

Are you employing migrant aged care workers?





MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT HĪKINA WHAKATUTUKI

immigration.govt.nz







Important Things you need to know.

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1. How can this guide help me?

This guide has information to prepare you for employing migrant aged care workers.

Migrant workers are an important part of the aged care sector in New Zealand. They make a valuable contribution to the sector by filling labour and skill shortages.

Employing migrants can be quite different from employing New Zealanders. New migrant workers may need extra support, particularly when they first start. If you employ migrant workers, your support will help them to feel settled and supported in their jobs and enable them to contribute more to the success of your workplace.

This guide is for you if you employ or are thinking of employing migrant aged care workers in New Zealand. For example, if you manage or own a:

- > retirement village
- rest home
- > hospital
- respite facility
- > in-home care service.

The information in this guide will help you to:

- > plan ahead, prepare for and better understand migrant workers
- support new migrant workers to work safely and provide high quality care
- > support new migrant workers to settle in New Zealand
- support new migrant workers to settle into your workplace and have productive relationships.



2. Differences for migrant workers

Working in aged care in New Zealand will be different for new migrant workers. Settling in will take time.

New Zealand values its migrant aged care workers and we want them to enjoy their time working here. It is important that you have the information and support you need to help new migrant workers settle into the workplace and the community, even if they are here on a temporary visa.



"In Kiribati we worried less about time, but in New Zealand I have to work quicker."

—Ritia Tioti

Settling in takes time

It can take time for new migrant workers to get used to living and working in a new country. They will be adjusting to a new culture, gaining an understanding of New Zealand English and becoming familiar with new ways of communicating. They will be settling into a new community and making new friends. They may have family to settle too.

New migrants often find it more difficult to settle into living and working in New Zealand than they expected. Being better prepared and knowing about what to expect can help them to adjust to their new environment. Immigration New Zealand's **Settlement Curve** shows how emotions may change as a migrant transitions to living in a new country. All new migrants go through the settlement process at different rates. Some will settle more quickly than others.



The Settlement Curve

	You are excited about moving to a new life in a new country.
	You might have a bad experience, large or small, that frightens you.
	You are not sure if you want to stay – you may decide to leave.
x	You fight against the bad feelings and decide to make the most of the opportunities here.
\odot	You start to feel settled and comfortable in your new life (some people will feel settled sooner than others).

Immigration New Zealand's **Workplace Settlement Model** shows how settling in, both at home and at work, is part of a successful shift to a new culture for new migrant workers.

The model shows that there are challenges inside and outside the workplace. As one challenge is resolved, others can arise. It is important for employers to understand and support some of these "outside the workplace" tensions. Migrant workers will reach their full potential at work when they are well supported, in and outside the workplace.



Workplace Settlement Model

Differences in the aged care workplace

The New Zealand workplace and how we communicate at work can be quite different for many new migrant workers. Caring for older people in New Zealand may be different from how it is done in other countries. New migrant workers may not know about the specific rights older people have in New Zealand. The New Zealand workplace health and safety system may also be different from what they are used to.



Working in New Zealand's aged care sector may be different from what some migrant workers are used to.

Employers can help new migrant workers by explaining to them the rights that older people have under the Health and Disability, Consumer Guarantees and Privacy Acts. They can also help to explain the need to learn new ways of working and complete extra workplace training, and how to gain New Zealand qualifications. This guide will help you to explain some of the things new migrant workers need to know. There are also many organisations and people that can help you to support migrant workers. Information about some of these organisations is in this guide.



Employer toolkits

If you employ migrant workers, you can play a key role in helping them to settle into their new life and workplace. Immigration New Zealand has two **Employer toolkits** with tips on how to help migrant workers settle.

Visit: immigration.govt.nz/employerresources





3. Immigration requirements for employing migrant workers

There are a number of immigration visa options for migrant workers, depending on their occupation and your offer of employment.

Visa options

Visa options for migrant workers fall into two broad types – Residence class visas and Temporary work visas.

The following table has some of the visa options available.

Residence class visas

Holders of residence class visas can live in New Zealand indefinitely.

Example:

Skilled Migrant Category

A points based system that prioritises migrants with job offers and those with skills in global shortage.

Temporary work visas

Holders of temporary work visas can work and live in New Zealand for a set period of time.

Examples:

Essential Skills Work Visa

May be used when you require migrants on a temporary basis to fill skill shortages where suitable New Zealand citizens or residents are not available for the work offered.

Work to Residence visas

Holders can stay in New Zealand for up to 30 months, with the potential to apply for Residence after 24 months.

Working Holiday Schemes

May be used when there are reciprocal international agreements that allow young people (generally aged 18–30) from partner countries to holiday and work in New Zealand.

Partner stream

This option allows people to apply for a New Zealand work visa if they are in a genuine and stable relationship with a New Zealand citizen, resident, work visa holder or student.

Registered nurses (Aged Care)

Registered nurses (Aged Care) have been added to Immigration New Zealand's Long Term Skill Shortage List. If they have a permanent or long-term job offer and meet the work, qualification and other requirements, they may apply for a Work to Residence visa and then apply for residence after 24 months.

Visit: skillshortages.immigration.govt.nz

To see all work visa options visit:

immigration.govt.nz/new-zealand-visas/options/work

For more information contact Immigration New Zealand: immigration.govt.nz/contact

Migrants must be entitled to work in New Zealand

Under the Immigration Act 2009, an employer must not employ a foreign national who is not entitled to work in New Zealand or not entitled to work for that employer. This applies whether or not the employer knew that the foreign national was not entitled to work.

An employer should always check the visa status of a prospective migrant employee and keep a copy of the visa on file once employed.



Checking visas with VisaView

VisaView enables New Zealand employers to check whether a person who is not a New Zealand citizen has a valid visa to work in New Zealand. Use VisaView to be sure that prospective migrant workers are legally entitled to work in your business.

