/organisation - point 4. • Outcome: Instruction met. IO's check Profit and Loss and confirms 6 months of positive cashflow. <p><i>Explain</i></p> <p>We are going to look at a common assessment activity you'll need to complete.</p> <p><i>Give each learner a copy of the case study and take them through the example using the slide notes. Use your judgement on whether to let them have a go in pairs or to step them through it.</i></p> <p><i>Explain that the group needs to:</i></p> <ul style="list-style-type: none"> • <i>Read the Concern details</i> 	<p>Case Study 1 <u>s9(2)(a)</u> <u>s9(2)(a)</u></p>	
<p>s6(c)</p>			
	<ul style="list-style-type: none"> • <i>Decide if the INZ Instruction has been met</i> • <i>Explain the rationale behind your decision</i> 		

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	<p>Case Study 1 Debrief</p> <ul style="list-style-type: none"> • Ask the group how many thought the instruction was met – ask them how they came to the decision and what did they do? • Ask the group, those who thought the instruction was not met, how they came to the decision and what did they do? 		
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Time	Topic	Resource	Notes
10 mins	Activity – No online or physical presence WA2.10.1(a).		

s6 (c)

s6(c)

Operating address and online presence

Does your organisation operate from a physical address?

Yes

Is the address that your organisation primarily operates from the same as the physical address entered on the Organisation details page?

Yes

Does your organisation have an online presence?

No

Explain

s6(c)

Explain

Scenarios to discuss in groups – ‘No online or physical presence’

s6(c)

Slide 15

Question – Based on these checks, would you request any additional evidence from s9(2)(a) to be satisfied that they are viable and genuinely operating?

s6(c)

2. s9(2)(a) is a construction company that has been operating for 4 months and have declared they do not have an online presence. You carry out the following checks:

- 6(c) of the OIA [redacted]
- [redacted]
- [redacted]

Question – Based on these checks, would you request any additional evidence from s9(2)(a) to be satisfied that they are viable and genuinely operating?

s6(c)

3. s9(2)(a) is a bakery that has been open for 1.5 years and have declared they do not have an online presence. You carry out the following checks.

- 6(c) of the OIA [redacted]

Slide 16

In room TA take this section

[They can choose to use GloPro or explain current practice e.g. general instruction directives](#)

	<p>s6(c)</p> <p>Question – Based on these checks, would you request any additional evidence from s9(2)(a) to be satisfied that they are viable and genuinely operating?</p> <p>s6(c)</p>	Slide 17	
15 mins	<p>Activity: Case Study 2 s9(2)(a)</p> <p>Facilitator overview</p> <ul style="list-style-type: none"> • Case study notes – refer to notes in each slide. • Operational Manual – WA2.10.1(a). • Global Process Manual – Assess viable and genuinely operating business/organisation - point 5. Ask TA in the room to explain which checks are completed before sending a PPI or raising a risk activity as per the SOP. • Outcome: Instruction met. IO's completes some open source searches like the previous examples. <p><i>Explain</i></p> <p>We are going to look at a common assessment activity you'll need to complete.</p> <p><i>Give each learner a copy of the case study and take them through the example using the slide notes.</i></p> <p><i>Explain that the group needs to:</i></p>	s9(2)(a)	

	<ul style="list-style-type: none"> • <i>Read the Concern details</i> • <i>Check the Related Instructions and locate the appropriate SOP for guidance on what to do</i> • <i>Decide if the INZ Instruction has been met</i> • <i>Explain the rationale behind your decision</i> <p>Case Study 2 Debrief</p> <ul style="list-style-type: none"> • <i>Ask the group how many thought the instruction was met – ask them how they came to the decision and what did they do?</i> • <i>Ask the group, those who thought the instruction was not met, how they came to the decision and what did they do?</i> 		
5 mins	<p>Settlement Support activities (WA2.10.5)</p> <p><i>Ask: What support do you think a new migrant needs in the first month of arriving in New Zealand.</i></p> <p>Answers to include:</p> <ul style="list-style-type: none"> • accommodation options • transportation options (including driving and public transportation) • the cost of living • how to access healthcare • Citizens Advice Bureau services • relevant community groups • how to obtain an IRD number • any industry training and qualification information/options • specific job or industry hazards. <p><i>Use slide 19 to reveal icons and text to summarise</i></p> <p><i>Highlight</i></p>	<p>Slide 18</p> <p><u>Standard Operating Procedure - Assess settlement activities</u></p> <p>Slide 19</p>	

s6(c)

s6(c)