Visit: immigration.govt.nz/visaview-employers

A warning about giving immigration advice

Many employers like to help new migrants with their move to New Zealand and the immigration process. That's great. But it is important to know that employers cannot provide immigration advice to any individual. This means you cannot pass on your own knowledge or personal experience to assist or direct someone.

The Immigration Advisers Licensing Act 2007 protects the interests of people receiving immigration advice and enhances the reputation of New Zealand as a migration destination.

Under the Act, anyone giving immigration advice must be licensed unless they are exempt, whether the person providing advice is in New Zealand or outside New Zealand.

The Immigration Advisers Authority (IAA) is responsible for administering the Act.

For more information visit: iaa.govt.nz

Help with finding skilled migrants

SkillFinder

SkillFinder is a free Immigration New Zealand service. It helps New Zealand employers to search overseas for people who have an interest in living in New Zealand and the skills the business needs for recruiting to a specific role.

SkillFinder lets employers search Immigration New Zealand's database of over 500,000 people by occupation, level of academic qualification, country of residence and years of experience. SkillFinder can then send a job alert email to the people in the database who match the search. The occupation must:

- be level 1 to 3 on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) scale, or
- > be on one of the skill shortage lists, or
- meet Accredited Employer Talent requirements (if you are an Accredited Employer).

We recommend that you test the New Zealand market to employ a New Zealand resident before using SkillFinder.

Visit: immigration.govt.nz/skillfinder

New Kiwis

New Kiwis is a free national online employment service. It connects overseas and local migrant job seekers with New Zealand employers.

Visit: newkiwis.co.nz

Workers from the Pacific

The Samoan Quota (SQ) and the Pacific Access Category (PAC) can contribute to your workforce. Each year approximately 1750 people from the Pacific can enter New Zealand as permanent residents under the SQ and the PAC programmes.

To come to New Zealand on the SQ or PAC programme, Pacific migrants require a genuine job offer for permanent fulltime work.

For more information visit: immigration.govt.nz/pacific

To enquire about the Pacific Access Category and Samoan Quota programmes, contact us: pacific.quota@mbie.govt.nz

Workers from the Philippines

If you recruit from the Philippines you must follow the legal requirements of both the New Zealand and Philippine governments. The guide *Are you recruiting migrant workers from the Philippines?* outlines the requirements for employers.

To view the guide visit: immigration.govt.nz/employerresources

Migrants who want to bring their family

Not all migrants can bring their family to New Zealand.

If a migrant worker is thinking of bringing their family here, let them know they should check the Immigration New Zealand website first to find out if their family members are eligible to come.



Good planning can help

How long a migrant worker with family in New Zealand stays can depend on how well their family settles in New Zealand. Good planning can help.

NZ Ready is a good resource to refer your new migrant workers to for planning and making the move to New Zealand.

Visit: nzready.immigration.govt.nz

Qualifications and registration

Overseas qualifications must be recognised in New Zealand

If a migrant worker intends to use an overseas qualification to get a job in New Zealand, eg Registered nurse (Aged Care), they must check it is recognised by the relevant sector before they migrate.

Overseas qualifications will need to be assessed by Qualifications Recognition Services (QRS) at the New Zealand Qualifications Authority (NZQA) to see how they align with the New Zealand Qualifications Framework (NZQF). All overseas qualifications must meet the definition of a qualification on the NZQF to be assessed and recognised by NZQA. This requires an International Qualifications Assessment (IQA) from NZQA.

For more information visit: Recognition of overseas qualifications: bit.ly/nzqa_2 International Qualifications Assessments: nzqa.govt.nz/iqa



Recognition of a qualification by Immigration New Zealand as part of applying for a residence visa is not the same as NZQA assessing whether an overseas qualification aligns with the New Zealand Qualifications Framework. Both may be required.

Internationally registered health professionals must have New Zealand registration

New Zealand law requires nurses, physiotherapists and occupational therapists to register with a professional body in New Zealand before they can apply for a visa to work in New Zealand in those roles.

Nurses registered with an overseas authority must apply to the Nursing Council of New Zealand (NCNZ) for registration. They will also need a current Annual Practising Certificate (APC). Employers are responsible for ensuring nurses hold a current APC.



Recommendation from NCNZ

The Nursing Council of New Zealand (NCNZ) strongly recommends that people do not make plans to move to New Zealand until they have either:

- > completed New Zealand registration
- been advised to complete a Competence Assessment
 Programme (CAP) and secured a placement.

Visit:

nursingcouncil.org.nz/Nurses/International-registration

Standards for skill shortage roles

If you are employing migrant nurses to fill skill shortages they will need to meet the required standards listed on the skill shortage list.

Visit: skillshortages.immigration.govt.nz



New Zealand law requires migrant workers to be registered before they can work in some occupations.

Driver licence requirements for in-home support workers

It is usually an employment pre-requisite for in-home support workers to have a driver licence, access to a vehicle and appropriate insurance for that vehicle.





4. Employer obligations

New Zealand has laws that protect all workers. The same laws that apply to workers from New Zealand also apply to migrant workers. Know how to treat migrant workers fairly.

Migrant workers are entitled to the same employment rights as New Zealanders. Not understanding New Zealand law is not an excuse for breaching workers' minimum employment rights.

If you employ new migrant workers you will want to help them settle into their new workplace and community as quickly as possible. You will also want to ensure that you are treating them fairly and within New Zealand law. By treating migrant workers fairly, you can help avoid potential problems for your business.

Visit: employment.govt.nz



Learning modules

The Employment New Zealand website has a lot of useful information about employer obligations and employee rights, including free learning modules for employers and employees. Use the employer modules to help ensure you are up to date and complying with New Zealand employment law. It is also a good idea to encourage new migrant workers to use the employee modules to help them learn about their employee rights and avoid potential disagreements. All the modules include links to supporting information.

Visit: employment.elearning.ac.nz

Right to join a union

All workers, including migrant workers, have the right to join a union.

The following unions represent aged care workers:

E tū: etū.nz

New Zealand Nurses Organisation: nzno.org.nz Public Service Association: psa.org.nz



Union Network of Migrants (UNEMIG)

UNEMIG is a migrant led, non-profit and non-sectarian network of migrant workers that aims to protect the rights and welfare of migrant workers in New Zealand.

Visit: unemig.org.nz

For more information about unions visit: employment.govt.nz/unions-and-bargaining

Written employment agreement

All migrant workers must have a current written employment agreement before they start work. If they do not have an individual agreement they must be covered by a collective agreement.

Employment agreements have two types of clauses:

- clauses that are required under the New Zealand minimum employment standards, eg rate of pay
- clauses that are contractual arrangements between you and your employee.

Having a written employment agreement may be new to some migrant workers. A plain English, clearly written employment agreement can help reduce the risk of misunderstandings.



Help with writing employment agreements

Employment New Zealand's Employment agreement builder can help you draft an agreement that meets everyone's needs.

Visit: employment.govt.nz/employment-agreements

Immigration New Zealand has a guide to help you write clearly for migrants who are new to New Zealand.

Visit: immigration.govt.nz/keepingitclear

Employer responsibilities

All employers must:

- give new migrant workers the time and opportunity to get independent advice before they sign their employment agreement
- > get a signed copy back from the worker before they start work
- > ensure the worker has their own signed copy
- > keep a signed copy for their own employer records.

If a migrant worker is a member of a union and a negotiated collective agreement exists, you must let them know there is a collective agreement and that they are automatically covered by it.

Working hours

If a new migrant worker agrees to a set number of working hours, the number of hours must be stated in their employment agreement. Details must include:

- > the number of hours they will work per week
- > their start and finish times
- > the days of the week they will work
- > a cancellation of work hours clause, which you must adhere to
- > any arrangements for flexible working hours, times or days.

Employers cannot force any worker to be available for work above the agreed hours in their employment agreement. If a worker agrees to work extra hours, they must receive reasonable compensation (at least the minimum wage) for working extra hours.

If a worker wishes to work extra hours, their employer is not obliged to give them hours above what has already been agreed.

Employers cannot cancel any worker's shift without reasonable notice or compensation. If an employment agreement does not already contain a cancellation clause, the employer must:

- > negotiate the change with the affected worker
- > agree on a reasonable notice period and any compensation rates
- > update the worker's written employment agreement.

For more information visit: employment.govt.nz/hours-of-work

Flexible work arrangements

All workers have the right to ask for a change to their hours, days or place of work. Employers must consider requests fairly and in good faith. There are time limits for dealing with requests and there must be specific business reasons for refusal.

For more information visit: employment.govt.nz/flexible-work

90 Day trial period

An employer with **fewer than 20 employees** may offer a trial period to any new employee, including a migrant worker. Both the employer and the worker must agree to the trial period in good faith (openly, honestly and fairly).



It is important to mention potential trial periods in the initial job offer letter.

The employer must record the details in the worker's written employment agreement. The agreement with the 90 day trial period clause included must be signed before the worker's first day of work. Migrant workers need to understand the potential consequences of a 90 day trial period. If a migrant worker agrees to a trial period, their employer must let them know that they:

- cannot make a claim for unjustified dismissal if they are dismissed before the end of the trial period
- may raise a personal grievance to the relevant authorities if they experience discrimination, harassment or unjustified action by you, their employer
- are entitled to all other minimum employment rights while they are on a trial period.

For more information visit:

employment.govt.nz/trial-and-probationary-periods

Minimum wage

All employers must pay their workers, including migrant workers, no less than the minimum wage for each hour they work. Payment must be in money, either by bank deposit or in cash.

Employers must keep a written record of all the hours their employees have worked to show they are paying their workers at least the minimum wage.

To see the current minimum wage rates visit:

employment.govt.nz/minimum-wage-rates

Aged care wage rates

In December 2019:

- > the **median** hourly rate for registered nurses in aged care was \$30.¹
- > the minimum hourly rate for care and support workers was \$20.50. This rate was agreed to as part of the 2017 Care and Support Worker Settlement. A sliding pay scale applies where pay rates can increase based on the worker's length of service and/or recognised qualifications. Employers should check the Care and Support legislation to ensure they are complying with the legislation.

¹ Source: NZ Aged Care Association (NZACA)



More information

You can find more information on the New Zealand Aged Care Association (NZACA) and Ministry of Health (MOH) websites:

NZACA: nzaca.org.nz/policy/pay-equity MOH: health.govt.nz/payequity

Deductions

Any deductions from a worker's pay must be legal and reasonable. Employers may only deduct pay-as-you-earn (PAYE) income tax and other amounts legally required.

Deductions allowed by law include:

- > agreed KiwiSaver contributions
- child support payments
- > ACC levies
- > student loan repayments
- > deductions to comply with a court order.

Any other deductions need prior written consent from the affected worker.

For more information on deductions and the minimum wage visit: employment.govt.nz/pay



Explain payslips to migrant workers

It is a good idea to explain a migrant worker's first payslip to them so they understand what the deductions are and why they are required.

KiwiSaver

KiwiSaver is a voluntary work-based retirement savings scheme. Migrant workers can join KiwiSaver, **except** those that hold a temporary, visitor or student visa.

Employers must contribute at least 3% of a worker's gross salary or wage to their KiwiSaver account or fund, if they have joined.

All **eligible** employees are automatically enrolled into the KiwiSaver scheme but may opt out within eight weeks of the day they start work.