10 mins

Assess Employer Compliance

Explain

To be accredited, employers and any key people in their organisation must be compliant with immigration and employment standards.

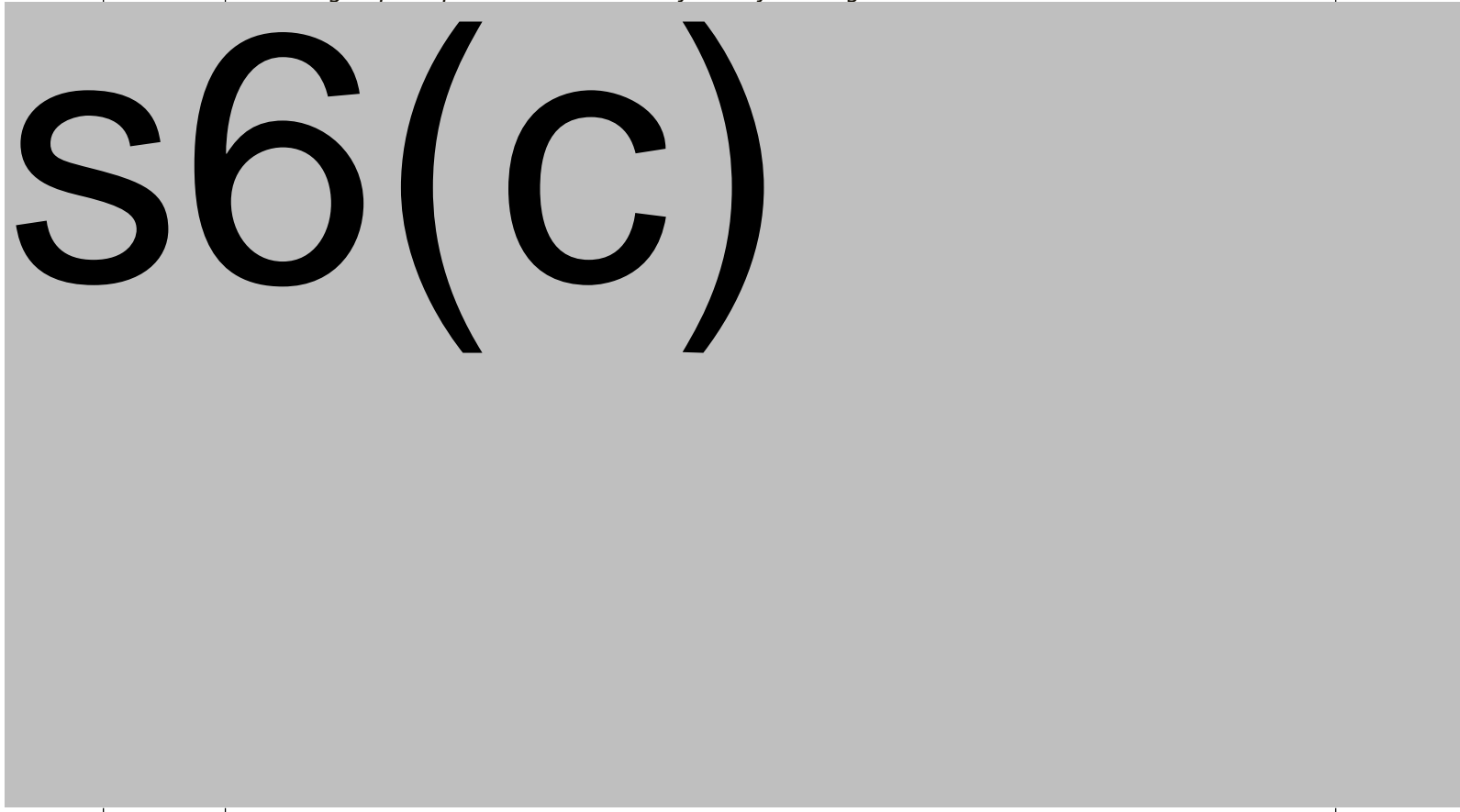
Slide 20

s6(c)