For more information visit: ird.govt.nz/kiwisaver/kiwisaver-employers

Tax

Tax may be complicated, but as an employer it is important that you follow all of your legal tax obligations.

Employers must deduct PAYE tax from each worker's wages or salary before paying them, and pay it to Inland Revenue on their behalf each month.

Visit: business.govt.nz/paye



Help for employers

Inland Revenue has information to help employers with their tax responsibilities.

Visit: ird.govt.nz/roles/employers

IRD numbers

It is important to let new migrant workers know they need an Inland Revenue (IRD) number before they start working so their pay is taxed correctly. Make sure they know it is free to do this on the Inland Revenue website.

Visit: ird.govt.nz/roles/employees

Breaks

Aged care work often involves physical work, long days and sometimes shift work. Regular breaks help workers to stay fresh and alert and avoid workplace accidents. They also give workers time to rest, refresh and take care of any personal matters.

All workers are entitled to set rest and meal breaks. The number and length depends on how many hours are worked.

You do not have to pay workers for meal breaks but rest breaks must be paid time. The minimum length of breaks required by law is 10 minutes for rest breaks and 30 minutes for meal breaks.



Missed breaks

There may be times when a worker needs to deal with an emergency or unexpected incident during their break time. If this happens, you must reschedule their break or pay the worker for a missed break.

For more information, including a table showing minimum rest and meal breaks, visit:

employment.govt.nz/rest-and-meal-breaks



All workers are entitled to set rest and meal breaks. The minimum length of breaks required by law is 10 minutes for rest breaks and 30 minutes for meal breaks.

Public holidays

New migrant workers will not be familiar with New Zealand's public holidays. They need to know when they occur and what their rights are, for example, when they are entitled to be paid time and a half and/or have an alternative day off work (day in lieu).

Transferring a public holiday

All workers have the right to ask to transfer a public holiday to a different working day. For example, a migrant worker may wish to celebrate a different religious or cultural holiday. Employers must consider any request in good faith.

Employers can also ask a worker to transfer a public holiday to a different working day for business reasons. The agreement must be in writing.

Mondayisation

If a public holiday falls on a weekend, a worker may have a paid holiday on the following Monday or Tuesday if they do **not** normally work on Saturday or Sunday. This is called 'Mondayisation'.

For more information visit: employment.govt.nz/public-holidays



All workers are entitled to New Zealand's public holidays, as well as annual leave.

Types of leave

Annual leave

Employers should make sure new migrant workers are aware of their right to annual leave and holiday pay. Many migrant workers may not be used to having this right.

All workers, including migrant workers, are entitled to at least four weeks of paid annual leave after being employed for one year. They may take at least two weeks' leave at a time.

If their employment is for less than one year, they are entitled to holiday pay (8% of their gross earnings) when they leave.

Types of worker

Part-time workers are entitled to four weeks of holidays on a pro rata basis, based on what a working week is for them. For example, if they work three days a week their annual leave entitlement will be 12 days.

Casual workers are different from part-time employees. Employees who work regularly (eg every weekend) or who are on a roster are likely to be considered part-time workers and will be entitled to four weeks of paid annual leave.

Depending on their pattern of work, casual workers may be entitled to 'pay-as-you-go' annual holidays. This is 8% of their gross earnings as holiday pay on top of their wages.

To work out what type of employee you are hiring visit: employment.govt.nz/types-of-employee

For more information on annual holiday entitlements visit: employment.govt.nz/annual-holidays

Annual closedowns

Employers can direct workers to take some of their annual leave over an annual closedown or seasonal break period. The employer must let them know in writing 14 days in advance, especially if they have not yet accrued enough leave to cover the period. Workers also need to know whether they will be paid for the entire period or can have the option to anticipate leave not yet earned.

For more information visit: employment.govt.nz/annual-closedowns



Flexible leave arrangements

Some new migrant workers may need to accumulate leave to make travelling home worthwhile, or need to travel home to deal with an emergency. A good employer will consider their migrant workers' needs and allow some flexibility in leave entitlements.

Sick leave

All full and part-time workers are entitled to five days of paid sick leave each year, after they have been continuously employed for six months.

New migrant workers may not realise that they can use sick leave when either they or a member of their family who relies on them is sick or injured. Employers should explain this to migrant workers.

If a migrant worker needs sick leave before they have worked for six months, their employer should let them know they can request sick leave or annual leave in advance, or take unpaid leave.

Depending on their pattern of work, casual workers may also be entitled to sick leave.

For more information visit: employment.govt.nz/sick-leave

Doctor's certificates

Getting a doctor's certificate may be difficult for some migrant workers as they may not have a GP. It is a good idea to encourage migrant workers to find a GP. Employers who require a doctor's certificate within three days must pay the reasonable cost for the worker to get one.

Visit the Ministry of Health website health.govt.nz and search for: "visit doctor".

Bereavement leave

All full and part-time workers are entitled to three days of paid bereavement leave after they have been continuously employed for six months, if an immediate family member dies. Immediate family members include the worker's:

- > spouse or partner
- > child or grandchild
- > brother or sister
- > parent or grandparent
- > spouse or partner's parent.

If more than one family member dies at the same time, the worker is entitled to a minimum of three days for each person.

Workers can also take a minimum of one day's bereavement leave for a death outside their immediate family, if the employer agrees they have a close relationship with the deceased and/or responsibilities in relation to the death, eg cultural or supportive responsibilities.

Depending on their pattern of work, casual workers may also be entitled to bereavement leave.



Bereavement leave arrangements

When close family or friends die it can be very difficult for migrant workers if the person or their family is in another country. It is often unrealistic for a migrant worker to use their three days' bereavement leave entitlement to fly home.

It is important to make sure they know about their right to take bereavement leave and, if they need more time, let them know they can ask to use some of their annual leave or take unpaid leave.

For more information visit:

employment.govt.nz/bereavement-leave

Parental leave

If a migrant worker has a new baby or child to care for (including a newly adopted child), they may be eligible for paid parental leave and up to one year extended unpaid parental leave (inclusive of any paid leave), if they are the primary carer and they meet other eligibility criteria. This leave is funded by the government. They may also return to work without being disadvantaged afterwards.

Eligible parents may be entitled to up to 22 weeks of paid parental leave.

For more information visit: employment.govt.nz/parental-leave



Employment New Zealand has a calculator you can use to find out how much parental leave your worker is entitled to.

Visit: employment.govt.nz/parental-leave

Domestic violence leave

Workers affected by domestic or family violence have the right to:

- at least 10 days' paid domestic violence leave per year (separate from annual, sick and bereavement leave)
- ask for short-term flexible working arrangements for up to two months.

Employers must not treat workers badly or unfairly because they think they are affected by domestic violence.



Who qualifies for domestic violence leave?

Workers qualify if they have worked for you for at least six months and meet other criteria around the hours they have worked. Domestic violence rights apply even if the domestic violence happened in the past.

For more information visit:

employment.govt.nz/domestic-violence-leave

Record keeping

All employers must keep full and accurate records for every worker, including migrant workers. Full and accurate records are required by the Employment Relations Act 2000 and Holidays Act 2003 and can be used to show an employer is providing the minimum rights to their workers.

Each worker's record must include the following wage and time and holiday and leave details:

- > signed employment agreement (copy)
- > hours and days of work
- > payments received for their working hours
- > holiday and leave entitlements
- > annual, sick and bereavement leave taken
- requests and agreements to transfer public holidays or cash up annual holidays.

You must keep these records for at least seven years and be able to produce them when requested by an employee, Labour Inspector or Immigration Officer.

If an employee does not understand something on their employment record or payslip they can ask their employer to explain it to them.

For more information visit: employment.govt.nz/payslip employment.govt.nz/keeping-accurate-records
Privacy

Employers can only collect personal information about their employees for valid work purposes, or where directed to by the law. They must protect the privacy of personal information and not disclose or use it for any other purpose.

Employees can ask for access to their personal file and other information their employer has about them. The employer must either give them access or explain why they cannot see it. The employer must respond to requests as soon as possible and within 20 working days (or ask for an extension). Employees can also ask for information to be corrected if it is not accurate.

For more information visit:

employment.govt.nz/employee-privacy

Training needs and opportunities for migrant workers

It is important to identify training needs for new migrant workers to ensure they can carry out their tasks, whatever their role. They may appreciate the opportunity to strengthen or formalise existing skills, either through an in-house training programme or through external aged care training.

Under the 2017 Care and Support Workers (Pay Equity) Settlement Agreement, employers are required to enable workers to gain formal NZQA qualifications within required timeframes.

Visit: health.govt.nz/payequity

Industry Training Organisations

Industry Training Organisations (ITOs) are part of a formal system for increasing and developing skills in the workplace. They link to New Zealand's national qualifications system. ITOs set qualification standards, arrange training, and work with industry to determine skill development needs. Health and safety training is included within ITO's training programmes.

Careerforce is the ITO for New Zealand's health and community support services.

Careerforce offers a range of qualifications for support workers in aged residential care facilities, from entry level through to advanced specialist qualifications.

For more information visit:

careerforce.org.nz/our_sectors/aged-care

Other training providers

Private training establishments (PTEs) also provide training for aged care work, from entry level up to post-graduate level. PTEs must be registered with NZQA and meet national standards.

Visit: careers.govt.nz/courses and type in "aged care" (or tick the Study Field 'Health').



5. Health and safety in aged care

Keeping workers healthy and safe is not just good for your business, it is the right thing to do. It is also required by New Zealand law.

Keeping safe at work is the responsibility of both workers and employers.

Employer responsibilities

All employers have a legal obligation to ensure the health and safety of their workers and anyone else on work premises. In aged care, this includes the people your workers care for and their visitors.

Creating a healthy and safe workplace includes making clear what is expected of workers, what their responsibilities are and what tasks they need to do. Employers must provide a healthy and safe workplace for all workers, including migrant workers. This means:

- providing the right training, supervision and equipment where needed to do the work safely
- > providing personal protective equipment for workers
- > managing all risks that have the potential to cause harm
- enabling workers to contribute to health and safety decisions and the resolution of issues
- providing effective ways for workers to raise health and safety concerns.

Worker responsibilities

Workers also have a responsibility to keep themselves and others healthy and safe.

Some new migrant workers are not used to the level of personal accountability for safety and wellbeing in the New Zealand workplace. New migrant workers need to know that they must:

- > take reasonable care of their own health and safety
- ensure that their actions do not cause harm to themselves or others
- follow any reasonable instructions, policies or procedures on how to work in a safe and healthy way.



Right to refuse

Workers also have the right to refuse to do a task if they believe it is a serious risk to them or anyone else. It is important to let migrant workers know that they:

- > can refuse to do a task for health or safety reasons
- should let a manager or supervisor know immediately so the issue can be resolved.

Safety information, equipment and training

Personal protective equipment

As an employer, you must provide all the necessary personal protective equipment (PPE) to ensure your workers can complete required tasks as safely as possible.

Some new migrant workers may not be familiar with all the PPE used in aged care in New Zealand. All workers need to know how to operate equipment safely and know how and when to use personal protective equipment.

For some migrant workers, English is not their first language. Employers should always check that migrant workers understand the health and safety information provided to them.



Check new migrants understand how to use safety equipment.

Make sure new migrant workers know what to do in an emergency and where to find emergency equipment and first aid kits.