Explain:

	<p>You can see the importance of approving accreditation for the right employers. It's better for the migrant, the employer and ultimately reflects well on New Zealand.</p> <p>Compliance with specific standards (WA2.10.10)</p> <p>Use the paraphrased list of criteria to outline some of the main requirements.</p>		
	<p>s6(c)</p> <p>Notes</p> <ul style="list-style-type: none"> • <i>Key persons are defined in the definitions at the end of the policy. Ask one of the group to find that definition, in the Definitions section of the instructions, and read it to the group.</i> • <i>The Other requirements noted on the slide are detailed in earlier or later slides/learning. Instructions W2.10.10 (l) and (m) relate to Fees and Costs, and (n) relates to the need for employers and hiring staff to complete ENZ modules every 12 months.</i> 		
10 mins	<p>Activity – Compliance relating to offences</p> <p><i>Provide instructions on slide.</i></p> <p>Open the instructions and locate: WA2.10.10 Compliance with specific employment, immigration, and business standards</p> <p>Which section numbers relate to:</p> <ul style="list-style-type: none"> – Stand-down periods for immigration offences 	Slide 21	

	<ul style="list-style-type: none"> - Imprisonment for immigration offences - Convictions for immigration offences. <p>Answers – Compliance relating to Offences</p> <p><i>Select four pairs to read out the answers they found, for the three types, including a separate group for the Crimes Act.</i></p> <p><i>Reveal the slide and confirm the answers.</i></p> <p><i>Explain</i></p> <p>There are other parts to this section of the Operational Manual. We don't have time to cover it all today, but you can look at it when you return to your desk.</p> <p><i>Summarise</i></p> <p>Under WA2.10.10 Employers can also not:</p> <ul style="list-style-type: none"> • have previously been subject to a stand-down period for an immigration offence. The issue must have been rectified and sufficient steps taken to prevent it from happening again for this criterion to be waived. • have employed someone who is not entitled, under the Immigration Act 2009, to work in the role; or • have provided false or misleading information to INZ or withheld relevant information from INZ that is prejudicial to an application or any verification, investigation, or compliance activities. <p>We will use the process outlined in the SOPs, which outline what evidence is required to prove or disprove these requirements.</p>	Slide 22	
10 mins	<p>Activity – Describe the Sections</p> <p><i>Provide instructions</i></p> <p>Ask the group to pair up and take five minutes to try to find out as many titles of the sections of the two acts using legislation.govt.nz as a source.</p> <p>Note - <i>The title is for the whole section and not the sub-sections.</i></p>	Slide 23 Slide 24	

10 mins	<p>Answers – Describe the Sections</p> <p><i>Present the answers and explain:</i></p> <p>Every group who got more than 8 answers can participate in a pop-quiz. <i>(Facilitator option - To provide chocolates/small prizes.)</i></p> <p>Activity - Check the SOPs</p> <p><i>Ask the group to open the SOP and look for the following answers:</i></p>		
			

s6 (c)

[Standard Operating Procedures - Assess Employer compliance](#)

5 mins

Compliance – Costs and fees - (WA2.10.10.(l)&(m))

Slide 25

s6 (c)

s6(c)