Giving verbal instructions

When giving verbal instructions to a migrant worker, it is a good idea to ask them to repeat or demonstrate what you have said.

Workplace hazards

Employers can help keep all their workers safe by making sure new migrant workers are aware of what are considered hazards in the aged care workplace in New Zealand.

The following table has some of the hazards migrant workers should be aware of.

Activities and	l equipment

- > Slips, trips and falls
- > Lifting and moving people
- Using equipment incorrectly (eg hoists, wheelchairs)
- > Repetitive movements
- > Electrical cords
- > Cleaning products
- > Medications
- > Sharp equipment, eg needles

Environment

- > Wet floors
- Infections
- Violent or aggressive behaviour (eg due to dementia)
- Hazards in people's homes (eg secondhand smoke, handling unsafe food, pets)
- > Working long hours
- > Working alone at night
- > Going home after dark



Drugs and alcohol

Drugs and alcohol use can cause poor concentration, carelessness, risk-taking behaviour and errors in judgement. This can result in injuries, fatalities and absence from work. It can also affect work performance and productivity.

Policies and processes on the risks of drugs and alcohol in the workplace can help you to manage and prevent harm. Employers have the right to use pre-employment testing when employing workers in safety sensitive workplaces, or to require employees to submit to alcohol or drug tests if this is part of the worker's employment agreement.

Visit: employment.govt.nz/drugs-alcohol-and-work

Fatigue

Fatigue is a state of physical and/or mental exhaustion. It can reduce the ability to perform work safely and can lead to workplace accidents and injuries. Causes of fatigue include long or irregular work hours, night work and physically demanding work.

Visit: worksafe.govt.nz/fatigue-quick-guide

Managing workplace risks

WorkSafe

WorkSafe New Zealand publishes information and gives advice about health and safety. WorkSafe also provides advice and tips on a range of workplace risks. Some key resources are listed below.

Visit: worksafe.govt.nz/managing-risks

ACC

The Accident Compensation Corporation (ACC) provides information, tools and advice on how to prevent workplace injuries and how to support workers who are injured at work.

Visit: acc.co.nz/for-business/workplace-health-safety

Reporting hazards and raising concerns

All workers, including migrant workers, need to know how to identify risks, report hazards and raise any safety or health concerns with their employer. Encouraging reporting of concerns makes workplaces healthier and safer.

All workplaces should have effective ways for workers to raise health and safety concerns and to suggest ideas for reducing risks.

Employers should show new migrant workers how to report hazards, accidents and near misses (incidents which did not cause an injury but could have done so), and have a system to record these.



- Having safety information in a migrant worker's own language and graphic form will help ensure migrant workers understand safety information.
- 2. If you have a number of workers from the same ethnic group, appoint a leader for health and safety from that group.

Who to notify

WorkSafe regulates health and safety in New Zealand workplaces and monitors and enforces compliance with health and safety law.

Employers must notify WorkSafe when certain work-related events happen, such as death or serious injury.

Visit: worksafe.govt.nz



Notifiable event tool

Use WorkSafe's Notifiable Event tool to find out which work-related events are notifiable and what actions you must take following a notifiable event.

Visit: worksafe.govt.nz/when-to-notify

Call WorkSafe: 0800 030 040 (24 hours). (Ask for Ezispeak if you need an interpreter.)

Discrimination, bullying and harassment

Migrant workers are protected by New Zealand's Human Rights Act. Discrimination, bullying or harassment in the workplace is not acceptable and must be taken seriously if it occurs.

Employers need to ensure their migrant workers are not being bullied or harassed by anyone in the workplace, including those they care for. Some older people (or their families) may be reluctant to have migrant workers caring for them, which could result in inappropriate behaviour towards migrant workers.

Employers can help protect migrant workers by having appropriate policies, procedures and support mechanisms in place to deal with any issues.

For more information visit:

employment.govt.nz/types-of-problems



Bullying and harassment resources

WorkSafe has resources to help you prevent bullying and sexual harassment in your workplace.

Visit: worksafe.govt.nz/sexual-harassment



Call the Ministry of Business, Innovation and Employment (MBIE) and ask for Employment services: 0800 20 90 20

Visit: immigration.govt.nz/contact



6. Workplace culture and communication

How New Zealanders work, communicate and interact is unique. Migrant workers come to New Zealand from different cultures with different ways of working. This can affect how employers should manage, work and communicate with migrant workers.

Understanding migrant workers

If you know how different cultures like to work, it can help you to better understand and manage migrant workers when they first arrive. Different values can affect how people think and act in the workplace. Everyone in your workplace can benefit from knowing about these differences. When a new migrant worker first arrives at work, they might need more direction than New Zealand workers. It can help if you:

- find out about the values and work styles the new migrant is used to and how they prefer to be managed
- > explain the work and management culture in your workplace
- talk to existing workers about some of the potential communication and cultural differences they might notice
- > arrange an induction and a buddy to support the migrant worker
- provide a basic instruction manual with photos and diagrams to help explain tasks
- have regular quality one-on-one reviews and appraisals with the migrant worker.



Why have a buddy system?

Immigration New Zealand's Employer toolkit (Topic 11) explains the value of a buddy system.

Visit: immigration.govt.nz/employerresources



Induction can benefit everyone

A tailored induction for new migrant workers can help you set out your expectations and help them to become familiar with your workplace and work practices. This should lead to fewer misunderstandings and mistakes.

Induction programmes should include information about:

- > employer and workers' roles and responsibilities
- > workers' minimum legal rights and obligations
- workplace health and safety
- your workplace rules and values
- > your workplace daily routine
- > language and cultural differences.

How people value status and rules

Cultural value differences

Research shows that people from different cultures value status and rules differently. The **Cultural value differences** chart shows that:

- New Zealanders place the lowest value on status compared to people from the top 10 countries that provide migrant workers to New Zealand
- > Malaysian and Filipino workers place the highest value on status
- > people from 7 of the top 10 countries place more value on rules compared to New Zealanders.



Cultural value differences

Adapted from Geert Hofstede

What does this mean for you?

People from cultures that value status can find it difficult to speak freely to a manager or supervisor. If they do speak to their supervisor, they may use very formal language and not say what they really think. Research shows that compared to workers from other countries, New Zealanders are more likely to:

- > expect everyone to be treated fairly
- > make suggestions to their manager or supervisor
- enjoy working without close supervision >
- expect to be asked to do a range of tasks. >

The **Cultural preference in management styles** chart shows that:

- New Zealanders like to be left to get on with the job >
- most Filipino workers expect to be more closely supervised > and will prefer to be given clear direction at work.



Cultural preference in management styles

0=like to be left to get on with the job 100=like to be told exactly what to do

Adapted from Geert Hofstede

Although there is no existing Hofstede data available for the Pacific Islands, research has suggested that migrants from the Pacific are high on this scale and therefore prefer to be given clear direction at work.

Work style differences

Workers from different countries have different ways of working and communicating with each other. Everyone in your workplace can benefit from knowing about these differences.

The following graphic shows some of the things that workers from different cultures say about how they work. Which ones would you say? What would your migrant workers say?



How I like to work

Communication differences

How New Zealanders speak and communicate will be unfamiliar to many new migrant workers. Migrant workers who do not have English as their first language may read English well, but some may have difficulty understanding spoken English or different accents.

For some migrants, differences in language and communication styles may affect how well they understand or are understood, even if they speak English as a first language. If all workers understand these differences, it will help the migrant workers and improve workplace relationships.



Understanding communication differences improves the workplace

It is also important that employers understand communication differences so they can provide support and training if needed. Employers who take the time to help new migrant workers with language and communication issues should see improvements in the workplace for everyone.



"When people are new here they are nervous about language, filling out forms, any number of small things."

Everyone has a different accent

We all have different accents. Just because someone has a different accent, it does not mean they have poor English skills or cannot do the job. It means that both parties need to take extra care to ensure that they are understood.

Local language differences

New Zealanders use a lot of informal language, jargon and slang at work. They also swear in their everyday communication, including at work. Some migrants may be offended by bad language or misinterpret it as anger. This makes it difficult for migrants who have learnt formal English, and even those whose first language is English, to understand what is being communicated.

Māori language is also commonly used in everyday conversation and in some workplaces. Migrant workers may need help understanding Māori.

Communication styles

Different cultural communication styles can lead to misunderstandings. For example, many New Zealanders like people to make eye contact when talking to someone, but some cultures show respect by avoiding eye contact. You can help new migrant workers by explaining that looking at someone when speaking to them is not usually seen as disrespectful here – in fact many people expect it.

Workplace communication

Good language and communication skills are essential for aged care work, whether it is chatting with a resident or giving and receiving instructions. How New Zealanders communicate can be challenging for some new migrants. Some new migrant workers are used to being told exactly what to do. They may find that New Zealand workers and their managers communicate very differently from what they are used to.



Explain New Zealand terms

Words used in aged care in New Zealand – like roster, hoist, flannel – might be completely new to some migrant workers. You can help them learn new words by listing them in a prominent place along with their definitions or an image to illustrate, eg on a whiteboard in the break room. It will also help if you make sure your local workers are aware that migrant workers may not be familiar with some of these terms.

Employers who take the time to help employees with language should see improvements in the workplace.

The importance of giving direct instructions

New Zealanders often give instructions or make requests in an indirect way. This can make it hard for some new migrants to recognise when they are being given an instruction. It is important to ensure that migrant workers understand when they are being given instructions and for employers to make it clear whether they are making a suggestion or giving an instruction.

Clear, direct instructions are easier to understand than indirect instructions. The following table shows the difference between direct and indirect instructions.

Instruction	Direct or indirect?
Perhaps you could just change the sheets?	Indirect
Do you want to change the sheets?	Indirect
Please change the sheets	Direct



It is important to give clear, direct instructions to new migrant workers.



Make instructions clear

Migrants tend to want to please their employer above all else and are very disappointed if they make a mistake. So it is in everyone's interest to ensure instructions are clearly understood.

Chatting with workmates

New Zealand workplaces are less formal than what many migrants are used to. For example, some new migrant workers may not be used to talking in the workplace about non-work topics, like what they did in the weekend.

Some migrant workers find it difficult to chat during breaks and even while on the job. New Zealand humour will be unfamiliar to them so they may not respond as expected. This can make them seem unfriendly.

Communicating with older people

Sometimes different strategies are needed to communicate successfully with older people. It is especially important for new migrants to understand what they can do to make themselves understood, especially if an older person has dementia or hearing and sight difficulties.

Migrant workers also need to understand that sometimes older people may use challenging language or behaviour towards them. Employers can help new migrant workers by preparing them for this possibility and giving them strategies to cope. They should explain how to communicate with older people in ways that maintain the older person's right to dignity, privacy, independence and decision making, and ensure migrant workers know that older people in their care have the right to make a complaint if needed.



Practical tips on how to help

Here are some things that employers can do to help new migrant workers get used to workplace language and communication differences.

- > Pair new migrant workers with an experienced buddy who can explain unfamiliar language.
- Provide important instructions in writing, keeping it simple and clear.
- Make sure all workers are aware of what language or behaviours may offend some migrant workers.
- > Think about cultural challenges in your workplace.
- Encourage existing workers to speak more clearly when giving instructions to new migrant workers.
- Provide visual aids (posters, charts and diagrams) and demonstrations to help new migrant workers understand processes and instructions.

All training should be a positive, inclusive and constructive experience for everyone, not just migrant workers.