2 mins	NZ - based requirement <i>Explain:</i> If the employer is a sole trader, partners in a partnership or trustees in a trust, New Zealand must be the primary place of established residence for the sole trader (person), or at least one partner or trustee.		
15 mins	Activity - s9(2)(a) <i>Read the scenario out and ask the group to pair up and answer the following question using the ‘Assess Employer Compliance’ SOP as their reference:</i> s9(2)(a) needs a farm assistant. They plan to recruit from Papua New Guinea and have applied for Employer Accreditation. As part of the application, the company director, s9(2)(a) declares that <i>‘In the past 7 years one the organisations key people employed a person who was not entitled, under s344(d) of the Immigration Act 2009, to work in that role.’</i> s6(c) You search the list and can’t find s9(2)(a) , but s9(2)(a) , the ‘key person’, is listed on the Inspectorate Stand down list. What do you do? Answer: See third example in SOPs:	Slide 26 Standard Operating Procedures - Assess Employer compliance	

s6(c)

15 mins

Activity: Case Study 3 s9(2)(a)

Facilitator overview – employer misrepresentation and risk of wage recycling.

- Case study notes – refer to notes in each slide.

s6(c)

- Operational Manual – None in relation to stage 1 employer accreditation.
- Global Process Manual – No in relation to stage 1 employer accreditation.
- Outcome: Treatment required = No. Reason/Outcome = Risk mitigated. Rationale = s6(c)

Explain

We are going to look at a risk assessment activity you'll need to complete.

Give each learner a copy of the case study and take them through the example in the below format using the slide notes.

- Explain
Read the **first 4 slides** and pause.

Ask: What is the risk with s9(2)(a)

Answer: s6(c)

Ask: s6(c)

s9(2)(a)

Answer: s6(c)

[Redacted]

- Read **slide 5**

Explain

Slide 6 has an alert/warning from one of our other INZ systems when work visas were assessed and managed differently.

- Ask learners to have a look at the main instructions for a standard accreditation WA2.10.10 and establish which ones, if any, we could rely upon to address this risk?

Answer: s6(c)

[Redacted]

- **Slide 6 Outcome** – Remember, we have TA’s and other INZ experts like Verification Officers who can support you making a quality decision.

What would you add for:

– **Treatment Required** = No

– **Comments** =s6(c)

[Redacted]

– **Reason/Outcome** = Risk Mitigated

- Show **slide 7** with the answers.

- **Slide 8** How to make a quality decision

Explain how the decision was made in this example. Some parts of this will be taught on the job with your buddy.

Case Study 3 Debrief

- You don't need to know instructions for other gateways if you aren't processing them.
- You need to be able to identify whether the concern in a warning is applicable to the application type you are processing.

Slide 27

7 mins

s9(2)(a)

Explain

Prompt the group for answers as you take them through the answers using answers on slide 28

Answer part 1: Check WA2.10.10 and SOPs 'assess risk and general requirements for employer accreditation' and 'assess employer compliance'.

Answer part 2: For the first warning, it appears that WA2.10.10(d)(i) may apply. Currently SOPs state you should review information in INZ systems. In this case that would involve:

s6(c)

Things the IO can consider when deciding whether to PPI and/or decline on WA2.10.10(d)(i):

Slide 27

[Standard Operating Procedures - Assess risk and general requirements for Employer accreditation](#)

And

[Standard Operating Procedures - Assess Employer compliance](#)

Slide 28

s6(c)

Answer part 3: For the second warning, it relates s6(c)

s6(c)

2 min

Employers substantially the same (WA2.10.15)

Allow the group time to read the text on the slide.

“An immigration officer may decline an application if they are satisfied that the employer is substantially the same as another organisation that does not meet the requirements for accreditation and has been re-established as a new legal entity”.

Slide 29

	<p>This is commonly referred to s6(c)</p> <p>s6 (c)</p> <p>Check the SOP number 19 under 'assess employer compliance' for what to do: If you complete the checks as per the SOP and cannot find anything which suggests that the employer is substantially the same as another organisation that does not meet requirements for accreditation, s6(c)</p>		
1 min	<p><i>Summarise</i></p> <p>All employers who apply for accreditation need to meet the requirements we just discussed.</p> <p>Next, we will learn about the specific additional requirements that other accreditation types need to meet, starting with those in triangular employment arrangements.</p>		

Requirements for Triangular employment arrangements

By the end of this topic, learners can provide an overview of the policy requirements for Triangular employment arrangement clients.

Resources

Employer Accreditation Policy PowerPoint

[Employer Accreditation Instructions](#)

[Employer Accreditation Standard Operating Procedures \(SOPs\)](#) – Triangular Employers

Lesson Plan

Time	Topic	Resource	Notes
10 mins	<p><i>Explain</i></p> <p>We will look at the specific requirements for Triangular employment arrangements now. They are additional to the Standard requirements for all employers.</p> <p>Requirements</p> <p><i>Introduce overarching requirements:</i></p> <ul style="list-style-type: none"> • Only place employees in businesses that meet criteria set out in WA2.20.1 • Monitor the employment conditions and safety of employees (WA2.20.5) and respond appropriately to issues (WA2.20.10) • Be placing 15% or more New Zealand Citizens or residents for 30 or more hours per week (WA2.20.15) • Have a history of employing staff (WA2.20.20) <p><i>Ask</i></p> <p>Why do you think these extra requirements are in place for Triangular employment arrangements?</p> <p><i>Answers:</i></p> <ul style="list-style-type: none"> • We want to ensure they have experience employing people 	Slide 30	

	<ul style="list-style-type: none"> • Ensure the employer remains responsible for their migrant employees while they are placed with third parties and that they will treat their employees safely and fairly (according to the law). • Because we don't want the employer to be set up solely for the purpose of employing migrants. 		
10 mins	<p>Only place employees in businesses that meet criteria set out in WA2.20.1</p> <p><i>Ask the group</i></p> <p><i>Why do you think there are special requirements for third-party organisations that employees will be 'placed' with?</i></p> <p>Answer: Because the employer, is not the person who will direct the employee on a daily basis and INZ need to ensure that the employee is being placed in a fair, safe, and legally compliant workplace.</p> <p><i>Explain</i></p> <p>You will see that many of these requirements are the same as the business 'standards' that we expect when employers directly apply for accreditation. That is, we want the employee to be working in a fair, safe, legal business, whether placed there by a labour hire firm or by the employer themselves.</p> <p>Activity- Learn about WA2.20.1</p> <p><i>Provide these instructions</i></p> <p>Read the policy instructions related to the organisations an employee can be placed with and answer these questions:</p>	Slide 31	

s6(c)

	<h1>s6(c)</h1> <p><i>Ask: Does the third-party employer need to agree to site visits from INZ?</i> Answer: Yes (WA2.20.1(v))</p> <p><i>Ask: What list do we expect the third-party employer not to be on?</i> Answer: Labour Inspectorate list. Possible alternative answer is a list of stand-downs, prison sentences or convictions for certain immigration-related offences.</p>		
10 mins	<p>Monitoring employment conditions & safety (WA2.20.5)</p> <p><i>Ask the group to read the requirements in WA2.20.5 a-c.</i></p> <p><i>Explain</i></p> <ul style="list-style-type: none"> i. important to note for first time employer accreditation that some of the requirements cannot be met until an AEWV is about to be placed with a CTP. So apart from the plan the other requirements will be met by the employer declaring they intend to do these things. <h1>s6(c)</h1> <p><i>Ask: What must be checked, either as part of the application process, or as part of a post-decision risk assessment?</i></p> <p>Answer: As per WA2.20.5(d), checks carried out before an Accredited Employer work visa holder is placed in a triangular employment arrangement must include, but are not limited to:</p> <ul style="list-style-type: none"> i. Plan for monitoring the working conditions and safety of migrants while they are placed with third parties ii. assessing documentation from the organisation about their: 	Slide 32	