Some migrants can be offended if you ask them, 'Do you understand?' as it can imply that their English is not of a high enough standard. You could confirm understanding of instructions by asking them to tell you in their own words what you have asked them to do.

A **role play** session, where experienced workers help new migrant workers to act out real life situations in a safe environment, can be a useful training tool. For example, to help people learn how to deal with difficult situations like receiving a complaint. Including some willing residents can make the situations more real. Any migrant workers who do not want to role play can still learn from watching experienced workers in role play.

Language tools for employers and migrants



Keeping it clear

Immigration New Zealand's Keeping it clear tool has tips on providing information to an audience that is new to New Zealand.

Visit: immigration.govt.nz/keepingitclear

WorkTalk

Immigration New Zealand's free online tool WorkTalk is designed to help improve communication between employers or managers and new migrant workers. It looks at how New Zealanders fit in with each other at work, how we deal with conflict and the ways we give instructions and advice.

Visit: worktalk.immigration.govt.nz



English language support for new migrant workers

Several organisations provide English language support for people who do not speak English as their first language. Some new migrants may need literacy and numeracy support too.

New Zealand Now

Immigration New Zealand's New Zealand Now website has an ESOL tool to help migrants find English classes.

Visit: newzealandnow.govt.nz/esol

Libraries

Libraries have information about activities in the community and language learning resources that new migrant workers may find useful. The New Zealand Now website has lists of local libraries on its regional pages.

Visit: newzealandnow.govt.nz/regions



Funding for language support

Careerforce may be able to provide information about access to funding for language support.

Visit: careerforce.org.nz



7. Living in New Zealand

Living in New Zealand may be very different from what some migrant workers are used to. Employers can help new migrants learn about the differences.

Differences for migrants

Most new migrants will have things to learn when they arrive in New Zealand, no matter how well they plan and prepare. They will take a while to settle into working and living in New Zealand.

Employers can help new migrant workers settle by explaining what some of the key differences are and by helping them to set up important things like a bank account and IRD number.



New Zealand Now website

Immigration New Zealand's New Zealand Now website has pages for new migrants on living and settling in New Zealand.

Visit: newzealandnow.govt.nz

Some of the key differences for migrants new to New Zealand are listed below, along with helpful web page links.

Accommodation

Accommodation options in New Zealand may be different from other countries. For example, New Zealand rental properties are usually unfurnished.

New migrant workers may need help finding accommodation or furniture and appliances for a rental property.

Visit: newzealandnow.govt.nz/rent

Some useful links for finding accommodation: trademe.co.nz/property realestate.co.nz flatfinder.co.nz

Cost of living

New migrants can be surprised by the high cost of goods and services here, especially electricity, internet and heating. Immigration New Zealand's Cost of living calculator can help them work out how much it might cost to live here.

Visit: newzealandnow.govt.nz/costs

Healthcare

New Zealand has a publicly funded health service. Only migrants on qualifying visas are eligible for these services. Migrants may not be aware of our ACC scheme, which covers accidents of any nature. New migrants will need to find a GP but some may not be used to using a GP system.

Visit: newzealandnow.govt.nz/healthcare

Banking and tax

Banking and tax rules can vary from country to country. New migrants will settle faster if they know what to expect and can get themselves sorted early on.

Visit:

newzealandnow.govt.nz/banking newzealandnow.govt.nz/tax

Education and schooling

New migrants with children will need to find out how New Zealand's school system works so they can quickly settle their children into school.

Visit: newzealandnow.govt.nz/education

Utilities

How electricity, water and internet access is managed in New Zealand may be different for many new migrants.

Visit: newzealandnow.govt.nz/utilities

Public transport, road conditions and driving rules

Many new migrants will be used to driving on the right hand side of the road and different road conditions and driving rules. Making them aware of the differences helps make New Zealand safer for all. New migrants also need to know about public transport options.

Visit: newzealandnow.govt.nz/transport

Climate and weather

New migrants can come from all sorts of climates. For some, our seasons will be opposite to what they are used to. Others will come from countries that do not have seasons like New Zealand.

New migrants need to be aware of our changeable weather patterns and the need to be prepared with the right clothing.

Visit: niwa.co.nz/node/112151

Unfamiliar hazards

Many new migrants come from countries with very calm sea conditions, no earthquakes and low risk of sunburn. They need to be made aware of risks that may be unfamiliar to them.

Visit:

newzealandnow.govt.nz/safety newzealandnow.govt.nz/naturaldisasters



Some new migrants will not be used to New Zealand's climate and hazards like sunburn and fishing or swimming in the sea.



Regional information

New Zealand Now's regional pages have regionally specific information on all of the topics above, and a lot more.

Visit: newzealandnow.govt.nz/regions

How to provide settlement support

If you want to retain migrant workers, it helps to go the extra mile. You do not have to do it all by yourself. Immigration New Zealand provides information and resources for employers of migrants.

Visit:

immigration.govt.nz/settlestaff
immigration.govt.nz/employerresources
immigration.govt.nz/your-checklist

Immigration New Zealand also provides settlement information, resources, programmes and services nationally for new migrants. There is information online to help newcomers settle into work and life in New Zealand.

Resource	Description
newzealandnow.govt.nz/agedcare	A guide to working in aged care in New Zealand
newzealandnow.govt.nz/living	Information on life in New Zealand
newzealandnow.govt.nz/kiwiworkplaces	A guide to working in New Zealand workplaces
newzealandnow.govt.nz/pacific	Information on what to expect when moving to New Zealand from the Pacific
nzready.immigration.govt.nz	A tool to help migrants plan their move to New Zealand
immigration.govt.nz/resourcesforstaff	Resources for your migrant staff on the Immigration New Zealand website

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A copy of this guide is available online. Visit: immigration.govt.nz/agedcare

New Zealand Government