	<ul style="list-style-type: none"> ○ processes to prevent and address workplace bullying; and ○ processes to assess and prevent risk (including a risk register); and ○ health and safety induction material; and <p>iii. providing information to the organisation about the visa conditions and employment terms and conditions of the Accredited Employer work visa holders that will be placed with them; and</p> <p>iv. acquiring declarations from the organisation that they meet the requirements set out at (a) above.</p> <p><i>Reveal the summary/answers on the slide</i></p> <div style="background-color: #cccccc; padding: 20px; text-align: center; font-size: 48px; font-weight: bold;">s6(c)</div>		
5 mins	<p>Triangular Monitoring Evidence (WA2.20.5)</p> <p><i>Ask: What sort of evidence do you think you could use to prove the nature of monitoring activities for a triangular employment arrangement?</i></p> <p><i>Take answers from the group, then summarise and reveal the answer.</i></p>	Slide 33	
5 mins	<p>Responding appropriately to issues (WA2.20.10)</p> <p><i>Explain</i></p> <p>We don't only want to see that they have plans in place for good 'preventative' employment practices, such as inductions. We also want to evidence that they are prepared to be able to</p>	Slide 34	

resolve any employment issues that arise. So, we look at things like their processes for investigating employment issues, for example.

Show the summary slide and explain:

We don't have time to work through every point of the policy in this session, but after this workshop, at your desk, you can look at the detail of:

the required resolution processes (point (b)) and what happens to the employer's accreditation when an employer breaches of employment law in a significant and moderate way (point (c)).

Explain

s6 (c)

s6 (c)

Explain

See the Triangular Accreditation SOP to learn more about the types of evidence that we need to obtain from an employer for these requirements, both for an initial application and a renewal.

5 mins

Place NZ citizens and residents (WA2.20.20)

Read the text on the slide.

“A minimum of 15% of the employer’s employees who are placed in triangular employment arrangements must be New Zealand citizens or residents who are guaranteed at least 30 paid hours per week, unless the employer is placing no more than one employee in a triangular employment arrangement”

Explain

There should be no further need for explanation. The rule around one employee allows a triangular arrangement between a labour hire agency and a third-party employer to place one migrant.

6(c) of the OIA

[Redacted text]

Slide 35

5 mins	<p>History of employing staff (WA2.20.20)</p> <p><i>Read the following text and point to the paraphrased bullet points as you do.</i></p> <ol style="list-style-type: none"> a. The employer must have employed staff, who is not a key person, in New Zealand for the 12 months prior to the application being made. b. An employer may use another legal entity’s history of employing staff in New Zealand to meet (a) above if at least 66% of the ownership of the employer and the other entity is the same, and the employer and the other entity are in the same sector and provide the same goods and/or services. c. Evidence of meeting the requirements at (a) and (b) above may include, but is not limited to: <ol style="list-style-type: none"> i. employment records; ii. audited accounts; iii. evidence of owners of the employer (organisation) and affiliated organisation. <p>Note: Where these instructions state ‘employer,’ they refer to the employer applying for accreditation, not the organisation that Accredited Employer work visa holders are placed with.</p> <p><i>Ask: Why do you think the key person/s are not allowed to be used as evidence of employment history?</i></p> <p>Answer: s6(c)</p>	Slide 36	
10 mins	<p>Activity – Compare Employer Accreditation form with Instructions WA2.20</p> <p><i>Explain</i></p> <p>s6(c) of the OIA</p> <p><i>Ask the group to:</i></p> <ul style="list-style-type: none"> • open WA2.20 Requirements for employers using triangular employment arrangements 	Handout of application form.pdf	

	<ul style="list-style-type: none">• refer to the s9(2)(a) [redacted] handout pages 8 – 10 and s6(c) [redacted] [redacted] <p>Summarise - s6(c) [redacted]</p>		
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Requirements for Franchisee employers

By the end of this topic, learners can provide an overview of the policy requirements for Franchisee clients.

Resources

Employer Accreditation Policy PowerPoint

[Employer Accreditation Instructions](#)

[Employer Accreditation Standard Operating Procedures \(SOPs\)](#) – Franchisee Employers

Lesson Plan

Time	Topic	Resource	Notes
15 mins	<p>Requirements for franchisee employers</p> <p><i>Explain</i></p> <p>All employers applying for triangular, or franchisee accreditation will be required to upload additional evidence, as these accreditation types have additional requirements and associated risks.</p> <p><i>Outline the policy:</i></p> <ul style="list-style-type: none">a. An employer who is a franchisee (as defined at WA2.60.20) must meet the following requirements:<ul style="list-style-type: none">i. The employer must have been operating (trading or carrying out business) in New Zealand, as a franchisee, for at least 12 months prior to the application being made (see (b) below); andii. a minimum of 15% of the employer’s employees must be New Zealand citizens or residents who are guaranteed at least 30 paid hours per week unless the employer has no more than one employee.b. An employer may use another legal entity’s history of operating as a franchisee to meet (a)(i) above if at least 66% of the ownership of the employer and the other entity is the same, and the employer and the other entity are in the same sector and provide the same goods and/or services.	Slide 37	

	<p><i>Ask: What sort of evidence would you expect to see to prove that they have been operating for 12 months or more and employ 15% or greater of NZ staff?</i></p> <p>Answer: It is shown in point c). Evidence of meeting the requirements set out at (a) and (b) above may include, but is not limited to:</p> <ul style="list-style-type: none"> i. certificates of occupancy or lease agreements for business premises or space; ii. evidence of bank transactions; iii. tax records; iv. stock lists/orders; v. evidence of owners of the employer (organisation) and affiliated organisation. <p>Note - <i>The requirement to employ 15% or greater of NZ staff is declaration-based. It is most likely that evidence for this set of requirements would be needed as part of post-decision risk management activities completed by R&V.</i></p> <p><i>Provide instructions.</i></p> <p>Go to the Standard Operating Procedure <i>Assess Franchisee employer requirements.</i></p> <p>Identify what to do if:</p> <ul style="list-style-type: none"> - the employer and the other entity are not in the same sector and provide the same goods and services - less than 66% of the ownership of the employer and the other entity is the same. <p>Answer: For both situations, you should PPI, based on the instructions under Step 2.</p>		
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Live activity with TA

Topic outcomes

By the end of this topic, learners will be able to apply the end-to-end process when assessing an Employer Accreditation activity.

Topic resources

- Facilitator computer and projector
- Participant computers
- Live activities

Lesson plan

Time	Topic	Resource	Your notes
1 hr	<p>This session could also be run as a demonstration by the TA, showing the group live activities in ADEPT.</p> <p>Technical Advisor to allocate ADEPT activities.</p> <p>Explain that learners can raise their hand at any time to ask questions of the TA or the facilitator.</p> <p>Explain that each time learners get to a point of wanting to make a determination in ADEPT they are to stop and seek approval from the TA before proceeding. Explain that this is crucial as the learners do not yet have the authority to make such decisions.</p> <p>If learners get to a point that they have determined that further information is required, write a bullet list of required information, and show it to the TA. Once approved the TA explain the next steps. Provide the learners with a new activity to work on.</p>	Live assessment activities	

Close

By the end of this topic, learners reflect on what they've learnt and ask final questions.

Resources

Employer Accreditation Policy PowerPoint

Lesson Plan

Time	Topic	Resource	Notes
10 mins	Session close Answer any final questions.	Slide 39	
	Reflect <i>Use a reflection activity from your facilitation toolkit that is different from the activity you used in the previous workshop. For e.g. You may choose one of the following activities, or merge two activities.</i> Small groups, different to those they've been working in during the course, share their key takeaways. Small groups write 1-2 of the hardest questions they have about the topic – Other groups then answer those questions. Sit learners in a circle - have them ask a question they have that is unanswered. They then throw a ball to another learner – the learner who catches the ball answers the question. Put key topic words on cards and put them in a bag/hat - have the learners draw a card and talk about the topic for 30 seconds. After the small group activity, ask the group to show 1-5 fingers in response to the question, "How confident are you in completing the tasks you learned in this session?"		